

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

August 23, 2022

**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**

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

**ABSENT**

Commissioner Jeff Carlson

**ONE VACANCY**

**3. Approval of Agenda**

The order of the items on the agenda needed to be rearranged. Upon correction of the order, Commissioner Franzen moved to approve the agenda. Commissioner Schulte seconded the motion.  
Motion carried 5-0. (Commissioner Carlson absent, one vacancy).

**4. Approval of July 26, 2022 Minutes**

Commissioner Schulte stated there was a typo in section 8 of page 7. The word was spelled as "perspective", but it should have said "prospective". Upon correction of the error, Commissioner Franzen moved to approve the minutes dated July 26, 2022. Commissioner Schulte seconded the motion. Motion carried 5-0. (Commissioner Carlson absent one vacancy).

**5. Commissioner Romulo Recognition**

Chelsea Romulo was recognized for her membership as a City of Greeley Planning Commissioner from March 2019 to June 2022. Commissioner Franzen moved to approve a resolution recognizing her service as a Planning Commissioner. Commissioner Schulte seconded the motion. Motion carried 5-0. (Commissioner Carlson absent, one vacancy).

**6. A public hearing to consider a request to rezone Lot B of Recorded Exemption No. 0705-08-3 RE-4144 from Residential Estate (RE) and Commercial Low Intensity (C-L) to Residential High Density (R-H) located at the Southwest corner of US Hwy 34 Bypass and 71st Avenue, ZON2022-0004 (Cobblestone Rezone).**

Kristin Cote, Planner III, presented the request and explained the intent of the applicant to rezone a vacant land located at the southwest corner of US Highway 34 Bypass and 71<sup>st</sup> Avenue. She also described the areas and structures nearby. Ms. Cote then spoke to a detailed market study provided by the applicant that demonstrated additional needs for higher density residential uses in the St. Michael's area, which would further support the existing commercial. Lastly, she noted that one e-mail was received from a resident expressing their concerns regarding the proposed rezoning.

Commissioner Schulte asked about the status of the oil and gas well. Ms. Cote replied by stating that two of the wells are abandoned and one is currently active.

Commissioner Modlin questioned whether estate lots were planned with this application. Ms. Cote responded by mentioning that there were no estate lots proposed as part of this rezone.

Commissioner Schulte queried if the area was ever subdivided. Ms. Cote explained that there had been a PUD application placed in 2019, but nothing came of it.

Max Moss, applicant, presented his request to the Commission. Mr. Moss stated that all remaining oil and gas wells have recently been capped and abandoned. He then described the quality development projects his company provides to communities. Mr. Moss discussed his market study, which he stated strongly supports the rezone in order to eliminate isolated small commercial parcels that have poor roadway access. The study also showed how mixed housing types are needed to sustain the St. Michael's commercial areas and the community as a whole. He further explained that micro areas need two to three times its current residential density to support sustainable walkable and bikeable services. Lastly, Mr. Moss stated his project would align with the City's historic and new city infrastructure investment and providing improvements to the housing mixture that would enable many new residential options, including missing middle housing types.

Commissioner Modlin asked about the percentage of apartments versus single-family units. Mr. Moss explained that 70% would be single-family and 30% would be apartments.

Chair Yeater asked the applicant to explain how the proposed units will be highly amenitized. Brian Bair, co-applicant, stated that they are currently working on a concept plan for such features. They hope to include amenities such as oversized gyms, coworking suites for remote workforces, pet spas, and DIY garages. Mr. Bair explained they are looking at the whole picture to enhance and provide amenities that do not currently exist in the adjacent Town Center.

Commissioner Franzen asked if they expect to have a special taxing district. Mr. Moss said the multi-family area will be excluded from the Cobblestone Metropolitan District.

Chair Yeater opened the public hearing at 1:37 p.m.

Stephanie Ludwigsen stated that she represents 46 homeowners who oppose the rezoning. She believes that adding more high-density development would take away available water for crops and livestock, which would severely impact surrounding areas. Ms. Ludwigsen stated that she also does not think the market data supports more multifamily residential.

Rebecca Funderburk noted that she and her husband have lived in the nearby area for 40 years. She stated they are concerned that the roads will not be able to handle many more units and also wondered if there would be any restrictions as far as what would be allowed in the high-density area.

Megan Devries told the Commission that she started the petition against the rezoning and noted residents in the area are worried about the crime rate going up due to higher density development. Ms. Devries also noted they do not believe the city is thinking long term when building these units. She said they are concerned that the increase in traffic would impede the timing for emergency services.

Lindsay Yeater voiced her concerns about the proposed rezoning and stated she believes the city is lowering its standards and trusting studies that are incomplete due to the fact that not all already approved apartments have been built yet. Ms. Yeater also noted her worry that this will drive away good workers that were born and raised in Greeley.

The public hearing was closed at 1:48 p.m.

Mr. Moss expressed his understanding and sympathy towards the public. He then noted that he believes in and trusts Mr. Bair's product. Mr. Moss also wanted to remind everyone that they are completely rebuilding and moving 28<sup>th</sup> street in accordance with the city's standards. He then touched on the fact that the market studies are accurate and reliable. Mr. Moss wrapped up by clarifying that they have only asked to rezone two acres from commercial to a higher density and the rest is being aligned to our the city's code.

Commissioner Franzen asked if the builder has a contingency plan if his proposal does not get approved. Mr. Moss said he does not have another plan at this point.

Chair Yeater asked the city staff what the procedure would be if the rezoning was approved. Ms. Cote said the next step would be for the applicant to apply for a subdivision that would come before the Planning Commission.

Commissioner Modlin asked if there would be three different plats since there are three different areas. Ms. Cote said it would depend how the applicant presents their platting plan, which could also come in phases.

Commissioner Briscoe requested that page 18 of the packet be shown to the public so they could view the surrounding zones. Ms. Cote said that information is also available on the City of Greeley Website.

Commissioner Schulte moved that based on the application received and the preceding analysis the Planning Commission find that the proposed rezone request

from Residential Estate Commercial Low Intensity to Residential High Density is in compliance with code section 24-204 and therefore recommend approval. Commissioner Modlin seconded the motion.

Commissioner Modlin then stated he thinks the plan shows good mixed use in a high amenity area. He also believes that the percentage of apartments is lower and does offer a blend of single-family ownership and smaller lots to a diverse area in order to help finish out St. Michaels complex.

Commissioner Schulte showed his support based on what the applicant presented and noted how this would be a good addition to the area.

Chair Yeater voiced his opinion about the project and stated how reluctant he is to change the zoning with conditions as they are. He also questioned the city's approval of more multifamily developments. Mr. Yeater also felt that the applicant could only provide generalities when questioned about the specifics of their design. He stated that usually means designs have not been solidified and is worried about them changing later. Mr. Yeater further expressed that since he did not have a better understanding of what would come in on the site if the rezoning is approved. For those reasons he would not be supporting this proposal.

Commissioner Schulte agreed with Chair Yeater but believes that historically there has been a need for multifamily, even if it seems the more prevalent development at present. He also thinks that the market accurately reflects that same viewpoint.

Commissioner Modlin said he is comfortable with the processes that have been established to make sure the developer follows through with what they've originally presented. He noted again how the mixed housing concept is strong and wants to support that.

Commissioner Yeater stated that he's challenged by not having a guarantee of what will be the final development.

Commissioner Briscoe said that from a rezoning standpoint the Commission is only there to consider the zoning at this time. He believes the project meets city code and will support this application.

Commissioner Schulte expressed his support as well and said he'd like to see St. Michaels reach its original plan by increasing the density in the area.

Lastly, Commissioner Franzen noted that as far as real estate goes, there is a need for those units from the movement in the market and believes there is a good buffer from the residential area to the highway in order to achieve that.

Chair Yeater called for a vote. The motion then carried 4-1. (Commissioner Carlson absent, one vacancy).

## **7. Staff Report**

Becky Safarik, Community Development Director, stated there were no items to report.

## 8. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:11 pm and those present moved into a workshop session to hear updates on the Transportation Master Plan and the proposed Water Efficiency standards.

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Justin Yeater, Chair

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Becky Safarik, Secretary

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