

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
April 22, 2013**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 22, 2013 at 6:30 p.m. Members present: Chairman Meyers; and, Commissioners Massaro, Molloy, Dowding, Crescibene, Krenning, and Prior. City Staff present: Bob 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.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. Informational: Withdrawl by applicant Steve MacMillan of the appeal of the Planning Commission's denial of the height exception for a 3-story, multi-family development at South Shore Plaza.
2. Request to cancel the Planning Commission meeting scheduled for Monday, May 27th due to the Memorial Day holiday.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Chairman Meyers announced that he would like to let any Loveland residents with ties to Boston who are watching the Commission broadcast know that the Commission grieves with them, supports them, and wishes them the best of luck in the wake of the Boston marathon bombing tragedy.

APPROVAL OF THE MINUTES

Chairman Meyers asked for a motion to approve the minutes from the April 8, 2013 meeting. Commissioner Dowding moved to approve the minutes. The motion to approve the minutes was seconded by Commissioner Massaro and it was approved unanimously.

OTHER BUSINESS

*Commissioner Dowding made a motion to cancel the meeting scheduled for May 27, 2013 because it falls on Memorial Day. It was seconded by **Commissioner Crescibene** and it passed unanimously.*

APPROVED: April 22, 2013 Planning Commission Minutes

REGULAR AGENDA

1. Amendment to Chapter 18.05 of the Municipal Code

Chairman Meyers introduced this item indicating that it is a public hearing to consider an amendment to Chapter 18.05 of the Municipal Code establishing mailed notification distances for oil and gas permit applications.

Bob Paulsen, Current Planning Manager, provided a summary of the proposed code amendment and its purpose, and indicated that the Commission's role was to review the amendment and make a recommendation to the City Council for final action. He described the amendment as a follow-up to the City Council's recent adoption of Ordinance #5753 that established regulations for oil and gas operations within the municipal limits.

Mr. Paulsen explained that now that the oil and gas regulations have been approved, the public notice provisions of the Municipal Code require amendment to set forth mailed notice distances for oil and gas development applications. He elaborated that the new code provisions have two processes for oil and gas permit applicants. One is "Enhanced Standards" and the other is "Mandatory Process." Both involve neighborhood meetings; the Mandatory Process includes a public hearing before the Planning Commission and possible appeal to the City Council. The proposed mailed notice provisions would apply to both neighborhood meetings and public hearings, he explained.

Mr. Paulsen indicated that the Title 18 Committee had reviewed the proposed amendment to Chapter 18.05. He indicated that following a lengthy discussion, the Committee agreed on a recommendation to set the notification distance at 2,200 feet from the boundaries of the property where the permit is requested. **Mr. Paulsen** reported that the Committee's rationale for the distance of 2,200 feet included the following:

1. Other application types as specified in the code require mailed notice distances of up to 1,200 feet.
2. Oil and gas operations have the potential to impact other properties at a distance at least equivalent to those application types requiring a 1,200 distance
3. Due to the setback distances that oil and gas operations require from certain buildings and outdoor assembly areas (up to 1,000 feet as stipulated by the Municipal Code and state statute), the mailed notice distances for oil and gas operations should be expanded an additional 1,000 feet beyond the 1,200 foot baseline distance in order to ensure that impacted property owners are notified.

Mr. Paulsen went on to say that while the existing maximum mailed notice distance of 1,200 feet was an appropriate starting point or baseline for analysis, oil and gas operations are anticipated to locate in more rural areas of the City, and a wider notification area makes more sense where properties are larger and distances are greater between uses. **Mr. Paulsen** also emphasized that the regulatory set back requirements from occupied buildings of up to 1,000 feet could result in potentially significant impacts on properties adjacent to oil and gas operations; future development within the setback radius from the well-head, whether 500 or 1,000 feet, would be limited. He indicated that the setback factors weighed heavily into the

decision of the Title 18 Committee. As a result, the Committee felt it appropriate to establish the recommended 2,200 foot mailed notice distance.

Mr. Paulsen indicated that Development Services Department staff agrees with the Committee's analysis and recommends that the mailed notice distance for oil and gas permit applications is 2,200 feet from the boundary of the property on which the surface use will occur. **Mr. Paulsen** reviewed the redline version of the amendment specifying the changes.

Chairman Meyers added that the Title 18 Committee voted unanimously on this recommendation.

*After a short discussion, **Commissioner Dowding** made the motion to recommend to City Council to approve the amendments to Chapter 18.05 of Title 18 as specified in the April 22, 2013 Planning Commission staff report. The motion was seconded by **Commissioner Prior** and it passed unanimously.*

2. 2012 Accomplishments/2013 Goals

Chairman Meyers introduced the item as an administrative matter.

Bob Paulsen called the Commission's attention to the submitted report, including adjustments made in response Commission comments from a previous meeting. He asked for comments. **Commissioner Dowding** said she was very pleased with the report. All Commissioners agreed.

The Commission accepted the report without further discussion.

At this juncture, Chairman Meyers adjourned the Planning Commission and called to order a meeting of the Zoning Board of Adjustment.

ZONING BOARD OF ADJUSTMENT

1. ZBA Hearing Officer decision on Variance Application #2013-1

Chairman Meyers called the Zoning Board of Adjustment to order.

Bob Paulsen indicated that the variance application concerned a property in the Boyd Lake North Subdivision. He reported that the applicant had just recently withdrawn pursuit of their variance application.

ZBA Hearing Officer Crescibene provided a summary of the application and his decision. He explained that the property had a 100 foot setback restriction and a maximum building size limitation. The owner wanted to build a larger building, a horse barn, at a 50 foot setback and,

therefore, applied for the two-part variance. ZBA Hearing Officer Crescibene said his decision was to adhere to the adopted restrictions.

Commissioner Dowding requested that, as an alternate hearing officer, she receive the decision findings prior to receiving them at the ZBA meetings.

Mr. Paulsen indicated that in the future staff would provide Commissioner Dowding with a staff report in advance of the ZBA hearings.

Chairman Meyers adjourned the Zoning Board of Adjustment and reconvened the Planning Commission meeting.

PLANNING COMMISSION

ADJOURNMENT

Commissioner Prior made a motion to adjourn. Upon a second by **Commissioner Massaro**, the motion was unanimously adopted.

Approved By:



Buddy Meyers, Planning Commission Chairman



Bob Paulsen, Acting Planning Commission Secretary