

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**June 26, 2017**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 26, 2017 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, Ray, McFall, Roskie, and Fleischer. Members absent: None. 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, July 10, 2017 Planning Commission meeting. Mr. Paulsen stated that the regular meeting has been canceled and a Study Session will be held at the Development Center at 6:00 p.m. instead.
2. **Mr. Paulsen** stated that **Tim Hitchcock** has been nominated for the Planning Commission vacancy and City Council will vote on the appointment at the July 5, 2017 City Council meeting.
3. **Mr. Paulsen** noted that the first reading of the ordinance to expand Planning Commission eligibility to residents of the Growth Management Area is on the July 5, 2017 City Council agenda.

**CITY ATTORNEY'S OFFICE UPDATES**

1. **Moses Garcia**, Assistant City Attorney, noted that a resolution to appoint Clay Douglas as City Attorney will be presented to City Council on July 5, 2017.

**COMMITTEE REPORTS**

There were no committee reports.

**COMMISSIONER COMMENTS**

There were no comments.

## **APPROVAL OF THE MINUTES**

*Commissioner Dowding made a motion to approve the June 12, 2017 minutes; upon a second from Commissioner McFall, the minutes were unanimously adopted.*

## **REGULAR AGENDA**

### **1. Parkside Village Annexation, Zoning and Preliminary Plat**

**Project Description:** This is a public hearing to consider the annexation, zoning and preliminary platting for 41 acres of undeveloped land located on the south side of 1st Street SW along the NE shore of Boedecker Reservoir. The applicant, Mosaic Real Estate LLC, is proposing to develop a residential subdivision on 24 acres of the site, leaving 17 acres as natural open space along the Boedecker shoreline. The requested zoning is PUD, which includes the submittal of a Preliminary Development Plan and a Preliminary Plat for approval. The plan proposes the clustering of lots that include 62 single-family detached homes and 14 duplexes situated along an internal street layout. Access to the property is from 1st Street.

Upon completion of the public hearing, the Commission's role is to make a recommendation to the City Council on the Annexation, Preliminary Development Plan and Preliminary Plat. Staff believes that the three associated requests are consistent with applicable City policies and requirements, and staff is supporting the requests subject to conditions specified in the staff report.

**Troy Bliss**, Senior Planner, described the Parkside Village Addition Annexation, Preliminary Development Plan and Preliminary Plat as provided in the Staff Report. **Mr. Bliss** noted that all three applications are connected so approval should not be granted to one and not the other. Additionally, all three applications will be presented to City Council for final action.

The recommended zoning is a Planned Unit Development (PUD) consisting of 76 dwelling units and five outlots for open space. **Mr. Bliss** made a correction to the Staff Report and stated that the existing zoning in Larimer County is Residential and not Tourist. Therefore, if the City does not annex this property it is possible for the applicant to develop this project in Larimer County based on the current zoning classification. **Mr. Bliss** noted that the County would follow the Intergovernmental Agreement between the City of Loveland and Larimer County that would restrict the density; however, the County would not have to follow Loveland's street standards.

**Mr. Bliss** stated that City Staff is recommending annexation of the property and supports the Preliminary Development Plan and Preliminary Plat with the addition of several conditions outlined in Section VIII of the Staff Report. **Mr. Bliss** described the analysis staff performed in order to make this recommendation. The property is within Loveland's Growth Management Area and meets the criteria for development as described within Loveland's Comprehensive Plan. Additionally, City Staff has determined that the City can serve the site with adequate City services such as transportation, emergency protection, utilities and stormwater control.

**Mr. Bliss** introduced the applicant's representative, **Kenneth Mitchell** with Mosaic Real Estate LLC. **Mr. Mitchell** stated that he strived to align the development with the City's Comprehensive Plan and he has been working with the City of Loveland to arrange for the City acquire approximately 17 of the 41 acres to be annexed. This land is adjacent to the Boedecker shoreline and would provide public access to open space and trails. Currently this is private property and people who use this area for recreational purposes are trespassing.

A neighborhood meeting was held on December 8, 2016 with approximately 50-75 people in attendance. The main concerns expressed were increased traffic, wildlife preservation, prairie dog protection, development density, volume of water use, single entrance/exit to the project site, concern over home values, excessive speed on 1<sup>st</sup> Street, concern over "trailer trash," and the loss of open space and views. **Mr. Mitchell** provided information on how he has addressed each of these concerns. (Details are provided in the RESPONSE TO CITIZEN CONCERNS section below.)

#### **CITIZEN COMMENTS:**

**Commissioner Jersvig opened the public hearing at 7:35 p.m.**

- **Holly Trumble** provided pictures from homes on the west side of Boedecker Lake in Mariana Cove. She expressed concerns with the impact on wildlife, the lot sizes and architecture of the proposed homes, removal of trees, and increased water use. Ms. Trumble explained that her reference to "trailer trash" meant that the small home and lot sizes resemble a trailer park.
- **Sharon McCrimmon** recommended that the city purchase the entire 41-acre parcel to protect the views and preserve open space. Ms. McCrimmon noted that her property has experienced extensive flooding issues since the City completed the installation of fiber optic lines along 1<sup>st</sup> Street several years ago. She expressed concerns that this new development may change the direction of water flow again, causing more damage to their home.
- **Tom Brainon** expressed concerns with relocating the prairie dogs.
- **Rick Rogers** asked that the property be preserved as open space and is concerned that there is no guarantee the city will purchase the 17 acres of land along the shoreline for open space. He also expressed concerns with density and increased traffic.
- **Tim Bunger** stated that the project was a high-quality development but it is not possible to mitigate the impacts on the environment. Expressed concerns that Loveland is already dealing with traffic congestion and the high density of development will increase the cost of living such as schools, utilities, and roads.
- **Art Grotenhuis** expressed concerns with the single entrance and egress to the development site.
- **Laurie Dasco** expressed concerns with the high density and how the increased noise will affect existing homeowners and wildlife.
- **Brad Sutton** concurred with previous comments and expressed concerns that the high density of development is not consistent with existing development in the area.
- **Eileen Heusinkveld** stated that she is the owner of the subject property and that her grandfather originally purchased much of the property around Boedecker Lake. Over the

years, her family has sold different properties around the lake for other developments. Ms. Heusinkveld questioned why it has been ok for people to buy and build their homes in the area, but they are now objecting to this plan because they do not want their views ruined. Ms. Heusinkveld expressed her appreciation for Mr. Mitchell and his efforts to address all of the concerns raised by neighbors. She also noted that her property is privately owned and is not part of a state wildlife area.

- **Marlene Rogers** stated that the construction of 76 homes does not make this area available to other citizens of Loveland and asked that the Planning Commission preserve this area.
- **Robert Schlechter** expressed concerns that the property will look like a mobile home park and that the tiny houses are not consistent with existing development around Boedecker Lake. Mr. Schlechter asked that the City purchase the entire property for open space.
- **Julia Brannon** would like to see this property turned into a park and offered to help plant trees.
- **Brynn Manzella** expressed concerns with the impact the development would have on wildlife and asked if anyone had consulted with Colorado Parks and Wildlife to develop a plan to protect the wildlife. Ms. Manzella asked how this development would be impacted if Colorado Parks and Wildlife did not renew the lease they currently have for the surface rights of Boedecker Lake.
- **Stanley Ross** noted that whomever owns or leases the lake rights might restrict access to Boedecker Lake; therefore, it is possible that public access is restricted in the future. Mr. Ross asked what the project timeline is for this development.
- **Jonie Horst** expressed concerns with the density of the project and the increased traffic associated with both this proposed development and Mountain Gate, a new development near Parkside Village. Ms. Horst stated that she did not feel that Parkside was an appealing development.
- **Ray Petersburg** expressed concerns with the elevations of the homes and felt it would be hard to satisfy the dark sky concept.
- **Ron McCrimmon** expressed concerns with increased traffic and inadequate pedestrian infrastructure. Mr. McCrimmon asked that the City purchase this property for the citizens of Loveland.
- **Rogers Schimke**, expressed concerns with relocating the prairie dogs and noted that the poor soil quality in this area would require amending the soil in order to maintain vegetation.

**Commissioner Jersvig closed the public hearing at 8:34 p.m.**

**Commissioner Jersvig called for a recess at 8:35 p.m.**

**Commissioner Jersvig called the meeting to order at 8:50 p.m.**

#### **RESPONSE TO CITIZEN CONCERNS:**

**The project developer, Mr. Mitchell** and his project team provided the following responses to the concerns expressed by citizens and commissioners; City staff, as noted, also responded to

specific issues.

- Tree removal: There are no trees on the lots being developed; therefore, no trees will be removed; the existing trees along the shoreline will remain.
- Prairie dog relocation: Prairie dog relocation has been successfully done in other developments. The Prairie Dog Coalition has been on-site to analyze the colony and develop a relocation plan.
- Diminished prairie dog population and yucca plants: Nothing has been done to date to reduce the prairie dog population or impact the vegetation. Mr. Mitchell could not speculate what has caused this to occur.
- Increased water consumption: Based on his calculations, the water footprint of the proposed development is very small compared to similar neighborhoods.
- Impact on birds: This development is designed with a substantial 200-foot setback from the lakeshore. Mr. Mitchell has seen birds thrive in other developments with less setback requirements.
- Smaller homes not compatible with the area: The homes are not smaller than other homes in the area; however, the lot sizes are smaller in order to allow preservation of the 200-foot-wide open space between the lake and the homes.
- Placement of the pedestrian access to Boedecker Lake: Access to Boedecker Lake and the future shoreline trail is a requirement of the Parks Department. However, placing the access point at a more convenient location within the development would require an easement through the McCrimmon's property, which has not been granted. Another factor is locating the access path so it can meet slope and accessibility requirements; the applicant is willing to review plans to see if a more direct and convenient access path is possible.
- Recommendation for the City purchase of the property and dedicate as open land: The Parks Department has studied the property and does not consider the development site to be a high-quality wildlife habitat. Therefore, the City does not want to pursue purchasing the entire property, but only the shoreline area.
- No guarantee that the City will purchase the lakeshore property: **Brian Hayes**, City of Loveland Open Lands Division, confirmed that the City is interested in purchasing the property. However, in order for the City to purchase the property it will need to be annexed and platted as a separate lot--which the applicant is pursuing.
- Boedecker Lake surface water rights: The Colorado Division of Wildlife has a lease in place until 2020 for the surface rights on Boedecker Lake. It is uncertain if this lease will be renewed and if the public will have continued access to the lake.
- Density compatibility: The net density of this development is 3.1 units per acre and 1.1 units per acre gross. High density is typically 12 units per acre so this development is well below the high density threshold. Additionally, this development is in alignment with Loveland's Master Plan for this area.
- Preservation of wildlife: The 200-foot shoreline setback would preserve and protect the waterfront, thus providing a compatible habitat for existing wildlife.
- Quality of development: Deed restrictions with building guidelines are part of the development proposal, ensuring a high-quality development.

- New development raises costs to city: The developer will be financially responsible for the improvements needed to serve the development, including the extension of infrastructure and the required road and sidewalk improvements.
- Impact on nesting raptors: Will follow any restrictions if it is recommended that development activities not be conducted during a certain time period due to nesting raptors.
- Timing of development: The project would most likely be built in two phases with buildout in 1-2 years. Improvements along 1<sup>st</sup> Street would need to be completed first.
- Demographics: This community is geared towards empty nesters due to the smaller lot size and low maintenance design.
- Poor soil quality and whether quality landscaping will be maintained: Loveland's soil amendment process will be followed. The soil quality is similar to that in the Mariana Butte subdivision, which has been successfully developed.
- Lack of secondary egress: The city will not allow the creation of another entrance on 1<sup>st</sup> Street due to the separation distance requirement between intersections. However, as development increases to the east it may be possible to create an entrance onto County Road 21.
- Flood mitigation based on McCrimmon experience: This development will direct water towards the street and meet City stormwater requirements. He anticipates there being decreased water flow to the McCrimmon property.
- Dark sky maintenance: Installation of specialized light fixtures and restriction on flood lights on the back of houses will limit light exposure.
- Snow removal: **Mr. Bliss** confirmed that the City of Loveland would be responsible for snow removal on the streets within the development. Neighborhood streets are a low priority for snow removal.
- Parking and access to Boedecker Lake: A parking lot is not planned but the lake would be easily accessible to pedestrians from Parkside Village and Mariana Butte. If other adjacent properties are annexed it may be possible to add a parking lot.
- Hunting on the property: Hunting occurs on the north side of the lake along West 1<sup>st</sup> Street. Continuation of this activity would require further evaluation once trails are built.
- Impact on bald eagles: Bald eagles currently nest approximately one-mile south in a different open space area. Mr. Mitchell did not think the addition of trails in this development will impact the bald eagles.
- Traffic Impact: **Michael Delich**, Delich Associates, addressed concerns with congestion and speed on 1<sup>st</sup> street and noted that the installation of a required roundabout at 1st and Namaqua (to be installed by the developer) would reduce speeds and create a safe pedestrian crossing.

## COMMISSION COMMENTS:

- **Commissioner Molloy** stated that he felt high quality homes would be built in this development. Although the lots are small, crowding is reduced by having the 200-foot

setback and open space area. Commissioner Molloy, however, expressed concerns with having a single access point to the subdivision.

- **Commissioner Forrest** appreciates the applicant addressing wildlife concerns and meeting the objectives of the Comprehensive Plan.
- **Commissioner Roskie** felt the applicant and owners have been responsive to concerns expressed by the neighbors.
- **Commissioner McFall** agreed with previous commissioner comments and stated that it is disappointing that the views will go away; however, the development aligns with the City's Comprehensive Plan.
- **Commissioner Ray** stated that although the development looks compact it meets density requirements. He appreciates the 200-foot setback to help preserve the lake and its shoreline habitat.
- **Commissioner Fleischer** expressed concerns with how the development would impact Boedecker Lake; however, he felt the 200-foot setback would limit the impact on the natural habitat.
- **Commissioner Dowding** appreciated the developer's sensitivity to preserving open space and agreed that the project aligns with the goals of the Comprehensive Plan.
- **Commissioner Jersvig** explained that when evaluating a proposal he looks for reasons to say no. However, a property owner has the right to develop their property and he felt the developer has worked to address everyone's concerns. Therefore he could not find a substantial reason to not approve the development.

*Commissioner Dowding moved to make the findings listed in Section VII of the Planning Commission staff report dated June 26, 2017, and, based on those findings, recommend that the City Council approve the annexation of the Parkside Village Addition, subject to the conditions listed in Section VIII, as amended on the record, and zone the addition to Parkside Village Planned Unit Development. The motion was seconded by Commissioner Roskie. Upon Mr. Mitchell accepting the conditions, the motion was unanimously adopted.*

*Commissioner Dowding moved to make the findings listed in Section VII of the Planning Commission staff report dated June 26, 2017, and, based on those findings, recommend that City Council approve the Parkside Village PUD Preliminary Development Plan. The motion was seconded by Commissioner Roskie. Upon Mr. Mitchell accepting the conditions, the motion was unanimously adopted.*

*Commissioner Dowding moved to make the findings listed in Section VII of the Planning Commission staff report dated June 26, 2017, and, based on those findings, recommend that City Council approve the Parkside Village PUD Preliminary Plat. The motion was seconded by Commissioner Roskie. Upon Mr. Mitchell accepting the conditions, the motion was unanimously adopted.*

**Commissioner Jersvig called for a recess at 10:36 p.m.**

**Commissioner Jersvig called the meeting to order at 10:47 p.m.**

## 2. The Brands Flexible Zoning Overlay District

**Project Description:** This is a public hearing to consider an application for a flexible zoning overlay district for a 201-acre mixed-use development called The Brands and The Brands West. The project includes two separate land areas on the east and west sides of I-25, north of Crossroads Boulevard. The Brands, located south of the Larimer County Fairgrounds, is envisioned as a 1,267,520 square foot high-end life-style center with an urban core that includes a large pedestrian plaza, entertainment uses, restaurants, apartments, offices, retail and hotels. The Brands West, located adjacent to the Fort Collins-Loveland Airport, is envisioned as a 939,100 square foot in-line and pad site development that would be developed into retail, restaurants, hotels, offices and light industrial uses.

The Brands and The Brands West properties are zoned Industrial and are subject to traditional, low-intensity development standards in the Municipal Code. Those standards do not accommodate the applicant's vision of high density, urban scale buildings on the property. The flexible zoning overlay district, which is a new land use tool that was recently adopted to stimulate innovative development and promote reinvestment, was selected to provide relief from the existing zoning standards. Staff is supporting approval. The Planning Commission's role is to provide City Council with a recommendation on this request.

**Kerri Burchett**, Principal Planner, explained why the Flexible Zoning Overlay District is an appropriate zoning tool for the two project sites and how this zoning tool would enable the developer to accomplish the unique vision set forth for this project. She presented a table illustrating the zoning adjustments being requested through the Flexible Overlay District and provided the rationale for each standard that is proposed for adjustment. **Ms. Burchett** explained that without the flexibility offered through the Flexible Overlay District the existing I-Industrial District would not accommodate The Brands project as designed. **Ms. Burchett** noted that City Council determined The Brands to be in compliance with the Comprehensive Plan. In addition, the Council has approved a Business Assistance Agreement for the project.

**Ms. Burchett** stated that a neighborhood meeting was held on June 8<sup>th</sup> with five people in attendance. The comments received were generally positive and supportive of the project.

**Ms. Burchett** introduced the applicant, **Stewart Loewenstein**, with Eagle Crossing Developments. **Mr. Loewenstein** discussed the conceptual plan for the project. He emphasized the mixed-use and urban nature of The Brands project and how it is organized around a large central pedestrian plaza that is activated by surrounding ground-level entertainment, restaurant and retail uses. He emphasized that the goal of the development is to make it a community-oriented destination. Residential apartments would be incorporated into the project. The Brands West development is designed as a more conventional setting for big box retail, office and light industrial uses located along the west frontage of I-25.

### COMMISSIONER QUESTIONS AND COMMENTS:

- Several commissioners expressed concerns with the building heights. **Ms. Burchett** explained that the overlay district does not provide a height exception for all of the

proposed buildings but only for certain properties. This would allow hotels, offices and larger anchor stores to be taller. The tallest buildings might be similar in height to the existing Embassy Suites building to the north.

#### **CITIZEN COMMENTS:**

**Commissioner Jersvig opened the public hearing at 11:29 p.m.**

There were no public comments.

**Commissioner Jersvig closed the public hearing at 11:29 p.m.**

#### **COMMISSIONER COMMENTS:**

- Several commissioners commented that they liked the project, the growth potential that it offered to the community and that the project is consistent with the City's vision of the future. Commissioners indicated that it represented an appropriate use of the Flexible Zoning Overlay District.

*Commissioner Dowding moved to find that the criteria listed in Section VI of the Planning Commission staff report dated June 26, 2017 has been met and, based on those criteria, recommend City Council approve the Flexible Zoning Overlay District for The Brands and The Brands West. Upon a second by **Commissioner Forrest**, the motion was unanimously adopted (Commissioner Roskie absent at the time of voting).*

### **3. Amendment to the Intergovernmental Agreement for Growth Management**

**Project Description:** With this item, the Planning Commission is tasked with providing a recommendation to the City Council regarding the proposed amendment the Intergovernmental Agreement for Growth Management between Loveland and Larimer County (IGA). Loveland's Growth Management Area is put into effect by a combination of the IGA between Loveland and Larimer County and Larimer County's Loveland GMA Overlay zoning district. This zoning district implements the IGA by requiring that any property owner in Larimer County that wishes to pursue a discretionary land use application must first approach the City of Loveland to see if annexation is possible.

Currently, the boundaries of what Loveland considers to be its GMA and the Larimer County Loveland GMA overlay-zoning district do not match, leading to areas of Loveland's GMA not being covered by the IGA. These areas are primarily in and around the SH 402 Corridor, but some are located north of Hwy 34. This amendment to the IGA and the extension of the overlay-zoning district are an effort towards rectifying this situation.

**Karl Barton**, Senior Planner, outlined the amendment to the Intergovernmental Agreement (IGA) and noted that Larimer County will also need to review and approve a similar IGA on July 19th.

**Mr. Barton** described the public outreach efforts and noted that six public meetings were held in addition to noticing this public hearing to approximately 500 people. In general, the proposed amendment received positive feedback from property owners and Larimer County Commissioners.

#### **COMMISSIONER QUESTIONS AND COMMENTS:**

- **Mr. Barton** clarified that the new Growth Management Area boundary would include a few properties to the north of Highway 34; however, the majority of the property to be included in the GMA is located near Highway 402.
- **Mr. Barton** noted that the amendment only makes changes to the boundaries of the GMA and that the text within the Intergovernmental Agreement will not change.

*Commissioner Ray moved to recommend that the City Council approve an amendment to the Intergovernmental Agreement for Growth Management between the City of Loveland and Larimer County dated January 12, 2004, specifically to Exhibit I of such agreement, to reflect changes made by Larimer County, to the Loveland Growth Management Area overlay-zoning district. Upon a second by Commissioner Dowding, the motion was unanimously adopted (Commissioner Roskie absent at the time of voting).*

#### **ADJOURNMENT**

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

Commissioner Jersvig adjourned the meeting at 11:40 p.m.

Approved by:



\_\_\_\_\_  
Jeremy Jersvig, Planning Commission Chair



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Jenell Cheever, Planning Commission Secretary.