

## PLANNING COMMISSION SUMMARY

**ITEMS:** Rezoning from R-H (Residential High Density), C-H (Commercial High Intensity) and C-L (Commercial Low Intensity) to PUD (Planned Unit Development), and a PUD Plan

**FILE NUMBER:** ZON2022-0007 & PUD2021-0012

**PROJECT:** Hope Springs PUD

**LOCATION:** Northeast corner of 32<sup>nd</sup> Street and 29<sup>th</sup> Avenue

**APPLICANT:** Derek Glosson on behalf of Tyler Richardson, Richmark Real Estate Partners LLC

**CASE PLANNER:** Mike Garrott AICP, Planning Manager

**PLANNING COMMISSION HEARING DATE:** June 28, 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 applications in the form of a finding based on the review criteria in Sections 24-625(c)(3) and 24-663(b) of the Development Code.

### EXECUTIVE SUMMARY

The City of Greeley is considering a request by Derek Glosson on behalf of Tyler Richardson to rezone from R-H (Residential High Density), C-H (Commercial High Intensity) and C-L (Commercial Low Intensity) to PUD (Planned Unit Development); and a PUD Plan for approximately 43.42 acres of property located at the northeast corner of 32<sup>nd</sup> Street and 29<sup>th</sup> Avenue.

### A. REQUEST

The applicant is requesting approval to rezone 43.42 acres from R-H (Residential High Density), C-H (Commercial High Intensity) and C-L (Commercial Low Intensity) to PUD (Planned Unit Development); and to establish of a PUD Plan for approximately 43.42 acres of land to be known as the Hope Springs PUD.

The proposed PUD would consist of a mix of single-family detached, single-family attached, multi-family residential and commercial uses broken down as follows:

- 16.28 acres of single-family medium density housing (attached and detached)
- 12.48 acres of multi-family housing
- 1.04 acres of commercial mixed-use development

- 6.49 acres of open space/detention and recreational areas

The proposal includes a maximum of 557 residential dwelling units. The single-family planning areas range from 7-14 dwelling units per acre, while the multi-family planning area ranges from 16-26 dwelling units per acre.

On-site open areas would incorporate native seed mix, areas for detention and a disc golf course. The recreational area includes two soccer courts with off-street parking.

The Hope Springs PUD proposes specific development standards to encourage smaller lot sizes and products to be offered by Habitat for Humanity, the intended builder. Parking standards are also modified to support the variety of single-family product types and potential multi-family options. In instances where the PUD is silent or as appropriately noted on the PUD plan, the City's Development Code regulations shall govern.

## **B. STAFF RECOMMENDATION**

Approval

## **C. LOCATION**

### **Abutting Zoning/Land Use:**

**North:** C-H (Commercial High Intensity) / *Frontier Academy K-5 School, commercial and industrial users*

**South:** City of Evans – R-3 (Multi-family Residential District) / *Undeveloped lands and residential developments*

**East:** C-H (Commercial High Intensity) / *commercial users*

**West:** H-A (Holding-Agricultural) and C-H (Commercial High Intensity) / *undeveloped lands, commercial and industrial users*

### **Site Characteristics:**

The site is undeveloped land surrounded by current and future development areas that include a mix of commercial, industrial, institutional and residential uses. The property slopes south towards 32nd Street and the City of Evans municipal boundaries.

The property contains one abandoned oil and gas well located approximately in the center of the site. There are three abandoned oil and gas wells located approximately three hundred (300) feet west of the property and one abandoned oil and gas well located approximately five-hundred (500) feet east of the property.

Additional existing site features include a small non-jurisdictional wetland in the southwest corner of the property, an abandoned irrigation ditch along the northern portion of the property and tilled farmland throughout.

## BACKGROUND

The site was annexed in 1987 and zoned in the current configuration at that time. The current lot and right-of-way configuration was platted in 2012 under the name Kirk-Watson Subdivision. The subject site includes three different zone districts, R-H (Residential High Density), C-L (Commercial Low Intensity) and C-H (Commercial High Intensity) that generally follow existing lot lines, with the exception of the C-H designation located at the northeastern most portion of the property area.

### D. APPROVAL CRITERIA

#### Standards for Rezoning:

In reaching recommendations and decisions as to rezoning land to the PUD district, the Planning Commission and the City Council shall apply the following standards in addition to the standards and procedures of Section 24-625(c)(3) of the 2021 Development Code, applicable to the rezoning of land. The application for the Rezoning and PUD Plan were submitted in early 2021, prior to the adoption of the current Development Code regulations.

**a. 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?**

Staff Comment: The subject property has remained undeveloped and in agricultural use since it was annexation in 1987 and originally subdivided in 2012.

The surrounding area and land uses have evolved significantly in the past few years. Property to the south, in the City of Evans, is currently developing and planned as a mix of medium- and high-density residential uses. Areas to the east provide a mix of local and regional commercial users ranging from neighborhood services to big box retailers. Property south and west of the site are currently undeveloped and are anticipated to develop with a similar mix of uses. Properties north and northwest of the site serve a mix of uses including a K-5 school, commercial users and light industrial users.

The proposed Hope Springs PUD would incorporate additional affordable residential uses to support area businesses and places of employment. The on-site open space and recreational areas provide amenities for residents, while the one-acre mixed-use commercial parcel on the west could serve area residents and families.

*The request complies with this criterion.*

**b. Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?**

Staff Comment: The existing R-H, C-L and C-H zoning has been in place since the property was annexed in 1987.

*The request complies with this criterion.*

**c. Are there clerical or technical errors to correct?**

Staff Comment: There are no clerical or technical errors to correct.

*This criterion is not applicable.*

**d. Are there detrimental environmental conditions, such as flood plains, presence of irrigation ditches, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site, and which may not have been considered during the original zoning of the property?**

Staff Comment: The PUD plan identifies one on-site abandoned oil and gas well site that will require development to be appropriately designed around the fifty (50) foot buffer. This detail will be most applicable with the platting and site plan process, as applicable. The applicant is working closely with staff from both the City of Greeley and the City of Evans to design their drainage system in compliance with local regulations and requirements.

A portion of the property is identified in an Area of High Ecological Significance. Based on the Biologist Report, there are no important wildlife habitats on the site, nor are there any wildlife movement corridors through the site. The documented on-site wetland is a non-jurisdictional wetland, as identified by the Army Corps. of Engineers. The report recommends all on-site tree removal to be completed between July 31<sup>st</sup> and February 1<sup>st</sup>, outside the potential nesting/courtship period of migratory birds. The report also notes that the mapping for the Area of Ecological Significance may be in error due to existing site conditions.

*This request complies with this criterion.*

**e. Is the proposed rezoning necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?**

Staff Comment: The City's Comprehensive Plan has been updated since the property was annexed and zoned in 1987. The Comprehensive Plan designates the subject area as "employment, industrial and commercial areas," which allow residential land uses in instances where adjacent uses are compatible and would not negatively impact residents' quality of life or safety. The Hope Springs PUD plan provides a variety of residential housing options and includes a one-acre parcel for commercial and mixed-uses to support future residents in the area. The property is adjacent to Frontier Academy's K-5 school and serves as a transition to the residential neighborhoods to the south in the City of Evans.

In addition, the City worked with the applicant and their builder, Habitat Humanity in receiving a state housing grant under HB21-1271 to support the development of affordable housing opportunities on the property.

*The request complies with this criterion.*

**f. What is the potential impact of the proposed rezoning upon the immediate neighborhood and the City as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, street and pedestrian systems and parks and recreation facilities)'?**

Staff Comment: The proposed PUD would have an impact on city services upon development of the site.

As part of the overall development, 27<sup>th</sup> Avenue and W. 30<sup>th</sup> Streets need to be extended and improved to serve the property. Additionally, 32<sup>nd</sup> Street along the southern boundary of the site will need to be improved.

The applicant will be required to extend all necessary utilities to the site to serve the proposed uses. Drainage, water, and sewer infrastructure are being addressed through the subdivision process.

Impact to the City as a whole may include noise and other impacts, such as impacts to Police and Fire due to an increased residential population and commercial activity.

The PUD proposes open space and recreational amenities to support the development. All impacts and improvements are continually being reviewed and addressed through the entitlement processes.

**g. Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with applicable zoning overlay requirements?**

Staff Comment: The subject property was reviewed against the policies regarding rezoning requirements. This criterion is similar to specific criteria governing the PUD. The proposal generally complies with the City's Comprehensive Plan Land Guidance Map and is consistent with the Goals and Objectives of the Comprehensive Plan.

*The request complies with this criterion.*

**h. What is the potential impact of the proposed rezoning upon an approved zoning suitability plan for the property?**

Staff Comment: As the property was zoned at the time of annexation in 1987, there is not an approved zoning suitability plan for the property.

*This criterion is not applicable.*

**Standards for PUD establishment (PUD2021-0012):**

Per Section 24-663, in reaching recommendations and decisions as to establishing the PUD district, the Planning Commission and the City Council shall apply the following standards in addition to the standards and procedures of Section 24-625 of the 2021 Development Code, applicable to the rezoning of land. The application for the Rezoning and PUD Plan were submitted in early 2021, prior to the adoption of the current Development Code.

**Area Requirements.** *The area of a proposed PUD shall be of substantial size to permit its design and development as a cohesive unit fulfilling the stated purpose of these regulations and to establish the PUD as a meaningful part of the larger community. Each proposed PUD shall therefore be evaluated as to its adequacy in size with respect to both the nature and character of its internal design and to its specific location within the City. The minimum size of a PUD to be considered for establishment shall be two (2) acres.*

Staff Comment: The proposal meets this requirement with an overall PUD area of 43.42 acres in size.

**Consistency with the Land Use Chapter of the Comprehensive Plan.** *A PUD proposal shall be found to be consistent with all applicable elements of the Land Use Chapter of the City's adopted Comprehensive Plan with respect to its proposed internal design and use and its relationship to adjacent areas and the City as a whole before it may be zoned as a PUD.*

- The following Comprehensive Plan goals are met with this PUD proposal:
  - EH-2: Integrate healthy living into community planning and development.
    - The proposal provides open space and recreational amenities for future residents of the development.
  - EH-4: Support and collaborate with the City's school districts.
    - The project was referred to the Weld County School District No. 6 for review. In addition, the applicant has been in contact with the district to confirm cash-in-lieu payment versus school site dedication requirements.
  - GC-1: Manage growth effectively.
    - The project serves as an infill with many of the surrounding properties either already developed or slated for development. Incorporating a mix of residential densities encourages an appropriate use of the land near commercial and employment centers where many residents can use multiple modes of transportation.
  - CG-2: Promote a balanced mix and distribution of land uses.
    - The proposed PUD offers a mix of residential product types and sizes, as well as a mixed-use commercial parcel. Commercial offerings could provide nearby amenities for future residents and families.
  - CG06: Maintain and enhance the character and inter-connectivity of Greeley's neighborhoods.
    - The Hope Springs PUD is envisioned as mix of residential uses, supporting adjacent commercial and employment centers. The site is located in walking distance to many of these businesses, as well as nearby transit stops.
  - HO-2: Encourage a broad diversity of housing options.
    - The proposal would provide a variety of housing types including multi-family, single family detached and single-family attached housing.

## **F. PHYSICAL SITE CHARACTERISTICS**

### **HAZARDS**

A plugged and abandoned oil and gas well is identified in the center of the site with a fifty-foot setback shown on the plans. This setback will need to be maintained as the applicant subdivides the property for residential use. Staff is unaware of any other hazards on the property.

### **WILDLIFE**

In accordance with Section 24-160(b)(16) of the 2021 Municipal Code, a biologist's report was submitted for the development.

The report summarized that there are no important wildlife habitats on the site, nor are there any wildlife movement corridors through the site. The on-site wetland is a non-jurisdictional wetland, as identified by the Army Corps. of Engineers. The report recommends all on-site tree removal to be completed between July 31<sup>st</sup> and February 1<sup>st</sup>, outside the potential nesting/courtship period of migratory birds.

## **FLOODPLAIN**

The intended development area is not located within the 100-year floodplain, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

## **DRAINAGE AND EROSION**

Increases in stormwater flows from development would be addressed with an on-site detention and water quality pond, which would be designed to limit runoff to historical flows in accordance with City of Greeley and State of Colorado requirements.

Erosion control devices would be designed by the developer and reviewed by the city at time of construction to ensure that best management practices as utilized as the project progress.

## **TRANSPORTATION**

The subject property has frontage on 32<sup>nd</sup> Street. There is also a planned connection to 30<sup>th</sup> Street and the adjacent property to the west. 27<sup>th</sup> Avenue will be extended from north of the property to 32<sup>nd</sup> Street as well, providing circulation between the adjacent parcels.

All roadway improvements would be determined at time of development and will be routed to the appropriate agencies for review and comment.

Subdivision of the property will require the dedication of public rights-of-way as necessary to support the development.

The City of Greeley Traffic Division, along with Engineering Development Review and the City of Evans have reviewed the Traffic Study and have no significant concerns at this point.

## **G. SERVICES**

### **WATER**

The City of Greeley provides water services to the area. Water lines would need to be extended from 30<sup>th</sup> Street to the west, 27<sup>th</sup> Avenue to the north, and from an existing line to the east at the southeast corner of the property.

### **SANITATION**

The City of Greeley will provide sanitary services to the area. An existing sanitary sewer lift station (Lift Station No. 15) will be moved from the adjacent property to the west and relocated to the southeast corner of this property in order to serve this development, the existing developments that the lift station served in its previous location, and an existing property to the west that is currently vacant.

The Water and Sewer Department for the City of Greeley, along with Engineering Development review and the City of Evans, have reviewed the Hydraulic Report and proposed improvements and have no concerns at this time.



### **EMERGENCY SERVICES**

The property is served by the City of Greeley's Police and Fire Departments. Fire Station #2 is located at 2323 Reservoir Road, approximately 1.5 miles to the northeast.

### **PARKS AND OPEN SPACES**

The proposal includes a 0.94 recreational area and approximately 5.50 acres of open space along the southern portion of the site. The open space areas would include a disc golf course for area residents.

### **SCHOOLS**

The subject property is located within the Weld County School District No.6. The applicant will be required to pay the required cash-in-lieu payment to the school district as the development progresses.

### **METROPOLITAN DISTRICT**

No metropolitan district is being proposed for the project.

## **H. NEIGHBORHOOD IMPACTS**

### **VISUAL**

The applicant is proposing perimeter landscape design criteria for the property, found on page four of the PUD plan. Overall visual impacts resulting from the project are being reviewed as part of the subdivision process.

### **NOISE**

Any potential noise created by future development will be regulated by the Municipal Code.

## **I. PUBLIC NOTICE AND COMMENT**

- Neighborhood Meeting was held virtually May 5, 2022 - Notices were mailed to surrounding property owners on April 19, 2022, per Development Code requirements. There were no concerns raised during the meeting. Staff received one email of support from a resident (Attachment D)
- Public Notice - Signs were posted on-site on June 13, 2022. As of June 20, 2022, no additional written comments have been received.
- Mineral Rights Notifications – were sent via certified mail 30 days prior to the public meeting, per Development Code requirements. No comments have been received.

## **J. PLANNING COMMISSION RECOMMENDED MOTIONS**

1. Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from Residential Low Density (R-L), Commercial Low Intensity (C-L) and Commercial High Intensity (C-H) to Planned Unit Development (PUD) is in compliance with Development Code Section 24-625(c)(3) and therefore recommends **approval**.

2. Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Hope Springs PUD Plan is in compliance with Development Code Section 24-625(c)(3) and Section 24-663(b) and therefore recommends **approval**.

Alternative motion:

1. Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from Residential Low Density (R-L), Commercial Low Intensity (C-L) and Commercial High Intensity (C-H) to Planned Unit Development (PUD) is not in compliance with Development Code Section 24-625(c)(3) and therefore recommends **denial**.
2. Based on the application received and the preceding analysis, the Planning Commission finds that the proposed Hope Springs PUD Plan is not in compliance with Development Code Section 24-625(c)(3) and Section 24-663(b) and therefore recommends **denial**.

**ATTACHMENTS**

Attachment A – Zoning/Vicinity Map  
Attachment B – Project Narrative  
Attachment C – PUD Document  
Attachment D – Email in Support of the Project