

Greeley City Council Agenda

Regular Meeting
Tuesday, February 7, 2023 at 6:00 p.m.

City Council Chambers at City Center South, 1001 11th Ave, Greeley, CO 80631 Zoom Webinar link: <https://greeleygov.zoom.us/j/86218464323>

NOTICE:

City Council Meetings are held on the 1st and 3rd Tuesdays of each month in the City Council Chambers. Meetings are conducted in a hybrid format, with a Zoom webinar in addition to the in person meeting in Council Chambers.

City Council members may participate in this meeting via electronic means pursuant to their adopted policies and protocol.

Members of the public are also invited to choose how to participate in Council meetings in the manner that works best for them.

Watch Meetings:



Meetings are open to the public and can be attended in person by anyone.



Meetings are televised live on GTV8 on cable television.



Meetings are livestreamed on the City's website, Greeleygov.com as well as YouTube at [Youtube.com/CityofGreeley](https://www.youtube.com/CityofGreeley)

For more information about this meeting or to request reasonable accommodations, contact the City Clerk's Office at 970-350-9740 or by email at cityclerk@greeleygov.com.

Meeting agendas, minutes, and archived videos are available on the City's meeting portal at greeley-co.municodemeetings.com

Comment in real time:

During the public input portion of the meeting and public hearings:



In person attendees can address the Council in the Chambers.



The public can join the Zoom Webinar and comment from the remote meeting.

Submit written comments:



Email comments about any item on the agenda before Noon on the day of the meeting to cityclerk@greeleygov.com



Written comments can be mailed or Dropped off at the City Clerk's office at City Hall, at 1000 10th St. Greeley, CO 80631



Mayor
John Gates

Councilmembers

Tommy Butler
Ward I

Deb DeBoutez
Ward II

Johnny Olson
Ward III

Dale Hall
Ward IV

Brett Payton
At-Large

Ed Clark
At-Large

A City Achieving
Community Excellence
Greeley promotes a healthy, diverse economy and high quality of life responsive to all its residents and neighborhoods, thoughtfully managing its human and natural resources in a manner that creates and sustains a safe, unique, vibrant and rewarding community in which to live, work, and play.

City Council Meeting Agenda

February 07, 2023 at 6:00 PM

City Council Chambers, City Center South, 1001 11th Ave & via
Zoom at <https://greeleygov.zoom.us/j/86218464323>

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of the Agenda
5. Recognitions and Proclamations
6. Citizen Input
7. Reports from Mayor and Councilmembers
8. Initiatives from Mayor and Councilmembers

Consent Agenda

The Consent Agenda is a meeting management tool to allow the City Council to handle several routine items with one action.

Council Members may request an item be pulled off the Consent Agenda and considered separately under the next agenda item in the order they were listed.

9. Approval of the City Council Work Session Proceedings of January 10, 2023 and City Council Meeting Proceedings of January 17, 2023
10. Consideration of a motion to cancel the February 14, 2023 and March 28, 2023 Work Sessions
11. Introduction and first reading of an ordinance amending Title 24 of the City of Greeley Municipal Code to update the allowance for childcare centers/preschools and make various revisions and clarifications to development requirements
12. Introduction and first reading of an Ordinance amending Title 12, Chapter 7 of the Greeley Municipal Code relating to vacant and abandoned buildings

End of Consent Agenda

- [13.](#) Pulled Consent Agenda Items
- [14.](#) Public hearing and second reading of an Ordinance Amending Section 20-62 and Adopting Section 20-64 for the Water & Sewer Department Updated Utility Design Criteria & Construction Specifications
- [15.](#) Scheduling of Meetings, Other Events
- [16.](#) Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances
- [17.](#) Executive Session for the purpose of receiving feedback pertaining to completing the annual performance review of the City Manager
18. Adjournment



Council Agenda Summary

Title

Recognitions and Proclamations

Summary

Councilmember Olson will present the *What's Great about Greeley* Report.

Attachments

What's Great about Greeley Report



City Council Meeting
February 7, 2023

A Story Best Lived In.

***In all ways, we will transmit
this City not only, not less, but
greater and more beautiful than
it was transmitted to us.***

- Athenian Oath

Aims Community College Made Newsweek's List of Americas Best Online Learning Colleges 2023

- List compiled by Newsweek and database company Statista.
- Aims among the top 30 community colleges in the country.



Greeley-Evans School District 6 Graduation Rate Exceeds State Average

- On-time graduation rate for District 6 – 84.6%
- On-time graduation state average – 82.3%
- Since 2015, District 6 has implemented two strategic plans focused on personalized learning and career/college readiness



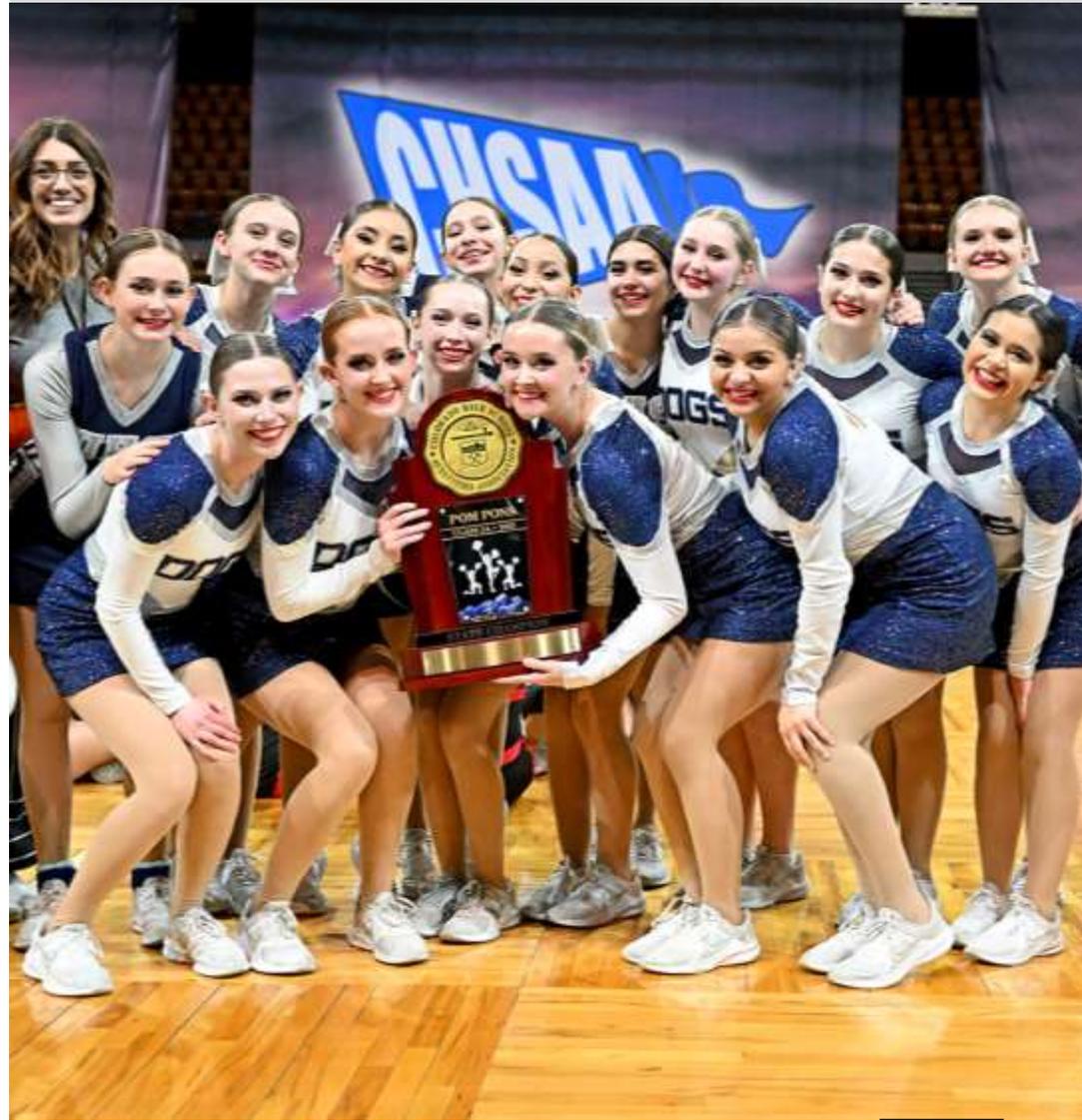
City of Greeley Recognized for Efforts to Address Affordable Housing by Gov. Polis

- Greeley supported by a grant from House Bill 1271
- Funding used to encourage homes with smaller footprints, options for accessory dwelling units, manufactured home, micro-homes and more



University High School Poms Team Claim Class 3A Poms State Title

- Bulldogs' 4th state championship in past eight years





A Story Best Lived In.



Council Agenda Summary

Title

Citizen Input

Summary

During this 15-minute portion of the meeting, anyone may address the Council on any item of City Business appropriate for Council consideration that is not already listed as a public hearing on this evening's agenda.

As this meeting is being conducted in a hybrid format, citizen input will be accepted first from those in the City Council Chambers, and then from the virtual meeting audience via the meeting's webinar.

Written comments submitted for any item on the agenda will be placed in the public record and provided to the Council for their review and should include the name and city of residence of the person submitting the comments for the record.



Council Agenda Summary

Title

Reports from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may offer announcements or reports on recent events and happenings. These reports should be a summary of the Councilmember's attendance at assigned board/commission meetings and should include key highlights and points that may require additional decision and discussion by the full Council at a future time.



Council Agenda Summary

Title

Initiatives from Mayor and Councilmembers

Summary

During this portion of the meeting any Councilmember may bring before the Council any business that the member feels should be deliberated upon by the Council. These matters need not be specifically listed on the Agenda, but formal action on such matters shall be deferred until a subsequent Council meeting.

Initiatives will generally fall into three categories:

- 1) A policy item for Council deliberation and direction for a future Worksession, Committee meeting, or regular/special Council meeting;
- 2) A request to the City Manager for information or research;
- 3) A request involving administrative processes or procedures.

At the close of this portion of the meeting, the Mayor will confirm Council's consensus that the individual requests be pursued.

Attachments

Status Report of Council Initiatives and Related Information

Greeley City Council**Status Report of Council Initiatives**

Initiative No.	Council Member Initiating	Council Request	Council Meeting or Work Session Date Requested	Status or Disposition (After completion, item is shown one time as completed and then removed.)	Next Steps & Schedule	Anticipated Deliverable & Date (Report, Council Presentation, etc.)	Assigned to:
15-2021	Olson	Formation of a committee for implementation of a funding strategy for the 35th and 47th interchanges.	December 7, 2021 Council Meeting	Councilmember Olson will be following up with Manager Lee and Director Trombino on next steps	Pending outcome of federal grant application submitted	Report to Council early 2023	Paul Trombino
09-2022	Butler	Review traffic and safety surrounding 15 acre open area between 71st Avenue and 8th Street	June 7, 2022 Council Meeting	Requested that Public Works review the traffic and to improve safety in this congested area.	Additional signage installed for traffic and parking. Staff worked with School District, builder and GPD to ensure road is passable for school buses. GPD will focus enforcement times to ensure compliance with posted speed limit. Staff developing neighborhood safety improvement options and working with School District on transportation issues to improve coordination and support related to safety and infrastructure around school sites.	Anticipate providing report to Council on Improvements in early 2023	Paul Trombino
10-2022	Butler	Review costs and strategies to live stream Planning Commission and Water Board meetings for public and Councilmembers	June 7, 2022 Council Meeting	Asked staff to investigate the cost of live streaming Planning Commission and Water and Sewer Board meetings and return to Council with findings	Additional technology costs ~ \$15,000. Parts are backordered, eta approx. mid-January. Anticipate additional operation costs to include 1 add'l staff at each B&C meeting to accommodate hybrid meeting. Assessing costs related to staffing, overtime expenses or other flexible staff options. Some testing has occurred for broadcasting of meetings. Additional equipment testing will be done once equipment is received. Staff will identify long-term operational impacts at that time.	Anticipated report to Council 1st Qtr 2023	Kelli Johnson
12-2022	Butler	Varying Boards & Commissions meeting times	September 6, 2022 Council Meeting	Asked staff to research the ability for alternative meeting times for Boards & Commissions to increase community engagement and recruitment	CCO survey to Boards due back 12/16. Gathering feedback and will work with CMO on how to deliver to Council. Request to share data of B&C survey with ELT prior to a Work Session. Could be coupled with 10-2022 at a single WS	Report to Exec. Team and Council/1st Qtr 2023	City Clerk's Office
16-2022	Clark	Concerns over the increase in incidents and safety in the tunnel under Hwy 34 in the Hillside/Farr Park neighborhood	November 1, 2022 Council Meeting	Requested staff study implementing a closure of the tunnel entrance between the hours of 10:00 PM and 7:00 AM over safety concerns	Neighborhood meeting scheduled for 1/25/23 5:30 - 7:00 pm at Jackson Elementary.	Report to Council between 3/25/23 and 4/25/23	Paul Trombino/Becky Safarik
17-2022	DeBoutez	Expressed concern about neighborhood issues, i.e. speeding and noise violations.	November 15, 2022 Council Meeting	Requested GPD and PW research technologies available for traffic calming, speed/red light cameras and decibel measuring devices to improve safety, wellbeing and quality of life in Greeley.	CMO recommendation - Do we invest in additional technology tools and structure to combat neighborhood issues? PW/GPD provide report on technologies available, cost of such technology, and how different technologies are used in other communities and the results of implementing such technology.	Work Session report/CMO recommendation on neighborhood issues and technological options	Adam Turk/Paul Trombino

Item No. 8.

01-2023	Butler	Costs and feasibility study of translation services for agendas and meetings	January 3, 2023 Council Meeting	Request staff research the costs and feasibility of translating the agenda, agenda packet and live streamed meetings in other languages? Is Spanish the predominant language for translation or are other languages also appropriate?	CCO to work with C&E to gather statistical information for report.	Work Session Report	City Clerk's Office/Communication & Engagement
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Council Agenda Summary

Title:

Approval of the City Council Work Session Proceedings of January 10, 2023 and City Council Meeting Proceedings of January 17, 2023

Summary:

A work session of the City Council was held in the City Council's Chambers on January 10, 2023. A meeting of the City Council was held in the City Council's Chambers on January 17, 2023. The draft proceedings of each meeting have been prepared and are being presented for the Council's review and approval.

Decision Options:

- 1) To approve the proceedings of the Council meeting as presented; and/or
- 2) To approve the proceedings of the Council work session as presented; or
- 3) Amend the Council meeting proceedings, if amendments or corrections are needed, and approve as amended; and/or
- 4) Amend the Council work session proceedings, if amendments or corrections are needed, and approve as amended.

Council's Recommended Action:

A motion to approve the City Council proceedings and Work Session Proceedings as presented (or amended).

Attachments:

Draft Council work session proceedings of January 10, 2023

Draft Council meeting proceedings of January 17, 2023

City of Greeley, Colorado
CITY COUNCIL WORK SESSION REPORT
January 10, 2023

1. **Call to Order**

Mayor John Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. **Pledge of Allegiance**

Mayor Gates led the Pledge of Allegiance.

3. **Roll Call**

City Clerk Heidi Leatherwood called the roll.

Present:

Councilmember Tommy Butler

Councilmember Deb DeBoutez

Councilmember Ed Clark

Councilmember Johnny Olson

Mayor John Gates

Absent:

Mayor Pro Tem Brett Payton - Excused

4. **Reports from Mayor and Councilmembers**

Councilmember Hall reported that Barry Wilson, a Windsor Town Board Member, is the new Poudre Trail Executive Director.

Councilmember DeBoutez reported that she spoke with some consultants, in Loveland, that are considering building and designing a Children's Museum for the Northern Colorado region.

5. **Office of Emergency Management and Disaster Response Overview**

Fire Chief Brian Kuznik introduced this item with a presentation at 6:02 p.m.

Chief Kuznik led the follow-up presentation to Council's October 4, 2022 initiative, specific to the City's response to emergencies to limit service interruptions to the community. Chief Kuznik gave a high-level overview of the Office of Emergency Management (OEM) management and coordination of the City's emergency operations in support of a local response. The OEM is currently a division positioned within the Fire Department.

Also in attendance:

Fire Lt. Dominic Tatti – City of Greeley Interim Emergency Manager
Weld OEM – Director of Emergency Management – Roy Rudisill
Xcel Energy Representative – Andrew Holder
Atmos Energy Representative – Kurtis Paradisa
Poudre Valley REA Representative – Jay Mendoza
Verizon Wireless Representative – Jared Hilzendeger (via zoom)

Chief Kuznik highlighted the success of the City’s preparedness and the organization’s commitment to assist in achieving this goal.

Emergency Operations Plan –

- a. Provides general guidelines and principles for managing and coordinating the overall response and recovery
- b. Provides Greeley officials with a basis for the coordinated management of disaster incidents for minimizing impact and restoration

Councilmember Butler inquired if the OEM would grow by more than two staff members by end of the year. In response, Chief Kuznik answered that the City will wait until the analysis is completed. City Manager Lee mentioned that a city of this size usually takes on additional resources. An update will be provided to Council in the spring.

Councilmember Clark asked why the OEM isn’t under the City Manager’s Department. In response, City Manager Lee, indicated it depends on the individual municipality. The assessment will provide feedback on this issue, as the community grows, the City Manager’s Office will assess if OEM should be a stand-alone department.

Councilmember Hall (a) shared his experience with communication issues during a hurricane in Florida and wants to ensure the City is paying attention to problems that could arise; and (b) asked if the City has backup generators. In response, Chief Kuznik replied that OEM was in communication about power outages as they arose and work to ensure power is restored rapidly. Essential buildings are equipped with backup generators.

Councilmember DeBoutez asked if the City’s partners, such as Red Cross, United Way, and hospitals will be included in the assessment. In response, Chief Kuznik indicated that while this assessment is intended to review the City’s OEM, there is an internal/external stakeholder list established. Assistant City Manager, Juliana Kitten, indicated she is in contact with other businesses, and this is a work in progress.

6. **Overview of the Greeley Downtown Plan Update**

Interim Community Development Director, Becky Safarik and Progressive Urban Management Association (P.U.M.A.) representatives – the third-party consultant which conducted the Plan Update - Brad Segal, Amanda Kannard, and Todd Wenskoski, provided an update on the downtown plan at 6:23 p.m.

Ms. Safarik shared that in 2011, the Greeley Downtown Development Authority completed the “Downtown Greeley Investment Strategy”, which provided a vision, analysis of conditions, goals, and strategies to help direct downtown investments. Then summarized the actions and recommendations identified in the study and the timelines outlined for these items.

Councilmember Butler asked what is being done to assess downtown parking and whether a parking garage has been investigated as well. Ms. Safarik indicated there are development projects currently being reviewed that include a parking garage - which is a separate issue and is being considered for incorporation in other ways.

Councilmember Olson expressed a need for public safety and cleanliness to address some of the citizen’s concerns and inquired if the City has a standard for infrastructure. Ms. Safarik discussed the cleanup efforts that Public Works is currently undertaking.

Councilmember Hall inquired about the effort to blend the edge of the city with downtown. In response, Ms. Safarik said improvements are not limited to the boundary lines, but rather improvements are considered as a whole to strengthen surrounding neighborhoods.

Mayor Gates commented that the plan is in sync with the City Council’s strategic focus areas and thanked the team for its efforts.

7. **Water & Sewer Department Updated Design Criteria & Construction Specification**
Water and Sewer Director Sean Chambers, Water and Sewer Department Chief Engineer Adam Prior, and Water and Sewer Department Conservation Manager Dena Egenhoff introduced the item with a presentation at 7:00 p.m.

The update incorporated the findings and analysis from the recent Water & Sewer Department’s infrastructure master plans covering Non-Potable Water, Sanitary Sewer, and Potable Water Transmission & Distribution. Standards and Specifications were simultaneously revised and referenced to maintain consistency and increase comprehensiveness.

The update aligns with the City’s development code updates in 2021 and the 2022 Water Efficiency Plan. The Water and Sewer Board, and the Planning Commission have each had extensive reviews and engagement with public outreach. The feedback received has been incorporated into the updates.

Councilmember Clark asked about joint water meters. In response, Mr. Chambers replied that design criteria does not eliminate the allowance for joint water meters.

Councilmember DeBoutez inquired about what model is being used, specifically if Trakit is being used and asked about underground utilities. In response, Ms. Egenhoff added that Trakit is currently being considered. Mr. Prior shared that utilities are buried when desired and needed.

Councilmember Olson asked about (a) GIS database for “as built” and if there is a GIS database for utilities and (b) about Parks’ involvement in Section 6, and water conservation impact on rights of way and future growth planning. In response, Mr. Prior responded that there is a GIS database available online. Ms. Egenhoff shared that all vested parties and department liaisons were consulted. Mr. Prior added that aesthetic strategy is tied to economic development and quality of life.

Councilmember Butler shared his individual commitment to being good stewards of water conservation efforts, for this reason, he is a proponent of natural and native grasses.

8. **Scheduling of Meetings, Other Events**

None.

9. **Adjournment**

Mayor Gates adjourned the meeting at 7:38 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk

City of Greeley, Colorado
CITY COUNCIL PROCEEDINGS
January 17, 2023

1. Call to Order

Mayor Gates called the meeting to order at 6:00 p.m. in the City Council Chambers at 1001 11th Ave, Greeley, Colorado, with hybrid participation available via the City's Zoom platform.

2. Pledge of Allegiance

Mayor Gates led the Pledge of Allegiance.

3. Roll Call

Heidi Leatherwood, City Clerk, attending via zoom, called the roll.

Present:

Mayor John Gates
Councilmember Tommy Butler
Councilmember Deb DeBoutez
Councilmember Dale Hall
Mayor Pro Tem Brett Payton
Councilmember Ed Clark
Councilmember Johnny Olson

4. Approval of the Agenda

City Manager Lee requested to postpone Item 20 to the next City Council meeting. City Council reached a consensus, and the executive session is postponed to January 24, 2023.

5. Recognitions and Proclamations

Mayor Gates read the Black History Month Proclamation recognizing February 2023 as Black History Month. UNC representative was not present in Council Chambers and the Proclamation will be mailed to Dr. Weaver-Douglas.

Councilmember Clark presented *What's Great about Greeley?*

Mayor Gates welcomed Kimberly Southern-Weber to the City of Greeley in her new role of Chief Human Capital Officer.

6. Citizen Input

1. David Meek spoke about the Lyons Club in Greeley and its work with donating eyeglasses to individuals and dictionary donations to third graders.

7. Reports from Mayor and Councilmembers

None.

8. Initiatives from Mayor and Councilmembers

None.

Consent Agenda

9. Approval of the City Council Proceedings of January 3, 2023

10. Introduction and first reading of an Ordinance Amending Section 20-62 and Adopting Section 20-64 for the Water & Sewer Department Updated Utility Design Criteria & Construction Specifications

Mayor Pro Tem Payton moved to approve the Consent Agenda Items 9 and 10. Councilmember Clark seconded the motion. The motion passed 7-0 at 6:15 p.m.

End of Consent Agenda

11. Pulled Consent Agenda Items

12. Public hearing and consideration of a Resolution to approve the Downtown 2032 - Plan Update

Interim Community Development Director, Becky Safarik introduced the item with a presentation at 6:16 p.m.

The Greeley Downtown Development Authority (DDA) contracted with Progressive Urban Management Associates (PUMA) in 2021 to plan area redevelopment and investment strategy. The plan evaluated existing conditions via assessments to provide the recommendation. Technical review and community outreach incorporated priorities and core values to result in proposed strategies.

Key Strategy Summary:

1. Continue to stimulate infill development and redevelopment of underused sites
2. Encourage diverse and vibrant storefront use
3. Continue to diversify the housing base
4. Sustain and attract more primary employers and jobs
5. Cultivate Downtown economy that is relevant and welcoming to an array of community members

The Public Hearing opened at 6:30 p.m.

1. Bianca Fisher spoke as the Executive Director of the DDA and recapped the Downtown Master Plan. She thanked staff for its hard work and was excited about the momentum rising in the downtown area.

With no additional speakers, the Public Hearing closed at 6:32 p.m.

Councilmember Butler moved to adopt the resolution. Councilmember Hall seconded the motion. The motion passed 7-0 at 6:33 p.m.

- 13. Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from Holding-Agriculture (H-A) to Residential-High Density (R-H), changing the underlying land use designations for approximately 31.19 acres of property located north of and adjacent to 13th Street and the Fox Run Neighborhood, approximately 500' west of 59th Avenue, and approximately 580' south of 10th Street (ZON2021-0016)**

Planner II Meg Oren introduced the item at 6:33 p.m. with a presentation. She reminded Council that this item was initially scheduled for November 15, 2022, but the request of the applicant to continue the matter to this meeting was approved by council.

The applicant is looking to incorporate residential density in the area to support existing and future commercial properties located adjacent to the property to the north along 10th Street and to the east along 59th Avenue.

Notification to the public was sent and feedback was received. The Planning Commission considered the request, conducted a public hearing, and unanimously voted to recommend approval.

The Public Hearing opened at 6:50 p.m.

1. Kevin Kerrigan spoke about traffic concerns in the area regarding the new zoning request and asked about a traffic study.

With no additional speakers, the Public Hearing closed at 6:53 p.m.

Mayor Pro Tem Payton moved to approve, based on the application received, the preceding analysis and Planning Commission recommendation, the proposed rezoning from Holding-Agriculture (H-A) to Residential-High Density (R-H) is found to be in compliance with Title 24-204(b). Councilmember Hall seconded the motion. The motion passed 7-0 at 7:00 p.m.

Mayor Pro Tem Payton moved to adopt the ordinance and publish by title only. Councilmember Hall seconded the motion. The motion passed 7-0 at 7:01 p.m.

- 14. Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from R-H (Residential High Density) to MU-H (Mixed Use High Intensity), changing the underlying land use designations for approximately 1.722 acres of property located at 1603, 1611, 1613, and 1619 7th Avenue, located at the southwest corner of 16th Street and 7th Avenue (ZON2022-0008)**

Darrell Gesick, Planner III introduced the item with a presentation at 7:01 p.m.

The owners request a rezone of the subject property to allow for mixed-use development options. The applicant intends to provide a variety of uses that would provide services to the surrounding residential uses in the area. Some of the anticipated uses could include: office, therapeutic massage, counseling service, hair salon, and art studio.

Notification to the public was sent and feedback was received. The Planning Commission considered the request, conducted a public hearing, and unanimously voted to recommend approval.

In response to Councilmember DeBoutez's inquiry about whether the property was inside the DDA boundary, Ms. Safarik indicated that the property is not yet in a position to be considered a part of the boundary.

In response to Councilmember Olson inquiry about if the buildings would be repurposed on the properties, Mr. Gesick answered yes.

Jeff Kook, owner, and applicant spoke about the project and its purpose to enhance the community of downtown.

The Public Hearing opened at 7:07 p.m.
With no speakers, the Public Hearing closed at 7:08 p.m.

Mayor Pro Tem Payton moved to approve, based on the application received, the preceding analysis and Planning Commission recommendation, the proposed rezoning R-H (Residential High Density) Zone District to the MU-H (Mixed-Use High Intensity) Zone District is found to be in compliance with Title 24-204(b). Councilmember Clark seconded the motion. The motion passed 7-0 at 7:09 p.m.

Mayor Pro Tem Payton moved to adopt the ordinance and publish by title only. Councilmember Clark seconded the motion. The motion passed 7-0 at 7:10 p.m.

15. Public hearing and second reading of an Ordinance changing the official zoning map of the City of Greeley, Colorado, from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) for 7.8 acres located at 123 9th Avenue (ZON2022-0012)

Mayor Pro Tem Payton recused himself at 7:11 p.m. and exited the room.

Caleb Jackson, Planner III, introduced the item with a presentation at 7:11 p.m.

The applicant requested a rezone of approximately 7.8 acres of land located at 123 9th Avenue from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) zoning district. The applicant intends to repurpose the site with a mix of uses, including an initial phase of multi-family units.

Notification was sent out the public with no feedback received. The Planning Commission considered the request, conducted a public hearing, and voted unanimously to recommend approval.

Jodi Hartman, on behalf of the applicant made a presentation about the project. The property was received as a donation as a means to achieving affordable housing. The applicant, which also owns other affordable housing projects such as Stagecoach Gardens Apartments, La Casa Rosa Senior Apartments and Dacono Senior Apartments, anticipated completion of the project in four phases:

Councilmember Olson, who thanked Ms. Hartman and expressed his excitement about the project, inquired when construction would start. Ms. Hartman indicated that the process is long and is subject to being selected for the funding. If the project is funded right away, then construction could start in 2024 and leasing in 2025.

Councilmember Olson asked if this project is eligible for additional funding programs. Ms. Hartman said that this project would supply tax credits and are therefore not eligible for ARPA funding methods.

Councilmember Clark indicated his excitement about the project and asked for clarification if the premises would be used for individuals who were drug and alcohol free. In response, Ms. Hartman indicated that the model used for the project is “Housing First” which is a national best practice model that keeps persons individually housed with the best chance of addressing their behaviors and addictions.

Councilmember Clark indicated his concern about violence such as in a recent police officer being stabbed at the cold weather shelter. Ms. Hartman offered that the program could screen applicants who will each be secured through a lease. This is only a small solution to a larger solution. City Manager Lee added that there is a distinction between what High Plains offers in a housing environment and what United Way offers in the means of a shelter environment.

Councilmember Butler commented that more homeless persons will need more help who need support with housing and addiction services. Councilmember Olson agreed that giving persons the healing support is vital.

The Public Hearing opened at 7:31 p.m.

With no speakers, the Public Hearing closed at 7:31 p.m.

Councilmember Olson moved to approve, based on the application received, the preceding analysis, and Planning Commission recommendation, the proposed rezoning from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) is found to be in compliance with Title 24-204(b). Councilmember DeBoutez seconded the motion. The motion passed 6-0 with Mayor Pro Tem Payton recused at 7:33 p.m.

Councilmember Olson moved to adopt the ordinance and publish by title only. Councilmember DeBoutez seconded the motion. The motion passed 6-0 with Mayor Pro Tem Payton recused at 7:33 p.m.

Mayor Pro Tem Payton returned to the dais at 7:34 p.m.

16. **Public hearing and second reading of an Ordinance Amending Sections 6-998, 6-1000, 6-1002 through 6-1009, 6-1013 and 6-1015 the City of Greeley Municipal Code of Ordinances Relating to Development Impact Fees**

Finance Director John Karner introduced the item with a presentation at 7:35 p.m and provided a brief overview of the information shared over the last 4 months.

In 2020, the City contracted with Raftelis Consulting to update its development impact fee schedule (2020 Development Impact Fee Study) in accordance with the Greeley Municipal Code requirement to review development fees every five years.

In 2020, City Council elected to suspend adoption of the study's fee recommendations, resulting in the continued use of a development fee schedule created in 2014. The continuation of fees at 2014 levels and unexpected level of new growth experienced over the past two years has combined to create an expanding funding gap between the fees collected and capital projects that can be constructed. Staff proposed adopting the study's recommended fees that were calculated to maximize the City's ability to cover the cost of new or enhanced infrastructure needed to support development growth.

The proposed fee structure is a three-tiered strategy which offers Equitable fee structure (lower cost for smaller units, higher cost for larger units). Development fees allow for municipalities to maintain existing levels of service and lay infrastructure for future growth.

Councilmember Clark asked about the option to reprioritize funds and equity of funds in lieu of fee increases. In response, Mr. Karner answered that if developers do not pay for growth, then the residents must pay for them. Future tax revenues are used for maintenance of service infrastructure.

The Public Hearing opened at 7:45 p.m.

1. Morgan Kidder from Journey Homes spoke about the large increase in developer's fees.

With no additional speakers, the Public Hearing closed at 7:48 p.m.

Mayor Gates commented that the increase in development fees was higher than he desired and suggested the option to increase by 50% this year with an additional 50% next year instead of all at once.

Mayor Pro Tem Payton expressed his displeasure with the tiered approach and not receiving information from staff about other options as requested.

Councilmember Butler asked for possible incentives to bring developers to Greeley.

Councilmember DeBoutez commented on the need for more data related to city services and the utilization of services. She added that inflation and the pandemic were all part of the equation to make this a difficult choice.

Councilmember Clark addressed steep inflation and indicated he was not supportive of the tiered system.

Councilmember Olson countered Councilmember Butler’s approach of offering incentives when development costs were lower than other surrounding municipalities.

Councilmember Clark offered that the best approach would have been an incremental increase to developers, but the 2020 Council decision was to wait based on what was happening at the time.

Councilmember moved to adopt the ordinance and publish by title only.
Councilmember DeBoutez seconded the motion. The motion passed 4-3 with Mayor Gates, Mayor Pro Tem Payton and Councilmember Clark voting Nay.

17. Appointment of applicants to the Commission on Disabilities, Civil Service Commission, Greeley Art Commission, Greeley Urban Renewal Authority, and Museum Advisory Board

City Clerk Leatherwood announced the appointments:

- Commission on Disabilities- Martha Kyler was appointed.
- Civil Service Commission- Stephanie Welle was appointed.
- Greeley Arts Commission- Heather Utrata was appointed.
- Museum Advisory Board- Nancy Masimer was appointed.
- Greeley Urban Renewal Authority- Council recommended to recruit additional applicants.

18. Scheduling of Meetings, Other Events

None.

19. Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Mayor Pro Tem Payton moved to approve the motion. Councilmember Butler seconded the motion. The motion passed 7-0 with a voice vote at 8:05 p.m.

20. Consideration of a motion to go into Executive Session to receive legal advice from the City Attorney and to determine positions, develop strategy, and give instructions to negotiators regarding 2023 collective bargaining with Greeley Firefighters

This item was continued to a future meeting.

Post meeting note: This item will be on the agenda of the January 24, 2023, City Council Work Session.

22. Adjournment

Mayor Gates adjourned the meeting at 8:06 p.m.

John D. Gates, Mayor

Heidi Leatherwood, City Clerk



Council Agenda Summary

February 7, 2023

Key Staff Contact: Heidi Leatherwood, City Clerk

Title:

Consideration of a motion to cancel the February 14, 2023 and March 28, 2023 Work Sessions

Summary:

There are currently no work session items for the February 14, 2023 work session. Council will be out of town at a conference the week of March 28, 2023 and so no work session items have been scheduled for March 28, 2023.

Strategic Focus Area:



High-Performance Government

Decision Options:

- 1) To approve the motion.
- 2) Amend the motion and approve as amended.

Council's Recommended Action:

A motion to approve the motion and cancel the February 14, 2023 and March 28, 2023 Work Sessions.



Council Agenda Summary

February 7, 2023

Key Staff Contact: Becky Safarik, Interim Community Development Director
Caleb Jackson, AICP, Planner III

Title:

Introduction and first reading of an ordinance amending Title 24 of the City of Greeley Municipal Code to update the allowance for childcare centers/preschools and make various revisions and clarifications to development requirements

Summary:

In 2021, the City of Greeley adopted a new Development Code. Despite best efforts to adopt new codes without changes, upon application, some subsequent amendments are necessary to insert inadvertent omissions, correct technical errors, provide clarification, and include adaptations to achieve best practices. Staff expects to come forward with periodic updates of this nature as needed corrections are discovered.

The proposed updates included in this item are important but considered relatively ministerial in nature and include: clarification about minor variances, an update to neighborhood meeting requirements, updating the formula for park land dedication based on updated Census figures, restoring child care center/preschools as an allowed use in residential zones, adjusting home occupation applications, clarifying some landscaping standards, and reverting to the previous practice of City staff handling mailed notices for neighborhood meetings and public hearings.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	N/A

Legal Issues:

Consideration of this matter is a legislative process which includes the following public hearing steps:

- 1) City staff presentation (if requested)
- 2) Council questions of staff
- 3) Public input (hearing opened, testimony - up to three minutes per person, hearing closed)
- 4) Council discussion
- 5) Council decision

Other Issues and Considerations:

N/A

Strategic Focus Area:



High-Performance Government

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for February 21, 2023.

Attachments:

Ordinance

Planning Commission Summary (Staff Report, January 10, 2023)

Planning Commission Minutes (January 10, 2023, draft)

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 7, 2023**

AN ORDINANCE AMENDING TITLE 24 OF THE CITY OF GREELEY MUNICIPAL CODE TO UPDATE THE ALLOWANCE FOR CHILD CARE CENTERS/PRESCHOOLS AND MAKE VARIOUS REVISIONS AND CLARIFICATIONS TO DEVELOPMENT REQUIREMENTS

WHEREAS, the City adopted a major Development Code update in 2021; and

WHEREAS, regular amendments are needed to address omissions, correct technical errors, provide clarification, and include adaptations to achieve best practices; and

WHEREAS, the proposed amendments further the purposes of the Development Code, are in accordance with the Comprehensive Plan, were considered for long-range and immediate affects, promote the public safety, health, and general welfare of the citizens of Greeley, and improve the effectiveness and efficiency of administering the Development Code; and

WHEREAS, the City of Greeley intends to amend the Greeley Municipal Code to incorporate recommended changes to clarify minor variances, update to neighborhood meeting requirements, update the formula for park land dedication based on updated Census figures, restore Child Care Center/Preschool to residential zones, adjust home occupation processing, clarify some landscaping standards, and revert to the previous practice of City staff handling mailed notices for neighborhood meetings and public hearings.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. Title 24 of the Greeley Municipal Code is hereby amended as shown on Appendix A attached hereto and incorporated herein by reference.

Section 2. This ordinance shall become effective five (5) days after its final publication as provided by the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED, THIS _____ DAY OF _____ 2023.

ATTEST:

THE CITY OF GREELEY

City Clerk

Mayor

APPENDIX A

Annotated Explanation of Code Changes

~~Strikethrough~~ = Text removed, deleted

Bold, Italicized = Text added/amended

Italicized = Explanation

Topic: Minor Variances

Staff Analysis: *Minor variances precede the 2021 major code update, and the following text amendment is intended to clarify which applications qualify as a minor variance that are reviewed administratively.*

Proposed Changes:**24-209.c.3.(a)**

Variance to a setback, building location, or building height requirement by up to ***1 foot or*** 10% of the requirement, ***whichever is less.*** ~~Where this would be less than 1 foot, the Director may approve a variance up to 1 foot.~~

Topic: Neighborhood Meetings

Staff Analysis: *Historically, the requirement for neighborhood meetings has been at the discretion of the Director and typically reserved for applications with significant public interest. The following text amendments are proposed to remove the requirement for neighborhood meetings in the PUD application category, and to provide the Director with latitude to require neighborhood meetings as needed. The Neighborhood Meeting column is proposed for removal to avoid duplication of requirements and standards found elsewhere in the Development Code regarding neighborhood meetings.*

Proposed Changes:**Table 24-2-1: Procedures Summary**

Applications	Eligible Applicants			Pre-application Conference	Neighborhood meeting	Notice			Review Body			
	Owner	PC	CC			Post	Publish	Mail	Staff	PC	CC	ZBA
Minor Subdivision	✓			☑				☐	D	A	A	
Major Subdivision - Preliminary Plat	✓			☑	☐	☑	☑	☑	R	D/PH	A	
Major Subdivision – Final Plat	✓			☑					D	A	Ac	
Rezoning	✓	✓	✓	☑	☐	☑	☑	☑	R	R/PH	D/PH	
Planned Unit Development (PUD)	✓		✓	☐	☐	☑	☑	☑	R	R/PH	D/PH	
Use By Special Review	✓			☑	☐	☑	☑	☑	R	D/PH	A	
Site Plan	✓			☑		☐		☐	D	A	A	
Alternative Compliance	✓			☑				☐	D	A	A	
Minor Variance	✓			☑				☐	D		A	A
Variance	✓			☑		☑	☑	☑	R		A	D/PH
Appeal of Administrative Decision	✓	✓	✓			☐	☐	☐			A	D/PH

Text Amendment	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		R	R/PH	D/PH
Easement Vacation/Dedication	<input checked="" type="checkbox"/>			<input type="checkbox"/>		D	A	A
ROW Vacation/Dedication	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	R	R	D
Annexation	<input checked="" type="checkbox"/>	R	R/PH	D/PH				

= Require
 = Director Option
 = Authorized
PC = Planning Commission
CC = City Council
ZBA = Zoning Board of Appeals

R = Review and Recommending Authority
D = Decision Making Authority
Ac = Acceptance of Public Improvements
A = Appeal of Decision
PH = Public Hearing Required

24-201.e

Neighborhood Meeting. A neighborhood meeting may be required ~~prior to the formal public meeting as indicated in Table 24-2-1~~ *or elective as described in the options that follow.*

1. Director Option. At the pre-application meeting or in association with the review of an application, the Director may require a neighborhood meeting for any project ~~that requires formal review beyond staff, and~~ where:
 - (a) the nature of the project is complex or presents potential for significant changes and unanticipated impacts on property in the vicinity;
 - (b) the intensity of the proposed use or development is likely to present questions and concerns for adjacent property owners, beyond what may typically be allowed in the zoning district; or
 - (c) the required notice or any courtesy notice sent to property owners generates significant questions or concerns.
2. ~~Required Meeting or Applicant Option. A neighborhood meeting is required for any PUD application, and an~~ **An** applicant may elect to have a neighborhood meeting ~~on any other project. These neighborhood meetings should be held prior to a formal application so that~~ *to gather* input and concerns of potentially impacted *parties*. ~~property may be considered in the initial application.~~
3. Meeting Format. Neighborhood meetings shall meet the following:
 - (a) The Director shall coordinate the scheduling, meeting location, and notice;:-
 - (b) The meeting shall be held at a City facility; ~~or where~~ any other convenient and accessible public meeting facility within the general vicinity of the project, such as a school; *or* community recreation center;:-
 - (c) The applicant is responsible for all content of the meeting, which at a minimum shall include:
 - (1) The general nature and scope of the proposed project;
 - (2) A summary of the proposed land use, including planned and potential future uses associated with the application;
 - (3) The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
 - (4) Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
 - (d) The applicant shall prepare minutes of the meeting including evidence of the

notice, *a list of attendees and any contact information provided*~~attendance~~, a copy of any presentation materials, a summary of the discussion and issues, and any outcomes or changes from the meeting. These minutes shall supplement the formal application.

24-203.b.2.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to preliminary plat applications:

- (a) At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

24-204.c.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to rezoning applications:

1. Applications may be accompanied by any preliminary plat, site plan, zoning suitability plan, or other plan necessary to review conformance with the Comprehensive Plan.
2. At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

Topic: Park Land Dedication

Staff Analysis:

Calculation of park land dedication requirements are based on the number of people per residential unit. The proposed code update would reflect the 2020 US Census results for Greeley showing an average of 2.74 people per unit, an increase of .04 people per unit on average.

Proposed Changes:

Table 24-3-5: Park Land Dedication

Table 24-3-5: Park Land Dedication		
	Dedication Requirement	Formula
Total Acre Requirement	9.75 acres / 1,000 people	Units x 2.74 people / unit x 0.00975 acres / person
Neighborhood Park	3.25 acres / 1,000 people	Units x 2.74 people / unit x 0.00325 acres / person
Community Park	3.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0035 acres / person
Sports Complex	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person
Regional Park	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person

Topic: Child Care Center/Preschool

***Staff Analysis:** Child Care Center/Preschool was inadvertently disallowed in residential zoning districts with the 2021 major code update. The proposed update reverts to allowing child care center/preschool in R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zoning districts with a Use by Special Review and in R-H (Residential High Density) with an administrative site plan review.*

Proposed Changes:

Table 24-4-2: Zoning Districts and Uses

Table 24-4-2: Zoning Districts & Uses															
P = Permitted Use S= Use by special review blank = prohibited Use	Districts														
	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D	
Animal Care – General (indoor, 5K-20K GLA or boarding)						S	P	S	P	P	P				
Animal Care – Large (outdoor or > 20K GLA)										P	P				
Animal Care – Stables (> 5 boarded animals)										S	S		S		
Auction Houses (excludes livestock)										P	P	P			
Automobile - Gas Station Limited (up to 8 pumps)						S	P	S	P	P	P	P			
Automobile - - Gas Station General (9 – 20 pumps)							P		S	P	P	P			
Automobile Gas Station Large (21+ pumps)							S			P	P	P			
Automobile - Repair/Service Limited (up to 3 service bays; < 0.5 acre)						S	P	S	P	P	P				
Automobile - Repair/Service General (4-6 service bays; 0.5 – 1.0 acre)							P		P	P	P				
Automobile - Repair / Service Large (7+ service bays; > 1 acre)							S			P	P				
Automobile - Repair / Service for Heavy vehicle and Equipment											P	P			
Automobile - Sales / Rental Limited (< 0.5 acre)						S	P			P	P				
Automobile - Sales / Rental General (0.5 – 1.0 acre)							P			P	P				
Automobile - Sales / Rental Large (> 1.0 acre)							S			P	P	P			
Child Care Home (accessory / home occupation – See 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P			
Child Care Center / Pre-School	S	S	S	P		P	P	P	P	S	S	S			
Drive-through services - Accessory						See Section 24-403.e.									
Entertainment / Event Establishments							P		P	P	P				
Food & Beverage – Bar Limited (< 3K GLA; < 100 seats)							P	P	P	P	P				

Topic: Home Occupations

Staff Analysis: *Home occupation permits are issued in tandem with a business license from the Finance Department. The proposed update would align the duration of home occupation permits with the two-year duration of business licenses. Additionally, the update would revert to the process for approving home occupations before the 2021 major code update which did not require posted and mailed notification of home occupation applications to adjacent property owners.*

Proposed Changes:

24-403.11.e

All home occupations shall require a permit issued by the Director according to the following:

- (a) An application form and **support** materials shall be submitted to the Community Development Department;
- ~~(b) Notice of a permit application shall be posted and mailed to all abutting or other affected property owners according to Section 24-201.f.~~
- ~~(eb)~~ The applicant shall submit the application concurrently to the Finance Department for approval of a business license.
- ~~(dc)~~ A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions or limitations to ensure that the criteria continue to be met;
- ~~(ed)~~ A permit shall be valid for ~~three~~ **two** years, but may be renewed for subsequent ~~three~~ **two**-year periods;
- ~~(fe)~~ A permit is valid only for the original applicant, and is not transferable to another person or to another location;
- ~~(gf)~~ The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation, or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

Topic: Landscape Standards

Staff Analysis: Screening is an important strategy to ensure that visual impacts are appropriately mitigated. The proposed update aligns with previous practice to require screening from all rights-of-way and adjacent property. The update provides clarity that screening is needed along all rights-of-way, which includes sidewalks, alleys, and planned streets within dedicated rights-of-way. An additional update would refer to Water and Sewer Department standards for soil amendments required to attain xeriscaping raw water credits from the Water and Sewer Department.

Proposed Changes:

24-803.d

General Screening. All of the following shall be screened from ***rights-of-way*** streets ***and*** ~~or~~ adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative solid fence, or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.

24-804.d.4.

Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas ~~should receive~~ ***shall install*** soil amendments ***as required by the City of Greeley Water and Sewer Department adopted criteria.*** ~~of at least 3 cubic yards per 1,000 square feet.~~

Topic: Mailed Notice

Staff Analysis: Prior to the 2021 major Development Code update, City staff mailed public notices for neighborhood meetings and public hearings. The new code requires applicants to mail notices which has caused some public confusion due notices arriving from unknown sources. The proposed amendment would revert to City staff handling mailed notice with the applicant responsible for associated costs.

Proposed Changes:

24-201.f.3(a)

The city shall ~~supply the list of owners~~ ***prepare and mail the notice***, and the applicant is responsible for mailing ~~notice~~ ***costs***.

PLANNING COMMISSION SUMMARY

ITEM: Text amendments to the Greeley Municipal Code including updating the allowance for child care centers/preschools and making various revisions and clarifications to Municipal Code

PROJECT: Chapter 24 Development Code Updates

FILE NO: CU2022-0002

APPLICANT: City of Greeley, Community Development Department

CASE PLANNER: Caleb Jackson, AICP | Planner III

PLANNING COMMISSION HEARING DATE: January 10, 2022

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:

In 2021, the City of Greeley adopted a new Development Code. New codes generally require subsequent amendments to address omissions, correct technical errors, provide clarification, and include adaptations to achieve best practices.

This round of proposed changes is considered relatively ministerial; additional changes are being formulated by staff for future consideration. The proposed updates include clarification about minor variances, an update to neighborhood meeting requirements, updating the formula for park land dedication based on updated Census figures, restoring Child Care Center/Preschool to residential zones, adjusting home occupation processing, and clarifying some landscaping standards.

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 was published on the City of Greeley’s website on December 16, 2022, 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 24 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: Minor Variances

Staff Analysis: *Minor variances precede the 2021 major code update, and the following text amendment is intended to clarify which applications qualify as a minor variance that are reviewed administratively.*

Proposed Changes:

24-209.c.3.(a)

Variance to a setback, building location, or building height requirement by up to ***1 foot or*** 10% of the requirement, ***whichever is less***. ~~Where this would be less than 1 foot, the Director may approve a variance up to 1 foot.~~

Topic: Neighborhood Meetings

Staff Analysis: *Historically, the requirement for neighborhood meetings has been at the discretion of the Director and typically reserved for applications with significant public interest. The following text amendments are proposed to remove the requirement for neighborhood meetings in the PUD application category, and to provide the Director with latitude to require neighborhood meetings as needed. The Neighborhood Meeting column is proposed for removal to avoid duplication of requirements and standards found elsewhere in the Development Code regarding neighborhood meetings.*

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Major Subdivision - Preliminary Plat	✓			☑	☐	☑	☑	☑	R	D/PH	A	
Major Subdivision – Final Plat	✓			☑					D	A	Ac	
Rezoning	✓	✓	✓	☑	☐	☑	☑	☑	R	R/PH	D/PH	

Planned Unit Development (PUD)	✓	✓	☐	☑	☑	☑	☑	R	R/PH	D/PH
Use By Special Review	✓		☑	☑	☑	☑	☑	R	D/PH	A
Site Plan	✓		☑					D	A	A
Alternative Compliance	✓		☑					D	A	A
Minor Variance	✓		☑					D		A A
Variance	✓		☑					R		A D/PH
Appeal of Administrative Decision	✓	✓	✓							A D/PH
Text Amendment		✓	✓					R	R/PH	D/PH
Easement Vacation/Dedication	✓							D	A	A
ROW Vacation/Dedication	✓							R	R	D
Annexation	✓	✓	☑					R	R/PH	D/PH

☑ = Require
 ☐ = Director Option
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 PC = Planning Commission
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R = Review and Recommending Authority
 D = Decision Making Authority
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24-201.e

Neighborhood Meeting. A neighborhood meeting may be required prior to the formal public meeting as indicated in Table 24-2-1 or elective as described in the options that follow.

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- (a) the nature of the project is complex or presents potential for significant changes and unanticipated impacts on property in the vicinity;
- (b) the intensity of the proposed use or development is likely to present questions and concerns for adjacent property owners, beyond what may typically be allowed in the zoning district; or
- (c) the required notice or any courtesy notice sent to property owners generates significant questions or concerns.

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3. Meeting Format. Neighborhood meetings shall meet the following:

- (a) The Director shall coordinate the scheduling, meeting location, and notice;:-
- (b) The meeting shall be held at a City facility; or where any other convenient and accessible public meeting facility within the general vicinity of the project, such as a school; or community recreation center;:-
- (c) The applicant is responsible for all content of the meeting, which at a minimum

shall include:

- (1) The general nature and scope of the proposed project;
- (2) A summary of the proposed land use, including planned and potential future uses associated with the application;
- (3) The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
- (4) Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.

(d) The applicant shall prepare minutes of the meeting including evidence of the notice, ***a list of attendees and any contact information provided***~~attendance~~, a copy of any presentation materials, a summary of the discussion and issues, and any outcomes or changes from the meeting. These minutes shall supplement the formal application.

24-203.b.2.

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24-204.c.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to rezoning applications:

1. Applications may be accompanied by any preliminary plat, site plan, zoning suitability plan, or other plan necessary to review conformance with the Comprehensive Plan.
2. At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the ~~Neighborhood Meeting and any additional~~ notice of meetings or hearings necessary for the formal review.

Topic: Park Land Dedication

Staff Analysis:

Calculation of park land dedication requirements are based on the number of people per residential unit. The proposed code update would reflect the 2020 US Census results for Greeley showing an average of 2.74 people per unit, an increase of .04 people per unit on average.

Proposed Changes:

Table 24-3-5: Park Land Dedication

Table 24-3-5: Park Land Dedication		
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Topic: Child Care Center/Preschool

Staff Analysis: *Child Care Center/Preschool was inadvertently disallowed in residential zoning districts with the 2021 major code update. The proposed update reverts to allowing child care center/preschool in R-E (Residential Estate), R-L (Residential Low Density), and R-M (Residential Medium Density) zoning districts with a Use by Special Review and in R-H (Residential High Density) with an administrative site plan review.*

Proposed Changes:

Table 24-4-2: Zoning Districts and Uses

Table 24-4-2: Zoning Districts & Uses														
Use	Districts													
	R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
P = Permitted Use														
S= Use by special review														
blank = prohibited														
Animal Care – General (indoor, 5K-20K GLA or boarding)						S	P	S	P	P	P			
Animal Care – Large (outdoor or > 20K GLA)										P	P			
Animal Care – Stables (> 5 boarded animals)										S	S		S	
Auction Houses (excludes livestock)										P	P	P		
Automobile - Gas Station Limited (up to 8 pumps)						S	P	S	P	P	P	P		
Automobile - - Gas Station General (9 – 20 pumps)							P		S	P	P	P		
Automobile Gas Station Large (21+ pumps)							S			P	P	P		
Automobile - Repair/Service Limited (up to 3 service bays; < 0.5 acre)						S	P	S	P	P	P			
Automobile - Repair/Service General (4-6 service bays; 0.5 – 1.0 acre)							P		P	P	P			
Automobile - Repair / Service Large (7+ service bays; > 1 acre)							S			P	P			
Automobile - Repair / Service for Heavy vehicle and Equipment											P	P		
Automobile - Sales / Rental Limited (< 0.5 acre)						S	P			P	P			
Automobile - Sales / Rental General (0.5 – 1.0 acre)							P			P	P			
Automobile - Sales / Rental Large (> 1.0 acre)							S			P	P	P		
Child Care Home (accessory / home occupation – See 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P		
Child Care Center / Pre-School	S	S	S	P		P	P	P	P	S	S	S		
Drive-through services - Accessory						See Section 24-403.e.								

Entertainment / Event Establishments							P		P	P	P			
Food & Beverage – Bar Limited (< 3K GLA; < 100 seats)							P	P	P	P	P			

Topic: Home Occupations

***Staff Analysis:** Home occupation permits are issued in tandem with a business license from the Finance Department. The proposed update would align the duration of home occupation permits with the two-year duration of business licenses. Additionally, the update would revert to the process for approving home occupations before the 2021 major code update which did not require posted and mailed notification of home occupation applications to adjacent property owners.*

Proposed Changes:

24-403.11.e

All home occupations shall require a permit issued by the Director according to the following:

- (a) An application form and **support** materials shall be submitted to the Community Development Department;
- ~~(b) Notice of a permit application shall be posted and mailed to all abutting or other affected property owners according to Section 24-201.f.~~
- ~~(e)~~ (b) The applicant shall submit the application concurrently to the Finance Department for approval of a business license.
- ~~(d)~~ (c) A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions of limitations to ensure that the criteria continue to be met;
- ~~(e)~~ (d) A permit shall be valid for ~~three~~ **two** years, but may be renewed for subsequent ~~three~~ **two**-year periods;
- ~~(f)~~ (e) A permit is valid only for the original applicant, and is not transferable to another person or to another location;
- ~~(g)~~ (f) The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation, or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

Topic: Landscape Standards

Staff Analysis: Screening is an important strategy to ensure that visual impacts are appropriately mitigated. The proposed update aligns with previous practice to require screening from all rights-of-way and adjacent property. The update provides clarity that screening is needed along all rights-of-way, which includes sidewalks, alleys, and planned streets within dedicated rights-of-way. An additional update would refer to Water and Sewer Department standards for soil amendments required to attain xeriscaping raw water credits from the Water and Sewer Department.

Proposed Changes:

24-803.d

General Screening. All of the following shall be screened from *rights-of-way* streets **and** ~~or~~ adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative solid fence, or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.

24-804.d.4.

Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas ~~should receive~~ **shall install** soil amendments **as required by the City of Greeley Water and Sewer Department adopted criteria.** ~~of at least 3 cubic yards per 1,000 square feet.~~

ATTACHMENT B

24-209.c.3.(a)

Variance to a setback, building location, or building height requirement by up to 1 foot or 10% of the requirement, whichever is less.

Table 24-2-1: Procedures Summary

Applications	Eligible Applicants			Pre-application Conference	Notice			Review Body			
	Owner	PC	CC		Post	Publish	Mail	Staff	PC	CC	ZBA
<i>Minor Subdivision</i>	✓			☑			☐	D	A	A	
<i>Major Subdivision - Preliminary Plat</i>	✓			☑	☑	☑	☑	R	D/PH	A	
<i>Major Subdivision – Final Plat</i>	✓			☑				D	A	Ac	
<i>Rezoning</i>	✓	✓	✓	☑	☑	☑	☑	R	R/PH	D/PH	
<i>Planned Unit Development (PUD)</i>	✓		✓	☐	☑	☑	☑	R	R/PH	D/PH	
<i>Use By Special Review</i>	✓			☑	☑	☑	☑	R	D/PH	A	
<i>Site Plan</i>	✓			☑	☐		☐	D	A	A	
<i>Alternative Compliance</i>	✓			☑			☐	D	A	A	
<i>Minor Variance</i>	✓			☑			☐	D		A	A
<i>Variance</i>	✓			☑	☑	☑	☑	R		A	D/PH
<i>Appeal of Administrative Decision</i>	✓	✓	✓		☐	☐	☐			A	D/PH
<i>Text Amendment</i>		✓	✓			☑		R	R/PH	D/PH	
<i>Easement Vacation/Dedication</i>	✓						☐	D	A	A	
<i>ROW Vacation/Dedication</i>	✓					☑	☑	R	R	D	
<i>Annexation</i>	✓		✓	☑	☑	☑		R	R/PH	D/PH	

☑ = Require
☐ = Director Option
✓ = Authorized
PC = Planning Commission
CC = City Council
ZBA = Zoning Board of Appeals

R = Review and Recommending Authority
D = Decision Making Authority
Ac = Acceptance of Public Improvements
A = Appeal of Decision
PH = Public Hearing Required

24-201.e

Neighborhood Meeting. A neighborhood meeting may be required or elective as described in the options that follow.

1. Director Option. At the pre-application meeting or in association with the review of an application, the Director may require a neighborhood meeting for any project where:

- (a) the nature of the project is complex or presents potential for significant changes and unanticipated impacts on property in the vicinity;

- (b) the intensity of the proposed use or development is likely to present questions and concerns for adjacent property owners, beyond what may typically be allowed in the zoning district; or
 - (c) the required notice or any courtesy notice sent to property owners generates significant questions or concerns.
2. Applicant Option. An applicant may elect to have a neighborhood meeting to gather input and concerns of potentially impacted parties.
 3. Meeting Format. Neighborhood meetings shall meet the following:
 - (a) The Director shall coordinate the scheduling, meeting location, and notice;
 - (b) The meeting shall be held at a City facility or any other convenient and accessible public meeting facility within the general vicinity of the project, such as a school or community recreation center;
 - (c) The applicant is responsible for all content of the meeting, which at a minimum shall include:
 - (1) The general nature and scope of the proposed project;
 - (2) A summary of the proposed land use, including planned and potential future uses associated with the application;
 - (3) The most recent plans and submittals available for the project, depicting the scale, location and design of any buildings and the relation of all site improvements to the streets and adjacent property; and
 - (4) Identify and explain the subsequent formal review steps with the City, and note that official and formal review by the City may result in changes from the initial concepts.
 - (d) The applicant shall prepare minutes of the meeting including evidence of the notice, a list of attendees and any contact information provided, a copy of any presentation materials, a summary of the discussion and issues, and any outcomes or changes from the meeting. These minutes shall supplement the formal application.

24-203.b.2.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to preliminary plat applications:

- (a) At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to coordinate the notice of meetings or hearings necessary for the formal review.

24-204.c.

Review Procedure. In addition to the general requirements in Table 24-2-1 and Section 24-201, the requirements in this sub-section apply to rezoning applications:

1. Applications may be accompanied by any preliminary plat, site plan, zoning suitability plan, or other plan necessary to review conformance with the Comprehensive Plan.
2. At the pre-application meeting, and based on the size, scope, and impact of any future development anticipated or pending with the request, the Director shall determine how to

coordinate the notice of meetings or hearings necessary for the formal review.

Table 24-3-5: Park Land Dedication

Table 24-3-5: Park Land Dedication		
	Dedication Requirement	Formula
Total Acre Requirement	9.75 acres / 1,000 people	Units x 2.74 people / unit x 0.00975 acres / person
Neighborhood Park	3.25 acres / 1,000 people	Units x 2.74 people / unit x 0.00325 acres / person
Community Park	3.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0035 acres / person
Sports Complex	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person
Regional Park	1.5 acres / 1,000 people	Units x 2.74 people / unit x 0.0015 acres / person

Table 24-4-2: Zoning Districts and Uses

Table 24-4-2: Zoning Districts & Uses																			
P = Permitted Use S= Use by special review blank = prohibited Use	<i>Districts</i>					R-E	R-L	R-M	R-H	R-MH	C-L	C-H	MU-L	MU-H	I-L	I-M	I-H	H-A	C-D
	Animal Care – General (indoor, 5K-20K GLA or boarding)											S	P	S	P	P	P		
Animal Care – Large (outdoor or > 20K GLA)															P	P			
Animal Care – Stables (> 5 boarded animals)															S	S		S	
Auction Houses (excludes livestock)															P	P	P		
Automobile - Gas Station Limited (up to 8 pumps)											S	P	S	P	P	P	P		
Automobile - - Gas Station General (9 – 20 pumps)												P		S	P	P	P		
Automobile Gas Station Large (21+ pumps)												S			P	P	P		
Automobile - Repair/Service Limited (up to 3 service bays; < 0.5 acre)											S	P	S	P	P	P			
Automobile - Repair/Service General (4-6 service bays; 0.5 – 1.0 acre)												P		P	P	P			
Automobile - Repair / Service Large (7+ service bays; > 1 acre)												S			P	P			
Automobile - Repair / Service for Heavy vehicle and Equipment																P	P		

Automobile - Sales / Rental Limited (< 0.5 acre)						S	P			P	P			
Automobile - Sales / Rental General (0.5 – 1.0 acre)							P			P	P			
Automobile - Sales / Rental Large (> 1.0 acre)							S			P	P	P		
Child Care Home (accessory / home occupation – See 24-403.c)	P	P	P	P	P	P	P	P	P	P	P	P		
Child Care Center / Pre-School	S	S	S	P		P	P	P	P	S	S	S		
Drive-through services - Accessory						See Section 24-403.e.								
Entertainment / Event Establishments							P		P	P	P			
Food & Beverage – Bar Limited (< 3K GLA; < 100 seats)							P	P	P	P	P			

24-403.11.e

All home occupations shall require a permit issued by the Director according to the following:

- (a) An application form and support materials shall be submitted to the Community Development Department;
- (b) The applicant shall submit the application concurrently to the Finance Department for approval of a business license.
- (c) A permit may be approved by the Director upon a finding that all criteria are met, and the Director may require any additional conditions of limitations to ensure that the criteria continue to be met;
- (d) A permit shall be valid for two years, but may be renewed for subsequent two-year periods;
- (e) A permit is valid only for the original applicant, and is not transferable to another person or to another location;
- (f) The Director may revoke a permit for non-compliance with these criteria, violation of any conditions of the approval, misinformation, or misrepresentation in the application, or a change in the nature or extent of the use, or any other circumstance that violates the public health, safety, and welfare.

24-803.d

General Screening. All of the following shall be screened from rights-of-way and adjacent property by placement of buildings or open space, dense evergreen vegetation, a decorative solid fence, or wall complementing the architectural details and materials of the building, or a combination of these screening strategies. Where the design of the building, frontages, open space, buffers, and other site requirements do not adequately screen these elements, the Director may require additional planting to achieve the design objectives of this section.

24-804.d.4.

Incorporate soil amendments and use of organic mulches that reduce water loss and limit erosion. All plant areas shall install soil amendments as required by the City of Greeley Water and Sewer Department adopted criteria.

City of Greeley, Colorado
PLANNING COMMISSION PROCEEDINGS
January 10, 2023

1. Call to Order

Chair Yeater called the meeting to order at 1:17 PM.

2. Roll Call

The hearing clerk called the roll.

PRESENT

Chair Justin Yeater
Commissioner Louisa Andersen
Commissioner Erik Briscoe
Commissioner Jeff Carlson
Commissioner Brian Franzen
Commissioner Larry Modlin
Commissioner Christian Schulte

ABSENT

None

3. Approval of Agenda

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

4. Approval of Minutes

Approval of October 25, 2022, November 8, 2022, and December 13, 2022, Planning Commission Meeting Minutes.

Commissioner Andersen moved to approve the minutes dated October 25, 2022, November 8, 2022, and December 13, 2022. Commissioner Franzen seconded the motion.

Motion carried 7-0. (None absent.)

EXPEDITED AGENDA

5. A public hearing to request a Use by Special Review (USR) request from Darin Spitzer, on behalf of PDC Energy, to allow for an oil and gas operation on a 16.21-acre area within a 253-acre H-A (Holding Agriculture) zoned parcel of land at 27027 CR 25, which is located South of Highway 34 Bypass, West of CR 25 (95th Avenue), and North of CR 56 (USR2022-0015).

Chair Yeater inquired if there was a reason why all traffic is focused off of Highway 34 and if so, if there was a reason, they wouldn't use County Road 56. Logan Glewen, Engineering Technician, said that it was done to minimize left turns. They do intend for about 50% of traffic to cross left and the other 50% to cross right.

Darrell Gesick, Planner III, added that County Road 56 is not an improved roadway and that it's mainly used as a driveway to the site. He said that although it's platted it hasn't been approved to be used by the public.

Chair Yeater asked about the usage of County Road 54. Mr. Glewen stated that would be 37th street and they would have 50% of traffic exiting there.

Chair Yeater questioned if they would try and build whole both pad sites concurrently or if they planned on building two separate projects. Mr. Glewen said that they would be two separate projects.

Chair Yeater inquired if they would be built as separate times. Mr. Glewen was unsure, so the applicant was invited to answer on his behalf.

Darin Spitzer, PDC Energy, clarified that both projects would be built concurrently.

Chair Yeater opened the public hearing at 1:22 PM. Seeing no one present who wished to address the Commission on this item, he closed the public hearing at 1:22 PM.

Commissioner Andersen moved that based on the application received and the preceding analysis, the Planning Commission find that the proposed Use by Special Review for an oil and gas operation that consists of 23 oil and gas wellheads and associated production facility equipment in the H-A (Holding Agriculture) zoning district is consistent with the Development Code criteria of Section 24-206 (Items 1-8) and the proposed oil and gas operations will meet the provisions contained in Section 24-1102, Oil and Gas; and therefore, approve the Use by Special Review. Commissioner Carlson seconded the motion.

Motion carried 7-0. (None absent.)

END OF EXPEDITED AGENDA

6. A public hearing to consider a request from Jodi Hartmann, on behalf of High Plains Housing Development Corporation, to rezone approximately 7.8 acres of land located at 123 9th Avenue from I-L (Industrial Low Intensity) to MU-H (Mixed Use High Intensity) zoning district (ZON2022-0012).

Commissioner Carlson recused himself from this portion of the meeting, citing a potential conflict of interest.

Caleb Jackson, Planner III, summarized the proposed rezoning and the intended ultimate use. He discussed area context, surrounding zoning, and the proposal's conformance with the Development Code. Mr. Jackson then explained the purpose of the project and provided an overview of the development plan. He confirmed that all public notice requirements had been met, and that staff had received no community input expressing concerns or opposition for the project.

Commissioner Briscoe questioned whether the three brick structures on the site are required to remain as part of the proposed development. Mr. Jackson stated that with this land use action it is not possible to require them to remain, but it is the applicant's expressed intent to repurpose the structures.

Chair Yeater invited comment from the applicant.

Jodi Hartmann, Executive Director of High Plains Housing Development Corporation at 3104 69th Avenue Court, reiterated that the three existing brick buildings will be kept in place, but the rest of the metal structures and one of the oldest brick buildings will be demolished. She discussed the site's previous uses, which included produce assembly, manufacturing, and storage. Ms. Hartmann then described High Plains Housing Development Corporation and its mission as a nonprofit affordable housing developer and identified two apartment complexes her company has successfully been operating locally.

Ms. Hartmann explained that the intent is a phased development approach and described each phase which includes a variety of affordable housing options, explaining the need for and collective benefits of providing such housing.

Ms. Hartmann closed by saying that phase one of this project will involve a \$26 million dollar infrastructure investment, bringing 58 new units of housing. Phase two will be a \$30 million dollar infrastructure investment that will bring 90 additional units to the housing stock. She explained that phases three and four haven't explored far enough to know the investment impacts but indicated it would include an additional 30 housing units. Ms. Hartmann touched on the fact that there are a number of local stakeholders and partners who have been working with High Plains on this project in order to show the scope of the community's support.

Chair Yeater asked if the financing is currently in place for phases one and two. Ms. Hartmann stated that they are working on phase one right now but most of the funding for that project will come from housing tax credits, and if successful they anticipate construction to start in the spring of 2024. They hope to have people living on the campus by 2025.

Chair Yeater then asked what the ultimate goal for a final build out of the remaining phases will be. Ms. Hartmann stated that phase two is hoped to be completed around 2026 to 2027. She then explained that they are hoping for phases three and four to be developed simultaneously with phase two because they won't be looking for tax credits but will instead be seeking other resources at that time.

Commissioner Franzen asked for clarity regarding the timeline of the funding. Ms. Hartmann explained that they could apply for funding on the second phase when they near completion of the first phase.

Chair Yeater opened the public hearing at 1:37 PM.

Rick Hoagland, who owns property east of the proposed rezone, expressed his concern regarding potential traffic impacts, especially at peak hours, and adequacy of parking spots on the site.

Chair Yeater closed the public hearing at 1:40 PM.

Commissioner Briscoe moved that based on the application received and the preceding analysis, the Planning Commission find that the proposed rezoning from I-L (Industrial Low Intensity) Zone District to the MU-H (Mixed-Use High Intensity) Zone District meets the Development Code criteria, Sections 24-204 and therefore, recommend approval of the rezone to the City Council. Commissioner Franzen seconded the motion.

Commissioner Schulte commented that parking is always a legitimate concern for any development but wanted to remind the applicant and public that the Commissioner's job today is limited to consideration of the rezone request, not the possible project. If the rezoning is approved the project would ultimately have to go through approvals and meet code requirements, such as with respect to parking. Chair Yeater agreed and then called for the motion.

Motion carried 6-0 (Commissioner Carlson recused from this vote).

Commissioner Carlson stepped back into the chambers to be present for the remainder of the Commission meeting.

7. A public hearing to consider various amendments to the Greeley Municipal Code including, clarifying the notice requirements, updating the allowance for childcare centers/pre-schools by USR in R-E, R-L, R-M and R-H zone [Table 24-4-4], changing the square footage allowances as they pertain to accessory buildings [Table 24-5-2], and making various minor corrections of errors and omissions to Municipal Code.

Caleb Jackson, Planner III, stated that the last major code update was in 2021. He said that these recent proposed updates are for clarity and to address some omissions. They also address items for minor variances, neighborhood meetings, Parkline dedication, childcare centers and preschools, home occupations and landscaping. Mr. Jackson noted that staff is continuously working on updates and will bring additional items to the Planning Commission for clarity as needed. Lastly, he said the Planners are also working on larger updates involving metro districts of the city's accessory structures and driveways.

Mr. Jackson said that he would explain each item with the intent, the current standard, and the proposed updates. First, he addressed minor variances stating that the intent is to clarify the allowances for minor variances and remove some duplicative language. The current standard is somewhat unclear regarding minor variances for setbacks and building location. The proposed update would clarify that variances for setbacks, building location, or building height would qualify as minor when they do not exceed 1 foot or 10% of their requirement whichever is less. It would also then remove duplicative language.

Mr. Jackson then explained that the director may improve terms of neighborhood meetings. It's currently under the director's discretion to require neighborhood meetings. He said that the current standard requires neighborhood meetings for planned unit developments, and it also implies that neighborhood meetings are required for rezonings and preliminary subdivisions. Mr. Jackson said that the proposed updates are to remove the requirement for neighborhood meetings for PUD's but making it the director's option. They also want to remove the implied requirement for neighborhood meetings, rezonings, and preliminary subdivisions intending to reserve these meetings for items that have more substantial public concern. Mr. Jackson stated that they would like to provide the director with the option to require a neighborhood meeting for any application, if it's warranted, and based on some standards in the code.

He discussed that the parkland dedication calculation is based on updated household size. The current formula had used 2.7 people per household, but the new census shows we are actually at 2.74 people per household. It is intended to update the formula.

Mr. Jackson explained that they want to address childcare centers and preschool allowance in residential zones. The previous code did allow them in residential zones, but it seems that it was left out under the new code. He said they are proposing going back the previous standards that allowed these uses in residential estate, residential low, and

residential medium through use by special review. This would be presented to the Planning Commission through a site plan review which is administrative in the residential high zoning district.

Mr. Jackson said that their intent with home occupations is to sync that process with business license renewals. They also want to clarify that review and renewal would now only be required every two years instead of three. The current standard requires notification of a home occupation application via mail to abiding owners and a posting of the site. Mr. Jackson said they would like to go back to removing notification requirements.

He said that they would like to touch on a few things for terms of landscaping. One is clarifying that screening is required for all rights-of-way and also to refer to water and sewer standards for soil amendments. Mr. Jackson said that the current standard and code requires screening visual impacts. They are proposing to change that and clarify it's from rights-of-way. He explained that the current code has a specific standard about soil amendments for the raw water credits. Mr. Jackson said that it differs from the current water and sewer criteria. They would instead just like to reference the water and sewer criteria directly.

Mr. Jackson said that one other item has come up for discussion that was not included in the original packet.

Don Threewitt, Chief Planning Manager, began to discuss the separate issue. He said that based on some public feedback, it appears that the current way we are handling mailing notices is causing some confusion with applicants and the public. Due to this, it is proposed that we revert back to the original mail notice requirements in the previous code. He said this is essentially our city staff preparing and the mailing the notices. The applicant will cover the mailing cost, but it's believed that this will help with communication all around.

Commissioner Modlin asked if the 2.74 density number is really adequate from the 2020 consensus. Becky Safarik, Interim Community Development Director, stated that at this time we don't have a better number to suggest. She said that it's based on the average household size including multifamily and single family. Ms. Safarik stated that based on available information it's the best empirical data we have to update that number. She also said that it can be adjusted in the future if we come across a better number to use.

Commissioner Modlin then asked when the next time that number would be reviewed. Ms. Safarik said that from the census standpoint it's every 10 years so it wouldn't be for another eight years from now. However, she explained that if we find there's other substantiated demographic information, we could use that at any time.

Commissioner Franzen inquired if there were standards for the decision as far as director approved neighborhood meetings. Mr. Jackson said that there are certain standards the director would need to consider that would be primarily based on the impact of the proposed project.

Commissioner Andersen wondered who organizes the neighborhood meetings. Mr. Jackson said that it's the responsibility of the applicant to organize the meeting and ensure that it occurs and meets all standards. However, the director will help coordinate and schedule.

Commissioner Andersen then asked if the director is coordinating and scheduling the meetings then what would the applicant be doing. Mr. Jackson stated that that they are responsible for the content of the meeting, following up, providing minutes, and running that meeting. He said that city staff is always available at those meetings to answer and questions.

Commissioner Andersen then wondered if that would require after hours from a city employee in order to attend those meetings. Mr. Jackson said yes it would.

Ms. Safarik added that many times developers like to get acquainted with the neighborhood and sometimes do it in a more informal way. However, these meetings are a good substitute for that if the city feels one is needed.

Commissioner Andersen asked about screening and what visual impact means in the code. Mr. Jackson said a section in the packet says specifically what visual impact is and what items need to be screened.

Chair Yeater opened the public hearing at 1:54 PM. Seeing no one present who wished to address the Commission on this item, he closed the public hearing at 1:54 PM.

Commissioner Andersen moved that, based on the Project Summary and accompanying analysis, the Planning Commission find that the proposed amendments to Chapter 24 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. Commissioner Franzen seconded the motion.

Motion carried 7-0. (None absent.)

8. A Public Hearing to Consider the Downtown 2032 – The Path Forward, Greeley Downtown Plan Update.

Commissioner Franzen recused himself from this portion of the meeting, citing a potential conflict of interest.

Becky Safarik, Interim Community Development Director, introduced the Downtown Plan Update and stated that about 10 years' time has passed since the last downtown development investment strategy was completed. The City of Greeley determined an update would be helpful to assess the work to date and to maintain focus and momentum for the next decade. Coincidentally, the City contracted with the same consultant who did the previous plan. She introduced Brad Segal with Progressive Urban Management Associates (PUMA) to describe the Plan update.

Mr. Segal, introduced his team and described the process used to complete the study, noting that they heard from over 1,200 residents in the community who expressed an interest in Downtown. Mr. Siegel said their team completed an analysis of existing conditions and tracked improvements over the last 10 years. He explained that they will provide everyone with an overview of the action plan and then be available for any questions or discussion.

Amanda Kannard, PUMA, reiterated how important it was that they were able to gather so many inputs from the community. She explained that there were a variety of topics discussed early on in the process at a roundtable discussion with an advisory committee that was made up of downtown stakeholders, including business owners, members of the

Downtown Development Authority, property owners, and representatives from a variety of businesses. Ms. Kannard said they also had a technical working group that was made up of various city departments. She noted they also had a pop-up presence at one of the Friday Fests in summer fairly early on in the process. In addition to that input, they also conducted an online survey that was distributed to the greater Greeley community which netted over 1,100 responses. After they had developed some preliminary recommendations, they hosted a community wide open house where they had nearly 40 people attend. Ms. Kannard stated they also conducted some focused outreach to historically marginalized populations.

She explained that some of the key themes heard from the stakeholder groups was that they want to ensure that Greeley is welcoming and inclusive to everybody who lives and works in or visits Downtown. They want to make sure that the DDA and City of Greeley continue moving forward with doing a good job at programming and activation of the area; bolstering the storefront economy; and maintaining its historic character. She also noted the importance of ensuring downtown is livable with such as dog parks, grocery stores, etc. Another priority was to continue to invest in infrastructure and infill development and underutilized spaces. Finally, she noted the importance of connectivity not only within downtown, but to neighboring communities as well.

Ms. Kannard then highlighted a couple of questions and answers from the online survey, noting the top priority was to redevelop and repurpose underutilized spaces in downtown. Relative to priority services, the number one response was more retail and restaurants, followed by public safety and providing more services to address the unhoused population.

She stated that the existing conditions analysis was the other key that served as a foundation for developing the strategies and actions in the plan including a market assessment. The key findings were that housing is a robust market in downtown and will continue to be, moving forward. The agriculture and manufacturing industrial heritage that exists in Greeley is an enduring economic anchor that can be capitalized on into the future. The office market is likely to remain niche but there are some opportunities to have creative office spaces through small businesses, incubation, and coworking. Retail is a continued strength that would benefit from additional housing development. There are also some underutilized or untapped markets that exist for younger demographics, particularly UNC students and Latinx households, which are key opportunities moving forward.

Todd Wenskoski, team partner from Livable Cities Studio, said that the capital improvement assessment looked at the space from the property lines to the curb line. They found out that the eastern edge has the lowest quality because it's paired with historical industrial uses. He then said that areas around downtown formed a higher ranked quality due to the ongoing upkeep and the investments that have been made over time. Mr. Wenskoski stated that if you move further south the residential areas generally had a higher quality as well, partially due to historic character, etc. He stated the other thing found was although 8th Avenue and 9th Avenue have distinctly different characters one being more commercial the other one being a bit more mixed with historic district, they generally provide a really good north and south connectivity under the core of downtown.

Mr. Wenskoski stated that elsewhere in downtown, in most cases, where there are non-residential areas, especially with older, mid-century developments, they found that they didn't have great frontages because commercial uses sometimes had to have bigger access points and driveways.

He stated the other thing they looked at was regarding the public spaces and uses of downtown. They found the core is strong but there is an unequal distribution in some areas. He further explained that the area around Lincoln Park, including 8th and 9th Avenue are great but outside of that the character is limited. Mr. Wenskoski also stated they noticed the amount of area dedicated to cars, either through wide roadways, or surface parking that could provide an opportunity to repurpose such areas into more productive areas. He said that the bicycle infrastructure is good and getting better and can be built upon going forward. Mr. Wenskoski explained that one of the most important things they discovered was safety and lighting was great in some areas but really lacking in others.

Mr. Segel explained the action plan, recommendations, and how to proceed to implementation. He stated that they started with core values for what they want downtown to be like in the future, starting with the physical framework. He noted the three categories with key recommendations. The first of that is economy, which is how the downtown can be more prosperous and create more jobs. The second is environment which gets into the physical realm of downtown. Lastly, is experience, which is how we activate downtown and what sort of experience one has coming downtown.

He stated that the previous plan had four different sub areas. They have now streamlined that into three sub areas within downtown that have similar character and also have distinctly different market opportunities. Mr. Segel stated that the three sub areas are central downtown, university uptown, and the railway district on the eastern edge of downtown.

Mr. Wenskowski said they went on to create the physical framework plan which guided a lot of the transformative projects into the action plan and touched on connecting downtown to the Poudre River both north to Island Grove and also east.

He spoke about how there were discussions on how to turn the railway district into something exciting and interesting that would create a different type of contribution to downtown. Mr. Wenskowski said that they spoke about diversifying the residential mix with different approaches in each sub area. They want to build off of the core area and still create a sub area that have identities and character relating to their history. He spoke about reinforcing the bike lanes and hopefully taking them a step further to enhance the corridor and carry forward the history. He stated that they also suggest reuse of existing buildings in creative ways and still providing outdoor seating with public art. The character of these two areas is different but they both contribute to downtown and the vision.

Mr. Siegel wrapped the presentation up by giving a summary of the action plan and actual recommendations. He stated that everything they presented is tied to the core values of the city. They want downtown to be welcoming and inclusive, prosperous and vibrant, a complete neighborhood that is accessible and connected. They also provided vision statements for the different elements of the plan. He stated they provided a series of charts and matrices that get into fine grained detail within each of these sections. Each section has strategies and then tactics that are assigned to specific stakeholders to be worked on. They also got into resources and sequencing many of these ideas are more near-term other ideas are longer term in the context of a 10 plus year vision or plan.

Ms. Safarik recognized their presentation by commending their work. She also recognized two other leaders in the project. Bianca Fisher with DDA and Ben Snow with City of Greeley Economic Health and Housing, both who were instrumental in making sure stakeholders were well represented.

Commissioner Briscoe stated that he was impressed with the tremendous amount of effort and work that has gone into this project. He questioned what all of that means for the Commission and why are they seeing this today. He also wondered how they are financing everything.

Ms. Safarik said because the downtown development plan is a part of the Comprehensive Plan by reference, the Planning Commission is asked to make recommendations on land use matters, such as this, to the City Council. She then stated that the city initiated this update using city resources because it is seen as a vital part of maintaining the economy and infrastructure within the community as well as a partnership with the DDA and the work of the Economic Health and Housing Department.

Commissioner Schulte wondered if there has been anything analogous throughout Greeley where there have been multiple zones coming together. Ms. Safarik said that downtown is unique in that regard because it's got so many partnerships. She said there are five tax increment districts in the city that focus on redevelopment and have the city and private development partnerships.

Commissioner Schulte asked if there's any sort of tension going forward as we move this downtown field into the railroad area and into that existing industrial land. He wondered if we would lose any economic resources in the process. Ms. Safarik said that it was a very intentional decision to include the whole railway corridor as a transitional district into industrial uses. She stated that it will further support "maker spaces" and some of the special uses they have on the east side of downtown and make it an industrial incubator space that allows smaller businesses.

Benjamin Snow, Economic Health and Housing Director, said there are great and creative reuse opportunities with the old agricultural industrial assets which can experience some new life with redevelopment. This could include a mixture of uses, it could be residential, or it could be some light industrial types of places, or live/work kind of arrangements. He opined that the exciting part about that whole railway district is that it opens up an area where we could keep the agricultural heritage alive but embrace some of these new things that are happening in terms of innovation and entrepreneurship.

Ms. Safarik also mentioned that she met with the executive director of the model train museum and reviewed their master plan which strongly complements what is planned for downtown Greeley.

Commissioner Schulte asked if, hypothetically, someone wanted to build a factory in Greeley where would that go? Ms. Safarik said that we have many areas that would be prime for that kind of use, particularly east and north of this area.

Mr. Snow stated that if you look at the overall land use plan for Greeley then there's a wealth of agricultural land between the airport and Hwy 85 which also is parallel with the railroad tracks. So, while the infrastructure is not fully in those areas yet there is enough land in those areas to reach a certain level of scale for industrial development, noting that the railway district in downtown would be really a different kind of product that is smaller scale space.

Chair Yeater opened the public hearing at 2:30 PM.

Bianca Fisher, Executive Director of the Downtown Development Authority, offered thanks to the City and all those that contributed to this project. She believes we've come a long

way in the last ten years because of the partnership with the city and with private stakeholders. Ms. Fisher reflected on the opportunities that have come from the City's investment in 8th Avenue improvements and touched on the fortune to be a part of the creative district's public art programs. She noted several creative industries in the area and closed by saying how thrilled she is to have the city taking a strong lead on this plan and how grateful they are to be partners in this project.

Chair Yeater closed the public hearing at 2:33 PM.

Commissioner Andersen made a motion that the Planning Commission find that the updated study, Downtown 2032: The Path Forward, is consistent with the goals of the City's Comprehensive Plan and recommend its adoption and incorporation into the Comprehensive Plan by reference. Commissioner Briscoe seconded the motion.

Motion carried 6-0 (Commissioner Franzen recused).

Commissioner Franzen stepped back into the chambers to be present for the balance of the Commission meeting.

9. Staff Report

Ms. Safarik introduced Sara Aragon as the new Office Manager in the Community Development department. She then stated that Public Works is ready to present the Transportation Master Plan as a Public Hearing at the next Planning Commission meeting. Ms. Safarik stated that will most likely be the only item on the agenda so we should have plenty of time to get all questions addressed.

10. Adjournment

With no further business before the Commission, Chair Yeater adjourned the meeting at 2:37 PM.

Justin Yeater, Chair

Becky Safarik, Secretary



Council Agenda Summary

February 7, 2023

Key Staff Contact: Becky Safarik, Interim Community Development Director

Title:

Introduction and first reading of an Ordinance amending Title 12, Chapter 7 of the Greeley Municipal Code relating to vacant and abandoned buildings

Summary:

In September 2022, City Council updated its regulations related to a variety of non-criminal property code requirements to improve code compliance related to chronic nuisance situations. These standards have already proven helpful with some persistently difficult cases.

The approved code modifications also included specific treatment for abandoned and neglected buildings. As staff began to develop operational processes to implement these new standards, it was determined that some code language in this area required amendment to provide clearer definitions to ensure full compliance as intended.

Additional research ensued and has resulted in the attached ordinance amendments that staff believes will better align with Council’s goals and intended compliance actions.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	N/A

Legal Issues:

Consideration of this matter is a legislative process.

Other Issues and Considerations:

None.

Strategic Focus Area:



Community Vitality



Quality of Life



Safe and Secure Communities

Decision Options:

- 1) Introduce the ordinance as presented; or
- 2) Amend the ordinance and introduce as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to introduce the ordinance and schedule the public hearing and second reading for February 21, 2023.

Attachments:

Ordinance

**CITY OF GREELEY, COLORADO
ORDINANCE NO. 8, 2023**

**AN ORDINANCE AMENDING TITLE 12, CHAPTER 7 OF THE GREELEY
MUNICIPAL CODE RELATING TO VACANT AND ABANDONED BUILDINGS**

WHEREAS, the City of Greeley, Colorado (“City”) is a home rule municipality, and pursuant to Article XX, Section 6 of the Colorado constitution has the right to enact, administer and enforce ordinances; and

WHEREAS, it is the responsibility of multiple departments in the City to respond to code violations, requiring a coordinated response to community and neighborhood concerns; and

WHEREAS, strengthening the provisions and expanding the options to address vacant and abandoned properties that are neglected or derelict will further discourage persistent violations of the Greeley Municipal Code; and

WHEREAS, the recommended amendments to the Greeley Municipal Code would ensure compliance with the code to meet neighborhood and community expectations, encourage economic stability and growth, and protect the health, safety and welfare and of the city and its inhabitants.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY,
COLORADO:**

Section 1. That Chapter 7, Vacant and Abandoned Buildings, of Title 12, Public Health and Environmental Control, shall be amended as shown in Appendix A, attached hereto and incorporated herein.

Section 2. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

**PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS ____ DAY OF
_____ 2023.**

ATTEST

**THE CITY OF GREELEY,
COLORADO**

City Clerk

Mayor

APPENDIX A
ORDINANCE AMENDING TITLE 12, CHAPTER 7
GREELEY MUNICIPAL CODE

Section 1. Chapter 7, Vacant and Abandoned Buildings, of Title 12, Public Health and Environmental Control, shall be amended to read as follows:

Chapter 7. Vacant and Abandoned Buildings.

Sec. 12-383. Legislative Intent.

The City Council finds and determines that the existence of dilapidated buildings and properties within the City present significant hazards to the health, safety and welfare of the citizens of the City. When vacant and abandoned properties appear to be dilapidated, it has a negative impact on the community and creates areas of blight in the City. Vacant and abandoned buildings that are not properly boarded, secured and kept with a basic level of property maintenance can create unsafe and unsanitary conditions and be a fire hazard. The purpose of this chapter is to mitigate the blighting impacts of a neglected property and to rehabilitate the property for the protection of the health, safety, and general welfare of the municipality.

Sec. 12-384. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Abatement means to abate the property pursuant to code section 2-1035 by making the neglected or derelict property compliant with the Code and all rules and regulations adopted pursuant to the Code. The closing or boarding up a building that is found to be neglected or derelict is not an abatement.

Basic level of property maintenance requires that the building is secure, that the use of materials to properly board a building and to minimize the appearance of abandonment, including painting or treatment of any window and door coverings to match the building, that care of vegetation on the property is maintained and that the property is in compliance with all other requirements in this Code.

Building means a structure that is used or intended for use as a residence or for commercial, industrial or business purposes.

Neighborhood nuisance means a property that is a danger to the public health, safety or welfare, is structurally unsafe or unsanitary, is not provided with adequate safe egress, constitutes a fire hazard, otherwise dangerous to human life, or in relation to the existing use constitutes a danger to the public health, safety or welfare. Factors to determine whether a property is a neighborhood nuisance include: prior Code violations, vacant or abandoned, maintained grounds, sound interior, vandalism or other destructive activity, location of property to school, park or recreation center, length of time conditions have existed and any other relevant factors the city determines.

Not lawfully occupied means property is unoccupied or uninhabited; property that is posted as unsafe; property that is occupied or inhabited in violation of the Code; or property that is occupied by trespassers or transients seeking temporary hiding or shelter.

Vacant or Abandoned Building means any building, structure or property or portion thereof, including but not limited to, all accessory or appurtenant structures, such as garages, sheds or storage facilities, that meets one of the following circumstances:

1. The property has not been lawfully occupied for 60 days, demonstrates signs of neglect and has been wholly or partially boarded up and does not show any evidence of ongoing or substantial construction activity pursuant to a valid building permit;
2. The property is not lawfully occupied for 90 days and does not meet the basic level of property maintenance requirements;
3. The property is not lawfully occupied and has been in violation of any provision of the city code or state law on three occasions within a two-year period; or
4. The property is not lawfully occupied and the tax on the premises has been due and unpaid for a period of at least one year.

Property means a contiguous parcel, tract, lot or other area of land established or described by plat, subdivision, or metes and bounds description in common ownership which is permitted by law to be used, occupied, or designed to be occupied by one or more buildings or uses. Property also means any building, or individual residential unit within a building.

Unsafe means the conditions of the property or building create a serious hazard to the health or safety of the occupants or of the public.

~~Sec. 12-385. Declaration of Public Nuisance.~~

~~A vacant and abandoned building that does not meet the basic level of property maintenance is declared to be a public nuisance.~~

Sec. 12-385. Neglected or derelict property unlawful.

Neglected or derelict property means that one of the following circumstances exist on the property:

1. The property is unsafe; or
2. The property is vacant or abandoned as defined in section 12-384; or
3. The property is a neighborhood nuisance as defined in section 12-384.

Sec. 12-386. Duty of property owners and agents.

It is the duty of every person, whether owner or agent of a vacant or abandoned building, including, but not limited to, any place of business, hotel, restaurant, residence or any other establishment, to secure the building and maintain a basic level of property maintenance, so that it appears to be in a clean and orderly condition.

Sec. 12-387. Administrative actions for enforcement and abatement.

(a) A violation of this chapter shall be punishable as administrative code violation pursuant to chapter 10 ~~of~~ of title 1 of this Code.

(b) An emergency abatement may be ordered by the administrative hearing officer in accordance with sec. 2-1035 if a violation is an imminent hazard to life, health, property or public welfare.

(c) An owner shall submit a remedial plan, in a form acceptable to the city, within 30 days of the date of the notice of violation. The remedial plan must include all work necessary to abate the violation and deadlines for completing all work in the remedial plan. If a remedial plan is not provided or if the owner fails to comply with the remedial plan, the administrative hearing officer may issue an order for abatement in accordance with section 2-1035.

Sec. 12-388. Posting of no trespass, other warning and notice signs.

Upon or after issuing a notice of violation, the city may post a sign near each possible access point to the property prohibiting trespassing and warning the public of danger. The city may require a notice of owner or agent sign on the property. The city may require the owner post no trespass, other warning and notice signs in compliance with this section.

Secs. ~~12-388~~ 12-389 – 12-407. Reserved.



Council Agenda Summary

Title:

Pulled Consent Agenda Items

Summary:

Pulled Consent Agenda items will be considered in the order they appeared on the consent agenda.



Council Agenda Summary

February 7, 2023

Key Staff Contact: Sean Chambers, Water & Sewer Director

Title:

Public hearing and second reading of an Ordinance Amending Section 20-62 and Adopting Section 20-64 for the Water & Sewer Department Updated Utility Design Criteria & Construction Specifications

Summary:

Current Water & Sewer utility design criteria, standards and construction specification date back to 2008. The updates incorporate new techniques, materials, updated best practices, and revisions required by Colorado subsurface utility law. Updating the design standards helps to ensure quality utility infrastructure is installed appropriately to serve the community for generation.

The update incorporates the findings and analysis from recent Water & Sewer Department infrastructure master plans covering Non-Potable Water, Sanitary Sewer, and Potable Water Transmission & Distribution. These updates align with the City's development code updates in 2021 and the 2022 Water Efficiency Plan. These updates support maintaining a high level of service reliability for water and sewer customers.

The updated design criteria for the potable water distribution, sanitary sewer collection, non-potable irrigation system, and landscape & irrigation will guide developers and engineers in connecting to the City's utilities. The changes include added guidance and criteria for sewer lift station design, non-potable system design criteria, and updated criteria incorporating recent development code changes. Also included are provisions for compliance with changes to Subsurface Utility Engineering (SUE) law. Lastly, to ensure long lasting community vitality, the criteria have a sixth section that provides guidance on commercial landscape & irrigation design.

The Water and Sewer Department coordinated internal review with other city departments and incorporated feedback through stakeholder and peer review processes. City Planning and Engineering Development Review staff played a vital role in review and refinement of the updated documents, providing feedback for consistency with other planning documents and city code. Stakeholder workshops with the builders, realtors, developers, landscape and irrigation stakeholders were held from July 2021 through December 2022 to collect feedback and apply the insights and wisdom of the stakeholder community. The Water & Sewer Department tracked comments and questions from private sector engineers, developers, landscape professionals and irrigation stakeholders.

The process has produced a set of design criteria, standards, and specifications that meet all regulatory and legal requirements. The updated document provides the building and development community with authorization to utilize updated techniques and best available materials, many of which are a cost savings. The Document provides clear guidance that conforms with Greeley master plans, current code, and updates to subsurface utility laws.

The Water and Sewer Board, and the Planning Commission have each had extensive reviews and their feedback have been incorporated into the update. The Water & Sewer Board and the Planning Commission have both formally approved the updated Design Criteria, Standards and Specifications.

Fiscal Impact:

Does this item create a fiscal impact on the City of Greeley?	No
Is there grant funding for this item?	N/A

Legal Issues:

Consideration of this matter is a legislative process. The City Attorney’s Office drafted the proposed ordinance to adopt, by reference, the enclosed Water & Sewer Department Updated Design Criteria and Construction Specifications.

Other Issues and Considerations:

The matter has been heard by the Greeley Water & Sewer Board and the Planning Commission. The Board and Commission heard the item for informational purposes first, provided staff with feedback and the subsequently both bodies formally approved and recommended the update to Council for adoption.

Strategic Focus Area:



Community Vitality



Infrastructure and Mobility

Decision Options:

- 1) Adopt the ordinance as presented; or
- 2) Amend the ordinance and adopt as amended; or
- 3) Deny the ordinance; or
- 4) Continue consideration of the ordinance to a date certain.

Council's Recommended Action:

A motion to adopt the ordinance and publish with reference to title only.

Attachments:

Ordinance Adopting Water & Sewer Design Criteria & Specifications
Water & Sewer Design Criteria & Construction Specifications
Informational Presentation

CITY OF GREELEY, COLORADO

ORDINANCE NO. 6, 2023

AN ORDINANCE AMENDING SECTION 20-62 (STANDARDS FOR DESIGN AND CONSTRUCTION) AND ADOPTING SECTION 20-64 (ADOPTION OF DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS), TITLE 20 OF THE GREELEY MUNICIPAL CODE FOR THE CITY OF GREELEY

WHEREAS, the City of Greeley, Colorado ("City") is a home rule municipality empowered pursuant to Sections 1 and 6 of Article XX of the Colorado Constitution to, inter alia, construct, purchase, acquire, lease, add to, maintain, conduct, and operate water works and everything required therefor, within or without its territorial limits, for the use of the City; and

WHEREAS, Section 17-4(c) of the Greeley City Charter and Section 20-30 of the Greeley Municipal Code authorize the Board to acquire, develop, convey, lease and protect the water and sewer assets, supplies and facilities needed to fully use the water supplies decreed, adjudicated or contracted for the City; and

WHEREAS, the City of Greeley Water and Sewer Department has recently developed design criteria and construction specifications for and placed them into a manual entitled "Design Criteria and Construction Specifications, Volume III, Potable Water Distribution, Sanitary Sewer Collection, Non-Potable Irrigation Systems, and Landscape & Irrigation," dated February, 2023; and

WHEREAS, the manual requires all design and construction of water, sanitary sewer, non-potable, and landscape and irrigation facilities within the City to comply with the design criteria and construction specifications set forth therein; and

WHEREAS, Section 20-88 provides a penalty for violating the manual.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. That Section 20-62 be amended to read as shown on Appendix A, attached hereto and incorporated herein.

Section 2. That Section 20-64 be adopted to read as shown on Appendix A.

Section 3. That the Director of Water & Sewer has the authority to make corrections to any typographical errors and other non-substantive corrections, additions, or deletions to the "Design Criteria and Construction Specifications, Volume III, Potable Water Distribution, Sanitary Sewer Collection, Non-Potable Irrigation Systems, and Landscape & Irrigation," dated February, 2023.

Section 4. Except as explicitly modified on Exhibit A, all other provisions of Title 20 of the Greeley Municipal Code shall remain in full force and effect.

Section 5. This Ordinance shall take effect on the fifth day following its final publication, as provided by Section 3-16 of the Greeley City Charter.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS _____ DAY OF FEBRUARY 2023.

ATTEST

CITY OF GREELEY, COLORADO

City Clerk

Mayor

APPENDIX A
ORDINANCE AMENDING TITLE 20
GREELEY MUNICIPAL CODE

Section 1. Section 20-62 shall be amended to read as follows:

Sec. 20-62. Standards for design and construction.

The director of water and sewer shall adopt and publish design and construction standards for water, ~~and sanitary sewer, non-potable, and landscape and irrigation~~ facilities to be connected to the city system or installed within its jurisdiction. The design and construction of water and sanitary sewer mains and appurtenances shall conform to the published standards, unless deviations from those standards are approved in writing by the director of water and sewer, or their designee. The city may refuse to accept facilities inadequately constructed or constructed in variance with city requirements. the city shall be held harmless for the engineer's or installer's failure to conform to city standards and specifications. The design criteria and construction standards for water, sanitary sewer, non-potable, and landscape and irrigation facilities are adopted by reference in section 20-64.

Section 2. Section 20-64 shall be amended to read as follows:

Sec. 20-64 - Adoption of standards.

All water, sanitary sewer, non-potable, and landscape and irrigation facilities within the city shall be constructed to the minimum standards established by the Design Criteria and Construction Specifications, Volume III, Potable Water Distribution, Sanitary Sewer Collection, Non-Potable Irrigation Systems, and Landscape & Irrigation, dated February 2023, in order to safeguard the public health, safety and welfare of the citizens of the city. Copies of the design criteria and construction standards shall be kept and maintained by the city clerk and department of water and sewer and shall be available for inspection at those locations during all business hours and can be located online at <https://greeleygov.com/services/pw/design-criteria-and-construction-specifications>. Any person or entity convicted of violating these adopted design criteria and construction specification shall be punishable as provided in chapter 9 of title 1 of this Code as provided under Sec. 20-88.

Water and Sewer Department: Updated Design Criteria Standards and Specifications

City Council

Public Hearing and Second Reading of an Ordinance to amend Title 20 of the Greeley Municipal Code and adopt the Update

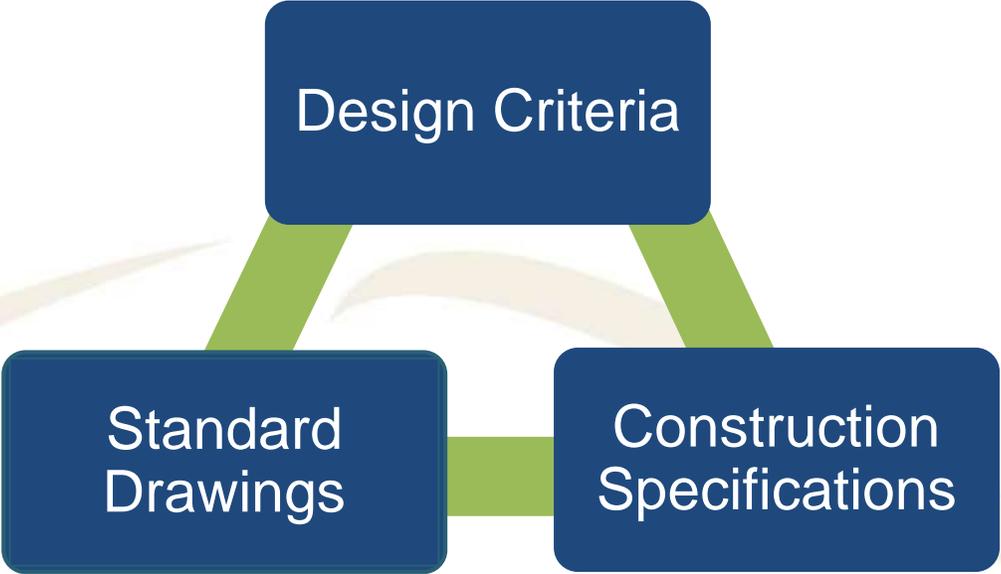
February 7, 2023

Public Outreach & Engagement

- ✓ **City Water and Sewer Board 4/20/22, 7/20/22, & 11/16/22**
- ✓ **Planning Commission 3/8/22, 8/10/22, 11/8/22 & 12/13/22**
- ✓ **City Department Reviews (2020-current)**
 - ✓ **Engineering Development, Planning, CPRD & Civil Inspections**
- ✓ **Targeted local businesses & development community stakeholders**
 - ✓ **Builders, Realtors, & Developers Workshops-
7/19/21, 3/2/22, 3/3/22, & 4/29/22**
 - ✓ **Engagement and Feedback (December 2021-December 2022)**
 - ✓ **Landscape & Irrigation stakeholders 3/2/22, 3/3/22,
4/29/22, 9/30/22, 11/8/22 & 12/5/22**



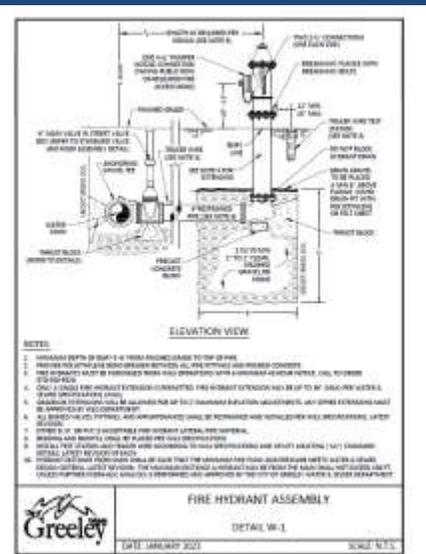
Design Criteria Standards & Specifications



- Section 1: General Requirements of Development**
- Section 2: Submittal Requirements**
- Section 3: Potable Water**
- Section 4: Sanitary Sewer**
- Section 5: Non-potable water**
- Section 6: Commercial Landscape and Irrigation**

Standard Drawings & Construction Specifications

- Details with current material & equipment
- Added Standard lift station drawings, restraint details, and PRV, and many others
- Utility locating details in accordance with the new SUE law in Colorado (SB 18-167)



Criteria Sections 1 and 2

Section 1: General Requirements of Development

- Minor updates and streamlined with Engineering Development Reviews

Section 2: Submittal Requirements

- Consistent modeling
- Better survey verifications and as-built drawings
- More details for reimbursement of oversized public infrastructure



Criteria Sections 3 and 4

Section 3: Potable Water

- Guides water demands per development type
- Ensure flows are more accurately calculated
- Protects infrastructure from corrosion

Section 4: Sanitary Sewer

- Flow guidance refined per development type
- Detailed lift station criteria
 - Critical for some developments that do not gravity flow to the existing sewer system



Criteria Section 5: Non-Potable Water Systems

- **Aligns with 2021 Non-Potable Master Plan**
- **Plans for sub-regional systems and oversizing**
- **Consistency of systems & sizing**
- **Conservation strategy**
 - Reduces energy, controls chemical costs & manages peak water demands on potable water infrastructure



Criteria Section 6: Commercial Landscape & Irrigation

Goals

- Provide clear guidance on attractive water wise irrigation and landscapes
- Support long-range water supply planning
 - Need to be efficient to meet future needs

Applicable to:

- Non-residential (commercial/industrial)
- Multi-family residential
- Right-of-ways and Municipal buildings
 - Coordinate enhanced maintenance and care



Section 6: Commercial Landscape & Irrigation

Landscape & Irrigation Plans

- Site Plan & Construction Drawings
- Certified Irrigation Designer
- Mix of Hydrozones for sustainability

Hydrozones

- Pairs irrigation with right plant type
- Aligns with Comprehensive Plan
- Provides guidance on water tap sizes

Irrigation

- Equipment Specifications
- Maintenance - aligns with city code



Recommendations

Staff Recommendation: Adopt the ordinance to amend Title 20 of the Greeley Municipal Code concerning the adoption of the Water & Sewer Department Design Criteria and Construction Specification

- Greeley Water & Sewer Board approved and recommended the Updated Criteria and Standards to City Council on July 20, 2022
- Planning Commission review on August 9th 2022, and subsequently approved and recommended to City Council on December 13th 2022



Questions





Council Agenda Summary

Title:

Scheduling of Meetings, Other Events

Summary:

During this portion of the meeting the City Manager or City Council may review the attached Council Calendar or Planning Calendar and Schedule for City Council Meetings and Work Sessions and make any necessary changes regarding any upcoming meetings or events.

Attachments:

Council Meetings and Other Events Calendars

Council Meeting and Work Session Schedule/Planning Calendar

February 6, 2023 - February 12, 2023

February 2023

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2023

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday, February 6

Tuesday, February 7

 **6:00pm - City Council Meeting** (Council Chambers and via Zoom) - Council Master Calendar 

Wednesday, February 8

Thursday, February 9

Friday, February 10

Saturday, February 11

Sunday, February 12

February 13, 2023 - February 19, 2023

February 2023

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2023

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday, February 13

Tuesday, February 14

6:00pm - City Council Work Session Meeting (Council Chambers and via Zoom) - Council Master Calendar ↻

Wednesday, February 15

7:30am - Visit Greeley (Butler) ↻

2:00pm - 5:00pm Water & Sewer Board (Gates) ↻

Thursday, February 16

7:30am - 8:30am DDA (DeBoutez/Butler) ↻

3:30pm - 4:30pm Airport Authority (Clark/Payton) ↻

Friday, February 17

6:00pm - 7:30pm Birthday of His Imperial Majesty the Emperor of Japan, The Consul-General of Japan, MIKAMI YOICHI (Ritz-Carlton (Denver Ballroom 1881 Curtis Street, Denver, Colorado 80202) - Council Master Calendar

Saturday, February 18

Sunday, February 19

February 20, 2023 - February 26, 2023

February 2023

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2023

Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday, February 20

Tuesday, February 21

6:00pm - City Council Meeting (City Council Chambers via Zoom) - Council Master Calendar

Wednesday, February 22

7:00am - 8:00am Upstate Colorado Economic Development (Gates/Hall) (Upstate Colorado Conference Room) - Council Master Calendar

Thursday, February 23

5:30pm - 8:30pm Greeley Area Chamber of Commerce Annual Dinner (RSVP BY FEBRUARY 27 2023 and Notate if Bringing Plus One) (Island Grove Events Center 425 N 15th Ave) - Council Master Calendar

Friday, February 24

Saturday, February 25

Sunday, February 26

February 27, 2023 - March 5, 2023

February 2023

Su	Mo	Tu	We	Th	Fr	Sa
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12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

March 2023

Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Monday, February 27

- 11:30am - 12:30pm Greeley Chamber of Commerce (Hall) ↻
- 6:00pm - 7:00pm Youth Commission (Clark) ↻

Tuesday, February 28

- 6:00pm - City Council Work Session Meeting - Council Master Calendar ↻

Wednesday, March 1

Thursday, March 2

- 7:30am - Poudre River Trail (Hall) ↻
- 3:30pm - IG Adv. Board (Butler) ↻
- 6:00pm - 8:30pm North Front Range MPO Meeting (Olson/Payton) ↻

Friday, March 3

Saturday, March 4

Sunday, March 5

City Council Meeting Scheduling 2023

1/31/2023			
	This schedule is subject to change		
Date/Type	Description	Sponsor	Placement/Time
February 14, 2023 Council Work Session	Potential Cancellation		
February 21, 2023 Council Meeting	Proclamation - Youth Art Month	Mayor	Intro
	Minutes Approval (1/24/23 Work Session; 2/7/23 Council Meeting)	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Metropolitan District Code Updates	Becky Safarik	Consent
	Consideration of a Resolution Approving First Amendment to IGA for Potable Water Interconnects with North Weld Water Dist	Sean Chambers	Consent
	Consideration of a Resolution Approving Wake Annexation	Becky Safarik	Regular
	PH & 2nd Rdg Ord - Development Code Amendments	Becky Safarik	Regular
	PH & 2nd Rdg Ord - Abandoned Building Code Amendments	Becky Safarik	Regular
	Boards & Commissions Appointments	Heidi Leatherwood	Regular
February 28, 2023 Council Work Session	Executive Session - City Manager Performance Review	Noel Mink/Doug Marek	
	Regional Water Initiatives (Water StratOp) Update	Sean Chambers	
	Transportation Master Plan Update	Paul Trombino	
March 07, 2023 Council Meeting	Executive Session - City Attorney Performance Review	Noel Mink/Doug Marek	
	Proclamation - National Developmental Disabilities Awareness Month	Mayor	Intro
	Proclamation - Kiwanis Club Stars of Tomorrow 75th Anniversary	Mayor	Intro
	Minutes Approval (2/14/23 Work Session (if held); 2/21/23 Council Meeting)	Heidi Leatherwood	Consent
	Motion to Designate Posting Sites for B&C Meeting Notices	Heidi Leatherwood	Consent
	Intro & 1st Rdg Ord - Set City Manager Salary	Noel Mink	Consent
	Intro & 1st Rdg Ord - Set City Attorney Salary	Noel Mink	Consent
	Intro & 1st Rdg Ord - Set Municipal Court Judge Salary	Noel Mink	Consent
	Intro & 1st Rdg Ord - 2023 Additional Appropriation	John Karner	Consent
	Consideration of a Resolution Approving a Downtown Redevelopment Agreement	Ben Snow	Consent
	PH & Resolution - Approving Final Transportation Master Plan	Paul Trombino	Regular
	PH and Consideration of a Resolution - HOME Investment Partnership Program-American Rescue Plan (HOME-ARP)	Ben Snow	Regular
	PH & 2nd Rdg Ord - Metropolitan District Code Updates	Becky Safarik	Regular
	Executive Session - Municipal Judge Performance Review	Noel Mink/Doug Marek	
March 14, 2023 Council Work Session	CivicPlus - Agenda Management Software Update	Heidi Leatherwood	
	Greeley long-term Revenue Needs	John Karner	



Council Agenda Summary

Title:

Consideration of a motion authorizing the City Attorney to prepare any required resolutions, agreements, and ordinances to reflect action taken by the City Council at this meeting and any previous meetings, and authorizing the Mayor and City Clerk to sign all such resolutions, agreements, and ordinances

Council's Recommended Action:

A motion to approve the above authorizations.



Council Agenda Summary

February 7, 2023

Key Staff Contact: Noel Mink, Human Resources Director

Title:

Executive Session for the purpose of receiving feedback pertaining to completing the annual performance review of the City Manager

Summary:

An executive session is needed to enable the City Council to receive feedback pertaining to completing the annual performance review of the City Manager. If Council concurs, a motion to adjourn into Executive Session is needed.

Strategic Focus Area:



High-Performance Government

Council's Recommended Action:

A motion to go into an Executive Session to discuss the following matter as provided under C.R.S. Section 24-6-402(4)(f) and Greeley Municipal Code Section 2.151(6)(a):

To discuss personnel reporting to the City Council.

Attachments:

None