

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
April 25, 2023

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 Brian Franzen
Commissioner Larry Modlin

ABSENT

Commissioner Christian Schulte - Excused

3. Approval of Agenda

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

4. Approval of April 11, 2023, Minutes

Commissioner Briscoe moved to approve the minutes dated April 11, 2023, Commissioner Franzen seconded the motion.

Motion carried 5-0. (Commissioner Schulte absent.)

5. Public hearing to consider a request to amend Title 24 of the Greeley Municipal Code relating to the allowance of private tobacco smoking establishments.

Don Threewitt began with a presentation on a potential code amendment by sharing an overview of the current status, that the Greeley Municipal Code bans smoking in “all places where people are likely to gather in close proximity to one another.” This includes public places or common areas and within 25’ of such areas, and provided examples of what are considered as “Public Places” per the City of Greeley Municipal Code. Mr. Threewitt continued with an explanation of what the request to amend the allowance of private tobacco smoking establishments would include. It would be a limited exception to the smoking ban that would allow smoking in private establishments. He provided that the City Council reviewed options and agreed to consider code amendments to allow permissions for private use of “smoking clubs” in a work session held on January 24, 2023.

Mr. Threewitt presented the commission with the proposed changes to the municipal code, Section 12-153: Amends Smoking Ban to allow for the exception for private tobacco smoking establishments and to the Development Code, Section 24: Creates the definition of a Private Tobacco Smoking Establishment, defines in which zones the land use may operate, identifies special

conditions that apply to the use, structure, and operation of the smoking establishment. The proposed definition is as follows; "Private Smoking Club" means a not-for-profit organization, that maintains selective members, is operated by the membership, and has as its primary purpose the legal consumption or use of tobacco smoking products as an aspect of its recreational, fraternal, or social purpose for its members, but not for pecuniary gain, and which only sells or distributes alcoholic beverages to its members incidental to its operation. Further Development Code Amendments would include that Smoking Establishments must meet Special Conditions and would be allowed as a Use by Special Review in the following zones: C-H (Commercial High Intensity), MU-H (Mixed Use High Intensity), I-L, I-M, and I-H (All Industrial Zoned areas). Additionally, club membership must limit access to the public (no day passes, limited membership, etc.), club must be in a free-standing building or requires a separate access and constructed to limit smoke emissions from reaching other tenants within a building shared with other uses, may have an outdoor patio if not located adjacent to other business or residences or adjacent to a public right-of-way, sidewalk or trail, playground or adjacent patio space or similar, building signage limited to that allowed in a C-L (Commercial Low Intensity Zone), any on-site product sales are limited to members only, require a business license; alcohol sales may not exceed 20% of gross revenue, the Club is prohibited from any electronic arcade or gaming machines or allowing member to engage in games of chance.

Mr. Threewitt indicated that staff would recommend the commission to approve the motion as presented and offered to answer any questions. Chair Yeater invited the commission to ask any questions. Commissioner Briscoe asked what the purpose of the non-profit designation was. Mr. Threewitt replied that it indicates the establishment would be a private club, similar to an Elks Lodge. Discussion continued between the commissioners and Mr. Threewitt regarding membership for these clubs and what would qualify as membership. Becky Safarik also included that regulation of the business license for the club would regulate the non-profit requirements and ensure that they would be responsible for meeting the requirements for that part of the code. Discussion continued on how these requirements were determined to not create conflict in the other parts of the code, how the Use by Special Review would be established and maintained, and how the building department comes into play to ensure ventilation and separation of these establishments from other surrounding tenants including if the establishment utilized outdoor spaces. Without further questions, Mr. Threewitt indicated that this was not noticed as a public hearing, but public comment was welcome.

Chair Yeater opened to Public Comment at 1:29 pm. Seeing no one signed up to speak, Chair Yeater closed to Public Comment at 1:30 pm.

Commissioner Andersen moved that the Planning Commission approve the ordinance amending Title 12-153 and Title 24 of the Greeley municipal code relating to the allowance of private tobacco smoking establishments. Commissioner Franzen seconded the motion.

Motion carried 6-0. (Chair Schulte, absent)

6. Staff Report

Becky Safarik shared that there were not any items for the staff report and that there were three items for the workshop that staff is ready to proceed with when the commission is ready.

7. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 1:32 PM.

Justin Yeater, Chair

Becky Safarik, Secretary