

PLANNING COMMISSION SUMMARY

ITEM: Various amendments to the Greeley Municipal Code including, regarding updating and clarifying the notice requirements for amendments to Final PUDs and major amendments to Development Concept Master Plan (DCMP) [Chapters 18.18 and 18.30], and changing the words public meeting to public hearing (Chapter 18.18.040), and clarification as it relates to freestanding sign calculations (Chapter 18.54)

PROJECT: Chapter 18 Development Code updates

FILE NO: CU2020-0003

LOCATION: (not applicable)

APPLICANT: City of Greeley, Community Development Department

CASE PLANNER: Mike Garrott AICP, Planning Manager

PLANNING COMMISSION HEARING DATE: December 8, 2020

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.

PROJECT OVERVIEW AND BACKGROUND:

Planning staff, from time to time, makes recommendations for various changes to the Development Code as part of an on-going effort to ensure the Code's effectiveness, accuracy, and functionality. Revisions are proposed to address inconsistencies that may have been discovered, or to improve the structure and allow easier use by the public and others who use the Code. Changes may also be proposed to address a new need in community development, either based on best professional practices, or to respond to a recent City issue.

This package of proposed changes are generally not considered substantive, but more ministerial in nature. The changes include updating and clarifying the notice requirements for amendments to Final PUDs and major amendments to Development Concept Master Plan (DCMP) (Chapters 18.18 and 18.30), changing the words public meeting to public hearing (Chapter 18.18.040) and clarification as it relates to freestanding sign calculations (Chapter 18.54).

The reasoning for specific changes follows each section of the Code where the amendment is proposed.

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 has been published in the Greeley Tribune on December 2, 2020, 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 18 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: Notice

Staff Analysis: *In 1976, the City revised the Development Code language related to the PUD amendment process. The update required that any changes to an approved Final PUD required 100% of the property owners within a PUD approve those changes, prior to the City approval. In 1998, the Development Code amendment reduced the amount of approvals to 75% of the land owners and not less than 75% of the land area. Over time, this provision has been challenging from an applicant perspective as City staff to continue to require this provision. Since applicants are required to seek approval from the other property owners within the PUD, often applications are delayed [(e.g. major corporation structures (locating someone that has the authority to sign)) or held up for other various reasons (sometimes competitor motivations). Applicants are often frustrated, expressing to staff that the process for amending a PUD was more like a de facto veto which required even more than a majority. In an effort to remedy this type of situation, some applicants have pursued rezoning to a traditional zone district, which by code, does not require approval from any property owners within the PUD, rather mailed notice to properties within 500 feet of the property in question. Removing the approval provision and replacing a requirement that all property owners be notified by both the applicant and the City should help to alleviate these issues, help streamline the approval process, and align the process with a rezoning application.*

As for the Development Concept Master Plan (DCMP), major changes to these types of plans only require notice to properties within 500 feet of a proposal, however, a DCMP may include a very large area of land and / or many property owners. As such, staff is recommending that major changes to a DCMP would require notice, not only to property owners within 500 feet of the application, but also to all properties and owners within the DCMP boundary.

The final change is to remove and replace the reference to public meeting and replace the language to a public hearing. This is necessary since, public meetings (as reference elsewhere in the Development Code) do not require notice, while public hearings require notice do require notice. This modification would align better with the rezoning application process.

Proposed Changes:

18.18.040 Public ~~meeting~~ **hearing notice.**

(a) Notification of a public ~~meeting~~ **hearing** at which a land use or development application is to be considered shall be given by posting a sign on the property and publishing a notice in the newspaper. A courtesy notice shall also be mailed to those property owners on the mailing list, the boundaries of which shall be determined by such things as proximity to the subject site, size

and height of the proposal for the subject site and the location of major roads. The boundaries of the area to be notified shall generally not exceed five hundred (500) feet. ***If the proposed land use consists of either a major amendment to a Final Planned Unit Development or a major amendment to an approved Development Concept Master Plan, all property owners within those boundaries shall also be notified.*** Public ~~meetings~~ *hearings* which ~~shall~~ require public notice shall be those meetings which are conducted by the Zoning Board of Appeals (~~vs~~ *Variances*), Planning Commission (~~to~~ *Uses by* ~~s~~ *Special* ~~r~~ *Review*, ~~f~~ *Final* ~~p~~ *Planned* ~~u~~ *Unit* ~~d~~ *Developments*, ~~a~~ *Appeals*) and the City Council (~~r~~ *Rezoning*s, ~~e~~ *Establishment* of ~~z~~ *Zoning*, ~~a~~ *Annexations*, ~~p~~ *Preliminary* ~~p~~ *Planned* ~~u~~ *Unit* ~~d~~ *Developments* or ~~a~~ *Appeals*).

18.30.055 Development ~~e~~ Concept ~~m~~ Master ~~p~~ Plan.

(d) Upon approval of a ~~d~~ *Development* ~~e~~ *Concept* ~~m~~ *Master* ~~p~~ *Plan* (DCMP) by the City Council, said plan shall remain effective until and unless a revised or amended ~~development concept master plan~~ *DCMP* plan is submitted to the City and approved using the same procedures under which the original plan was approved. Minor amendments shall be considered by the Planning Commission as long as none of the following are proposed:

- (1) There is an increase in the number of lots or housing units, or increase in square footage of nonresidential uses of more than five percent (5%).
- (2) There are changes in street alignment and/or access points, or other public improvements, such as drainage improvements or utility lines or facilities.
- (3) There are other changes in the design master plan which make it in nonconformance with the City's Comprehensive Plan. (~~Ord. 31, 2006 §1; Ord. 65, 2002 §1~~)

18.32.160 Amendments to approved Final Plans.

(d) In order for the City to consider a proposed PUD amendment, the applicant shall provide written ~~approval~~ ***notice to all property owners within the boundary of the PUD, unless noted otherwise within a previously approved PUD documents. The applicant shall submit a copy of the notice letter and a list of addressees to the Community Development Director with the application submittal documents.*** ~~of the proposed amendment by not less than seventy five percent (75%) of the owners of not less than seventy five percent (75%) of the land area for PUD plans approved after the effective date of this Code. PUD plans approved prior to the effective date of this Code shall require approval by one hundred percent (100%) of the property owners within the PUD. The applicant may submit at the time of initial Final PUD approval, and the City may approve, a provision which permits less than seventy five percent (75%) of the owners of not less than seventy five percent (75%) of the land area in a PUD to approve of a proposed PUD amendment. In no event shall an amendment be permitted which has less than fifty one percent (51%) of the owners of less than fifty one percent (51%) of the land area giving written approval for the proposed amendment.~~

Topic: Freestanding Signs Calculation

Staff Analysis: *The calculation of freestanding signs setback between 51 feet to 99 feet is currently missing the multiplier after {Setback minus 50 (missing x 0.26)}. Staff determined that the missing multiplier is a simple omission within the current code. This calculation has not changed since the 1998 development code update.*

Proposed Changes:

Chapter 18.54

Signs

(d) Freestanding and Monument sign.

(5) The maximum height of freestanding signs shall be as follows:

b. In the C-H, I-L, I-M and I-H zone districts, the maximum height is as follows:

<u>Setback</u>	<u>Maximum Height</u>
Less than 50 ft.	12
51 ft. to 99 ft.	(Setback minus 50x 0.26) plus 12
100 ft. or greater	25

ATTACHMENT B

Chapter 18.18

Notice

18.18.040 Public hearing notice.

(a) Notification of a public hearing at which a land use or development application is to be considered shall be given by posting a sign on the property and publishing a notice in the newspaper. A courtesy notice shall also be mailed to those property owners on the mailing list, the boundaries of which shall be determined by such things as proximity to the subject site, size and height of the proposal for the subject site and the location of major roads. The boundaries of the area to be notified shall generally not exceed five hundred (500) feet. If the proposed land use consists of either a major amendment to a Final Planned Unit Development or a major amendment to an approved Development Concept Master Plan, all property owners within those boundaries shall also be notified. Public hearings which shall require public notice shall be those meetings which are conducted by the Zoning Board of Appeals (Variances), Planning Commission (Uses by Special Review, Final Planned Unit Developments, Appeals) and the City Council (Rezoning, Establishment of Zoning, Annexations, Preliminary Planned Unit Developments or Appeals).

18.30.055 Development Concept Master Plan.

(d) Upon approval of a Development Concept Master Plan (DCMP) by the City Council, said plan shall remain effective until and unless a revised or amended DCMP plan is submitted to the City and approved using the same procedures under which the original plan was approved. Minor amendments shall be considered by the Planning Commission as long as none of the following are proposed:

- (1) There is an increase in the number of lots or housing units, or increase in square footage of nonresidential uses of more than five percent (5%).
- (2) There are changes in street alignment and/or access points, or other public improvements, such as drainage improvements or utility lines or facilities.
- (3) There are other changes in the design master plan which make it in nonconformance with the City's Comprehensive Plan.

Chapter 18.32

Planned Unit Development

18.32.160 Amendments to approved Final Plans.

(d) In order for the City to consider a proposed PUD amendment, the applicant shall provide written notice to all property owners within the boundary of the PUD, unless noted otherwise

within a previously approved PUD documents. The applicant shall submit a copy of the notice letter and a list of addressees to the Community Development Director with the application submittal documents.

Chapter 18.54

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Less than 50 ft.	12
51 ft. to 99 ft.	(Setback minus 50x0.26) plus 12
100 ft. or greater	25