

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**February 27, 2017**

---

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on February 27, 2017 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, McFall, Roskie, and Cloutier. Members absent: Forrest, Ray and Fleischer. 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.

**CURRENT PLANNING UPDATES**

1. **Mr. Robert Paulsen, Current Planning Manager**, previewed the March 13, 2017 agenda. Scheduled is the Foundry SDP Review which will be a public hearing. Notice of the public hearing, including posted signs in the downtown area and mailed notice to the property owners, has been made. A study session on the Unified Development Code (UDC) - Infill and Corridor Development Standards will also be held that evening making it full agenda.
2. **Mr. Paulsen** also reminded that the Boards and Commissions Summit will be held March 9<sup>th</sup>. This is an annual event that our Chair and Vice-Chair usually attend. This year the Planning Commission will be making a presentation on the Commission's 2016 accomplishments and the goals for 2017.
3. **Mr. Paulsen** noted that the housing tour date options are March 24<sup>th</sup> or March 31<sup>st</sup>. A COLT bus should be available either of those dates but there is no guarantee. COLT has indicated that the 31<sup>st</sup> date is more certain. If you have not already done so, please notify Bob of your availability on those dates.
4. Although not on the agenda, **Mr. Paulsen** wanted to remind the Commissioners of the joint meeting scheduled for March 8<sup>th</sup> with the County Commission and Planning Commission. Discussion will be on the Highway 402 corridor area.
5. **Mr. Paulsen** introduced a new Planner, **Jennifer Hewett-Apperson**, Jennifer introduced herself as a new city employee and a new Loveland resident from Jacksonville, FL. She has experience as a planner, including involvement in a downtown business improvement district long range, current planning, neighborhood planning, special projects and historic preservation. She is looking forward to working with city and becoming a part of the community.

## **CITY ATTORNEY'S OFFICE UPDATES**

**Moses Garcia**, Assistant City Attorney, introduced **Laurie Stirman**, also an Assistant City Attorney, who will be cross-training with him because of his upcoming vacation; she will attend the March 13<sup>th</sup> meeting. Laurie reported that she has been with the City Attorney's office for about a year and a half. She works mostly with the Public Works Department and has experience with development issues. She appreciates the opportunity to be with this Commission in a couple of weeks.

**Mr. Garcia** brought copies of an ordinance relating to the composition of the Planning Commission that will be going to City Council as a result of this commissions' request. If anyone has suggestions or concerns they should let him know.

## **COMMITTEE REPORTS**

**Commissioner Roskie** reported that the Title 18 Committee met last Thursday and also met with the Stakeholders Group for the presentation of Task 3 of the UDC. Noreen Smyth, Staff Planner, provided an update on the Temporary Uses Amendment which will be coming to the Commission, possibility in April.

**Commissioner McFall** reported no activity for the ZBA Committee.

## **COMMISSIONER COMMENTS**

There were no comments.

## **APPROVAL OF THE MINUTES**

*Commissioner Dowding made a motion to approve the **February 13, 2017** minutes; upon a second from **Commissioner McFall**, the minutes were unanimously approved.*

## **CONSENT AGENDA**

### **1. Vacation of Rights-of-Way Request – Anderson Farms 12<sup>th</sup> Subdivision**

This is a public hearing to consider a request for vacating emergency access, utility, and drainage easements to accommodate a proposed coffee kiosk drive-through development located on Peridot Avenue. This site is located north of the future intersection of Peridot Avenue and East 1st Street, which is west of the Denver Avenue and 1st Street intersection. This location is immediately adjacent to the Larimer County office complex proposed for development at the NW corner of Denver Avenue and 1st Street. The Coffee Kiosk project has recently been approved through the special review process. City review staff have no

objection to the easement vacation. The role of the Planning Commission is to forward a recommendation to the City Council for final action.

***Commissioner Dowding** moved to approve the Consent Agenda consisting of the Vacation of Rights-of-Way Request – Anderson Farms 12<sup>th</sup> Subdivision. Following a second by **Commissioner McFall**, the motion was unanimously approved. **Commissioner Roskie** recused herself.*

## **REGULAR AGENDA**

### **2. Affordable Housing Code Changes**

**Alison Hade** with the Community Partnership office reported that this is a public hearing item on a legislative matter. She has been working with the Affordable Housing Commission in preparing amendments to the City's affordable housing provisions. The amendments respond to the general direction provided by the City Council in a July 12, 2016 study session. The provisions are contained predominantly in chapters 16.38 and 16.43 of the Municipal Code. The changes are intended to clarify the City's incentives and limitations for both for-profit and non-profit developers of affordable housing. A primary purpose of the amendments is to ensure that affordable housing units that have benefitted from City incentives remain part of the City's affordable housing inventory. The role of the Planning Commission is to forward a recommendation to the City Council for final action on the amendments.

**Ms. Hade** went on to review the eight recommendation contained in the staff report.

### **CITIZEN COMMENTS:**

**Commissioner Jersvig opened the public hearing at 7:07 p.m.**

**Sam Betters**, Executive Director, Loveland Housing Authority, indicated that he has reviewed these changes and appreciated the effort that has been put into them. He does have concerns with some of the items as presented in the staff report. One is Item 5 of staff report, specifically the table. It has been the practice of Council to do something different. Council has provided a 100% fee waiver on projects by the Housing Authority and for Habitat for Humanity. For example, on the Edge Project, Council waived the fee at the 100% level which saved the Housing Authority \$250,000. Language in this update should reflect that option.

Also of concern is Item 8 in staff memo – with that table, a seller at 19 1/2 years would still owe full fee waiver back for that 5 year increment and that doesn't seem quite fair.

**Commissioner Jersvig closed the public hearing at 7:12 p.m.**

**Ms. Hade** said she agree with **Mr. Betters**. With Item 5, the City Council has granted 100% fee waivers, though it is not part of code. The code should reflect what's been happening in reality. Item 8 was written to keep the homes affordable, but she sees the problem. She agrees these two

things should go back to Housing Commission for further review.

#### **COMMISSIONER COMMENTS:**

**Commissioner Jersvig** asked for a definition of Net Proceeds and if there is any consideration for interest paid? **Ms. Hade** responded and **Mr. Garcia** confirmed, the basic definition is sale price minus purchase price minus reasonable closing costs. No interest is taken into consideration.

**Ms. Hade** suggested, for Item 5, to work with the Legal Department, who spent a great deal of time on this project with great results, to change the language to what is currently being done by City Council.

**Commissioner Dowding** suggested that for Item 8, a calculation be used instead of a table to reflect that year 19 is better than year 18. For example, a calculation of 1/20<sup>th</sup> of the fee waiver for each year until no fee is due to the city at year 21.

**Mr. Paulsen** noted that the normal procedure would be to make these adjustments and bring them back to the Commission; however, he is unsure of the schedule for bringing this to City Council. **Ms. Hade** felt the changes could be made and brought back to the March 13th Planning Commission meeting for discussion on these changes only. This would still allow her to make the scheduled March 21<sup>st</sup> City Council meeting.

*Commissioner Dowding moved to continue the Affordable Housing Code changes until March 13<sup>th</sup>. Upon a second by Commissioner Roskie, the motion passed unanimously.*

**Commissioner Jersvig called for a recess at 7:22 p.m.**

**Commissioner Jersvig called the meeting to order at 7:30 p.m.**

### **3. Unified Development Code, Chapter 2 (Continued from February 13, 2017)**

**Mr. Greg George**, Special Projects Manager for the Unified Code Project, noted that this is a public hearing item that was continued from the February 13th Planning Commission meeting. The original continuance was from the January 23rd Planning Commission meeting at which the Commission provided several comments about the contents of Chapter 2 of the Unified Development Code, including the following:

- Descriptions of the proposed approval procedures
- Specification of "Threshold Review" criteria for determining when neighborhood meetings are required
- Further information and justification relating to the recommended public notification process, including some mapped examples of mailed notice radius distances

**Mr. George** noted that attachment 1 of the staff report documents all the comments received from the Commission as a way to keep track of the changes. He also indicated that the Commissioner's concerns regarding effective citizen participation in all discretionary

decisions had been addressed. He noted that the definitions of the four review procedures for development applications as requested by the Commissions are now included in Section 2.03.301. **Mr. George** went on to review the other changes as requested by the Commissioners as outlined in the staff report.

#### **COMMISSIONER COMMENTS:**

**Commissioner Dowding** questioned why the notice distance on the Certificate of Designation type went from 2000 to 500 feet. After discussion with the Commission, Mr. George and Mr. Limbaugh agreed that because these are large projects which typically require environmental impact statements or CDPHE requirements, etc., the notice distance should be consistent at 2200 feet.

**Commissioner Roskie** thanked the staff for rethinking the policy on notice distance. She feels more comfortable with the result.

#### **CITIZEN COMMENTS:**

**Commissioner Jersvig opened the public hearing at 8:02 p.m.**

There were no public comments.

**Commissioner Jersvig closed the public hearing at 8:02 p.m.**

#### **COMMISSIONER COMMENTS:**

**Commissioner Cloutier** stated he appreciates the changes the staff made and likes what he sees.

**Commissioner Jersvig** said the changes were very impressive and very appreciated.

**Mr. George** read into the record the following motion: *To accept the revisions recommended to the Development Review Procedures Second Working Draft to become the Development Review Procedures Third Working Draft with the understanding that the Third Working Draft will be reconsidered by the Planning Commission as part of Task Six of the Uniform Development Code Project.*

**Commissioner Dowding** moved to adopt the motion as read into the record. *Upon a second from Commissioner McFall, the motion was unanimously approved.*

**Commissioner Jersvig** stated that it would be extremely beneficial to the Commissioners if they could get the UDC information on Task 3, etc. as soon as possible. Upon discussion, it was decided that the staff will provide this information to the Commissioners ten days before the meeting where the materials will be studied.

Mr. Paulsen again reminded the Commissioners to let him know their preference for the housing tour date options of March 24<sup>th</sup> or March 31<sup>st</sup>.

### **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 8:08 p.m.**

Approved by: \_\_\_\_\_

  
Jeremy Jersvig, Planning Commission Chair

  
Linda Bersch, Interim Planning Commission Secretary.