

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**May 8, 2017**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on May 8, 2017 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, Ray, and Fleischer. Members absent: McFall and Roskie. 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 full agenda for the Monday, May 22<sup>th</sup> Planning Commission meeting:
  - This first item is the Anderson 1<sup>st</sup> Subdivision Preliminary Plat and Preliminary Development Plan Extension request. This approval has been extended previously; an additional two-year extension is being requested. The property is on the south edge of the city along the east side of Highway 287 to the north of Highway 60.
  - The Boyd Lake Village Master Plan Amendment involves the area occupied by the Orthopedic Center of the Rockies, the Urology Center and includes vacant land in the vicinity. The applicant is seeking an amendment to the Conceptual Master Plan that controls design and land uses on the property.
  - LEI Emergency Access Easement Vacation. This request relates to the large vacant property on the north side of East Eisenhower and east of Denver Avenue. The development plans are being finalized and there is a need to clean up some of the emergency access in order to facilitate the final plat approval.
  - Another Unified Development Code Study Session regarding New Residential Zoning Districts is planned for this meeting.
2. **Mr. Paulsen** noted that prior to tonight's meeting an open house regarding the Unified Development Code – Infill and Corridor Development Standards -- was held.

### 3. Hot Topics:

**Mr. Paulsen** said that the ordinance to allow Planning Commission eligibility to include GMA residents was moving forward and will be placed on the City Council agenda in the near future. He will notify the Planning Commissioners when that date has been determined.

**Mr. Paulsen** thanked **Linda Bersch** for her service as Interim Planning Commission Secretary and noted that this would be her last meeting in that capacity.

**Mr. Paulsen's** final comment was in regard to an e-mail Commissioners received from Karl Barton about the joint work session with the Board of County Commissioners (BOCC) and the Larimer Planning Commissioners on Wednesday, May 10<sup>th</sup> which includes a 5:30 pm dinner and a 6:00 pm meeting. **Mr. Barton** came forward to apologize for the short notice about the meeting. Because the BOCC decided to move these meetings from a monthly to a quarterly schedule, it became necessary to select a near-term date to have a timely discussion regarding extending the Growth Management Area (GMA) Overlay Zoning District. Staff would like to get the blessing of the BOCC and Larimer Planning Commission before proceeding to public hearings for the project this summer. He also noted there is an open house for residents within the Hwy 402 area on Thursday, May 25<sup>th</sup>.

**Commissioner Jersvig** asked what input this Planning Commission was expected to provide regarding the Overlay District. **Mr. Barton** stated the purpose of the meeting is to determine what the BOCC is willing to support. The proposal will not include any holes in the district except for the IGA with Johnstown. He would like for the BOCC to hear that this Planning Commission supports the project and also recommends it to the Council as an amendment to the existing IGA. In the end, it will be the BOCC's decision to amend the existing zoning provisions.

**Commissioner Forrest** stated that it would be good for any presentations for joint meetings to come before this commission ahead of time so Commissioners could be prepared to represent or comment on the project. **Commissioner Ray** asked if there should be a motion for endorsement before these meetings. **Mr. Paulsen** indicated his appreciation for the Commission's comments and suggested scheduling a follow-up discussion at a future meeting on how Commissioners would like to proceed.

**Commissioner Jersvig** asked for an e-mail regarding this Wednesday's agenda which **Mr. Barton** will provide.

**Commissioner Ray** then expressed concern about the agenda for the May 22nd Planning Commission meeting, which includes a study session on the Unified Development Code. He believes that the full agenda could result in the study session beginning late in the evening and consequently short change the presentation and discussion on the UDC. **Mr. Paulsen** indicated he would discuss this schedule with **Mr. George** but expects 2 of the 3 regular agenda items to go very quickly. If necessary, scheduling changes will be made.

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

**Moses Garcia, Assistant City Attorney**, provided an update on the search for a new City Attorney. The Council has decided to reopen the search as they were not satisfied with the pool of candidates. He may have more information after the May 16<sup>th</sup> Council meeting.

## **COMMITTEE REPORTS**

There were no committee reports.

## **COMMISSIONER COMMENTS**

**Commissioner Jersvig** introduced and welcomed City Councilman Steve Olson who was in the audience.

## **APPROVAL OF THE MINUTES**

***Commissioner Dowding** made a motion to approve the **April 24, 2017** minutes; upon a second from **Commissioner Forrest** the minutes were unanimously approved.*

## **CONSENT AGENDA**

There were no items on the consent agenda.

## **REGULAR AGENDA**

### **1. Unified Development Code – Infill and Corridor Development**

**Mr. Greg George, Special Project Manager**, noted this is a public hearing item concerning new legislation. This component will be integrated into the UDC upon completion of the document later in 2017. It proposes new standards to facilitate redevelopment and reinvestment in properties along Loveland's highway corridors and to allow a wide range of housing types in new development and compatible infill development in older neighborhoods. The draft was presented to the Commission at the March 13<sup>th</sup> and March 27<sup>th</sup> study sessions and the draft was presented at the City Council's April 11th study session. Concerns raised by the Planning Commission have resulted in adjustments to the provisions; the City Council raised no concerns with the proposed provisions.

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.

**Mr. George** noted that the intent of these standards is to achieve policies for Highway Corridors and Infill Development as adopted in the Loveland Comprehensive Plan (Create Loveland) and in the 287 Strategic Plan.

**Mr. Karl Barton, Community Strategic Planning**, presented an overview of the Enhanced Corridor Overlay provisions. The goal of the overlay is to increase development potential for the lots along the corridor and establish code standards that facilitate development as described in the Staff Report and in Division 2.08.04.

**Mr. George** went on to an overview of the Housing Palette standards as described in the staff report and the revised Division 2.10.02 of the UDC. This would be included in new residential and mixed use zoning districts to allow for a wide range of housing types. **Mr. Todd Messenger, UDC Consultant**, talked about the Massing Study and how it relates to the Infill Compatibility Standards. **Mr. George** went on to summarize the Allowable Housing Types in the R1e and R3e Zoning Districts as well as the Building Coverage Standards and Building Heights proposed for these zoning districts. **Mr. George** illustrated the Planning Commission revisions to the Enhanced Corridor Overlay that had been discussed at the previous study sessions.

#### COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Dowding** questioned the use of the term Enhanced Corridor Overlay Zone (ECO) used in Section 2.08.404 when all other references in this Section are to ECZ, Enhanced Corridor Zone. It was agreed that the ECZ reference would be used as to be consistent with the other references.
- **Commissioner Ray** initiated a discussion on the allowance of duplexes as a Limited Use in R1e zones. **Mr. Todd Messenger** noted that duplexes are a limited use allowed along the edge of such neighborhoods, serving as a transition and buffer element and this would be defined further in the Limited Use Standards.
- **Commissioner Dowding** had a concern with the language on page 2 of Housing Palette document, Division 2.10.202. C 2(a). The “or” under a2 should be removed and replaced with a statement that indicates one of the three items listed must be met. She also asked for clarification on 2b and the term “building elevation”. Her suggestion that the sentence simply read “The combined yard shall be screened from the street.” was agreed to. Her next item required a correction to the title of the table “Table 2.10.202A” it should actually be “Table 2.10.202B” .
- **Commissioner Ray** questioned the language of Attachment B (page 3 of 7), paragraph 2.10.203, 2, Duplexes, that states the exterior stair access (to second floor duplex units) is not allowed. **Commissioner Forrest** was also concerned about exterior access being a safety issue. After discussion it was agreed that Mr. George would look into the reasoning behind this requirement and how it aligns with the building code and come back to the Commission with a recommendation.
- **Commissioner Ray** commented on Attachment C, 2.10.207 Manufactured Homes. He felt that that section should be removed. After discussion, it was determined that the section would remain but the definition of Manufactured Homes will reflect the HUD

definition for manufactured homes. Tables will be developed to reflect where these types of homes can and cannot be placed.

- **Commissioner Jersvig** asked about the term “tiny home” in the Table 2.10.207. **Mr. Messenger** explained that they would need to be building code compliant and are too small to meet the definition of a manufactured home. **Commissioner Dowding** suggested that Tiny Homes should not be in this table since they do not meet the definition of a manufactured home. **Mr. Messenger** agreed that it should be moved to the single family home table.
- Regarding the Land Use Table illustrating Manufactured Home development, **Mr. George** indicated that the standards will need to be established for what level of review will be necessary.

## **CITIZEN COMMENTS:**

**Commissioner Jersvig opened the public hearing at 8:20 p.m.**

There were no public comments.

**Commissioner Jersvig closed the public hearing at 8:20 p.m.**

## **COMMISSIONER COMMENTS:**

**Commissioner Dowding** questioned what action was necessary tonight. **Mr. George** referenced that the motion for approval is for the second working draft. **Commissioner Dowding** commented that a “Changes Document” was previously used and suggested that this be implemented for this draft. **Mr. George** agreed to provide that feature to the Commissioners for this task as well.

**Commissioner Ray** commented that the land use tables should, in his opinion, be ordinal tables. After much discussion about the feasibility of this proposal, no decision was reached.

***Commissioner Dowding** moved to grant preliminary approval of the second working drafts of Division 2.08.04 – Enhanced Corridor Overlay Standards and Division 2.10.02 Housing Palette, dated May 8, 2017, with the understanding that both divisions will be considered by the Planning Commission for final approval in Task 6. Following a second by **Commissioner Ray**, the motion was unanimously approved.*

## **2. Wireless Co-location Code Provisions**

**Mr. Paulsen** noted that the next presentation has to do with amendments to the City's wireless telecommunications regulations that respond to recently adopted FCC regulations. The amendment before the Commission tonight relates to application review processes pertaining to co-location, which typically involves the placement of additional antennas on existing cell towers. Such applications must be reviewed through the City's development

review process. He explained that there is another ordinance addressing wireless telecommunications facilities that is being developed by the Power Division. This second ordinance was originally scheduled for hearing at tonight's Planning Commission meeting but has been removed from the agenda. The second ordinance amends Title 13 and has to do with attaching telecommunications apparatus to structures located within the public rights-of-way. The second ordinance responds to new state regulations based on FCC changes. The second ordinance does not require Planning Commission review, but it will be presented directly to City Council at their May 16<sup>th</sup> meeting along with the ordinance being reviewed by the Planning Commission.

**David Eisenbraun, Planner**, indicated that this is a public hearing item regarding proposed amendments to Chapter 18.55 of the Municipal Code. This chapter of the zoning code specifies requirements for wireless telecommunications facilities, commonly referred to as "cell towers," antennas and associated equipment. The code amendment responds to rule changes by the Federal Communications Commission (FCC) concerning co-location. The intent of the FCC provisions is to simplify and expedite the co-location review and approval process, specifically for co-location applications that do not modify existing facilities in a substantial way. Among the new FCC provisions is a 60-day review period that mandates the automatic approval of any qualifying co-location application that is not processed by local government within this time period. The proposed amendments will bring the Municipal Code into compliance with the FCC regulations. The role of the Planning Commission is to make a recommendation to City Council for final action. This code amendment is scheduled for the May 16, 2017 Council meeting.

#### **CITIZEN COMMENTS:**

**Commissioner Jersvig opened the public hearing at 8:44 p.m.**

There were no public comments.

**Commissioner Jersvig closed the public hearing at 8:44 p.m.**

#### **COMMISSIONER COMMENTS:**

- **Commissioner Dowding** noted a correction is needed on Page 18-2, Section 18.55.025 to change the word "encourage" to "encourages."

*Following a brief discussion, **Commissioner Dowding** moved to recommend that City Council approve the proposed amendments to Chapter 18.55 as presented to the Planning Commission and as described in the Planning Commission staff report dated May 8, 2017 as specified in the attachments thereto and as further amended on the record. Following a second by **Commissioner Forrest**, the motion was unanimously approved.*

## **ADJOURNMENT**

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

**Commissioner Jersvig adjourned the meeting at 8:52 p.m.**

Approved by:  \_\_\_\_\_  
Jeremy Jersvig, Planning Commission Chair

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Jenell Cheever, Planning Commission Secretary