

## PLANNING COMMISSION SUMMARY

**ITEMS:** Rezoning from PUD (Planned Unit Development – Lake Bluff) to PUD (Planned Unit Development – Poudre Heights) and a Preliminary PUD Plan

**FILE NUMBER:** PUD2019-0007 & ZON2022-0001

**PROJECT:** Poudre Heights Preliminary PUD

**LOCATION:** North of US Highway 34 Business, west of 101st Avenue, and east Missile Park Road

**APPLICANT:** Todd Johnson on behalf of Poudre Bay Partners

**CASE PLANNER:** Brittany Hathaway, Planner III

**PLANNING COMMISSION HEARING DATE:** February 22, 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 24-583, 24-625(c)(3) and 24-663(b) of the 1998 Development Code.

### EXECUTIVE SUMMARY

The City of Greeley is considering a request to a rezone from PUD (Planned Unit Development – Lake Bluff) to PUD (Planned Unit Development – Poudre Heights) and a Preliminary PUD Plan for approximately 277.6 acres of property located north of US Highway 34 Business and west of 101<sup>st</sup> Avenue.

#### A. REQUEST

The proposed PUD would consist of a mix of residential, commercial, and industrial uses. Parks, open spaces, and trails are incorporated into the project to allow for pedestrian connectivity, outdoor activities, and public access to the Poudre Bluffs Natural Areas. The theme of the Poudre Heights PUD would be focused on native wildlife and is further described on page 11 of the PUD document (*see Attachment C*). As the application was submitted in 2019, the application is processed under the 1998 Development Code.

Approximately 50 acres would be reserved for both private and public open space and bluff preservation. Two pocket parks, a City neighborhood park, and an amenity center are also proposed. The amenity center would be located along the bluff areas in PA-I (*See Attachment C*) and would be accessible using the trail system proposed in the community. This center would be a “home gathering place” to overlook the vistas and connect to a public nature trail.

The applicant would preserve nearly 40 acres of bluff preservation open space to the City and adjacent residential lots would require a 50-foot bluff setback to minimize ridgeline effects.

The applicant proposes a mix of residential housing options including multi-family, attached single-family, and detached single-family. As proposed, the maximum number of residential units would be 1,185 units at an overall residential density of 4.27 units per acre over the approximate 100 acres dedicated to residential uses. Mixed-uses would account for 108 acres with residential density averaging 6.6 units per acre and allowing for up to 24 units per acre, should density transfers be utilized. Commercial and limited industrial uses would also be permitted in the mixed-use planning areas.

Industrial uses would account for 30 acres and would be located on the western boundary of the project, adjacent to existing industrial zoning and land uses part of the Golden Triangle PUD. Poudre Heights PUD would require buffer treatments adjacent to any industrial uses, when and if future land uses warrant.

The Poudre Heights PUD proposes a table of land uses for each planning area alongside specific development standards. Development standards can be found on Sheet 7 of the PUD Document (*see Attachment C*). Reduced lot sizes and setbacks as proposed are supplemented by specific residential development standards to ensure a cohesive environment, as well as trail connectivity and access to parks and open spaces.

## **B. STAFF RECOMMENDATION**

Approval

## **C. LOCATION**

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

North: Weld County: A-AG

(*Undeveloped lands, bluffs*)

South: R-E, US Highway 34 Business & PUD

(*Highway, single-family residential, and undeveloped lands*)

East: PUD (Lake Bluff)

(*Future development*)

West: PUD (Golden Triangle)

(*Undeveloped lands, light industrial*)

### **Site Characteristics:**

The site is largely undeveloped agricultural land. A natural bluff area, known as the Poudre Bluffs, is located along the northern portion of the property.

## **D. BACKGROUND**

The subject area was included in the 2013 Lake Bluff PUD. The 2013 Lake Bluff PUD expired due to inactivity and an updated Lake Bluff PUD was adopted in 2020 (ORD 03, 2020), of which

excluded the subject area. This area is requested to be rezoned from PUD (Lake Bluff - expired) to PUD (Poudre Heights).

The Poudre Heights Metropolitan District was approved in September 2021 (MD2021-0001/Resolution No. 32, 2021) and included all subject land areas within its service area. Upon approval of a master plan, which is an element of this Preliminary PUD, the Metro District would be able to begin issuing debt for infrastructure improvements. The Metro District was needed in order to undertake the maintenance, planning, design, acquisition, construction and financing of public improvements, including external infrastructure.

## **E. APPROVAL CRITERIA**

### **Standards for Rezoning (ZON2022-0001):**

**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) applicable to the rezoning of land:**

**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 historically been utilized for agricultural uses.

The immediate surrounding area and land use approvals have changed significantly in the past few years. The land uses in the nearby Promontory development, as approved, continues to be developed with predominately residential land uses. Land uses adjacent to this development include the recently approved Lake Bluff PUD (Ordinance No. 03, 2020), which is currently in design stages with an approved Preliminary Plat. The Cache PUD is also in design stages for platting and the Poudre River Ranch PUD, a residential subdivision to the east, has begun development.

*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 Lake Bluff PUD zoning has been in place since 2013. Given that the applicable portion of the 2013 Lake Bluff Preliminary PUD Plan has expired, the zoning would no longer be valid.

*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 northern bluff area contains significant slopes. These areas would be protected and remain as a natural area. Staff is unaware of any additional detrimental environmental conditions on the property.

*This criterion is not applicable.*

**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 last PUD zoning for this site in 2013. The Comprehensive Plan designates the subject area primarily as "mixed-use", and "bluffs". This PUD proposes a variety of residential housing options and includes opportunities for commercial, industrial, and mixed-uses to support existing and future residents in the area. The project also would protect the natural bluff areas through preservation and would provide a trail system for community enjoyment of these natural areas.

In order to accomplish a mixed-use development, the developer is proposing complete neighborhood offerings, of which are supported by the City's current Comprehensive Plan.

*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 a greater impact on city services upon development of the site.

As part of the overall development, 101<sup>st</sup> Avenue would need to be improved and/or realigned. Additionally, 4th Street, 7<sup>th</sup> Street, and 105<sup>th</sup> Avenue would extend through the development. These improvements would be funded by the Metro District. Exact roadway alignments and dedication would be determined at the time of subdivision.

Water and sanitary sewer lines would have to be extended from future Lake Bluff through coordinated development. Drainage, water, and sewer would be addressed at time of subdivision.

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 centers.

The PUD proposes to provide parks, open space, and trail systems to support the development and provide public connectivity through safe and well-planned means. All impacts and improvements would be further addressed at time of subdivision.

**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 zoning overlay requirements. This criterion is similar to specific criteria governing the Preliminary PUD. The proposal generally complies with the City's 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: The applicable Lake Bluff PUD Preliminary Plan adopted in 2013 has expired. Therefore, the associated zoning suitability plan is no longer valid. As such, there is not an approved zoning suitability plan for the property.

*This criterion is not applicable.*

**Standards for PUD establishment (PUD2019-0007):**

Per Section 24-663, 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 applicable to the rezoning of land:

**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. The area of the proposed PUD is approximately 277.6 acres.

**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:
  - ED-1: Promote a healthy, progressive, and competitive local economy.
    - Proposal provides future employment and tax base opportunities while proposing commercial development to benefit residents of West Greeley.
  - EH-2: Integrate healthy living into community planning and development.
    - Proposal provides an extensive open space amenity and trail system that would connect the community to area parks, an amenity center, and open space. The project's trail system would also connect to adjacent future development that would provide additional trail and open space systems. The trail network will also provide for pedestrian walkability to commercial areas, encouraging an active lifestyle.
  - EH-4: Support and collaborate with the City's school districts.
    - The applicant has worked with the Weld RE-4 School District to ensure their needs are being met. As a school site is not warranted, cash-in-lieu would be provided at time of subdivision.
  - GC-1: Manage growth effectively.
    - The transition to parks and open lands were considered with the Preliminary PUD proposal. The PUD was also reviewed against the neighboring approved Lake Bluff and Cache PUD's to ensure connectivity.
  - CG-2: Promote a balanced mix and distribution of land uses.
    - The proposed PUD offers a mix of residential, commercial, industrial and mixed-uses with suitable transition between these areas. Commercial and industrial offerings would also provide for employment opportunities.
  - CG06: Maintain and enhance the character and inter-connectivity of Greeley's neighborhoods.
    - The Poudre Heights PUD is envisioned as a complete neighborhood, offering a mix of uses and multi-modal connectivity while incorporating a high level of design criteria with a theme focused on area wildlife and habitat. The PUD was also designed to be cohesive with the neighboring Lake Bluff PUD through land use, trail, and roadway alignments.

- HO-2: Encourage a broad diversity of housing options.
  - The PUD would provide a variety of housing types including multi-family, single family detached, and single family attached.
- NR-1: Protect, conserve, maintain, and improve the quality and quantity of water available to Greeley.
  - This objective is met through the PUD's sustainable landscape standards which encourages drought-tolerant trees and plants, natural grasses, and responsible use of turf. The PUD is proposing to also use non-potable water for park and open space irrigation.

## **F. PHYSICAL SITE CHARACTERISTICS**

### **HAZARDS**

The applicant has identified areas within the site that are impacted by significant slopes, which may impact development. Dedicated open space and increased setbacks have been identified with this Preliminary PUD to protect sensitive bluff areas. These setbacks would be included on subsequent plats with sensitive bluff areas to be dedicated to the City for preservation. Additionally there are a number of plugged and abandoned well sites within the proposed development that would require additional building setbacks. Staff is unaware of any other hazards on the property.

### **WILDLIFE**

The areas near and within the Poudre Bluffs are identified for moderate impacts to wildlife. To protect the existing habitat, the applicant intends to protect these sensitive areas by dedicating open space requiring large building setbacks adjacent to the bluff area.

In accordance with Section 24-1217(b) of the City's Development Code, a biologist's report will be required to be submitted for any development that may occur near the impacted areas.

### **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 on-site detention ponds, which would be designed to limit runoff to historical flows. Another effort to minimize stormwater runoff would be to limit the amount of non-pervious surface, through best management practices.

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 10<sup>th</sup> Street (US 34 Business). Direct access to the development is proposed from 101<sup>st</sup> Avenue, 105<sup>th</sup> Avenue, and also along the 4<sup>th</sup> Street and



7<sup>th</sup> Street roadway extensions. All future roadways within the development would be required to comply with standards set forth in the 2035 Comprehensive Transportation Plan.

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

Further subdivision of the property would require the dedication of public rights-of-way as necessary to support the development. Roadway upgrades, extensions, and realignments are also anticipated as part of the future development of the site.

The City of Greeley Traffic Engineer has reviewed the Traffic Study and has no significant concerns at this point. Further traffic analysis would occur at time of subdivision.

## **G. SERVICES**

### **WATER**

The City of Greeley provides water services to the area. Water lines would need to be extended from the neighboring Lake Bluff development, for which a Preliminary Plat has been approved. Water provisions, including non-potable, within the development would be reviewed at time of subdivision.

### **SANITATION**

The City of Greeley would provide sanitary services to the area. Sewer services would be provided via the future Poudre Trunk Line to be extended from the northeast along 95<sup>th</sup> Avenue and through The Cache and Lake Bluff developments. These extensions would be required in order for Poudre Heights to connect. The respective developments are coordinating this effort.

Sanitary Sewer and any applicable agreements would be reviewed at time of subdivision.

### **EMERGENCY SERVICES**

The property is served by the City of Greeley's Police and Fire Departments. Fire Station #6 is located at the intersection of US Highway 34 Bypass and Promontory Parkway, approximately 1.5 miles south.

### **PARKS AND OPEN SPACES**

The proposal includes 2 pocket parks and a 10-acre neighborhood park to be dedicated to the City of Greeley. The applicant would also dedicate 39.5 acres of bluff preservation open space to the City of Greeley for public use.

### **SCHOOLS**

The subject property is located within the Weld RE-4 School District. A school site is not required to be dedicated with this project, however the applicant would be required to pay cash-in-lieu to the District for school land dedication requirements at time of subdivision.

### **METROPOLITAN DISTRICT**



The applicant intends to finance many of the on- and off-site improvements for the development by means of a Metropolitan District. This district was approved in September 2021 (MD2021-0001) and is awaiting approval of this Preliminary PUD to begin infrastructure development.

## **H. NEIGHBORHOOD IMPACTS**

### **VISUAL**

Visual impacts will be reviewed for at time of subdivision against landscape and buffer requirements set forth in Code. Visual impacts resulting from residential development along the Poudre Bluffs would be mitigated through significant setbacks to ensure any ridgeline effects are avoided.

### **NOISE**

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

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

Neighborhood notices for this meeting were mailed to surrounding property owners February 10, 2022 per 1998 Development Code requirements. Signs were also posted on the site on February 14, 2022. As of February 15, 2022 no written comments have been received.

Required mineral rights notifications were mailed with the previous PUD applications.

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

1. Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from Planned Unit Development (PUD) to Planned Unit Development (PUD) is in compliance with Development Code Section 24-625(c)(3) a, b, e and g and therefore recommends approval (*or denial*).

2. Based on the application received and the preceding analysis, the Planning Commission finds that the proposed The Poudre Heights Preliminary PUD Plan is in compliance with Development Code Section 24-625(c)(3) a, b, e and g and Section 24-663(b) and therefore recommends approval (*or denial*).

## **ATTACHMENTS**

Attachment A – Zoning/Vicinity Map

Attachment B – Project Narrative

Attachment C – PUD Document