

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
January 13, 2014

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on January 13, 2014 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Massaro, Dowding, Crescibene, Forrest, Ray and Prior. Members absent: Commissioner Molloy. 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

Mr. Bob Paulsen, Current Planning Manager, welcomed the new Planning Commissioner Michele Forrest.

Commissioner Forrest thanked the Commission for the opportunity to serve and explained that she is a 5 year resident of Loveland and is looking forward to working with other Commissioners.

Mr. Paulsen also welcomed **Jeremy Jersvig**, as the alternate Commissioner. **Mr. Jersvig** expressed his desire to be involved in city planning and serve the community.

Mr. Paulsen congratulated **Commissioner Ray** and **Commissioner Middleton** for being reappointed to the Planning Commission. He explained that **Commissioner Massaro** was not reappointed, leaving an opening on the Commission. He shared that applications will be accepted until February 10, 2014 and clarified that **Commissioner Massaro** can serve on the Commission until an applicant is selected.

Mr. Paulsen asked if any Commissioners had questions regarding the Boards and Commission handbook. **Commissioner Middleton** asked if the provision to automatically appoint commissioners who served less than 50% of a full term was still a condition in the Boards and Commission Handbook. **Ms. Judy Schmidt, Deputy City Attorney**, explained that the provision has not been removed from the handbook and doesn't know if the City Council will take up that issue in the future.

Ms. Schmidt stated that there will be a training session for **Commissioner Forrest** and invited any Commissioners who would like a refresher to join. The meeting will be scheduled in the next few weeks.

COMMITTEE REPORTS

Chair Meyers stated the next Title 18 Committee meeting will be cancelled and will resume in February.

He explained Highway 287 Strategic Plan still needs a 2nd Commissioner, specifically an individual with a design background. **Commissioner Forrest** explained she has a background in commercial design and has been working in that capacity for the past 14 years. **Commissioner Ray** asked if **Commissioner Dowding** was still interested. She responded that she felt **Commissioner Forrest** would be a good fit. **Commissioner Forrest** was offered the opportunity to serve on the committee and she accepted.

Election of Officers

Commissioner Middleton made a motion to nominate **Buddy Meyers as Chair**. Upon a 2nd from **Commissioner Crescibene**, the motion was adopted 5-2 (Commissioner Massaro recused himself from the vote).

Commissioner Middleton nominated **Commissioner Crescibene** as Vice-Chair. Upon a 2nd from **Commissioner Dowding**, the motion was unanimously adopted.

Commissioner Ray made a motion to nominate **Commissioner Dowding** as the ZBA Hearing Officer. Upon a 2nd from **Commissioner Middleton**, the motion was unanimously approved.

Chair Meyers made a motion to nominate **Commissioner Molloy** as the ZBA Hearing Officer alternate. Upon a 2nd from **Commissioner Prior**, the motion was unanimously approved.

After some discussion, the Commission determined that a backup for the Title 18 Committee was unnecessary. A conversation will held at a future meeting to determine whether or not a new Commissioner should be appointed to the Title 18 Committee.

Commissioner Dowding thought it would be good to consider who should be involved in committees, to be discussed at a future meeting.

Mr. Paulsen explained that the Title 18 Committee is an ad-hoc committee. He stated that he could email Commissioners regarding future meetings, and reminded them that Title 18 meetings are public meetings, and anyone who is interested can attend at any time.

Commissioner Ray asked if minutes were provided for Title 18 meetings. **Mr. Paulsen** said he normally provides a summary of meetings in place of minutes. He explained that any time there is a code amendment, or items of that nature, it is provided in detail in staff reports that are provided to the Planning Commission. If it is a complicated amendment, typically a study session is done prior to formal presentation to the Commission.

COMMISSIONER COMMENTS

Commissioner Crescibene shared that in his opinion, the Christmas Lights downtown are a bit drab. He would like to see Christmas lights other than the ones downtown; the current ones look like carnival lights.

Commissioner Ray asked who the Planning Commission Council Liaison is. **Chair Meyers** responded that **Councilor Krenning** is the newly appointed liaison but has limited role with interviews only.

APPROVAL OF THE MINUTES

Commissioner Dowding asked that a new paragraph be added on page 2, paragraph 3 to say that **Commissioner Massaro and Commissioner Dowding** also volunteered to participate on the Highway 287 committee; however **Chair Meyers** made the decision to defer a final decision until the next Planning Commission meeting in order for the new Commissioner to be considered for the committee.

Chair Meyers stated that **Ms. Bethany Clark, Strategic Planning**, specifically requested a Commissioner that had an architectural and/or landscaping design background.

Commissioner Massaro stated that he agreed a decision should be made at the next Planning Commission meeting.

Amendments to the minutes were noted.

CONSENT AGENDA

Chair Meyers asked if anyone wished to remove the item listed on the consent agenda. **Commissioner Crescibene** made a motion to remove Item #1 from the consent agenda. Upon a 2nd from **Commissioner Ray**, the item was removed and placed as Item #1 on the regular agenda.

REGULAR AGENDA

1. Sanctuary in the Park

Mr. Brian Burson, Senior Planner, addressed the Commission and explained that the applicant is asking for a two year extension. The original request was approved by the Planning Commission on July 9, 1997, along with a recommendation of approval for the accompanying rezoning and Sanctuary on the Park PUD Preliminary Development Plan. The subsequent City Council action denied the rezoning and PDP applications. Since Planning Commission approval of the preliminary plat was conditioned upon City Council approval of the rezoning and PDP, this automatically resulted in a disapproval of the preliminary plat as well. The developer then took legal action against the city for disapproval. The outcome was to remand the rezoning and PDP application back to City Council for new determination, formally implementing a

negotiated settlement between the applicant and the city to reduce the density to 144 dwelling units and an 8% increase in the total open space in the project.

Mr. Burson explained that the DRT had no objections to the request for an extension.

Commissioner Ray asked if there would be a significant improvement of drainage in the area. **Mr. Burson** stated that adding a retention pond would improve negative runoff to Silver Lake. He also explained that a right turn lane would be required. The area in the comp plan is recommended as high density residential which was instrumental in the court case because the City Council denied it because it was HDR.

Mr. Tony Janicek, applicant for the extension, stated he has been with this project since the beginning and thanked the previous Planning Commission for their diligence and questions. He stated that he got a unanimous approval for the previous request for an extension. He explained that the partnership now includes the original investors and they are still seeking candidates for development. He is concerned that if the request is denied, the entire project will go away.

Mr. Middleton asked what was going on with the project and wanted to know why there is an ongoing delay in getting the property developed. **Mr. Janicek** explained that the property value has dropped from \$3.1million to \$950k due to the changes in the economy. He explained developers are currently looking to develop single family homes now that the economy has been slowly recovering.

Chair Meyers opened the meeting to Commissioner comments.

Commissioner Crescibene explained he removed this item from consent to get a refresh of the entire project.

Commissioner Ray was concerned and expressed reluctance to approve another 2 year extension; however he stated he would vote in favor because of the drainage mitigation that would otherwise not be corrected.

Commissioner Middleton felt this is a good project and would be voting for the extension.

Commissioner Prior felt that overall it was a positive project and would provide improvements to the area.

Commissioner Massaro agreed that the extension should be approved to allow the project to move forward.

Commissioner Crescibene asked when the new extension period would end. **Mr. Burson** stated the extension would end December 2015.

Commissioner Forrest explained that this would be beneficial growth for the area.

Chair Meyers stated he would be in support a 2 year extension, pointing out a 1 year extension would be too short of a time.

Commissioner Middleton made the motion to move to further extend the December 2, 2008 Planning Commission approval of the Preliminary Plat for North Lincoln Avenue 2nd Subdivision from December 11, 2013 to December 11, 2015, subject to the conditions of approval set forth in Attachment 3 of this report. Upon a 2nd from **Commissioner Ray** the motion was unanimously approved.

2. Discussion of possible development of Planning Commission Guidelines

Recently, the Planning Commission and city staff has discussed whether it would be useful for the Commission to establish a set of guidelines to clarify Commission operations. While the Boards & Commissions Handbook provides guidance on some matters, the Handbook is very limited in the designation of policies and procedures relating to the Planning Commission. Policies or rules that might be addressed by a guidelines document adopted by the Commission include the following:

- Election procedures
- Term limits for Commission officers
- Committee Appointments
- Commissioners representing (or not representing) the Commission outside of Planning Commission meetings
- Voting policies on matters that have been continued from a previous meeting
- Frequency & content on reports from Committees
- Frequency & content on reports from the ZBA hearing officer
- Hearing procedures relating to:
 - Taking breaks
 - Time limits on public comment
 - Time limits on applicant presentations

Mr. Paulsen explained that the Commission has had questions in the recent past regarding operating procedures and shared that Planning and Legal would be happy to provide assistance.

Chair Meyers stated that there should be a policy regarding breaks. He felt time limits on citizen feedback are good, however didn't want to put time limits on applicant presentations.

Ms. Schmidt felt it might be useful to have a discussion regarding the issues listed in the memorandum if the Commission found it useful. The intention, amongst other things, would be to clarify who could vote on issues if they were in attendance at a meeting and left early. A provision could allow any Commissioner to simply certify they watched the taped meeting, allowing them to participate in future discussions.

Commissioner Ray stated that guidance would always be appreciated but would like the frequency of ZBA meetings to be removed from the list. He also explained that he would like to see any new guidelines be brought to a vote after they have been drafted. He agreed time limits on applicant presentations should not be limited.

Commissioner Massaro would like to see guideline on breaks and voting policy. He would also like to discuss protocol for Commissioners representing the Commission outside of Commission meetings. He felt basic guidelines are a good idea in general and would be worth the effort.

Commissioner Dowding shared that having guidelines would benefit the Commission and future Commissioners. She stated it would be good to ensure that meetings are kept professional going forward.

Commissioner Middleton stated that guidelines are only that, and didn't think anything in the memorandum should be excluded.

Commissioner Ray stated that guidelines are created to be followed and reiterated that he didn't want to see applicant presentations put on a time limit.

Commissioner Crescibene shared that he is favor of developing guidelines. He felt the frequency and content on reports from the ZBA officer should not be limited, but if they are, to no less than once a quarter.

Mr. Paulsen explained that the guidelines are simply suggestions and is at the discretion of the Commission. He stressed that the recommended guidelines do not represent an existing problem. If so directed, staff will come back with draft guidelines and the Commission can ask for multiple versions as needed.

Commissioner Prior felt recommendations would be a good idea since there is no obligation to adopt them. He agreed removing the applicant time limits.

After a lengthy discussion, **Chair Meyers** stated a few paragraphs under each bullet item would be sufficient to bring forward at a future meeting for consideration.

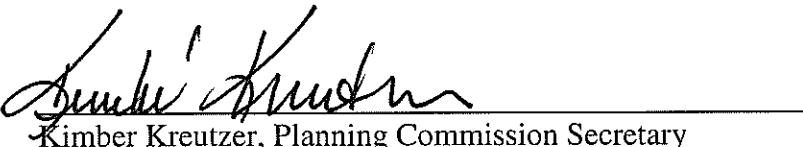
ADJOURNMENT

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

Approved by:



Buddy Meyers, Planning Commission Chairman



Kimber Kreutzer, Planning Commission Secretary