

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
January 11, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on January 11, 2016 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Meyers, Molloy, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: Commissioner Middleton. 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.

COMMISSIONER COMMENTS

Commissioner Meyers stated that **Commissioner Middleton** passed away on Thursday night and he will be greatly missed by all. **Rich Middleton** served on the Planning Commission since February 6, 2008. **Commissioner Middleton**'s family said that his last request was to express his best wishes to the Planning Commission and the City Council. *Commissioner Meyers motioned to enter into the record the Planning Commission's best wishes to Commissioner Middleton and his family. Upon a second from Commissioner Forrest, the motion was approved.* **Chair Crescibene** asked for a moment of silence in honor of **Commissioner Middleton**.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Bob Paulsen**, Current Planning Manager, stated that **Commissioner Middleton** will be missed and also sends his best wishes to his family and friends.
2. **Mr. Paulsen** provided the commissioners with a copy of the 2015 Planning Commission Attendance Report for their review. This report is compiled on an annual basis per the request of the City Clerk's office.
3. **Mr. Paulsen** stated that City Manager, **Bill Cahill**, will attend the January 25th meeting to address any questions the commission have regarding the City's consulting contracts. Please forward any questions or comments to **Mr. Paulsen** and he will ensure Manager Cahill receives the information.
4. **Mr. Paulsen** reviewed the January 25th Planning Commission Agenda Items. **Mr. Paulsen** noted that the 2015 goals and 2016 accomplishments will be addressed at the next meeting. **Mr. Paulsen** asked the commissioners to provide input on these items and he will help draft their goals and accomplishments.
5. **Mr. Paulsen** asked the commissioners to determine which two commissioners will attend the Boards and Commission Summit on March 3rd.
6. **Mr. Paulsen** reviewed this month's Hot Topics, including the new Current Planning Update. This one-page update is designed to provide citizens, commissioners, and councilors insight

into Current Planning activities and applications reviewed by the Development Review Process.

7. **Mr. Paulsen** provided an update on the City's Foothill Solar Facility and Substation Special Review.

COMMITTEE REPORTS

1. **Commissioner Molloy** reported that the January Title 18 meeting was cancelled and the next meeting will be in February.
2. **Commissioner Dowding** reported that there were no ZBA hearings recently.

COMMISSIONER BUSINESS AND COMMENTS

1. **Commissioner Meyers** stated that he drafted a letter to City Manager, **Bill Cahill**, supporting **Bob Paulsen** as a qualified candidate for the position of Director of Development Services. **Commissioner Meyers** asked the commissioners to sign the letter if they would like to support **Mr. Paulsen**.
2. **Election of Officers:**
 - a. **Chair: Commissioner Jersvig**
 - i. Commissioner Crescibene made a motion to nominate Commissioner Jersvig as Chair. Commissioner Ray seconded the motion. Commissioner Jersvig received 7 aye votes and was elected Chair.
 - ii. Commissioner Molloy made a motion to nominate Commissioner Dowding as Chair. Commissioner Meyers seconded the motion. Commissioner Dowding received 1 aye vote and the motion was defeated.
 - b. **Vice-Chair: Commissioner Dowding**
 - i. Commissioner Meyers made a motion to nominate Commissioner Forrest as Vice-Chair. Commissioner Jersvig seconded the motion. Commissioner Forrest received 3 aye votes and the motion was defeated.
 - ii. Commissioner Molloy made a motion to nominate Commissioner Dowding as Vice-Chair. Commissioner McFall seconded the motion, Commissioner Dowding was elected Vice-Chair with 4 aye votes.
 - c. **ZBA Hearing Officer: Commissioner Forrest**
 - i. Commissioner Molloy motioned to nominate Commissioner Forrest for ZBA Hearing Officer. Upon a second by Commissioner Meyers, Commissioner Forrest was unanimously elected ZBA Hearing Officer.
 - d. **ZBA Hearing Officer Alternate: Commissioner McFall**
 - i. Commissioner Ray motioned to nominate Commissioner McFall for ZBA Hearing Officer Alternate. Upon a second by Commissioner Jersvig, Commissioner McFall was unanimously elected ZBA Hearing Officer Alternate.

APPROVAL OF THE MINUTES

Commissioner Meyers made a motion to approve the December 14, 2015 minutes; upon a second from Commissioner Dowding the minutes were unanimously approved, with Commissioner McFall abstaining from the vote.

CONSENT AGENDA

1. Flats at Centerra – Preliminary Development Plan

Item Description: The Planning Commission held a public hearing on December 14, 2015 to consider plans for a 120-unit multi-family residential development that includes 8 three-story buildings. Commissioners unanimously supported the development and instructed city staff to prepare a resolution approving the Flats at Centerra – Preliminary Development Plan. Staff has provided the Commission with a brief memo and a resolution for approval of the Preliminary Development Plan.

Commissioner Meyers motioned to approve the Consent Agenda for the 11th of January, 2016 Planning Commission meeting. Upon a second from Commissioner Forrest the motion was unanimously approved.

REGULAR AGENDA

2. Mariana Butte 27th Subdivision PDP/PP

Item Description: This is a public hearing on a quasi-judicial matter (in which the Commission serves in a decision-making role). Midtown Homes at Mariana Butte has submitted plans for a 48-lot subdivision for single family home development on a vacant 16-acre site spanning Rossum Drive. The gross density of the project is 3.07 units per acre. The Commission will consider two applications: a Preliminary Development Plan and a Preliminary Subdivision Plat. City staff is recommending approval of both applications. If approved, the remaining City review process will be administrative. If denied by the Commission, the project cannot move forward. Whether approved or denied, the Planning Commission's decision is subject to appeal as stipulated in the Municipal Code. Appeal hearings are fully noticed and are heard by the City Council.

Troy Bliss, Senior Planner, identified the project site as Tracts R and S of the Mariana Butte 1st Subdivision which is a 16-acre site on the North end of Mariana Butte. This site was originally created for development in 1994 and the Master Plan outlined the allowed uses. This area was originally identified as mixed residential allowing up to 12 units per acre.

Mr. Bliss noted that three neighborhood meetings have been held and citizens have shared a variety of concerns. The neighborhood meeting in March 2015 satisfied the City code requirements for a neighborhood meeting. At this meeting, citizens expressed concerns with the density, style and design of the homes, impact on wildlife, landscape requirements, and high traffic volume on Rossum Drive. Follow-up meetings between the applicant and the

neighborhood were held in April 2015 and December 2015. The follow-up meetings were not required by City code but the applicant agreed to hold the meetings to present changes to the plan based on concerns expressed by the neighbors.

Several neighbors met in late December to discuss specific concerns pertaining to the proposed project and these concerns were shared with City Staff. **Mr. Bliss** asked the commissioners if they would like City Staff to address these specific questions now or during public comment period. After discussion, the commissioners asked staff to respond to the written neighborhood comments as part of the staff presentation.

1. **Mr. Bliss** introduced the concerns. The first concern was with the volume of traffic on Rossum Drive and requested the installation of a traffic signal at the intersection of Eisenhower and Rossum Drive.
 - a. **Randy Maizland**, Engineer with Transportation Development Review, stated that a traffic study was completed assessing existing traffic. The analysis shows that this intersection currently operates at Service Level A. When factoring in the additional traffic from the new development, the intersection would continue to operate at a Level Service A. Therefore, City Staff does not believe that a traffic light is warranted at this intersection. A Level Service C would be the threshold for a signal at the Intersection.
2. **Mr. Bliss** stated residents were concerned that only one roundabout was proposed on Rossum Drive to help control speed when two roundabouts are needed.
 - a. **Randy Maizland** noted that the proposed roundabout was not required by the city; however, the applicant offered this to address concerns with speed. Results of speed study do not support that there is a speeding issue. However, due to the location of this roundabout, the City appreciates the safety benefits this roundabout will provide. The City could not approve a second roundabout because there is no speeding issue and the extra cost imposed on the city for maintenance would outweigh any benefit the roundabout provided. **Mr. Maizland** stated that Rossum Drive is classified as a collector street and is expected to carry higher volumes at faster speeds.
3. **Mr. Bliss** stated residents were concerned with the relationship of the development to the golf course and homes being hit by golf balls.
 - a. **Steve Southard**, Golf Operations Manager, stated that safety is determined by the distance from the centerline of the hole. **Mr. Southard** provided depictions of the holes and the relationship to the edge of the properties. **Mr. Southard** noted that the golf course was designed with the development of homes and the distances from the centerline of the hole to the homes in this development are similar to distances in other subdivisions.
 - b. **Mr. Southard** noted that the biggest concern for the golf course is residents coming out onto the golf course for recreation purposes such as walking their dogs.
 - c. **Commissioner Ray** asked if the City or the golfer would be liable for errant balls. **Mr. Southard** stated the golfer is liable because the distances are far enough back; therefore, there is not a design issue that would make the city liable for errant balls.

4. In regards to proposed infrastructure, **Mr. Bliss** stated that residents are concerned if the drainage system for the project is going to function properly with no impact on the neighborhood.
 - a. **Kevin Gingery**, Stormwater Engineer, provided a technical explanation of how stormwater drainage will work. **Mr. Gingery** described how the three areas of the golf course will drain through the subdivision. The stormwater plan was designed for 100 year storm protection from the upstream golf course and Big Thompson River. **Mr. Gingery** noted that part of the Big Thompson River floodplain encroaches onto a small portion of property. The applicant has submitted an application to FEMA to raise the ground and push the Big Thompson River floodplain to the North off of the property. **Mr. Gingery** further noted the submitted plan provides three points of stormwater quality enhancements to filter out debris and trash to keep pollutants out of the Big Thompson River. **Mr. Gingery** explained that Stormwater Utility Division has a maintenance and an engineering division. Maintenance is responsible for cleaning inlets of storm sewer pipes to prevent pipes from clogging. Engineering has designed the inlets with debris blockage factors. **Mr. Gingery** explained the water flow in the event the inlets are plugged.
5. In regards to existing infrastructure, **Mr. Bliss** stated residents are concerned that their water pressure has decreased over time with each new development. Residents would like to know how water pressure will be impacted and how the city will address decreased water pressure.
 - a. **Melissa Morin**, Water Division Engineer, stated that this development falls within the P1 boosted pressure zone so the area is already boosted. **Ms. Morin** ran a water model to verify the existing pressure at the location and measured 70-90 PSI. Looking at the worst case scenario for water pressure, which is typically areas located at higher elevation, **Ms. Morin** evaluated the water pressure near the clubhouse and determined that the measured 55-75 PSI is acceptable. **Ms. Morin** also processed the model with proposed demands (estimated demand high) and checked nodes at worst case scenario. **Ms. Morin** noted that the change was so minor that the pressure decrease would not be noticeable. **Ms. Morin** state that the design criteria for potable water system working pressure should not be less than 35 PSI.

Mr. Bliss then completed the final portion of the staff analysis and city recommendation. City Staff is recommending approval of both the PDP and PP with conditions tied to the Preliminary Development Plan.

Mr. Bliss introduced the applicant, **Eric Holsapple**, with Midtown Homes.

Commissioner Crescibene called for short recess at 7:45 p.m.

Commissioner Crescibene called the meeting to order at 7:54 p.m.

Mr. Holsapple introduced both his project team and consulting team. **Mr. Holsapple** noted that Midtown Homes will be rebranded to LC Homes. **Mr. Holsapple** stated the project is named The Ridge and provided a description of the proposed development. The development consists of 30 patio homes and 144 condos.

Based on concerns expressed by residents at several neighborhood meetings, **Mr. Holsapple** stated he has made changes to his plan to address these concerns. **Mr. Holsapple** provided details on the changes made to address these concerns.

COMMISSIONER QUESTIONS

Commission Ray asked what the diameter of the roundabout will be and expressed concerns with roundabouts when not designed properly. City Staff stated the roundabout will be 80 feet in diameter and **Justin Stone**, TDR, explained that new standards require a tighter roundabout to reduce speed.

Commissioner Molloy asked about the buildout plan. **Mr. Holsapple** stated he will build a portion of these homes and then the remainder may be built by another builder. Anticipated a 2-3 year buildout. Stated that they will have an architectural control committee to ensure standards are met.

Commissioner Crescibene asked if it is possible to alleviate fears that the homes won't stand up to quality if other contractors do the buildout. **Mr. Holsapple** stated the homes will be custom home quality due to covenants and architectural control standards.

Commissioner Crescibene asked about the wood fence between the Reserve and Ridge. **Mr. Holsapple** said the fence is to prevent pedestrian traffic because an easement runs along this area. The fence is very limited in length and is designed to discourage pedestrian access where such access is not desired.

Commissioner Crescibene asked **Mr. Holsapple** if a sign could be placed between the Reserve and the Ridge designating a separation of subdivisions as a way to help preserve property values. **Holsapple** stated the Ridge will have a sign; however, the Reserve will need to purchase their own sign.

Commissioner Molloy asked if the development would need to be sprinkled and **Mr. Holsapple** said it will not need to be.

CITIZEN COMMENTS

Commissioner Crescibene opened the public hearing at 8:30 p.m.

1. **Robert George**, lives on Butte Road, requested a moment of silence for the loss of wildlife, flowers, and trees if this project is approved. The request was denied by **Commissioner Crescibene**.
2. **Cathy Curtis**, area homeowner, recommended enhancing the backs of houses along the 10th fairway due to the view from clubhouse. She expressed concerns with property values and would like custom homes built here, not tract homes.
3. **Mr. Marsh**, 868 Rossum Drive, thanked **Dr. Holsapple**'s group for their willingness to listen and adapt to citizens recommendations. Also thanked **Troy Bliss** and noted his

support of the project. **Mr. Marsh** was concerned with the condition of Rossum Drive and asked the city to resurface the road as needed.

4. **Lee Pallanshe**, 874 Eagle Ridge Road, stated concerns with traffic on Highway 34. **Mr. Pallanshe** also noted concerns that the pressure has decreased over time. Most notably saw a decrease when homes built down below, when the water tower was removed from the ridge, and the addition of homes in area. **Mr. Pallanshe** stated he contacted the city in July 2015 regarding his water pressure and the city told them that his pressure is already set at the maximum level.
5. **John Lesmeister**, 5174 Stoneridge Drive, agreed with **Mr. Marsh**'s statements and thanked **Mr. Holsapple** for his willingness to change the project to meet the needs of the neighborhood. Stated concerns with the allowance of accessory buildings **Mr. Lesmeister** asked the name of the HOA and what recourse homeowners have if contractors do not comply with the restriction of construction trucks entering only from Highway 34 onto Rossum Drive.
6. **Rick Ellinger**, 848 Rossum Drive, stated that he likes several design elements of the plan; however, due to advancements in golf ball technology, golfers can hit balls further than what they could when the GDP was designed. These balls can break walls and windows. Asked if it was possible to put conditions of approval that would require certain types of wall design. **Mr. Ellinger** also noted that when assessing water pressure it is important to look at volume, not just pressure.
7. **Ken Morey**, 5415 Cedar Valley Drive, provided a history of Mariana Butte and the proposed subdivision. **Mr. Morey** stated that the homes in the Ridge are similar in size to those in the Reserve. Lot size are approximately the same size of the lots located in the adjacent subdivision. **Mr. Morey** noted concerns with 6 foot rear yard setback as other subdivisions have a 25 foot setback from right of away. Asked that houses are pulled further away from Rossum. **Mr. Morey** noted the location of the electrical was no correct on the plan. Overall, **Mr. Morey** supports the development.
8. **Amy Kregoski**, 773 Beaver Cove Court, stated she is happy with changes; however, noted concerns with gates located at the easements and recommended using a sign instead to delineate subdivisions. Also noted concerns with the deteriorating condition of Rossum Drive.

Commissioner Crescibene closed the public hearing at 9:03 p.m.

Commissioner Crescibene called for a recess at 9:03 p.m.

Commissioner Crescibene called the meeting to order at 9:15 p.m.

COMMISSIONER QUESTIONS:

In response to questions asked by the citizens during the public comment period, commissioners asked **Mr. Holsapple** and City Staff to address the following questions:

- Name of the HOA? **Mr. Holsapple** answered Ridge at Mariana Butte HOA.
- How are traffic concerns addressed? **Mr. Holsapple** stated the roundabout is the best solution, and although this is not a requirement. **Mr. Holsapple** will build the roundabout even though it is an additional expense.

- How will construction traffic be mitigated if contractors do not follow designated driving routes? **Mr. Holsapple** stated this requirement will be written into contracts with the contractors. **Mr. Holsapple** noted that restrictions on construction traffic are not required by the city but rather a solution **Mr. Holsapple** offered to help address residents' concerns.
- Will accessory buildings be allowed? **Mr. Holsapple** stated that the covenants will not allow accessory buildings.
- Who is responsible for repaving Rossum Drive if damaged? **Mr. Maizland**, TDR, stated that **Mr. Holsapple** will be responsible for resurfacing if the road is damaged as a result of construction traffic; otherwise, resurfacing of the road will occur on the regular schedule.
- What will be done to prevent golf balls damaging houses and fences? **Mr. Holsapple** stated this will be left up to the builder as no other houses have special conditions in Mariana Butte.
- What are the measurements for pressure versus volume? **Ms. Morin**, Water Division, stated that she cannot do a direct comparison of pressure to volume because she doesn't have a specific volume to measure. The only test performed that assesses volume and PSI is the fire flow capacity for fire hydrants because there is a known volume (1000 gallons per minute). The requirement for adequate fire flow capacity is 1000 gallons per minute at 20 PSI; this is available at the development site. In regards to **Mr. Pallanshe**'s complaint to the city in July of 2015, **Commissioner Meyers** asked if **Ms. Morin** could review the city's archives to provide a possible explanation for the drop in water pressure.
- Will the aesthetics of the houses be comparable to the houses currently on the golf course? **Mr. Holsapple** said the houses will be comparable to the houses in the adjacent subdivisions.
- Prior to the Mariana Butte 27th Preliminary Development Plan, what was the expected density of buildings on this property? **Mr. Bliss** stated that the General Development Plan anticipated a higher number of units on the property than this proposal.

COMMISSIONER COMMENTS:

All commissioners stated support for the project and several commissioners commented that they appreciated **Mr. Holsapple** making concessions on the plan that appeases the majority of people. **Commissioner Forrest** also thanked the citizens for voicing their concerns and working with the developer. **Commissioner Molloy** indicated support for the project but stated that although **Mr. Holsapple** has worked to appease the residents this project is mostly serving the neighborhood and not the city. Specifically, the city's master plan encourages mixed housing density available to a variety of social and economic groups; however, this plan does not meet this criteria.

1. *Commissioner Meyers moved to make the findings listed in Section VIII of the Planning Commission staff report dated January 11, 2016, and based on these findings approve the Mariana Butte 27th Subdivision Preliminary Development Plan, subject to the conditions listed in Section IX, as amended on the record. Commissioner Jersvig seconded the motion. Commissioner Crescibene asked if the applicant accepted the conditions and Mr. Holsapple accepted the conditions but requested Current Planning Condition number 3 be modified to*

define construction traffic as multi rear-wheel axle vehicles. **Commissioner Meyers** motioned to accept the change in Section 9 Recommend Conditions, Current Planning item number 3 where it states, "All construction traffic shall enter the subdivision from the north end along Rossum Drive via W. Eisenhower Boulevard. Construction traffic will be prohibited from entering the site through developed portions of Mariana Butte via Rossum Drive to the south," be amended so it only pertains to multi-axle trucks entering from that direction for construction purposes. Upon a second from **Commissioner McFall**, the motion was unanimously approved.

Commissioner Meyers moved to make the findings listed in Section VIII of the Planning Commission staff report dated January 11, 2016, and based on these findings approve the Mariana Butte 27th Subdivision Preliminary Plat, subject to the conditions listed in Section IX, as amended on the record. **Commissioner McFall** seconded the motion. **Commissioner Crescibene** asked the applicant if he accepted the conditions and **Mr. Holsapple** agreed to the conditions. The motion was unanimously approved.

ADJOURNMENT

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

Commissioner Crescibene adjourned the meeting at 9:45 p.m.

Approved by: 

Jeremy Jersvig, Planning Commission Chair



Jenell Cheever, Planning Commission Secretary