

City of Greeley, Colorado  
**PLANNING COMMISSION PROCEEDINGS**

October 26, 2021

**1. Call to Order**

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

**2. Roll Call**

The hearing clerk called the roll.

**PRESENT**

Commissioner Erik Briscoe  
Commissioner Jeff Carlson  
Commissioner Brian Franzen  
Commissioner Larry Modlin  
Commissioner Christian Schulte  
Chair Justin Yeater

**ABSENT**

Commissioner Chelsie Romulo

**3. Approval of Agenda**

Ms. Safarik advised that there were no additions or corrections to the agenda. The agenda was approved as presented.

**4. Approval of September 28, 2021 Minutes**

Commissioner Franzen moved to approve the minutes dated September 28, 2021. Commissioner Modlin seconded the motion. Motion carried 6-0.

**5. Public hearing to consider a request to rezone 1.169 acres, including adjacent right-of-way to roadway centerline, from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) with a DCMP (Development Concept Master Plan), located at 2000 16<sup>th</sup> Street (Project No ZON2021-0008)**

Chair Yeater introduced the item. Brittany Hathaway addressed the Commission and stated that the request is for a rezone from Commercial Low Intensity to Commercial High Intensity with a Development Concept Master Plan (DCMP). She advised that the DCMP would limit high intensity uses typically permitted in a commercial high district such as bars and gas stations. Ms. Hathaway stated that the site is proposed for a drive-through coffee shop. She noted that the property is currently zoned to allow for a coffee shop, adding that the drive-through component is only permitted in a commercial high zone district.

Ms. Hathaway reported that there is a site plan and subdivision under review pending approval of this request, adding that the conceptual site layout on the DCMP matches that on the site plan under review. She described the surrounding zoning as commercial low with residential dwellings located southwest of the site. She stated that the immediate area includes a church, medical offices, North Colorado Medical Center and single-family homes. Ms. Hathaway presented several photographs of the site and surrounding area and noted the parking lot that is separately owned in the southwest corner adjacent to the residential properties.

Ms. Hathaway presented a zoning boundary map and pointed out the parcel requested for rezoning as well as up to one-half of the 16<sup>th</sup> Street right-of-way. She presented a proposed DCMP with the conceptual site layout and a list of restricted uses. Ms. Hathaway noted that the drive-through is planned to be situated toward 16<sup>th</sup> Street with required buffering near the residential area. She added that the southern portion of the site containing a parking lot would back up to the existing nearby parking lot.

Ms. Hathaway advised that the request meets the applicable rezone criteria in Development Code Section 24-625, adding that the request was submitted prior to adoption of the new development code and is subject to the 1998 development code standards. She summarized the conformance criteria and stated that the zoning has been in place for over 15 years, noting that the site has been vacant for approximately 7 years. Ms. Hathaway advised that the DCMP is provided to help mitigate any potential use conflicts. She stated that notice of the hearing was accomplished and that two comments were received, with one in support and the other in opposition to the request to rezone. Ms. Hathaway reported that a neighborhood meeting was hosted by the applicant in July 2021. Staff recommended approval.

Commissioner Franzen asked for clarification of the restricted uses. Ms. Hathaway presented a slide showing the types of uses that would be restricted in the future pursuant to the DCMP. Commissioner Schulte asked what might occur if the coffee shop proposed for the site left and, specifically, whether something like a fast food restaurant could take its place. Ms. Hathaway advised that other businesses, including drive-through restaurants, could be allowed on the site if the rezoning proposal is approved. Responding to a question from Commissioner Briscoe, Ms. Hathaway reported that there are no restrictions regarding hours of operation. Upon question by Commissioner Franzen, Ms. Hathaway reported that access to the site would be off 16<sup>th</sup> Street from the shared access easement identified on the site plan. Commissioner Carlson asked whether there were any anticipated traffic impacts with emergency vehicle traffic at North Colorado Medical Center. Ms. Hathaway advised that a traffic study was submitted indicating that traffic generated by a drive-through coffee shop would be minimal, adding that staff would review in more detail with the site plan.

Krysta Houtchens with Entitlements and Engineering Solutions, 501 S. Cherry Street, Glendale, Colorado, addressed the Commission and described some of the restricted uses identified by Ms. Hathaway. Ms. Houtchens advised that a traffic impact study was completed and analyzed for a 2200-square-foot coffee shop with a drive-through. She added that while some new traffic might be generated, the majority of traffic to the site would be passerby traffic. Ms. Houtchens stated that

part of the rezone request includes a standard to restrict noise to a safe level per state code. She described the standard noise from a sound box at a drive-through, adding that there is a two-foot grade change and additional landscaping for buffering. Ms. Houtchens presented a conceptual landscape plan showing the proposed buffering.

Chair Yeater referred to earlier questions by the Commission as to what might happen if the proposal is approved and a different business moved in. Upon question by Chair Yeater, Ms. Houtchens advised that there is a formal contract in place with Starbucks. Chair Yeater asked about the term of the contract.

Herndon Luce, Verdad Real Estate, 2301 W. 45<sup>th</sup> Avenue, Denver, Colorado, addressed the Commission and advised that the arrangement with Starbucks includes a 15-year lease. Upon question by Commissioner Modlin, Mr. Luce advised that most quick service restaurants might look at the space and would fit on the site. He added that Starbucks has been interested in the site for a couple of years to capture the hospital traffic and that the company is committed to the project. Mr. Luce reported that Starbucks very rarely shuts stores, especially those with a drive-through, and that the risk of a different business coming in is low. Upon question by Chair Yeater, Mr. Luce stated that Starbucks does not have any contingencies outside of the lease if it is unable to obtain the appropriate permits.

Chair Yeater opened the public hearing at 1:31 p.m.

Kathy Ensz, 1611 21<sup>st</sup> Avenue, addressed the Commission and stated that she was very much against allowing installing a Starbucks on the site. She expressed concern about increased traffic, noting that a junior high school is located one block away. Ms. Ensz stated that 16<sup>th</sup> Street is very busy and was concerned about such a commercial business in the area, adding that she was fine if a medical building was on the site. She did not feel that a Starbucks was needed in the neighborhood.

The public hearing was closed at 1:33 p.m.

Chair Yeater invited Ms. Hathaway to respond to some of the questions posed, particular regarding how a crosswalk might work. Ms. Hathaway advised that staff would review the site plan submittal as well as the traffic impact analysis, at which time staff might make recommendations such as a crosswalk. She pointed out the nearby pedestrian bridge and traffic lights. Ms. Hathaway advised that a coffee shop could be placed on the site now without a drive-through. Upon question by Commissioner Modlin, Ms. Hathaway presented a map and pointed out the access to the site. Commissioner Schulte confirmed that the Commission is being asked to approve a zone change and that the actual plan will go through staff for site plan approval. Ms. Hathaway confirmed Commissioner Schulte's statement. Upon further question by Commissioner Schulte, Ms. Hathaway stated that staff has an option to require sound buffering around the residential corner, adding that there will be a required landscape buffer at the southwest boundary.

Commissioner Franzen moved that, based on the application received and the preceding analysis, the Planning Commission find that the proposed rezoning from C-L (Commercial Low Intensity) to C-H (Commercial High Intensity) with a DCM (Development Concept Master Plan) meets Development Code Section 24-625(c)(3) a, b, f and g; and, therefore, recommend approval of the rezone to the City Council. The motion failed for lack of a second.

Commissioner Schulte offered his thoughts that adding a drive-through element, as well as other potential uses that could come in the future in a Commercial High Zone, seemed too intense for this area. He noted that it is a small, but busy street and felt it could be overwhelming to the surrounding areas. Commissioner Briscoe agreed and noted the single right exit from the hospital on 16<sup>th</sup> Street that is immediately adjacent to the site. He stated that the proposed project is too intense for the area and that there were some problems with the proposed site plan as well as potential alternate uses that could be established on the site in the future.

## **6. Staff Report**

Becky Safarik addressed the Commission and advised that staff would be presenting topics for future workshops. Mike Garrott, Planning Manager, thanked the commissioners for completing the survey and prioritizing topics that they would like to discuss. He advised that there might be opportunities for future trainings with the Department of Local Affairs (DOLA) in 2022. There was discussion about using case studies to discuss topics such as site planning, traffic and the impacts of larger developments on the community. Commissioner Briscoe noted the changes with the new development code and observed that it would be helpful to see a case study showing how a project might have been analyzed under the previous code as well as the new code. Ms. Safarik offered that it would also be helpful to bring back the "punch list" of items identified by the Commission for future review. Chair Yeater noted that another topic might be the city's policy around grass in public spaces and the "Life After Lawn" program.

Mr. Garrott advised that two planners, Caleb Jackson and Kira Stoller, had taken positions with other jurisdictions. He noted their hard work and contributions while working for the City.

## **7. Adjournment**

With no further business before the Commission, Chair Yeater adjourned the meeting at 1:55 p.m.

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Justin Yeater, Chair

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Becky Safarik, Secretary