



**DEVELOPMENT SERVICES  
Current Planning**

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## **MEMORANDUM**

TO: City of Loveland Planning Commission

FROM: Brian Burson, Current Planning Division

DATE: November 26, 2012

RE: extension of North Lincoln Ave 2nd Subdivision/Sanctuary on the Park PUD

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### **I. STAFF RECOMMENDATION**

City staff recommends that the Planning Commission approve the following motion:

*"Move to further extend the December 2, 2008 Planning Commission approval of the Preliminary Plat for North Lincoln Avenue 2nd Subdivision from December 7, 2012 to December 11, 2013, subject to the conditions of approval set forth in Attachment 3 of this report."*

### **II. ATTACHMENTS**

1. Vicinity map.
2. Applicant's letter of request dated October 19, 2012
3. Approved July 9, 2007 Planning Commission minutes.
4. December 14, 2009 Planning Commission agenda and approved minutes.
5. North Lincoln Avenue 2nd Subdivision preliminary plat, as conditionally approved by Planning Commission on July 9, 2007.
6. Overall PDP site plan for Sanctuary on the Park PUD, as approved by City Council on December 2, 2008.

### **III. SUMMARY**

#### A. Process

This is a request for an additional one year extension of the Planning Commission approval of the North Lincoln Avenue 2nd Subdivision preliminary plat. Title 16 of the Municipal Code (the subdivision code) authorizes the Planning Commission to approve all subdivision preliminary plats, subject to appeal to the City Council. For property proposed for PUD zoning, a PUD Preliminary Development Plan (PDP) normally accompanies the matching subdivision preliminary plat. Chapter 18.41 of the Municipal Code (the PUD code) stipulates that for a non-phased PUD (there is no PUD General Development Plan as the initial zoning document), the Planning Commission makes a recommendation on the PDP, but the final action must be made by City Council. In such cases, the Planning Commission normally considers the preliminary plat and PDP at the same hearing, but takes a different action on each one. Any Planning Commission approval of the preliminary plat must therefore be conditioned on the subsequent City Council approval of the zoning and PDP.

Section 16.20.020 of the Municipal Code (the subdivision code), and Section 18.41.050.E.6 of the Municipal Code (the PUD code), stipulate that City approval of both the preliminary plat and PDP expire one year after initial approval. In order to maintain the validity of the preliminary plat and/or PDP, the applicant must submit a complete application for subdivision final plat and PUD Final Development Plan before that deadline, or submit a written request for extension. Section 16.20.020 authorizes the Planning Commission to approve all such extension requests for preliminary plats. Section 18.41.050.E.6 authorizes the Current Planning Manager to approve extensions of the PDP approval.

#### B. General Description

The preliminary plat for North Lincoln Avenue 2nd Subdivision was considered by the Planning Commission on July 9, 2007, along with the accompanying rezoning and PUD Preliminary Development Plan known as "Sanctuary on the Park PUD". Since it was a non-phased PUD, the Planning Commission's action was to recommend approval of the rezoning and PDP, and to approve the preliminary plat subject to subsequent City council approval of the rezoning and PDP. The City Council considered the rezoning and PDP on August 21, 2007, and denied the rezoning and PDP applications. Since approval of the preliminary plat was conditioned upon City Council approval of the rezoning and PDP, this resulted in a disapproval of the preliminary plat as well.

The developer subsequently filed legal action against the City for this disapproval. The outcome of this process was to remand the applications for rezoning and PDP back to the City Council for a new determination, formally implementing a negotiated settlement between the parties to reduce the density to 144 dwelling units and an 8% increase in the total open space in the project. This had the automatic effect of reinstating the Planning Commission approval of the preliminary plat, as of the date of December 2, 2008.

Under the provisions of the above referenced code sections, the preliminary plat and PDP would have expired on December 2, 2009. The code allows an applicant to request extension of approvals for preliminary plats and PDPs; and in the fall of 2009, Solitaire Investments, LLC requested a two (2) year extension of the approval. That original extension was approved by the Planning Commission on December 14, 2009. An additional one (1) year extension was requested in November of 2011, and was approved by the Planning Commission on November 28, 2011. With each extension of the plat approval, the Current Planning Manager also approved matching extension of the PUD Preliminary Development Plan, known as Sanctuary on the Park PUD.

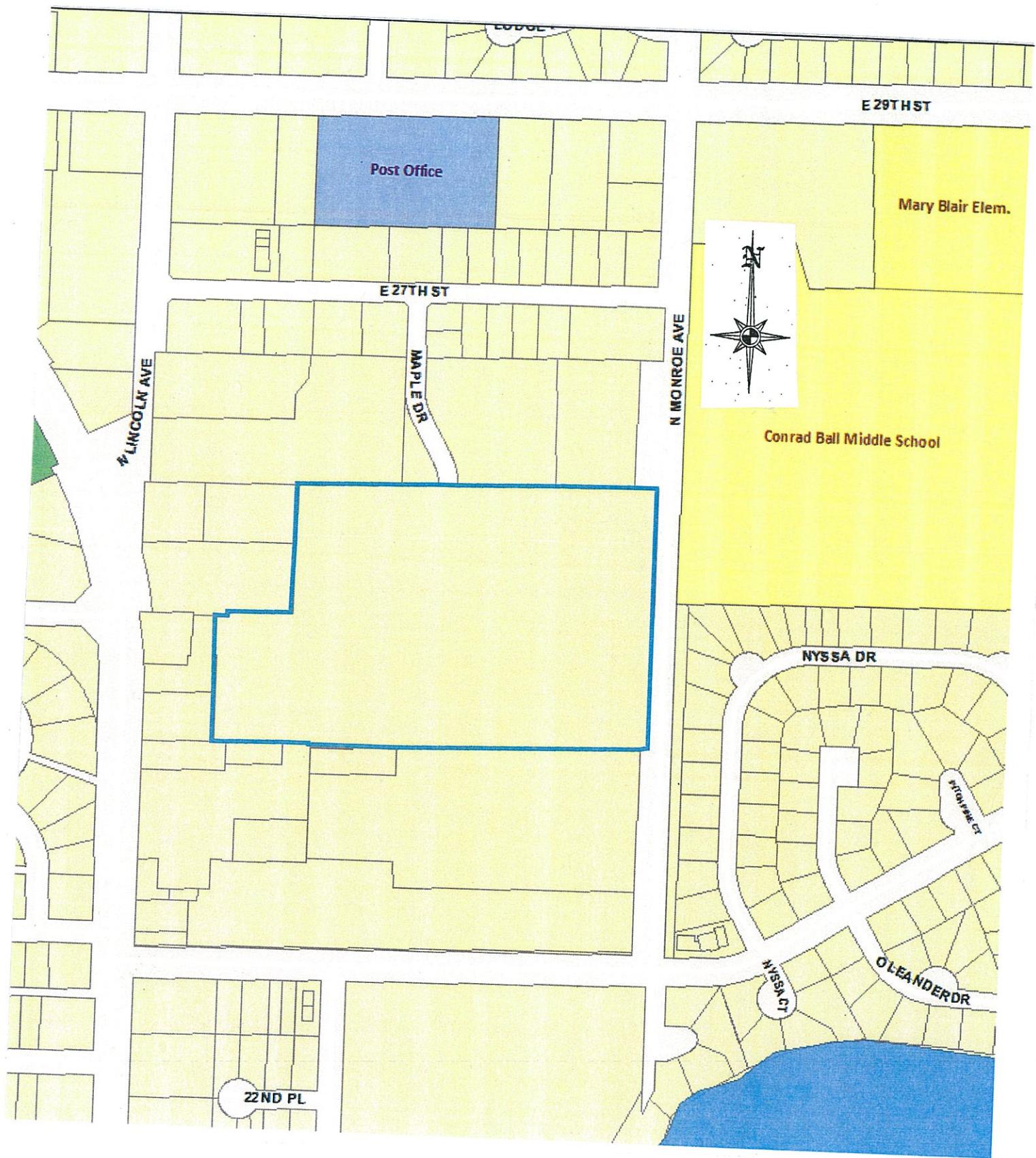
With each request for extension, the Applicant has provided their written justification for the request (see **Attachment #2**). Each request has stated the economic slowdown as the reason for the extension. This request states the same basis for the extension request. If approved, this would extend the approval of the preliminary plat until December 11, 2013. The Current Planning Manager would also approve a matching extension for the related PDP.

**C. Neighborhood response.**

A request for extension does not require a neighborhood meeting or public hearing. With the original overall process, the neighborhood was more comfortable with the project at the lower density and greater open space.

**IV. RECOMMENDED CONDITIONS**

There are no recommended or additional conditions from City staff for the extension. By referencing the original conditions as part of the recommended motion, the original conditions will continue to be in effect.



## **SANCTUARY ON THE PARK VICINITY MAP**

**ATTACHMENT 1**

Sanctuary on the Park  
aka North Lincoln Avenue 2<sup>nd</sup> Subdivision

October 19, 2012

Brian Burson, Senior Planner  
City of Loveland  
500 E. Third St.  
Loveland, CO 80537

By Fax: 970-962-2945

Please consider this letter as our request to extend the PUD plan and the Preliminary Plat on the above property for one year. We have been diligently, through our real estate broker, following leads to find a developer to follow through with a final application on this land and hope that this will happen soon. Should you desire to contact this broker, I can supply his contact information.

Thanks for your consideration of this request.

Joan Beldock



Member, Solitaire Investment, LLC  
2250 S. Vaughn Way #102  
Aurora, CO 80014  
303-752-4940

RECEIVED  
OCT 29 2012

ATTACHMENT 2

**CITY OF LOVELAND  
PLANNING COMMISSION MINUTES  
July 9, 2007**

The meeting of the City of Loveland Planning Commission was held in the City Council Chambers of the Civic Center on July 9, 2007 at 6:30 p.m. Members present: Chairman Krenning; Vice Chairman Haenny; Commissioners: Crescibene, Donnelly, Harding, Molloy and Stearns. Commissioners Absent: Ray and Morey. City Staff present: Brian Burson, Current Planning; Gary Wilson, Community and Strategic Planning Manager; Larry Howard, Water and Power; Robert Paulsen, Current Planning Manager; Sunita Sharma, Assistant City Attorney.

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

## APPROVAL OF AGENDA

*Vice Chairman Haenny moved to approve the Agenda. Upon a second by Commissioner Harding, the motion passed unanimously.*

## APPROVAL OF MINUTES

Chairman Krenning requested an amendment to the meeting minutes of June 25, 2007, Page 3, Lines 27-32 as follows:

~~He stated he did not believe the project met the intent of Section 18.41.050.E.2: (i) Development permitted by the PDP will not have negative impacts on City utilities or Section 16.20.030: (i) The proposed public facilities and services are adequate, consistent with the City's utility planning, and capable of being provided in a timely and efficient manner.~~

*Commissioner Krenning* stated he did not believe the subdivision mitigated to the extent possible, the negative impacts on the surrounding property and he did not believe it met the intention of Section 16.20.30: *"The subdivision provides desirable settings for buildings, protects views, and affords privacy, protect from noise and traffic..."*

*Commissioner Harding made a motion to approve the Minutes of the June 25, 2007 Planning Commission meeting as amended on the record. Upon a second by Vice Chairman Haenny the motion passed unanimously (Commissioner Donnelly abstained).*

1      **CITIZEN REPORTS**

2  
3      There were no reports.

4  
5      **COMMISSIONER COMMENTS**

6  
7      There were no comments.

8  
9      **COMMITTEE REPORTS**

10  
11     There were no reports.

12  
13     **STAFF MATTERS**

14  
15     There were no staff matters.

16  
17     **CONSENT AGENDA**

18  
19     **1.    Mariana Butte 23<sup>rd</sup> Subdivision.**

20  
21     A public hearing to consider a preliminary plat to subdivide the land within the recently approved  
22     preliminary development plan for Mariana Butte 23<sup>rd</sup> PUD into five single family lots ranging in size  
23     from 15,000 square feet on up to over 21,000 square feet. The preliminary plat also creates a  
24     separate tract for Buckingham Reservoir; along with open space outlet areas around the lake and a  
25     2.5 acre lot identified for future development south of the Reservoir, which will require a separate  
26     PDP and FDP approval. These areas are being included in the preliminary plat as they have not been  
27     platted with other filings associated to Mariana Butte. The site is located on the northwest corner of  
28     Rossum Drive and West 1<sup>st</sup> Street, within the Mariana Butte Planned Unit Development.

29  
30     *Vice Chairman Haenny made a motion to adopt the Consent Agenda. Upon a second by  
31     Commissioner Harding the motion was unanimously adopted.*

32  
33     **REGULAR AGENDA**

34  
35     **2.    Sanctuary on the Park PUD/North Lincoln Avenue 2<sup>nd</sup> Subdivision.**

36  
37     A public hearing to consider an application that proposes to rezone the property from R2-Developing  
38     Two-family Residential to a residential PUD to be known as Sanctuary on the Park PUD.

39  
40     **Brian Burson, Project Planner** gave a staff presentation and brief history on this item. He stated  
41     the application proposes to rezone the property from R2-Developing Two-family Residential to a

1 residential PUD for a total of 185 dwelling units, 89 single-family attached dwelling units and 96  
2 multi-family dwellings units resulting in a gross density of 12.24 du/ac. He clarified a total of 47%  
3 of the site would be devoted to landscaped open space and commented that landscaped buffer yards  
4 would be located along all edges of the development as well as various types of internal landscaped  
5 open spaces and open space playfield areas. He presented the Commission with revised conditions  
6 which addressed pedestrian/bicycle and emergency access issues.  
7

8 **Chairman Krenning** asked if open space was an issue when this item was originally presented.  
9

10 **Brian Burson** stated open space and playfield areas were an area of concern originally expressed.  
11 He stated there is no code requirement for open space/playfield areas in a multi-family attached  
12 development. He further stated this application meets the PUD criteria for adequate playfield area.  
13

14 **Tony Janicek, representing the applicant**, stated significant changes have been made since the  
15 project was originally presented and stated they are very pleased with the revisions.  
16

17 **Don Tiller, Vingette Studios Project Planner**, gave a brief description of the project being  
18 presented. He stated he has meet with staff and the development review team numerous times and  
19 stated he is confident that everyone agrees with what is being proposed. He further reported on the  
20 neighborhood meetings held and believed the primary issues expressed have been addressed. He  
21 spoke of density, access and traffic issues. He reported that there are approximately 11% fewer  
22 dwelling units than originally presented and noted that building height maximums have been  
23 reduced. After further discussion he requested that Condition 11e. (below) be deleted until there is a  
24 need for the emergency access. He clarified there would not be a need until the adjacent property is  
25 developed:  
26

27       *11. Prior to the issuance of any building permits within the PDP, pursuant to  
28 the provisions in Section 16.40.010.B of the Loveland Municipal Code, the  
29 developer shall design and construct the following improvements, unless designed  
30 and constructed by others. A cash-in-lieu payment or financial security for all or  
31 part of these improvements may be accepted if approved by the City Engineer:  
32           e. Eastbound right-turn lane at 29<sup>th</sup> Street and Monroe Avenue.*

33       **Matt Delich, Delich and Associates**, clarified there were no substantial access issues with the  
34 proposed development and spoke of how the traffic would be disbursed over the area.  
35

36       **PUBLIC COMMENT**

37       **Bill Watry, 2208 Mugho**, spoke of traffic concerns and opposed the density in the area. He stated he  
38 believed the schools in the area were over capacity and did not think the area could adequately  
39 handle the additional traffic.  
40

1  
2 **Dave Cole, Lutheran Church of Hope, 1025 Sitka Court**, disagreed with the traffic report and  
3 expressed concerns regarding the alignment of the sidewalk and the position of the school  
4 crosswalks.

5  
6 **Don Tiller** commented that the school district reviewed the proposal and that they did not have any  
7 issues or concerns with the project.

8  
9 There was a discussion regarding traffic issues and **Matt Delich** explained what the various levels of  
10 service are currently and how they are measured. He summarized by saying that the level of service  
11 for all legs of the intersection of 23<sup>rd</sup> Street and Monroe Avenue is a level "A" and stated that 23<sup>rd</sup>  
12 Street and US287 currently is operating at an overall level of "B" as does the turn lane for 29<sup>th</sup> Street  
13 and Monroe Avenue.

14  
15 **Chairman Krenning** stated he would allow the public hearing portion of the meeting to be reopened  
16 for additional comments.

17  
18 **Bill Watry, 2208 Mugho**, reemphasized his concerns regarding parking and stated and believed the  
19 density was wrong for the area.

20  
21 (\*Secretary's Note: There was a brief recess)

22  
23 **Sean Kellar, Transportation Development Review** reported there were numerous meetings  
24 discussing traffic and school impacts and staff had no outstanding issues or concerns. He stated the  
25 Planning Commission did not have the authority to waive a LCUASS requirement but City Council  
26 did have that authority.

27  
28 **Commissioner Harding** stated that he believed the density was too great and he would not support  
29 the rezoning.

30  
31 After discussion regarding emergency access, **Romeo Gervais, Loveland Fire**, supported delaying  
32 the emergency access easement until the adjoining property develops stating it would not be needed  
33 until that occurs.

34  
35 **Vice Chairman Haenny** spoke in support of the project stating she believed this was a good fit for  
36 the area and complimented the applicant for their redesigning efforts.

37  
38 **Commissioner Molloy** stated he liked the design, open space areas and walk-ability. He agreed with  
39 the traffic engineers and stated he believed there were numerous options for traffic flow.

1      **Commissioner Krenning** stated although the project was not perfect he did support it, stating he  
2      believed it was a good fit for the area.  
3

4      **(Secretary's Note:** There was a brief recess for the applicant and staff to review the conditions)  
5

6      **Bob Paulsen** commented that after further review the revised conditions as presented by Brian  
7      Burson were acceptable with the applicant.  
8

9      **Don Tiller** accepted the conditions.  
10

11     **Commissioner Stearns** stated although there would be an effect on the schools and traffic he agreed  
12     that these types of walkable neighborhoods are needed as is the need for entry level housing.  
13

14     **Commissioner Harding** stated that he too liked the looks of the project but stated he supported  
15     lower density in the area.  
16

17     **Commissioner Crescibene** spoke in support of the project and concurred that there would be traffic  
18     issues.  
19

20     **Chairman Krenning** stated traffic is an issue but was confident with the determination by the traffic  
21     consultant. He stated that the issues expressed by the neighbors are common issues expressed with  
22     any development he stated he would support a motion to move the project forward to City Council.  
23

24     *Vice Chairman Haenny made a motion to make the findings listed in Section VII.A. of the staff  
25     report dated July 9, 2007 and, based on those findings, recommend approval of the rezoning of  
26     Parcels 1 and 2 of the North Lincoln Avenue Addition from R-2 to Sanctuary on the Park PUD  
27     (P-99), subject to the PUD Preliminary Development Plan and the conditions set forth in Section  
28     VIII.A. of said report, as amended on the record. Upon a second by Commissioner Crescibene the  
29     vote on the motion was as follows: Yeas: Commissioners: Krenning, Haenny, Stearns,  
30     Crescibene, Donnelly and Molloy. Nays: Commissioner Harding. (Commissioners Ray and  
31     Morey were absent)*  
32

33     *Vice Chairman Haenny made a motion to make the findings listed in Section VII.B. of the staff  
34     report dated July 9, 2007 and, based on those findings, approve the Preliminary Subdivision Plat  
35     for North Lincoln Avenue 2<sup>nd</sup> Subdivision), subject to conditions set forth in Section VIII.B. of  
36     said report, as amended on the record. Upon a second by Commissioner Molloy the vote was as  
37     follows: Yeas: Commissioners: Krenning, Haenny, Stearns, Crescibene, Donnelly and Molloy.  
38     Nays: Commissioner Harding. (Commissioners Ray and Morey were absent)*  
39

40     **Don Tiller** accepted the conditions.  
41

1    *Commissioner Haenny made a motion to recommend to City Council that they review the issue of*  
2    *the intersection at 29<sup>th</sup> Street and Monroe Avenue and consider allowing a variance from the*  
3    *LCUASS standards and determine what the developer shall contribute to cash-in-lieu for their*  
4    *proportionate share of responsibility for the right turn lane. Upon a second by Commissioner*  
5    *Crescibene the motion was unanimously adopted.*

6

7    The following conditions are recommended by City staff.

8

9    **RECOMMENDED CONDITIONS**

10    **A.    Preliminary Development Plan:**

11    **Power:**

12

13    1.    Unless Water and Power requirements for location of meters and other electrical equipment  
14    can be met on Condominiums, the following will apply:

15

16    a.    For all multi-family buildings of three or more units per building, electric meters will  
17    be located centrally on or near the building.

18

19    b.    The developer or his representative will be responsible for installing the underground  
20    electric service to the meter per the National Electric Code.

21

22    2.    For all other multiplex buildings of three units or more, electric meters will be located  
23    centrally on or near the building, and the developer or his representative will be responsible for  
24    installing the underground electric service to the meter per the National Electric Code.

25

26    3.    Any costs associated with the relocation, raising, or lowering of existing underground and  
27    overhead electric lines and facilities shall be the responsibility of the developer.

28

29    4.    The twenty-two foot utility easements in the road ways are not adequate for the total needs of  
30    power installation to all aspects of the site. As part of the final plat, the Developer shall depict and  
31    dedicate sufficient utility easements throughout the development to assure that all power  
32    improvements can be installed as needed, as determined in the sole discretion of the Power  
33    Department.

34

35    **Stormwater:**

36

37    5.    Prior to approval of the Final Plat and Final Construction Drawings, the Developer shall  
38    provide the Loveland Stormwater Utility with a recorded copy of an Agreement between the Big  
39    Lateral Ditch Company and the Developer to tie into their pipeline with the proposed detention pond  
40    outlet pipe.

41

42    **Fire Prevention:**

1       6. Prior to approval of the FDP a "Fire Lane – No Parking" sign plan shall be submitted for  
2 review and approval.

3

4 **Transportation Development Review:**

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

9

10     8. Prior to approval of the Final Development Plan (FDP), final public improvement  
11 construction plans or the final plat, the developer shall submit recorded deeds of dedication to the  
12 City for all offsite right-of-way required for transportation facilities needed to meet City ordinances  
13 and/or any development conditions applicable to the property, unless otherwise approved by the City  
14 Engineer.

15

16     9. Prior to approval of the FDP or final public improvement construction plans, the developer's  
17 construction plans shall show the complete design for the proposed local street north extension of  
18 Maple Drive to connect to the 27<sup>th</sup> Street and Lincoln Drive intersection; unless already designed by  
19 others.

20

21     10. Prior to the issuance of any building permits within the PDP, pursuant to the provisions in  
22 Section 16.40.010.B of the Loveland Municipal Code, the developer shall design and construct the  
23 following improvements, unless designed and constructed by others. A cash-in-lieu payment or  
24 financial security for all or part of these improvements may be accepted if approved by the City  
25 Engineer:

26       a. Monroe Avenue to major collector standards adjacent to the property including curb,  
27 gutter, and sidewalk on the west side and offsite tapers to match the existing roadway  
28       b. Maple Drive extending from the south property line of this development to the south  
29 property line of the Willow Park Addition per the LCUASS local street standards (including  
30 curb, gutter, and sidewalk on both sides of the street)  
31       c. A street connecting Maple Drive to the 27<sup>th</sup> Street and Lincoln Drive intersection per  
32 the LCUASS local street standards (including curb, gutter, and sidewalk on both sides of the  
33 street)  
34       d. Northbound right-turn lane at US 287 and 23<sup>rd</sup> Avenue. Any costs associated with  
35 oversizing the roadway improvements shall be reimbursable to the developer per standard  
36 City policies.  
37       e. Eastbound right-turn lane at 29<sup>th</sup> Street and Monroe Avenue.  
38       f. An enhanced pedestrian crossing of Monroe Avenue as approved by the City.

39

40 **Current Planning:**

41     11. Before issuance of the first building permit for any permanent structure on the site, the

1      Developer shall install all landscape shown on the approved landscape plans, unless financial  
2      security is filed by the Developer with the City to assure installation at a later date acceptable to the  
3      City. Installation of the landscape and/or filing financial security may be phased, based on a phasing  
4      plan submitted with the FDP or at time of building permit application.  
5

6      For areas landscaped with dry land seed mix, the City shall not give approval of the landscape and/or  
7      shall not release any financial security, until such time that the City determines that the  
8      grasses/ground cover in said areas are successfully emergent, in the sole discretion of the Current  
9      Planning Manager.  
10

11     12. Before issuance of the first building permit for any permanent structure on the site, the  
12      Developer shall install all open space improvements or amenities, such as private walks, fences,  
13      walls, etc. as shown on the approved plans, unless financial security is filed by the Developer with  
14      the City to assure installation at a later date acceptable to the City. Installation of the landscape  
15      and/or filing of financial security may be phased, based on a phasing plan submitted with the FDP or  
16      at time of building permit application.  
17

18     13. Before issuance of the first building permit for any permanent structure, the Developer shall  
19      install all paving, striping and signage for the internal circulation and parking areas, as shown on the  
20      approved plans. Paving and striping and/or filing of financial security may be phased, based on a  
21      phasing plan submitted with the FDP or at time of building permit application.  
22

23     14. All exterior lighting shall comply with the lighting plans approved as part of the FDP. All  
24      exterior lighting shall be designed, installed and maintained in a manner that assures that no direct  
25      light or glare is visible beyond the property lines of Lot 1, Block 1.  
26

27     15. As part of any FDP for the multi-family phase of the development, the Developer shall  
28      provide a design and timing mechanism, acceptable to the Fire Marshal and Current Planning  
29      Manager, for installation of a suitable driving/travel surface for the future emergency, pedestrian and  
30      bicycle access located between the parking drive lane and west property line, just south of garage #2,  
31      as shown on the PDP site plan. The design and mechanism for the pedestrian and bicycle connection  
32      can be separate from the design and mechanism for the emergency access connection.  
33

34     16. Upon development or redevelopment of the adjacent Lot 1, Block 1 of the North Lincoln  
35      Avenue 1<sup>st</sup> Subdivision, and if, in the judgment of the Fire Marshal and Current Planning Manager,  
36      said development or redevelopment provides an opportunity to provide a shared emergency,  
37      pedestrian and/or bicycle access connection from Sanctuary on the Park to said adjacent lot, the  
38      Property Owner of this portion of Sanctuary on the Park PUD shall, within 30 days of receipt of  
39      written notice from the City, remove the section(s) of the west perimeter fence sufficient to allow  
40      unhindered and unobstructed movement of emergency vehicles, pedestrians and bicyclists across all  
41      portions of the travel surface described in condition 16.a. above.

1  
2 17. If, at the time of FDP, an agreement is reached between the Developer and the City to  
3 approve Sanctuary on the Park as an affordable housing development, pursuant to City standards and  
4 as described in Section 11 of the PDP narrative, a reduction in all applicable private and public  
5 improvements, such as landscape and sidewalks, may be authorized by the Director of Development  
6 Services of the City of Loveland.  
7

8 18. Notwithstanding the actual landscape depictions on sheet 5 of the PDP, the FDP landscape  
9 plan shall provide a detailed design for all normally required landscape bufferyards along the  
10 perimeters of the development, as set forth in the Landscape Buffer Areas Table on sheet 5 of the  
11 PDP, and as adjusted to comply with all applicable conditions of approval.  
12

13 19. Landscaped entry features, consistent with the City standards, shall be included in the FDP  
14 landscape plans.  
15

16 20. In order to preserve any active raptor nest that may be located in existing mature trees, no  
17 initial site work or disturbance to the site, including tree removal or trimming, may be performed  
18 during the months of February-July of each year.  
19

20 If the Developer desires to commence work during the months of February-July, it may submit to the  
21 Current Planning Manager of the City an updated written report, from a qualified professional,  
22 indicating whether there are any active raptor nests in any portion of the site. Upon review of this  
23 report by the Current Planning Manager, and any other available sources of expertise in this field, the  
24 Current Planning Manager may determine, in his/her sole discretion, that no disturbance to active  
25 nests would occur and that site work may commence. If such a determination is made, it shall be  
26 communicated to the Developer in writing. No work on the site shall commence until such time such  
27 that said written authority has been granted by the Current Planning Manager.  
28

29 21. A limited solid-material fence, such as split rail or equal, shall be provided along that portion  
30 of the north perimeter of the site adjacent to the church. This fence shall be included in the FDP  
31 submitted to the City.  
32

33 **B. Preliminary Plat:**  
34

35 **Fire Protection:**  
36

37 22. Prior to approval of the Final Plat, a "Fire Lane – No Parking" sign plan shall be submitted  
38 for review and approval by the fire department.  
39

40 **Current Planning:**  
41

1       23. No final plat for this site may use blanket easements and building envelopes in-lieu-of  
2       platting specific easements needed for public utilities, public drainage and other public purposes.  
3

4       24. As part of the final plat, the owner(s) of record of the Big Lateral Ditch Easement passing  
5       through the property must either sign the final plat, for dedication of the proposed street, or an  
6       appropriate release form approved for this purpose by the City Attorney.  
7

8       25. The Planning Commission approval of the preliminary subdivision plat shall not become  
9       effective until the effective date of the City Council ordinance approving the rezoning of Parcels 1  
10      and 2 of the North Lincoln Avenue Addition from R-2 to Sanctuary on the Park PUD (P-99).  
11

12      26. At time of final plat, the Developer shall provide utility easements having a minimum width  
13      of 5 feet, located along the entire perimeters/footprints of all single-family attached dwelling units,  
14      for the installation of utility service and meters.  
15

16      27. At time of final plat, the Developer shall dedicate an emergency, pedestrian and bicycle  
17      access easement in the area located between the parking drive lane and west property line, just south  
18      of garage #2, as shown on the PDP site plan.  
19

20

21      3. **Various Amendments to Title 18.**  
22

23      A public hearing to consider amendments which make up the Group I amendments and relate to  
24      lighting standards and guidelines, landscape standards and guidelines, and portable signs in  
25      downtown Loveland. The vested rights amendments have been added to Group II, which will be  
26      presented to the commission in the near future.  
27

28      **Sherry Albertson-Clark, Consultant** gave a staff presentation on lighting and illumination  
29      amendments to Title 18 and stated the changes are a blend of existing requirements and I-25 lighting  
30      requirements.  
31

32      **Gary Wilson, Community and Strategic Planning** gave a staff presentation on amendments to the  
33      sign code. He stated currently there are no regulations in place for portable signs making it  
34      impossible for Code Enforcement to enforce. He stated the amendments would include restrictions  
35      regarding rights-of-way, size limitations and materials used. He commented that businesses would  
36      be required to take down their signage when they are closed. He responded to questions and stated  
37      portable signs would be restricted to the downtown area and that if allowed city-wide he believed  
38      there would be a proliferation of signs oriented to traffic.  
39



## **LOVELAND PLANNING COMMISSION MEETING AGENDA**

**Monday, December 14, 2009  
500 E. 3<sup>rd</sup> Street – Council Chambers  
Loveland, CO 80537**

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, SEX, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMODATIONS TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2523 OR TDD 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

### **I. CALL TO ORDER**

### **II. PLEDGE OF ALLEGIANCE**

### **III. APPROVAL OF AGENDA**

### **IV. APPROVAL OF MINUTES:**

Approval of the Minutes of the November 23, 2009 meeting.

**CONSENT AGENDA:** The Consent Agenda contains items that require no discussion. However, anyone can remove an item from the consent agenda for discussion. Items removed from the Consent Agenda will be heard at the beginning of the regular agenda. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items.

### **V. REPORTS:**

#### **a. Citizen Reports**

This is time for citizens to address the Commission on matters not on the regular agenda.

#### **b. Commission Comments and /or Business**

- Election of Officers for 2010**

#### **c. Committee Reports**

#### **d. Staff Matters**

- Cancel the meeting of December 28<sup>th</sup>**

**ATTACHMENT 4**

## VI. CONSENT AGENDA

### 1. Anderson 1<sup>st</sup> Subdivision Preliminary Plat.

This application is a request for a one year extension to the expiration period for the Anderson 1<sup>st</sup> Subdivision preliminary plat. Pursuant to Section 16.20.020 of the Municipal Code, a preliminary plat approval expires one year after approval. KDR Development, LLC, represented by Mr. John Giroux, has requested a one year extension of both the preliminary plat and the related PUD Preliminary Development Plan. The letter cites economic and financial reasons for the extension.

### 2. North Lincoln Avenue 2<sup>nd</sup> Subdivision.

This application is a request for a two year extension to the expiration period for the North Lincoln Avenue 2<sup>nd</sup> Subdivision preliminary plat, aka Sanctuary on the Park PUD. Pursuant to Section 16.20.020 of the Municipal Code, a preliminary plat approval expires one year after approval. Solitaire Investments, LLC, represented by Tony Janicek, has requested a two year extension of both the preliminary plat and the related PUD Preliminary Development Plan. The letter cites economic and financial reasons for the extension, and emphasizes the importance of maintaining the plat approval to match the three year vesting acquired for the PUD Preliminary Development Plan.

## VII. REGULAR AGENDA

### 1. Major Amendment to Special Review #534 Chilson Recreation Center Expansion and Bishop Property Parking Lot.

The proposal under consideration is for a Major Amendment to Special Review #534. This Special Review covers the Civic Center campus including the Municipal Building, Library, and Chilson Recreation Center. It proposes to:

- Expand the Chilson Recreation Center by 18,900 square feet to accommodate enhanced aquatics, weights, fitness and gymnastics facilities;
- Construct a parking lot on the Bishop property; and
- Install associated landscaping and site improvements for these uses.

A Special Review is required for these uses as the land upon which the Civic Center sits is zoned R3e-Established High Density Residential. In this zoning district “governmental or semi-public uses” are allowed only through the Special Review process.

## VIII. ADJOURNMENT

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**December 14, 2009**

The meeting of the City of Loveland Planning Commission was held in the City Council Chambers of the Civic Center on December 14, 2009 at 6:30 p.m. Members present: Vice Chairman Molloy; and Commissioners Crescibene, Meyers, Harding, Krenning and Ray. Commissioners Absent: Chairperson Fancher. City Staff present: Brian Burson, Current Planning; Karl Barton, Current Planning; Robert Paulsen, Current Planning Manager; and Sunita Sharma, Assistant City Attorney.

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

**APPROVAL OF AGENDA**

**Robert Paulsen, Current Planning Manager**, requested that Item #1, Anderson 1<sup>st</sup> Subdivision Preliminary Plat, be removed from the Consent Agenda and placed on the Regular Agenda, noting that a condition had been added and the applicant did not have an opportunity to review it.

*Commissioner Harding made a motion to adopt the Agenda as amended. Commissioner Krenning requested that election of officers be moved to the end of the Agenda. Upon a second by Commissioner Middleton the motion was unanimously adopted.*

**APPROVAL OF MINUTES**

*Commissioner Crescibene made a motion to approve the November 23, 2009 meeting minutes. Upon a second by Commissioner Ray the motion was unanimously adopted.*

**STAFF MATTERS**

**Mr. Paulsen** reported that there were no items for consideration for the next meeting and requested that the Commission make a motion to cancel the meeting.

*Commissioner Crescibene made a motion to cancel the December 28, 2009 meeting. Upon a second by Commissioner Meyers the motion was unanimously adopted.*

Commissioner Krenning questioned why the applicant was asking for a two-year extension.

**Mr. Paulsen** explained that they already have two year vesting and the additional year would give them their needed three year vesting. He clarified the , requested a one year extension. He further clarified that the extension would allow the applicant to not proceed through the process

**Mr. Paulsen** introduced and welcomed newly appointed Planning Commissioner Chip Leadbetter and reported that he would be joining the Commission in January.

*Commissioner Krenning moved to approve the Consent Agenda. Upon a second by Commissioner Middleton the motion was unanimously adopted.*

**1. Anderson 1<sup>st</sup> Subdivision Preliminary Plat.**

This application is a request for a one year extension to the expiration period for the Anderson 1<sup>st</sup> Subdivision preliminary plat. Pursuant to Section 16.20.020 of the Municipal Code, a preliminary plat approval expires one year after approval. KDR Development, LLC, represented by Mr. John Giroux, has requested a one year extension of both the preliminary plat and the related PUD Preliminary Development Plan. The letter cites economic and financial reasons for the extension.

**Brian Burson, Current Planning**, gave a brief explanation regarding project and the request for the extension made by the applicant.

**John Giroux, representing the applicant and Loveland resident**, urged the Commission to remove the condition placed on the project. He further requested that he be granted the two-year vesting option.

**Commissioner Middleton** supported granting the applicant an addition 90-day extension for the mylar submittal.

After further discussion *Commissioner Krenning offered an amendment to Condition 1, to read as follows:*

The Developer shall file with the City the signed mylars for the PUD General Development Plan Amendment #1 and the Employment Concept Master Plan no later than ~~January 6, 2010~~ April 2, 2010. If not filed by that date, the extension shall not be deemed valid, and the City approval of the preliminary plat shall be deemed as expired.

*Commissioner Krenning made a motion to extend the January 6, 2009 approval of the Anderson 1<sup>st</sup> Subdivision Preliminary Plat, for a period of two year, subject to the same conditions made part of the City's approval on January 6, 2009, as well as the additional condition, as modified on the record, listed in Section III. of this staff memorandum dated December 14, 2009. Upon a second by Commissioner Harding the motion was unanimously adopted.*

**Mr. Giroux** accepted the conditions.

## **REGULAR AGENDA**

### **1. Major Amendment to Special Review #534 Chilson Recreation Center Expansion and Bishop Property Parking Lot.**

The proposal under consideration is for a Major Amendment to Special Review #534. This Special Review covers the Civic Center campus including the Municipal Building, Library, and Chilson Recreation Center. It proposes to:

- Expand the Chilson Recreation Center by 18,900 square feet to accommodate enhanced aquatics, weights, fitness and gymnastics facilities;
- Construct a parking lot on the Bishop property; and
- Install associated landscaping and site improvements for these uses.

A Special Review is required for these uses as the land upon which the Civic Center sits is zoned R3e Established High Density Residential. In this zoning district “governmental or semi-public uses” are allowed only through the Special Review process.

**Karl Barton, Current Planning**, gave a brief staff presentation regarding this item.

**Keven Aggers, Recreation Manager**, gave an overview of the various components involved with this expansion project. He reported that the architect that designed the original building was also designing the library expansion project. He spoke of the need for additional space at the Chilson Center. He reported that the ditch company has a moratorium regarding ditch crossovers but noted the city was granted permission to re-do the existing pedestrian bridge. He stated that 1st Street would be widened and that numerous trees would have to be removed and replaced. He showed the artist rendering of the style and massing of the building.

## **PUBLIC COMMENTS**

There was no public participation.

## **COMMISSIONER COMMENTS**

**Commissioner Krenning** stated he was looking forward to seeing the finished project and thanked the Parks and Recreation Department for all they do.

**Commissioner Harding** concurred with comments made by Commissioner Krenning and commented that he would like to see an additional recreation center in the future on the other side of town.

**Commissioner Meyers** spoke in support of the project and stated he believed the Chilson Center was an underappreciated asset and thanked the Parks Department for all their hard work and efforts.

**Commissioner Middleton** concurred with all comments and stated he was hopeful that construction would be completed on time.







