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**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
October 8, 2012**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on October 8, 2012 at 6:30 p.m. Members present: Chairman Meyers; Vice Chairman Middleton; and Commissioners Molloy, Ray, Dowding, Crescibene, Krenning and Leadbetter. Commissioner Fancher was absent. City Staff present: Robert Paulsen, Current Planning Manager, Vick Mesa, Planning Commission Secretary, Kerri Burchett, Current Planning; Sharon Citno, City Attorney's Office.

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.

STAFF MATTERS

Robert Paulsen, Current Planning Manager, gave a brief update on matters that will be coming before the Commission in the future. He reported that there was a joint study session regarding oil extraction on October 23 with the City Council and indicated that the setting be arranged so that the Commission can readily participate. He reported that there were three terms expiring on the Commission and commented that interviews for all applicants would be held in November.

COMMISSIONER COMMENTS

Commissioner Crescibene thanked the Reporter Herald for including information in the newspaper regarding the Planning Commission meeting.

REGULAR AGENDA

1. **Mariana Butte 23rd Subdivision PUD PDP Amendment and Mariana Butte 26th Subdivision**

This is a public hearing item to consider an amendment to the Mariana Butte 23rd PUD Preliminary Development Plan (PDP) and to consider approval of a preliminary plat for Mariana Butte 26th Subdivision. The PUD Amendment requests to modify the number and type of units approved on the site from 5 detached single family dwellings to 8 single family attached dwellings. The preliminary plat would create 8 residential lots along with associated outlots for landscaping and bufferyards. The PDP Amendment complies with the General Development Plan for Mariana Butte PUD, which permits a variety of office/commercial, retail and mixed residential uses within the parcel.

1 **Kerri Burchett, Current Planning**, gave a brief overview of the proposed application and noted
2 that the applicant is requesting an increase of density from 5 dwelling units to 8 dwelling units on
3 the 5-acre project site located at the NW corner of 1st Street and Rossum Drive. She outlined the
4 history of the project from 2007 to what is currently being proposed and indicated that staff
5 supports the application. She indicated that motions for approval, based on applicable findings,
6 were specified on the front page of the staff report.

7
8 **Ken Merritt, representing the applicant**, introduced the PDP amendment and the Preliminary
9 Plat which contains 8 lots for single family homes that would be accessed from Scenic Court.
10 The homes, as he described them, were to be located in a paired arrangement, and were to be
11 configured in a manner that made pair of homes look like a single house. He emphasized the
12 construction of the homes would be of high-quality and would have similar features and
13 materials when compared to other homes in the vicinity. He indicated that the proposed density
14 and type of development was consistent with and complementary to the surrounding Mariana
15 Butte community. He emphasized that the development would have a density that was within the
16 range of residential densities of the homes located along Buckingham reservoir. Mr. Merritt
17 illustrated the types of residential development and densities by showing aerial photos of the
18 area. He stated the proposed density for the application was 1.67 units per acre.

19
20 **Mr. Merritt** highlighted key issues that were raised by a previous proposal submitted to the
21 Planning Commission in 2011—a proposal that was eventually denied on appeal by the City
22 Council. The issues he addressed had been raised by area neighbors, the Planning Commission
23 and the City Council. For each issue, he indicated how the current proposal addressed the issue
24 and resulted in compatibility with the surrounding neighborhood. The 8 issues he addressed
25 were as follows:

- 26 1. Setback between Lot 9, Mariana Butte 9th increased from 25 ft. setback to 50 ft. minimum
27 setback; Outlot A increased from 4,500 sf. to 10,200 sf.
- 28 2. Landscape buffer between the south property line of Lot 9, Mariana Butte 9th increased
29 from 10 ft. wide to 15 ft. (that was originally approved by the Mariana Butte 23rd FDP)
- 30 3. Landscape quality and quantity is equal to or greater than the approved Mariana Butte
31 23rd FDP
- 32 4. Setbacks increased between the structures from 10 ft. to 20 ft.
- 33 5. Setback along Rossum Drive was tripled in size from 30 ft. to 90 ft. and added a 21,700
34 sq. ft. landscaped outlot to compliment the entry from Rossum Drive
- 35 6. Revised building setbacks in rear yards abutting jurisdictional wetlands
- 36 7. Building materials have been revised so that they are more compatible with current
37 residences including stucco siding
- 38 8. Reduced density by 27% from the previously submittal

39
40 **Secretary's Note:** See Exhibit A (which addressed the numbered items above) which was
41 presented to the Planning Commission by Mr. Merritt.

1 **Mr. Merritt** concluded his presentation, emphasizing that he believed that the submitted
2 application thoroughly addresses previous and current concerns, and that the project as proposed
3 would be a high-quality project that would be complementary to the Mariana Butte
4 neighborhood.

5 6 **CITIZEN PARTICIPATION**

7
8 **Rosalie Lier, 823 Rossum Drive**, reported that she was informed by her real estate agent when
9 she bought her home that all the homes in the subdivision would be comparable to hers. She
10 stated this project would greatly reduce the value of her home. She commented that this proposal
11 was better than what was previously presented, but she emphasized that if the PDP amendment is
12 approved, a contract would be broken with homeowners by the city of Loveland.

13
14 **Darlene Kasenburg, 247 Rossum Drive**, cited sections of the 2005 City of Loveland
15 Comprehensive Plan that calls for compatibility between existing residential lots sizes and
16 new development. She also indicated that considerable fill had been added to the project site that
17 would alter the elevation of the lots. She indicated that the top of foundation document for the
18 previously approved 5 residential units should be adhered to.

19 **Ms. Kasenburg** expressed the following concerns:

- 20 • The bike lanes on Rossum Drive were not 7 feet on both sides
- 21 • The sidewalk (that is located along the north side of the project site) leads to nowhere and
22 there is currently not a path around the lake
- 23 • The density is too high
- 24 • Homes would run at an angle and existing residents will be looking into backyards of
25 multiple homes
- 26 • Existing residential lots around the lake are not allowed to have fencing but this
27 development does
- 28 • The minimum rear setback for the homes is not adequate

29
30 **Commissioner Molloy** asked Ms. Kasenburg if her Home Owner's Association (HOA) had an
31 architectural committee and design covenants. She stated that it had both.

32
33 **Vice Chairman Middleton** asked why she (Ms. Kasenburg) thought that fill dirt had been
34 brought on the site.

35
36 **Ms. Kasenburg** stated currently the top of grade is above street level and it was formerly below
37 street level. She then asked the Commission when foundation heights are approved, and would
38 those heights be approved by the Planning Commission.

39
40 **Commissioner Dowding** clarified that the top of foundations are included in the Preliminary
41 Development Plan.

1 **George Ligotke, owner of lot 9**, spoke of the previous approval of the 5-single-family homes in
2 2007, and spoke of the numerous compromises made by the neighbors at that time. He indicated
3 that the proposal for paired housing was presented and rejected in 2011. He stated he did not
4 believe the type of housing proposed was compatible with the neighborhood.

5
6 **Commissioner Krenning** asked why Mr. Ligotke felt the proposed development was not
7 compatible.

8
9 **Mr. Ligotke** responded that he did not believe the square footage of the homes were compatible
10 with surrounding homes and commented that the project site is an entrance to the neighborhood
11 and is a very important component of a premier golf course such as Mariana Butte. He stated
12 that he did not have issues with the proposed landscaping and reemphasized he would prefer the
13 5-single family home development that was previously approved.

14
15 **Commissioner Krenning** commented that the proposed design would give the appearance of
16 fewer homes.

17
18 **Commissioner Molloy** stated that the developer would have to comply with the approved
19 grading plan.

20
21 **Joe Pugh, 5271 Deer Meadow Court**, indicated his support for the project and believed, as a
22 professional appraiser, that it would enhance the neighborhood and increase property values.

23
24 **Colleen Ligotke, owner of lot 9**, commented that she felt a single family development would
25 complement the neighborhood and was opposed to the paired housing concept. She clarified that
26 she and her husband had reluctantly agreed to vacate their access easement to Lot 9 stating it was
27 not realistic to have access to their property owned by another HOA. Consequently, they
28 requested and obtained City approval for direct access from Rossum Drive. She stated that when
29 they purchased the property, she and her husband believed they would have access to their lot
30 from a City street, not from an easement on property owned by an adjoining HOA tract. She
31 stated that she believed there was a market for single family homes and would prefer them over
32 the paired homes.

33
34 **Commissioner Krenning** indicated that Mr. and Mrs. Ligotke had always been given everything
35 they had asked for by the Planning Commission, including landscaping and maintenance paid for
36 by the developer. He further stated that City Transportation had granted the Ligotke's a variance
37 from LCUASS Standards for the Rossum Drive access.

38
39 **Ms. Ligotke** responded, stating that she purchased the lot believing there was a city street access.
40 She indicated that she did not file a formal complaint with the State Board of Realtors because
41 she believed that the access issue could be worked out with the City. She indicated that the

1 accesses could not be worked out satisfactorily and chose to obtain direct access from Rossum
2 Drive to her lot as an alternative to a bad arrangement. She also expressed concerns regarding
3 the changes in the landscape plan stating the landscape has been drastically diminished.
4

5 **John Baxter, 5290 Deer Meadow and applicant**, reported the elevations of the lots had not
6 been changed. He spoke of the all the work involved in making this development something that
7 would please both the Planning Commission and the neighborhood residents. He further noted
8 the zoning would have allowed for commercial uses or multi-family residences. Mr. Baxter
9 stated that the price for each unit would be in the mid \$500K range.
10

11 **Ms. Kasenburg** stated that everyone assumed that Scenic Drive would be developed as a public
12 street and referenced narrative in the Mariana Butte 9th FDP.
13

14 (**Secretary's Note: There was a brief recess)
15

16 **PLANNING COMMISSION COMMENTS** 17

18 **Chairman Meyers** asked if the Commission had any questions of the developer or staff.
19

20 **Commissioner Krenning** questioned the fence condition.
21

22 **Ms. Burchett** clarified the rear yard fence is a city requirement (Parks Department) to preclude
23 any intrusion into the jurisdictional wetlands by household pets. Ms. Burchett commented that
24 the fencing provision is consistent with properties adjacent to jurisdictional wetlands.
25

26 **Commissioner Ray** asked why the fence had wire mesh.
27

28 **Ms. Burchett** stated the mesh is a city standard and is in place to contain any type of domestic
29 pet so they would not access the wetlands.
30

31 **Commissioner Dowding** noted that she previously voted in favor of the 11-pair units, but felt
32 this was an improvement and would be supporting the project.
33

34 **Commissioner Ray** stated he thinks this proposal provides value not seen in the previous
35 designs. He commented on the design features, indicating that the additional setbacks were
36 positive and noted that 4 rooflines would look less intrusive than 5.
37

38 **Commissioner Leadbetter** concurred with Commissioner Ray.
39

40 **Commissioner Krenning** stated that he believed the original 11-pair units was too dense and he
41 voted against it. He stated that Mr. Baxter and his team did a great job and believed that the

1 project would enhance the property values in the area. He stated that he enthusiastically
2 supported the project. He further stated that he hoped there would not be an appeal, however if
3 there was an appeal filed he wanted the record to reflect his support for project.
4

5 **Commissioner Molloy** spoke in support of the project, and stated he liked the paired housing
6 concept and that he originally supported the 11-units.
7

8 **Commissioner Crescibene** stated he did not understand the opposition to the project and felt
9 that this project would only enhance the neighborhood. He supported the application.
10

11 **Vice Chair Middleton** thanked Mr. Baxter for his perseverance and supported the application.
12

13 **Chair Meyers** stated he too voted against the last proposal for 11-paired units because of density
14 issues. He also emphasized his support of the application.
15

16 *Vice Chair Middleton made a motion to make the findings listed in Section VII of this report*
17 *dated October 8, 2012 and, based on those findings, approve Resolution #12-05 thereby*
18 *approving the First Amendment to the Mariana Butte 23rd Subdivision PUD Preliminary*
19 *Development Plan subject to the conditions listed in said report, as amended on the record.*
20 *Upon a second by Commissioner Krenning the motion was unanimously adopted.*
21

22 **Mr. Baxter** stated he accepted the conditions.
23

24 **APPROVED CONDITIONS**

25

26 **PRELIMINARY PUD DEVELOPMENT PLAN AMENDMENT**

27

28 **Current Planning**

- 29 1. Prior to issuance of a building permit within the PDP Amendment boundaries, all common
30 area landscaping, environmental sensitive areas enhancement, and streetside bufferyards
31 within the PDP along with all landscaping in Tract A, Mariana Butte Ninth Subdivision,
32 shall be either installed or financially secured with the City. Financial security shall include
33 all plant material, irrigation and water meters necessary to sustain the landscaping. Financial
34 security shall be provided for all seeded areas identified in the PDP Amendment; until such
35 time that the seed germinates and is generally free of weeds.
36
- 37 2. Prior to approval of the FDP, a letter from the Buckingham Reservoir Area Owners
38 Association approving the modification of the plant species in Tract A, Mariana Butte Ninth
39 Subdivision, shall be submitted to the Current Planning Division. If an approval letter from
40 the Buckingham Reservoir Area Owners Association is not secured, the landscaping in Tract
41 A shall revert to the landscape plan approved with the Mariana Butte 23rd Subdivision FDP

1 and the FDP Amendment for Mariana Butte 26th Subdivision shall be modified to reflect
2 said change.

3
4 **Engineering**

- 5 3. Notwithstanding any information presented in the PDP or accompanying preliminary plat and
6 preliminary construction plan documents (text or graphical depictions), all public
7 improvements shall conform to the Larimer County Urban Area Street Standards, as
8 amended, unless specific variances are requested and approved in writing.

9
10 Prior to the issuance of any building permits within the Mariana Butte Twenty Sixth
11 Subdivision, pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal
12 Code, the Developer shall design and construct improvements listed as a and b, below,
13 unless designed and constructed by others. A cash-in-lieu payment for all or part of these
14 improvements may be accepted if approved in writing by the City Engineer:

15
16 a) A 5-foot wide detached sidewalk along Rossum Drive adjacent to the property.

17 b) A 6-foot wide detached sidewalk along West 1st Street adjacent to the property

18
19 *Vice Chair Middleton Moved to make the findings listed in Section VII of this report dated*
20 *October 8, 2012 and, based on those findings, approve the Mariana Butte 26th Subdivision*
21 *subject to the conditions listed in said report, as amended on the record. Upon a second by*
22 *Commissioner Krenning the motion was unanimously adopted.*

23
24 **ADJOURNMENT**

25
26 *Vice Chair Middleton made a motion to adjourn. Upon a second by Commissioner Krenning the*
27 *motion was unanimously adopted.*

28
29
30 _____
31 Buddy Meyers, Chair

32
33 _____
34 Vicki Mesa, Secretary

MB 23rd PUD – First Amendment

Key Issues & Concerns of Previous Amendment

Design Response

- | | |
|--|--|
| <p>1. <i>Setbacks of homes along the North Boundary of MB 23rd should be increased and a larger Landscape Buffer should occur between Lot 9, MB 9th and the MB 23rd Development.</i></p> | <p>• Was 25' SB. - Revised to 50' Min. SB, & increased the size of Outlot A from 4,500 SF. to 10,200 SF.</p> |
| <p>2. <i>The Landscape Buffer Width between the South Property Line of Lot 9, MB 9th and the Pedestrian/Vehicle Access Path should be the same width as was originally approved for the current MB 23rd PUD.</i></p> | <p>• Was 10' wide - Revised the back to 15' width which is the same as the originally approved MB 23rd PUD.</p> |
| <p>3. <i>The Landscaping within Tract A of MB 9th should be installed by the Developer of MB 23rd and should be similar in Landscape Design as was approved for the current MB 23rd PUD.</i></p> | <p>• Track A, MB 9th will be Landscaped by the Developer of MB 23rd in accordance with the current MB 9th HOA Agreement. Landscape Quality & Quantity will be Equal to or Better than the current MB 23rd PUD.</p> |
| <p>4. <i>Side Setbacks between adjacent Paired Structures should be Increased in order to diminish the Density of the Development.</i></p> | <p>• Was 5' Min Side SB. - Revised to 10' Min. Side SB. with a minimum of 20' between Paired Structures, the same as original approved MB 23rd PUD.</p> |

MB 23rd PUD – First Amendment

- | | |
|--|---|
| <p>5. <i>Setback along Rossum Dr. should be increased in order to open up views from West 1st St. and create a more Inviting Entry into the Mariana Butte Development.</i></p> | <p>Was 30' SB. - Revised to a 90' Min SB. & added a 21,700 sf. Landscape Outlot to complement the east side of the Rossum Entry.</p> |
| <p>6. <i>Rear Setbacks of Homes along the Buckingham Lake Shore Line should be Increased in order to reduce the impacts of development on the Existing Wetlands & Natural Area.</i></p> | <p>• Min. Setback to H.W. Line of lake was 140' - Revised to 190' Min. SB. & Increased Rear S.B. of Homes to Jurisdictional Wetlands on Lots 1-5 to from 80' Min. to 100' Min.</p> |
| <p>7. <i>Architectural Building Materials and Roof Pitch should be similar to those used within the MB 9th PUD in order to be compatible with other surrounding homes in the area.</i></p> | <p>• Revised Building Materials to be predominantly Hard Coat Stucco with 25% Masonry on Front Elev. & some Accent Siding and Exposed Timber Trim. Roof Pitch was increased from 4:12 to 7:12 pitch.</p> |
| <p>8. <i>The Proposed Amendment should have Fewer Units and be Less Dense, "It just seems like 8 or 9 Units would feel more appropriate on this property rather than the 11 units being proposed..."</i></p> | <p>• After responding to Key Design Issues of 1-7 above the land area remaining for Residential Development was only capable of supporting 8 Units. This represents a 27% reduction in Units & Density compared to the previous Plan.</p> |

Exhibit A