

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

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on February 24, 2014 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Massaro, Molloy, Dowding, Crescibene, Forrest, Ray and Prior. Members absent: None. 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**

1. Code Amendment status- **Mr. Bob Paulsen, Current Planning Manager**, shared that the City Council approved on first reading the code amendments that the Commission recommended for approval in late. Second reading of the ordinances will be on 3/4/14.
2. Development Center plans-City staff is looking to develop a one stop shop development review center. This effort will occur as Public Works staff moves to the expanded service center, therefore opening up a space at the Fire Administration Building on 5<sup>th</sup> Street. The purpose of the Development Center is to improve convenience and review efficiency for customers. ETA is mid-year 2015. Staff is seeking the Planning Commission and Construction Advisory Board to conduct a joint workshop this spring to obtain input from the two boards and their customers. A second workshop is planned for the latter part of the summer.
3. Development Project update-two big projects in the queue, which are both at Centerra. The Lakes at Centerra residential project and the Bass Pro retail outlot and associated development adjacent to the Promenade Shops. These projects will not be brought to the Planning Commission because the Millennium GDP allows for administrative review only.
4. Planning Commission Vacancy-one seat has not been determined. City Council will discuss this matter at the 3/4/14 meeting and make a decision on who should conduct Planning Commission interviews. Applications were accepted until 2/10/14 and have since closed.
5. **Ms. Judy Schmidt, Deputy City Attorney** announced that **Mr. John Duvall, City Attorney**, has submitted his resignation. City Council will address this item at the 3/4/14 City Council meeting.

**COMMITTEE REPORTS**

**Commissioner Molloy** shared that the Title 18 Committee discussed plans for the City Development Review Center at their last meeting. Other topics of discussion questioned how long Commissioners should serve on the Title 18 Committee, and what the goal of the Title 18 Committee should be going forward. **Mr. Paulsen** will send out summary minutes to the

Planning Commission after each Title 18 Committee meeting, held once a month. He would also be willing to send out the minutes to City council if they wish.

**Commissioner Forrest** spoke of the 287 corridor study and shared that there have been two meetings so far, to establish goals. There are several workshops to be held on 2/26/14 for community feedback and questions.

**Chair Meyers** attended a meeting organized by the City to help set priorities for a new priority based budgeting process. He shared that it was an interesting meeting and feedback would be provided by the City Council in the next few weeks.

### **COMMISSIONER COMMENTS**

**Commissioner Molloy** stated that he listened to the last Planning Commission meeting and explained he took exception some of the items that were discussed, including some apparent criticism of his involvement on multiple committees. He stated he has been on the Planning Commission for seven years and has been chair, vice-chair, and the ZBA hearing officer. He felt that he has had a good reputation during his tenure on the Commission. He stated he would like to remove himself as the ZBA hearing officer alternate.

**Chair Meyers** stated he supports **Commissioner Molloy** and the work he has done on the Commission.

**Commissioner Middleton** clarified that the concern he brought up at the last Planning Commission meeting questioned if one Commissioner should serve on three different committees at the same time.

**Commissioner Molloy** felt he has been appropriate in his involvement on the committees and explained the only thing he gets from the committees is the satisfaction of volunteering.

### **APPROVAL OF THE MINUTES**

**Chair Meyers** asked if there were any corrections needed in the January 13, 2014 meeting minutes. No corrections were requested. **Commissioner Ray** made a motion to approve the January 13, 2014 meeting minutes, upon a 2<sup>nd</sup> from **Commissioner Crescibene** the minutes were approved 8-1 with **Commissioner Molloy** recusing himself since he was absent from the January 13, 2014 meeting.

### **REGULAR AGENDA**

#### **1. Jayhawker Addition Annexation**

**Mr. Troy Bliss, City Planner II**, introduced **Mrs. Swisher**, the owner of the 1.8-acre property located adjacent to the Jayhawker ponds that is included within the annexation site. **Mrs. Swisher** requested that the Jayhawker Addition Annexation project be continued to the March 10, 2014 Planning Commission meeting due to the fact that her husband was ill and unable to attend tonight's meeting. **Commissioner Middleton** made a motion to continue the Jayhawker

Addition project to the March 10, 2014 Planning Commission meeting. Upon a 2<sup>nd</sup> by **Commissioner Ray**, the motion was unanimously adopted and the item was continued.

## **2. Affinity/Fox Pointe Rezoning**

This is a public hearing item on a quasi-judicial matter. The applicant is requesting to rezone 12.72 acres from PUD to MAC (Mixed-Use Activity Center). The property is currently vacant and is located along the west side of Lincoln Avenue between 33<sup>rd</sup> Street and Polk Drive. The rezoning and associated concept master plan would allow development of a 3-story, 155-unit apartment complex for independent senior living. The complex would consist of one building with associated amenities. The Planning Commission's role is to review the proposed zoning and concept plan and make a recommendation for final action by the City Council.

**Ms. Noreen Smyth, Senior Planner**, explained that the applicant is proposing an independent senior housing development. The proposal consists of one three story, 155,815 sq. ft. multifamily apartment building on a 12.73 acre lot. The development will consist entirely of rental units with residents restricted to age 55 and above. It is anticipated that the development will include 155 units, with the concept plan indicating a range of 153-165 units to allow for the mix of two bedroom, one bedroom and studio units to be decided at time of building permit. The footprint of the building would remain unchanged from that shown in the conceptual plan within this range of units. The development is intended for seniors who are able to live independently, rather than for people who need assistance with daily living.

All units within the building will have full kitchens, full laundry facilities, and all other characteristics expected in standard apartments. The property will not include features of a nature found in assisted living facilities such as on-site caregivers or a dining area with meal service. However, the intent of the development is to encourage a community lifestyle among residents and there will be a number of on-site communal facilities and services to promote this. There will be full-time and part-time staff members organizing activities for residents. Indoor and outdoor common areas are designed to allow for resident interaction. While the specific amenities may change, the intent of the applicant at this time is to include the following:

- A separate pool building with a pool, hot tub, pool changing area, woodshop and yoga studio
- An outdoor raised garden
- A barbeque area
- A walking path circulating the grounds

MAC allows the proposed use by right, the district requires a conceptual master plan to be submitted in conjunction with a request for rezoning, and the rezoning approval is subject to compliance with the associated conceptual master plan. In the event that the master plan approved with the MAC zoning does not proceed to construction, a developer would have to bring a new conceptual master plan before the Planning Commission and City Council for approval before developing the site in a significantly different manner, or with a different use, than that in the approved plan.

**Commissioner Molloy** asked if 37<sup>th</sup> Street would be included in the traffic study for this project. **Ms. Smyth** explained that in the 2005 traffic study, the original plan stated the traffic would be fine. She noted that plans for this development are smaller with less traffic impact.

**Mr. Sean Kellar** addressed traffic concerns on 37<sup>th</sup> Street. He explained senior housing typically produces 30% less traffic (via trip generation rates). The 2035 traffic plan stated the improvement on 37<sup>th</sup> Street would not be needed until 2035 and would be a \$2.4 million project.

**Commissioner Massaro** asked if they completed a study to ensure the increased traffic would not impact the area. **Mr. Kellar** explained that it would not be needed until 2035.

**Mr. Scott Morris** stated that he represents the applicant, along with **Todd Johnson**. He explained the Affinity project would be for seniors 55 years and older. He shared that there will be no health care or food service on site, making it a hybrid of an assisted living facility. Nine other Affinity projects are in operation today, including one in Lafayette and are at 95% capacity. He stated he is not seeking any variances or setbacks. He shared that the developer would be providing adequate parking.

A neighborhood meeting was held on 2/10/14 and most citizens felt this project was a much more acceptable project than those previously proposed. **Mr. Morris** pointed out that traffic flow would not be impacting peak traffic times.

**Commissioner Middleton** asked what the timeframe of the project would be. **Mr. Morris** explained that their building permits would be pulled around the August timeframe, after going through the process with both the Planning Commission and City Council.

**Commissioner Middleton** asked what the rental cost would be. **Mr. Morris** explained rental costs would range between \$1,100 and \$1,600 per month. He stated they look for a 93%-97% occupancy rate.

**Commissioner Middleton** asked if the applicant would be providing meter spaces for electric cars. **Mr. Morris** stated that could be considered.

**Commissioner Crescibene** asked how many Affinity projects have been completed. **Mr. Morris** stated the first Affinity project was started in 2009. **Mr. Morris** also explained that his company does 8-9 projects per year, and stated that since 2000, none of the other development projects have been sold; all have remained in the portfolio. All amenities are included in the rent with the exception of a garage, phone and additional storage units.

**Commissioner Forrest** asked if the design included sustainability options. **Mr. Morris** stated green building standards were included, but it is not a LEED certified project.

**Commissioner Massaro** asked if a walkway area was included in the site plan to allow for a shorter walk to shopping amenities and bus stops to the south. **Mr. Morris** stated they are attempting to work out a solution to allow for that access.

**Commissioner Massaro** asked if there was power to the garages, suggesting that 110v circuit would be adequate for electric cars. **Commissioner Middleton** stated that a 220v circuit would be needed.

**Commissioner Forrest** asked if there were any concerns regarding the retaining ponds. She questioned if would be a concern with small children in the area. **Mr. Morris** stated the majority of the time the ponds would be dry.

**Commissioner Crescibene** asked how large the units are. **Mr. Morris** explained that the studios are 600 sf., 1 bedroom is about 725 sf., and 2 bedrooms are 900-950 sf. He stated that the design of the community is designed to encourage community involvement.

**Chair Meyers** asked if the project has a privacy/or security fence surrounds the property. Access to Lincoln would be open rather than secured. **Mr. Morris** indicated that there will be no security fencing and there are no plans to have on-site security personnel.

**Commissioner Dowding** asked for a description of the pub since there is no food service. **Mr. Morris** explained that each Thursday there would be a social gathering for a few hours and that the alcohol served would be complimentary.

**Commissioner Massaro** questioned about bike storage. **Mr. Morris** explained there are bike racks on site, and that most residents could store bikes in the garage.

**Commissioner Ray** asked why the pitch of the roof was not considered to be lower since there may be concerns about the blockage of views. **Mr. Morris** stated the architectural pitch was for aesthetics, and **Ms. Smyth** explained that the pitch and elevation met city standards. The applicant stated that a 3 story building allowed for a smaller footprint and greater green space.

**Chair Meyers** opened the meeting for Public Hearing.

**Mr. Rob Lindley, 400 Polk Dr.** thanked the Commission for their time and explained that he did not know about the original neighborhood meeting. He shared the project wasn't as bad as he thought it would be. He stated he bought his house (in the neighborhood) because of the view of the Rocky Mountains. He stated that if he sells his house, he cannot advertise the house with a view of the mountains. He stated he would be in favor of a 2 story building. He asked if the city did a study to show how much of his view would be destroyed with a 3 story building. His second concern is the traffic on North Lincoln and stated the traffic has been getting worse each year.

**Commissioner Molloy** explained to the applicant that most likely he would not lose value in the home, but agreed he might but might lose a selling point. He also explained that the walk to Orchards is a safe walk.

**Mr. Gilbert Villavicencio, 280 Harding Court,** explained that he is for the project and would feels it would be good for the neighborhood, both from a density perspective and amenities. He stated he would welcome the project.

**Ms. Kathie Swanson, 264 Harding Court**, stated that compared to the project that was proposed prior to this, this project is much, much better. She feels this project is a better fit for the neighborhood and knows that something inevitably will be built here. She feels this project will fill a great need in the community.

**Ms. Lori Jimison, 422 Prairie Fire Dr.**, stated she felt development at the proposed site might consist of light commercial use, rather than residential. She had concerns about the height of the building, snow removal, and the entering and exiting from the property.

**Commissioner Molloy** asked about the walk to King Soopers, and wanted to know how much of the sidewalk is missing on the West side of the sidewalk. **Mr. Morris** explained that approximately 200 feet is missing.

**Mr. John Davis, 298 Harding Court**, stated he likes the project and shared that this would be a good fit for the neighborhood. He explained that he empathizes with property owners who will lose their view, because he lost his view when his trees grew taller.

**Chair Meyers** closed the public hearing.

**Mr. Todd Johnson** responded to the concerns addressed by the neighbors. He explained that there are areas on the site that would accommodate snow storage after removal. He stated the sidewalk on the east side of the building would be continuous. He explained the traffic study showed this project would have 20-40% less impact than the previously proposed project. He stated the supporting street network would be adequate for traffic. He stated the traffic generated by the project would primarily be off peak. A more detailed traffic study would be done to determine if a turn lane would be required along Lincoln Avenue to facilitate ingress and egress from the project.

**Commissioner Molloy** asked if the sidewalk on the east side would be fully extended. **Mr. Johnson** stated there would be a full connection along the project frontage on Lincoln.

**Commissioner Middleton** asked if the property owner would be doing the snow removal. **Mr. Morris** explained the property owner is responsible for snow removal.

**Mr. Morris** addressed the building height concerns and stated he takes citizen concerns seriously. He understood that it would be hard for the surrounding neighborhood to lose the open space. He explained that a two story building would create a more spread out footprint and stated the 3-story design was chosen to preserve more green space. When you consider the landscaping, setbacks and the use, the building height and impact on views was mitigated as much as possible.

**Commissioner Middleton** stated that he feels this is a well thought out, well managed project and feels the developer would do a great job. He likes the floor plan and foot print and would be supporting it.

**Commissioner Forrest** shared she also likes this project, and felt a lot of effort and care went into the design of it. The amount of landscape on the project was very well done.

**Commissioner Molloy** shared that the landscaping will be better managed than most residential neighborhoods, and felt it would be an asset to the neighborhood. He shared that he likes the idea that it is near The Orchards shopping center, which provides residents conveniences. He would like to see 37<sup>th</sup> Street completed sooner than later.

**Commissioner Crescibene** agreed it is a good project that meets the needs of the community. He felt the amenities are great and the applicant put a lot of thought into what residents would need.

**Commissioner Prior** stated he felt that overall the project was good. He explained he would like to see a continuance of the walkway on Lincoln as the sidewalk in front of the property to the south does not exist.

**Commissioner Ray** talked about the height, and explained that no height requirements had been exceeded. He agreed with the buffer setbacks at the facility and liked how it will be oriented. He stated that if the height allowances had been exceeded, he would support objections about building elevations.

**Chair Meyers** stated that he also would be supporting the project. He felt it provided easy access to neighborhood businesses and would help stimulate the commerce at The Orchards.

**Commissioner Middleton** made a motion to make the findings listed in Section IX of this report dated February 24, 2014 and, based on those findings, recommend approval of the rezoning of Lots 2 through 53, Block 1 and Tracts A through L, Fox Pointe First Subdivision, and approval of the associated conceptual master plan, subject to the condition listed in Section X of this report, as amended on the record. **Commissioner Ray** seconded the motion.

**Commissioner Ray** made a motion to amend the motion, to add a condition that the developer negotiate in good faith to seek an agreement with the current property owner to the south, to add a 200 foot section of sidewalk on the west side of the property to connect with pedestrian access to The Orchards shopping center. Upon a 2<sup>nd</sup> from **Commissioner Middleton** the motion was unanimously approved.

As the applicant, **Mr. Morris** was asked to accept conditions.

After a short discussion, **Mr. Morris** agreed to the conditions, both the condition in the staff report and the new, amended condition.

Vote for motion, as amended was unanimously approved.

### **OTHER BUSINESS MATTERS:**

**Commissioner Crescibene** voiced support for **Commissioner Molloy** to remain on the Title 18 Committee.

**Commissioner Ray** strongly encouraged the City to renegotiate with Mr. and Mrs. Swisher regarding the Jayhawker property between now and March 10<sup>th</sup>.

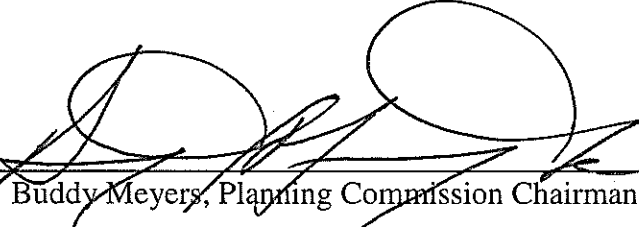
**Commissioner Massaro** agreed with **Commissioner Ray's** comments.

**Mr. Paulsen** explained that real time captioning transcription will be available to **Mr. Swisher** at the next Planning Commission meeting to accommodate his hearing needs, as the city takes this concern very seriously.

### **ADJOURNMENT**

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

Approved by: \_\_\_\_\_

  
Buddy Meyers, Planning Commission Chairman

  
Kimber Kreutzer, Planning Commission Secretary