

PLANNING COMMISSION SUMMARY

ITEMS: Rezoning

FILE NUMBER: ZON2022-0017

PROJECT: Cisneros Rezoning

LOCATION: Northwest corner of 31st Avenue at 29th Street

APPLICANT: Emily Tarantini and Eric Wernsman on behalf of Abel Cisneros-Castillo

CASE PLANNER: Caleb Jackson, AICP | Planner III

PLANNING COMMISSION HEARING DATE: March 28, 2023

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 application in the form of a finding based on the review criteria in Section 24-204(b) of the Development Code.

EXECUTIVE SUMMARY

Emily Tarantini and Eric Wernsman on behalf of Abel Cisneros-Castillo petitions to rezone 2.54 acres of land located at the northwest corner of 31st Avenue at 29th Street from C-H (Commercial High Intensity) to I-L (Industrial Low Intensity) zone district.

A. REQUEST

The applicant requests approval of a rezone from C-H (Commercial High Intensity) to I-L (Industrial Low Intensity) zone district.

B. STAFF RECOMMENDATION

Approval

C. LOCATION

Abutting Zoning:

North: C-H (Commercial High Intensity)

South: H-A (Holding Agriculture)

East: C-H (Commercial High Intensity)

West: I-L (Industrial Low Intensity)

Surrounding Land Uses:

North: Commercial Condos

South: Undeveloped

East: Auto Rental, Outdoor RV/Boat/Vehicle Storage

West: Food Processing

Site Characteristics:

The 2.54-acre site at the northwest corner of 31st Avenue at 29th Street is undeveloped. The property generally slopes from the northwest to the southeast. The site is generally vegetated with grasses and has no significant trees.

D. BACKGROUND

The subject site was annexed in 1980, zoned the equivalent of C-H (Commercial High Intensity), and remains undeveloped.

E. APPROVAL CRITERIA

Development Code Section 24-204 Rezoning Procedures

The review criteria found in Section 24-204(b) of the Development Code shall be used to evaluate the rezoning application.

1. The proposal is in accordance with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan.

The Imagine Greeley Comprehensive Plan's Land Use Guidance Map identifies the site for an Employment, Industrial, and Commercial Area. Supported uses in such areas include industrial and commercial. The following comprehensive plan objectives also support the request:

Objective GC-1.2 Form of Growth

Encourage a compact urban form over sprawl or leap-frog development.

Objective GC-4.3 Infill Compatibility

Promote the use of site design and building architecture that is sympathetic to the surrounding area and enhances the desirable character and form of the neighborhood or area.

Staff Comment: The proposal complies with the land use guidance map and other objectives from the comprehensive plan.

The proposal complies with this criterion.

2. The proposal can fulfill the intent of the zoning district considering the relationship to surrounding areas.

Staff Comment: The proposal fulfills the intent of the zoning district and is compatible with the surrounding area.

The proposal complies with this criterion.

3. Whether 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: The area is developing into a commercial and increasingly industrial area. It is in the public interest to rezone the property to encourage development of the site.

The proposal complies with this criterion.

4. Whether the existing zoning been in place for a substantial time without development, and if this indicates the existing zoning is inappropriate given development trends in the vicinity.

Staff Comment: The current zoning has existed since 1980 without development. Over time, commercial and increasingly low intensity industrial development has occurred in the area. As such, I-L (Industrial Low Intensity) zoning is more appropriate for the subject site.

The proposal complies with this criterion.

5. The proposed zoning will enable development in character with existing or anticipated development in the area considering the design of streets, civic spaces and other open space; the pattern, scale and format of buildings and sites; and the compatibility and transitions with other complimentary uses and development.

Staff Comment: The proposed rezoning would provide additional options and opportunities to develop the site with low intensity industrial uses that compliment nearby commercial and industrial uses.

The proposal complies with this criterion.

6. The City or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district.

Staff Comment: The subject site has adequate access to services and facilities. Any proposed development of the subject site would be reviewed for compliance with city standards and improvements to existing infrastructure may be required at that time.

The proposal complies with this criterion.

7. The change will serve a community need, provide an amenity or accommodate development that is not possible under the current zoning or that was not

anticipated at the time of the initial zoning of the property, making the proposed zoning more appropriate than the current zoning.

Staff Comment: The proposed rezoning would allow development options that are more appropriate for the site than the current zoning district.

The proposal complies with this criterion

8. Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design and engineering practices or are outweighed by broader public benefits to the surrounding community.

Staff Comment: Any reasonably anticipated negative impacts on this area resulting from this rezoning would be mitigated as part of the development review process by the consistent enforcement of Municipal Code and Development Code requirements regarding landscaping buffers, architectural features, setbacks, and other relevant codes and policies.

The proposal complies with this criterion.

9. The recommendations of professional staff or advisory review bodies.

Staff Comment: City staff recommends approval of this rezoning request.

F. SITE CHARACTERISTICS

1. SUBDIVISION HISTORY

The property was platted as part of Gallery Green III Subdivision in 1979.

2. HAZARDS

No known hazards impact development of the site.

3. WILDLIFE

The subject site is an area where development could have high impacts on wildlife. Development of the subject site would require conformance with adopted standards to evaluate development impacts on wildlife and take appropriate mitigation measures.

4. FLOODPLAIN

The site is not located within a floodplain, according to the adopted Federal Emergency Management Administration (FEMA) flood data.

5. DRAINAGE AND EROSION

Any proposed development of the site would require the documentation and review by City staff of all drainage, detention, water quality, and erosion mitigation as a condition of the development of the site.

6. TRANSPORTATION

Existing infrastructure is present to provide vehicular access to the site. Transportation would be further considered with development and would include provision of any warranted infrastructure for pedestrian, cyclist, and motor vehicle access and impacts.

G. SERVICES

1. WATER

The site can be adequately served by existing water infrastructure. Water service will be further evaluated with development and the applicant will be required to make any necessary improvements to serve the property.

2. SANITATION SEWER

The site can be adequately served by existing sewer infrastructure. Sewer service will be further evaluated with development and the applicant will be required to make any necessary improvements to serve the property.

3. EMERGENCY SERVICES

Emergency services are available and can adequately serve the subject property.

4. PARKS/OPEN SPACES

Park demand is typically generated by residential development. Adequate parks and open spaces are being planned for and acquired in the vicinity.

5. SCHOOLS

School demand is typically generated by residential development. The subject site is adequately served by existing schools.

H. NEIGHBORHOOD IMPACTS

1. VISUAL

Any development application for the property would be reviewed for compliance with the Development Code requirements regarding visual impacts. Industrial zoning and development is typical for the area, minimizing the potential for jarring visual impacts.

2. NOISE

Any potential noise created by future development will be regulated by the Municipal Code.

I. PUBLIC NOTICE AND COMMENT

Public notices were completed as follows:

- Notice was placed on the City of Greeley's website by March 13, 2023.
- A sign was posted on the property on March 10, 2023.
- Notice was mailed to 56 property owners on March 6, 2023.

J. MINERAL ESTATE OWNER NOTIFICATION

Mineral notice is not required for a rezone request.

K. PLANNING COMMISSION MOTIONS

Recommended (Approval)

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from C-H (Commercial High Intensity) Zone District to the I-L (Industrial Low Intensity) Zone District meets the Development Code criteria, Section 24-204, and therefore, recommends approval of the rezone to the City Council.

Alternative (Denial)

Based on the application received and the preceding analysis, the Planning Commission finds that the proposed rezoning from C-H (Commercial High Intensity) Zone District to the I-L (Industrial Low Intensity) Zone District does not meet the Development Code criteria, Section 24-204, and therefore, recommends denial of the rezone to the City Council.

ATTACHMENTS

Attachment A – Vicinity Map

Attachment B – Project Narrative

Attachment C – Rezoning Plan Set (available upon request)

Attachment D – Neighborhood Notification Boundary Map (available upon request)