

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
April 11, 2016**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 11, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Meyers, Molloy, and Forrest. Members absent: Commissioners Crescibene, McFall and Ray. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Jenell Cheever, Planning 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. **Mr. Paulsen**, Current Planning Manager, provided a preview of the 4/25/16 Planning Commission agenda.
2. **Mr. Paulsen** indicated that two new staff members have recently joined the Planning office: Phil Kleisler, Planner II with the Strategic Planning Division and Emily Tarantini, Planning Technician with the Current Planning Division.
3. **Mr. Paulsen** provided an update on the Planning Commission vacancies and noted that interviews will be held later in April.
4. **Mr. Paulsen** noted that there will be a public hearing for the Water's Edge annexation and zoning at an upcoming Planning Commission meeting.

COMMITTEE REPORTS

1. **Commissioner Meyers** stated that Title 18 will meet at 7:00 a.m. April 14th.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the March 28, 2016 minutes; upon a second from **Commissioner Forrest** the minutes were unanimously approved. **Commissioner Meyers** abstained from the vote.

REGULAR AGENDA

1. Westwood 3rd Subdivision – Pedestrian Easement Vacation

Project Description: This is a public hearing item concerning a quasi-judicial matter. The Westwood Third Subdivision Home Owners Association (HOA) is requesting the vacation of a pedestrian easement that provides connection with the adjoining Somerset Park neighborhood via a pedestrian bridge. The bridge spans the Mariano Exchange Ditch. The easement and the bridge have been in place for nearly 20 years following approval of the PUD and associated plans for the Westwood neighborhood. The bridge, however, has been fenced off for over two years as this connection has been the source of controversy and some related nuisance crimes affecting both neighborhoods. Now, the two neighborhoods are in agreement with the request to vacate the easement and ultimately remove the bridge. Planning staff, while generally supporting inter-neighborhood connectivity, is supporting the request as there appears to be no other solution to this issue.

Troy Bliss, Senior Planner, reviewed the Staff Report and described the location of the bridge and basis for the pedestrian easement vacation request. **Mr. Bliss** noted that although walkability will be decreased if the bridge is removed, City Staff understands the bridge is a liability and cost for the Westwood subdivision. Therefore, staff is supporting the approval of the vacation request with the recommend a condition that the Westwood Third Subdivision Final Development Plan be amended to remove the pedestrian easement.

COMMISSIONER COMMENTS:

- **Commissioner Meyers** asked if other bridges located in the Westwood subdivision were still active and **Mr. Bliss** noted that they are still active.
- **Commissioner Molloy** asked who fenced off the bridge and **Mr. Bliss** stated that it is his understanding that the Somerset HOA fenced off the bridge due to concerns with access to their park resulting in vandalism and other criminal activity. **Mr. Paulsen** noted that the pedestrian easement is a requirement of the Westwood Subdivision Final Development Plan; however, the easement ends at the end of the bridge and there is no corresponding easement through Somerset Park and onto the adjacent streets. Therefore, Somerset is able to block off access at the edge of the bridge, preventing access to the park (which is owned by the Somerset HOA).
- **Commissioner Molly** noted that a neighborhood meeting was not required for the vacation request. **Commissioner Molloy** asked if the neighborhood has been notified of the vacation request and if they approve. **Mr. Bliss** stated that signs were posted on the site notifying neighbors of the public hearing tonight. Additionally, adjoining and adjacent properties were notified. Neighbors who have contacted staff have been in support of the vacation.

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

- **Kathy Louderbach**, Touchtone Property Management representing Westwood Subdivision, noted that there was a lot of vandalism several years ago and police recommended blocking off the bridge. Vacating the easement has been discussed at HOA meetings with the general membership for the last several years. **Commissioner Molloy** asked why the Westwood HOA would like to vacate the bridge if it is already blocked off. **Ms. Louderbach** noted that it is a maintenance issue and would eventually like to remove the bridge.
- **Dennis Wacker**, President of the Westwood HOA, stated that this issue has been discussed at the Annual HOA meeting the last two years. **Mr. Wacker** noted that it was his understanding that the fence and gate located on the Somerset property were in place prior to the Westwood Subdivision being developed; however, the developer took down the gate allowing access across the bridge between the two subdivisions. Once the gate was removed, **Mr. Wacker** explained that criminal activity developed at Somerset Park and the people who lived near the bridge were also experiencing vandalism. After several interactions with the police, it was recommended that the bridge be blocked off. **Mr. Wacker** noted that the bridge currently isn't used to access the school because it is blocked off and therefore people utilize other bridges located in the neighborhood to access the school. **Commissioner Dowding** asked why vacate the easement instead of just removing the bridge. **Mr. Wacker** stated that the HOA doesn't want to be forced to reinstall a bridge at a later date. **Mr. Wacker** noted that both subdivisions would like the bridge and associated easement removed.
- **Jerry Skelton**, President of Somerset HOA, noted that in 1979 his wife was president of the Somerset HOA. At that time, a fence and locked gate was in place. However, when the Westwood Subdivision was being developed, the lock and gate were torn down. Progressively the vandalism got worse and in 2000, police recommended putting the locked gate back up. **Mr. Skelton** stated that over the last 5-6 years, Somerset has not experienced problems with criminal activity and vandalism, particularly after the access was blocked by a new locked gate.

Commissioner Jersvig closed the public hearing at 7:15 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Forrest** expressed concerns with vacating the pedestrian easement as walkability is important for the community. However, because the bridge is not accessible, **Commissioner Forrest** noted that she supports the vacation of the easement.
- **Commissioner Molloy** stated that he is not in favor of vacating the easement as removing access across the bridge restricts movement through the park and the elementary school will suffer if removed. **Commissioner Molloy** noted that even if people can't use the bridge now, there may be a solution in the future. **Commissioner Molloy** recommended discussing the issue with the Transportation Advisory Board (TAB) and going with their recommendation.
 - **Mr. Paulsen** stated he could contact the TAB staff liaison to see if this matter is of interest to the board. **Mr. Paulsen** noted that the Somerset HOA has the right

to limit access to their park because the pedestrian easement crosses the bridge but ends at Somerset Park. Without the proper connecting easement, pedestrian access is not ensured. **Mr. Paulsen** noted that in order to require access, Somerset would have to establish an easement or the City would need to purchase an easement. **Mr. Paulsen** noted that based on conversations with the Somerset HOA over the last several years, his understanding was that the Somerset HOA had no interest in establishing an easement or unblocking the connection. And based on previous research, he did not believe that the City was interested in purchasing an easement or real property in order to reestablish the connection.

- **Commissioner Dowding** stated that she doesn't want to lose pedestrian access but supports vacating because the bridge is not accessible.
- **Commissioner Meyers** supports removing the easement because the lack of a corresponding easement on the Somerset side of the bridge does not allow for access.
- **Commissioner Jersvig** supported removing the easement because both HOAs are in agreement and there currently is no access between the subdivisions. **Commissioner Jersvig** stated that he does not think taking the issue to TAB is beneficial because this matter is still a private property issue.

Commissioner Meyers moved to make the findings listed in Section VIII of the Planning Commission staff report dated April 11, 2016, and, based on those findings, recommend that City Council approve the Westwood Third Subdivision Vacation of Pedestrian Easement, subject to the conditions listed in Section IX, as amended on the record. Commissioner Forrest seconded the motion. Commissioner Jersvig asked if Ms. Louderbach accepted the required condition per the Staff Report and Ms. Louderbach stated that she accepted the condition. The motion was approved with four ayes and one nay.

ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 7:45 p.m.

Approved by:



Jeremy Jersvig, Planning Commission Chair



Jenell Cheever, Planning Commission Secretary