

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
February 22, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on February 22, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Meyers, Molloy, Forrest, Ray, and McFall. Members absent: Commissioner Crescibene. 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. **Robert Paulsen**, Current Planning Manager, reviewed the March 14, 2016 agenda.
2. At the January 25th Planning Commission meeting, **Commissioner Meyers** asked if **Mr. Paulsen** could research and provide an update to the Planning Commission regarding the cause of the high chlorine levels reported by a citizen while testing water west of town. In response to this request, **Mr. Paulsen** provided the following information received from **Chris Matkins**, Water Division Manager: The typical chlorine levels range between 1.2 and 1.5 ppm. Occasionally, the Water Division will see higher levels approaching 1.7 ppm; however, this is infrequent and typically related to complicated construction staging. **Mr. Paulsen** advised that any additional questions or concerns be directed to the Water Division.
 - a. **Mr. Paulsen** noted that **Chris Matkins** will be pursuing a new job and **Mr. Paulsen** can provide another contact if needed. **Commissioner Meyers** stated that he will pass this information on to the citizen.
3. In response to **Commissioner Dowding's** request for more information about the Professional Services Contracts presented by **City Manager Cahill** at the January 25th Planning Commission meeting, **Mr. Paulsen** stated that Shadow Play Films produces short films and videos used for outreach efforts by the Water and Power Department.
4. **Mr. Paulsen** stated that **Commissioner Jersvig** and **Commissioner Dowding** will attend the Boards and Commission Summit on March 3rd.
5. **Mr. Paulsen** stated that the 2015 Annual Report Findings will be finalized and sent to the commissioners prior to next meeting.
6. **Mr. Paulsen** stated that development review applications have nearly doubled since 2014; however, performance levels stayed consistent to the division's 4-year average.
 - a. **Commissioner Molloy** stated that the electronic submittal process the City of Loveland utilizes has been one of the cleanest, most reliable, and timely processes compared to other cities and counties he has worked with.
7. **Commissioner Molloy** asked the status of filling the two Planning Commissioner vacancies. **Jenell Cheever**, Planning Commission Secretary, stated that the positions will be posted soon and need to be advertised for a period of 30 days. This advertisement will be sent to

developers, participants of the Create Loveland outreach, and the Loveland Chamber of Commerce. **Commissioner Ray** recommended sending the advertisement to other boards and commissions within the city.

COMMITTEE REPORTS

- **Title 18 Committee - Commissioner Molloy:** The Title 18 February meeting addressed the downtown sign code and wireless antennas downtown. **Commissioner Molloy** stated that the Title 18 code provisions for wireless antennas need to be updated to be in alignment with the FCC requirements.
- **Zoning Board of Adjustments - Commissioner Forrest:** Findings for the February 8th hearing pertaining to a second story deck were sent out last week.

COMMISSIONER COMMENTS

- Commissioners discussed the Highway 402 Corridor joint study session held on February 10th with the Larimer County Planning Commission.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the January 25, 2016 minutes; upon a second from **Commissioner McFall** the minutes were unanimously approved.

REGULAR AGENDA

1. 5726 Byrd Drive Appeal

Project Description: This is a public hearing on a quasi-judicial matter to consider an appeal of the Planning Division's decision that an electronic message sign is not permitted on the I-25 frontage of 5726 Byrd Drive. To be eligible for an electronic message sign, the provisions require that the premise directly abut I-25 for more than 500 lineal feet, based on staff's reading of the zoning code and the property frontage is only 370 lineal feet.

The property owner, **Josh Elliott** with Autoplex, is appealing staff's interpretation of the eligibility for the electronic message sign. The appeal alleges that the code provision does not specify that the property's lot frontage must abut I-25 for more than 500 lineal feet and that the entire perimeter of the property can count towards the 500 foot requirement. The appeal states that planning staff has erred in failing to properly interpret the signage provisions in the Code.

The appeal hearing is a de novo hearing which means that the Planning Commission can receive and review all information presented. The Planning Commission's decision is final pending a further appeal to City Council.

Kerri Burchett, Principal Planner, outlined the basis of the appeal and stated that per Chapter 18.50.120 of the Municipal Code, electronic message signs are only permitted on a premise directly abutting I-25 for more than 500 linear feet. Staff has consistently applied the rule that only property directly abutting I-25 will count towards this 500 linear feet; therefore, the applicant is ineligible for an electronic sign because the property directly abutting I-25 is only 370 feet. **Ms. Burchett** stated that this sign is considered an ineligible electronic sign and therefore there is not a variance mechanism to approve this electronic sign.

Ms. Burchett described several options the applicant has to pursue other signage opportunities on their premise, including working with the adjacent property owner to establish a larger premise. This would allow an electronic sign on the I-25 frontage to be shared between the two businesses.

Ms. Burchett introduced the applicant's representative, **Danielle Llewellyn** with DaVinci Sign Systems. **Ms. Llewellyn** showed a diagram of the site location and noted that the Municipal Code does not state that the property must abut parallel to I-25. Thus, the perimeter of the property could count towards the 500 foot requirement.

Ms. Llewellyn noted that working with the adjacent property owner to obtain a shared electronic sign is not an option. This adjacent property owner has an empty warehouse and wouldn't benefit from the electronic sign and therefore is not willing to combine properties.

Ms. Llewellyn noted that the property owner, **Josh Elliott**, is actually proposing a smaller electronic sign than the Code allows for properties having 500 feet abutting I-25.

COMMISSIONER QUESTIONS AND COMMENTS

- **Commissioner Dowding** asked **Ms. Llewellyn** if the property owner purchased the property expecting to put up an electronic sign and **Ms. Llewellyn** stated "yes."

CITIZEN COMMENTS

Commissioner Jersvig opened the public hearing at 7:22 p.m.

- There were no public comments.

Commissioner Jersvig closed the public hearing at 7:22 p.m.

COMMISSIONER COMMENTS

- Commissioners discussed other sign options for the property. The property owner, **Mr. Elliot**, noted that aside from signs on the building, there are no other signs on the

property. **Mr. Elliot** also noted that the only purpose of the electronic sign is to advertise the business.

- **Commissioner McFall** stated that although city staff has consistently used the definition that only property parallel to I-25 is considered when determining the number of feet abutting I-25, he can see how the applicant interprets the code to allow property with a road perpendicular to I-25 to count their property perimeter towards the 500 foot requirement.
- **Commissioner Ray** stated that he was a Planning Commissioner when the sign code was updated in 2009 and at that time the intention of the sign code was to only consider property abutting parallel to I-25. Allowing properties that have a perpendicular crossing to I-25 to include the property perimeter to make 500 feet would potentially lead to light pollution and overcrowding.
 - **Commissioner Molloy** stated that based on the layout of other properties in the area, he did not see an issue with overcrowding if properties with perpendicular crossing to I-25 were allowed to include their perimeter to meet the 500 foot requirement.
- Commissioners discussed the definition of abut and agreed that the code is open to interpretation because the term “abut” is vague. Commissioners recommend updating the sign code to remove the word abut and replace with a better defined word.
- **Moses Garcia**, Assistant City Attorney, stated that the Planning Commission’s decision today will define how staff interprets the code and would also apply to all future applicants. There is not a variance procedure so no conditions can be placed on their decision or interpretation.

***Commission Dowding** moved to find that staff has properly interpreted the provision in Section 18.50. 120.J of the Municipal Code and direct staff to prepare written findings and conclusions for adoption by the Planning Commission within 30 days from the date of this hearing. Upon a second by **Commissioner Meyers**, the motion was defeated with one aye and six nays.*

Commissioner Jersvig called for a recess at 7:50 p.m.

Commissioner Jersvig called the meeting to order at 8:00 p.m.

***Commissioner Dowding** moved to find that the phrase “directly abutting” in Section 18.50.120 J. of the Municipal Code may be interpreted to mean “perpendicular and parallel to I-25” where there is adjacent street right-of-way, and that based on such interpretation the applicant’s property qualifies for electronic signage. Upon a second from **Commissioner McFall**, the motion passed with six ayes and one nay.*

1. Create Loveland Resolution

Project Description: This is a public hearing on a legislative matter. Create Loveland is Loveland’s new comprehensive plan; as such, it is Loveland’s road map to the future. The Plan depicts the general location, type, and intensity of future development, and establishes policies that will be used to guide growth and inform decision making. While it is an

advisory document, not regulatory document, this plan sets a framework for that will be used to develop future regulations. At this hearing, Planning Commission will be asked to recommend that City Council adopt Create Loveland.

Karl Barton, City Planner, reviewed the work, accomplishments, and revisions that were completed in order to draft the Create Loveland Comprehensive Plan. **Mr. Barton** thanked the Planning Commission, citizens, and consultants that have provided comments and contributed their time to help draft this plan. **Mr. Barton** stated that if Create Loveland is approved by the Planning Commission, he will hold a Study Session with City Council on March 22nd.

COMMISSIONER QUESTIONS AND COMMENTS

Commissioners recommended the following changes:

- Comments Table: Asked for consistency in the naming format used between the green and the red fonts. Recommended changing names listed in green print to use people's last names instead of their first names.
- Table of Contents: Noted that the page numbers listed for the appendices need to be corrected.
- Page 227: The labels of the 2 overlays need to be switched.
- Page 4-7: The date listed for the "Comprehensive Plan Text Amendments" should be changed from 2005 to 2015.

CITIZEN COMMENTS

Commissioner Jersvig opened the public hearing at 8:20 p.m.

- **Don Marostica**, member of the Stakeholder Committee, commended Karl for his hard work and supports the plan. Asked that they city work with CDOT officials when developing the I-25 corridor.
- **Marigail Jury**, representative for Loveland Senior Advisory Board, provided a copy of "The Highland Group Strategic Research, Planning, and Marketing Solutions." This document provides detail on Loveland and Larimer County Communities and provides recommendations on implementing the Comprehensive Plan. **Ms. Jury** stated that she was looking forward to partnering with the city.
- **Irene Fortune**, Transportation Advisory Board representative on Stakeholder Committee, stated that she thinks Create Loveland is a good plan but would ask that the commissioners look ahead to anticipate future conflicts and to turn down development that is not conducive to quality of life in Loveland. **Ms. Fortune** discussed the walkability within different city subdivisions and felt that Create Loveland improves the walkability of Loveland.
- **Kelly Hayworth**, coordinator with CanDo Loveland, stated her support for the plan and noted the impressive staff outreach effort and communication.

- **Katie Guthrie**, CanDo Built Environment Coordinator, stated her support for the plan and commented that the plan maintains the quality of Loveland because it was developed through a rich public process.

Commissioner Jersvig closed the public hearing at 8:43 p.m.

COMMISSIONER COMMENTS

All of the commissioners expressed support for the plan and thanked Karl for his time and community outreach effort. **Commissioner Meyers** stated that it is important to codify and institutionalize the management system so it reportable to citizens, businesses, elected officials and city staff. Also noted that it is important to consider CDOT plans, power alternatives, and homeland defense when implementing the plan.

Commissioner Meyers moved to adopt the Resolution, recommending adoption of the City of Loveland 2016 comprehensive master plan known as Create Loveland, as amended on the record. Upon a second by Commissioner McFall, the motion was unanimously adopted.


ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 8:55 p.m.

Approved by: _____


Jeremy Jersvig, Planning Commission Chair


Jenell Cheever, Planning Commission Secretary