

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 Unga** (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