

<b>PLANNING COMMISSION SUMMARY</b>
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**ITEM:** Text amendments to the Greeley Municipal Code including updating the allowance for child care centers/preschools and making various revisions and clarifications to Municipal Code

**PROJECT:** Chapter 24 Development Code Updates

**FILE NO:** CU2022-0002

**APPLICANT:** City of Greeley, Community Development Department

**CASE PLANNER:** Caleb Jackson, AICP | Planner III

**PLANNING COMMISSION HEARING DATE:** January 10, 2022

**PLANNING COMMISSION FUNCTION:**

The Planning Commission shall consider the staff report, along with testimony and comments made by the staff and the public and shall then make recommendations to the City Council regarding the proposed various amendments to the Development Code.

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**PROJECT OVERVIEW AND BACKGROUND:**

In 2021, the City of Greeley adopted a new Development Code. New codes generally require subsequent amendments to address omissions, correct technical errors, provide clarification, and include adaptations to achieve best practices.

This round of proposed changes is considered relatively ministerial; additional changes are being formulated by staff for future consideration. The proposed updates include clarification about minor variances, an update to neighborhood meeting requirements, updating the formula for park land dedication based on updated Census figures, restoring Child Care Center/Preschool to residential zones, adjusting home occupation processing, and clarifying some landscaping standards.

**KEY ISSUES / STAFF ANALYSIS:**

Article XIX, Section 19-1(b) of the Greeley Charter describes the role of the Planning Commission in providing land use recommendations to City Council. These proposed changes are relevant for the Commission's review and recommendation for Council consideration.

**NOTICE AND COMMENTS:**

Notice was published on the City of Greeley's website on December 16, 2022, pursuant to the City's notification requirements for revisions to the Development Code.

**PLANNING STAFF RECOMMENDATION:** Approval

**PLANNING COMMISSION RECOMMENDED MOTION:**

A motion that, based on the Project Summary and accompanying analysis, the Planning Commission finds that the proposed amendments to Chapter 24 of the Greeley Municipal Code as presented are necessary and appropriate to meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommend approval to City Council.

**ATTACHMENTS:**

Attachment A – Proposed Code Changes & Staff Analysis

Attachment B – Proposed Clean Version

# ATTACHMENT A

## Annotated Explanation of Code Changes

~~Strikethrough~~ = Text removed, deleted

**Bold, Italicized** = Text added/amended

*Italicized* = Explanation

### Topic: Minor Variances

***Staff Analysis:*** *Minor variances precede the 2021 major code update, and the following text amendment is intended to clarify which applications qualify as a minor variance that are reviewed administratively.*

#### **Proposed Changes:**

#### **24-209.c.3.(a)**

Variance to a setback, building location, or building height requirement by up to ***1 foot or*** 10% of the requirement, ***whichever is less***. ~~Where this would be less than 1 foot, the Director may approve a variance up to 1 foot.~~

### Topic: Neighborhood Meetings

***Staff Analysis:*** *Historically, the requirement for neighborhood meetings has been at the discretion of the Director and typically reserved for applications with significant public interest. The following text amendments are proposed to remove the requirement for neighborhood meetings in the PUD application category, and to provide the Director with latitude to require neighborhood meetings as needed. The Neighborhood Meeting column is proposed for removal to avoid duplication of requirements and standards found elsewhere in the Development Code regarding neighborhood meetings.*

#### **Proposed Changes:**

**Table 24-2-1: Procedures Summary**

Applications	Eligible Applicants			Pre-application Conference	Neighborhood meeting	Notice			Review Body			
	Owner	PC	CC			Post	Publish	Mail	Staff	PC	CC	ZBA
Minor Subdivision	✓			☑				☐	D	A	A	
Major Subdivision - Preliminary Plat	✓			☑	☐	☑	☑	☑	R	D/PH	A	
Major Subdivision – Final Plat	✓			☑					D	A	Ac	
Rezoning	✓	✓	✓	☑	☐	☑	☑	☑	R	R/PH	D/PH	

<b>Planned Unit Development (PUD)</b>	✓	✓	□	☒	☑	☑	☑	R	R/PH	D/PH
<b>Use By Special Review</b>	✓		☑	☒	☑	☑	☑	R	D/PH	A
<b>Site Plan</b>	✓		☑		□		□	D	A	A
<b>Alternative Compliance</b>	✓		☑				□	D	A	A
<b>Minor Variance</b>	✓		☑				□	D		A A
<b>Variance</b>	✓		☑		☑	☑	☑	R		A D/PH
<b>Appeal of Administrative Decision</b>	✓	✓	✓		□	□	□			A D/PH
<b>Text Amendment</b>		✓	✓			☑		R	R/PH	D/PH
<b>Easement Vacation/Dedication</b>	✓						□	D	A	A
<b>ROW Vacation/Dedication</b>	✓					☑	☑	R	R	D
<b>Annexation</b>	✓	✓	☑		☑	☑		R	R/PH	D/PH

☑ = Require

□ = Director Option

✓ = Authorized

PC = Planning Commission

CC = City Council

ZBA = Zoning Board of Appeals

R = Review and Recommending Authority

D = Decision Making Authority

Ac = Acceptance of Public Improvements

A = Appeal of Decision

PH = Public Hearing Required

## 24-201.e

**Neighborhood Meeting.** A neighborhood meeting may be required ~~prior to the formal public meeting as indicated in Table 24-2-1~~ **or elective as described in the options that follow.**

1. Director Option. At the pre-application meeting or in association with the review of an application, the Director may require a neighborhood meeting for any project ~~that requires formal review beyond staff, and~~ where:

- (a) the nature of the project is complex or presents potential for significant changes and unanticipated impacts on property in the vicinity;
- (b) the intensity of the proposed use or development is likely to present questions and concerns for adjacent property owners, beyond what may typically be allowed in the zoning district; or
- (c) the required notice or any courtesy notice sent to property owners generates significant questions or concerns.

2. ~~Required Meeting or Applicant Option. A neighborhood meeting is required for any PUD application, and an~~ **An** applicant may elect to have a neighborhood meeting ~~on any other project. These neighborhood meetings should be held prior to a formal application so that to gather~~ input and concerns of potentially impacted **parties**. ~~property may be considered in the initial application.~~

3. Meeting Format. Neighborhood meetings shall meet the following:

- (a) The Director shall coordinate the scheduling, meeting location, and notice;--
- (b) The meeting shall be held at a City facility; ~~or where~~ any other convenient and accessible public meeting facility within the general vicinity of the project, such as a school; **or** community recreation center;--
- (c) The applicant is responsible for all content of the meeting, which at a minimum

shall include:

- (1) The general nature and scope of the proposed project;
  - (2) A summary of the proposed land use, including planned and potential future uses associated with the application;
  - (3) The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
  - (4) Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
- (d) The applicant shall prepare minutes of the meeting including evidence of the notice, ***a list of attendees and any contact information provided***~~attendance~~, a copy of any presentation materials, a summary of the discussion and issues, and any outcomes or changes from the meeting. These minutes shall supplement the formal application.

#### **24-203.b.2.**

**Review Procedure.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to preliminary plat applications:

- (a) At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

#### **24-204.c.**

**Review Procedure.** In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to rezoning applications:

1. Applications may be accompanied by any preliminary plat, site plan, zoning suitability plan, or other plan necessary to review conformance with the Comprehensive Plan.
2. At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

## **Topic: Park Land Dedication**

### **Staff Analysis:**

*Calculation of park land dedication requirements are based on the number of people per residential unit. The proposed code update would reflect the 2020 US Census results for Greeley showing an average of 2.74 people per unit, an increase of .04 people per unit on average.*

### **Proposed Changes:**

**Table 24-3-5: Park Land Dedication**

Table 24-3-5: Park Land Dedication		
	Dedication Requirement	Formula
Total Acre Requirement	9.75 acres / 1,000 people	Units x 2.74 people / unit x 0.00975 acres / person
Neighborhood Park	3.25 acres / 1,000 people	Units x 2.74 people / unit x 0.00325 acres / person
Community Park	3.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0035 acres / person
Sports Complex	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person
Regional Park	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person

## **Topic: Child Care Center/Preschool**

**Staff Analysis:** *Child Care Center/Preschool was inadvertently disallowed in residential zoning districts with the 2021 major code update. The proposed update reverts to allowing child care center/preschool in R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zoning districts with a Use by Special Review and in R-H (Residential High Density) with an administrative site plan review.*

**Proposed Changes:**

**Table 24-4-2: Zoning Districts and Uses**

Table 24-4-2: Zoning Districts & Uses														
P = Permitted Use  S= Use by special review  blank = prohibited   <														

Entertainment / Event Establishments							P		P	P	P			
Food & Beverage – Bar Limited (< 3K GLA; < 100 seats)							P	P	P	P	P			

## **Topic: Home Occupations**

**Staff Analysis:** *Home occupation permits are issued in tandem with a business license from the Finance Department. The proposed update would align the duration of home occupation permits with the two-year duration of business licenses. Additionally, the update would revert to the process for approving home occupations before the 2021 major code update which did not require posted and mailed notification of home occupation applications to adjacent property owners.*

### **Proposed Changes:**

#### **24-403.11.e**

All home occupations shall require a permit issued by the Director according to the following:

- (a) An application form and **support** materials shall be submitted to the Community Development Department;
- ~~(b) Notice of a permit application shall be posted and mailed to all abutting or other affected property owners according to Section 24-201.f.~~
- ~~(e)~~ **(b)** The applicant shall submit the application concurrently to the Finance Department for approval of a business license.
- ~~(d)~~ **(c)** A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions of limitations to ensure that the criteria continue to be met;
- ~~(e)~~ **(d)** A permit shall be valid for ~~three~~ **two** years, but may be renewed for subsequent ~~three~~ **two**-year periods;
- ~~(f)~~ **(e)** A permit is valid only for the original applicant, and is not transferable to another person or to another location;
- ~~(g)~~ **(f)** The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation, or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.



## **Topic: Landscape Standards**

***Staff Analysis:*** Screening is an important strategy to ensure that visual impacts are appropriately mitigated. The proposed update aligns with previous practice to require screening from all rights-of-way and adjacent property. The update provides clarity that screening is needed along all rights-of-way, which includes sidewalks, alleys, and planned streets within dedicated rights-of-way. An additional update would refer to Water and Sewer Department standards for soil amendments required to attain xeriscaping raw water credits from the Water and Sewer Department.

### **Proposed Changes:**

#### **24-803.d**

**General Screening.** All of the following shall be screened from *rights-of-way* streets ~~and~~ ~~or~~ adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative solid fence, or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.

#### **24-804.d.4.**

Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas ~~should receive~~ **shall install** soil amendments **as required by the City of Greeley Water and Sewer Department adopted criteria.** ~~of at least 3 cubic yards per 1,000 square feet.~~

## ATTACHMENT B

### 24-209.c.3.(a)

Variance to a setback, building location, or building height requirement by up to 1 foot or 10% of the requirement, whichever is less.

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<b>Use</b>	<b>R-E</b>	<b>R-L</b>	<b>R-M</b>	<b>R-H</b>	<b>R-MH</b>	<b>C-L</b>	<b>C-H</b>	<b>MU-L</b>	<b>MU-H</b>	<b>I-L</b>	<b>I-M</b>	<b>I-H</b>	<b>H-A</b>	<b>C-D</b>
Animal Care – General (indoor, 5K-20K GLA or boarding)						S	P	S	P	P	P			
Animal Care – Large (outdoor or > 20K GLA)										P	P			
Animal Care – Stables (> 5 boarded animals)										S	S		S	
Auction Houses (excludes livestock)										P	P	P		
Automobile - Gas Station Limited (up to 8 pumps)						S	P	S	P	P	P	P		
Automobile - - Gas Station General (9 – 20 pumps)							P		S	P	P	P		
Automobile Gas Station Large (21+ pumps)							S			P	P	P		
Automobile - Repair/Service Limited (up to 3 service bays; < 0.5 acre)						S	P	S	P	P	P			
Automobile - Repair/Service General (4-6 service bays; 0.5 – 1.0 acre)							P		P	P	P			
Automobile - Repair / Service Large (7+ service bays; > 1 acre)							S			P	P			
Automobile - Repair / Service for Heavy vehicle and Equipment											P	P		

Automobile - Sales / Rental Limited (< 0.5 acre)						S	P			P	P			
Automobile - Sales / Rental General (0.5 – 1.0 acre)							P			P	P			
Automobile - Sales / Rental Large (> 1.0 acre)							S			P	P	P		
Child Care Home (accessory / home occupation – See 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P		
Child Care Center / Pre-School	S	S	S	P		P	P	P	P	S	S	S		
Drive-through services - Accessory						See Section 24-403.e.								
Entertainment / Event Establishments							P		P	P	P			
Food & Beverage – Bar Limited (< 3K GLA; < 100 seats)							P	P	P	P	P			

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- (c) A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions or limitations to ensure that the criteria continue to be met;
- (d) A permit shall be valid for two years, but may be renewed for subsequent two-year periods;
- (e) A permit is valid only for the original applicant, and is not transferable to another person or to another location;
- (f) The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation, or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

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