

City of Greeley, Colorado  
**PLANNING COMMISSION PROCEEDINGS**  
September 13, 2022

**1. Call to Order**

Vice Chair Briscoe called the meeting to order at 1:16 p.m.

**2. Roll Call**

The hearing clerk called the roll.

**PRESENT**

Commissioner Louisa Andersen  
Commissioner Erik Briscoe  
Commissioner Jeff Carlson  
Commissioner Larry Modlin

**ABSENT**

Chair Justin Yeater  
Commissioner Brian Franzen  
Commissioner Christian Schulte

**3. Approval of Agenda**

There were no corrections or additions to the agenda. It was approved as presented.

**4. Approval of August 23, 2022, Minutes**

Commissioner Modlin moved to approve the minutes dated August 23, 2022. Vice Chair Briscoe seconded the motion. Motion carried 4-0. (Commissioners Yeater, Franzen, and Schulte absent.)

**5. A public hearing to consider a request from Santiago Escobedo, on behalf of MCVI Boomerang Greeley, LLC, to remove the Boomerang Ranch Phase 2 Development Concept Master Plan (DCMP). The applicants are proposing to remove the DCMP, which restricts development to certain uses and a specific design, to allow for more development options for the subject site. The property is zoned C-L (Commercial Low Intensity) with a DCMP and C-L (Commercial Low Intensity) and is located south of 10th Street, east of 83rd Avenue, north of 12th Street, and west of 80th Avenue.**

Darrell Gesick, Planner III, pointed out the location of the site, which is undeveloped. He then described the history and zoning of the site and zoning and uses for the surrounding areas. He stated that if the current owner of the land would like to develop the site, they would be held to the approved Development Concept Master Plan that is presently in place. The current owner would like to remove the existing Master Plan to allow for more options on site design and uses. In order to remove the Master Plan, the same process that established that plan must be followed, which includes a public hearing and City Council approval. Mr. Gesick described that there

is a ditch located on the northwest portion of the site and an abandoned wellhead on the southeast corner. The ditch is anticipated to be relocated with the development of the site. The applicant is also proposing to create five commercial lots along 10<sup>th</sup> street. The properties south of the commercial lots would be platted into three tracts as part of proposed future development. Mr. Gesick stated that staff is reviewing two applications, one for a minor subdivision, and a site plan for a drive-thru coffee shop, which would be located adjacent to 10<sup>th</sup> Street. Site plan applications would be reviewed administratively, and any proposed uses that would require special use reviews would come before the Planning Commission for consideration. He noted that 42 notice letters were mailed out to surrounding property owners and one phone call was received. The caller was curious about what use was being proposed.

Commissioner Modlin noted that he had not seen any apartments being proposed in the residential section. Mr. Gesick said that there are no proposals at this time besides the application for the coffee shop. He mentioned that any future proposals for residential uses under the present zoning would require Use by Special Review approval.

Vice Chair Briscoe asked what uses were excluded from the current DCMP use table under the C-H and C-L zone category. Mr. Gesick explained the general uses allowed under the DCMP and some operational restrictions and noted that, without the DCMP all commercial uses allowed in the zoning categories as described in the Development Code would be allowed without such limitations.

Vice Chair Briscoe then asked what the purpose of the DCMP was with its original establishment. Mr. Gesick said it was to create a commercial center with a specific layout design to demonstrate how the proposed higher commercial land uses proposed could be compatible with the area. The current owner did not want to be held to the approved design standards and has other visions for the property use and layout. Vice Chair Briscoe reiterated that he was more concerned about any excluded uses in the current DCMP. Mr. Gesick stated that excluded uses were not specified in the document.

Commissioner Modlin asked if one access and egress point for traffic control would be sufficient. Mr. Gesick stated that access points would be added to 83<sup>rd</sup> Avenue and 80<sup>th</sup> Avenue. The staff would also be looking at traffic in more detail as the subdivision process goes through the site planning process. He noted that the site layout was at a more conceptual level at this time.

Commissioner Carlson asked why the DCMP was not automatically removed administratively, since the DCMP tool is now obsolete. Mr. Gesick responded by mentioning that in order for the DCMP to be removed, a zoning process was required, since the 1998 code required removal of the DCMP to be processed through the same process in which it was established.

Santiago Escobedo, applicant, stated that the current DCMP is very restrictive regarding the design.

Vice Chair Briscoe then explained his hesitation and felt that when the developer imposed a highly restrictive DCMP, that the expectations of the neighborhood could

be compromised. Commissioner Briscoe believes there is an expectation to develop according to the specific standards, when those standards are removed, it might defeat the original purpose of the development. He then asked if there was anything in the current DCMP that would restrict the uses for which the applicant intends to use the site.

Mr. Escobedo said they want to focus more on multiple convenience-oriented retail businesses versus fewer larger commercial buildings.

Commissioner Modlin asked if they have any conceptual plans for what the residential section will look like. Mr. Escobedo stated that there will definitely not be apartments.

Vice Chair Briscoe opened the public hearing at 1:28 PM.

Stephanie Greeley, 7924 W. 12<sup>th</sup> Street was wondering what changes were proposed. She also asked if there will be any impact when moving the ditch and wellhead. Lastly, she touched on her concern regarding traffic flow in the area.

Mr. Gesick illustrated where the ditch and wellhead are located and explained that the ditch would be undergrounded. He further noted that the oil and gas wells have been plugged and abandoned, and the appropriate setbacks would be required from any future development, so that the oil and gas operators have adequate room to rework the capped well, if ever needed.

Thomas Gilbert, Civil Engineer III, answered traffic questions on behalf of the Engineering Development Review team, the Transportation Planner, and CDOT. Mr. Gilbert further explained that the applicant provided a traffic study that was reviewed in short-term and long-term conditions. The two access points were also reviewed and found that even under conceptual configurations the level of service meets all city criteria.

Commissioner Modlin inquired about the right turn at 80<sup>th</sup> Avenue and 10<sup>th</sup> Street. Mr. Gilbert stated that access would be permitted to be a  $\frac{3}{4}$  access. He then said that for stop sign-controlled intersections are acceptable.

Vice Chair Briscoe asked if the only prohibited action is to turn west out of the access point. Mr. Gilbert confirmed that he was correct.

Commissioner Modlin stated that he has seen traffic backed all the way up from 10<sup>th</sup> Street during rush hour. This would cause interference if someone was trying to exit going west. Mr. Gilbert said that issue can be addressed at the time the subdivision process.

Commissioner Briscoe expressed his concern regarding acceleration and deceleration lanes onto 80<sup>th</sup> Avenue. Mr. Gilbert responded by stating that they could request a weaving analysis at the time they bring in a site plan in order to look into that further.

The public hearing was closed at 1:35 PM.

Commissioner Modlin stated he felt it will be more helpful to see the inner workings of the traffic after a plat is presented.

Commissioner Andersen pointed out that DCMPs can be very restrictive based on projects the Commission has seen in the past. Vice Chair Briscoe agreed with her, to an extent, but stated that the DCMP requires the landowner to build to the uses listed in that overlay provision. A change in the land use and design changes the interaction of 80<sup>th</sup> Avenue and causes a dramatic difference in how the site will function. Ms. Andersen said if they used the current DCMP then they would be "condemning" the land to being limited to that plan regardless of the relevance to reality. She believes that the DCMP should be removed.

Commissioner Carlson wondered if there was a replacement plan considered to manage obsolete DCMPs. Becky Safarik, Community Development Director, said that the appropriateness of the DCMP would need to be considered on a case-by-case basis in context with surrounding uses. As such, it is important for the Commissioners to consider whether the limits that were placed by the DCNP are appropriate to remove at this point.

Commissioner Carlson felt it was challenging to be presented with the possibility of having a restricted DCMP or relying upon the minimum Development Code standards alone to manage the more permissive underlying zoning.

Commissioner Andersen moved that, based on the application received and the preceding analysis, the Planning Commission find that the proposed removal of the Development Concept Master Plan (DCMP) meets the 1998 development code section 24.625 section C3A B, F, G, and H; and, therefore, recommend approval of the rezone to the City Council. Commissioner Modlin seconded the motion. Motion carried 4-0 (Commissioners Yeater, Franzen, and Schulte absent).

## **6. Staff Report**

Ms. Safarik stated that they will reschedule the originally planned workshop of quasi-judicial processes when a greater number of commissioners present. The commissioners then discussed having Commissioner Andersen, who fills at-large seat on the Art Commission to be the designated Planning Commissioner serving on that board instead of having two Planning Commissioners serving on that board, thereby freeing up a spot for another community member to serve in that capacity.

Vice Chair Briscoe moved to have Commissioner Andersen continue as the Planning Commission liaison to the Art Commission. Commissioner Modlin moved to approve that. Commissioner Carlson seconded the motion.

Motion carried 4-0 (Commissioners Yeater, Franzen, and Schulte absent).

## **7. Adjournment**

With no further business before the Commission, Vice Chair Briscoe adjourned the meeting at 1:43 PM.

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Erik Briscoe, Vice Chair

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Becky Safarik, Secretary

