

Review of the Land Use Quasi-judicial Hearing Process

**City Council Worksession
June 12, 2022**



Context

- **Greeley City Charter**
 - **Authority**
 - **Planning Commission Role**

- **Comprehensive Plan**
 - **Vision and values for community's development**
 - **Land use guidance policies (not zoning)**
 - **Alignment of other development master plans**
 - **Aspirations for City form, infrastructure, services**

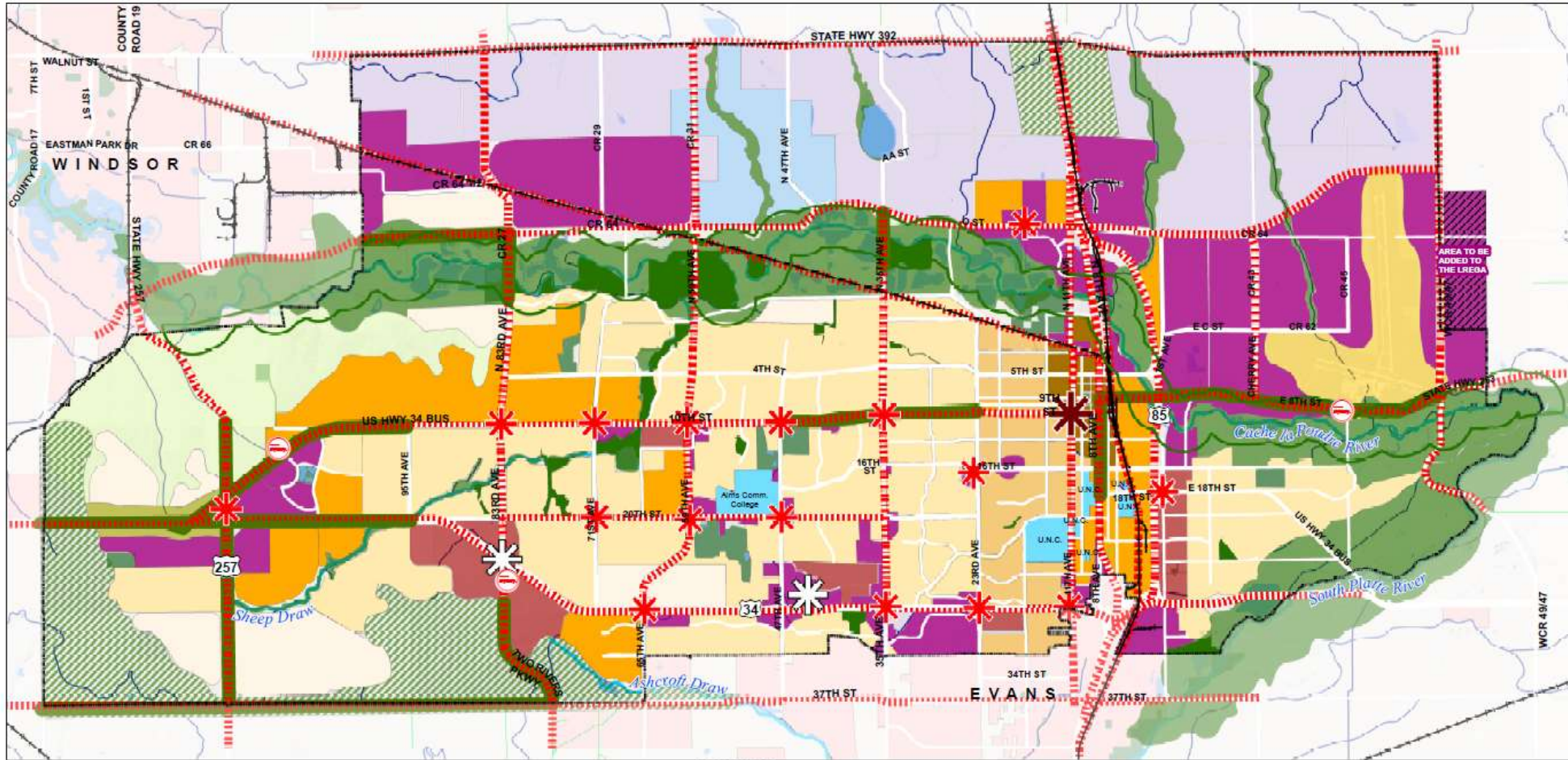


Comprehensive Plan Themes

- **Growth and City form**
- **Economic Health & Diversification**
- **Education, Health & Human Services**
- **Housing**
- **Historic & Cultural Resources**
- **Natural Resources & Open Lands**
- **Parks and Recreation**
- **Public Safety**
- **Transportation**
- **Infrastructure**



Comprehensive Plan Land Use Guidance Map



LEGEND

CENTERS

-  Downtown Center
-  Regional Center
-  Neighborhood Center

CORRIDORS

-  Multi-Modal Corridor
-  Special Multi-Modal Corridor Landscaping
-  Poudre River Greenway
-  Potential Fire Station Locations
-  Area to be added to the LREGA






AREAS

-  Airport Area
-  Higher Education Hubs
-  Employment, Industrial, and Commercial Areas
-  North Annexation Area
-  Mixed Use High Intensity
-  Urban Reserve

OPEN LANDS & NATURAL AREAS

-  Bluffs
-  Community Separator
-  Entryway Character Corridor
-  Riparian Land
-  City Owned Natural Areas

NEIGHBORHOODS

-  Rural
-  Suburban
-  Legacy Urban
-  Mixed Use
-  Downtown

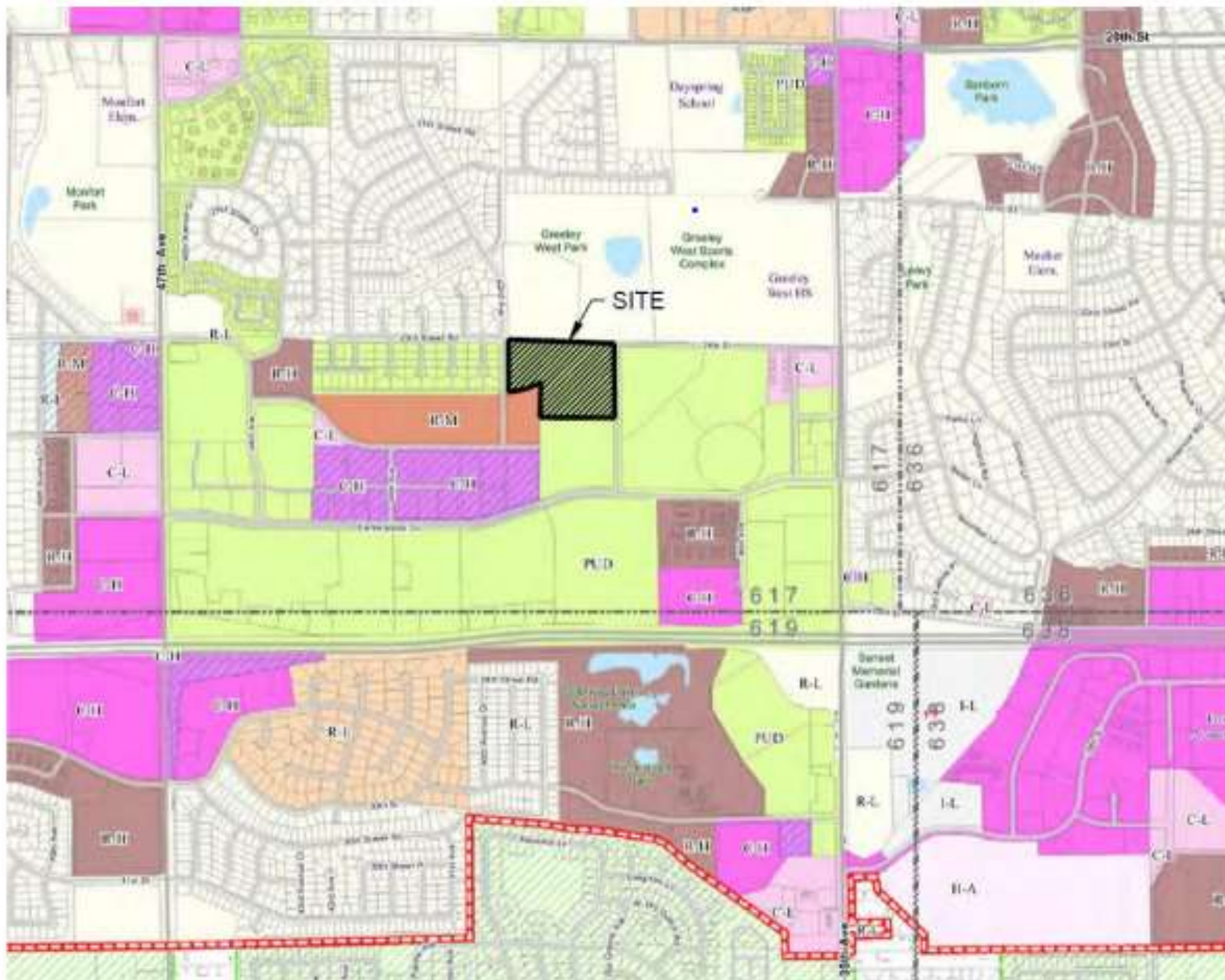


Date of Preparation 12/1/17

Zoning/Development Code

- **Tool to execute Comp Plan Goals**
 - **Sets out land use categories**
 - **Uses allowed within zoning designations**
 - **Areas where each type of land uses is desired**
 - **Criteria for considering land use decisions**
 - **Process for considering land use applications**
 - **Development Design standards and expectations**





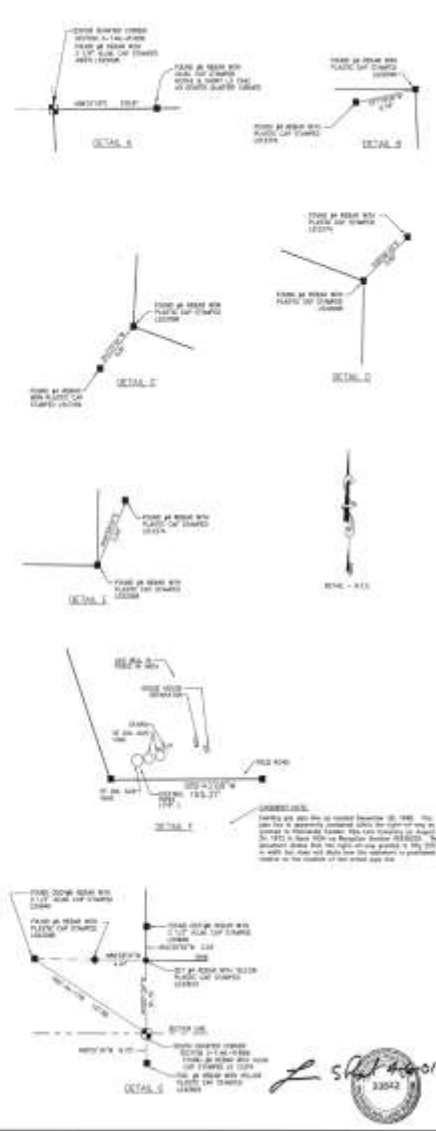
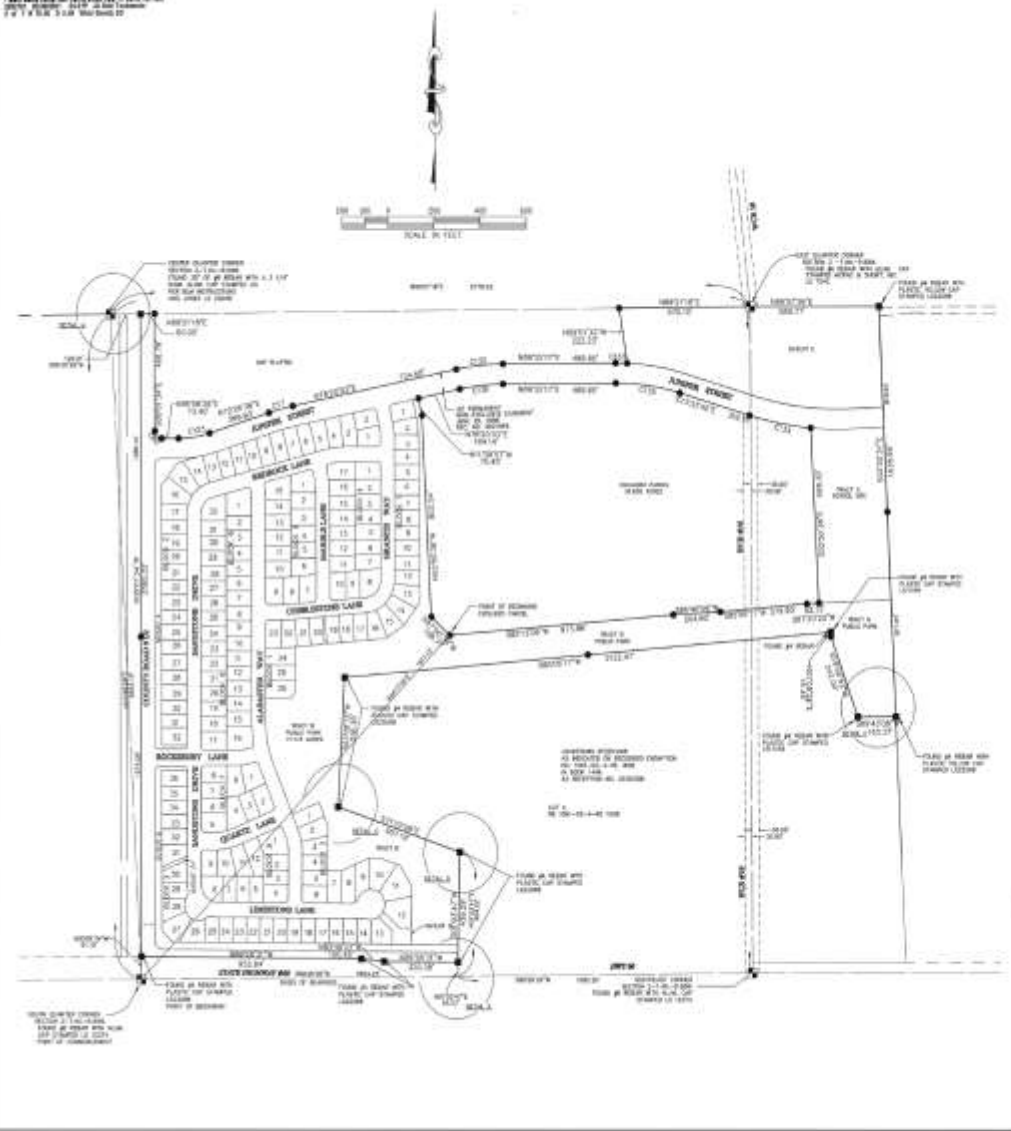
Zoning Vicinity Map



Subdivision

- **Tool to create a buildable lot**
 - **Defines size of lot**
 - **Provides access and connectivity to the property**
 - **Locates utility easements, streets, and other infrastructure**
 - **Development obligations are identified**





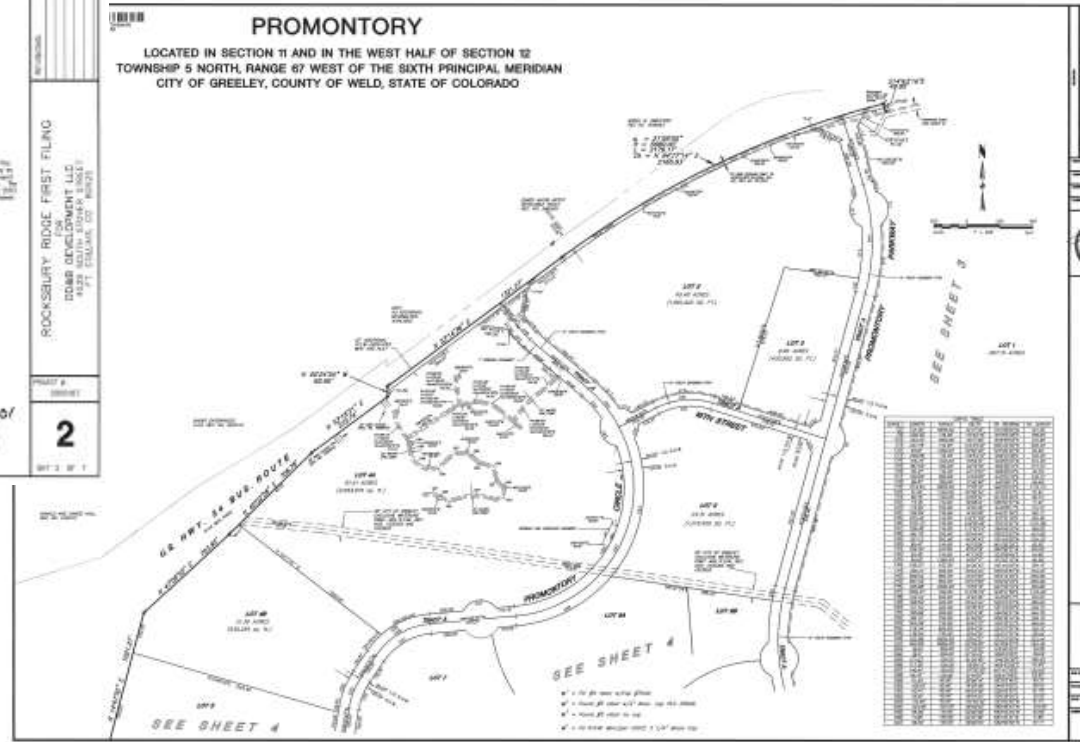
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 SHEET 2 OF 1



Subdivision Plats



Development Standards

- **Implement Site Development Requirements**
 - **Location of improvements**
 - **Installation of utilities**
 - **Installation of landscaping**
 - **Incorporation of signage, lighting, other site features**





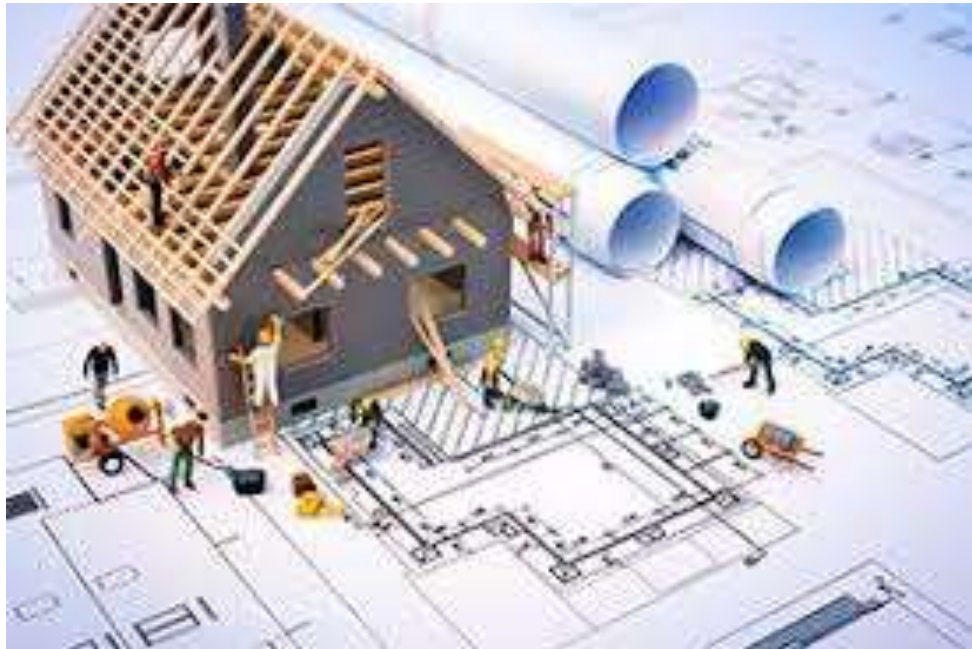
Site design elements

Building Construction

- **“Walls In” development**
 - **Building and Fire Codes**
 - **Safety**
 - **Materials and installation practices**
 - **Inspections**
 - **Final occupancy**



Building Construction



Zoning Approval Council Role

- **Quasi-judicial (“like a judge”)**
 - **Hearing is to consider application**
 - **Staff analysis**
 - **Planning Commission recommendation**
 - **Public testimony**
 - **Approval criteria**
 - **Make findings/render decision**



Process

- **Hearing is the setting to review application and consider testimony**
- **Not appropriate to engage in discussion or represent an opinion with applicant or public outside hearing**
- **Caution not to deliberate case with other Councilmembers outside hearing or decide position in advance**
- **Declare any conflicts of interest (evaluate with City Attorney)**
- **Avoid discussion of project info irrelevant to decision criteria**
- **Important to articulate rationale for vote relative to decision criteria**



Instructions to the “Jury”

- **The hearing and deliberation process is building a legal record of the final decision**
- **All parties involved in evaluating the merits of the application must use the Development Code criterion as their basis of analysis, recommendation and decision**
- **Re-zoning requires a finding that the request substantially meets or does not meet the criteria found in the Development Code (should reference in motion or discussion)**



Nine Rezoning Criteria

- **The proposal is consistent with the Comprehensive Plan;**
- **The proposal can fulfill the intent of the zoning district, considering the relationship to surrounding uses;**
- **Whether the area has changed, or is changing to such a degree that it is in the public interest to rezone the property to encourage development or redevelopment of the area;**
- **Whether the existing zoning has been in place is obsolete;**



- **Will the proposed zoning enable development that is compatible with the area character and design;**
- **Can the City or other agencies provide the services or facilities projected to be needed by the development;**
- **The change of zone will serve a community need or provide an amenity or accommodate development not possible under the existing zoning;**
- **Any reasonable anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design or engineering practices or are outweighed by broader public benefits; and**
- **The recommendations of professional staff or advisory review bodies**



Items not relevant to decision criteria

- **Number of supporters / opponents to proposal**
- **The timing of development (might be a metro district/APFA discussion)**
- **Types of products a shopping center or store would carry**
- **Number of jobs that might be created**
- **Don't want anymore of a certain type of development**
- **Would hurt the competition if allowed**
- **Detrimental reliance on misinformation presented by a seller**
- **Limit the denomination or type of religion with approval of a church**
- **Ownership vs. rental occupancy of units**
- **Amount of sales tax that would be generated**
- **Don't want a specific cultural aspect of a project**
- **Representation of the finished quality ("walls in")**



Additional Support Resources

- **CML Land Use for Local Officials Training**
- **Staff Workshops**
 - **Code**
 - **Process**
 - **Special Topics**

Questions/Discussion.....

