

CITY OF LOVELAND

PLANNING COMMISSION MINUTES

May 11, 2015

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on May 11, 2015 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Middleton, Meyers, Molloy, Forrest, Ray, and Jersvig, Members absent: Commissioners Dowding and McFall, 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.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Mr. Paulsen, Current Planning Manager**, informed the commissioners that Beverly Walker had accepted a position with the City Clerk's office and Jenell Cheever will be filling in for the Planning Commission in the interim.
2. **Mr. Paulsen** reminded the commissioners that there is no meeting on May 25th in observance of Memorial Day.
3. **Mr. Garcia, Assistant City Attorney**, provided an update on upcoming staff changes within the City Attorney's office. Judy Schmidt will be leaving her position the end of May and Sharon Citino will also be leaving her position June 26th. Mr. Garcia will continue with his assignment to the Planning Commission and to the Current Planning office.
4. **Mr. Paulsen** notified the commissioners that the resolution to City Council to seek direction certifying the Loveland Building Division as a Prequalified Building Department is scheduled for the 6/2/15 City Council meeting. He also noted that the City Council has referred back the Title 18 Code Enforcement Amendment to the Planning Commission for further review due to concerns with the code enforcement provisions.

Mr. Garcia noted that **Assistant City Attorney, Vincent Junglas**, will contact the Attorney General's office for interpretation of the Municipal Code and rules of procedure. **Commissioner Meyers** noted his concerns regarding the definition of a Peace Officer and the standards for training. He said that the City of Loveland should have been following the Sunrise Approach to classifying Peace Officers. **Commissioner Meyers** agreed with **Mr. Paulsen** that the issue will not need to go back to the Title 18 Committee, but instead go directly to the Planning Commission.

5. **Commissioner Meyers** noted that at the May 5th City Council meeting, some City Councilors received draft minutes and not the approved minutes by the Planning

Commission. **Mr. Paulsen** noted that the updated minutes were distributed to City Councilors; however, some councilors were unaware that they had received updated minutes.

COMMITTEE REPORTS

1. **Commissioners Meyers and Molloy** will attend the Title 18 Committee meeting on May 14th. **Mr. George, Development Services Director**, will discuss land use in the restricted zones associated with oil and gas. **Mr. Paulsen** noted that he will forward any notes from the meeting to the Planning Commission.
2. **287 Advisory Committee: Commissioner Forrest** is unable to attend the follow-up meeting/work-session with the Urban Land Institute on May 20th and asked if anyone would like to attend in her place. **Commissioner Molloy** volunteered to attend.

COMMISSIONER COMMENTS

1. **Commissioner Ray** had concerns with reclassifying Code Enforcement Officers to Peace Officers as this is not the standard in the surrounding communities. He will need to evaluate if this change is necessary when the issue returns to Planning Commission for review.

Chairman Crescibene also noted that the presentation regarding the reclassification of Code Enforcement Officers needed to contain more facts instead of a “personal understanding” of the presenter, **Vincent Junglas**.

2. **Commissioner Ray** felt, in retrospect, that the Transportation office did not provide adequate answers regarding the redirection of traffic associated with the alleyway vacation for the proposed Sprouts; the alley vacation request was heard by the Planning Commission on April 13, 2015. Specifically, the cost of signs and difficulties with traffic enforcement should have been explained in more detail.

Commissioner Molloy commented that sometimes issues confronted in the vacation should have been addressed in the rezoning application. These issues, such as traffic, become a clean-up item with the right-of-way vacation request, and should have been analyzed with the earlier application.

Commissioner Forrest commented that the impact of vacating the alleyway needs to be considered for future developments, not just specifically in relation to Sprouts. A more thorough consideration of the land use and its function should be considered.

Commissioner Meyers agreed that the long term impact of parcel consolidation and rezoning on the neighborhood should be considered and not just the necessity of the vacation in relation to Sprouts.

3. **Commissioner Meyers** referenced a May 9th article in the Reporter Herald and asked for clarification of the expansion of Artworks by 10-12 units. **Mr. Paulsen** is not aware of a request for adding 10-12 new units and believes this article pertains to Artworks opening up 10-12 existing units. **Mr. Paulsen** noted that any request to expand the project so significantly cannot be approved administratively and would need to be approved through the Planning Commission. **Mr. Paulsen** will confirm this information and notify the Planning Commission of his findings.

APPROVAL OF THE MINUTES

Commissioner Molloy made a motion to approve the April 27, 2015 minutes; upon a second from **Commissioner Forrest** the minutes were approved with six ayes and one abstention.

REGULAR AGENDA

1. Development Center Update

Project Description: Staff will provide a brief status update on the City's Development Center which will be located in the Fire Administration Building at 410 East 5th Street. Plans for renovating the building to provide integrated permitting services and accommodations for the entire Development Services Department are nearing completion.

Bob Paulsen, Current Planning Manager, presented the proposed concept for the new Development Center. The project will be out to bid in July with an anticipated finish date in early 2016. All of the Development Services Department, along with the Transportation Development Review office will move to the new center; reviewers from other departments will be at the new center on a part-time basis.

Commissioner Questions and Comments:

- **Commissioner Middleton** suggested that insulation be added above the suspended ceilings due to the close proximity of the fire trucks operating within the building.
- **Commissioner Meyers** expressed concerns with adequate conference rooms and meeting spaces and **Commissioner Crescibene** asked what the considerations for growth were. **Mr. Paulsen** stated that space availability within the building will be tight. Although meeting space is limited on the first floor, the Planning office will still be able to use the conference rooms in the Emergency Operation Center (EOC rooms) located on the second floor. Additionally, if expansion was needed, the basement could be renovated or an addition added onto the building at some future time.
- **Mr. Paulsen** stated that the move should have minimal disruptive effects on the daily operations as the new building will be completed prior to moving.

2. Economic Development Update

Project Description: **Betsey Hale, Economic Development Director**, will give an update on Council approved economic incentive packages for various business entities throughout the years. Council approves agreements based on five year projections, so projects since 2010 have not yet completed the expected five year performance period.

In analyzing the economic incentives, there are two essential parts: the City support of projects and the economic benefit the City is looking to gain from the incentive.

Commissioner Questions and Comments:

- **Commissioner Meyers** asked what the average hourly wage for the proposed 1125 jobs and what opportunities there are for graduating students. **Ms. Hale** said she could

research the average wage for primary employment and average wage for retail and provide this information to the commissioners.

- **Commissioner Meyers** asked what the financial impact the opening of the Bass Pro Shop would have on businesses like Jax and Sportsman Warehouse. **Ms. Hale** stated that the effects on sales shifting from shops like these to the Bass Pro Shop are evaluated when considering an incentive. So far, an incentive has not been offered to Bass Pro Shop.
- **Commissioner Molloy** asked if the new Scheels sporting goods store received an incentive in Johnstown. **Ms. Hale** was not sure if they received any assistance but would share any information that she receives with the Planning Commission. She noted that Johnstown cannot use the URA code anymore due to changes in legislation and that may affect future developments.
- **Commissioner Molloy** commented that Centerra has multiple levels of taxes and wondered if these taxes might drive the competition to shop in other cities. **Ms. Hale** said that is possible and sales shifting can affect the city's revenues. Economic Development is researching how sales shifting to other cities can be reduced.
- **Commissioner Molloy** asked what the likelihood that all of the RTA-related projects mentioned in the presentation will actually coming to fruition. **Ms. Hale** said the likelihood is high because prior to applying you must actually show that you can build the project and what the financial gap is. However, ultimately would need to receive the RTA from the state in order for the projects to move forward.
- **Ms. Hale** provided an update on the Brinkman Project. She noted that it has been successful and that the project has been full since its opening. However, due to taxes being paid a year later you won't start seeing the revenue until 2015 or 2016.
- In regards to the HP Campus Redevelopment / RMCIT, **Ms. Hale** explained that there are several tenants considering the space and some smaller companies committed to moving into the space. Recently the city entered into a partnership with Loveland Development Fund and commissioned an evaluation for an Art and Design School that would encompass 200,000 square feet. **Commissioner Meyers** asked how close the site was to filling the projected 5000 jobs and **Ms. Hale** stated there are currently between 30-40 jobs created. Ms. Hale explained that this is partly due to the space being restricted for use only by technology jobs, limiting what businesses can occupy the site. **Commissioner Ray** asked for clarification for why call centers have been rejected as these tend to have an IT basis. **Ms. Hale** clarified that the call centers interested in the space are more outbound call centers focused on sales.
- **Commissioner Ray** asked how many of the 2500 jobs at the proposed Adventure Park are good jobs, defined as jobs that will pay greater than \$70,000. **Ms. Hale** stated the average for all jobs will be between \$30,000 -\$40,000; however, she will need to research how many positions are higher paying jobs versus entry level jobs.

Chair Crescibene called for a recess at 9:15 p.m.

Chair Crescibene called the meeting to order at 9:27 p.m.

- **Ms. Hale** commented that by creating the Adventure Park it will help make Loveland a destination center that will generate other income through overnight stays, food sales and retail sales. **Ms. Hale** stated that she is willing to come to another meeting with additional information on the economic impact and development in Loveland.

3. High Plains School Update

Project Description: **Dr. Dan Maas, Chief Operations Officer, Thompson Schools,** will provide a progress update on the K-8 High Plains School and address Commission questions.

Dr. Maas provided an update on the school design and site preparation efforts. He noted that there is a Construction Review Committee required by Board of Education policy whenever a school is built. The members are: Julie Piotraschke, Marc Seter, Candie Joshi, Scott Holzclaw, Christine Ricks, Nancy Rumfelt, Tiffany Miller, Lisa Riggensbach, Chastity Stringer, Jennifer Kingston, David Hallet. Ex-Officio members are: Dr. Carl Langer, Denise Montagu, Dr. Dan Maas, Sara Rasmussen, Matt Throop, Skip Armatoski, Noreen Smyth, Kim Perry.

Commissioner Questions and Comments:

- **Dr. Maas** provided samples of the building materials that would be used for the school. In light of concerns raised at the February 9, 2015, Planning Commission meeting, the Construction Review Committee considered a lighter color palate of materials but felt that this darker palate was actually more pleasing and inviting.
- **Dr. Mass** noted that the High Plains School has a smaller than typical site, but will utilize multi-purpose outside space that is shared with the city Parks Department. Some space will be public park space and other space that will be school property used as playground. **Dr. Maas** explained that a perimeter fence was not part of the design as the Parks Department asked that there not be a perimeter fence due to the dual nature of a playground and a community park. **Commissioner Ray** expressed concerns about not having a fence around the playground.
- **Dr. Maas** addressed the traffic concerns presented by the commissioners. Two separate studies were performed to redesign the bus loop to ensure safety. The new design separates buses from parent pick-up. It is anticipated that the school will be serviced by four to five buses. **Commissioner Meyers** recommended the school have more than one traffic guard.
- **Dr. Maas** discussed proposed boundary areas and the method used to determine the recommended school boundaries. The proposed boundary maps are posted on the Thompson School District website. The School Board will need to approve the school boundaries in August of 2015
- **Dr. Maas** discussed the landscape and said the design is basic due to cost and safety, utilizing mostly low level rock work and a planned learning garden. **Commissioner Malloy** expressed concerns with the extent of landscape plantings and indicated that the

landscape plan may initially be limited and would like to see some areas planned with more extensive landscaping in the future once funds are available.

- In response to **Commission Forrest** question, **Dr. Maas** said the school is seeking a gold level of LEED certification.
- **Commissioner Meyers and Commissioner Middleton** asked for clarification on what limits there might be when a commissioner is in going to a school board meeting to express concerns as a private citizen. **Mr. Garcia** said that the appearance of a conflict of interest needs to be considered when making statements as a private citizen when as a commissioner you are involved in making a recommendation on the issue. **Mr. Garcia** stated that when addressing an outside board or commission, you can communicate that you are a commissioner but you should not state that you are representing the opinion of the Planning Commission.

4. Proposed City Budget Reductions

Project Description: On May 19th the City Council will be considering an ordinance reducing the 3% sales tax on food for home consumption (groceries). The reduction would be implemented over a 3-year period. In preparation of this public hearing, the Council has requested that the City Manager prepare a proposal for reductions to the City budget that would accommodate the loss in general fund revenues attributable to this tax. This is estimated to be approximately \$6 Million annually if the sales tax is reduced in full (eliminated).

The Planning Commission will be provided with information about the budget reduction proposal developed by City staff, and specifically provided with details about the reductions proposed for the Development Services Department. With this information, the Commission will be invited to provide a written statement in response to the proposed reductions to the City Council in advance of the May 19th public hearing.

Commissioner Questions and Comments:

- **Commissioner Crescibene** emphasized that the Commission is not going to discuss if they like the sales tax cut or not; rather, the discussion will focus on the effects to the city's budget and programs.
- **Mr. Greg George, Development Services Director**, provided an introduction to this matter, explaining that all City departments have developed a plan to accommodate revenue reductions that would occur if the sales tax on groceries is eliminated. **Mr. George** indicated that all boards and commissions were being given the opportunity to respond to the impacts that are proposed to occur to the City department that they are associated with. **Mr. George** focused his presentation on the proposed impacts to the Development Services Department. **Mr. George** stated that the Commissioners can either formulate a statement of their collective position (must be motioned and voted upon) and then submitted, in writing, to City Council by May 13th at 5:00pm. The second option is that as individuals each member can submit their position regarding the budget

cuts. All city staff must be totally neutral and therefore cannot provide the Planning Commission any direction on their response.

- **Mr. George** stated that most cuts are line item budget cuts that reduce such items as printing, supplies, etc. However, some cuts include staff positions not currently filled or positions that will be eliminated.
- **Commissioner Meyers** questioned why there was such a drastic cut proposed in 2016 versus a reduction implemented over 3 years. **Mr. George** explained that some of the budget cuts deal with vacant position which results in a larger budget reduction in the first year of the three year phase-in.
- Several Commissioners voiced concerns that being short staffed may negatively affect the turn-around time for processing development applications. **Mr. George** reiterated that it is up to the Planning Commission to decide if the proposed budget cuts are a good idea and what their recommendation to City Council will be.
- **Commissioner Meyers** questioned whether the consultant fees would be reduced. **Mr. Paulsen** said that the consultant budget for current projects would not be reduced and most expenditures will be complete prior to the end of 2015. **Mr. Paulsen** indicated that the proposed reductions are focused on eliminating ongoing expenditures, not one time expenses like specific consultant contracts.
- **Mr. George** stated that Development Services was asked to reduce their budget by almost 4%. **Chair Crescibene** asked where the remaining 96% percent of budget cuts would come from and **Mr. George** responded that a reduction similar to 4% across all other departments would be implemented. Since there are other departments larger than Development Services their 4% budget reduction will have a greater impact on the overall budget reduction package.
- **Mr. Paulsen** clarified that certain programs and services must be provided, including federally or state mandated program that cannot be cut. **Mr. George** stated programs that have a low mandate or a low cost recovery feature were looked at first to cut. In the event City Council does not implement the repeal of the food sales tax, there is no plan to implement these cuts.

Chair Crescibene called for a recess at 10:37 p.m.

Chair Crescibene called the meeting to order at 10:51 p.m.

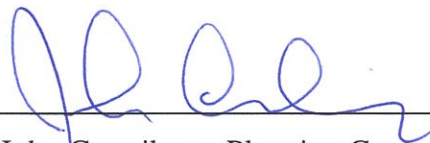
Commissioners discussed the proposed budget reductions and formulated a recommendation for City Council.

Commissioner Meyers, made a motion to approve these recommendations be submitted to the City Manager by the Chair. Upon a second by Commissioner Ray, the motion was unanimously approved.

ADJOURNMENT

Chair Crescibene adjourned the meeting at 11:40 p.m.

Approved by:

A handwritten signature in blue ink, appearing to read "John Crescibene", written over a horizontal line.

John Crescibene, Planning Commission Chair

A handwritten signature in blue ink, appearing to read "Jenell Cheever", written over a horizontal line.

Jenell Cheever, Planning Commission Secretary