

CITY OF LOVELAND PLANNING COMMISSION MINUTES September 25, 2017

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on September 25, 2017 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, McFall, Roskie, Fleischer, and Hitchcock. Members absent: Commissioner Forrest. City Staff present: Bob Paulsen, Current Planning Manager; Laurie Stirman, 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. Robert Paulsen, Current Planning Manager, reviewed the agenda items scheduled for the Monday, October 09, 2017 Planning Commission meeting. He alerted the Commission that the Foundry hotel and right-of-way vacation could be a part of this meeting. Mr. Paulsen reported that there will also be a public hearing regarding Affordable Housing Code Provisions with Alison Hade of Community Partnership office.

2. In regard to the Unified Development Code (UDC) Study Sessions schedule and the public hearing scheduled for October 16th, Mr. Paulsen introduced Mr. Greg George, Special Projects Manager, for an update on the UDC process. Mr. George informed the Commissioners that, following discussions with the Planning Commission, the City Council, and after a development review team/consultant meeting earlier in the evening, he is proposing a new schedule for the finalization of the UDC. This proposed schedule will require moving the completion of the project and subsequent approval by City Council to March of 2018. This change has come about because of the realization that not enough time has been allowed for review of the new code by the technical and professional planning and engineering staff and the desire for more input from the general public through public workshops and/or focus groups. Therefore, it is everyone's best interest to postpone/cancel all study sessions, Title 18 meetings and public hearings currently scheduled for the UDC project. A revised schedule that works for everyone showing the project complete and ready to go to City Council in March of 2018 will be provided as soon as possible.

Commissioner Roskie inquired if this meant going back to the original schedule for Title 18 and the Planning Commission meetings. Mr. George said a complete schedule will be created that will get us to completion in March of 2018. One that allows time with staff, customers and the community

Mr. Todd Messenger, Consultant, informed the group that he did not feel he could deliver a quality product within the current timeframe. He felt a pause of one to one and one/half months would be realistic before study sessions/meetings for Planning Commissioners' would resume. He foresees scheduling a workshop on the complete project draft and the enCode process for the Commissioners as a necessity.

Commissioner Dowding asked if the October 16th public hearing and the scheduled study sessions would be cancelled and was informed that the Commission would have to take action to cancel those meetings.

Commissioner McFall commented that he has was concerned about the pace of the project and this change makes him feel good. He finds reviewing the changes on line hard to follow and wants a hard copy of the final proposal before any public hearings or sooner.

Commissioner Molloy notes that there has been quite a bit of standards to go thru and it does help to have the separate pieces. He hopes the links to the completed portions of the code continue to be available as they are developed. **Mr. Messenger** responded that Commissioners will continue to receive links to changes and **Commissioner**' comments will be addressed weekly.

Commissioner Dowding addressed a question about the one of the provisions in the materials scheduled for review tonight regarding churches. **Mr. Messenger** said that because of the long standing federal government's Religious Land Use and Institutional Provisions Act, churches cannot be differentiated from any other place of public assembly. It is not a government function to know if the place of assembly is secular or non-secular. **Commissioner Dowding** asked for that information to be included in the definition of "place of assembly".

The general consensus of the Commissioners was that the rescheduling of the Unified Development Code was a good move and it was fully supported. The following motions were made to accommodate this change:

***Commissioner Dowding** moved to cancel the UDC study sessions scheduled October 2nd and 9th. Following a second by **Commissioner McFall**, the motion was unanimously approved.*

***Commissioner Dowding** moved to cancel the UDC Public Hearing scheduled for October 16th. Following a second by **Commissioner McFall**, the motion was unanimously approved*

***Commissioner Dowding** moved to adopt a new schedule as outlined on the record. Following a second by **Commissioner McFall**, the motion was unanimously approved*

CITY ATTORNEY'S OFFICE UPDATES

There was nothing to report from the City Attorney's Office

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 Planning Commission minutes for September 11, 2017; upon a second from Commissioner Molloy, the minutes were approved with Commissioner Roskie abstaining.

CONSENT AGENDA

Mr. Paulsen, Current Planning Manager, stated that the staff is requesting removal of item 1 from the consent agenda as a notice of objection has been received. The public hearing should be opened to determine if anyone present wishes to speak.

2. Thornburg –Hamilton Easement Vacation

This is a Public Hearing for consideration of a request to vacate a 30-foot access and utility easement on Lot 3, Block 1, Thornburg-Hamilton First Subdivision. As described in item one, the overall development site is approximately 74 acres and is located at the southwest corner of Fairgrounds Avenue and Country Road 30, north of the Larimer County Fairgrounds. The easement on Lot 3 proposed to be vacated is approximately 1.8 acres in size. The vacation of the easement is necessary to accommodate a proposed a multi-family residential development. This easement is unnecessary as new easements accommodating planned future development will be established with approval of the minor subdivision plat for the property; the new plat is currently undergoing administrative review. The applicant is Windsor Plains LLC, represented by Jon Turner. Staff is recommending approval. The Planning Commission's role is to make a recommendation to the City Council for final action.

Commissioner Dowding moved approve the Consent Agenda consisting of the Thornburg-Hamilton First Subdivision easement vacation. Following a second by Commissioner Roskie, the motion was unanimously approved.

REGULAR AGENDA

1. Thornburg –Hamilton Mineral Estate Hearing

This is a Public Hearing to consider a minor subdivision plat that contains a severed mineral estate owner. The property is approximately 74 acres and is located at the southwest corner of Fairgrounds Avenue and Country Road 30, north of the Larimer

County Fairgrounds. The plat proposes to create four new lots to accommodate a multifamily residential development and an elementary school site for the Poudre School District. In accordance with State Statutes, when a plat contains severed mineral owners, a public hearing is required with the Planning Commission. The purpose of the hearing is to provide mineral owners notice and an opportunity to be heard. Any mineral owners objecting to the minor subdivision plat at the public hearing may seek a surface use agreement with the property owner or pursue other civil remedies.

Ms. Kerri Burchett, Current Planning, informed the Commissioners that she had just received an e-mail from Anadarko Petroleum Corporation stating their objection to this item. The Applicant and Anadarko will now have 30 days in which to negotiate a surface use agreement or show reasonable access to the site for mineral extraction purposes. This now becomes a civil matter and cannot proceed until this period expires or an agreement is reached.

Commissioner Jersvig opened the public hearing at 7:02 PM.

There were no public comments.

Commissioner Jersvig opened the public hearing at 7:02 PM.

3. Shamrock West (Davis Dental) Preliminary Development Plan

Noreen Smyth, Current Planning, noted that this is a public hearing for consideration of a request to amend the Shamrock West/Greenbriar Preliminary Development Plan to allow development of Lot 3, Block 1, Shamrock West Third Subdivision. The 0.63 acre subject property is located within a developing commercial area along the west side of North Taft Avenue to the south of 43rd Street. The proposed building will accommodate a dental office along with a future complementary office or retail use. In conjunction with the change, the amendment proposes to change the building elevation design required of the subject lot along with updating other details of the PUD as necessary to accommodate the proposed development. The applicant is Paul Battista, Battista Design. Staff is recommending approval. The Planning Commission's recommendation will be forwarded to the City Council, who will have final decision-making authority on this application.

Ms. Smyth explained that this lot was originally designated for retail development; however, the office designation would allow for a less intensive use near the existing residential area. She stated that a public hearing is necessary because of the proposed change in the use of the lot. The plan is for a dental office with additional rental office space on this lot. Should the subject request be approved, the applicant will still have to submit a combination final and site development plan for staff review and obtain a building permit. She presented illustrations of the building design and placement.

Commissioner Hitchcock commented that there is not much retail in this area now and this is removing more. He asked if this fact was reviewed by staff. **Ms. Smyth** indicated

that such an assessment is not a requirement of the application, and further indicated that there are other lots in the development that are designated as retail that are a better fit for retail than this lot.

The applicant, **Mr. Paul Battista**, introduced himself as the architect for the property. He noted that Dr. Pam Davies Bowers would like to expand her dental practice into this location. The lot has been available for a long time. During the neighborhood meeting, neighbors expressed appreciation for the change to a less dense use and better buffering. He noted that any other changes to the usage in the development would have to undergo this same process. He stated that the change in architectural plans provided a good transition from the residential area. The building is not a two-story structure and the upper windows are designed to provide more natural light into the space.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Dowding** inquired about the garage door illustrated on the east side in the plans. She also noted that this is a very small lot. Mr. Battista replied that the garage door was a temporary design treatment as a tenant for this part of the building is undetermined. For the time being, this entry and space will be left unfinished with the door designed to give potential tenants some options.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:18 p.m.

There were no public comments.

Commissioner Jersvig closed the public hearing at 7:18 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Molloy** commented that the architecture does look residential in nature. He noted that the landscaping in the buffer area could be less intensely planted and hoped that would be considered on the Final Development Plan.

Commissioner Dowding moved to make the findings listed in Section VII of the Planning Commission staff report dated September 25, 2017 and, based on those findings, recommend that the City Council approve the Shamrock West Preliminary Development Plan Amendment, as amended on the record. Following a second by Commissioner McFall, the motion was unanimously approved.

ADJOURNMENT

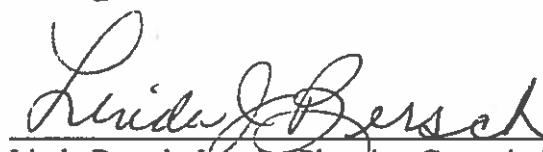
Commissioner Dowding, made a motion to adjourn. Upon a second by **Commissioner McCall**, the motion was unanimously adopted.

Commissioner Jersvig adjourned the meeting at 7:25 p.m.

Approved by:



Jeremy Jersvig, Planning Commission Chair



Linda Bersch, Interim Planning Commission Secretary.