

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
September 12, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on September 12, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Meyers, Molloy, Ray, McFall, Roskie, and Cloutier. Members absent: Commissioner Forrest. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Linda Bersch, Interim 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 REPORT

There were no citizen reports.

STAFF MATTERS

1. **Robert Paulsen**, Current Planning Manager, provided a preview of the agenda items slated for the September 26, 2016 Planning Commission meeting:
 - Kendall Brook Townhomes Preliminary Development Plan and Preliminary Plat
 - Loveland Classical Schools – Site Plan
 - Updates on South Catalyst & DDA will be delayed until later in October.
2. **Mr. Paulsen** reported that the Zoning Code Update project continues to move ahead with the zoning code, subdivision code and annexation provisions moving forward into a single unified document. Several committees, which will include members of this commission, are working on this project. Committees include a core staff team from development services; a technical team comprised of city staff from other departments; a stakeholders team comprised mostly of members of development community that have been invited to participate in the process who will review the changes as they are drafted; and finally, the Title 18 Committee who will continue to work with staff throughout the process. There will be a kickoff meeting of these committees along with the consultant on this project, **Todd Messenger** with Fairfield and Woods, this Wednesday, September 17, 2016. A report on this meeting will be provided at the September 26th meeting. **Mr. Paulsen** also reported **Mr. Messenger** will attend the first study session on these updates on November 14th, a regular meeting date for the Commission. The session will begin at 5:00 or 5:30 p.m. with an open house for the public. The Commissioners are reminded that it will take 18 months to complete this project.
3. **Mr. Paulsen** reported that a written resignation has been received from **Commissioner Meyers**. **Commissioner Meyers** reported his last meeting with be September 26, 2016. He stated that it has been a privilege and honor to serve on this commission the last nine years but due to the growth of his business he can no longer continue. **Several Commissioners** and **Mr. Paulsen** expressed gratitude to **Commissioner Meyers** for his service to the commission and the community and wished him well.

COMMITTEE REPORTS

Commissioner Meyers' resignation creates a vacancy on the Title 18 Committee. *After discussion, Commissioner Ray motioned that Commissioner Roskie be appointed to the Title 18 Committee. Commissioner Dowding seconded the motion which was unanimously approved.*

COMMISSIONER COMMENTS

Commissioner McFall asked for a moment of silence to remember **Dr. Dan Maas**, COO of Thompson School District, and his wife who were killed in a traffic accident on August 27th. His partnership with this commission will be greatly missed. **Commissioner Meyers** and **Mr. Paulsen** also noted Dr. Maas' contributions to the school district, this commission, the city council and the community and expressed hope that his legacy will live on.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the August 22, 2016 minutes; upon a second from Commissioner McFall the minutes were approved with Commissioner Meyers abstaining.

CONSENT AGENDA

There were no items on the consent agenda.

REGULAR AGENDA

1. Loveland Classical School – Determination of Need for Planning Commission Review

Project Description: Loveland Classical School, a public charter, is preparing plans for a new campus to be located on the north side of 29th Street and west of N. Wilson Ave. Staff is requesting direction as to whether the Commission wants to review the site plan and associated materials for the new campus. Staff has tentatively scheduled this item for the September 26th Commission meeting.

Troy Bliss, staff planner, explained that this school has now decided to build a middle school/high school building on the 29th Street site and retain the elementary campus at the 14th Street SW location. Prior to any site plan review by the Planning Commission, Loveland Classical School will be meeting with the Hunter's Run neighborhood on September 15, 2016, for further input on their plan as well as conducting a groundbreaking ceremony on September 24, 2016. No construction would begin as a result of this ceremony. These matters are outside of the City's purview in terms of process. Nonetheless, City staff felt it important to share this information with the Planning Commission.

Commissioner Meyers motioned to have the staff arrange a presentation by Loveland Classical School for the planning commission to review the site plans and associated materials for the W. 29th Street campus of Loveland Classical Schools. Upon a second by Commissioner Ray the motion was unanimously approved.

2. N. Taft Avenue First Subdivision Preliminary Plat

Project Description: This is a public hearing to consider a preliminary plat. This is a quasi-judicial matter. The application proposes to subdivide the property into 24 lots and four tracts for the purpose of developing single family detached houses. The property owner is Insignia Homes and the applicant is Fred Cooke. The North Taft Avenue First Subdivision is located on the west side of N. Taft Avenue between W. 8th Street and W. 10th Street. It is zoned R2 Developing Two-Family Residential zoning district. The Planning Commission has final decision making authority on this application.

Noreen Smyth, Staff Planner, presented the proposal to subdivide a 6.53-acre portion of the North Taft Avenue First Addition to create additional lots under the existing zoning of R2 Developing Two Family Residential. The site lies on the west side of North Taft Avenue, north of 8th Street and south of abandoned Colorado and Southern Railroad right-of-way that is now owned by the City of Loveland. The 24 lots proposed to be created by the subdivision would be situated around a loop road, with open space/detention/landscape tracts situated towards the Taft Avenue side. A single family house with a detached garage to the rear is proposed for each lot.

The proposed Preliminary Plat for a single family residential subdivision meets the requirements of the Municipal Code, including those of the R2 zoning district and the Subdivision Code (Title 16). Staff believes that all key issues applicable to Preliminary Plats and associated Preliminary Public Improvement Construction Plans have been resolved. The Commission has final decision-making authority on the Preliminary Plat application unless the Commission's decision is appealed to City Council.

If the Preliminary Plat is approved by the Planning Commission, a subsequent application for a Final Plat and associated Final Public Improvement Construction Plans will be submitted for staff review and approval.

Fred Cooke of Insignia Homes indicated this is an infill site that he has purchased from the city. The project fits into the neighborhood with a buffered set back from Taft Avenue and exceeds the open space requirements.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Dowding** asked about the area shown between lots 6 and 7 on the plat and also inquired about the width the lots in the subdivision. **Ms. Smyth** answered that the space between lot 6 and 7 is an out lot to a proposed connection to a future recreation trail that may be placed in the adjacent city owned right of way. The existing zoning allows for the minimum width for 2 lots together to be 65 feet. These lot each have a 48 foot width so the minimum requirements are exceeded.
- **Commissioner Molloy** noted the left turn lanes on Taft Avenue into this development and inquired if the proposed Taft Avenue widening would impact this proposal and also what the timing of the widening project was. **Ms. Smyth** indicated the widening project, scheduled for next summer, will not impact this application and that the traffic impact study for this project showed no impact on the Taft project.

- **Commissioner Meyers** asked if left turns from this development onto Taft would be allowed. **Ms. Smyth** said the traffic impact study showed that this type of restriction is not warranted.
- **Commissioner Ray** noted the bungalow houses, especially their garages, and are close to the back lot line and inquired about buffering on the west border to mitigate any impact to adjacent property owner. **Mr. Cooke** responded that the final plan will show extensive landscaping on the west for that purpose.
- **Commissioner Molloy** asked who would be the builder and what the timeframe is for commencing the project. He also wanted to know if sidewalks are attached or detached as detached sidewalks, in his opinion, are preferable. **Mr. Cooke** indicated he would be the builder of the entire project and wanted to proceed as soon as possible. The detached sidewalk was considered but with rear garages and space limitations, the attached sidewalk presented more usable space in the front of the lot and a better landscape buffer.
- **Commissioner Ray** asked if detached sidewalks could be considered on the interior lots. **Mr. Cooke** noted that the space was available on those three lots so detached sidewalks would be considered there.
- **Commissioner Meyers** asked about the trees buffering Taft Avenue and expressed concern about line of sight problems for traffic entering Taft. Who would be responsible for maintain the trees? **Mr. Cooke** noted that was part of their consideration in placement and species of the trees and should not present a problem. The HOA would be responsible for maintenance.
- **Commissioner Jersvig** inquired whether any of the existing trees would be kept and also suggested detached sidewalks along the open spaces. **Mr. Cooke** responded that existing trees could not be maintained

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:18 p.m.

- **Milan Karspeck**, owns the lot directly south of the development and currently has access to his property from Garth Place through an access easement at the open space detention area and questions if that access will be maintained.
- **Ernie West**, resident, owns the lot adjacent to Mr. Karspeck and is also concerned about acquiring legal access to his property that he was promised for the last 15 years.
- **Kyle Dallabetta**, resident, owns property at 8th and Taft. Has concern that density would exceed what is currently in the neighborhood and lots could be further reduced in size. There is also a ditch in the corner of the proposed development and will that be maintained? What is the sewer proposal? The three existing lots to the south are on septic and he also wonders about the drainage. He has a grandfathered foundry that makes noise and wanted to know if any sound barriers are proposed to protect these residents. Also is the electric underground and what are plans for lighting the area?
- **Tammy Hunter**, resident, is concerned about traffic and would like to see Taft widened and turn lanes installed before this development is started.

Commissioner Jersvig closed the public hearing at 7:37 p.m.

COMMISSIONER COMMENTS:

- **Ms. Smyth** informed the commissioners that, per the zoning and subdivision codes, this project meets overall density as required by the R2 zoning. The zoning was established when the property was annexed to the city. **Mr. Paulsen** noted that, if this preliminary plat is approved, staff is obligated to assure the final plat reflects the Commission's approval. Any significant change would require a public hearing before the Commission.
- **Commissioner Jersvig** initiated a discussion amongst the commissioners and **Mr. Cooke** and his civil engineer, **Mr Sam Eliason**, United Civil Design Group, and **Randy Maizland**, Loveland Traffic Engineer regarding the issue of access to the lots to the south of the project site. The discussion responded by claims from the other property owners that adequate legal access to their properties has not been assured by the city. **Mr. Cooke** noted that a permanent easement is designed into his development from Gard Place through the fire access road shown on the south out lot on the plat. **Mr. Eliason** noted that a 60 foot right of way for Taft Avenue widening has been granted to the city that may affect that access. Following a lengthy discussion, **Mr. Maizland** agreed to provide a report to the commission regarding the Taft Avenue widening project and implementation time frame. He also agreed to research the annexation documents and other agreements to determine was the plans are in place to provide direct access to these property owners going forward. The owners of these two properties were encouraged to keep in contact with **Mr. Maizland** or **Mr. Paulsen** to ensure that access is provided from their properties to Taft Avenue.
- **Commissioner Molloy** inquired about the potential of a noise issue from the sculpture foundry. **Mr. Cooke** provided that there is landscaping designed for the lots in that area and also the rear garages will provide buffering. **Commissioner Ray** questioned if landscaping was sufficient. After a lengthy discussion concerning noise abatement, a consensus was reached that the developer has designed the project with rear garages and landscaping to minimize impacts of noise on future residents and no further conditions regarding noise will be placed on the applicant. However, if the applicant chooses to conduct any noise monitoring, the commission would be interested in the result.
- **Commissioner Jersvig** inquired about the underground utilities and lighting. **Mr. Cooke** responded that all utilities will be underground and that lighting will meet the dark sky requirements.
- **Commissioner Meyers** noted that the applicant has brought a good product to the commission and will be voting for it. Commissioner Meyer stressed that the City of Loveland does need to take action to meet their obligation to the owners of the adjacent properties in regard to access.
- **Commissioner Ray** stated that this is good project. He appreciates the applicant moving garages around back to provide buffering. He said that it looks like a nice neighborhood and he will be voting for it.
- **Commissioner Molloy** noted the project is well designed and he is glad to see an internal park and will support it.
- **Commissioner Cloutier** indicated that he likes the layout of the development and the provision for left turn lanes on Taft. He is in favor of the project. He does echo

Commissioner Meyers concern about the City of Loveland meeting its obligation to provide access to the neighboring lots.

- **Commissioner McFall** commented that overall the questions put forth have been answered and he is for this project.
- **Commissioner Roskie** is in favor of the project and hopes the developer will consider some noise abatement. She hopes the neighbors with concerns that need to be addressed with the City of Loveland will pursue those solutions. She will be voting for the project.
- **Commissioner Dowding** thanked the residents for their input. It is appreciated. This project is well thought out and kudos for **Mr. Cooke** for coming up with a design that works with the neighborhood. She also hopes he will provide noise abatement if testing finds noise to be a problem. She is supporting the project.
- **Commissioner Jersvig** also thanked the residents for their participation. He likes the project and is concerned that traffic noise might be more of an issue than noise from the foundry. He likes the buffer along Taft for that reason and for the aesthetics it provides. He asked Mr. Paulsen to keep the commission informed about the access issues for the 877 and 873 addresses as discussed. He supports this project.

***Commissioner Dowding** moved to make the findings listed in Section VII of the Planning Commission staff report dated September 12, 2016 and, based on those findings, approve the North Taft Avenue First Subdivision Preliminary Plat, subject to the conditions in Section IX, as amended on the record. **Commissioner Meyers** seconded the motion which passed unanimously after **Mr. Cooke** accepted those conditions.*

Commissioner Jersvig called for a recess at 8:30 p.m.

Commissioner Jersvig called the meeting to order at 8:42 p.m.

3. **Wintergreen Townhomes Preliminary Development Plan and Preliminary Plat**
Project Description: This is a public hearing to consider a preliminary development plan and preliminary plat for 3 acres of land to be known as the Wintergreen Townhomes/Wintergreen Fourth Subdivision. This is a quasi-judicial matter. The property is at 353 W. 64th Street and is generally located on the north side of W. 64th Street between N. Garfield Ave and Eden Garden Dr. It is zoned P-69 Wintergreen PUD. The application proposes to subdivide the property into 28 lots for the purpose of developing single family attached houses. The property owner is 3T Investments LLC and the applicant is Alan Strobe, Savant Homes. The Planning Commission has final decision making authority on this application.

Noreen Smyth, staff planner, presented a description of the Preliminary Development Plan and Preliminary Plat for a proposed residential development within the Wintergreen 1st Addition Planned Unit Development (PUD). The Preliminary Development Plan is titled "Wintergreen Townhomes" and the associated plat is the "Wintergreen Fourth Subdivision". A General Development Plan for the Wintergreen PUD was approved in 2001 (later amended) and includes single family attached (townhomes) as an allowed use on the subject property.

Ms. Smyth added that the 3-acre subject property is currently vacant. The proposal is for 28 townhomes on separate (fee simple) lots in groupings of three attached units (within one stand-alone unit) situated along a publicly dedicated cul-de-sac street extending off of 64th Street. The subject property is south and west of commercial developments within the Wintergreen PUD, north of the Wintergreen Village single family residential development, and east of an undeveloped property. The Planning Commission's decision on both Preliminary Development Plans and Preliminary Plat is final unless an appeal to the Commission's decision is filed. If the Preliminary Development Plan and Preliminary Plat are approved, the applicant can proceed to submit a Final Development Plan and Final Plat, which are reviewed administratively (by staff), followed by a site work permit and building permits, which are also reviewed administratively.

Alan Strope of Savant Homes, the applicant, and **Cody Geisendorfer**, Civil Engineer, discussed the site plan, open space and buffering areas and storm drainage. A sound study was done and acoustical fencing is included along the north and east to mitigate noise from the Wal-Mart loading docks and the car wash. Heavy landscaping is placed all along the property.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Dowding** asked about the setback variance that is requested. **Mr. Strope** explained the due to the curvature of the street, one end unit's patio has a five foot encroachment. That is the only variance needed.
- **Commissioner McFall** had questions about where the noise study was taken. **Mr. Geisendorfer** indicated it taken on this site.
- **Commissioner Cloutier** and **Roskie** asked about the noise standards and the source of the noise. **Ms. Smyth** responded that The GDP for Wintergreen requires each new residential development within Wintergreen to conduct a noise survey and construct noise abatement if warranted for compliance with the municipal code noise standards. Both the Wal Mart loading docks and the car wash are the source of the noise.
- **Commissioner Jersvig** asked about accesses to the recreation trail from this project and conditions of approval for that as stated in an attachment. **Ms. Smyth** noted that is a condition from the GDP and is not applicable to this plan. That will be corrected in the final plan.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 9:00 p.m.

- **Christie Hoffer**, resident, asked about sidewalks along the edge of this development adjacent to 64th Street and will the street lights in this plan be similar to existing ones?
- **Michael Bray**, resident, stated that since 64th traffic is only able to turn right onto Hwy 287, he has a concern for the number of cars that have to turn right out of this development and go around other existing developments to the stop light by Wal Mart to go north. He also wants to know how snow accumulation removed from Osceola Place will be handled.

- **Julie Dressler**, resident, said Tongas Avenue is the only access being used to the walking trail especially from the existing apartments. Will another access be put in to minimize the foot traffic on Tongas Avenue?
- **Paul Jullius**, resident, stated that there are additional walk-ways to the recreation trail. He does have a concern about people turning left from this development on busy mornings. He does like what he sees and this would be good addition to community.

Commissioner Jersvig closed the public hearing at 9:09 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Jersvig** questioned the applicant about the plans for snow removal and sidewalks on 64th and lighting requirements. **Mr. Strobe** indicated that there is a section in the green belt areas for snow storage. The sidewalks do continue along 64th and are attached because of the width of the road and for parking that couldn't be done. That is also the reason the internal sidewalk stops where it does. Lighting will be in keeping with the down light types that are already there.
- **Commissioner Jersvig** asked **Mr. Strobe** to comment about the traffic study. **Mr. Strobe** stated that they are meeting requirements as specified in the traffic study.
- **Commissioner McFall** asked a question to the transportation staff, regarding the traffic study. **Randy Maizland** indicated the traffic study complies with the requirements for the original study for the Wintergreen Master Plan. A question was also asked about the slight curve at the intersection of Osceola Place with 64th instead of a perpendicular intersection. **Mr. Maizland** indicated that this design is within the standards.
- **Commission Molloy** asked **Ms. Smyth** about the density standards. **Ms. Smyth** said this project was within the allowable standards.
- **Commissioner Ray** said he was perplexed about the GDP requiring the noise study and the requirements placed on new development. He commended the developer for complying with the GDP and meeting the noise standards. He felt this was a good project plan.
- **Commissioner Meyers** noted this project meets the GDP requirement and supports the application.
- **Commissioner Cloutier** thanked the citizens for their participation. The plan is well laid out and meets the requirements of the GDP. It is a good fill-in.
- **Commissioner Molloy** notes this project complies with the GDP and is a good buffer to the single family homes and fits an odd piece of property. He is in support of it.
- **Commissioner Roskie** noted that there is an historic traffic flow problem in the area. This project fits within the GDP and will vote for it.
- **Commissioner McFall** commended the developer for being a good neighbor and the citizens for coming out tonight. He is in favor.
- **Commissioner Dowding** supports as well.
- **Commissioner Jersvig** stated that he appreciates the citizens for coming out. It is good to hear positive comments about a project. He is in favor.

Commissioner Dowding moved to make the findings listed in Section VIII of the Planning Commission staff report dated September 12, 2016, and based on these findings approve the Wintergreen Preliminary Development Plan, subject to the conditions listed in Section IX, as amended on the record. The motion was seconded by **Commissioner McFall**. After **Mr. Strobe** accepted those conditions, the motion was approved by a unanimous vote.

Commissioner Dowding moved to make the findings listed in Section VIII of the Planning Commission staff report dated September 12, 2016, and based on these findings approve the Wintergreen Fourth Subdivision Preliminary Plat, subject to the conditions listed in Section IX, as amended on the record. The motion was seconded by **Commissioner McFall**. After **Mr. Strobe** accepted those conditions, the motion was approved by a unanimous vote

4. Create Loveland Amendment to the Future Land Use Map

Project Description: Public Hearing for the purpose of considering a recommendation to City Council on an amendment to the procedures for processing amendments to the Future Land Use Map contained in Create Loveland, the City of Loveland's comprehensive plan. The amendment will remove the requirement for Future Land Use Map amendments to be processed in conjunction with zoning, re-zoning, or other land use applications. Instead, Land Use Map changes will be considered and processed as part of an annual review. To institute this change, small text changes are being made to Chapter 4 of Create Loveland.

Karl Barton, Staff Planner with the Strategic Planning Division, explained that this proposal is a text amendment to change a process. Because it is a policy change it requires review by the Commission. The Planning Commission is being asked to recommend that City Council adopt a text amendment to Chapter 4 of Create Loveland that will allow for a change to the way that Future Land Use Map Amendments are processed. This text change will effectively remove the requirement that a separate application be submitted for Future Land Use Map Amendments when annexation or rezoning applications are not consistent with the Land Use Map.

Mr. Barton explained that in order to support this procedure change, a minor amendment to the text of Create Loveland is required. The change will be made to the final paragraph on Chapter 4 Page 7. It is shown below in redline version. Following is how it looks within the Create Loveland document:

Option B: If a proposed or future development project is deemed to require a Plan amendment by staff, then the proponent **or Staff** has the option of making said amendment request separate from, ~~but prior to,~~ any request being made for an annexation, rezoning, or other action on the proposed or future development project.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Meyers** asked for a clarification on why the words "or staff" were added to the text. **Mr. Barton** noted that staff has discretion to bring amendments forward. This clarifies that staff has the option of bringing an comprehensive plan amendment

application forward (with a annexation of rezoning application) or staff can make a separate request from an application (at a later date) or chose to not require it. The hearing process does not change. This gives staff the ability to support a request that is not in compliance with current Land Use Map and gives staff an opportunity to look at bigger picture rather than a map change to a small parcel.

- **Mr. Paulsen** indicated that a separate application is currently required to amend the comprehensive plan whenever an annexation or zoning application is made that is not consistent with the Land Use Plan. But, since the comprehensive plan is policy document and not law, it makes sense to modify this requirement. In such instances, it is not necessary to go through an amendment process. The existing process creates a second hurdle for the applicant and results in piecemeal changes to our land use plan. The proposed approach allows us to look at the bigger picture on an annual basis and to make any needed changes. **Commissioner Meyers** noted that an annual process makes more sense.

CITIZEN COMMENTS:

There were no public comments.

Commissioner Molloy moved to adopt the resolution of the Planning Commission of the City of Loveland recommending an amendment to the City of Loveland 2016 comprehensive master plan known as Create Loveland as amended on the record.. Commissioner Meyers seconded the motion which was unanimously adopted.

ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 9:55 p.m.

Approved by: _____



Jeremy Jersvig, Planning Commission Chair



Linda Bersch, Interim Planning Commission Secretary.