

## PLANNING COMMISSION SUMMARY

**ITEMS:** Rezone from H-A (Holding Agriculture) to PUD (Planned Unit Development) and a Preliminary PUD Plan

**FILE NUMBER:** ZON2021-0009 and PUD2021-0013

**PROJECT:** Delantero Preliminary PUD

**LOCATION:** South of U.S. Highway 34, East of CR 17, and West of State Highway 257

**APPLICANT:** Rick Haering, LAI Design Group, on behalf of APEX VISTA, LLC

**CASE PLANNER:** Darrell Gesick, Planner III

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

### PLANNING COMMISSION FUNCTION:

The Planning Commission shall consider the staff report, along with testimony and comments made by the applicant and the public and shall then make a recommendation to the City Council regarding the applications in the form of a finding based on the review criteria in Sections 24-583, 24-625(c)(3) and 24-663(b) of the 1998 Development Code.

### EXECUTIVE SUMMARY

The City of Greeley is considering a request to a rezone approximately 822 acres from H-A (Holding Agriculture) to PUD (Planned Unit Development) and to establish a Preliminary PUD Plan, known as the Delantero PUD, for property located south of U.S. Highway 34, east of CR 17, and west of State Highway 257 (see Attachments A, B and C).

### A. REQUEST

The proposed PUD would consist of a mix of residential, commercial, and industrial uses. Parks, open space, and trails are incorporated into the project to allow for pedestrian connectivity throughout the development and to connect to future trail systems. Overall, the theme that the developer is attempting to meet is to honor the agricultural heritage of Greeley (see Attachment C).

Residential units would include single-family detached, courtyard single-family detached, two-family attached, townhomes, and multi-family throughout the development. Approximately 421 acres is intended for residential development. It is anticipated that the residential units could range from 2,418 residential units to 5,841 residential units on the subject site.

Commercial and industrial areas are planned to be next to major roadways to minimize impacts to lower density residential. Commercial and industrial areas would account for approximately 110 acres of the overall development.

A school site is planned to be centrally located within the development. Community amenities would include several parks that would provide recreation opportunities. Parks and open space would account for approximately 140 acres. The remaining acreage would be used for rights-of-way, detention ponds, and existing oil and gas facilities.

The Delantero PUD has provided a table of land uses for each planning area alongside specific development standards. A total of eight planning areas are proposed as part of the overall development. Development standards can be found on Sheets L5.0, L6.0, and L6.2 of the PUD Document. Reduced lot sizes, setbacks, and variations in building heights as proposed are supplemented by specific residential development standards to ensure a cohesive environment, as well as trail connectivity and access to parks and open spaces (see Attachment D).

## **B. STAFF RECOMMENDATION**

Approval

## **C. LOCATION**

### **Abutting Zoning**

North: H-A (Holding Agriculture)

South: I-M (Industrial Medium Intensity), H-A, Weld County A (Agricultural)

East: C-H (Commercial High Intensity), I-M, and Weld County A (Agricultural)

West: Weld County A (Agricultural)

### **Abutting Land Uses**

North: Undeveloped and Oil and Gas

South: Undeveloped, Oil and Gas, City of Greeley Water Storage

East: Undeveloped, Oil and Gas, Various Industrial Users

West: One Single-Family Dwelling and Undeveloped

### **Site Characteristics:**

The site is undeveloped agricultural land. There are several oil and gas wells and tank batteries on the subject site. The subject site is currently used for dryland farming.

## **D. BACKGROUND**

The subject site was annexed and zoned H-A (Holding Agriculture) in 2000, as part of the Goldhill Annexations 1, 2, and 3 (File Nos. A 15:00, 16:00, 17:00 and Z 31:00, Z 32:00, and Z 33:00). The site has remained as an agriculture use, primarily dryland farming, for many decades with some oil and gas drilling operations also occurring on the site.

## **E. APPROVAL CRITERIA**

### **Standards for Rezoning (ZON2022-0001):**

**In reaching recommendations and decisions as to rezoning land to the PUD district, the Planning Commission and the City Council shall apply the following standards in addition to the standards and procedures of Section 24-625(c)(3) of the 1998 Development Code applicable to the rezoning of land:**

**a. Has the area changed, or is it changing to such a degree that it is in the public interest to rezone the subject property to encourage development or redevelopment of the area?**

Staff Comment: Since the project was annexed into the City of Greeley in 2000, the subject property has historically been utilized for agricultural uses, primarily dryland farming. In addition, there has been several oil and gas drilling operations that have occurred on the site over time.

The immediate surrounding area and land use approvals have changed significantly in the past few years. Land uses adjacent to this development include the Highpoint Industrial Park to the east, which has been developing with both industrial and commercial uses over the last several years. In addition, properties located in the Town of Windsor to the northwest of the subject site have developed with car dealerships and the expansion of the Aims Community College Campus. The land uses in the nearby Promontory development, as approved, continue to be developed with predominately residential land uses, but also include existing large corporate uses. Recent PUD's such as Lake Bluff, The Cache, the Poudre River Ranch, and the Poudre Heights have been approved to include a mix of residential, commercial, and industrial uses.

The request complies with this criterion.

**b. Has the existing zoning been in place for at least fifteen (15) years without substantial development resulting and does the existing zoning appear to be obsolete, given development trends?**

Staff Comment: The existing H-A zoning has been in place since 2000, which is 22 years, without any proposed developed. Development trends appear to show development for Greeley moving west. Other nearby jurisdictions also appear to be developing, or have proposals in for review, for various properties along U.S. Highway 34 going towards I-25. The proposed development would not be inconsistent with the development trends that are occurring along the corridor.

The request complies with this criterion.

**c. Are there clerical or technical errors to correct?**

Staff Comment: There are no clerical or technical errors to correct.

This criterion is not applicable.

**d. Are there detrimental environmental conditions, such as flood plains, presence of irrigation ditches, inadequate drainage, slopes, unstable soils, etc., that may affect future development of this site and which may not have been considered during the original zoning of the property?**

Staff Comment: There are active and plugged and abandoned oil and gas facilities on the subject site. Those impediments would primarily be taken into account at the time of subdivision and should not impact the rezone request. However, the proposed PUD does take into account setbacks for development around the oil and gas facilities. Staff is unaware of any additional detrimental environmental conditions on the property.

This request complies with this criterion.

**e. Is the proposed rezoning necessary in order to provide land for a community related use which was not anticipated at the time of adoption of the City's Comprehensive Plan; or have the policies of the City changed to the extent that a rezoning is warranted?**

Staff Comment: The Comprehensive Plan designates the subject area primarily as “Employment, Industrial, and Commercial” for the area adjacent to U.S. Highway 34, and “Suburban” for the remainder of the land. This PUD proposes a variety of residential housing options and includes opportunities for commercial, industrial, and mixed-uses to support existing and future residents in the area which are supported by the City’s current Comprehensive Plan. In addition, the proposed PUD is consistent with an IGA (Intergovernmental Agreement) that currently exists between the City of Greeley and The Town of Windsor. The IGA consists of land uses in specific areas, which the Delantero PUD takes into account throughout the PUD design.

The request complies with this criterion.

**f. What is the potential impact of the proposed rezoning upon the immediate neighborhood and the City as a whole (including potential noise and environmental impacts, visual impacts, the provision of City services such as police, fire, water, sewer, street and pedestrian systems and parks and recreation facilities)?**

Staff Comment: The proposed PUD would have a greater impact on city services upon development of the site.

There are active and plugged and abandoned oil and gas facilities on the subject site. Those impediments would primarily be taken into account at the time of subdivision and should not impact the rezone request. The proposed PUD does take into account setbacks for development around the oil and gas facilities.

To mitigate visual impacts to the surrounding area, the appropriate buffering and perimeter treatment would be evaluated as part of the subdivision and site plan review process, which would lessen any potential visual impacts. This would also include the appropriate landscaping treatment along U.S. Highway 34 as called out in the 1994 City of Greeley Entryway Master Plan.

Impacts to Police and Fire due to an increased residential population and commercial centers may occur. A new fire station, Fire Station #6, was recently built approximately 1.5 miles to the northeast of the subject site.

Water and sanitary sewer lines would have to be extended from existing development to serve the subject site. Drainage, water, and sewer would be addressed at time of subdivision. For additional comments on water, sewer, and drainage, please see Section G of this report.

As part of the overall development, additional rights-of-way would be dedicated. It is anticipated that these improvements would be funded by the Metropolitan District (if approved) or other resources that would be presented to staff and City Council in the near future. Exact roadway alignments and dedication would be determined at the time of subdivision. For additional comment on transportation, please see Section F of this report.

The PUD proposes to provide parks, open space, and trail systems to support the development and provide public connectivity through safe and well-planned means. All impacts and improvements would be further addressed at the time of subdivision.

Any potential noise created by future development would be regulated by the Municipal Code. The request complies with this criterion.

**g. Is there clear and convincing evidence that the proposed rezoning will be consistent with the policies and goals of the City's Comprehensive Plan and comply with applicable zoning overlay requirements?**

Staff Comment: The subject property was reviewed against the policies regarding zoning overlay requirements. This criterion is similar to specific criteria governing the Preliminary PUD. The proposal generally complies with the City's Comprehensive Plan. Policies are outlined as part of the standards for PUD establishment and can be found below in this report. In addition, the proposed PUD is consistent with an IGA (Intergovernmental Agreement) that currently exists between the City of Greeley and The Town of Windsor. The IGA consists of land uses in specific areas, which the Delantero PUD takes into account throughout the PUD design.

The request complies with this criterion.

**h. What is the potential impact of the proposed rezoning upon an approved zoning suitability plan for the property?**

Staff Comment: The proposed Zoning Suitability Plan submitted with this application demonstrates, on a conceptual level, that the site should be able to develop in accordance with the Development Code (see Attachment F).

This request complies with the criterion.

**Standards for PUD establishment (PUD2019-0007):**

Per Section 24-663 of the 1998 Development Code, in reaching recommendations and decisions as to rezoning land to the PUD district, the Planning Commission and the City Council shall apply the following standards in addition to the standards and procedures of Section 24-625 applicable to the rezoning of land:

**Area Requirements.** *The area of a proposed PUD shall be of substantial size to permit its design and development as a cohesive unit fulfilling the stated purpose of these regulations and to establish the PUD as a meaningful part of the larger community. Each proposed PUD shall therefore be evaluated as to its adequacy in size with respect to both the nature and character of its internal design and to its specific location within the City. The minimum size of a PUD to be considered for establishment shall be two (2) acres.*

Staff Comment: The proposal meets this requirement. The area of the proposed PUD is approximately 822 acres.

**Consistency with the Land Use Chapter of the Comprehensive Plan.** *A PUD proposal shall be found to be consistent with all applicable elements of the Land Use Chapter of the City's adopted Comprehensive Plan with respect to its proposed internal design and use and its relationship to adjacent areas and the City as a whole before it may be zoned as a PUD.*

- The following Comprehensive Plan goals are met with this PUD proposal:
  - ED-1: Promote a healthy, progressive, and competitive local economy.
    - The proposal provides future employment and tax base opportunities while proposing commercial development to benefit residents of West Greeley.
  - EH-2: Integrate healthy living into community planning and development.
    - The proposal provides several parks and a community separator. The project's trail system would also connect to adjacent future development that would provide additional trail and open space systems. The trail network will also provide for pedestrian walkability to commercial areas, encouraging an active lifestyle.
  - EH-4: Support and collaborate with the City's school districts.
    - The applicant has worked with the Weld RE-5J School District to ensure their future school site(s) would be met. The applicant has shown a future school site on the PUD plans. Land dedication would occur at the time of subdivision.
  - GC-1: Manage growth effectively.
    - The proposed PUD has taken into account road alignments for future developments. The PUD was also reviewed against the neighboring existing development to ensure effective growth for future expansion of utilities.
  - CG-2: Promote a balanced mix and distribution of land uses.
    - The proposed PUD offers a mix of residential, commercial, industrial and mixed-uses with suitable transition between these areas. Commercial and industrial development would also provide for employment opportunities.
  - CG06: Maintain and enhance the character and inter-connectivity of Greeley's neighborhoods.
    - The Delantero PUD is envisioned as a complete neighborhood, offering a mix of uses and multi-modal connectivity while incorporating a high level of design criteria with a theme to honor the agricultural heritage of Greeley. The PUD was also designed to be cohesive with future development through land use, trail, and roadway alignments.
  - HO-2: Encourage a broad diversity of housing options.
    - The PUD would provide a variety of housing types including multi-family, single family detached, and single family attached.
  - PR-1: Develop and maintain an inter-connected system of parks, trails, and recreational facilities.
    - The Delantero PUD has planned several parks and trail systems that not only are planned to connect within the Development, but to also connect to future trail connections in the area.

## **F. PHYSICAL SITE CHARACTERISTICS**

### **1. SUBDIVISION HISTORY**

The property is not part of a formal subdivision at this time. A subdivision is not required as part of the rezoning process. After the PUD process, it is anticipated that the applicant would submit preliminary and final subdivisions to create the lots that the applicant proposes to develop.

### **2. HAZARDS**

There are a number of active and plugged and abandoned well sites within the proposed development that would require additional building setbacks. Those impediments would primarily be taken into account at the time of subdivision and should not impact the rezone request. The proposed PUD plan does take into account setbacks for development around the oil and gas facilities. In addition, there are overhead powerlines adjacent to and on the subject site. Staff is unaware of any other hazards on the property.

### **3. WILDLIFE**

A small portion of the southeast corner of the property is located within the area identified for moderate impacts to wildlife. In accordance with Section 24-1217(b) of the City's Development Code, a biologist's report will be required to be submitted at the time of subdivision for any development that may occur near the impacted area.

### **4. FLOODPLAIN**

The intended development area is not located within the 100-year floodplain, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

### **5. DRAINAGE AND EROSION**

Increases in stormwater flows from this development would be addressed with four on-site detention ponds, which would be designed to limit runoff to the required historical flows and provide the required water quality.

Erosion control devices would be designed by the developer and reviewed by the City at time of construction to ensure that best management practices are utilized as the project progress.

### **6. TRANSPORTATION**

The subject property is adjacent to U.S. Highway 34, Weld County Road 17, State Highway 257, and Weld County Road 56.

No direct access to the property is proposed or would be allowed to/from U.S. Highway 34. Access along Weld County Road 17 would be proposed at the northwest corner of the site. This access would be shared with the property to the north. Property owners to the north have indicated that they are agreeable to this common access.

Along State Highway 257, the primary site access would be proposed in alignment with West 24<sup>th</sup> Street. There would be a secondary access to the south along State Highway

257, and a future potential access to the north of the primary access. This future potential access is subject to approval by the Colorado Department of Transportation and the City of Greeley and will be evaluated at the time of site subdivision.

There are four secondary site accesses that are proposed along Weld County Road 56 with this submittal.

In addition, there would be an east-west spine road, along with several additional interior roads, that would serve the site and provide connectivity between the proposed planning areas.

All roadway improvements would be determined at time of development and would be routed to the appropriate agencies for review and comment.

Further subdivision of the property would require the dedication of public rights-of-way as necessary to support the development. Roadway upgrades, extensions, and realignments are also anticipated as part of the future development of the site.

Engineering Development Review, along with the Transportation Planner for the City of Greeley, reviewed the Traffic Study as part of the land use process. The City of Windsor, Colorado Department of Transportation, and Weld County also reviewed the proposal as referral agencies in the process. At this time, staff has no significant concerns. Further traffic analysis will occur at time of subdivision.

## **G. SERVICES**

### **1. WATER**

The City of Greeley would provide water services to the area. Potable water lines would connect to existing water mains which run along the north and east property boundaries, as well as connecting to an existing potable water main which runs north-south from the existing Gold Hill Elevated Water Tank. Non-potable water for irrigation needs would be utilized within the site. A future irrigation pond and pump station would be designed and constructed by the applicant to serve the property. Water provisions, including non-potable, within the development would be reviewed at time of subdivision.

### **2. SANITATION**

The City of Greeley would provide sanitary services to the area. Sanitary Sewer connections would be made to an existing 15" main near the east side of the property and to a future sewer line and regional lift station which would be south of the property. The future sewer main and regional lift station are part of the City of Greeley Sanitary Sewer Master Plan. In addition, an onsite lift station on the north side of the property would be designed and constructed to pump flows to the existing main and onto the Sheep Draw trunk line.

Sanitary Sewer and any applicable agreements in relation to the IGA with the Town of Windsor would be reviewed at time of subdivision.

**3. EMERGENCY SERVICES**

The property is served by the City of Greeley's Police and Fire Departments. Fire Station #6 is located at the intersection of U.S. Highway 34 Bypass and Promontory Parkway, approximately 1.5 miles to the northeast of the subject site.

**4. PARKS AND OPEN SPACES**

The proposal includes seven potential parks and a community separator on the western portion of the development. Also proposed are various trails throughout the development. The sizes of the parks would be determined at the subdivision level.

**5. SCHOOLS**

The subject property is located within the Weld RE-5J School District. A school site is not required to be dedicated with this project; however, the applicant has been in discussion with the RE-5J school district about land dedication for a future school.

**6. METROPOLITAN DISTRICT**

The applicant intends to finance many of the on- and off-site improvements for the development by means of a Metropolitan District or other financial resources. This district is still under review and is anticipated to go before City Council in the near future (MD2021-0001).

**H. NEIGHBORHOOD IMPACTS**

**1. VISUAL**

No visual impacts are anticipated with this rezone request. Any development plan application for the property would be reviewed for compliance with the City's Development Code requirements regarding visual impacts. Visual impacts will be reviewed for at the time of subdivision against landscape and buffer requirements set forth in Code.

**2. NOISE**

No noise impacts are anticipated with the rezone request. Any potential noise created by future development would be regulated by the Municipal Code. Any potential noise created by future development will be regulated by the Municipal Code.

**I. PUBLIC NOTICE AND COMMENT**

Neighborhood notices for this meeting were mailed to surrounding property owners on April 15, 2022, per 1998 Development Code requirements. Signs were also posted on the site on April 15, 2022. As of May 5, 2022, no comments have been received from surrounding property owners.

#### **J. MINERAL ESTATE OWNER NOTIFICATION**

Required mineral rights notifications were mailed on April 11, 2022, by the applicant. Comments have been received from the owner of the minerals (see Attachment G). The owner of the minerals has concerns that a surface agreement has not been agreed upon with the applicant.

#### **K. PLANNING COMMISSION RECOMMENDED MOTIONS**

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from H-A (Holding Agriculture) to Planned Unit Development (PUD) is in compliance with the 1998 Development Code, Section 24-625(c)(3) a, b, d, e, f, g and h, and therefore, recommends approval (*or denial*) with the following condition:

The approval is contingent upon compliance with Colorado Revised Statutes, Section 30-28-133(10) (Attachment G).

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed The Delanero Preliminary PUD Plan is in compliance with the 1998 Development Code, Section 24-625(c)(3) a, b, d, e, f, g, and h, and Section 24-663(b) and, therefore, recommends approval (*or denial*) with the following condition:

The approval is contingent upon compliance with Colorado Revised Statutes, Section 30-28-133(10) (Attachment G).

#### **ATTACHMENTS**

Attachment A – Zoning/Vicinity Map

Attachment B – Photo Aerial Map

Attachment C – Project Narrative

Attachment D – PUD Document

Attachment E – Intergovernmental Agreement with Windsor

Attachment F – Notification Boundary

Attachment G – Opposition Letter