



City of Loveland

**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, May 23, 2016
500 E. 3rd Street – Council Chambers
Loveland, CO 80537
6:30 PM**

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LOVELAND PLANNING COMMISSIONERS: Jeremy Jersvig (Chair), Carol Dowding (Vice-Chair), Michelle Forrest, Pat McFall, Buddy Meyers, Rob Molloy, and Mike Ray, David Cloutier, Jamie Baker Roskie.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

This is time for citizens to address the Commission on matters not on the published agenda.

b. Staff Matters

- 1. Welcome New Commissioners: Jamie Baker Roskie and David Cloutier**
- 2. June 13th Agenda Preview:**
 - i. Harrison Ave. Vacation**
 - ii. DDA Plan of Development (Study Session)**
- 3. Development Center Open House on June 10th from 9:00 am– 11:00 am**
- 4. Electronic Signs - Joint Study Session with City Council on Tuesday, July 26th**

5. Hot Topics:
 - i. Final Findings posted for the Big Thompson Farms Gravel Special Review – appeal period ends at 5:00 pm 5/23/16
 6. Recognition of Service: John Crescibene, Planning Commissioner
- c. Committee Reports
- d. Commission Comments

IV. APPROVAL OF MINUTES

Review and approval of the May 9, 2016 Meeting minutes

V. CONSENT AGENDA

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request removal of an item from the consent agenda for discussion. Items removed from the consent agenda will be heard at the beginning of the regular agenda.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

- Does any Staff Member or Commissioner wish to remove an item from the Consent Agenda?
- Does any Community Member wish to remove an item from the Consent Agenda?

1. Waters Edge Resolution to City Council

On May 9th the Planning Commission voted 4 to 1 to recommend approval of the Waters Edge Addition annexation and zoning request. The Commission also directed staff to draft a resolution requesting that City Council review the property for potential open lands purchase. The Waters Edge Addition annexation and zoning is scheduled for City Council hearing on June 7, 2016. If this resolution is approved it will be included in the City Council packet.

VI. ADJOURNMENT

STUDY SESSION

1. Current Development Activity Map (Scott Pearson)
2. Planning Commission Overview & Decision Making (Bob Paulsen & Moses Garcia)

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
May 9, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on May 9, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Molloy, Dowding, Ray, and McFall. Members absent: Commissioners Crescibene, Meyers, and Forrest. 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 5/23/16 Planning Commission meeting.
2. **Mr. Paulsen** stated that two new Planning Commission members will be appointed at the 5/17/16 City Council Meeting.
3. **Mr. Paulsen** stated that Marcie Erion, Business Development Specialist with Economic Development, has resigned.

COMMITTEE REPORTS

1. **Commissioner Molloy** stated that the Title 18 committee will meet on Thursday, May 12th.

COMMISSIONER COMMENTS

*Commissioner Dowding motioned to move Item# 4, Flexible Zoning Overlay Code Amendments, from the Regular Agenda to the Consent Agenda. Upon a second by **Commissioner McFall**, the motion was unanimously approved.*

APPROVAL OF THE MINUTES

*Commissioner Dowding made a motion to approve the April 25, 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: The Planning Commission held a public hearing on April 25, 2016 to consider plans for four light industrial/flex space buildings totaling 46,800 sq ft in an undeveloped area within the Mountain Pacific Planned Unit Development (PUD). The PDP also

seeks approval of minor changes to the office building at the existing storage facility on the lot to the north of the Business Park, which is also within Mountain Pacific. Commissioners unanimously supported the development and instructed city staff to prepare a resolution approving the Mountain Pacific Business Park Preliminary Development Plan. Staff has provided the Commission with a brief memo and a resolution for approval of the Preliminary Development Plan.

4. Flexible Zoning Overlay Code Amendments

Project Description: This public hearing item concerning a legislative matter that was continued from the April 25th meeting. This amendment would allow property owners within designated and approved 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. Prior to the public hearing, staff has prepared revisions to the code provisions based on recommendations received from Commissioners on April 25th. Staff is recommending that the Commission recommend approval of the code provisions to the City Council.

Commissioner Dowding motioned to approve Consent Item #1, Mountain Pacific Business Park, and Item # 4, Flexible Zoning Overlay Code Amendments. Upon a second by Commissioner Ray the motion was unanimously approved.

REGULAR AGENDA

2. Thompson School District Location and Extent Review

Project Description: In accordance with State Statutes, the Thompson School District R2-J is informing the Commission as to its plans to acquire a site that is intended for future school use. The district is in the process of acquiring approximately 42 acres of property from McWhinney located directly south of the Mountain View High School. The district owns 48 acres of land designated as a future middle school in the Millennium Addition, west of Sculpture Drive and south of the Great Western Railroad. The district is looking to trade the existing property for the new property south of the high school.

Kerri Burchett, Principal Planner, described the proposal and noted that a motion was not needed; however, the commissioners were welcome to provide comments. **Skip Armatoski**, Thompson School District Planning Manager, provided additional information on the property trade. He noted that the land swap would allow more site flexibility as the current property is dedicated and restricted to a middle school. At this time the district does not have a specific plan for the new property other than annexation.

Commissioners had no comments regarding the School District's land acquisition.

3. Water's Edge Annexation and Zoning

Project Description: This is a public hearing on a legislative matter to consider the annexation

and zoning of 82.68 acres located north of 28th Street SW, south of Ryans Gulch Reservoir and directly west of the Lakeside Terrace Estates PUD and Lakeside Terrace Estates PUD Second. The owners of this property are proposing to annex and zone the Water's Edge Addition as the first step towards developing a low density residential subdivision. The property is contiguous to city limits and borders the Lakeside Terrace Estates developments. The property is designated as low density residential in both the City's current Comprehensive Master Plan and the proposed Create Loveland Master Plan. The proposed R1 zone district aligns with the residential designation in the Master Plan. Staff is recommending approval of the annexation and zoning of the Water's Edge Addition as the property lies within the City's growth management area, is in compliance with statutory annexation requirements and is consistent with the Intergovernmental Agreement with Larimer County, and it is consistent with the City's Comprehensive Master Plan.

Kerri Burchett, Principal Planner, provided a description of the property and noted that the requested R1 zoning aligns with the Comp Plan designation and is consistent with the density of adjacent development. **Ms. Burchett** described the four project stages and stated that the first project stage is Annexation and Zoning. **Ms. Burchett** noted that subdivision and infrastructure details are not required as part of the annexation and zoning phase; these plans are submitted with the Preliminary Plat and Preliminary Improvement Construction Plans associated with stage 2. The phase 2 stage will require a neighborhood meeting and a public hearing with the Planning Commission.

Ms. Burchett stated that a neighborhood meeting was held earlier this year and approximately 80 people attended. Their top three questions and concerns were: project density, traffic, and open space.

Ms. Burchett asked that Condition #8 from Transportation Development Review be updated to include the word "feet" after the number 660. Therefore the condition will read: "Residential street lengths shall not exceed 660 feet."

Ms. Burchett introduced the applicant's representative, **Jim Birdsall**, with TB Group. **Mr. Birdsall** discussed the proposed annexation and zoning and noted that the proposed zoning was consistent with the Comprehensive Plan and the associated density policies. He stated that the proposal is to build single family homes and stated that although the comprehensive plan allows up to 3 units per acre, the applicant is willing to restrict the number of units per acre to 2.3.

The applicant, **Bill Beierwaltes**, also provided a brief project description and noted that due to his history and presence in Loveland, his goal is to provide a quality development that fits within the context of the existing neighborhoods and the environmental features of the site.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Molloy** asked what the county process for development would be if the City did not annex the property. **Ms. Burchett** stated that the applicant could move to develop the property in the county if the City chose not to annex the property. The county would refer to Loveland's Comprehensive Plan, including the recommended densities, when assessing the appropriate zoning and development. The county may potentially ask to utilize City of Loveland services and utilities.

- **Commissioner Ray** asked if it would be possible for the developer to build larger homes around the perimeter of the development and then put a multi-family development in the center. **Ms. Burchett** noted that the only use by right in the R1 district is single family homes and that duplexes could only be approved through a special review process.
- **Commissioner Jersvig** asked if a church or school could be built and **Ms. Burchett** confirmed that this is a use by right and either one could be built within the future subdivision.
- **Commissioner McFall** asked if the Planning Commission will have a chance to review the Traffic Impact Study if the annexation is approved. **Ms. Burchett** confirmed that the Traffic Impact Study would be presented as part of the 2nd project stage of project approval, specifically during the review of the preliminary plat.
- **Commissioner Ray** asked if the applicant could provide basic concept drawings of their proposed development. **Mr. Birdsall** noted that although they have a preliminary plan, they do not have data to support the plan. Therefore the applicant's team is not comfortable providing a copy of the proposal until more research is completed.
- **Commissioner McFall** asked what prevents the developer from building more than the recommended condition of 2.3 units per acre. **Ms. Burchett** noted that the conditions of approval would be recommended to the City Council and incorporated into an annexation agreement. Once approved, such conditions would be mandatory. If the applicant wanted to modify the agreement thereafter they would have to obtain approval from the City Council to change any conditions or other project requirements.
- **Commissioner McFall** asked if McKenzie Road would be used to access the development. **Ms. Burchett** stated that it has been discussed to limit this road to emergency access.
- **Commissioner Ray** asked what the height limit was in the R1 zoning district. **Ms. Burchett** stated that it is 35 feet and that the applicant plans to comply with this limit.
- **Commissioner Molloy** asked what the reservoir access would be for residents of the future subdivision. **Mr. Beierwaltes** discussed the surface rights and dock access to the reservoirs.
- **Commissioner McFall** asked why the city recently purchased the Ryans Gulch property for open lands but is not interested in purchasing the Waters Edge property. **Brian Hayes**, Open Lands Planner with Parks and Recreation Department, noted that Ryans Gulch has an open lands connection (trail), a raptor nest, and is a larger and more strategically-situated property than Waters Edge in terms of its open space value. The city has evaluated the Waters Edge property and has other priorities at this time.
- **Commissioner Molloy** asked what the 20 year plan is for 28th Street. **Randy Maizland**, Transportation Development Review, stated that 28th Street is classified as a major collector. This street is not on the 2035 public improvement plan therefore all improvements would be paid for by the developer.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:38 p.m. The following individuals provided oral comments to the Commission:

- **Dick Mellot** (2765 McKenzie) stated that the wildlife should be protected and recommended the area remain open lands.

- **Dan O'Donnell** (2633 McKenzie) presented photos that were taken on the property. Recommended that the land be used as open space as an alternative to development.
- **Jim Willard** (2665 McKenzie) author of Top 10 Concerns, which was included in the Planning Commission Agenda packet, expressed concerns that future residents would use McKenzie Drive to cut through the neighborhood because it may be an easier way to exit the subdivision.
- **Dick Stenbakken** (2493 Frances Dr.) stated that residents from different areas of Loveland utilize this undeveloped land. A better option than the proposed development is designating the property for open land and suggested that City Council and Planning Commission take a look at reprioritizing this property as open space. **Mr. Stenbakken** stated that he has over 158 signatures of people who support having the land purchased and reserved as open space.
- **Steve Olsen** (1668 McKenzie Ct.) stated that he supports the annexation and zoning proposal; however, he expressed concerns that the additional traffic will negatively impact the wildlife and adjacent neighborhood. He also requested that an additional point of egress be considered and asked if County Road 16 could be open to local traffic.
- **John Felicelli** (2763 Amber Dr.) expressed concerns with traffic, paving of roads and the lack of sufficient traffic lights at the Wilson and 28th Street intersection. Also expressed concerns with residential flooding and high ground water on the annexation site due to several streams.
- **Karl Noack** (2109 Flora Ct.) stated that wildlife and views will be impacted if this land is developed.
- **Deborah Jansen** (2527 McKenzie Dr.) expressed concerns that development will affect the wildlife and the land should be preserved and shared with all of Loveland.
- **Dee Clemens** (2433 Flora Ct.) asked if it was possible to get money from Parks and Rec to purchase the land.
- **Dusty Williams** (1532 S County Road 17C) stated that County Road 16 is a ditch rider access and not actually a road. **Mr. Williams** noted that his family owns all of the property to the west of **Mr. Beierwaltes'** property and doesn't want CR 16 opened to local traffic because it would interrupt his ranching operation.
- **Michael Yousif** (1452 Gloria Ct) discussed the impact on the area due to the increased development and felt that there was nothing stopping the developer from increasing the number of units per acre. **Ms. Burchett** clarified that if City Council approves the staff recommended density cap, this condition would be incorporated into the Annexation Agreement. If the applicant ever wanted to increase the number of units per acre, the applicant would need to complete the annexation amendment process, including a neighborhood meeting, Planning Commission hearing and City Council hearing.
- **Michael Ungs** (2367 Amber Ct.) asked if the Planning Commission can recommend that an environmental impact study (EIS) be performed prior to development. **Ms. Burchett** stated that an environmental study was conducted and included in the Planning Commission agenda packet. Additionally, any future development must comply with the findings of the environmental study.
- **Julie Harden** (2673 Amber Drive) stated concerns with traffic as there are no sidewalks in the area and this can be dangerous for pedestrians. Additionally, pedestrians are not utilizing bicycle path.

- **Leo Grassens** (636 SW 26th Street) asked that the Planning Commission give the project and the issued raised full consideration and that a decision should not be made until the project and its impact was fully evaluated.

Commissioner Jersvig closed the public hearing at 8:35 p.m.

Commissioner Jersvig called for a recess at 8:35 p.m.

Commissioner Jersvig called the meeting to order at 8:50 p.m.

COMMISSIONER QUESTIONS:

- Commissioners asked **Mr. Maizland** to address questions and concerns expressed regarding traffic. **Mr. Maizland** stated that without a traffic study he could only talk in general terms. The Traffic Impact Study (TIS), to be reviewed with the preliminary plat, will include the proposed project along with existing developments and proposed developments that have a vested plan. Cut-through traffic may potentially be addressed in the TIS. Additionally, the TIS will determine the necessary offsite improvements. **Mr. Maizland** stated that based on a resolution passed by the county, it is not possible for CR 16 to be opened to local traffic unless an application was processed through the county.

Commissioners asked **Mr. Hayes** to address the request to designate the property as open space. **Mr. Hayes** stated that funding for open space comes from several sources, including county taxes. The Parks and Recreation Department's budget typically goes to parks projects, not open space. In regards to purchasing the property for open space, City Council, citizens, staff, Larimer County, and other entities help establish the list of properties and priorities. The priorities are based on 20 different criteria.

- **Commissioner McFall** thanked the community for their involvement and stated that he has mixed feelings in that he appreciates the wildlife and views but also believes the property owner has the right to develop the land. He would be in favor of having the Open Lands Commission reevaluate the property and see if City Council can find funding to purchase the property.
- **Commissioner Molloy** stated that he is undecided as to his support for the annexation, as the annexation and zoning meets the findings the city has compiled; however, the property is currently on the open lands list and may be considered a priority in the future.
- **Commissioner Ray** agreed with Commissioners McFall and Molloy. He thanked community members for their participation. Commissioner Ray stated that he supports annexation as the current developer is willing to meet the requirements being recommended by city staff. In the future, another developer may not be compelled to comply with city staff recommendations. He would ask that a resolution be sent to City Council to reevaluate this property as potential open space.
- **Commissioner Dowding** thanked the community for their well-organized comments. Commissioner Dowding stated she agreed with Commissioner Ray and supports annexation; however, she is deeply concerned that the development will put significant stress on the

streets. She would ask that when the development team evaluates the Preliminary Plat and Preliminary Improvement Construction Drawings that they give critical consideration to the traffic as it approaches Taft and 28th Street.

- **Commissioner Jersvig** thanked the community for their involvement. He stated that the Planning Commission's responsibility tonight is to make a recommendation on annexation and zoning only, and not determine if the property should be open space. Therefore, he stated that he supports the annexation and rezoning but would request a resolution asking City Council to ask Open Lands to reconsider this property for open space.

Commissioner Dowding moved to make the findings listed in Section VII of the Planning Commission staff report dated May 9, 2016 and, based on those findings, recommend that City Council approve the Waters Edge Addition, subject to the conditions listed in Section VIII, as amended on the record, and zone the addition to R1- Developing Low Density Residential. Commissioner Ray seconded the motion and the applicant accepted the conditions. The motion was approved with 4 ayes (Commissioners Jersvig, Dowding, Ray, and McFall) and 1 nay (Commissioner Molloy).

Commissioners discussed directing **Moses Garcia**, Assistant City Attorney, to draft a resolution to City Council asking Open Lands to reconsider this property for open space.

Commissioner Ray motioned to request the City's Attorney's office to draft a resolution for the next Planning Commission asking City Council to support open space. Upon a second by Commissioner Dowding, the motion was unanimously approved.

Mr. Paulsen stated that the resolution will be presented at the May 23rd Planning Commission meeting and while citizens are welcome to attend the meeting, this item will not be a public hearing matter.

ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 9:30 p.m.

Approved by: _____
Jeremy Jersvig, Planning Commission Chair

Jenell Cheever, Planning Commission Secretary



Current Planning Division

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www.cityofloveland.org/DC

Planning Commission

May 23, 2016

Agenda #: Consent Agenda - 1

Title: Waters Edge Addition
Planning Commission Resolution

Applicant: Luxor LLC, Linda Beierwaltes

Type: Resolution

Location: North of 28th Street SW, south of
Ryans Gulch Reservoir and west of
Taft Avenue and McKenzie Drive.

Existing Zoning: County FA -Farming

Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the Resolution

Recommended Motion:

*Move to approve Resolution #16-05 of the
Planning Commission of the City of Loveland,
Colorado, recommending that the City Council
consider purchase of the proposed Waters Edge
Addition as open space*

Summary of Project

At the Planning Commission public hearing on May 9, 2016, the Planning Commission voted 4-1 to recommend approval of the Waters Edge Addition annexation and zoning request. The Commission also directed staff to draft a resolution requesting that City Council review the property for potential open lands purchase. The attached resolution was drafted by the City Attorney's Office.

The Waters Edge Addition is scheduled for a City Council hearing on June 7, 2016. If approved, the resolution will be included in the City Council packet.

PLANNING COMMISSION

RESOLUTION NO. 16-05

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
LOVELAND, COLORADO, RECOMMENDING THAT CITY COUNCIL
CONSIDER PURCHASING THE PROPOSED WATERS EDGE ADDITION
AS OPEN SPACE**

WHEREAS, on May 9, 2016, after a noticed, public hearing, the Planning Commission approved for recommendation to the City Council annexation of the proposed Waters Edge Addition to the City and zoning such addition R1-Developing Low Density Residential; and

WHEREAS, the proposed Waters Edge Addition is located north of 28th Street SW, south of Ryans Gulch Reservoir and west of Taft Avenue and McKenzie Drive, and is comprised of 82.68 acres of undeveloped land that includes grasslands, wetlands, and wildlife habitats; and

WHEREAS, pursuant to evidence presented at the hearing, including testimony by Loveland residents who live in nearby and adjacent subdivisions, the Planning Commission finds there is significant value in maintaining the natural, undeveloped characteristics of such addition within the proposed Waters Edge Addition; and

WHEREAS, while the proposed Waters Edge Addition meets the required conditions to support annexation and zoning as set forth above, the Planning Commission finds that there is a valid basis to recommend that City Council consider purchasing such addition as open space.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING
COMMISSION OF THE CITY OF LOVELAND, COLORADO:**

Section 1. That the Planning Commission recommends that City Council consider purchasing the proposed Waters Edge Addition as open space.

Section 2. That the Director of Development Services submit this resolution to City Council in conjunction with the Planning Commission's May 9, 2016 recommendation to annex the Waters Edge Addition and zone such addition R1-Developing Low Density Residential.

Section 3. That this Resolution shall be effective as of the date and time of its adoption.

Signed this _____ day of May, 2016

LOVELAND PLANNING COMMISSION:

Jeremy Jersvig, Chairperson

ATTEST:

Planning Commission Secretary

APPROVED AS TO FORM:

Assistant City Attorney



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MEMORANDUM

May 23, 2016

To: Loveland Planning Commission
From: Bob Paulsen, Current Planning Manager
Subject: May 23rd Study Session

Following the regularly scheduled Planning Commission meeting on Monday, May 23rd, a study session will be conducted. The study session will not be televised. At the study session, staff will present information to the Planning Commission on the following topics:

Current Development Activities Map (20 minutes)

Scott Pearson will provide an overview of the interactive web-based mapping system, familiarizing the Commission with how to access the map and use it to obtain information on recent development applications. Scott will also discuss recent refinements to the mapping system. While much of this information has been presented previously, staff feels it is important to ensure that Commissioners know the extent of information available through this easy-to-use tool.

- A two-page handout has been provided in the Commission information packet.

Planning Commission Overview & Decision Making (45 minutes)

Bob Paulsen and Moses Garcia will present information relative to Planning Commission operations, including the process of decision making for the variety of matters that come before the Commission. Commissioners are encouraged to ask questions and discuss this information during the study session.

Materials provided:

1. Planning Commission Overview document (3 pages)
2. Planning Commission Decision Making document (2 pages)
3. Actions for Development Applications (1 page)
4. List of Acronyms and Terminology (1 page)

Current Development Activities Map

To find the Current Development Activities Map:

Type cityofloveland.org/cda into your browser or follow these steps...

1 – Go to the City of Loveland website, www.cityofloveland.org.

Find **Living in Loveland** and hover over **I Want To....**

2 – Click on **Find Property Development Information**



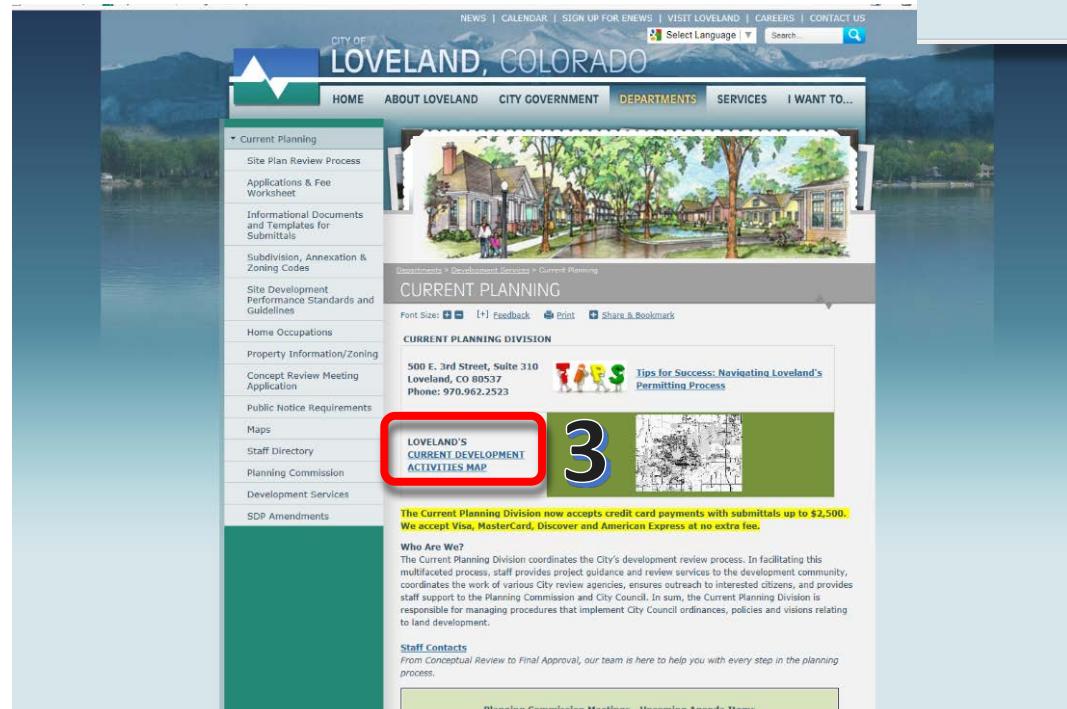
1

2

LIVING IN LOVELAND

I Want To...

Find Property Development Information

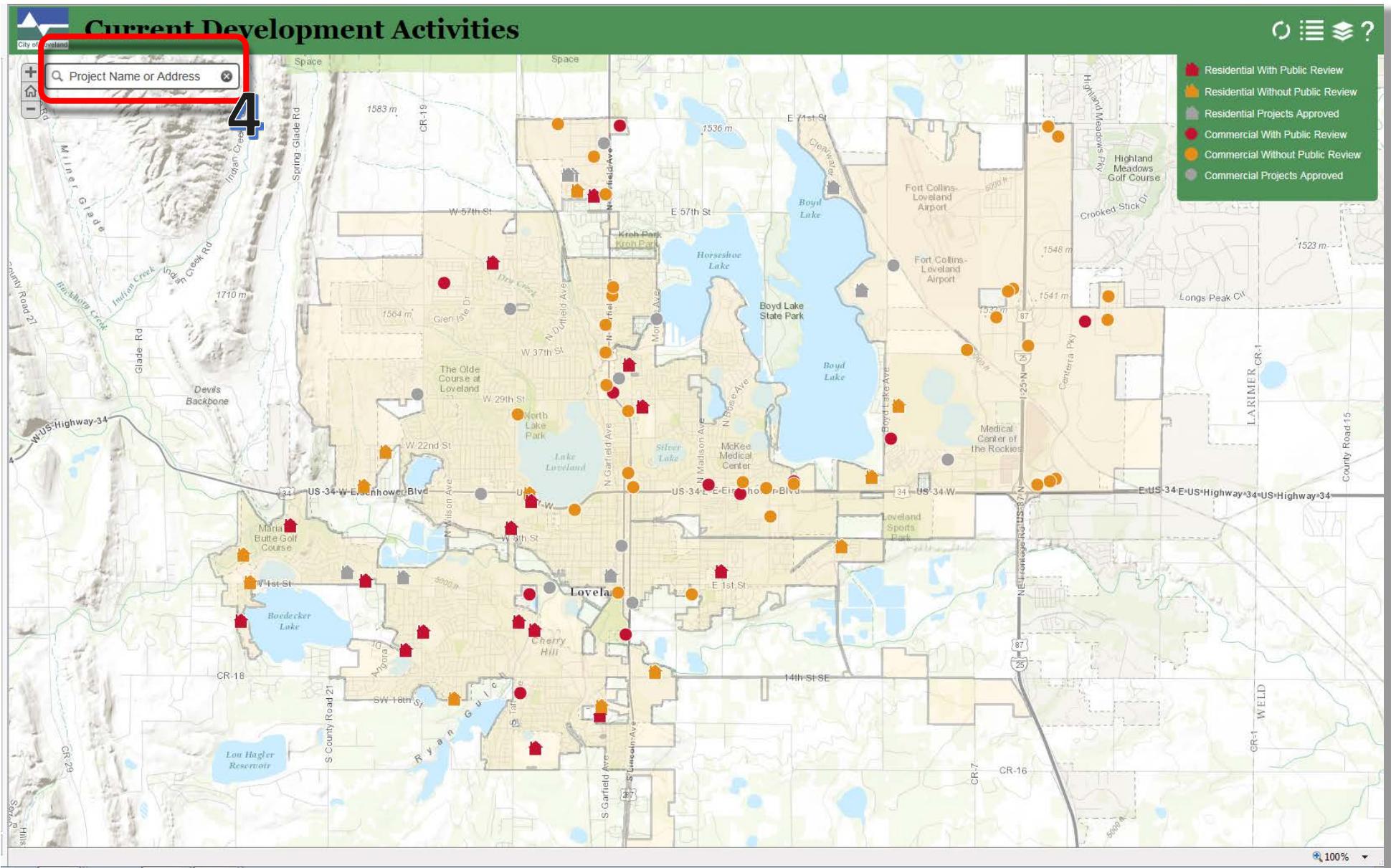


3

LOVELAND'S CURRENT DEVELOPMENT ACTIVITIES MAP

3 – On the **Current Planning web page. Scroll down to Click on either the text: **Current Development Activities Map****

4 – Click an icon directly on the map or type in a Project Name or Address.



PLANNING COMMISSION OVERVIEW

The following is a general overview of information related to the Planning Commission. As this information is general in nature, specific questions regarding this information should be directed to the Current Planning Manager or to the designated Assistant City Attorney. Planning Commissioners or the interested public are encouraged to request additional information to obtain clarity on the following topics.

PARTICIPANTS AND STAKEHOLDERS IN THE DEVELOPMENT REVIEW PROCESS

Planning staff role in relation to the Planning Commission

- Staff Liaison—Current Planning Manager: Point of contact for applicable policies, procedures, and requests for information. Takes actions as directed by the Commission. Approves materials for PC review. Appointed leader of the development review team. Prepares reports to inform and guide the Commission.
- PC Secretary—Point of contact for routine matters. Coordinates the posting and distribution of information. Prepares minutes. Ensures that steps relating to Commission actions have been completed.
- Other Planning staff—Under the guidance of the Current Planning Manager, provides presentations, reports and related support to the Commission.

Assistant City Attorney

- Legal Representative to the Commission—Point of contact for legal questions and hearing procedures. Provides guidance on conflict of interest and other legal issues. Commissioners may contact the Assistant City Attorney directly on legal matters.

City Development Review Team (DRT)

- Interdepartmental team that conducts the review of subdivision, zoning and annexation applications to determine compliance with City standards, including utility and roadway design when needed.
- Provides written comments and is available for input at public hearings at the request of the Commission.
- Many development applications are reviewed by the DRT that do not require Planning Commission review.

Applicants

- Applicants and their consultant teams have typically invested a great deal of time and money in their applications/project designs by the time they come before the Commission. Staff works to ensure that their team is ready for public hearings and is prepared to answer technical questions.
- The applicant's consultant team is typically best able to answer project questions and the rationale for specific design decisions.

Citizens

- All Commission meetings are open to the public and provide the opportunity for public input.
- Neighborhood meetings are held prior to public hearings in order to inform interested property owners and other neighbors of the proposed project. Summaries of these meetings are provided to the Commission.
- Staff encourages public involvement. Printed materials must be sent to the Commission through the PC Secretary and are generally provided in the staff report package. Commissioners should not receive direct communications from the public outside of the hearing process.
- All Commission meetings must be open to the public except for legally convened executive sessions.

PLANNING COMMISSION OVERVIEW

Title 18 Committee

- This ad hoc committee (has been in existence for several years) includes the Mayor and a Councilor, two Planning Commissioners and two private sector professionals involved in land development or design. The Committee works with and advises staff on amendments to the zoning and subdivision codes, and monitors the development review process.

Planning Commission

- The Commission has a variety of authorities based on stated provisions in the Subdivision, Annexation and Zoning codes. The Boards and Commissions Handbook also identifies some procedures and authorities of the Commission.
- The Commission agendas are mostly comprised of public hearings relating to subdivision, annexation and zoning applications.
- Note that most land development applications do not require a public hearing or Commission review. Site development plans are typically approved administratively.
- Requests for substantial research or other staff work should be presented to the Current Planning Manager and must be cleared by the City administration

Zoning Board of Adjustment

The Planning Commission serves as the Board of Adjustment which has the power to grant variances from standards of the zoning code. Each year, the Commission appoints a member to serve as the Hearing Officer for the Board. The full Commission only hears appeals of the Hearing Officer's decisions.

City Administration

- The City administration directs staff and may have involvement in guiding the preparation of material and recommendations to the Commission.

City Council

- The governing body of the City.
- City Council does not provide direction to staff on quasi-judicial matters that go to the Commission or onto City Council.
- Many items that come before the Planning Commission require final approval by the City Council
- Commissioners should not be discussing current quasi-judicial items with City Councilors

Public Hearings

- When a public hearing is scheduled, public notice requirements must be satisfied. Notice typically includes a notice published in the newspaper, a posted notice on the site, and mailed notice to property owners within the specified radius of the site.
- Public hearings must include the opportunity for meaningful public input.

PLANNING COMMISSION OVERVIEW

COMPREHENSIVE PLAN

- This plan is the master plan for the City. It addresses a range of topics and policies. The Comp Plan establishes a basic framework for the development of the community. Strategic Planning staff are responsible for developing and amending the Comp Plan.
- Staff and the Planning Commission are guided by the implementation priorities of the Plan.
- Section 4 of the Plan (The Land Use Plan) is the most pertinent portion of the Plan to land use and zoning matters.
- Functional component plans are more specific aspects of the Comp Plan. The plans that relate to land use and development are reviewed by the Planning Commission prior to City Council adoption. These component plans include: *Highway 287 Strategic Plan, Transportation Plan, Bike and Pedestrian Plan; Parks and Recreation Master Plan, and Destination Downtown: Heart Improvement Project.*

CODES

Subdivision Code (Title 16)

- Provides rules and regulations for the division of land to allow transfer of ownership and/or development. There are several types of subdivision applications and the requirements for public hearings and public notice vary by type.
- The establishment and vacation of easements is also addressed in this code.
- Capital Expansion Fee (CEF) provisions specify that growth related costs incurred by the City on capital facilities (streets, public safety, library, etc.) are assessed and collected.
- Adequate Community Facilities (ACF) provisions ensure that community facilities needed to support a proposed development meet or exceed established City service levels.

Annexation Code (Title 17)

- Title 17 specifies procedures, policies and standards for the annexation of property into the City.

Zoning Code (Title 18)

- The code is designed to ensure orderly development of the community, providing a regulatory framework to implement the land use policies of the Comprehensive Plan.
- This sizable code specifies the use allowances for each zoning district along with development standards relating to building height, setback, open space, lot area, off-street parking and similar parameters.
- The zoning code outlines procedures for the development review process.
- Public notice and public hearing requirements for various application types are specified herein as are Appeal procedures.
- Architectural standards address multi-family, commercial and industrial development.
- The Site Development Performance Standards and Guidelines is an important component of the code; these standards address landscaping and site design for multi-family, commercial and industrial development and redevelopment; these provisions have a significant influence on the appearance and image of the community.

PLANNING COMMISSION DECISION MAKING

What kinds of decision does the Planning Commission make?

- Decisions made by a public body can usually be classified into one of the following three categories:
 - Legislative;
 - Administrative; or
 - Quasi-judicial
- **Legislative decisions** are those decisions which are of a permanent or general character, constitute a declaration of public policy, are not normally restricted to a specific person or group, and are prospective in nature, examples of which include:
 - Adoption of a new land use or zoning code;
 - Amendment or approval of a comprehensive plan;
 - Vacating a roadway;
 - Approval of an annexation; and
 - Enactment of any new law in the exercise of the City's general police powers.
- **Administrative decisions** are those decisions which are temporary in operation and relate to acts necessary to carry out the City's existing legislative policies, examples of which include:
 - Asking staff to provide information on a topic;
 - Setting or revising meeting times or dates.
- **Quasi-judicial decisions** are those decisions which generally involve the determination of the rights, duties and obligations of a specific individual or entity on the basis of the application of existing law or policy to past or present facts developed at a noticed hearing conducted for the purpose of resolving the particular interests in question, examples of which include:
 - Appeals to the Planning Commission of a ZBA or administrative decision;
 - Public hearings regarding zoning or rezoning of a property;
 - Approving a preliminary development plan (PDP);
 - Approving a preliminary plat;
 - Approving a single-phase or multi-phase general development plan (GDP); and
 - Approval of a "site-specific development plan" to establish a "vested property right" under City Code Chapter 18.72.

What differences, if any, are there in how a Commissioner can decide legislative, administrative and quasi-judicial matters?

- A Commissioner has much more latitude in deciding legislative and administrative matters than he or she does in deciding quasi-judicial matters.
- In deciding quasi-judicial matters, Commissioners are constrained in several respects because they are, in effect, acting as the judge and jury in deciding the matter and, as such, should make their decisions like a judge and jury would, which means in making their decision Commissioners should:

- Only consider and rely on the information and evidence presented as part of the record at the quasi-judicial hearing and, therefore, not consider or rely on information or evidence outside the record;
- Not have off-the-record communications with parties and City staff involved in a quasi-judicial matter, which would mean in the appeal of a land use matter no off-the-record communications concerning the merits of the matter with the land use applicant, opponents of the land use application or City staff;
- Not rely on their specific personal knowledge of a fact relating to the matter unless there is independent evidence presented at the hearing which confirms the Commissioner's personal knowledge of that fact; and
- Decide the matter in a fair and impartial manner by applying the applicable City Code provisions and standards to the evidence presented at the hearing.

- In deciding legislative and administrative matters, Commissioners are given broad discretion and are free at any time to discuss these matters with constituents and citizens and to consider and rely on information received outside of the Planning Commission meeting at which the matter is being considered.

In what ways can the Planning Commission make its decisions or act formally?

- The Planning Commission can only make its decisions or take formal action by using one of the following two forms of action;
 - Resolution; or
 - Motion
- To adopt a resolution or motion, only a majority of the quorum present must vote in favor of the resolution or motion.

Are there any matters on which a Commissioner cannot vote?

- A Commissioner cannot vote on any matter concerning that Commissioner's own conduct.
- A Commissioner cannot vote on any matter in which the Commissioner has a "conflict of interest," as defined in the Charter (for a detailed description of what "conflict of interest" is under the Charter, see the section on "Ethics and Conflicts of Interest").

Does the Planning Commission have specific rules of procedure it follows in conducting its meetings?

City Council has adopted a Handbook for Boards and Commissions, which states that meetings of city boards and commissions may be held in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the board. The Handbook provides that when necessary, in order to effectively conduct business, as determined by a majority vote of those present, Robert's Rules of Order shall be in effect.

Actions for Development Applications

Application	Staff Role	Planning Commission Role	City Council Role
Annexation	Recommendation	Recommendation	Final Action
Zoning	Recommendation	Recommendation	Final Action
Rezoning	Recommendation	Recommendation	Final Action
GDP	Recommendation	Recommendation	Final Action
PDP (non-phased)	Recommendation	Recommendation	Final Action
PDP (phased)	Recommendation	Final Action *	-
FDP	Final Action *	-	-
Preliminary Plat	Recommendation	Final Action *	-
Final Plat	Final Action *	-	-
Minor Sub.	Final Action *	-	-
Site Development Plan	Final Action *	-	-
Special Review	Final Action *	-	-
Lot Merger/ Boundary Line Adjustment			
Vacation	Recommendation	Recommendation - ROW only	Final Action
Variance	Recommendation	Final Action from Variance Hearing Officer*	-
Home Occupation	Final Action*	-	

* This symbol denotes a final action unless an appeal is received. If an appeal is received on a decision made by staff, the appeal is forwarded to Planning Commission for a final action. If an appeal is received on a decision from Planning Commission, the appeal is forwarded to City Council for a final action. If an appeal is received from a decision made by the Hearing Officer, the appeal is forwarded to the Planning Commission, which acts as the Board of Adjustments for the City.



City of Loveland

Acronyms & Terminology

Planning/General

DRT (Development Review Team)
CR (Concept Review)
PUD (Planned Unit Development)
GDP (General Development Plan)
PDP (Preliminary Development Plan)
FDP (Final Development Plan)
PP (Preliminary Plat)
FP or Minor Sub (Final Plat)
BLA (Boundary Line Adjustment)
LM (Lot Merger)
CEF (Capital Expansion Fee)
PICP (Public Improvement Construction Plans)
CIP (Capital Improvement Project)
GMA (Growth Management Area)
CIA (Community Influence Area)
CPA (Cooperative Planning Area)
NIMBY (Not In My Backyard)
IRP (In Review Process)
SIF (System Impact Fees) Water/Wastewater

Comprehensive Plan Designations

LDR (Low Density Residential)
MDR (Medium Density Residential)
HDR (High Density Residential)
RAC (Regional Activity Center)
DAC (Downtown Activity Center)
NAC (Neighborhood Activity Center)
CC (Corridor Commercial)

Transportation Development Review

TDR (Transportation Development Review)
TIS (Traffic Impact Study)
MTIS (Master Traffic Impact Study)
LOS (Level of Service)
LCUASS (Larimer County Urban Area Street Standards)

Building

F&F (Footing and Foundation)
CO (Certificate of Occupancy)