

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**November 24, 2014**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on November 24, 2014 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Dowding, Crescibene, Forrest, Ray, and McFall. Members absent: Commissioners Molloy and Jersvig. City Staff present: Bob Paulsen, Current Planning Manager; Kerri Burchett, Principal Planner; 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.*

**CITIZEN REPORTS**

There were no citizen reports.

**STAFF MATTERS**

1. **Mr. Paulsen, Current Planning Manager**, welcomed, new Commissioner, **Patrick McFall**.
2. Upcoming joint study session with the City Council on Create Loveland, December 9th. **Ms. Burchett, Principal Planner**, informed the Commission of the outreach the consultants have been doing by holding design charrettes at several different community events.
3. December 8<sup>th</sup> Planning Commission meeting will be on the CEF methodology.
4. Update on the City Council decision regarding the Kendall Brook apartments.

**COMMITTEE REPORTS**

**Commissioner Dowding** and **Crescibene** attended a Stakeholders Committee meeting for Create Loveland and informed the Commissioners that the consultants will be putting a lot of effort toward outreach in February.

**Mr. Paulsen** gave an update on the **Title 18 Committee** which met last Thursday. The committee is currently reviewing temporary use provisions, how to define them, and what regulations are needed to provide adequate safety and protection of nearby uses. They are looking into what surrounding communities are doing.

**Commissioner Forrest** stated that the 287 Advisory Committee will start up with meetings after the first of the year.

**COMMISSIONER COMMENTS**

**Commissioner Middleton** wished everyone a Happy Thanksgiving and thanks for a good year.

## **APPROVAL OF THE MINUTES**

**Commissioner Dowding** made a motion to approve the October 27, 2014 minutes; upon a second from **Commissioner Crescibene** the minutes were approved with five ayes and two abstentions.

## **REGULAR AGENDA**

### **1. Public Hearing for the review of proposed amendments to Titles 16, 17, 18 and 19 of the Municipal Code that address the following:**

**Mr. Paulsen, Current Planning Manager**, began by explaining that the presentation would focus on the major revisions and the changes the commissioners' had directed staff to make at the Study Session on October 27, 2014. This material is highlighted in yellow in their packets. He emphasized that the changes made are not comprehensive in that staff had not worked to correct or clarify all deficiencies in the four Titles of the Municipal Code under review; rather, adjustments were made to portions of the Code that related to the procedural changes and the Chapter 16.40 adjustments which are the focus of the amendments before the Commission. While capitalization and some other minor formatting and stylistic changes have been made throughout the four Titles, other adjustments are limited to the aforementioned procedural changes, Chapter 16.40 adjustments, some public notice related adjustments recently completed by the Title 18 Committee and those items that the Planning Commission directed staff to adjust at the September 22<sup>nd</sup> study session.

**Mr. Paulsen** indicated that the City Council approved funding to have a consultant contracted in 2015 to make extensive changes to the Code. The Code update would involve a more comprehensive review of the Code.

### **Title 16 – Subdivision of Land**

#### **Changes:**

Several definitions from Title 18 were moved to Title 16, making Title 16 the location for definitions common to both Titles.

Several new definitions were added to Title 16 to support the procedural amendments made in Title 18, including definitions for “site development plan,” “site work permit,” “standard applicable codes” and “substantial compliance.”

Public Notice provisions were clarified in 16.18 and 16.36, insuring that noticed public hearings were required for pertinent projects.

16.20.060 – Preliminary Plat Review Procedure: Adjustments were made to the Preliminary Plat provisions to allow the Planning Commission to approve diminished lot sizes—without allowing

densities to exceed zoning minimum requirements. As an example: a duplex were located on a lot that meets a minimum lot size of 8,000 sf, the Planning Commission, in a public hearing process, would have the authority to approve the demising or division of the 8,000 sf lot into two 4,000 sf lots. This allowance should help promote ownership opportunities without increasing allowable densities and provide more marketing opportunities for developers. This process would not allow for uses or densities not available under the applicable zoning designation.

16.20.100 - Minor Subdivision Review: The change provides the Director with flexibility to waive a 3-year requirement on successive minor subdivisions if adequate justification is provided by an applicant.

Chapter 16.40 – Improvements: Adjustments and clarifications have been made to this important chapter which addresses the requirements for the installation of public improvements that associated with development projects. This chapter addresses the timing of infrastructure installation and the timing of securities posted with the City for incomplete improvements.

**Mr. Paulsen** indicated that **Ms. Kerri Burchett** would discuss the changes that are designed to clarify and simplify this process and promote greater efficiencies for developers.

**Ms. Kerri Burchett, Principal Planner**, explained the proposed changes to chapter 16.40, stating that this is the Chapter of the Code that most builders and developers go to in order to understand what is required for installing infrastructure improvements and securing building permits. Ms. Burchett referenced the flowcharts that were provided to the Planning Commission, indicating that the charts are a helpful tool for applicants to understand the process and gain certainty as to what the required steps are. The charts, however, will not be inserted as part of the Code; they will be handouts provided at initial meetings with applicants and will be available on our website.

Chapter 16.40 focuses on public improvements and the requirement of financial securities. **Ms. Burchett** explained that a security is a letter of credit, cash, or certified funds. Applicants only provide securities for public improvements that are required with a development project that have not been completed. Instead of stopping work on the project until such improvements are installed, the developers have the option to post security with the City for certain improvements—allowing these improvements to be finished at a later sequence in the project. The process allows for overlap so applicants can work on their projects in a logical timeframe. The applicant brings in the estimate for the work or a standard table is used to determine the cost. When an applicant provides an estimate, it is reviewed to make sure it is an appropriate assessment.

The Site Work Permit process, which staff has utilized for the past several years, has been added to Chapter 16.40. This process allows for earlier site grading and the installation of on and off-site improvements prior to the approval of a building permit—enabling utility construction to move forward prior to the release of all permits. The preliminary public site

improvements have to be installed before you can get the Footing and Foundation Permit. The financial security for footing and foundation permits was adjusted after discussion with builders and developers to 150% of the estimated cost of building site excavation. The security is returned to the builder/developer when they get their building permit. The reason for this security is to enable the City to secure the site for safety purposes if construction is halted prior to completion. The funds would give the City the ability to fence, fill, or cover basement areas or dangerous foundations if the project was stalled for a lengthy period.

Commissioners wanted to know what the City would do to secure a site if a developer went bankrupt. **Mr. Paulsen** responded that the City wouldn't be tearing out foundations, but if needed, unsafe foundations would be filled in, covered or otherwise secured for safety purposes only.

### **Title 17 - Annexation**

#### **Changes:**

Few were made have been made to this Title. Those made include procedural changes and references that align with amendments to Titles 16 and 18.

### **Title 18 - Zoning**

#### **Changes:**

18.04 - Eliminated the numbered subsections of definitions and put them in alphabetical order. This change makes reading and amending the definitions less cumbersome. Simple alphabetizing is the format used in other portions of the Municipal Code.

Adjustments were made to define Senior/Elderly, as referenced in the Code, as 62 years and up. This is consistent with HUD policies.

The definition for residential occupancy was added. This definition specifies what constitutes the occupancy of a dwelling unit. The definition clarifies and supports the requirements relating to the occupancy requirements for accessory dwelling units contained in Section 18.48.060

References to "Site Development Plans" and the review and approval process for such plans have been added throughout the Title. **Mr. Paulsen** added that with the Code amendments, the processes for the review of various types of development applications are all very similar and should provide clarity to our applicants; in other words, the review process has been standardized and this is reflected in the Code. The text changes will help strengthen the language and make it easier to understand.

As with the other Titles, purpose statements have been added to the beginning of each chapter of in cases where such statements were absent.

At 8:00pm **Chair Meyers** called for a 10 minute recess.

**Chair Meyers** called the meeting to order at 8:10pm.

18.29.050 and 18.30.50 – Text has been added to clarify when Conceptual Master Plans (CMP) are required and what type of hearings and notice procedures are required. Conceptual Master Plans are required for development within the MAC and E districts.

18.39 – Development Application Process and Procedures: **Mr. Paulsen** explained that this new chapter has been added to the Code. The Chapter addresses the application submittal and review process, the responsibilities of the development review team and the current planning manager in this Chapter. Overall the changes try to provide clarity and specificity to the review process. Of note, the Current Planning Manager clearer authority to oversee the process—which is also specified in Chapter 18.46. The Current Planning Manager is given the authority to waive certain submittal and review requirements. Associated with this, a simplified Site Development Plan (SDP) process has been added to allow minor redevelopment projects to be reviewed at the building permit level—allowing for a faster review timeframe. Applications that do not go through the SDP review process include tenant finishes, minor site and building changes.

18.39.060 – Closure of Development Application: in response to the study session discussion, a 24 month sunset period has been established for development applications that have been submitted for review. After 24 months, if the application has not been acted on in this period, the application expires. However, the Planning Commission is given authority to approve an extension to this was added.

Title 18 18.46 - Site Development Plan Requirements and Procedures: This chapter was greatly expanded and added Site Work Permit provisions.

Commissioners asked about the definition of a gas station and a convenience store and if they have been defined by the type of fuels. **Mr. Paulsen** indicated that changes to this definition have not been pursued. However, he explained that the upcoming comprehensive zoning code update will update and provide new definitions..

#### **Commissioner Comments:**

Commissioners made note of inconsistencies throughout the code with capitalization and use of numbers, instead of spelling the numbers out. In response to this topic, **Mr. Paulsen** indicated if the Commission would like, staff would work to provide greater consistency within the four Titles of the Code prior to Council review.

Setbacks should be specified where the measurements are taken from; the closest location of the building wall, not the eaves, or add a reference to the provision that states eaves, bay windows, etc. can be in the setback area.

18.50.115: Change the definition under the figure on page 18-196 to “downtown sign district”.

18.50: There needs to be a reference to the fee schedule for sign permits.

18.53.211: Given the new downtown authority, will this section be affected. **Mr. Paulsen** stated that this section will still apply.

18.48.090: Limiting one satellite dish per dwelling is outdated.

18.50.130: 1994 Comp Plan is referenced. The 1994 Comp Plan still applies, but it will be updated with the new one.

In response to the Commissioners' comments, Mr. Paulsen explained that the package of amendments was not designed to address all the existing issues and concerns with the Code. While a variety of amendments are included in the amendment package, the vast majority of the amendments related to procedural and Chapter 16.40 adjustments that have been reviewed by the Title 18 Committee over a lengthy period of time. He explained that further, more comprehensive work on the Code, would be undertaken in the upcoming zoning code update.

## **Title 19 – Water Rights**

**No substantive changes:** Mr. Paulsen explained that this Title is administered by the Water and Power Department. The proposed amendments have been limited to minor capitalization changes and updated references to ensure that this Title is consistent with the other Titles of the code.

## **Special Review Amendment to Title 18**

Staff handed out a suggested change to the language for uses permitted by special review, *“Any business, commercial, industrial or manufacturing use of combination of uses similar in nature and impact to uses set forth in this chapter by virtue of site, location, traffic, or other external impact is eligible for special review as determined by the director. The director’s determination, if favorable, shall include a written finding that the use or uses are consistent with the city’s comprehensive plan any applicable corridor plan or other land use policy plan adopted by the Council.”*

**Mr. Paulsen** explained that this proposed text was developed to provide the Development Services Director with the ability to evaluate uses that are not listed within a given zoning district and make a determination as to whether such uses could be processed by Special Review. Since the Zoning Code is outdated, many uses that might otherwise be allowed are not listed. He explained that the special review process is a safeguard and it requires public notification. He added that this amendment is a temporary fix until the code is changed. This amendment would allow staff to make some interpretations without having to deny a project or prohibit a use that might be similar to other uses listed within a given zone.

The commissioners had concerns over who would monitor the process and the cost that would be incurred by a citizen wanting to file an appeal. The consensus of the commissioners was to not pursue this change, stating that it could possibly be addressed by the Title 18 Committee in the future.

**Commissioner Middleton** moved to recommend that City Council approve the proposed amendments to Titles 16, 17, 18, and 19 of the Municipal Code as presented to the Planning Commission in a public hearing on November 24, 2014 and as described in the Planning Commission staff memo dated November 24, 2014 and as specified in the attachments thereto and as further amended on the record. Upon a second by **Commissioner Dowding**, the motion was unanimously adopted.

## **ADJOURNMENT**

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

Approved by



Buddy Meyers, Planning Commission Chair



Beverly Walker, Planning Commission Secretary