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CITY OF LOVELAND
PLANNING COMMISSION MINUTES
April 9, 2012

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 9, 2012 at 6:30 p.m. Members present: Chairman Meyers; Vice Chairman Middleton; and Commissioners Dowding, Crescibene, Krenning, Leadbetter, Molloy and Ray. Commissioner Fancher was absent. City Staff present: Karl Barton, Community and Strategic Planning; Justin Stone, Public Works; Kerri Burchett, Current Planning; Robert Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Community Services office.

COMMITTEE REPORTS

Commissioner Molloy reported the Title 18 Committee is considering meeting April 19, 2012.

REGULAR AGENDA

1. Millennium GDP Amendment #9.

This is a public hearing to consider an amendment to the Millennium Addition PUD General Development Plan that would:

- 1) Add definitions for light and heavy manufacturing and specify location allowances for each use;
- 2) Adjust non-residential site planning criteria for shadow/shading analysis and context diagrams;
- 3) Modify public hearing requirement criteria for development proposals; and
- 4) Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25

Staff supports the proposed amendment. Review of this application requires quasi-judicial action by the Planning Commission.

Kerri Burchett, Project Planner, briefly highlighted the proposed amendments, they were as follows:

- Add definitions for light and heavy manufacturing and specify location allowances for each use;
- Adjust non-residential site planning criteria for shadow/shading analysis and context diagrams;
- Modify public hearing requirement criteria for development proposals; and,

- Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25.

She reported that staff has reviewed the proposed amendment and believes that all required findings contained in Section VII of the staff report can be made.

Ms. Burchett stated the revisions proposed in the amendment would help streamline City processes to help meet the market demand for permit ready sites. She indicated that the architectural and site planning standards in the GDP along with the thresholds identified for public review by City Council would be maintained.

After further explanation, Ms. Burchett stated that staff is recommending approval of the amendment. The Council hearing is scheduled for May 1, 2012.

Ms. Burchett briefly addressed a letter from Ms. Jennifer Biever, representing the Promenade Shops ownership, which claimed that the public hearing notice requirements for this hearing had not been met and then directed the Commission to Exhibit B, an email response to Ms. Biever from the City Attorney stating that the requirements had been met.

Ms. Burchett asked the Planning Commission to consider a brief recess to allow the Commission to review the material submitted by email by Ms. Biever at approximately 4:00 PM this afternoon. The email material, as described by Ms. Burchett, includes a six page statement of opposition to the application accompanied by a 92- page attachment (Exhibit A). Ms. Burchett indicated that the recess would allow Commissioners to quickly review the statement of opposition, giving them the ability to decide if they could continue to hear the item.

Deputy City Attorney Judy Schmidt clarified that the question of proper notification had been resolved and that it was no longer at issue. She further stated that if the Planning Commission supported taking a recess to review the summary of concerns expressed by Ms. Biever, then they could either postpone or continue with the hearing.

The Commission invited Ms. Biever to the podium in order to clarify her position.

Ms. Biever emphasized that her main concern was the modification to the public hearing process proposed by the amendment and that her client will not pursue objections to the notification of the hearing.

After a discussion by the Commission as to whether or not to take a recess in order to give Commissioners an opportunity to review the materials submitted by Ms. Biever, **Commissioner Krenning made a motion that Agenda Item #2, the Bicycle and Pedestrian Plan, be moved to be heard prior to recessing to review the materials submitted by Ms. Biever. Commissioner Krenning explained that moving the Bicycle and Pedestrian Plan forward to be heard prior to the Millennium GDP Amendment would allow certain staff and others in attendance to avoid**

1 *sitting through a long recess and potentially long discussion. Upon a second by Commissioner*
2 *Ray the motion was unanimously adopted.*
3
4

5 **2. Bicycle and Pedestrian Plan.**

6

7 This is a public hearing item to consider adoption of the Bicycle and Pedestrian Plan. The
8 primary plan area is comprised of the City of Loveland's Growth Management Area (GMA) and
9 associated links to adjacent communities. The Bicycle and Pedestrian Plan is presented to the
10 Planning Commission for review and a recommendation because it is part of the 2030
11 Transportation Plan which is a functional component of the 2005 Comprehensive Plan.
12

13 **Karl Barton, Community and Strategic Planning**, provided a brief overview of the Bicycle
14 and Pedestrian Plan and stated the Plan is presented to the Planning Commission for review and
15 a recommendation because it is part of the 2030 Transportation Plan which is a functional
16 component of the 2005 Comprehensive Plan.
17

18 **Justin Stone, Public Works Civil Engineer**, introduced Ray Moe who assisted in the Draft
19 Plan.
20

21 **Ray Moe, LSA Associates, 132 West Mountain Avenue, Fort Collins, CO**, provided a
22 powerpoint presentation which identified the planning process and contents of the Plan. He
23 stated the key issues that were considered were as follows:

- 24 • connectivity
- 25 • continuity
- 26 • safety
- 27 • joint construction developer contribution
- 28 • high use
- 29 • neighborhood support
- 30 • feasibility
- 31 • cost effective

32 He spoke of the phasing of the plan, public input process and the involvement of the steering
33 committee.
34

35 **Public Input**

36

37 There was no public input.

38 **Mr. Stone** emphasized that the document was Vision Plan that was intended to identify and
39 determine where the priorities are and how to proceed when the Plan is adopted. He stated that
40 some funding sources have been identified. There was discussion regarding input from law
41 enforcement and their participation with the safe route to school program and moving lanes off
42 of Highway 34 and Highway 402. He reported that the safe route to school program has created

1 a task force which includes an employee from the school district and their involvement is critical
2 in the event that the district has a route closure they be better prepared to assess where a potential
3 problem may exist.
4

5 **Commissioner questions/comments**

6

7 **Commissioner Krenning** expressed concerns that the Plan may not be updated as needed and
8 urged that it remain flexible.
9

10 **Mr. Stone** reiterated that the Plan is a Vision Plan and commented he felt certain that it would be
11 adjusted and amended in the same manner as the Transportation Plan.
12

13 **Mr. Roe** commented that the City has done a lot of work on geocoding all its sidewalks etc., and
14 this is the first time that the Plan has gone into this much detail. He further commented that as
15 the industry grows and develops better or more efficient ways to do things the Plan will be
16 updated accordingly.
17

18 **Commissioner Molloy** stated when he worked on the Plan one of his major issues was to have a
19 bike lane that would run along the railroad tracks though out the City.
20

21 **Commissioner Krenning** stated he was in support of the Plan.
22

23 **Commissioner Crescibene** stated he would like the bike lanes to be seven feet wide.
24

25 **Commissioner Ray** stated he would support the plan and knows that staff will look at the Plan
26 emphasizing he would not support a Plan if all it did was to put paint on the road.
27

28 **Chair Meyers** expressed funding issues and suggested that those percentages be clear before
29 proceeding to City Council. He also expressed his concern regarding who would maintain the
30 paths.
31

32 **Mr. Stone** noted that the paths are not the Parks and Recreations paths but they will be
33 integrated in the future.
34

35 ***Vice Chair Middleton made the motion to approve Resolution No. 3, 2012 recommending that***
36 ***City Council approve the Bicycle and Pedestrian Master Plan. Upon a second by***
37 ***Commissioner Downing the motion was unanimously adopted.***
38

39 ***Vice Chair Middleton made a motion to adjourn for 45 minutes to review the materials***
40 ***regarding the Millennium GDP amendment as submitted by Ms. Biever. Upon a second by***
41 ***Commissioner Ray the motion was unanimously adopted.***
42

1 (Secretary's Note: The Commission voted to take a meeting recess at 8:00 p.m. The
2 meeting reconvened at 8:41 p.m.)
3

4 It was the consensus of the majority of Commission (with the exception of Commissioner
5 Crescibene) to proceed with the public hearing on the Millennium GDP.
6

7 **1. Millennium GDP Amendment #9 continued.**
8

9 **Ms. Biever** stated the primary issue of concern for her client was the proposed amendment to
10 **Section 12.3.3: administrative review and public review.** She stated that the amendment was
11 not consistent with the Millennium Standards or with good public policy. She apologized for the
12 late submittal of information to the Planning Commission stating that she did not read the city's
13 staff report until Friday and had little time to prepare. She clarified that most of the materials
14 contained in her email were reference materials for the Commissioners convenience.
15

16 **Kim Perry, McWhinney, 2725 Rock Mountain Avenue, Loveland Colorado,** reported the
17 Promenade Shops received a draft of the proposed amendments on March 13 of this year. She
18 stated that the amendment was a result of a meeting with the Loveland Economic Development
19 Department to discuss how the review and approval process for projects within the Millennium
20 GDP boundaries could be streamlined, particularly larger projects with economic development
21 potential.
22

23 **Ms. Perry** stated that with the amendment, they are asking the following:

- 24 • Amendment to add definitions for light and heavy manufacturing in order to differentiate
25 the activities and provide appropriate location allowances for each use, currently
26 manufacturing falls within the heavy industrial land use.
- 27 • Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25 and that the
28 uses be a use by right with a mixed use of commercial, industrial, residential and mixed
29 use neighborhoods.
- 30 • Shade and shadowing analysis would continue to be a requirement but would go through
31 the same standards and guidelines as the rest of the Millennium GDP and would assure
32 that a third party could not arbitrarily stop a project.
- 33 • Allow an administrative review for buildings over 100,000 square feet and 60 feet in
34 height in the GDP, which is consistent with the other sites in Loveland.
35

36 She stated that the design standards would not change and that all projects would continue to go
37 through the Millennium's Architectural Review Committee. She added that attracting additional
38 development would benefit the Promenade Shops because it would lower their association dues
39 as well as adding to their consumer base. She clarified that the Promenade Shops would be
40 outside of the 500 foot notification for a public hearing because of the proximity of the sculpture
41 park and surrounding roads. She thanked the Planning Commission for taking the time to read
42 the materials and allowing her to make her presentation.

1
2 **Public Comment**
3

4 **Jennifer Biever, 1200 17th Street, Denver Colorado, G&I VI LLC, representing the**
5 **Promenade Shops with General Manager Don Foster,** stated that they want the public to have
6 the right to participate in the public review process. Ms. Biever emphasized the need to be
7 considerate of people who live and work in the area. She further stated that she believed that the
8 amendment was a big departure from the existing framework. She stated that adoption of the
9 proposed amendments would limit the Planning Commission's role in what undergoes public
10 review. She responded to Commissioner questions stating that her client does not have concerns
11 about a specific project. However, she emphasized her client's opposition to the proposed
12 streamlining of the public review process.
13

14 **Commissioner Krenning** asked if the Promenade Shops would benefit from the amendment if
15 they were to rebuild in the future.
16

17 **Donald Foster, 1818 Holbert Drive, Loveland, Co,** responded, stating that if the Promenade
18 Shops were to be redeveloped or expanded, he would expect to come to a public hearing.
19

20 **Commissioner Comments**
21

22 **Commissioner Dowding** asked if manufacturing was allowed in Parcel A.
23

24 **Ms. Perry** reported that manufacturing has always been allowed and clarified that traffic studies
25 would still be reviewed by staff through the Site Development Plan ("SDP") process.
26

27 Following Ms. Perry's comments, the Commission questioned whether the Planning
28 Commission or City Council has the ability to appeal an administrative approval for projects
29 within the Millennium. It was determined that Section 12 of the GDP allows 3 members of
30 Planning Commission or City Council to appeal a decision on a preliminary subdivision plat but
31 there is no ability to appeal a land use decision.
32

33 **(Secretary's Note: 9:29 p.m. Commissioner Crescibene requested to be excused)**
34

35 The Commission conducted a lengthy discussion about the impacts of the proposed amendments
36 to the GDP, including changing the threshold for public review from 100,000 square feet to
37 500,000 square feet; time savings to the approval process by eliminating the public hearing
38 process; and issues and concerns regarding lack of notification if a heavy industrial
39 manufacturing project were to locate in the Millennium.
40

41 **Ms. Perry** stated that eliminating the review process for a building 100,000 square feet and
42 greater would save four to five months in the process. She stated she would support a different
43 threshold for a heavy industrial use.

1
2 **Ms. Burchett** emphasized that the timing component was critical for certain projects, stating it
3 was not only time saved but a certainty in the process for a business interested in the site.
4

5 **Chairman Meyers** expressed hesitation with elimination of the public review process.
6

7 **Commissioner Krenning** stated he would support the amendments stating that the
8 McWhinney's have good record of quality development. However, Commissioner Krenning
9 questioned how the 500,000 square feet threshold was decided and questioned if there was an
10 opportunity for compromise.
11

12 **Commissioner Dowding** concurred with Commissioner Krenning and expressed concerns that
13 the threshold was increased by a factor of five times.
14

15 **Commissioner Ray** stated he would support the amendment adding that he hoped it would help
16 in giving Loveland an advantage over other communities.
17

18 **Vice Chair Middleton** was opposed to the proposed 500,000 square feet threshold and felt that
19 they would be giving unrestricted power to do what they wanted without the benefit of the public
20 process.
21

22 **Ms. Perry** stated that she was not prepared to offer a reduction with regards to the 500,000
23 square feet and emphasized the need to be competitive. She stated she would agree to a
24 condition regarding heaving industrial use and clarified that McWhinney was not marketing sites
25 to heavy industrial users.
26

27 After discussion regarding heavy industrial uses, Commissioner Ray made a motion to add the
28 following condition: ***"Subject to the condition that heavy industrial use in excess of 100,000***
29 ***square feet shall remain subject to public review before the Planning Commission."*** Upon a
30 ***second by Commissioner Krenning, the motion passed 5-2. Yeas: Commissioners Ray,***
31 ***Crescibene, Meyers, Krenning and Dowding. Nays: Commissioners Molloy and Middleton.***
32

33 **Ms. Perry** accepted the conditions.
34
35

1 **ADJOURNMENT**

2
3 *Commissioner Middleton made motion to adjourn. Upon a second by Commissioner Ray the*
4 *motion was unanimously adopted.*

5
6 _____
7 Buddy Meyers, Chair

8
9 _____
10 Vicki Mesa, Secretary

11
12
DRAFT