

Chair Yeater expressed the importance that City Council understand the position of the Planning Commission that the definition of “family” needs to change before a code update. He asked staff to explain what can be done to change the enforcement of this and added that the conversation might have been different if the issues of noise, trash and parking could have been addressed in a more comprehensive way.

Community Development Director, Brad Mueller, asked whether it was the preference of the Commission to address Chair Yeater's concerns now or in the future and reminded the Commission that staff has been asked by the City Manager's Office to look at additional tools to assist with enforcement. He noted the limited number of Code Compliance inspectors and available resources. Mr. Mueller stated that there is a metric to record observed violations and that in terms of enforcing the family definition, the tools to enforce remain limited to a “knock and talk” and reliance on the information reported. He committed to looking at the issue in the future.

IV. Public hearing to consider amendments to Title 24 of the 2021 Greeley Municipal Code to adopt Chapter 1 (General Provisions) and Chapter 2 (Procedures) as part of the overall code update to be adopted by ordinance at a future date

Project: Title 24 – Chapters 1 & 2, Development Code Update

Case No.: CU2021-0002 & CU2021-0003

Applicant: City of Greeley, Community Development Department

Presenter: Carol Kuhn, Chief Planner

Carol Kuhn addressed the Commission and advised that the item was to adopt Chapters 1 and 2 of the Development Code and hold a public hearing on the items. She revised the schedule of Planning Commission and City Council meetings, hearings and worksessions.

Ms. Kuhn advised that although Chapter 1 had previously been brought before the Commission as a hearing item, it was being brought back today due to a revised adoption schedule requiring a modified recommendation by the Commission. She acknowledged the typographical errors identified by Commissioner Andersen and stated that they will be corrected and captured in the final document that will be presented to City Council.

Ms. Kuhn briefly reviewed the provisions of Chapter 1 presented at an earlier hearing and summarized the proposed revisions. She presented a section map for Chapter 2 and advised that a summary table has been added that distills all applicable processes into a single table for ease of use. Ms. Kuhn described several of the enhancements to the Planned Unit Development and Subdivision processes, noticing requirements, enhanced signage, and clarity for handling concurrent applications. She clarified the review criteria regarding alternative compliance, including clarification of the variance approval criteria.

Ms. Kuhn described efforts to provide notice of the hearing, including publication in the newspaper and posting on the City website. She added that referrals were sent to other jurisdictions and that staff had sent the proposed revisions to applicants who had submitted projects during the past two years for comment,

adding that at least one applicant had responded and was in favor of the revisions. Staff recommended approval of the proposed revisions to Title 24, Chapters 1 and 2 and offered to answer questions.

Commissioner Andersen asked about the revisions regarding alternative compliance and sought to clarify whether it would allow flexibility for staff to achieve compliance without the necessity to require a variance request. Ms. Kuhn advised that the Code already contains an alternative compliance option, adding that the revised language will allow more decisions at the staff level with requests coming to the Commission as necessary. She explained the rationale for changing the variance criteria and advised that applicants would still have the ability to appeal decisions to the Planning Commission. Chris Brewster addressed the Commission and added that an applicant would have the ability to appeal to the Commission if a request for alternative compliance is denied. He stated that the goal is to make alternative compliance and variances distinct actions where alternative compliance deals more with design standards.

Upon question by Commissioner Modlin, Ms. Kuhn advised that the Code currently does not address timelines or expiration dates associated with land use applications. She stated that in the past, an applicant may submit an application and never be heard from again, adding that an expiration date would cause a case to be closed due to inactivity. Ms. Kuhn added that staff strives to move applications quickly and that most are reviewed in two to three weeks.

Upon question by Commissioner Schulte, Ms. Kuhn advised that to date staff has not undertaken random samples of applications to analyze how Code revisions might have impacted the number of hearings, amount of staff time to determine if the revisions will achieve greater efficiency. She added that Chapters 1 and 2 deal more with "housekeeping" items. Commissioner Schulte asked whether there was a sense of how many of variance requests before the Commission might have been denied because all criteria had not been met. He also asked how any variance requests might have been resolved prior to a hearing based on the new alternative compliance criteria being proposed. Ms. Kuhn responded that staff had not done that analysis, adding that the proposed revisions go along with the flexibility being built into the residential standards and commercial standards.

Chair Yeater opened the public hearing at 2:15 p.m. There being no communication by U.S. mail, email, Zoom Chat or Q&A, the public hearing was closed at 2:15 p.m.

Commissioner Romulo moved that, based on the project summary and attached drafts of Chapters 1 and 2, the Planning Commission finds that the proposed revisions to Chapters 1 and 2 are consistent with the City's Comprehensive Plan and are necessary and appropriate in meeting the intent of the Comprehensive Plan and to clarify administration of the Development Code, and recommends that the City Council adopt Chapters 1 and 2 of Title 24 as shown in Attachments A and C. Commissioner Andersen seconded the motion.

Chair Yeater noted that after going through a rezone process personally, the proposed revisions answer many of the questions and provide clear expectations. He was excited to see how this will help with future development.

Motion carried 7-0.

V. Staff Report

Mr. Mueller thanked members of the Commission for their time and effort in deliberating complicated items. Chair Yeater offered his thanks to everyone for dedicating their time and providing feedback to reach a conclusion toward improving the existing household occupancy standard, adding that he valued the feedback offered by each member and appreciated everything they do to serve the citizens of Greeley.

VI. Adjournment

With no further business before the Commission, Char Yeater adjourned the meeting at 2:25 p.m.

Justin Yeater, Chair

Brad Mueller, Secretary