

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**January 23, 2017**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on January 23, 2017 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, Ray, McFall, Roskie, Cloutier and Fleischer. Members absent: None. 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: <https://loveland.viebit.com/>*

**CITIZEN REPORTS**

There were no citizen reports.

**STAFF MATTERS**

**1. Planning Staff Comments**

- a. **Mr. Robert Paulsen, Current Planning Manager**, provided a preview of the February 13, 2017 meeting agenda items. He noted that two items are scheduled:
  - i. The Mirasol GDP Amendment is scheduled for public hearing.
  - ii. A Loveland Original Town Vacation of Right of Way related to the Foundry Project is also scheduled.

He also noted that a project review and site development plan for the Foundry Project is tentatively scheduled for the February 27<sup>th</sup> meeting. The Planning Commission has full review authority for this site development plan under the Downtown BE zoning. It does not go forward to the City Council.

- b. In regard to the **Commercial Sites Tour** on January 20<sup>th</sup>, **Mr. Paulsen** does not believe a full review is necessary but would like to hear any comments the Commissioners may have. He did speak with **Commissioner Dowding** about the issue of standing for long periods of time and that will be addressed with the upcoming tour. **Commissioner Molloy** said the tour was very insightful. Seeing the final product of what has come before the Commission was very helpful. **Commissioner Ray** brought up the comments made on the tour regarding the damage to buffer yards caused by the use of magnesium chloride on the streets. **Mr. Paulsen** indicated that an investigation would be made into plantings for those areas that would not be harmed by mag chloride. Other Commissioners agreed that the tour was very insightful and helpful and well thought out.

- c. Mr. Paulsen noted the next tour, a tour of residential sites, is scheduled for Friday, February 10<sup>th</sup> from 1:00 to 4:00 PM. He inquired if the Commissioners wanted to go forward with this tour. Touring could include multi-family sites along the corridors or more traditional residential subdivisions or a combination of both. The Commissioners agreed that this tour would also be very helpful and they would like to visit a combination of sites. Hot Topics:
- d. Mr. Paulsen informed the Commissioners of the following:
  - i. He now has available for distribution to the Commissioners copies of the book "For the Love of Cities." Please take one if you so desire.
  - ii. The March 13<sup>th</sup> meeting will include a study session on the next section of the Unified Development Code.

## **2. Assistant City Attorney Comments:**

**Mr. Moses Garcia, Assistant City Attorney**, informed the Planning Commission that on January 20<sup>th</sup>, the President issued a memorandum that froze all pending and new federal regulations unless they are related to health, safety or welfare. Regulations will be undergoing a review based on policy and legal concerns to determine if it is the direction the new administration wants to take. **Mr. Garcia** does not anticipate this will have any impact on Development Services or the Commission. The only regulation he is aware of that could have impact is on exempt and non-exempt employee classifications.

## **COMMITTEE REPORTS**

There were no committee reports.

## **COMMISSIONER COMMENTS**

### **1. Planning Commission Meeting Protocol**

**Commissioner Roskie** opened a discussion regarding the informality of the Planning Commission meetings. She has concern about discussions becoming far afield from the agenda topic and the Commission's roles and responsibilities. She would like to see more formality in how meetings are conducted including:

- Assuring that all commissioners voices are heard in open discussion
- Receiving recognition from the chair before commenting in order to eliminate cross-talk. We should be turning on the microphone light or raising a hand to get recognized before speaking.
- Following the agenda
- Holding the public hearing before commissioner discussion starts in order to have all the pertinent information.

**Commissioner Molloy** agreed that the conduct of meetings in the last few years has gotten off track and there needs to be a return to more traditional meetings. Everyone needs to have a turn to comment but the commission needs to move to a decision point quicker.

**Commissioner McFall** agreed that there was a need to get back to a more equal voice.

**Commissioner Cloutier** commented that more discussion is better than less but the discussions need to be a little more on target.

**Commissioner Dowding** commented that she has suffered from not being able to get the floor and then had the floor taken from her before her comments are finished. There needs to be respect for who has the floor.

**Commissioner Jersvig** said he understands and agrees with these points.

## **2. Election of Officers for 2017**

Before the election of officers **Commissioners Ray and Molloy** provided background on the tradition of having officers of the Planning Commission serve for two one-year terms.

Nominations proceeded as follows:

### **a. Chair:**

Commissioner McFall made a motion to nominate Commissioner Jersvig as Chair. Commissioner Molloy seconded the motion. **Commissioner Jersvig** was unanimously re-elected as Chair.

### **b. Vice-Chair:**

Commissioner Molloy made a motion to nominate Commissioner Dowding as Vice-Chair. Commissioner McFall seconded the motion. **Commissioner Dowding** was unanimously elected as Vice-Chair.

### **c. ZBA Hearing Officer:**

Commissioner Dowding motioned to nominate Commissioner Forrest for ZBA Hearing Officer. Upon a second by Commissioner McFall, **Commissioner Forrest** was unanimously elected ZBA Hearing Officer.

### **d. ZBA Hearing Officer Alternate:**

Commissioner Forrest motioned to nominate Commissioner McFall for ZBA Hearing Officer Alternate. Upon a second by Commissioner Ray, **Commissioner McFall** was unanimously elected ZBA Hearing Officer Alternate.

## **3. Commissioner McFall** provided comment that he would not be able to attend the February 13, 2017 meeting.

## **APPROVAL OF THE MINUTES**

*Commissioner Dowding made a motion to approve the January 9, 2017 minutes as corrected; upon a second from Commissioner Roskie the minutes were unanimously approved.*

## **REGULAR AGENDA**

### **1. Unified Development Code (UDC)**

**Brett Limbaugh, Director of Development Services**, introduced the UDC staff present to include, **Greg George, Project Manager, Karl Barton, Strategic Planning** as well as **Bob Paulsen and Moses Garcia**. He noted that this section of the code has been discussed with the Planning Commission three times and the City Council has also presented feedback that is included in tonight's hearing.

**Mr. George** noted this is a public hearing item concerning new legislation. The first written component of the Unified Development Code (UDC) has been drafted and will become Chapter 2 of the UDC upon completion of the document later in 2017. It addresses procedures for processing development applications, along with the associated requirements for public notice, neighborhood meetings, and appeals. Staff is requesting that the Commission recommend approval of this portion of the UDC to City Council. Upon the Commission's recommendation, this portion will be put on hold while other portions of the UDC are drafted and undergo review. Once all components of the UDC are completed, and have been reviewed by City Council and recommended for approval by the Planning Commission, a complete final draft will be brought back to the Commission for a recommendation of approval. The final version will then be forwarded to City Council for adoption.

If the Planning Commissioners are comfortable with this section, there is a motion for recommendation on page 1 of the memo provided that needs the Commission's approval.

**Mr. George** summarized the comments from the City Council study session and provided an overview of the project. City Council's main concerns were about the land use table and the appeals and notice process. They liked the provisions for sketch plat.

The Standardized Development Process Chart was presented. It provides for Use By Right, Limited Use, Adaptable Use and Conditional Use standards and prompted a discussion of the requirements, processes, neighborhood meetings and appeals, and the decision points illustrated. Many Commissioners had questions about the table and encourage the addition of appropriate decision points.

**Mr. George** noted that the Land Use Table is an illustration. This table will not be finalized until the end of the entire project. The sketch plat process was summarized as was the Appeal and Administrative Process.

**Commissioner Jersvig opened the public hearing at 7:42 p.m.**

**Sarah Warnock**, Loveland resident and Chair-Elect of the Loveland/Berthoud Association of Realtors reiterated that the Association supports both in content and in practice the UDC plan. This reduces the amount of time and money the developers are required to put up front as part of the development review and streamlines the process. Time is valuable and this process respects the time put in by the developer, the Planning Commission and City Council. This makes the process more efficient yet allows the Planning Commission and City Council to weigh in on important issues before the developer commits substantial resources. This will result in quality projects and encourage developers to want to work here. That is a positive for everyone in our community.

**Commissioner Jersvig closed the public hearing at 7:45 p.m.**

#### **COMMISSIONER COMMENTS:**

- **Commissioner Molloy** said this is moving in the right direction to simplify the process and clean things up.
- **Commissioner Roskie** noted there is confusion about who provides a summary of the neighborhood meetings, staff or developer. **Commissioner Ray** said he likes the idea of a staff report and also having the Community Participation Report as described in page 17 of the second working draft of the development review procedures.
- **Commissioner Roskie** brought up the Public Notice Requirement in regard to the notice distance and the need for policy justification for the reduction to 250 feet instead of 600 feet. This brought about a lengthy discussion about notification procedures which lead to discussion about appeals process. As proposed, only those who are formally noticed would have standing for any appeals.
- **Mr. George** stated that the notice area distance item need to be revisited. Maybe the notice distance would need to be immediate adjacent property owners who would be most affected.
- **Commissioner Dowding** provided many editorial corrections/suggestions for the draft document including the absence of defining the terms permitted use, limited use, adaptable use and conditional use. She commented she would appreciate not have to read for edits but only for content.
- **Mr. George** indicated that definitions will be available in the 3<sup>rd</sup> working draft.
- **Mr. Paulsen** commented that he is seeing that the Commissioners would like to see a more final draft of this section before moving on. **Mr. George** agreed and stated that if they have further questions or comments/suggestions on this draft to send those comments to him and he will red line the changes and return to the commissioners
- **Commissioner Ray** indicated support for the notion that notice area be expanded or decreased at the Directors discretion.
- **Commissioner Roskie** stated that many of the terms used in this section are not yet defined and that those terms should first be defined before any decisions are made.
- **Commissioner Forrest** agreed that more information is needed.
- **Commissioner Ray** asked for more clarity on how to manage public comment input as described on page 14 of 33, item 9 of the second draft. He also questioned the Extension

of Vested Property Right segment on page 24 of 33 in regard to limiting the number of times an extension can be requested. **Mr. George** indicated he would investigate.

- **Commissioner Forrest** queried about adding clarity on public comments. **Commissioner Jersvig** said he did not like the idea of restricting any public comment. Further discussion ensued. **Mr. Paulsen** suggested that a guide or handout be developed to help citizens understand and prepare for public comment rather than inserting such regulations into the new code.
- **Mr. George** said they would come back with a third working draft with red lined comments for the Commission to review. If there any additional comments from the commissioners they should be to him by February 1<sup>st</sup>. The 3<sup>rd</sup> draft would need to be to the Commissioners by February 6<sup>th</sup> in order to discuss at the next meeting.

*Commissioner Ray motioned to continue this item to the February 13<sup>th</sup> Planning Commission meeting. Commissioner Dowding seconded the motion and it was passed unanimously.*

**Commissioner Jersvig called for a recess at 9:07 p.m.**

**Commissioner Jersvig called the meeting to order at 9:12 p.m.**

## **2. Finalize 2016 Accomplishments and 2017 Goals & Discuss Boards and Commission Summit**

**Mr. Paulsen** noted that this information will be presented at the annual Boards and Commission Summit on March 9<sup>th</sup>. Normally the Chair and Vice-Chair attend. This year the Planning Commission will be providing a presentation to the group. The goals are important to staff.

He incorporated comments received by e-mail and asked if there are any other comments.

**Commissioner Jersvig** stated that documents are good and he would appreciate a Power Point presentation for the Summit. **Mr. Paulsen** indicated that **Nikki Garshelis** coordinates this summit and could assist with the Power Point. If desired he would arrange contact with her.

The Commissioners had no further comments on the goals and accomplishments and agreed that **Commissioners Jersvig and Dowding** should attend.

## **ADJOURNMENT**

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

**Commissioner Jersvig adjourned the meeting at 9:25 p.m.**

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*Commissioner Ray motioned to continue this item to the February 13<sup>th</sup> Planning Commission meeting. Commissioner Dowding seconded the motion and it was passed unanimously.*

**Commissioner Jersvig called for a recess at 9:07 p.m.**

**Commissioner Jersvig called the meeting to order at 9:12 p.m.**

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**Commissioner Jersvig** stated that documents are good and he would appreciate a Power Point presentation for the Summit. **Mr. Paulsen** indicated that **Nikki Garshelis** coordinates this summit and could assist with the Power Point. If desired he would arrange contact with her.

The Commissioners had no further comments on the goals and accomplishments and agreed that **Commissioners Jersvig and Dowding** should attend.

## **ADJOURNMENT**

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

**Commissioner Jersvig adjourned the meeting at 9:25 p.m.**

Approved by:



Jeremy Jersvig, Planning Commission Chair



Linda Bersch, Interim Planning Commission Secretary.