

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
August 25, 2014

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 25, 2014 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Molloy, Dowding, Crescibene, Forrest, Ray, and Jersvig. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, 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.

Chair Meyers asked if any citizens were in attendance for the Mountain Pacific GDP regular agenda item. Seeing no citizens responding, **Chair Meyers** made a motion to move the Mountain Pacific GDP to the Consent Agenda upon a second by **Commissioner Middleton**, the motion passed unanimously.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Mr. Bob Paulsen, Current Planning Manager**, introduced **Moses Garcia, Assistant City Attorney**, who will be assisting the Planning Division and Planning Commission through the rest of 2014.
2. **Mr. Paulsen** reminded the Commissioners of the joint study session Tuesday night with the City Council on the Comprehensive Plan.
3. **Mr. Paulsen** indicated that there are no items scheduled for the September 8th meeting. **Commissioner Crescibene** made a motion to cancel the September 8th meeting, upon a second by **Commissioner Ray** the motion was unanimously adopted.

COMMITTEE REPORTS

Commissioner Forrest: The 287 Committee has one more meeting, but it has not been scheduled yet.

Commissioner Molloy: The Title 18 Committee met last Thursday and are very close on parking updates. He stated the bufferyard standards are moving forward but it's a long process to get final approval on.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Middleton made a motion to approve the August 11, 2014 minutes; upon a second from **Commissioner Ray**, the minutes were approved unanimously.

CONSENT AGENDA

1. Wintergreen - Preliminary Development Plan

Move to make the findings listed in Section VIII of the Planning Commission staff report dated August 25, 2014, and, based on those findings, adopt resolution #R 14-04, approving the Wintergreen First Addition PUD – Lot 1, Block 3 Wintergreen 1st Subdivision Preliminary Development Plan, subject to the conditions listed in Section IX, as amended on the record.

2. Mountain Pacific – General Development Plan

Move to make the findings listed in Section VIII. of this report dated August 25, 2014; and, based on those findings, recommend that Mountain Pacific PUD General Development Plan – Amendment #1 be approved for Mountain Pacific Addition, subject to the conditions in Section IX. of this report, as amended on the record.

Commissioner Middleton made a motion approving both items on Consent Agenda as recommended and upon a second from **Commissioner Crescibene** the motion unanimously adopted.

REGULAR AGENDA

3. Kendall Brook – Findings and Conclusions

Mr. Troy Bliss, Senior Planner, presented the Commissioners with the adjustments made to the recommended motions for the Commissioners to consider based on the feedback he received. The two main issues discussed by the Commissioners were the design of the buildings and the HOA's Architectural Review Committee being exempted from the Preliminary Development Plan (PDP).

Commissioner Comments regarding the design:

- The new building design should fit with the surrounding development.
- The step down affect will help with the transition in the development.
- The intent of the General Development Plan (GDP) could be interpreted to keep the multifamily development from having a dramatic change from the single family houses.
- Would like the design to be more family oriented and have separate amenities available to residents.
- They would like it to complement the surrounding single home development.

Discussion ensued over adding an item to the findings in the resolution to match the GDP's requirement.

Mr. Paulsen suggested, based on Commission comments, that the Commission add an 11th item to page 3, section 2 c., indicating that the submitted PDP is not consistent with the building step down requirement specified on page 2 in Section 3 of the GDP which reads as follows: "Where two townhomes/multifamily etc. buildings are adjacent to each other, one of the end units shall be one story".

Chair Meyers called for a vote adding item 11 to Section 2. c. of the Resolution, passing with 7 ayes and 1 nay.

Commissioner Comments regarding the Architecture Review Committee:

- The GDP requires architecture review by the ARC, and the PDP submitted by the applicant was making an exception to that requirement.
- The findings don't need to spell out what is in the covenants, but state that they should abide by them.
- Several Commissioners felt that good business practice was not used by the applicant.

Mr. Bliss, explained that full, detailed elevation drawings are usually not obtained by the City until the Final Development Plan (FDP) stage. Approval would be required prior to issuing any building permits.

Mr. Paulsen, stated that if the provision is in the covenants (requiring ARC approval) the developer would have to seek ARC approval, which would require a letter from the ARC at final development. He explained that staff does not review plans for compliance with private covenants.

Upon further discussion regarding the appropriate language to add to the resolution, **Mr. Paulsen**, suggested the Commissioners add an item 12 to the Resolution with this language: "The submitted PDP specified that review by the architectural review committee was not required; this exemption is inconsistent with GDP requirements.

Chair Meyers called for a vote on adding an item 12 to Section 2. c. of the Resolution, approval passed unanimously.

Commissioner Middleton moved to adopt Resolution #14-03, a resolution of the Loveland Planning Commission denying approval of the Kendall Brook Multi-Family Preliminary Development Plan, located within the P-49 Kendall Brook PUD, City of Loveland, Larimer County, Colorado, as amended on the record.

Upon a second by **Commissioner Dowding**, the motion was unanimously adopted.

Chair Meyers called for a recess at 7:47PM.

Chair Meyers reopened the meeting at 8:03PM.

Mr. Paulsen, asked the Commissioners if they would like the reference to the time that recesses were taken at the August 11th meeting included in those minutes.

Commissioner Ray made a motion to reopen the approval of the 8-11-14 minutes and moved to approve the minutes with the amended changes of adding the times that recesses were taken. Upon a second by **Commissioner Middleton** the motion was approved unanimously.

4. South Shore Plaza – Height Exception

Commissioner Molloy asked to recuse himself. **Chair Meyers** agreed to recuse him.

Mr. Troy Bliss, Senior Planner, addressed the commission with the applicant's request for a height exception specific to this building at this particular site. The proposed building would be a 4 story multifamily condominium. The current height limitation is 35 feet. The applicant would like an exception for 49 feet 3 inches, with staff recommending 50 feet for flexibility to due to unforeseen construction related issues.

The zoning for the location is B -- Developing Business. **Mr. Bliss** clarified that even if the height exception is approved, the project would still need to go through special review for the use allowance. The closest point to a residential unit to this building is approximately 80 feet. The ReMax building to the west was given a height variance of 42 feet 6 inches in 2000. The lot is large enough to lend itself to some significant buffering to the residential properties to the south. The design of the building is in keeping with both the business and residential character of the neighborhood and with the fourth floor of the building stepped in to lessen the impact of the overall height.

The application has gone through the public review process, and the neighborhood meeting was not attended by any of the neighbors. One letter was received by a neighbor expressing concerns with the project and the overall impact to the area by increasing the density and traffic in the surrounding residential neighborhood.

Applicant, Steve McMillan, South Shore Plaza, LLC, addressed the commission and stated that in addition to what staff presented, the reason for the extra height is because the property is expensive and the units would not be inexpensive. He stated that he is going to certain extremes to make them attractive and desirable to potential buyers.

Commissioner questions:

Commissioner Middleton asked would if it be possible to turn the apartment complex into an office building, because of the zoning. **Mr. Bliss** stated no, this approval is for a specific type of project.

Mr. Paulsen stated that a condition could be put on the project that the height exception would be limited to the building that is being proposed. **Mr. Paulsen** stated his recommended condition, "The height exception is permitted only for the residential condominium building as presented to the Planning Commission on August 25, 2014."

Mr. McMillian stated that he has no intention at this point to do anything other than what he is proposing and he has no problem with having a condition put on his request.

Commissioner Middleton asked for clarification on how multifamily is appropriate in a B zoning district and along major collectors. **Mr. Bliss** explained that due to the zoning, multifamily in a B zoning district is not a "use by right" but can be allowed under a special review according to Chapter 18.28.020 of the City's zoning code to make sure there is compatibility.

Commissioner Middleton wanted to know how the parking issues, compaction, and flooding will be resolved. **Mr. McMillan** explained that after the last time the project was presented to the Planning Commission, February 25, 2013, the applicant made changes to the project to have the majority of the parking underground. The compaction issue was a concern with Lake Loveland being so close the applicant built Madwire at depths comparable or even lower and had no issues.

Commissioner Dowding asked how many units are being proposed. The applicant explained there will be 7 units, two on each floor with a penthouse on the top floor.

Commissioner Ray asked if there was a request for a shadow study. **Mr. McMillan** stated, there was not a shadow study, but that the placement of the building on the site would keep shadowing from being an issue.

Chair Meyers asked who the target market is. **Mr. McMillan**, responded that there are no restrictions, but because of the price range and location it would most likely be retirees or young professionals who would want to live there.

Chair Meyers opened the Public Hearing.

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

Commissioner Comments:

Commissioners Crescibene, Meyers, Forrest, Jersvig and Middleton discussed their concerns over the height; many felt it was overwhelming and would block the mountain views from the park. They also felt it looked out of place with the other buildings in the vicinity and doesn't have variations to the roof lines. They are also concerned that with each height exception request, an even higher building is being sought.

Commissioner Ray, commented that the ReMax building has the clock tower as the highest point and there is architectural relief. He feels the condo project has a large flat roof without any break up or relief to the uniform height of the building.

Mr. McMillan agreed that it doesn't look like the ReMax building, it does look more like the MadWire building to the east and with the landscaping it won't look as stark as the sample designs show.

Commissioner Dowding, likes the project and voted for it before, she feels it is reasonable.

Mr. Paulsen explained that from a staff perspective we are seeing this area as commercial node that will help revitalize an important section of the Hwy 34 corridor.

Mr. McMillan addressed the Commission and asked if he could propose a shorter height. He would agree to change the height to 40 feet by taking out the penthouse level.

Motion by **Commissioner Middleton**, *moved to make the findings listed in Section VIII of the Planning Commission staff report dated August 25, 2014 and, based on those findings, approve the requested height exception subject to the condition listed in said report, with the added condition that the height is limited to 40 feet and permitted only for the residential condominium building as presented to the Planning Commission on August 25, 2014 as amended on the record.*

Seconded by **Commissioner Ray**. Applicant came forward and agreed to the height limit of 40 feet. The motion unanimously passed.

ADJOURNMENT

Commissioner Crescibene, motioned to adjourn. Upon a second by **Commissioner Middleton**, the motion was unanimously adopted.

Approved by:


Buddy Meyers, Planning Commission Chair


Beverly Walker, Planning Commission Secretary

