

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 14, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 14, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, Ray, and McFall. Members absent: Commissioners Crescibene and Meyers. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; and Jenell Cheever, Commission Secretary.

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, provided a preview of the 3/28/16 Planning Commission Agenda. **Mr. Paulsen** noted that the Temporary Uses Code Amendments may be postponed until an April Planning Commission meeting.
 - a. **Commission Ray** asked if staff can place a notice on the city's website that **Dr. Maas** will present the Thompson School District Master Plan. **Mr. Paulsen** stated that any material received from the school district will be posted on our website prior to the meeting.
2. **Mr. Paulsen** asked the commissioners if they wanted to continue receiving the monthly updates from the Building Division. The commissioners stated that they would like to continue receiving the information.
3. **Mr. Paulsen** noted that the 2015 Annual Report has been released and a hard copy was provided to the commissioners. **Mr. Paulsen** referred to the Development Review Process data on page 3 and noted that although the level of applications in 2015 nearly double since 2014, that staff performance levels and efficiency has stayed nearly the same.
4. **Mr. Paulsen** noted that Create Loveland is scheduled for a City Council study session on April 12th.
5. **Mr. Paulsen** stated that **Brett Limbaugh**, the new Director of Development Services, will begin on March 21st.
6. **Mr. Paulsen** noted that the two open positions for the Planning Commission have been advertised and applications can be submitted until March 30th.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the February 22, 2016 minutes; upon a second from **Commissioner McFall**, the minutes were unanimously approved.

CONSENT AGENDA:

Commissioner Ray requested that Item 1, 5726 Byrd Drive, be removed from the consent agenda and be presented as Item 1 on the regular agenda.

REGULAR AGENDA

1. 5726 Byrd Drive Electronic Message Sign

Project Description: The Planning Commission held a public hearing on February 22, 2016 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. The Commissioners voted 6-1 to reverse staff's decision and find that the applicant's property qualifies for an electronic sign on I-25. Staff has provided the Commission with a brief memo and a resolution for approval of the Findings and Conclusions documenting the Planning Commission's vote on February 22, 2016.

COMMISSIONER COMMENTS:

- **Commissioner Ray** stated that he was not in favor of appealing the staff's decision and wanted the commissioners to vote on the resolution approval.
- **Commissioners Molloy and McFall** both stated that they drove by the site and are in full support of their prior vote and their decision to allow the electronic sign.

Commission Dowding moved to approve the Findings and Conclusions documenting the Planning Commission's vote on February 22, 2016 regarding the 5726 Byrd Drive Appeal. Upon a second by Commissioner Forrest, the motion was approved with 5 ayes and 1 nay.

2. Fairgrounds 8th

Project Description: This is a public hearing on a legislative matter to consider the annexation and zoning of a 4 acre property at 1040 S. Roosevelt Avenue. The property, which has been purchased by the city, is immediately west of the existing Loveland Fire Training Facility. It currently contains a few industrial buildings, and the industrial uses that were constructed prior to the city purchase continue to lease and operate on the property. The Fire Authority is interested in redeveloping the property as an expansion of the Fire Training Facility. The Fire Authority is beginning its master planning process for both development of the fire training use on this lot and for improvements to the existing facility on the lot to the east.

Staff believes that all key issues have been resolved based on city codes and standards

relevant to annexation and designation of the I-Developing Industrial zoning district for the property. The development of the lot as a Fire Training Facility will require a special review application and a neighborhood meeting along with a site development plan and building permit application. Upon submittal, these applications will be reviewed by staff for compliance with all code requirements.

Noreen Smyth, City Planner, described the location of the existing Fire Training Facility. The adjacent property was purchased with the intention of expanding the facility; however, this property must be annexed into the city and zoned Industrial prior to development. The Fire Training Facility would need to be approved through a Special Review prior to construction.

Sam Eliason, United Civil Design Group, representing the City, described the project and provided a brief description of the proposed site plan and discussed access roads to the surrounding sites.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Ray** asked how the River Walk project would be affected by building the Fire Training Facility. **Ms. Smyth** noted that the Parks and Recreation Department has reviewed the application and did not have any comments. **Ms. Smyth** noted that the Fire Training Facility would have dense buffering requirements and conflicts would be handled through the site development process.
- **Commissioner Dowding** asked what the existing Larimer County zoning is and **Ms. Smyth** noted that the property is currently zoned Industrial in the county.
- **Commissioner Forrest** asked if the property to the north is residential and if the city planned to purchase and annex any of this land. **Ms. Smyth** noted that the property to the north is under county jurisdiction and is zoned Industrial. The property appears to have residential uses. **Mark Miller**, Fire Chief, stated that this property is owned by the Probasco family and it will most likely not be feasible for the city to purchase.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:05 p.m.

There were no public comments.

Commissioner Jersvig opened the public hearing at 7:05 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** stated concerns with access to the facility due to the potential closing of Fire Engine Road. **Mr. Paulsen** stated that access would be evaluated as part of the Special Review process.

- **Commissioner Molloy** stated support for the Industrial zoning designation because it is consistent with the surrounding zoning.
- **Commissioner Ray** asked what the implications of the 100 year and 500 year flood plains are for the proposed Fire Training Facility. **Mr. Eliason** explained the boundaries of flood plain and noted that a majority of the existing Fire Training facility is in the 500 year flood plain and nothing can be built in this area. In the proposed new location, a majority of the property is in the 100 year flood plain and structures can be built as long as they meet the requirements for raised buildings. A small portion of the new location would be outside of the flood plain and would not have building restrictions based on the flood plain.
- **Commissioner Jersvig** stated he was in favor of the annexation and zoning.

*Commissioner Dowding moved to make the findings listed in Section VIII of the Planning Commission staff report dated March 14, 2016 and, based on those findings, recommend that City Council approve the Fairgrounds Eighth Addition to the City of Loveland and zone said land as "I-Developing Industrial." Upon a second by **Commissioner Ray**, the motion was unanimously approved.*

Commissioner Jersvig called for a recess at 7:15 p.m.

Commissioner Jersvig called the meeting to order at 7:26 p.m.

3. Zoning Overlay District Code Amendments

Project Description: This is a public hearing to consider incorporation of proposed chapter 18.44 – Flexible Zoning Overlay District into Title 18 of the Municipal Code. This amendment would allow property owners within designated areas to be exempted from standard zoning requirements. The purpose of this concept is to stimulate development in locations that are experiencing disinvestment or a lack of development activity. Consideration the proposed code amendment is a legislative matter.

Mr. Paulsen stated that a Planning Commission study session was held on January 25th and noted that the Zoning Overlay District code amendment is substantially the same; however, legal clarifications have been provided and a section was added that deals with the expiration of overlay districts. **Mr. Paulsen** gave a general overview of the provisions as provided in the Staff Report.

Mr. Paulsen stated that after the study session, staff reached out to the community for their input on the proposed code amendment. This included emailing over 100 developers and development consultants, posting the information on the city's website, and publication of a newspaper article and editorial in the Reporter Herald. **Mr. Paulsen** received 6 inquiries from the outreach efforts. Of these inquiries, **Mr. Steinbicker** was the only citizen that provided written comments. A copy of the email was provided to the commissioners stating **Mr. Steinbicker's** support for the Zoning Overlay District code amendments.

Mr. Paulsen noted that this code amendment does not proactively change the zoning on any property; an application must be submitted and approved before zoning standards are altered.

Mr. Paulsen noted that the underlying zoning stays in place, indicating that the underlying zoning provisions are superseded while the flexible zoning overlay district is in place. In the event that the overlay expires or is otherwise eliminated, the underlying zoning would be re-activated.

Mr. Paulsen provided a PowerPoint presentation, providing a summary of the code provisions, the process for adoption of an overlay district and an explanation of how the overlay would work. He also outlined changes and updates made to the proposed code amendment since the January study session. **Mr. Paulsen** outlined the application process and noted that the provisions were originally structured in such a way that approval from surrounding property owners would be required. Following additional review, it was determined that the normal public hearing process would be sufficient to receive and address citizen's concerns. Through this process, the Planning Commission would be able to provide recommended conditions to City Council.

COMMISSIONER QUESTIONS

- **Commissioner Molloy** asked if the applicant would need to submit a conceptual master plan, allowing the commissioners to see what the proposed use and project site would look like. **Mr. Paulsen** stated that the process requires the applicant to provide a conceptual plan for the project that is reviewed by staff, the Planning Commission and City Council.
- **Commissioner Molloy** asked if an applicant can potentially subdivide a large piece of property and leave some of the property out of the overlay. **Mr. Paulsen** stated that the code has no provisions to prevent this from happening.
- **Commissioner Jersvig** asked how the applicant can terminate the overlay once it is approved. **Mr. Paulsen** stated that the applicant would need to go before City Council to request a termination prior to expiration date.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 8:00 p.m.

There were no public comments.

Commissioner Jersvig opened the public hearing at 8:00 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** stated she is in favor of the amendment as it allows flexibility for the applicant and the city.
- **Commissioner McFall** stated he is in favor of the amendment as this could provide a less costly option for an applicant to develop a property.
- **Commissioner Ray** stated he is generally in favor of the amendment; however, he expressed concerns that "no zoning" puts the Planning Commission in a position to

catch all potential conflicts. However, the use of overlay expirations would allow the city to try this on a temporary basis to determine effectiveness.

- **Commissioner Molloy** stated he is in favor of the amendment and agreed that the overlay expiration is necessary.
- **Commissioner Dowding** stated she is in favor of the amendment as many areas of town may benefit from this approach.
- **Commissioner Jersvig** stated he is in favor of the amendment and feels it is very well written.

Commissioner Dowding moved to recommend that City Council approve the proposed Flexible Zoning Overlay District and incorporate these provisions into the Municipal Code as Chapter 18.44 as presented to the Planning Commission in a public hearing on March 14, 2016 and as described in the Planning Commission staff report dated March 14, 2016 as specified in the attachments thereto and as further amended on the record. Upon a second by Commissioner McFall, the motion was unanimously approved.

ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 8:07 p.m.

Approved by:



Jeremy Jersvig, Planning Commission Chair



Jenell Cheever, Planning Commission Secretary