

City of Greeley, Colorado  
**PLANNING COMMISSION PROCEEDINGS**  
September 27, 2022

**1. Call to Order**

Chair Yeater called the meeting to order at 1:16 PM.

**2. Roll Call**

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater  
Commissioner Louisa Andersen  
Commissioner Erik Briscoe  
Commissioner Jeff Carlson  
Commissioner Larry Modlin  
Commissioner Christian Schulte

ABSENT

Commissioner Brian Franzen

**3. Approval of Agenda**

There were no corrections or additions to the agenda. It was approved as presented.

**4. Approval of September 13, 2022, Minutes**

Commissioner Briscoe moved to approve the minutes dated September 13, 2022. Commissioner Modlin seconded the motion. Motion carried 5-0. (Commissioner Franzen absent.)

**5. A Public Hearing to consider a rezone from H-A (Holding Agricultural) to the R-H (Residential High Density) zone district. The properties consist of approximately 31.19 acres of property and are located south of 10th Street, north of 13th Street and west of 59th Avenue (ZON2021-0016).**

Meg Oren, Planner II, explained the property and described the nearby zoning and land uses. She gave the historic timeline of the site, noting past annexations and a special use review for an oil and gas facility. Ms. Oren discussed the reason for requesting a rezone on this property and what the applicant is proposing. She then stated that the proposed residential high rezoning would have the potential to create a transition between nearby residential neighborhoods, along with commercial activity on 10<sup>th</sup> Street. Ms. Oren stated that the developer of the site would be required to construct the 63<sup>rd</sup> / 65<sup>th</sup> Avenue, from 13<sup>th</sup> Street to 10<sup>th</sup> Street, widen portions of 13<sup>th</sup> Street, and construct 11<sup>th</sup> Street through the property. She said that as part of the review process, a neighborhood meeting was virtually held on January 5th of this year. A total of 388 notice letters were sent to surrounding property owners

within 1000 feet of the subject site. In response to the letters, she received three phone calls from nearby citizens, who shared concerns regarding traffic, congestion, and a curiosity of what was being proposed.

Commissioner Schulte asked if anyone still has a right to put the use by special review for drilling into effect. Ms. Oren stated that she believed it was expired but wanted to confirm with Becky Safarik, Community Development Director.

Ms. Safarik said that the special use had expired and would no longer be able to drill on the site unless they could meet certain setback requirements and obtain approval by the Planning Commission.

Commissioner Schulte was curious if a past RV park request in the area was still a concern. Ms. Oren said that it was not. .

Chair Yeater stated he knew they are only considering rezoning at this point but wondered if any building on the property would require further construction of 63<sup>rd</sup> and 65<sup>th</sup> avenue, and then 11<sup>th</sup> and 13<sup>th</sup> street development. Ms. Oren stated that if any future development occurs then it would indeed require the roadway construction.

Commissioner Modlin asked if the intersection of 10<sup>th</sup> Street and 63<sup>rd</sup> Avenue would warrant a traffic light with the change in zoning. Ms. Oren stated that Thomas Gilbert, Engineer III, would be able to answer that question.

Mr. Gilbert specified that CDOT and the City's Transportation Planner reviewed the project and had no concerns. He told Commissioner Modlin that a traffic light would definitely need to add to that location with future development.

Commissioner Modlin asked if there will be a signal by 13<sup>th</sup> Street and 59<sup>th</sup> Avenue. Mr. Gilbert stated that in the short term it does not warrant adding a signal, but there is some concern about it failing with or without the development in the long term. The applicant should address the specific uses in the long-range site plan when that happens.

Clara Russo, 419 Canyon Avenue, Ft. Collins, presented on behalf of Ripley Design Inc. along with Stephanie Thomas with Northern Engineering. She stated a preliminary application was submitted in 2021 and a neighborhood meeting was held in 2022. She also explained how rezoning would align with the intent of the Comprehensive Plan to provide horizontal mixed use in that area. Ms. Russo said that it would provide a nice transition from the commercial uses to the north and single-family residences to the south. She wrapped up but explaining a market study was completed for this proposal, which outlined the need for additional high-density housing within the next three years, which would not impact the existing properties.

Chair Yeater opened the public hearing at 1:32 PM.

Roger Richman, 6120 West 15th Street, spoke on behalf of the Fox Run Homeowner's Association. He stated they are already surrounded by problems that come with high-density residential properties and adding more high density would only add to the existing problems. Mr. Richman also spoke about the traffic concerns and the high

school students' speeding issues.

Commissioner Andersen joined the meeting.

Suzanne Mall, 6319 13th Street Road, stated that 13<sup>th</sup> Street is directly behind her home. She said that the noise is already too much and hopes the city will add a noise abatement in the area. Ms. Mall is also concerned about the congestion this will cause, due to the large number of apartments and additional vehicles.

Heather Boss, 6339 13th Street Road, believes that she will lose privacy due to the tenants being able to view her home and backyard from the tall apartments. She said that the traffic and noise concern is already a huge problem. Ms. Boss reiterated that point, by sharing a recent story of a truck that crashed into her neighbor's yard. She feels the road has become a racetrack and shared her concern for the high school students' safety since they frequently jog along that road.

Donna Richman, 6120 15<sup>th</sup> Street, voiced her concern regarding property values going down. Previous buildings have been built in the area but were set too close to Fox Run development. Consequently, many people sold their homes. Ms. Richman requested that an adequate buffer be placed between the existing single-family homes and the apartments.

Chair Yeater closed the public hearing at 1:42 PM.

Ms. Russo noted that at this time, they do not yet have a site plan since they are in the first phase of their land use approval request. She said however, when they get a site plan that it will meet the code as outlined in the R-H zone district. The connection of 63<sup>rd</sup> / 65<sup>th</sup> Avenue (from 13<sup>th</sup> Street to 10<sup>th</sup> Street) will be developed in the future.

Commissioner Briscoe specified the Planning Commission hearing is only for the rezone request, moving from C-H to R-H to R-L seems like the proper transition. He noted that the R-H zone district would allow for three-story apartments. He also believes that a signalized intersection at 63<sup>rd</sup> / 65<sup>th</sup> Avenue at 10<sup>th</sup> Street will alleviate some of the traffic concerns.

Commissioner Briscoe moved that, based on the application received and the preceding analysis, the Planning Commission find that the request to rezone from Holding Agriculture to Residential High Density is in compliance with Development Code section 24-204b; and therefore, recommends approval. Commissioner Schulte seconded the motion.

Commissioner Schulte wanted to make sure it was clear to the public that there are more steps between today's decision and the project being built. Before the applicants break ground, they will have to approach the city again with a completed site plan. He stated there will be another opportunity for the public to give their feedback.

Chair Yeater said that this will be a nice transition and will open up possibilities for what could be situated there. He also believes that with the addition of roads a lot of traffic concerns could be mitigated.

Commissioner Schulte believes that new developments should help the open country roads feel more like city roads thus reducing the temptation to drive haphazardly.

Commissioner Modlin stated the developer is also using some alternative dwellings in that same zone. He believes it is already very wise in terms of spreading the noise and buffering the high density on the north side.

Motion carried 6-0. (Commissioner Franzen absent).

## 6. Staff Report

Ms. Safarik stated that there were no business items to report but reintroduced the returning Planner on staff, Caleb Jackson, Planner III.

## 7. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 1:50 PM.

DocuSigned by:

*Justin Yeater*

Justin Yeater, Chair

DocuSigned by:

*Becky Safarik*

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Becky Safarik, Secretary