

CITY OF LOVELAND PLANNING COMMISSION MINUTES June 11, 2018

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 11, 2018 at 6:30 p.m. Members present: Chairwoman Dowding; and Commissioners Roskie, Molloy, Bears and Hammond. Members absent: Commissioners McFall, Fleischer and Hitchcock. City Staff present: Bob Paulsen, Current Planning Manager; Laurie Stirman, Assistant City Attorney; Lisa Rye, 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 25, 2018 Planning Commission meeting. Currently scheduled are the Kendall Brook GDP Amendment, along with the New Vision Charter School for a location and extent review.
2. **Mr. Paulsen** noted that staff has been working diligently on updating the Unified Development Code. It is anticipated that the third draft will be released to the Planning Commission and the Title 18 Committee for review within a few weeks. Title 18 Committee Meetings and Planning Commission Study Sessions will resume in the month of July.

CITY ATTORNEY'S OFFICE UPDATES

There was nothing to report from the City Attorney's office.

COMMITTEE REPORTS

Commissioner Roskie reported on the Title 18 Committee meeting held on June 7th. Non-conforming use provisions were discussed and will be a continued topic at the next meeting to ensure that the proposed regulations can be implemented by staff and that current practices that are working are brought into the Unified Development Code (UDC).

Mr. Paulsen mentioned that City Council will be invited to attend an upcoming Planning Commission meeting in July, at which time the UDC update will be addressed.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Roskie made a motion to approve the May 14, 2018 minutes; upon a second from Commissioner Hovland, the minutes were unanimously approved.

CONSENT AGENDA

There were no items scheduled on the Consent Agenda

REGULAR AGENDA

1. 1001 ½ E Street Variance Request PH – Zoning Board of Adjustment Hearing

Project Description: This public hearing item has been referred from the Zoning Board of Adjustment Hearing Officer. In hearing this item, the Planning Commission will serve in its role as the full Zoning Board of Adjustment. The variance application includes two associated variances relating to a residential development on property zoned R3e – Established High Density Residential. The property is located on the northeast corner of East Second Street and North Hayes Avenue. The property includes an existing single family home and a partially constructed duplex. The variance application requests a lot size reduction and a front yard setback reduction to accommodate a duplex. The applicant has been stopped from proceeding with construction until the variance issues are resolved and an accurate building permit submittal is provided. Planning staff is recommending approval.

Commissioner Dowding announced the Planning Commission would now be acting as the Zoning Board of Adjustment.

Commissioner Hovland disclosed that he is the owner of property next to the subject property but indicated that he could vote fairly based on the evidence provided.

Commissioner Dowding opened the public hearing at 6:36 p.m.

Emily Tarantini, Current Planning, presented the Zoning Board of Adjustment an overview of the location of the subject property, discussed project background, and discussed site plans showing previous and current conditions. The variances requested are (1) a street-side setback reduction (the required setback is 15 feet - the applicant is proposing 9 feet 8 inches from building to property line; and (2) a lot area square footage reduction (a 3-family layout requires a 7,000 square foot lot. This lot is 6,490 square feet).

Ms. Tarantini reviewed the history of the property, including a partial demolition in 2016, which was completed without a permit. The property was later red-tagged in April 2018 due to an expired permit and the construction completed did not adhere to the original building permit plans.

Ms. Tarantini displayed site plans showing both previous and current site conditions. Previous plans illustrated building Unit 2, and the original building permit proposal for a 266 square foot addition. Current site plans illustrated the newly constructed Unit 3. **Ms. Tarantini** explained that the existence of 1,490 sq. feet of right of way behind the sidewalks along the adjacent two street frontages of the lot helps to accommodate the 3-unit layout and allows it to function properly. She added that the addition has made a positive impact on the neighborhood since the unit was in need of repair and that the applicant preserved the historic orientation of the lot.

Staff recommended approval of the variances, subject to the following conditions:

- A site development plan and associated construction plans must be submitted.
- A building permit must be submitted, and inspections will be required.

Commissioner Molloy questioned how long the right of way has been in existence. **Ms. Tarantini** stated the property was platted in approximately 1920. **Ms. Tarantini** indicated that the City Transportation office has stated that there are no plans to widen the road or utilize the excess right-of-way.

Tyler Folger, applicant, addressed the board, apologizing for the errors made in the steps taken to develop the property, and indicated that he is committed to make things right.

CITIZEN COMMENTS:

Chris Browne, neighbor, stated that the further development of the property is an improvement and an asset to the neighborhood.

Commissioner Dowding closed the public hearing at 6:55 p.m.

Commissioner Roskie moved to make the findings listed in Section VII of the Zoning Board of Adjustment staff report dated June 11, 2018, and based on those findings: A) Approve the requested reduction to the streetside setback. B) Approve the requested reduction to the lot area square footage. Subject to the conditions listed in Section IX, as amended on the record.
Commissioner Molloy seconded the motion.

COMMISSIONER COMMENTS:

- **Commissioner Roskie** stressed the importance to consider the variance request on its own merits, despite the permitting process errors made by the applicant. She asked the applicant to justify the hardship he experienced preventing him from meeting the 15 foot setback and lot size requirements. **Mr. Folger** answered that he calculated the usable lot size incorrectly and did not account for the required setbacks.

- **Commissioner Dowding** asked the applicant what kind of loss he would experience had he met the 15- foot setback. The applicant confirmed he would have difficulty fitting the 2- bedroom unit on the lot if he had met the 15- foot setback.
- **Commissioner Roskie** stated she wished to amend the findings to show that the hardship the applicant experienced is the impracticability of using the property for the zoned purpose if it were subject to the standard setback and lot size requirements.
- **Commissioner Molloy** added that the hardship is not being able to use the full potential of the site due to restrictions on using the adjoining right-of-way.
- **Commissioner Dowding** indicated that, based on the information presented, both variances are acceptable to her and agreed that the layout of the 2- story unit is well-designed.

Tyler Folger accepted the recommended conditions as amended by staff.

The motion was unanimously approved.

Commissioner Dowding announced that this concluded the business of the Zoning Board of Adjustment. Further business on the agenda would be conducted with the board acting in its capacity as the Planning Commission.

Commissioner Dowding called for a recess at 7:06 p.m.

Commissioner Dowding called the meeting to order at 7:15 p.m.

2. Annexation and Zoning Request PH -- Hendricks First Addition

Project Description: This is a public hearing to consider annexation and the establishment of R3-High-Density Residential Zoning for a 25.7-acre property located in the southern portion of Loveland to the west Highway 287 and north of 19th Street SE. The property is owned by North Loveland LLC and Derby Hill Baptist Church. The site is part of a Larimer County enclave that is surrounded by properties that have been incorporated into the City. The applicant is pursuing annexation and zoning in order to allow future residential development. Concerns have been expressed by neighbors that future development of higher-density residential uses would not be compatible with existing development and would create traffic impacts. The annexation and zoning requests are consistent with the Comprehensive Plan and staff is recommending approval of both requests. The Planning Commission's role is to conduct a public hearing and make recommendations to the City Council for final action.

Commissioner Dowding opened the public hearing at 7:20 p.m.

Jennifer Hewett-Apperson, Strategic Planning, introduced applications, indicating the location of the subject property and describing the requests for annexation and zoning. She spoke of a neighborhood meeting which was held April 5, 2018 and over 30 people attended. Concerns the community shared at the meeting were increased density, traffic impacts, property value impact, and changes to the character of the area relating to the proposed high-density residential zoning.

Ms. Hewett-Apperson explained that R3 zoning and residential uses of a similar density to that allowed by the proposed zoning exist in the immediate vicinity. She indicated that the proposed zoning is compatible with the Comprehensive Plan and explained that the higher-density designation has been in existence for several years. This higher-density designation is likely due to the property's proximity to Highway 287. Ms. Hewett-Apperson indicated that there are no development plans available for review at this time, and any future development is subject to the Loveland development review processes. She emphasized that there are safeguards in place to ensure community concerns are addressed.

Lee Martin, Landmark Engineering, introduced himself as the applicant, indicated that the staff presentation had been thorough, and welcomed questions from the Commission. **Commissioner Molloy** asked what the timing was for development. **Mr. Martin** stated there are no plans for development at this time; the applicant is currently interested in having the property annexed and zoned to allow for future development.

Chair Dowding opened the hearing for public testimony.

William Giudici, homeowner in the Sierra Valley Subdivision, spoke of traffic concerns along Valency Drive. There is a potential for a significant increase in traffic and he wanted to ensure that the safety of the public is considered.

Mary Sanger, a resident of the area, spoke of the stormwater detention ponds (Wermont Ponds) in the area and shared her concerns about people having access to the area via Valency Drive. With the existence of the ponds, she believes this is an area that requires greater security due to the increase in people. **Ms. Hewett-Apperson** offered clarification to the Commissioners of the City-owned detention pond area that Ms. Singer spoke of.

Commissioner Molloy asked if there were any plans for a traffic light at the north end of Valency Drive. **Mr. Martin** answered that there were no plans.

Commissioner Hammond asked what the idea behind the purchase of the property. **Mr. Martin** answered that it would be purchased to be zoned R3 and then sold for further development.

Mr. Paulsen explained that once the zoning is approved, the property would go through administrative review, and will not return to the Planning Commission following annexation and zoning.

Ms. Roskie asked who owns the pond and if there is public access. **Mr. Martin** answered that the City owns the pond and confirmed there is no direct public access.

Commissioner Dowding closed the public hearing at 7:38 p.m.

Commission Roskie moved to make the findings listed in Section VII of the Planning Commission staff report dated June 11, 2018, and, based on those findings, recommend that City Council approve the Hendricks First Addition subject to the conditions listed in Section VIII, and zone the addition to R3 – Developing High Density Residential. Commissioner Hammond seconded the motion.

COMMISSIONER COMMENTS:

- **Commissioner Molloy** agreed that the zoning and annexation of the property falls within the Comprehensive Plan.
- **Commissioner Dowding** believed the requested zoning and annexation to be appropriate especially since the property is part of an enclave. She likes the idea of the city growing in whole pieces instead of piecemeal. She is hopeful that the city will take appropriate steps to prevent unauthorized access to the ponds.

Mr. Lee Martin stated that the applicant accepts the conditions as written.

The motion was unanimously approved.

ADJOURNMENT

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

Commissioner Dowding adjourned the meeting 7:43 pm.

Approved by:


Carol Dowding, Planning Commission Chair


Lisa Rye, Planning Commission Secretary.