

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
August 12, 2013

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 12, 2013 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Massaro, Molloy, Dowding, Crescibene, Krenning, Ray and Prior. Members absent: Commissioner Middleton. 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

Ms. Kim Orr, P.O. Box 2504, Loveland, CO addressed the Commission and distributed two handouts to the Commissioners in response to **Commissioner Krenning's** request at the 07/22/2013 Planning Commission meeting, asking for scientific data proving ground water contamination associated with drilling and fracking. The materials contained information on oil and gas spills, provided by the Oil and Gas Commission, which included two sample reports dated November of 2012 and November 2009. Each report indicated drilling associated with oil development was marked "yes" in regards to groundwater impact. **Ms. Orr** noted all the information she provided is public information. She stated that there are 350 similar reports a year regarding spills related to oil and gas drilling and fracking. **Mr. Krenning** thanked **Ms. Orr** for providing the information and assured her that he would read the reports carefully. He went on to say he felt questions surrounding fracking are serious, and he would not take the matter lightly.

STAFF MATTERS

1. **Mr. Bob Paulsen, Current Planning Manager** conveyed to the Commission that there was an item on the agenda for the scheduled 08/26/2013 Planning Commission meeting.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

There were no comments or questions regarding the 06/20/2013 ZBA meeting materials that were included in the Planning Commission packets.

APPROVAL OF THE MINUTES

Chair Meyers asked if any corrections were needed to the 07/22/13 Planning Commission Meeting Minutes. **Commissioner Massaro** stated that on page 10, the acronym for the Colorado Oil and Gas Commission needed to be changed from COGC to COGCC. The correction was

noted and **Chair Meyers** asked for a motion to approve the minutes. **Commissioner Molloy** moved to approve the minutes. Upon a second by **Commissioner Crescibene**, the meeting minutes were approved unanimously with **Commissioner Ray** abstaining since he was absent from the 07/22/13 Planning Commission meeting.

REGULAR AGENDA

1. Giuliano PDP Amendment

This is a public hearing to consider an amendment to the Giuliano First Subdivision PUD Preliminary Development Plan (PDP). The Amendment would modify the architectural standards and side yard setbacks in area SF-4, which is the approved and platted single family residential phase located east of Ponderosa Elementary School. The applicant is proposing an alternative design option for this phase that would allow a front oriented garage design with the garage doors comprising up to 50% of the ground floor elevation. Additional design standards for the garages are incorporated in the amendment to lessen the visual impacts of the doors on the streetscape. This includes recessing garages behind a front porch or living portion of the house and incorporating windows into the garage doors.

Ms. Kerri Burchett, Principal Planner, addressed the Commission and stated that the property impacted is located north of 43rd Street, and west of Wilson Avenue. The PUD is 169 acres in size. The amendment is for SF-4, which is roughly 23 acres, and is platted for 106 single family homes, and is one of the remaining phases of the PUD. There are two amendments being requested. The first is to modify architectural standards for garages with front oriented design with garage doors 50% of the ground floor façade. Currently there is a 40% limitation of the ground floor façade. The applicant will add design standards to the development in an effort to mitigate the design elements of the streetscape. The standards would include recessing the garage behind the front porch with a width of at least ten feet. In addition, the width of the driveway would be limited to 18 feet.

Ms. Burchett explained that the second request is to modify the measurements of the side yard setbacks. The existing PUD requires 1:3 ratio (one foot of setback for every three feet of building height). In this instance, a single story house would result in in a 5 foot setback, (10 feet between structures), and a 7 foot setback for a two-story house, (14 feet between structures). The purpose of the amendment would adjust how the setback is measured, but would maintain separation distance that results from the current ratio. The first story setback measurement would be calculated as it is currently done today as per the municipal code. The applicant has created a model that shows the 2nd story of the home recesses roughly 4 feet behind the front side elevation. Measurements would then be taken at the 2nd story element with the same ratio setback. The end result of the 2nd story would be 14 feet of separation between the 2 story elements of the home. This would keep the air space compatible with the city municipal code. The applicant has provided a setback diagram to assist with the administration per each block.

City staff is recommending approval with conditions listed in the staff report. The Planning Commission's action will be the final decision in this matter, and would not forward to the City Council.

Ms. Burchett shared that she received a letter of concern regarding the amendment proposal and asked that it be included as an exhibit in the Planning Commission packet.

Mr. Landon Hoover, Vice-President of Encore Homes, thanked the Commission for the opportunity to address questions or concerns regarding the proposed amendments. He explained that Encore Homes were not the previous builders in the existing PUD, but going forward, they will be the exclusive builders. **Mr. Hoover** stated that SF-4 is currently approved for similar products that were constructed in SF-3. He pointed out that this product has several distinct disadvantages in the marketplace, including side loaded garages with shared access easements (driveways) and small backyards. This design has historically caused problems with homeowners in relation to the care of the shared driveway concept including weed control and snow removal. Encore Homes hopes to address these concerns by providing front loaded, private garages, while aligning with the original intent of side-loaded garages.

Mr. Hoover pointed out that the current lot size is 42 feet wide, with 5 foot minimum side yard setback requirements, resulting in a 32 foot building envelope. A standard 2 car garage is 16 feet wide, so in order to have a front load private drive; the builder would need to have 50% front elevation. He shared that Encore Homes understands the 40% requirement in order to control a non-dominant garage streetscape, but feels that the enhanced design elements will mitigate the increase in the garage portion of the façade. **Mr. Hoover** explained the design being proposed would allow the structure to be stacked on one side of the house, versus having both sides of the house offset by 2 feet. He went on to say that the Giuliano subdivision is an affordable housing project and Encore Homes feels this design change is a significant way to provide a quality product at an affordable price point. **Mr. Hoover** communicated that Encore Homes is a subsidiary of Hartford Homes, which has been building quality homes in Northern Colorado for more than 25 years.

Mr. Hoover responded to the concerns submitted by **Mr. Bruce Frohman, P.O. Box 1623, Modesto, CA**. **Mr. Frohman**, who owns homes in the existing PUD. **Mr. Frohman** stated that he has concerns that constructing houses on a substandard lot would result in an increased pavement area, and potentially cause drainage and flood problems during storm events. **Mr. Hoover** pointed out that front loaded driveways require less concrete than a longer, shared drive, and reminded the Commission that the PUD was designed to withstand historical flooding events. In response to **Mr. Frohman**'s request to interview neighborhood residents, **Mr. Hoover** pointed out that a neighborhood meeting was held and explained that Encore Homes received resounding support from Giuliano community members. He finished by pointing out that this PUD amendment would not increase the current density nor alter the existing lot configuration.

Commissioner Ray stated that he looked at the SF-4 elevations versus the SF-3 elevations and questioned if the plans moved the house slightly forward on the lots, allowing for a larger back yard. **Mr. Hoover** replied that the plans maintain the same front yard setbacks as originally approved, and shared that what allows for a larger back yard is the front loaded

garage design. He explained that when a garage is set sideways on a property, it takes up a much larger part of the building envelope.

Commissioner Massaro asked if all of the planned lots were designed for either a 1 or 2 story home. **Mr. Hoover** responded that 1 or 2 story homes could be built on any lot, except for one lot in the PUD.

Commissioner Molloy questioned what the square footage of the homes would be. **Mr. Hoover** stated that final design plans were forthcoming; however, the homes would average from 1,200 square feet to 2,100 square feet.

Chair Meyers opened the meeting up for Public Comment.

Ms. Gail Zirtzlaff, 4511 Stump Ave, Loveland, CO expressed concerns that the proposed garages of the homes were too small to accommodate 2 vehicles, storage, and garbage bins and would result in homeowners parking their cars directly on the street.

Given that there were no other citizen comments, **Chair Meyers** closed the public hearing.

Mr. Hoover responded to the concerns raised by **Ms. Zirtzlaff** and explained that each of the proposed garages would have a designated area for trash and recycle receptacles. He pointed out that the garage door is 16 feet wide; however the actual garage will be between 18 and 20 feet wide.

Mr. Massaro asked how deep the proposed garages would be. **Mr. Hoover** replied that the garages would be between 21 and 31 feet deep. In addition there are plans to add a tandem three car garage to some of the homes.

Mr. Crescibene explained that having a designated area for trash receptacles did not ensure that homeowners would utilize that space for such, and questioned if there were provisions in the HOA bylaws that would require residents to put trash and recycle bins off the street once trash has been removed. **Mr. Hoover** answered that he believed that the HOA requirements would require homeowners to remove their trash bins within 24 hours of removal.

Ms. Dowding commented that following HOA rules was important and stated she was grateful the builder designed a designated space for trash bins.

Chair Meyers questioned if Encore Homes had a plan to respond to condition #2 in the staff report, which would require a letter of approval from the HOA to be submitted to the city with each building permit submittal. **Mr. Hoover** assured the Commission that Encore has a process in place to ensure an expedited turnaround time.

Mr. Krenning queried **Ms. Burchett** and asked if she had any other contact with **Mr. Frohman**, other than the email he sent. **Ms. Burchett** replied that she had several phone conversations with **Mr. Frohman** and shared that he was comparing what the proposed subdivision could evolve into with similar subdivisions in California. She explained that the

PUD would not be increasing in density, and that she had provided that information to **Mr. Frohman**.

Ms. Dowding stated that she felt the proposed amendment is a good compromise on a very narrow lot situation, and felt that the applicant addressed the issues that were raised and commended them for their efforts. She continued that there are few buyers in the market who would prefer a home with only a one car garage.

Mr. Prior thanked everyone for working with homeowners to address their concerns.

Mr. Ray shared that 6 years earlier he participated in the Planning Commission's tour of area neighborhoods in Loveland with front loaded garages with a greater than 50% façade. He explained that those designs had a negative effect on the aesthetics of the area, as well as resale values of the homes. He felt the excellent efforts put forward by the builder helped mitigate those concerns in his mind and stated he would support the amendment.

Mr. Massaro stated that areas in his neighborhood have common driveways, and in his observation, the design also encouraged vehicle street parking and echoed his approval of the proposed design changes.

Mr. Molloy shared that his previous house had a shared driveway and stated he did prefer the front loaded design concept based on his own personal experience. He also appreciated the additional back yard space that a front loaded garage would allow.

Mr. Krenning questioned if there was anything that would prohibit two garages from being side by side of each other. **Mr. Hoover** responded that generally speaking, there would be few instances when this would occur, maybe 3 or 4 lots in total. **Mr. Krenning** queried if a tapered driveway could be considered in those few instances. **Mr. Hoover** stated that the request would be considered as an excellent option.

Mr. Crescibene commented that a tapered driveway frequently leads to the homeowner putting down rock in place of the absent concrete in the driveway. He went on to say that building an affordable home on a 42 foot lot requires an innovative and creative approach, and thanked **Mr. Hoover** on a job well done.

Chair Meyers agreed that the plans looked innovative and aesthetically pleasing. and indicated he would be in support of the amendment.

Mr. Molloy asked if the tapered driveway approach could require a condition to have live landscaping to prevent the homeowners from putting down rock. **Ms. Burchett** said that condition could be added if the Commissioner's felt that was appropriate.

Mr. Crescibene commented that he did not agree to the condition of live landscaping, due to the amount of irrigation and maintenance that would be required. **Mr. Molloy** clarified he would recommend shrubs and bushes rather than grass.

Mr. Ray recommended that landscaping ideas for tapered driveways be given to the builder for consideration rather than adding another condition. **Mr. Hoover** explained that all of the options discussed would be taken under consideration.

Ms. Dowding shared that she felt shared space issues in a tapered driveway should be left to the homeowners to work out as a neighbor to neighbor issue.

Mr. Crescibene commented that the Commission's purpose was not to redesign the existing architecture standards.

Chair Meyers queried the Commissioner's and asked if a condition of a tapered driveway should be added to the amendment, or be left as is with the builder agreeing to consider the recommendations. The Commission unanimously agreed to leave the amendment as is without adding a new condition.

Mr. Ray made a motion to make the findings listed in Section VIII of the Planning Commission staff report dated August 12, 2012 and, based on those findings, adopt resolution #R 13-03 approving the Giuliano First Subdivision PUD First Amendment, subject to the conditions listed in Section IX, as amended on the record. **Mr. Molloy** seconded the motion. After **Mr. Hoover** verbally agreed to accept the conditions, the motion was unanimously approved.

ADJOURNMENT

Commissioner Crescibene made a motion to adjourn. Upon a second by **Commissioner Dowding**, the motion was unanimously adopted and the meeting was adjourned.

Approved by: _____
Buddy Meyers, Planning Commission Chairman

Kimber Kreutzer, Planning Commission Secretary

FORM
19
Rev 6/99

State of Colorado
Oil and Gas Conservation Commission

1120 Lincoln Street, Suite 801, Denver, Colorado 80203 Phone: (303)894-2100 Fax:(303)894-2109



FOR OGCC USE ONLY
RECEIVED
11/11/2012

Spill report taken by:

FACILITY ID:
430821

SPILL/RELEASE REPORT

This form is to be submitted by the party responsible for the oil and gas spill or release. Any spill or release which may impact waters of the State must be reported as soon as practicable; any spill over 20 bbls must be reported within 24 hours and all spills over five bbls must be reported within ten days. Submit a Site Investigation and

OPERATOR INFORMATION

Name of Operator: * PDC Energy, Inc.	OGCC Operator No: 69175 *	Phone Numbers
Address: 1775 Sherman Street, Suite 3000		No: (303) 831-3971
City: Denver	State: CO Zip: 80203	Fax: (303) 860-5838
Contact Person: Brandon Bruns		
Email: brandon.brunz@pdce.com		

DESCRIPTION OF SPILL OR RELEASE

Date of Incident: 10/16/2012 Facility Name & No: Patrick Anderson 1	County: Weld				
Type of Facility (well, tank battery, flow line, pit): Tank Battery	QtrQtr: SESE Section: 34				
Well Name and Number: Patrick Anderson 1	Township: 7N Range: 66W				
API Number: 05-123-10803	Meridian: 6th				
Specify volume spilled and recovered (in bbls) for the following materials:					
Oil spilled: Unk	Oil recov'd: 0	Water spilled: 0	Water recov'd: 0	Other spilled: 0	Other recov'd 0
Ground Water impacted? <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Surface Water impacted? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Contained within berm? <input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Area and vertical extent of spill: ~918 ft ² x ~13' bgs			
Current land use: Oil and Gas Production Facility/Agriculture		Weather conditions: High 40s			
Soil/geology description: Tightly packed fine grained sands					
IF LESS THAN A MILE, report distance IN FEET to nearest ... Surface water: ~1,290' W Wetlands: NA Buildings: ~990' SE					
Livestock: NA Water wells: ~2,610' W Depth to shallowest ground water: ~10' bgs					
Cause of spill (e.g. equipment failure, human error, etc.): Equipment failure Detailed description of the spill/release incident: A historical release was discovered while replacing production lines at the Patrick Anderson 1 (API # 05-123-10803) tank battery. A topographic map of the site is included as Figure 1.					

CORRECTIVE ACTION

Describe immediate response (how stopped, contained and recovered): Excavation of impacted soil began on October 16, 2012 and concluded on October 22, 2012. Approximately 370 cubic yards (yd ³) of impacted material was removed and transported to the Waste Management Facility in Ault, Colorado. The location and extent of the excavation is illustrated on Figure 2.	
Describe any emergency pits constructed: NA	
How was the extent of contamination determined? On October 16, 2012, seven soil samples were collected to delineate the areas of impact within and around the initial excavation. Soil samples SS01 through SS05 were collected within the excavation on the floor and at each boundary wall. Two additional soil samples were collected in test pits located north and south of the excavation (SS06 and SS07, respectively) at 10 feet below ground surface (bgs). Soil samples were submitted to Summit Scientific Laboratories in Golden, Colorado for laboratory analysis of BTEX, TPH-GRO, and naphthalene by EPA Method 8260B and TPH-DRO by EPA Method 8015. Analytical results indicated elevated benzene and TPH concentrations in the five samples collected within the excavation. Subsequent excavation was conducted on October 17 and 18, 2012 to remove the remaining impacted material. Five confirmation soil samples were collected within the final extent of the excavation. One sample was collected on the floor of the excavation (SS08) at 12.5 feet bgs, one at the north wall (SS09) at 9 feet bgs, one at the east wall (SS10) at 7.5 feet bgs, one at the west wall (SS11) at 8.5 feet bgs, and one at the south wall (SS12) at 10 feet bgs. Soil sample locations were determined based on field screened photoionization detector (PID) readings. Soil analytical results are summarized in Table 1. Groundwater was encountered during the excavation activities at approximately 10 feet bgs. One groundwater sample was collected on October 16, 2012 in the south central area of the excavation and submitted for laboratory analysis of BTEX by EPA Method 8260B. Laboratory results indicated that benzene concentrations were in exceedance of COGCC regulatory standards. Following further excavation of the floor and south wall of the excavation and removal of impacted groundwater using a vacuum truck, a second groundwater sample was collected on October 18, 2012. Laboratory analytical results from the second groundwater sample indicate benzene concentrations above COGCC limits. Impacted groundwater was removed from the excavation seven more times using a vacuum truck between October 19, 2012 and October 22, 2012 with a third groundwater sample collected following the final event. Analytical results indicate that benzene concentrations continue to exceed regulatory standards. Groundwater analytical results are summarized in Table 2. The laboratory analytical reports are included as Attachment A. The extent of the excavation and test pit locations and soil and groundwater sample locations are illustrated on Figure 2.	
Further remediation activities proposed (attach separate sheet if needed): PDC is currently evaluating in-situ remediation strategies to address residual impacts in groundwater. Future remediation activities will be outlined in a Form 27.	
Describe measures taken to prevent problem from reoccurring: PDC will continue yearly production line testing once remediation activities are completed and the location is back to being operational.	

OTHER NOTIFICATIONS

List the parties and agencies notified (County, BLM, EPA, DOT, Local Emergency Planning Coordinator or other).

Date	Agency	Contact	Phone	Response

Spill/Release Tracking No: 2231139

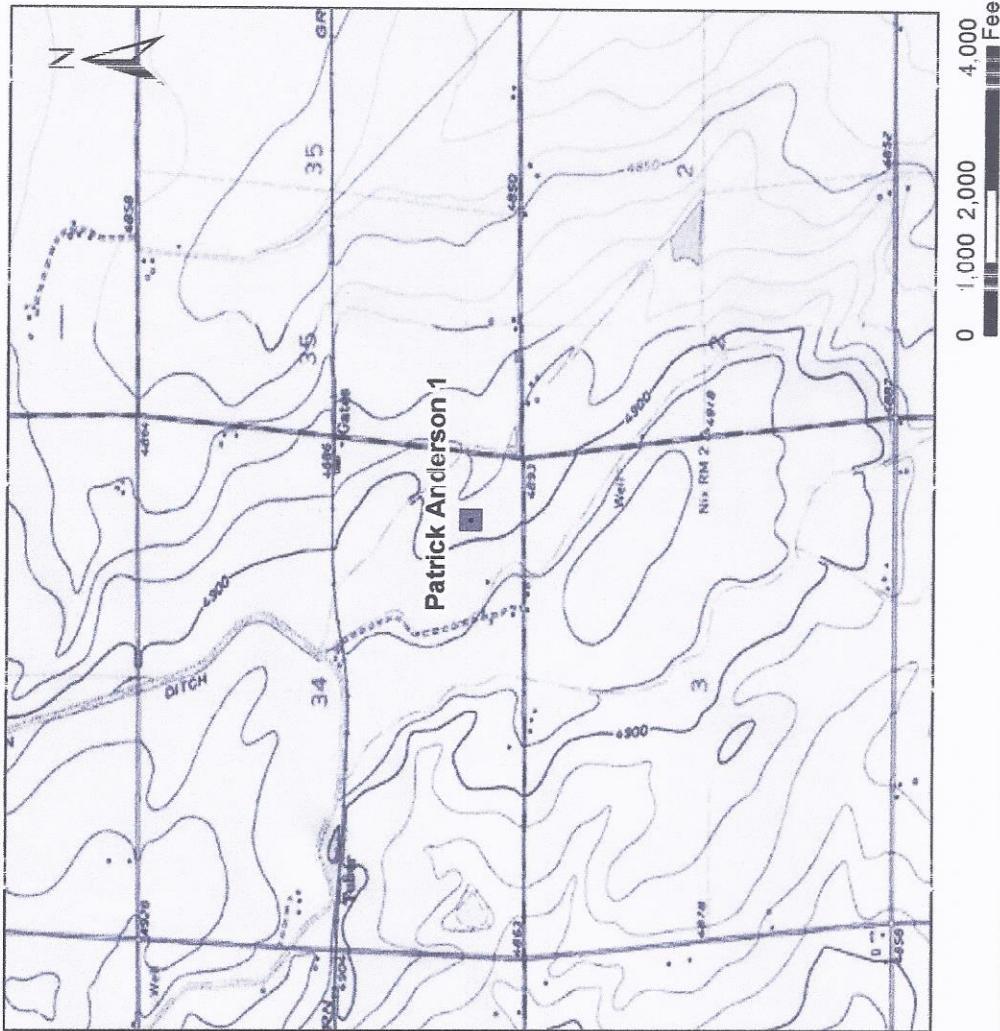


Figure 1

Site Location Map
Patrick Anderson 1
SESE: S34 T7N R66W/
Weld County, Colorado



Tasman Geosciences

Drawn By: CAW
Date: 10/24/2012

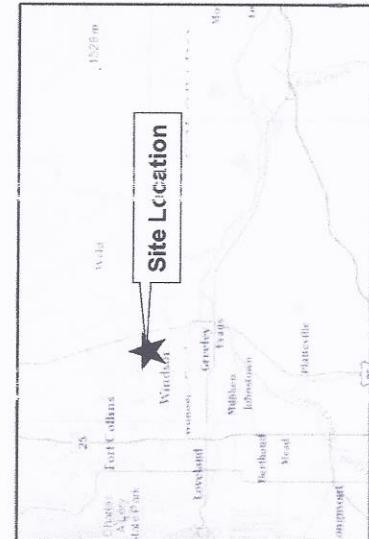


TABLE 1
PATRICK ANDERSON 1
SOIL ANALYTICAL RESULTS SUMMARY TABLE

Sample ID	Date Sampled	Depth (Feet bgs)	PID Readings (ppm)	Benzene (mg/kg)	Toluene (mg/kg)	Ethylbenzene (mg/kg)	Total Xylenes (mg/kg)	Naphthalene (mg/kg)	TPH ⁽²⁾ (mg/kg)
SS01	10/16/2012	10	1,184	4.6	<0.005	5.4	21	2.0	1,020
SS02	10/16/2012	7	1,338	0.29	0.043	1.8	11	0.35	1,150
SS03	10/16/2012	8.5	724	0.098	<0.005	0.77	6.5	4.0	1,810
SS04	10/16/2012	8	1,122	0.37	<0.005	13	47	7.4	5,300
SS05	10/16/2012	9	161	<0.005	<0.005	0.0092	<0.010	<0.005	710
SS06	10/16/2012	10	0	<0.005	<0.005	<0.005	<0.010	<0.005	<50
SS07	10/16/2012	10	0	<0.005	<0.005	<0.005	<0.010	<0.005	<50
SS08	10/17/2012	12.5	0	<0.005	<0.005	<0.005	<0.010	<0.005	<50
SS09	10/17/2012	9	6	<0.005	<0.005	<0.005	<0.010	<0.005	<50
SS10	10/17/2012	7.5	70	<0.005	<0.005	<0.005	0.021	<0.005	0.55
SS11	10/18/2012	8.5	0	<0.005	<0.005	<0.005	<0.010	<0.005	<50
SS12	10/18/2012	10	0	<0.005	<0.005	<0.005	<0.010	<0.005	<50
COGCC standards for Soil (mg/kg) ⁽¹⁾				3.17	85	100	175	23	500

Notes:

1). Standards for Soil are taken from 2 CCR 404-1, Table 910-1, effective April 1, 2009.

2). TPH - Total volatile and extractable petroleum hydrocarbons. Value calculated by adding GRO and DRO concentrations.

GRO - Gasoline range organics.

DRO - Diesel range organics.

mg/kg = Milligrams per kilogram.

bgs - Below ground surface.

ppm - Parts per million

Bold red values indicate an exceedance of the COGCC soil standards for the Site.

TABLE 2
 PATRICK ANDERSON 1
 GROUNDWATER ANALYTICAL RESULTS SUMMARY TABLE

Sample ID	Date Sampled	Benzene (ug/L)	Toluene (ug/L)	Ethylbenzene (ug/L)	Total Xylenes (ug/L)
GW01	10/16/2012	10	<1.0	80	280
GW02	10/18/2012	10	6.3	29	120
GW03 ⁽²⁾	10/22/2012	8.8	<1.0	4.3	20
COGCC standards for Groundwater (ug/L) ⁽¹⁾		5	560	700	1,400

Notes:

1). The environmental cleanup standards for groundwater that are applicable to this site are the Colorado Oil and Gas Conservation Commission (COGCC) standards for contaminants in groundwater according to Table 910-1 of the COGCC 900 Series Rule for E&P Waste Management.

2). GW03 is reported as AW03 in the laboratory analytical report.

Bold red values indicate an exceedance of the COGCC soil standards for the Site.

ug/L= Micrograms per liter.