



PLANNING COMMISSION

Proceedings

March 9, 2021
1:15 p.m.

(Zoom Webinar and viewable on City of Greeley YouTube)

I. Call to Order

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

II. Roll Call

Chair Yeater, Commissioners Andersen, Briscoe, Franzen, Modlin and Schulte were present. (Commissioner Romulo was absent.)

Chair Yeater informed those attending the meeting that Item VI, Growth & Development Report, would be postponed to a future date.

III. Approval of February 23, 2021 Minutes

Commissioner Andersen moved to approve the minutes dated February 23, 2021. Commissioner Briscoe seconded. The motion carried 6-0. (Commissioner Romulo was absent.)

Chair Yeater advised that the next item, Recap of Small-Format Housing and Infill Strategy, had been requested to follow Item V on the agenda and requested a motion. Commissioner Andersen moved that item IV be heard later in the meeting and that item V on the agenda, Household Occupancy Standards, be heard first. Commissioner Schulte seconded. The motion carried 6-0. (Commissioner Romulo was absent.)

IV. Worksession: Household Occupancy Standards

Presenter: Caleb Jackson, Planner II

Caleb Jackson addressed the Commission and noted that staff had received feedback and direction from City Council and he was returning to Planning Commission today for another worksession to discuss the item. He reminded the Commission that the rationale for

addressing the number of unrelated adults who may occupy a residence is part of City Council's priority, "Your Home is Here" as well as the Strategic Housing Plan adopted by Council. Mr. Jackson briefly reviewed topics discussed during a previous worksession. He also reviewed the current household occupancy standards regarding how many unrelated adults may occupy residences in different zone districts. Mr. Jackson summarized the vetting process to date and identified proposed dates for hearings before Planning Commission and City Council.

Mr. Jackson noted some of the commonly shared concerns about increasing the occupancy allowance include parking and an increase in the number of vehicles, property maintenance, overcrowding, density and character of neighborhoods, noise, trash, crime, and property value reduction. He added that those supporting an increase in the allowance cite increased flexibility, privacy, affordability, changing demographics, housing stability and economic development. Mr. Jackson also provided information on what some of the surrounding peer communities are considering to address the issue.

Mr. Jackson reviewed the current code including the definitions of "bedroom" and "family" and noted that the discussion today was to discuss the definition of family and attempt to achieve a consensus and provide direction for City Council. The proposal from staff is to consider the number of unrelated adults who may occupy a dwelling to five unrelated adults, or U+5. He noted the next steps include feedback from Planning Commission, continuing public input, a hearing before Planning Commission and a hearing before City Council. Before continuing, Mr. Jackson stopped to allow a time for any questions by the Commission.

Commissioner Modlin asked what might happen in neighborhoods where a majority of the neighbors oppose an increase in the number of unrelated adults and asked whether a rezone could increase animosity among neighbors. Mr. Jackson stated that in neighborhoods with a homeowner's association (HOA), the HOA can propose more restrictive standards than the City, adding that the HOA would then be responsible for enforcement. He advised that staff is trying to identify a baseline standard for all Greeley neighborhoods.

In the discussion about the number of unrelated adults who may occupy a residence, Commissioner Schulte asked whether staff had considered looking at the number of vehicles rather than the number of individuals. Mr. Jackson responded that he has not seen that done by other communities and noted that limiting the number of unrelated adults also indirectly ties to the number of vehicles. He acknowledged that it is a complicated topic and used the example of a family with several teenagers who each have a vehicle.

Commissioner Andersen echoed the comment by Commissioner Schulte and indicated that she currently resides in the Cranford neighborhood where there is permit parking that is patrolled. She advised that a certain number of stickers are issued per household and that it has been an effective way to address issues with parking on the street. She expressed that it seemed inappropriate for the City to determine the definition of "family."

Upon question by Commissioner Schulte, Mr. Jackson advised that with regard to occupancy standards, unmarried couples are considered unrelated. Brad Mueller, Community Development Director, added that changing demographics is one of the reasons cities are looking at the issue of the number of unrelated adults.

Commissioner Franzen asked how many households are currently out of compliance. Mr. Jackson reported that an exact number is difficult to ascertain as most information is from complaints that are reported. He indicated that there could be several unreported and unknown cases. Upon question by Commissioner Schulte, Mr. Mueller advised that complaints can be generated by neighbors who are aware of the occupancy limits or sometimes as a response to nuisance issues such as noise, parking or trash. He stated that the code change is not being brought forward to address a complaint issue, but instead to establish a base standard, adding that staff does not expect the number of complaints to increase or decrease as a result of the amendment.

There was discussion about how staff arrived at a proposal to increase the standard to U+5. In response to a question by Chair Yeater, Mr. Jackson reported that the City Attorney's Office had reviewed the standard and case law that provided support. Attorney Michael Axelrad addressed the Commission and noted that in one case heard by the U.S. Supreme Court on unrelated individuals determined that local jurisdictions have flexibility in setting standards. He advised that in that case, the limit was set at five, a standard that has been accepted by the courts. He added that it becomes a policy decision; not a legal decision.

Commissioner Schulte provided the example of two couples, each with children, and asked for clarification as to how it would be considered. Mr. Jackson advised that "unrelated" pertains only to unrelated adults, adding that any number of persons related by blood, adoption and the like are allowed. Upon further question by Commissioner Schulte, Mr. Jackson advised that elderly parents living in a home with their children are considered to be related by blood and would be allowed. He added that U+5 would allow up to five unrelated adults plus persons related by blood, adoption or other relationship.

Commissioner Modlin suggested a scenario where a married couple with three children resided with a homeowner. Mr. Jackson reported that under the U+5 proposal, three adults (the homeowner plus the couple) and the children related by blood would be allowed in as small as a two bedroom home.

Commissioner Andersen stated that there were many scenarios and acknowledged that it was not the intent to create a nuisance or flop house situation. She expressed that it seemed City Council was trying to navigate down the middle without impacting homes in residential low density zones, adding that the problems related more to nuisance situations. Mr. Mueller advised that there is no easy answer and that while the number of unrelated adults in a home could relate to nuisance, that is not always the case. He added that amending the code is a way to set expectations for zone districts and neighborhoods.

Commissioner Schulte indicated that City Council seemed amenable to increasing the occupancy limits in residential medium and high density zones, but seemed hesitant to increase the limit in residential low density zone districts. Mr. Mueller agreed that many ideas have been presented with some members remaining open to increasing the number of unrelated adults in residential low density areas, while others do not feel that an increase is necessary.

Upon question by Chair Yeater, Mr. Jackson reported that an HOA can require more restrictive standards than the City and are free to enforce upon those standards. Chair Yeater asked whether the City was privy to HOA standards at the time of development. Mr. Jackson advised that sometimes covenants are in place for staff to review.

Commissioner Briscoe commented that reference had been made to what other cities are doing and asked whether Greeley was following suit and asked what problem the City is trying to solve. He noted an abundance of multi-family housing in Greeley that meets a certain criteria of the housing plan. Mr. Mueller explained that it is likely other cities are looking at occupancy standards as they are experiencing the same issues as Greeley. He added that another way to increase access to housing and another tool for consideration is to open up how much existing housing can be available for higher occupancy.

Commissioner Briscoe noted that purchase of a home is likely the largest investment most people make and that this change could place a burden on existing neighbors to form an HOA if they want to have higher standards. He expressed that he is struggling to find balance as he is not sure that U+1 is the right number, but is not necessarily comfortable with U+5. He understood that it is a nuanced and complex issue, also noting that most of survey results seemed to be against the increase.

Commissioner Andersen observed that the survey included about 100 participants with approximately 60 comments and asked whether it was representative of the entire community. She also noted that Planning Commission seemed to be going over the same ground covered by City Council and perhaps that is how Council came up with using the number of bedrooms as a measurement.

Commissioner Schulte observed that there is a problem to be resolved, noting that since the 1950s each generation has had a harder time securing the type of housing as their parents and noted the difficulty for younger families. He asked whether it might be possible to use a phased-in approach and increase the U+ number over time. Commissioner Franzen favored the idea and added that a bedroom count seemed to fall along the same line. Mr. Jackson requested more direction on the incremental idea and invited other commissioners to express their thoughts. Commissioner Schulte stated that if the ultimate goal is U+5, perhaps start with U+2 now and increase to U+3 in two years, eventually getting to U+5 in a number of years. He asked whether that might alleviate concerns expressed by Commissioner Briscoe as it could exceed the time that owners remain in the same home. Mr. Jackson asked whether that approach was different than a sliding scale based upon the number of bedrooms. Commissioner Schulte indicated that the number of bedrooms could interact or correlate with whatever U+ number is allowed.

Mr. Jackson summarized the comments and asked Commissioners to identify the direction they desired to take forward. Chair Yeater and Commissioner Andersen were in favor of making the change now while Commissioners Franzen, Briscoe and Schulte supported a phased-in approach. Chair Yeater asked about next steps and how the Planning Commission might assist. Mr. Jackson responded that a lot of input had been provided today and staff was trying to get all of the pieces into place as part of the overall code update. He added that staff hoped to bring the matter back for formal consideration soon.