

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
June 10, 2013

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 10, 2013 at 6:30 p.m. Members present: Chairman Meyers; Vice-Chair Middleton, and Commissioners Ray, Massaro, Dowding, Crescibene, Krenning and Prior. Member(s) absent: Commissioner Molloy. City Staff present: Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney; Kimber Kreutzer, Planning Commission Secretary.

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. **Current Planning Manager Mr. Paulsen** introduced Kimber Kreutzer, the new Planning Commission Secretary.
2. The next Planning Commission Meeting scheduled for 6/24/13 will be held only to approve the meeting minutes from the 6/10/13 meeting. Only 5 Commissioners will be needed for a Quorum. **Chair Meyers, Commissioner Krenning, Current Planning Manager Paulsen, and Deputy City Attorney Schmidt** will not be present at the 6/24/13 meeting. **Deputy City Attorney Schmidt** asked the Commission if a representative from the City Attorney's office is needed at the 6/24/13 meeting in her absence. The Commission agreed that no Counsel needs to be present to approve the meeting minutes.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Commissioner Crescibene was not present at the 5/13/13 Planning Commission Meeting when **Chair Meyers** surveyed the Commission about fracking and he asked if he could publicly state his opinion. He stated that he is in support of fracking because he believes it will help the U.S. become independent from foreign oil and doesn't like to use the phrase "ban". He continued that he would like full disclosure from oil and gas companies as to what chemicals they use during fracking to ensure that water supplies are not being polluted.

APPROVAL OF THE MINUTES

Chairman Meyers asked for a motion to approve the minutes from the 5/13/2013 meeting. Commissioner Dowding moved to approve the minutes. Upon a second by **Commissioner Prior** the minutes were approved unanimously.

CONSENT AGENDA

1. Vacation of Rights-of-Way, Millennium SW 5th Subdivision

Chair Meyers asked if the Staff wished to remove any of the items listed on the Consent Agenda. **Current Planning Manager Bob Paulsen** asked that item # 2 be removed from the Consent Agenda. **Vice-Chair Middleton** moved to approve the Consent Agenda, with the exception of Item #2. The motion was seconded by Commissioner Prior and the motion was unanimously approved.

REGULAR AGENDA

2. Extension Request: Anderson First Subdivision Preliminary Plat

Current Planning Manager Bob Paulsen requested that this item be removed from the Consent Agenda so that the Commission could review the revised motion. This property consists of 89 acres located at the NE quadrant of the intersection of Hwy. 287 and Hwy. 60. The Preliminary Plat was approved in 2010. The Planning Commission has final authority on this matter. **Mr. Paulsen** moved to make a finding that the applicant sought an extension of the Preliminary Plat and the Preliminary Development Plan prior to their expiration, but was unable to complete the request until foreclosure was completed. Based on “good cause”, Staff is recommending approval of the request for a two-year extension of the Preliminary Plat of the Anderson First Subdivision to 6/10/15. This item was opened to Public Hearing.

With no citizen comments or Commission comments, **Vice-Chair Middleton** made a motion to approve the request for a two year extension to 6/10/15. Upon a second from **Commissioner Crescibene** the motion was unanimously adopted.

3. Dakota Glen PUD: Preliminary Development Plan Amendment

This is the continuation of a public hearing item to consider a proposed amendment to the Preliminary Development Plan (PDP) for the Dakota Glen PUD. The amendment would modify permitted uses in the PUD to allow the construction of an above ground public utility facility and natural gas pipeline proposed by Xcel Energy. Since the May 13th Planning Commission meeting, a consensus has been reached by neighborhood residents and Xcel energy regarding the regulator station and associated landscaping.

Commissioner Dowding asked that she be allowed to continue to recuse herself from this agenda item, but asked to stay on the dais for the discussion.

Principal Planner Kerri Burchett addressed the Commission and gave a general description of the requested amendment. She indicated that a neighborhood meeting had been held on 5/20/13 between Dakota Glen homeowners and PSCo, during which time a discussion was held to determine the color of the facility, fencing options, landscaping and screening. During the meeting a consensus was reached, and the three outstanding concerns were resolved. A slide show with photo simulations of the finished site with neighborhood recommendations was presented. Staff recommends approval of the PUD amendment with conditions listed in the 6/10/13 Staff report.

Ms. Burchett introduced Mr. Dan Tekavec, Project Manager for PSCo. Mr. Tekavec thanked all who participated in the positive neighborhood meeting. 15 members from the Dakota Glen neighborhood, **Mr. Scott Bray, Developer of Dakota Glen**, and **Ms. Burchett** were in attendance at the meeting. Several color, fencing and landscape options and photo simulations were presented for a discussion. The homeowners chose a green color for the control house, no fencing, and suggested landscaping inclusive of shrubs, berms, and coniferous trees. PSCo will fund the installation of plants, berms and landscaping; west, north, and south of the Regulator Station. The Dakota Glen homeowners association will be responsible for the care, maintenance, and irrigation of the landscaping outside of the gasline easement. PSCo agreed to fund the replacement of trees that fail to establish for a period of 4 years after initial planting. In addition, PSCo agreed to replace 14 dead trees along SW 14th St. in the Dakota Glen PUD.

Commissioner Crescibene asked who would pay for the irrigation piping needed for maintenance of the site. **Mr. Tekavec** responded that the irrigation pipes already exist to the north and no new pipes would be required.

Commissioner Krenning thanked PSCo for their outstanding work with the Dakota Glen homeowners and stated that the extra time was to everyone's benefit.

Chair Meyers complimented the homeowners, PSCo, and **Ms. Burchett** for working together for a solution and felt they did an excellent job.

Commissioner Massaro stated that this is an outstanding example of what cooperation can accomplish when people work together to resolve the issues.

Chair Meyers opened the floor to a Public Hearing on the matter. Given that no citizen feedback was offered, **Mr. Meyers** closed the Public Hearing.

Commissioner Middleton complimented to PSCo for working with the public.

After **Mr. Tekavec** accepted the conditions in the amendment on behalf of PSCo, **Commissioner Middleton** moved to recommend that City Council approve the amendment with conditions. Upon a second from **Commissioner Krenning** the amendment with conditions was unanimously approved.

4. **Airpark North Addition: Zoning Ordinance Amendment**

This is a public hearing to consider a request to amend the Airpark North zoning ordinance. This 94-acre property zoned Developing Industrial is located immediately north of the Fort Collins-Loveland Airport. When the property was annexed in 1987, one of the conditions stated the owner would be required to submit a master plan prior to any development. The property owner, Curt Burgener, is seeking to amend this requirement to allow an interim storage use on the property prior to the approval of a master plan and final development.

City Planner II, Troy Bliss stated that this item is a request to amend a zoning ordinance for the Airpark North Addition. It is a 93 acre parcel located on the northeast edge of Loveland. He stated that the property owner would like to use 21 acres of the parcel for outdoor storage. Although the Staff Report specifically uses the phrase "outdoor vehicle storage", **Mr. Bliss**

noted that other equipment such as construction equipment would also be stored at this location. The reference to outdoor vehicle storage should be changed to just outdoor storage. **Mr. Bliss** pointed out that this parcel is zoned industrial and outdoor storage is a permitted use. If the amendment is approved the applicant would still have to follow through with a site plan application for interim use on the 21 acres. Property owners within 1,200 feet were notified of the zoning ordinance amendment indicating that the Planning Commission would hold a public hearing on the issue. Because the long-term use of this property is unknown, and the owner wishes to leave the option of further development on the site open, Staff is recommending the approval of this amendment with the conditions outlined in the Staff Report. The condition generally states that a Master Plan would be required if; 1) plans called for further development of the 93 acres or; 2) after 20 years of interim use of the outdoor storage, whichever comes first.

Commissioner Middleton asked **Mr. Bliss** to clarify the definition of “interim use” **Mr. Bliss** confirmed that 20 years would be the interim timeframe.

Mr. Bliss introduced **Mr. Rich Shannon from Pinnacle Consulting Group**. He stated he is before the Commission to represent the interest of the property owner. He explained that the property owner is not a developer but a resident in Loveland who is eager to help the city meet its long term vision for the future of the airport. Until the long term goals are developed, the owner would like to use his property for outdoor storage in the interim.

Chair Meyers opened the floor to a Public Hearing on the matter.

Mr. Bill Braden, 6230 Aviation Dr., Loveland, CO stated that he is a resident of Centre Point. He is on the Board of Directors of the Centre Point HOA and said he is speaking for himself and said that he has no problem with the property owners plan to use this parcel temporarily as an outdoor storage facility.

Mr. Jim Sampson, 3647 E CR7, Fort Collins, CO shared that he owns 2 properties adjacent to Airpark North and he also said he supports plans for the use as an outdoor storage facility.

Ms. Amy Lundgre, 3825 E CR 3C, Fort Collins, CO stated her support for the interim use of this property.

Since there were no further comments from the public, **Chair Meyers** closed the Public Hearing.

Commissioner Middleton asked what, if any, chemicals will be stored at the site. **Mr. Paulsen** explained that the Planning Commission relies on the City Fire Department to determine what, if any, chemicals are considered hazardous. Items of hazardous nature are only allowed in areas that are zoned for heavy industrial use and by right would not be allowed to be stored at this site.

Commissioner Dowding questioned if a short extension of Rockwell Drive and an extension of a water line for a fire hydrant would be the only public improvements needed at the site. **Mr. Bliss** confirmed they are the only required improvements but he was unsure of the exact length of the improvements and that arrangements are still being worked out. She commented that a 20 year interim seemed like a long time.

Commissioner Krenning asked Staff if this item could have been approved at the Director level. He pointed out that a great deal of time and resources were used for this request. **Ms. Schmidt** responded that the annexation and the zoning ordinances were both a provision requiring a master plan as a condition of approval. It is not within the power of Staff to vary how the conditions are amended. **Mr. Krenning** stated that he had no problem approving this amendment and stated that it appeared it is a good use and a good fit for this parcel.

On behalf of the applicant, **Mr. Shannon** accepted the conditions in the amendment.

Commissioner Krenning moved to recommend that City Council approve the amendment with conditions. Upon a second from **Commissioner Prior** the amendment with conditions was unanimously approved.

5. Gateway PUD: General Development Plan Amendment

This is a public hearing item to consider a proposed amendment to the Gateway General Development Plan requested by McWhinney Real Estate Services to allow a residential density increase from 16 units per acre to 22 units per acre on parcel A-1. This parcel is located on Hahn's Peak road and includes a lot that is vacant and suitable for multi-family development.

Senior Planner, Noreen Smyth stated that the purpose of this amendment request is to allow for the future submittal of Site Development Plan and Building Permit applications for a multi-family residential development aimed at seniors. The maximum number of residential units would increase from 500 to 586, which is a 17% increase. A formal application for a Site Development Plan can only be submitted when and if the amendment is approved. A neighborhood meeting was held on 5/9/2013 with the Developer, and concerns about traffic and parking were addressed by the applicant. Because the Municipal Code Findings relative to a GDP amendment have been met, Planning Staff is recommending the approval of this amendment without conditions.

Ms. Smyth introduced **Kim Perry, VP of Community Design for McWhinney Enterprises**. Ms. Perry stated that this 6.2 acre parcel in the GDP is one of the last undeveloped parcels in the PUD. The amendment would allow the development of an active adult apartment community which would be built next to Park Regency Assisted Living Residence. **Ms. Perry** explained that senior apartment projects typically have a more compact development model and this project will have no 3 bedroom units. Smaller average unit size allows more units in the same size building. Fewer parking spaces allow the same number of units to be built on a smaller site. Comparison to GDP maximum densities in the area revealed that Millennium GDP currently has 20 and 30 units/acre and **Ms. Perry** stated the new project would be comparable to existing developments in the area. The preliminary site plan revealed that surface and garage parking will be included. The program and services

in the project are leaned toward senior services, including a shuttle bus service, and possibly a small fleet of electric cars that residents could share and use.

Ms. Perry shared that the owner of Park Regency is in favor of this project and would like to see the amendment approved. The units will be market rate apartments for seniors.

Chair Meyers opened the meeting up to a Public Hearing. Not seeing any citizens come forward with comments, **Chair Meyers** closed the Public Hearing.

Commissioner Dowding agreed that this project would be a beautiful complement to Park Regency. She asked for clarification on page 3 in her packet. It said there were 583 units versus the 586 discussed earlier. **Ms. Smyth** confirmed that 586 is the correct number however she noted the number of units can be less in the final plan.

Commissioner Massaro asked about the number of dwelling units per acre and felt that 22 per acre were pushing the limit. **Ms. Perry** stated that higher density projects are likely in the future. He questioned the transportation plans for this project. **Ms. Perry** confirmed that the traffic study was done under the assumption that there would be no car sharing and the study confirmed there would be no impact on the traffic in the area.

Commissioner Crescibene asked if the units for this project would be for purchase or rental, and if each apartment would contain kitchens. **Ms. Perry** stated that all the units would be rental apartments and that each one would contain a full use kitchen.

Scott Miskeleit, Developer for Asante discussed transportation plans and stated that ideas are being looked at including electric shuttles. He stated that the project would blend in well with the master plan for Centerra. He added that a 14 person passenger van and shared vehicles are alternatives being explored for future residents.

Commissioner Ray stated that a 17% increase is substantial and felt that plans shown for the project mitigated his concerns, but wanted **Ms. Perry** to elaborate. **Ms. Perry** pointed out that Asante knows their customer profile well. Singles and couples are the major clientele allowing for 1-2 bedroom units. She felt like the amount of common space and open space is extremely adequate and well planned out.

Vice-Chair Middleton commented that this is a great location and the best use of land. He continued that Asante is a great company and that he strongly supports this project and suggested that fellow Commissioner's do the same.

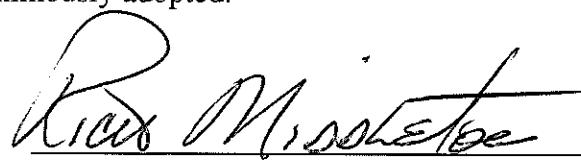
Commissioner Crescibene liked the idea that the units are rental properties and also supported the project.

Vice-Chair Middleton moved to recommend that City Council approve the amendment. Upon a second from **Commissioner Dowding** the amendment without conditions was unanimously approved.

ADJOURNMENT

Chair Meyers, made a motion to adjourn. Upon a second by **Commissioner Dowding**, the motion was unanimously adopted.

Approved by:



Rich Middleton, Planning Commission Vice- Chairman



Kimber Kreutzer, Planning Commission Secretary