

CITY OF LOVELAND

PLANNING COMMISSION MINUTES

May 22, 2017

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on May 22, 2017 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Ray, McFall, and Roskie. Members absent: Commissioners Fleischer and Forrest. 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: <https://loveland.viebit.com/>

CITIZEN REPORTS

There were no citizen reports.

CURRENT PLANNING UPDATES

1. **Robert Paulsen**, Current Planning Manager, reviewed the agenda items scheduled for the Monday, June 12, 2017 Planning Commission meeting.
2. **Mr. Paulsen** provided an update on the Planning Commission vacancy. The application deadline to apply for the position is 5:00 p.m. on May 26, 2017.
3. **Mr. Paulsen** noted that the Water Division will give the Planning Commission an update on the Title 19 Hydrozone Code Amendment at an upcoming meeting.
4. **Hot Topics:**
 - **Mr. Paulsen** noted that Commissioner Fleischer and Commissioner Forrest were unable to attend the meeting this evening. He expressed his condolences to Commissioner Forrest on the passing of her father.
 - **Mr. Paulsen** stated that City Council unanimously approved the Title 18 FCC Co-location amendment and the Title 16 amendment regulating FCC Co-location in the right-of-way on first reading. The Power division will provide a report to the Planning Commission on the second ordinance if it passes on second reading.
 - **Mr. Paulsen** noted that on July 5th the City Council will consider expanding the Planning Commission Membership into the Growth Management Area (GMA).
 - **Commissioner Jersvig** asked if the research performed by the City Manager's office was available regarding the expansion of the Planning Commission membership into the GMA. **Mr. Paulsen** explained that the City Manager's office has not pursued further research on this issue. Rather, there has been discussions as to how the proposed expansion might influence other boards and commissions regarding their membership provisions.

- **Mr. Paulsen** stated that the Development Services Department, including Current Planning, would give a Development Center update to the City Council on June 6th.

CITY ATTORNEY'S OFFICE UPDATES

Moses Garcia, Assistant City Attorney, stated that he did not have any updates to report.

COMMITTEE REPORTS

Commissioner Roskie reported that the Title 18 Committee met on May 18th to discuss the Unified Development Code.

COMMISSIONER COMMENTS

Commissioner Dowding stated that a joint study session was held on May 10th with the Larimer County Commissioners to discuss expanding the Growth Management Area to the South East portion of Hwy 402. She expressed that overall the Larimer County Commissioners supported the expansion.

APPROVAL OF THE MINUTES

***Commissioner Dowding** made a motion to approve the May 8, 2017 minutes; upon a second from **Commissioner Ray** the minutes were unanimously adopted. **Commissioner McFall** abstained.*

CONSENT AGENDA

Commissioner Ray requested to remove Item #2, Anderson First Subdivision Preliminary Plat Extension from the Consent Agenda.

1. Loveland Eisenhower 1st Subdivision - Vacation of Emergency Access Easements

Project Description: This is a public hearing concerning the vacation of two emergency access easements to accommodate a multifamily residential project within the 56-acre LEI development site. The vacant site is on the north side of Eisenhower Boulevard between Denver Avenue and Sculptor Drive. The easements were established at the time of initial platting in order to provide a secondary means of access to the more remotely located tracts of the Loveland Eisenhower First Subdivision in the event that those tracts were developed prior to the tracts located closer to the established streets of the project. The replatting of the property, which is now in process, will eliminate those remote tracts and thus eliminate the need for the emergency access easements. In addition to the replat, city staff is also in the process of reviewing a site development plan application for a proposed multifamily development in the area of the emergency access easements, and new emergency access easements in more suitable locations will be dedicated to the City with the site development plan approval.

Vacation applications are considered legislative. Under Loveland Municipal Code Chapter 16.36, the Planning Commission must hold a public hearing and make a recommendation to Council on the request. City Council is scheduled to hear this matter on June 6, 2017.

Commissioner Dowding moved to approve the Consent Agenda consisting of Loveland Eisenhower 1st Subdivision Vacation of Emergency Access Easements. Upon a second by Commissioner McFall the motion was unanimously adopted.

REGULAR AGENDA

2. 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 two-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 6/27/16 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.

Mr. Paulsen stated that the applicant is requesting a two-year expiration date extension for both the Preliminary Plat and the Preliminary Development Plan. The Planning Commission has authority to approve the extension of the Preliminary Plat and the Current Planning Manager has authority to extend the Preliminary Development Plan. As done previously, the Current Planning Manager will approve the extension of the Preliminary Development Plan if the Planning Commission approves the extension of the Preliminary Plat.

Mr. Paulsen introduced **Larry Melton** with Realtec Loveland. **Mr. Melton** stated that he is the broker representing the seller since April 2015. The property was previously under contract but due to financial issues, the buyer backed out of the deal. There are currently two potential buyers; however, the property sale is contingent upon getting an extension granted on the Preliminary Plat and Preliminary Development Plan.

Commissioner Ray expressed concerns with granting extensions and asked why the applicant was requesting a 2-year versus a 1-year extension. **Mr. Melton** stated that he is confident the property will eventually sell due to the active real estate market in Loveland; however, if the current purchase doesn’t work out, **Mr. Melton** will need to start the marketing process over.

Commissioner Molloy stated that he felt a two-year extension was a reasonable request, especially when little to no development is going on in the area. However, if area development increases and nothing develops on this property, he would oppose a further extension.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:00 p.m.

There were no public comments.

Commissioner Jersvig closed the public hearing at 7:00 p.m.

Commissioner Dowding moved to approve the request for a one-year extension of the Preliminary Plat of the Anderson First Subdivision to June 15, 2019, subject to all of the original conditions of approval. Commissioner McFall seconded the motion and Mr. Melton accepted the conditions. The motion was unanimously adopted.

3. Larimer County GMA Overlay Zoning Update

Project Description: This is an informational item to recap the joint study session held on 5/10/17 with City of Loveland and Larimer County Commissioners. The City of Loveland and Larimer County are exploring extending the Loveland Growth Management Area (GMA) overlay-zoning district to properties in and around the State Highway 402 and US Highway 34 corridors. This zoning district will put into effect the Intergovernmental Agreement for Growth Management (IGA) between Loveland and Larimer County and create certainty for property owners that Loveland will provide services if they chose to develop.

Karl Barton, Senior Planner with Community and Strategic Planning Division, discussed the planning and zoning along Highway 402 and explained the Growth Management Area. **Mr. Barton** stated that he is working with Larimer County to amend the Intergovernmental Agreement (IGA) to change the Growth Management overlay zoning area. The amendment expands the area to coincide with Loveland's Growth Management Area. This expansion will give the City more land use control in these areas.

If Larimer County supports the expansion they would need to amend the Intergovernmental Agreement and add a zoning overlay on the properties to be included in Loveland's GMA. The City of Loveland would also need to amend the IGA.

Mr. Barton provided a timeline for approval and is hoping to have the IGA adopted in August of 2017. This timing has been presented to Larimer County staff; however, Mr. Barton will follow-up with staff to make sure the Larimer County Commissioners are in agreement.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Ray** stated that he would prefer to see the GMA expanded all the way down to Highway 60 between Highway 287 and I-25. **Mr. Barton** replied that Larimer County is not comfortable with expanding this far. The City's priority is to include the Highway 402 properties and doesn't want to jeopardize this addition by requesting an expansion to Highway 60.
- **Commissioner Ray** asked how the land located within the flood plain could be developed. **Mr. Barton** replied that the flood plain regulations will remain the same; as for future development, he was unwilling to speculate.
- **Commissioner Ray** asked if including the flood plain land in Loveland's GMA would create a liability for the City. **Moses Garcia**, Assistant City Attorney, said he did not know but would research the question and provide a response to the commissioners.

4. Boyd Lake Village Master Plan Amendment

Project Description: This is a public hearing to consider an amendment to the conceptual master plan for Boyd Lake Village. The development is located north of E. Eisenhower Boulevard, west of Boyd Lake Avenue, and on both the north and south sides of 15th Street. The master plan contains approximately 32.2 acres and 10 subdivided lots. There are two uses existing within Boyd Lake Village: the Orthopaedic and Spine Center of the Rockies (OCR) and a medical office building that contains the UCHealth Urology, Crane Orthodontics, and Reynolds Oral and Facial Surgery. McWhinney Real Estate Services is requesting two modifications to the Boyd Lake Village Conceptual Master Plan: (1) removal of the requirement for primary land use designations within the master plan and (2) modification of the architectural design standards established in the master plan to lower the percentage of solar shading on windows and permit pitched roof forms. Planning Commission has final authority on this matter.

Kerri Burchett, Principal Planner, provided an overview of the request to amend the Boyd Lake Village Master Plan. The zoning of the property is Employment Center which requires a master plan. The Employment Center zone allows mixed uses but focuses on primary employment uses. The Employment District requires that a minimum of 60% of the development is devoted to primary workplace uses (such as offices and medical clinics) and the remainder (40% of the development) can be used for non-primary uses (such as restaurants, retail and childcare).

The applicant is requesting two amendments to the master plan. The first amendment would remove the requirement for the development of primary workplaces. In order to remove the primary use requirement, the applicant must demonstrate that there are sufficient primary uses within a 2-mile radius of the development. **Ms. Burchett** shared the market study prepared by Cushman & Wakefield demonstrating that within a 2-mile radius there are sufficient existing primary uses and undeveloped land that can be developed as primary workplace uses. In order to maintain compatibility with the existing businesses, the applicant has proposed land use restrictions on the vacant land that would prohibit certain uses.

The second amendment relates to the architectural standards requiring that each campus has strong, unifying elements. Specifically, modification to the architectural standards to allow pitched roofs as an option when choosing which three required roofing forms to implement.

The applicant is also requesting to reduce the solar shading requirement on exterior windows from 60% to 40% coverage.

Ms. Burchett stated that a neighborhood meeting was held in February and the comments received were generally positive. A letter of objection was received from UCHHealth Urology, Crane Orthodontics and Reynolds Oral and Facial Surgery that has been included in the packet. The letter addressed concerns with the compatibility of uses should the primary use requirement be removed and how changing the architectural standards could lower their property value. **Ms. Burchett** noted that the condition limiting the uses developed on the vacant land was added after the neighborhood meeting in order to address this concern. She noted that Orthopaedic Center of the Rockies and the owners of the medical office building were notified of this condition; however, she has not received a response from them.

Ms. Burchett reviewed the findings for approval and stated that staff is recommending the approval of the modification to the master plan with the exception of modifying the roofing standards in order to maintain consistency with the vision for Boyd Lake Village. **Ms. Burchett** noted that there is a 10-day appeal period for whatever action the commission takes tonight.

Ashley Stiles, McWhinney Real Estate Services, thanked all the staff for their help and noted that the master plan amendment request would accommodate development that is not considered a primary use, such as skilled nursing and assisted living. **Ms. Stiles** noted that there is a high demand for services that are geared towards the aging population and the potential buyer is proposing an assisted living facility.

In regards to the request to modify the roofing requirements, **Ms. Stiles** noted that the master plan would still require implementation of three roofing forms; however, it would include pitched roof as one of the options. **Ms. Stiles** noted that the potential buyer wants to build an assisted living facility that resembles a home versus an office complex. A pitched roof is more commonly associated with residential properties than a flat roof. Pictures of surrounding buildings were provided demonstrating that the pitched roof could be considered transitional.

Ms. Stiles stated that the request to reduce the solar shading requirement is because many of the areas requiring shading would fall into areas that they would like sunlight, such as common areas, cafeterias, and therapy rooms.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Jersvig** asked for clarification on the timeline for the establishment of development standards for this property and **Ms. Burchett** explained that the current standards were in place at the time the properties were purchased.
- **Commissioner Molloy** asked if the prohibited uses could be approved through a special review and **Ms. Burchett** stated that the prohibited uses would not be allowed at all in the designated areas.
- **Commissioner Dowding** expressed concerns that most of the buildings in this development are multi-story and she is concerned that the proposed assisted living

facility is a single story. **Ms. Stiles** stated that due to the use, most of these types of projects are single story to be compliant with assisted living facility requirements.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 8:03 p.m.

There were no public comments.

Commissioner Jersvig closed the public hearing at 8:03 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Roskie** questioned whether the burden is on the applicant to prove that a change is necessary. She is not convinced that the roof requirements need to be modified.
- **Commissioner Molloy** expressed concern that these changes take away from the original design and intention of the master plan.
- **Commissioner McFall** stated that a standard was set and changing this standard is not fair to established businesses when everyone is not in agreement.
- **Commissioner Dowding** felt that the intent of this development was to have multi-story professional buildings and not single-story buildings. She did not support amending the roof requirements; however, she supported the land use change. **Ms. Burchett** noted that the existing master plan does not have a height requirement and a one-story building could be built under the current master plan.
- **Commissioner Ray** agreed with comments made by the previous commissioners.
- **Commissioner Jersvig** stated that all these properties fall under the master plan and owners bought their properties with this agreement in place. Changing the agreement is not fair if all of the property owners are not in agreement with the amendments.

Commissioner Dowding moved to make the findings listed in Section VII of the Planning Commission staff report dated May 22, 2017 and, based on those findings, and the findings on the record, approve the amendment to the Boyd Lake Village Conceptual Master Plan Second Amendment” with the exception of the modification to the design standards related to roofing. This action shall be the final approval for the purposes of appeal. Upon a second by Commissioner McFall, the motion was adopted with 5 ayes and 1 nay.

ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 8:22 p.m.

Approved by: 
Jeremy Jersvig, Planning Commission Chair


Jenell Cheever, Planning Commission Secretary