

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**August 11, 2014**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 11, 2014 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Molloy, Dowding, Crescibene, Forrest, Ray, Prior, and Jersvig. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Sharon Citino, Assistant 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 Development Services office.*

**CITIZEN REPORTS**

There were no citizen reports.

**STAFF MATTERS**

1. **Mr. Paulsen, Current Planning Manager**, reminded the commissioners that there are three items on the August 25<sup>th</sup> Planning Commission Agenda and on August 26<sup>th</sup> they will have a joint study session with City Council on the Comprehensive Plan.
2. **Ms. Sharon Citino, Assistant City Attorney**, notified the commission that she will be taking a leave of absence for a few months and **Mr. Moses Garcia, Assistant City Attorney**, will be taking over for her in her absence.

**Chair Meyers** presented **Commissioner Prior** with a plaque and thanked him for his service on the Commission. Commissioner Prior submitted his resignation on August 6<sup>th</sup> to Chair Meyers and Staff Liaison Paulsen.

**COMMITTEE REPORTS**

**Commissioner Molloy** informed the commission that the **Title 18 Committee** will meet August 14<sup>th</sup>.

**Commissioners Crescibene and Dowding** attended the Stakeholder Committee for Create Loveland on August 5<sup>th</sup>. They are working on the Vision Book for the Comprehensive Plan.

**COMMISSIONER COMMENTS**

There were no comments.

**APPROVAL OF THE MINUTES**

**Commissioner Middleton** made a motion to approve the July 28, 2014 minutes; upon a second from **Commissioner Prior** the minutes were approved with 7 ayes and 2 abstentions.

## **REGULAR AGENDA**

### **1. Kendall Brook Multi-Family PDP and PP**

**Mr. Troy Bliss, Senior Planner**, addressed the Commission and began by describing the project as a 120 unit apartment complex to be built south of West 50<sup>th</sup> Street between Georgetown Drive and Avon Avenue. The original zoning for Kendall Brook provides for a mixture of housing, allowing for multi-family rental units. The Preliminary Development Plan (PDP) proposed by the applicant details a specific development proposal for the subject property, including the layout of buildings, landscaping, vehicle circulation and parking. The Preliminary Subdivision Plat (PP) proposes the subdivision of the property, including individual lots on which each building is proposed to be located. It establishes all necessary conveyances for public and private use. Both the PDP and the PP require approval by the Planning Commission. If approved or denied, an appeal may be taken to the City Council.

A neighborhood meeting was held on April 24<sup>th</sup> with over 100 people attending, with most attendees expressing opposition to the project. Neighbors have also submitted 39 letters and emails expressing their concern with the project. An overview of the neighborhood concerns was provided along with an indication that members from the Kendall Brook and Taft Hill Farms HOAs have requested a presentation to the Planning Commission.

The project design has been reviewed by the City's Development Review Team (DRT). The DRT looked at four main categories to make their determination: Zoning, Comprehensive Plan, Adequate Community Facilities and Site Development Performance Standards and Guidelines (SDPSG).

- Zoning – The subject property is within the Kendall Brook Planned Unit Development. A General Development Plan (GDP) established zoning standards for the overall Kendall Brook PUD, including use, density and design standards for the subject site. The GDP allows for multi-family apartments and greater densities than what is being presented tonight. The Comprehensive plan allows for limited higher densities in some locations.
- Comprehensive Plan – The intent is to provide a variety of residential uses for a variety of socioeconomics in the community. PUD's have established this philosophy.
- Community Facilities – Traffic, Utilities, Storm Drainage and Emergency Services are all considered, studied and found to be able to demonstrate services available.
- SDPSG – Landscaping details, circulation and parking are looked at for compliance with City standards. Specifically addressing parking, two spaces per unit are the parking lot requirements including both surface parking and garage parking. The only opportunities for parking on the street are Avon and Tennessee. W 50<sup>th</sup> and Georgetown are designated no parking streets.

**Staff Recommendation:** With the recommended conditions to be included in the Final Development Plan, staff believes all of the elements are in compliance with City standards and with the standards adopted in the GDP. The garages will have a condition, to ensure all the garage stalls are available for parking use only. The garages will be part of the rental unit.

**The applicant, Mr. Larry Buckendorf, President of Journey Homes**, introduced his presentation team: Joe Schumacher, Crow Creek Construction; Dan Hall, Olsson Associates;

Kris Picket, Olsson Associates; Morgan Kidder, Crow Creek Construction; and Kelly Peters, Economic Development Expert and Kendall Brook resident.

**Mr. Buckendorf** stated that he will be one of two owners of the project and that it would be a long term ownership, he has no plans to sell the project. He gave the Commissioners some history about Journey Homes stating that they have been extremely successful at building homes, including during the recession. Journey Homes has built 5,000 homes since 1999. He spoke to the Commission of the company's quality of construction and pride of going above and beyond for customer satisfaction.

He addressed the issue with the Better Business Bureau brought up in neighborhood correspondence, indicating that out of 659 units built in 2013 there were eight complaints filed with the BBB and all have been addressed. He stated that they have never had a lawsuit filed against them and while the concrete issues are a legitimate concern, they have no bearing on the issue tonight.

He also explained, regarding the application, that certain criteria have already been established by the City. During the review process, each concern the City had was addressed and the criteria was met. The GDP for the neighborhood was established in 2000, and assigned an allowance for mixed densities within the neighborhood. He feels that if the design and development guidelines are met, then the project should be approved.

He indicated that he had tried to reach out to the HOA and stated that there have been five separate attempts to contact the HOA president and talk, but he received no return calls or emails.

**Mr. Kris Picket, Consultant**, stated that Journey Homes is primarily a single family home builder, but the current market is showing the need for multifamily rental units. He indicated that Journey Homes is an experienced multifamily developer and cited their experience. He also indicated that an onsite Manager will live in one of the units.

He explained that the project was designed to organize the two story buildings around the perimeter of the development site and place the parking at the center of the site—therefore buffering impacts on the existing neighborhood. He indicated that two parking spaces are typical for what a two bedroom unit needs. The garages were set up as an additional amenity, but to address the concerns of parking availability, the garages will be “tied” to specific units.

He stated that the landscaping will meet or exceed the City's criteria. The detention pond is a regional storm water drainage facility. He explained that the wetlands developed over a period of time. A water quality pond will “clean” the run off and then drain into the detention pond.

**Ms. Kelly Peters, Kendall Brook Resident, Economic Development Expert**, stated that there is a strong need for rentals in Loveland. The average rent in Loveland is \$1,026 and the rental vacancy rate is at 2.3%. With the Kendall Brook project, the typical renter would make \$48,000 a year, this demographic includes entry level positions, educators, and public servants. She stated that the project would create over 300 jobs, \$1.7 million in sales and use taxes, and it would provide additional property taxes. She received much of her statistics from City staff including the Harvard Housing Study.

### **Commissioners' Questions & Responses by the Applicant**

- *HOA votes and who would be doing the voting?*  
The property has 70 voting shares assigned to it, which is 13% of the overall votes in the HOA. The property owner holds these votes.
- *Parking - Can the open parking be assigned?*  
The parking spaces meet the requirement for 120 two bedroom units, allowing 2 parking spaces per unit. The spaces will not be assigned to the units, but garages (and the spaces within the garages) would be. The garages would only be allowed for automobiles, not for storage or storing recreational vehicles. There are eight handicapped accessible parking spots, the amount required by the ADA.
- *Trash receptacles and the location – Is only four receptacles enough for 120 units and how will the trucks turn around?*  
This is the required amount. There is adequate turning for trucks based on the review of the Fire Authority.
- *Open Space and Fencing – What is the percentage of open space required and will there be fences?*  
The GDP didn't specify the amount of required open space, but the project has over 40% open space. There is no plan for fences other than the 3 rail fencing.
- *Snow removal – Is there a snow removal plan?*  
It will be done according to city standards and requirements. Depending on accumulation of snow, if excessive it would be trucked out. Snow and landscaping maintenance will be contracted out.
- *Lack of onsite amenities – Why no playground?*  
The unit renters will be allowed to use the other amenities in the neighborhood. The applicant feels they accommodated and exceeded the requirements of the GDP with the amount of landscaped areas. The rules and regulations were already established for the whole area to use the parks.
- *Density and experience – Why 120 units and have you built this type of project elsewhere?*  
It worked with the configuration of site, they could have built a 3 story building, but tried to minimize the intensity of the project. They are currently building these exact units in Greeley and Fort Collins. Every subcontractor that will be on the project is a locally owned business.

At 8:08 PM **Chair Meyers** called for a 10 minute recess.

**Chair Meyers** opened the Public Hearing at 8:18PM.

**Dr. Chris White, 4355 Ridgeway Drive and Chair of the Opposition Presentation Committee**, addressed the commissioners stating that he along with four other HOA Board Members of the Kendall Brook and Taft Hill Farm Subdivisions have prepared a collective presentation, capturing the concerns of residents, and attempting to limit the amount of repetitive comments. The proposal by Journey Homes is not just an HOA concern, over 230 concerned neighbors are in attendance at the meeting tonight. His main concerns are too much density and the wrong contractor to do the development. He stated that the residents aren't anti-growth and would welcome a well planned development with a quality developer. The proposed apartment complex is inappropriate and doesn't blend well with the surrounding neighborhoods. He also addressed safety, traffic, and parking concerns. He informed the Commission that the past president of the HOA tried to contact Journey Homes and Mr. White did write a letter in response to Mr. Buckendorf's request to meet.

**Brad Sarff, 1514 Homeland, Member of the Opposition Presentation Committee**, feels that most people thought that an owner occupied multifamily development would go in when he saw the sign advertising it. He believes the GDP zoning is not appropriate and could create an adversarial atmosphere between owners and renters. He stated that he is advocating for townhomes in a lower density configuration.

**Sue Schneider, 1570 Rhode Island Street, Member of the Opposition Presentation Committee**, is on the HOA Landscaping Review Committee, she stated that if the city approves a development within an HOA the city should be sensitive to the concerns of the HOA. She is concerned about the onsite manager enforcing the HOA covenants. She feels the architecture of the buildings is incompatible with the appearance of the majority homes in the area. They lack architectural elements and have no outdoor living space, such as patios.

**Mr. Bill Reinhardt, Member of the Opposition Presentation Committee**, commented that there are too few parking spaces in the complex. The number of occupants will have at minimum two cars. That means 240 parking spaces including the garages will be used for parking. That would create over flow parking going into other streets affecting the quality of life in these areas. He feels that parking will be impossible for the HOA to resolve and that the city may be forcing a significant hardship on these neighborhoods. He would like the minimum standard should be raised to 2.5 parking spaces per unit.

**Susan Lilly, President of the HOA and Member of the Opposition Presentation Committee**, stated that cars cannot be parked on the street for more than 3 days and no one ton trucks are allowed.

**Mr. Pat McFall, 1675 Tennessee Street, Member of the Opposition Presentation Committee**, addressed the potential traffic problems. He believes the existing traffic recommendations, are mistaken. More than 61 people will make early morning trips. Public transportation is pretty far away. The elementary students will travel along Taft Ave. In winter, the sidewalks are covered in snow and ice for days. The traffic study was paid for by the developer. Traffic on 50<sup>th</sup> will back up, congestion is bad now. Peak hours are creating continual backups. He showed various intersection problems. No stop light at Wilson and 50<sup>th</sup>. Eventually people will start taking the 57<sup>th</sup> street corridor.

**Ms. Donna White, 4355 Ridgeway Drive, Member of the Opposition Presentation Committee**, stated that her major concern is safety. Safety of children crossing busy streets, the Loudon Ditch, and retention pond pose hazards. The proposed fence is a three rail fence which would not keep children from being able to go out into the street.

**Mr. Pat Kelly, Member of the Opposition Presentation Committee**, addressed the drainage, flooding and retention pond concerns. He stated overflow would have run into the already overflowing Loudon Ditch. On May 23<sup>rd</sup> they received 4 inches of rain that flooded the ditch and the neighborhood park. He feels there will be increased flood potential, because there is no plan for additional drainage.

**Dr. White, Chair of the Opposition Presentation Committee**, addressed the Harvard Study, stating that it was commissioned by a group advocating apartment living. The vision for a community is determined by the quality and character of the design. Journey Homes received a BBB rating of F. He stated they need someone with a record of good service, other builders did not have the same problems with cracks in driveways and steps. He also stated that many owners were told the concrete flatwork was not under warrantee. He questioned Journey Homes' earnestness and sense of responsibility to these homeowners. Future occupants deserve a builder who will do it right the first time.

At 9:48PM **Chair Meyers** called for a 10 minute recess.

**Chair Meyers** reopened the Public Hearing at 9:58PM.

**Mr. Brett Bennett**, original developer of the subdivision, stated that the GDP allows for a maximum number of up to 130 multi family dwelling units on the property in question.

**Mr. Mike Hanscome, 1990 Arkansas Street**, moved to Kendall Brook because he has a young daughter and there are 14 kids and they all play in the streets. Concerned about added traffic and worried about their kids. A huge family neighborhood.

### **Chair Meyers Paused the Public Hearing**

**Chair Meyers** asked **Mr. Paulsen, Current Planning Manager**, to address the audience regarding the Turney-Briggs Rezoning application. **Mr. Paulsen** asked if there was anyone in the audience waiting to comment on the Turney-Briggs Rezoning application. This item was the next item on the agenda. Given the late hour, **Mr. Paulsen** wanted to know if those who were waiting were interested in the item being continued to a public hearing on August 25, 2014. No one from the audience came forward requesting a continuation.

### **Chair Meyers Re-opened the Kendall Brook Public Hearing**

**Mr. George Fitzgerald, 4760 Ignacio Avenue**, Economic Development Engineering Geologist. He stated that he started doing an Economic Cost Benefit Analysis between different types of housing and they all turned out about the same. He expressed that Journey Homes is a company that builds homes and they have to make a profit and that is their bottom line.

**Ms. Susan Whinery, 1640 Antonio Court**, asked how often is the Comp. Plan updated, is it relevant to what is happening today? She also commented on Journey Homes focus is on quantity and not on quality.

**Ms. Susan Lilly, HOA president, 1545 Rhode Island**, stated she would like clarification regarding the change made to the layout of the buildings.

**Upon no further public comments, Chair Meyers closed the Public Hearing.**

**Mr. Buckendorf** provided follow-up answers to the public comments:

- *Density* - established according to approved standards, codes and rules that were established by this community.
- *The assumption of owner occupied units* – there is no requirement for owner-occupied units. PUD requirements for the site have been followed.
- *Not enough open space* - 40% is more than what is required.
- *Traffic problems and accessibility to amenities* – The project is well situated to reduce impact on the neighborhood. All homes including single family units impact traffic.
- *HOA standards* – Journey Homes fully intends to comply with the standards and guidelines of the HOA. It can't be arbitrary.
- *Onsite manager* - there will be a resident manager, but not be a separate office, as it is cost prohibitive. The property management company are licensed and regulated by the state of CO.
- *Architectural control issues* – the building architecture is designed to blend with nearby homes. Concerns about the topography of the site can't be changed.
- *Drainage and Environmental Issues* – the storm drainage system was already established by the GDP and is designed to handle the drainage of the development. Run off will go through grass swales and a small water quality pond, thus water will be cleaned before going into the retention ponds.
- *Green space, play areas* - the parks within the Kendall Brook community will be available for use by the multifamily units. This has always been the plan. The apartment complex will pay HOA dues like the other homeowners for park and trail upkeep.
- *Parking* - 2 spaces per unit is the City criteria and adequate based on the type of development. He indicated that their team could look at reducing the number of garages and add more parking open spaces.
- *Traffic impact* - can be absorbed by the surrounding street infrastructure. Their traffic engineer prepared the traffic study, which is a typical industry standard for the study to be paid for by the developer. The City traffic engineer tells the developer what needs to be

done. He indicated that the developer will install a crosswalk as suggested by the City. Safety concerns for children: try to minimize them, the buffering was thought out years ago.

- *Studies* – The studies cited by the applicant team were provided by City staff and were based on research completed on apartment projects.
- *Concrete Problems with single family homes built by Journey Homes* - Claims will be fixed before the end of summer. These problems relate to flat work, and aren't foundation issues or structural problems.
- *HOA Authority* – HOA's don't make land use decisions. It is the City's role to review the development plans, not the HOA's. There is no overstepping of their authority. Journey Homes will comply with all applicable HOA design standards.
- *Outdoor amenities*: patios are located on each side on the bottom level of the building entries. They are about 3 feet wide. There are no balconies, which are expensive and create a fire hazard.
- *Tree protection and replacement* – Developer will take all reasonable action to protect and replace trees.
- *Change in orientation of the buildings* – Journey Homes has not presented any orientation changes to the buildings; the only change is for screening the mechanical equipment. A change was made to parking location, moving it from the perimeter of the development to the inside of the buildings.
- *Soil expansion* – Soils are tested for every single foundation.
- *Transportation by R2J routing buses up to 50<sup>th</sup>* - This was not taken into account in the traffic study.

### **Commissioner Comments**

**Commissioner Jersvig** asked about the 46 homes that have concrete issues, are there any more? He also asked when did they first start coming to his attention and when did he respond.

**Mr. Buckendorf** stated that if there is a problem and a homeowner has submitted a warrantee claim. The concrete issues are flatwork only. The first one was September 2013 and they responded on October 3, 2013. They usually have a two week response turn around since an inspector is sent out prior to the response.

**Commissioner Prior** asked how is the multifamily units compatible to the existing area? He also asked how the no storage in the garages would be enforced. **Mr. Buckendorf** explained the compatibility is already established by the PUD. The General Development Plan specified general access, buffering and design. The elements are consistent with what is in the neighborhood. The no storage rule will be on the development plan and policed by the onsite manager via inspections.



**Commissioner Forrest** asked if they have a quality control program at his company? Is there something in place to adapt to issues? Is there bike parking? If it is requested to reduce garage space how many spaces would you gain? **Mr. Buckendorf** explained that concrete is a difficult thing in Colorado. He stated that we have identified, acknowledged and changed contractors and processes. Yes, we have included bike parking and deferring to city staff where they should go. If they eliminate all the garages they gain eight spaces overall.

**Commissioner Dowding** commented on the need for a snow removal plan. She also feels that since pets are allowed, there should be a pet area. Adequate number of Handicap parking. Only 4 trash areas, means 30 units use one dumpster.

**Commissioner Ray** questioned **Mr. Bliss** on the density. **Mr. Bliss** explained that through PUD zoning you have opportunities to increase density on the under lying land use. **Commissioner Ray** commented about the Low Density and the multifamily number of units per acre. **Mr. Bliss** explained that each PUD is different and offers flexibility to each individual site. The GDP did allow for a variety of residential building sites with different density allowances. **Commissioner Ray** feels that there are detrimental impacts on property in proximity to the proposed apartment complex. **Mr. Buckendorf** stated that there is 80 feet from property line to property line. **Commissioner Ray** stated that other subdivisions approved by the Planning Commission had larger buffers from single family residences.

**Commissioner Middleton** questioned **Mr. Bliss** on conformance with the GDP regarding a provision where two townhomes/multi-family etc. buildings are adjacent to each other, one of the end units shall be one story. **Mr. Bliss** commented that the intent behind this provision was for larger buildings, oriented in a linear fashion, to avoid a "tunnel-effect".

**Commissioner Middleton** asked why the architectural review committee wasn't being used in this situation. **Mr. Buckendorf** stated he would be willing to do that. **Commissioner Middleton** also asked if it is reasonable to wait a year for concrete work to be fixed. **Mr. Buckendorf** replied yes. **Commissioner Middleton** indicated that he would not support the project application.

**Commissioner Molloy** commented that he feels the project doesn't fit within the site, that the site is too tight. He also indicated that the way it's designed it doesn't fit with the quality of life within the Kendall Brook neighborhood. He stated that the parking spaces aren't convenient to the units, some buildings only have 5 parking spaces nearby and there are a lot of inconveniences in the way it is put together. Overall, the design seems forced.

**Commissioner Crescibene** stated that he has a problem with the length of time the applicant has taken to fix the concrete flatwork on nearby home sites. Stated that he doesn't think the proposed project is family oriented, as there is nowhere for the kids to play within the project site.

**Chair Meyers** wanted to know the motivation to divide the lots into individual lots. **Mr. Burkendorf** stated it was from a discussion with the City, to have each building have its own plot on the plat since each building would have its own irrigation system. **Mr. Bliss** stated there

is no specific requirement to have the lots set up the way they are. **Chair Meyers** asked if the individual lots could be sold off to individual builders. He also asked about the design of the garages. **Mr. Buckendorf** stated the garage structures haven't been designed yet.

**Chair Meyers** indicated concerns about the detrimental impact concerning traffic, safety, and quality of life, not only on the established area, but the residents of the apartments. He feels that the PDP and the GDP contradict each other in the requirement for design standards. He stated it doesn't maintain the spirit of the intent. The city is a lot different from what it was in 1999 and should be looked at with a holistic viewpoint.

**Commissioner Middleton** moved to make the findings listed in Section VIII of the Planning Commission staff report dated August 11, 2014, and based on these findings approve the Kendall Brook Multi-Family Preliminary Development Plan, subject to the conditions listed in Section IX, as amended on the record, upon a second by **Commissioner Dowding** the motion was unanimously denied.

**Commissioner Middleton** moved to make the findings listed in Section VIII of the Planning Commission staff report dated August 11, 2014, and based on these findings approve the Kendall Brook Fifth Subdivision Preliminary Plat, subject to the conditions listed in Section IX, as amended on the record, upon a second by **Commissioner Crescibene** the motion was unanimously denied.

At 12:14AM **Chair Meyers** called for a 10 minute recess.

**Chair Meyers** reopened the meeting at 12:24AM.

## **2. Turney-Briggs Addition Rezoning**

**Mr. Troy Bliss, Senior Planner**, addressed the Commission and explained that the application includes a rezoning request for 5 residential properties for potential redevelopment that could include a specialty grocery store. These properties are located along the west side of Jefferson Avenue to the north of Eisenhower Boulevard.

**Mr. Bliss** stated that a neighborhood meeting was held on July 29<sup>th</sup> and attended by approximately twenty people. The majority of questions and concerns at the neighborhood meeting were geared toward the grocery store which is proposed for the site and the impacts that would have on the nearby residential properties. **Mr. Bliss** outlined the concerns raised by the neighborhood citing additional traffic, access, parking encroachment, location of a loading dock, noise, and elimination of mountain views. **Mr. Bliss** emphasized that the plans for a grocery store are not under consideration at this point, as the request is solely a rezoning application. Formal submittal of plans for a grocery store have not been made to the City for review.

A petition of over 200 signatures supporting a potential specialty grocery store and an individual letter was also presented to the Commissioners received by staff.

**Mr. Bliss** explained that in reviewing the application, staff looked to the Comprehensive Plan policies to determine if the rezoning request would provide appropriate zoning for the properties

in question. He also explained that many commercially zoned properties along Eisenhower have wide but shallow lots, presenting challenges for business development in terms of buffering and separation from abutting residential. Staff feels the rezoning is appropriate for this location given its proximity to the Eisenhower and Lincoln corridors and to existing commercially-zoned property. Rezoning would allow for greater redevelopment opportunities given the constraints associated with this major intersection.

**Ms. Bethany Clark, Planner II, 287 Strategic Plan**, was asked to speak regarding the plans for the bow tie intersection at Highway 287 and Highway 34 and how this project would be affected by it in the future—should the double round-about be implemented in the future. She stated that the intersection is identified as a conceptual catalyst in the 287 Corridor Plan and that if the bow-tie intersection was approved the applicant is aware of the possible reduction in the parking lot size.

**The applicant, Mr. Zach Lauterbach, Evergreen Devco, Inc.**, addressed the Commission and stated that the specialty grocer is aware that the parking lot could change and he stated that the City already owns the right-of-way that goes through the Southwest corner of the property. They are currently under contract on all of the properties proposed for rezoning; without rezoning approval they would not be able to move forward with the grocery store development.

**Chair Meyers** indicated that he would like to see an over-lay of the bow tie intersection and how it would affect the parking lot. Even though it is only at a conceptual stage, he stated that for any future projects that could be affected by a strategic plan there should be an over-lay to let citizens know what is possible now and how it could be affected in the future.

**Commissioner Jersvig** asked how the applicant envisioned a stand-alone store working since most grocery stores are an anchor store within a larger development.

**Mr. Lauterbach** stated that Evergreen Development has built many grocery stores including Kroeger, Safeway, Whole Foods, Sprouts and Trader Joes and for a variety of reasons the specialty grocer specifically targeted this intersection. The location would allow them to serve customers that were within walking distance and to be easily accessible from all directions. They are aware of the neighbor's concerns. He indicated that they will work hard to mitigate impacts. He gave an example of an area in Denver where a Sprouts store was developed. The neighbors were concerned about having a grocery store so close to them and how Evergreen was able to address those concerns to the neighborhoods' satisfaction. They mitigated impacts through landscaping, adding green-scape to the loading dock, and restricted the loading and unloading hours.

**Commissioner Prior** asked if they had communicated with the other commercial businesses in the area. The applicant has communicated with Walgreens, but not to the other nearby businesses, although they plan to.

**Commissioner Forrest** expressed her concern on how it would affect business for the Crunchy Grocer. **Mr. Lauterbach** stated that while he doesn't know yet how much overlap there would be in terms of market, they have seen instances where specialty stores were able to complement each other by providing unique services.

**Commissioner Middleton** wanted to know what assurances there would be if the rezoning is approved but something happens and the specialty grocer decides not to build there.

**Mr. Paulsen** stated that staff has prepared conditions to address this issue, and that the condition would require that there would be a neighborhood meeting prior to any staff decision on any site development plan. Further, that neighbors would have the opportunity to appeal a staff decision on a site development plan proposed for that location.

**Chair Meyers opened the Public Hearing.**

**Ms. Madeline Niccore, 2727 Crooked Wash Court**, stated she is one of the persons responsible for the petition with 200 signatures in support of a specialty grocery store. She is a new Loveland resident and misses having a specialty grocery store easily accessible to her.

**Ms. Pam Krugman, 2404 Crooked Wash Court**, stated she is also responsible for getting signatures on the petition and strongly supports a specialty grocer at this location.

**Upon no further public comments, Chair Meyers closed the Public Hearing.**

The Commissioners each commented regarding their favorability and support of the rezoning.


**Chair Meyers** read the recommendation to City Council:

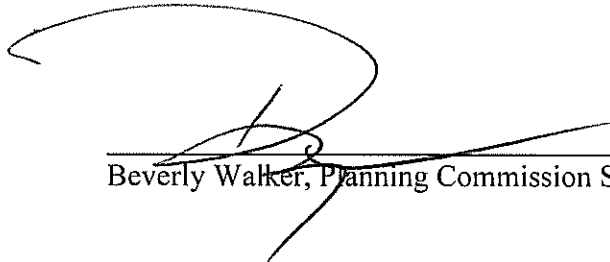
*Move to recommend that City Council require that: (1) a neighborhood meeting be held prior to any staff decision on any site development plan submitted for the development or redevelopment of any of the lots within Lots 9 through 18, Block 4, Turney-Briggs Addition, or as subsequently replatted; (2) the Current Planning Manager exercise his authority under Section 18.05.090.B. of the City Code to require that mailed notice be given of said staff decision up to 300 feet from the boundary of the subject property in accordance with Section 18.05.090.C. of the City Code; and (3) any parties so noticed shall be "parties in interest" for the purpose of filing an appeal of said staff decision under Chapter 18.80 of the City Code.*

In addition **Commissioner Prior** read the staff recommendation: *move to make the findings listed in Section VIII of the Planning Commission staff report dated August 11, 2014 and, based on those findings, recommend that City Council approve the Turney-Briggs Rezoning, subject to the conditions listed in Section IX, as amended on the record.* Upon a second by **Commissioner Crescibene**, the motion was unanimously adopted.

## **ADJOURNMENT**

**Commissioner Middleton**, made a motion to adjourn at 1:58AM. Upon a second by **Commissioner Forrest**, the motion was unanimously adopted.

Approved by:   
Buddy Meyers, Planning Commission Chair

  
Beverly Walker, Planning Commission Secretary