

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
June 27, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 27, 2016 at 6:30 p.m. Members present: Co-Chairman Dowding, and Commissioners Meyers, Molloy, Forrest, Ray, McFall, Roskie, Cloutier. Members absent: Chairman Jersvig. 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. A complete video recording of the meeting is available for two years on the City's web site as follows: <http://loveland.pegcentral.com>

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Robert Paulsen**, Current Planning Manager, provided a preview of the July 11th and July 25th Planning Commission Meeting.
2. **Mr. Paulsen** noted that the Planning Commission and City Council will have a joint study session on July 26th to discuss Electronic Sign Provisions
3. **Mr. Paulsen** stated that the first reading for the Flexible Zoning Overlay provisions will be presented to City Council on July 5th.
4. **Mr. Paulsen** stated that the West Eisenhower Reinvestment Zone is on the July 19th City Council agenda.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Meyers made a motion to approve the June 13, 2016 minutes; upon a second from Commissioner Forrest the minutes were unanimously approved.

CONSENT AGENDA

1. Anderson 1st Subdivision Preliminary Plat Extension

Project Description: This request requires quasi-judicial review by the Planning Commission to consider extension of the Preliminary Plat for Anderson 1st Subdivision for an additional one-year period. The preliminary plat and PUD Preliminary Development Plan

were approved by the City in January 2009. Extensions have been granted by the City since that time to keep the plat and plans valid. The most recent extension was granted by the Planning Commission on 8/10/15 for one year.

The property is located at the northeast corner of South Lincoln Avenue and South 42nd Street. The western portion of the property, consisting of approximately 34 acres, is zoned E-Employment and is controlled by a Concept Master Plan. The eastern portion of the property, consisting of 89.35 acres, is zoned “Ridge at Thompson Valley PUD” which allows a maximum of 152 dwelling units, and a gross density of 1.7 dwelling units per acre. Planning Commission has final authority on this matter.

Commissioner Meyers motioned to approve the items on the consent agenda. Upon a second by Commission Molloy, the motion was unanimously approved.

REGULAR AGENDA

2. Plan of Development (DDA)

Project Description: This item was continued from the June 13, 2016 Planning Commission meeting to allow the applicant time to adjust the Plan of Development to reflect Commission comments provided at the June 13, 2016 meeting.

The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) was initially reviewed by the Planning Commission on June 8, 2015 and subsequently approved by the City Council on July 7, 2015. The DDA Plan has been amended to incorporate minor changes in anticipation of the 2016 ballot measure—the ballot measure is needed to secure revenue generating measures for the DDA. By statute, the Planning Commission must review any Plan amendments, making a recommendation to the City Council for adoption. The amendments are reflected in redline format in the submitted Amended DDA Plan.

The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. After receipt of the Planning Commission recommendation, the City Council will hold a public hearing and thereafter consider a resolution approving the Amended DDA Plan. Review of this Amended Plan does not require a public hearing.

Mike Scholl stated that the commissioners’ requested revisions were incorporated into the Plan of Development per guidance from both the DDA and City of Loveland Attorneys.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Meyers** asked for clarification on the definition of food sales tax. **Blair Dickhorner**, Attorney representing the DDA, stated that the definition of food sales tax is defined in the City Code.

- **Commissioner Meyers** also asked if the plan defines items that should be taxed and items that are exempt from food sales tax. **Mr. Scholl** stated that the city is experienced with segregating out different items that should and should not be taxed.

Commissioner Molloy motioned to recommend the City Council adoption of the Amended Plan of Development for the Downtown Development Authority. Upon a second by Commissioner Forrest the motion passed with five ayes and three nays (Commissioners Ray, McFall, and Meyers).

3. **Gatorwest Annexation and Zoning**

Project Description: This is a public hearing regarding the proposed annexation and zoning of a 2.3-acre property located at 5100 Granite Street. The associated zoning request is for B - Developing Business. Annexation is a legislative matter, and final decision making authority rests with the City Council. The property is located along the west side of North Garfield Avenue (State Hwy. 287) to the north of 50th Street and to the south of Ranch Acres Drive. This area of Garfield includes a mix of commercial businesses and vacant property; there is a mixed pattern of annexed land in this area. The annexation and zoning request is compliant with State Statutes and with City policies and staff believes that all key issues have been resolved. Consequently, staff is recommending that the Planning Commission recommend approval of this application to the City Council.

Noreen Smyth, Senior Planner, provided a project description and noted that the project meets the requirements for city annexation. The property is currently vacant; however, it is mostly surrounded by developed property. **Ms. Smyth** noted that city staff is recommending the two conditions listed in the Staff Report.

Several commissioners raised initial questions, expressing concerns with increased traffic on Granite Street and asked if it was possible for the property to obtain access off of Highway 287. **Ms. Smyth** noted that the Colorado Department of Transportation (CDOT) would need to approve access from Highway 287 and it is unlikely CDOT would issue this approval.

Bryan Short, project applicant and property owner, provided a brief description of his business and his request to build a new office building at this location once annexation has been accomplished.

Several commissioners asked what the estimated traffic increase and impact on the neighborhood would be. **Mr. Short** stated that the impact would be minimal, explaining that he has a couple of survey crews with approximately six people each that would operate from the site. In addition, the facility would receive small deliveries from UPS approximately every other day. **Mr. Short** noted that all retail operations are primarily internet based, thus minimizing traffic associated with product sales.

Commissioner Roskie asked if the automotive repair business mentioned in the Concept Review is still considering renting space onsite. **Mr. Short** noted that this business is no longer a potential renter because the use requires Special Review approval.

CITIZEN COMMENTS:

Commissioner Dowding opened the public hearing at 6:55 p.m.

- **Darrell Hughes**, resident, asked what the differences are between the B Zoning District in the county and city and why the business could not exist in the county. Mr. Hughes also expressed concerns that the site is located near a large elementary school and that residents already have problems with traffic flow. Mr. Hughes also asked if there is another potential tenant that could rent space onsite.
- **Marvin Oleske**, resident, stated that he felt the business is ideal for this site and it is consistent with the other small businesses surrounding the property. However, he stated that he preferred that the business stay in the county because much of the surrounding property is in the county.
- **Gail Woofter**, resident, stated that the residents already experience traffic congestion and would like to know how many accidents have occurred in the past year at Highway 287 and Ranch Acres. Ms. Woofter expressed concerns for the safety of the children in the neighborhood and asked what it means that the right-of-way was vacated or abandoned. Ms. Woofter requested that the fire department review the plan to determine the required width of the street to accommodate emergency vehicle access.

Commissioner Dowding closed the public hearing at 7:05 p.m.

- **Ms. Smyth** addressed the questions asked during the public hearing. She noted that an intergovernmental agreement between the city and Larimer County specifies expectations and requirements for the annexation of property that is located within the city's Growth Management Area. **Ms. Smyth** noted several benefits of annexing the property into the city, including the ability of the city to ensure that future development is aligned with the recently adopted 287 Strategic Plan and the city's new comprehensive plan..
- **Ms. Smyth** explained that a right-of-way on 51st Street, previously intended for the extension of 51st Street, had been vacated and is now part of private land. Consequently, 51st Street will not be extended to intersection Hwy. 287 in the future.
- **Ms. Smyth** noted that Fire reviewed the plan and didn't have any issues with the current access to the site.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Meyers** asked what the burden to the city would be to provide paving operations and street plowing for the additional street right-of-way to be annexed. **Ms. Smyth** stated that the city would provide services to the annexed streets; snow plowing for local streets, however, is a low priority. The county would continue to provide service to the south and the north of the site.

- **Commissioner Molloy** asked if it was possible to reduce the permitted uses by right in a zoning district. **Ms. Smyth** stated that these types of restrictions are typically done in a property zoned in a Planned Unit Development (PUD) and not a standard zoning district.
- **Commissioner Meyers** asked for clarification on who would provide police service to the site and **Ms. Smyth** noted the error in the Staff Report and stated that the City of Loveland would provide service.
- **Mr. Short** was asked if he had any plans to add a future tenant and **Mr. Short** stated that he is upgrading to a larger facility so he may have space to rent. However, the use would most likely be office space or another complimentary business.
- **Mr. Short** noted that based on parking capacity he is not anticipating a large number of vehicle traffic.

COMMISSIONER COMMENTS

- **Commissioner Ray** stated that this type of business is ideal for a residential area because it won't generate a lot of traffic. Commissioner Ray asked if it was possible to put a condition on the property limiting the uses by right. **Mr. Paulsen** and Assistant City Attorney, **Moses Garcia**, noted that it may be possible but is not a recommended approach.
- **Commissioner Meyers** stated that he did not support conditional zoning or limiting uses that would be allowed by zoning.
- **Commissioner Molloy** agreed that a business of this type typically has very limited traffic but was concerned with adding another renter depending on the use.
- **Commissioner Cloutier** agreed that this is a good use for the area and that it would be beneficial if the city had control over the property versus the county.
- **Commissioner McFall** expressed concerns with the traffic impact on the area; however, he feels the business is a good fit for the area.
- **Commissioner Roskie** stated support for the project and did not recommend placing constraints on the uses through an annexation agreement. Commissioner Roskie stated that she respects the traffic concerns expressed by the neighbors; however, the traffic generated by the school is actually up to the school to manage and not the city.
- **Commissioner Forrest** stated that this is a perfect size of business for the site and is an opportunity to start implementing the Highway 287 requirements. Additionally, the size of the project will limit the use by any other tenant.
- **Commissioner Dowding** thanked the citizens who provided comments. Commissioner Dowding asked if the plan meets the Comprehensive Plan and Highway 287 Strategic Plan requirements and **Ms. Smyth** verified that it did. Commissioner Dowding stated that the size of the business was a good fit for the area and did not feel the use would create heavy traffic.

Commissioner Dowding asked if the applicant accepts the conditions listed in the staff report; **Mr. Short** confirmed that he accepted the listed conditions.

Commissioner Ray moved to make the findings listed in Section VIII of the Planning Commission staff report dated June 27, 2016 and, based on those findings, recommend that City Council approve the Gatorwest Addition, subject to the conditions listed in Section IX, as amended on the record, and zone the addition to B Developing Business. Upon a second by Commissioner Meyers, the motion was unanimously approved.

ADJOURNMENT

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

Commissioner Dowding adjourned the meeting at 7:40 p.m.

Approved by: Carol Dowding
Carol Dowding, Planning Commission Vice-Chair

Jenell Cheever
Jenell Cheever, Planning Commission Secretary