

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**April 25, 2016**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 25, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Meyers, Molloy, Dowding, Forrest, Ray, and McFall. Members absent: Commissioner Crescibene. 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. **Robert Paulsen**, Current Planning Manager, discussed the agenda for the upcoming 5/9/16 Planning Commission meeting.
2. **Mr. Paulsen** noted that the Current Planning office moved in to the new Development Center and opened for business today. Staff provided a tour to the commissioners prior to the Planning Commissioners meeting tonight. The grand opening will be held on June 10<sup>th</sup>.
3. **Mr. Paulsen** stated that interviews for the Planning Commission vacancies will be held April 26<sup>th</sup>.
4. **Mr. Paulsen** updated the commissioners on the following Hot Topics:
  - a. Loveland Classical Schools is moving forward with pursing a new location.
  - b. Plans for the demolition of buildings in the South Catalyst site are proceeding.

**COMMITTEE REPORTS**

1. **Commissioner Meyers** stated that the city's Title 18 Committee met on April 14th and discussed the Zoning Overlay Provisions that will be heard by the Planning Commission this evening.

**COMMISSIONER COMMENTS**

**Commissioner Meyers** motioned to move Item #1, Mountain Pacific Business Park Preliminary Development Plan, from the Regular Agenda to the Consent Agenda. Upon a second by **Commissioner Ray** the motion was approved with 5 ayes and 2 nays.

**APPROVAL OF THE MINUTES**

**Commissioner Dowding** made a motion to approve the April 11, 2016 minutes; upon a second from **Commissioner McFall** the minutes were unanimously approved.

## **CONSENT AGENDA**

### **1. Mountain Pacific Business Park Preliminary Development Plan**

**Project Description:** This is a public hearing on a quasi-judicial matter concerning a preliminary development plan for Mountain Business Park. This site is located at the southeast quadrant of the intersection of Garfield Avenue (Hwy 287) and 71<sup>st</sup> Street (LCR 30). The site includes a total of 20 acres and is zoned Planned Unit Development. The Business Park Plan proposes development of four light industrial/flex buildings totaling 48,000 sf along with minor changes to an existing office building that is part of the storage business that is located on the lot to the north.

The Planning Commission has final authority on this application barring appeal. In the view of staff, all issues have been resolved and staff is in support of the application.

**Commissioner Comments:** Several commissioners commented on the high quality of the project and thanked the applicant for their nice work.

*Commissioner Meyers motioned to approve the Consent Agenda. Upon a second by Commissioner Forrest, the motion was unanimously approved.*

## **REGULAR AGENDA**

### **2. Flexible Zoning Overlay District Code Amendments.**

**Project Description:** This is a public hearing on a legislative matter 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 and approved areas to be exempted from standard zoning requirements. City Council approval of an overlay district must occur prior to development. The purpose of this concept is to stimulate development in locations that are experiencing disinvestment or a lack of development activity.

The proposed code amendments were originally reviewed by the Planning Commission in a public hearing on March 14, 2016. Subsequent to the public hearing, staff has prepared revisions to the code provisions in collaboration with the city's Title 18 Committee. Staff is recommending that the Commission recommend approval of the code provisions to the City Council.

**Mr. Paulsen** provided background on the Flexible Zoning Overlay District provisions. **Mr. Paulsen** described several important components of the provisions and noted that districts

could only be located on non-greenfield sites. Several commissioners discussed the benefit of including this condition in the provision.

**Mr. Paulsen** noted that the provisions would not make allowances to waive or remove city infrastructure requirements. Districts would be established for specific locations and would “float” over existing zoning. The underlying zoning would be suspended until the district expired.

**Mr. Paulsen** discussed the application requirements and application steps.

**Mr. Paulsen** reviewed the changes to the provisions since the March 14<sup>th</sup> Planning Commission meeting.

**Commissioner Jersvig**, after learning that staff would be allowed to approve amendments for density/intensity increases up to 20%, he expressed interest in allowing staff to also approve lower densities through the amendment process. After discussion, commissioners agreed that the provision should be amended to allow approval of both increased and decreased density. **Mr. Paulsen** recommend amending 18.44.050 E to state that the district plan “may vary from the density/intensity and use provisions.” The commissioners approved this wording.

**Mr. Paulsen** noted that the provisions specify that unless City Council’s approval of a district plan specifies otherwise, district plans would expire after 48 months. **Mr. Paulsen** also discussed the issue of non-conformance and noted that the issuance of a building permit would be the threshold at which point the district plan would be given continued legal standing even if the district plan expires. He elaborated, indicating that the non-conformance provisions were designed to assure property owners that they could rely on city-approved plans and that their investments in carrying out the plans would be protected.

**Commissioner Jersvig** expressed concerns with allowing an applicant to achieve permanent district status after 48 months by only obtaining a building permit seemed insufficient. **Commissioner Jersvig** indicated that obtaining a building permit alone does not indicate substantial progress towards implementing a district plan.

After a lengthy discussion with **Brett Limbaugh**, Director of Development Services, and **Mr. Paulsen**, the commissioners were unable to arrive at a consensus with regards to the proposed nonconformance and expiration provisions.

**Commissioner Ray** asked that the provisions include wording that states “substantial investment as determined by City Council” and not tie the continuance of the district to anything else. **Commissioner Ray** also stated that “substantial effort” should not be based on financial contribution.

**Commissioner Ray** also recommended the following changes: Change the word “runs” in 18.44.100 Item C and remove the word “abutted” from 18.44.050 Item A.

**Commissioner Meyers** asked for clarification as to when the agreement should be recorded

with the county. **Mr. Paulsen** stated that staff can work with **Terry Andrews**, City Clerk, to determine when the agreement should be recorded.

**Commissioner Dowding** noted that in section 18.44.060 and 18.44.090, the “0” is missing prior to the “60 and “90.”

Commissioners directed staff to review and amend the overlay provisions for review at the next Planning Commission meeting. Prior to finalizing the provisions for the next Planning Commission meeting, commissioners asked that the language be emailed to them so they can comment and make recommendations. **Moses Garcia**, Assistant City Attorney, clarified that commissioners cannot discuss the provisions among themselves and comments and recommendations can only be emailed directly to **Mr. Paulsen**; however, commissioner emails can be included in the Planning Commission Agenda packet.

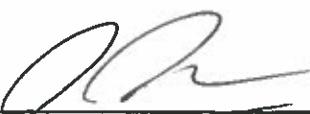
*Commissioner Dowding motioned to continue the Flexible Zoning Overlay District Code Amendments to the May 9<sup>th</sup> Planning Commission meeting. Upon a second by Commissioner Meyers the motion was unanimously approved.*

#### **ADJOURNMENT**

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

**Commissioner Jersvig** adjourned the meeting at 8:38 p.m.

Approved by:



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Jeremy Jersvig, Planning Commission Chair



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Jenell Cheever, Planning Commission Secretary