

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
October 8, 2018

A meeting of the City of Loveland Planning Commission was held at the Development Center on October 8, 2018 at 6:30 p.m. Members present: Chairwoman Dowding; and Commissioners McFall, Molloy, Fleischer, Hitchcock, and Bears. Members absent: Commissioners Hammond and Hovland. 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, October 22, 2018 Planning Commission meeting. The Foundry Parking Garage – Art Memo is the only item on the agenda for this date. **Mr. Paulsen** explained that this item is not a pressing issue. He also mentioned that the meeting scheduled for Monday, November 12 falls on Veterans Day, which is a staff holiday and offices will be closed.

*Commissioner Hitchcock made a motion to cancel the October 22, 2018 and November 12, 2018 Planning Commission meetings; upon a second from **Commissioner McFall**, the motion was unanimously approved.*

2. **Mr. Paulsen** announced that the Boards and Commissions recruitment period, which opened October 1, will now be extended through November 5. Interviews for Planning Commission vacancies will be held in November and nominations will be presented to City Council in December. Vacant commission seats will be filled in January 2019.
3. **Mr. Paulsen** stated that on Tuesday, October 2, City Council voted unanimously to approve the Unified Development Code (UDC). It is expected that the Code will be adopted at the November 6, 2018 City Council Meeting, and then will go into effect on January 1, 2019.

CITY ATTORNEY'S OFFICE UPDATES

Laurie Stirman, Assistant City Attorney, stated that there is nothing to report.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

There were no comments.

BOYD LAKE PLACE IMPROVEMENTS

Justin Stone, Senior Engineer – Transportation Development Review, made a special presentation to the Planning Commission by providing an overview of steps the City takes to make transportation improvements. In addition, he briefly summarized the transportation improvements in the Boyd Lake Avenue area north of Highway 34. **Mr. Stone** explained that long-range plans are adjusted and revised every five years to ensure compatibility with the developing area. Detailed plans for the Boyd Lake Avenue area and the 15th Street roundabout were discussed. He explained that the Centerra Metro District will be making considerable improvements in the area.

Jim Niemczyk, Project Manager for Centerra Metropolitan District, discussed in detail the number of roadway improvements underway within the North Boyd Lake Avenue area. He explained that many of the improvements are an effort to keep up with, and possibly stay ahead of, the development taking place in the Centerra Metro District area. Mr. Niemczyk highlighted the complexity of the design considerations relating to the roundabout that will be installed at 15th Street and Boyd Lake Avenue, including the development of an underpass for the recreation trail. He explained that growth from the residential developments in the Boyd Lake area is necessitating the adjacent roadway improvements.

Mr. Paulsen advised the Planning Commission that although they do not have authority over transportation plan reviews, it is possible for City staff to provide such plans to help update and inform them of critical projects that are taking place.

APPROVAL OF THE MINUTES

Commissioner McFall made a motion to approve the September 24, 2018 minutes; upon a second from Commissioner Fleischer, the minutes were unanimously approved. Commissioner Hitchcock abstained.

CONSENT AGENDA

There were no items scheduled on the Consent Agenda

REGULAR AGENDA

1. First National Bank – Public Hearing

Project Description: The applicant is requesting to replace (amend) a previously approved Preliminary Development Plan (PDP) with a plan for a new bank on this vacant site located in the PUD-zoned Peakview Commercial Park at 152 West 64th Street. The site is 0.74 acres in size and is flanked by Les Schwab Tires and the Murphy Oil gas station on the west side of Highway 287. The applicant is proposing to develop the site in two phases: initially constructing a drive-up ATM; phase 2 would include a 3800 square foot bank building with drive thru facilities.

The proposed use is allowed by the General Development Plan (GDP). The site design, building elevations and utility infrastructure has been reviewed by staff and determined to be consistent with the applicable GDP and applicable City development standards. Staff is recommending approval. The role of the Planning Commission is to conduct a public hearing and has authority to approve, conditionally approve or deny the application.

Commissioner Dowding opened the public hearing at 7:25 p.m.

Mr. Caleb Jackson, Current Planning, gave an overview of the site and discussed the zoning of the surrounding area. He explained that the proposed use for the site does meet the findings required for approval. If the Planning Commission approves the project, the applicant will be required to submit a Final Development Plan, which must be approved administratively before a building permit can be considered.

Clint Anders, Ripley Design, presented a timeline of the project which included attending a concept review meeting with the Development Review Team, followed by a neighborhood meeting and the mailing of notices to the surrounding areas. Mr. Anders presented plans including a sidewalks, landscaping, parking, and architecture for the first phase of the proposed project which is a drive-up ATM. Phase two was briefly discussed and would involve the construction of the bank building.

Commissioner Hitchcock asked what the time frame would be for the completion of both phases. Mr. Anders answered that there would be approximately a three year span between the construction of the ATM and the construction of the bank building.

Commissioner Molloy asked if the grading of the site would be done in one step for both of the phases. **Sharlene Shadowen, Lamp Rynearson**, discussed the proposed plans for grading and stated that site grading will be completed in the first phase to accommodate landscaping and proper drainage.

Commissioner Dowding closed the public hearing at 7:33 p.m.

Commissioner McFall moved to make the findings set forth in the Planning Commission staff report dated October 8, 2018 and, based on those findings approve Peakview Commercial Park – First Subdivision Lots 4, 5, and 6 - Preliminary Development Plan Lot 5 Amendment as amended on the record. Commissioner Bears seconded the motion.

The motion was unanimously approved.

2. Changes to Municipal Code – Public Hearing

Project Description: The City of Loveland supports affordable housing primarily through the waiver of development, capital expansion (CEF) and other fees for non-profit and for-profit developers. The Loveland Municipal Code, in Sections 16.38 and 16.43, states that City Council may, by resolution, grant an exemption from all or part of the capital expansion fees or any other fees. Other fees include utilities and charges that must be reimbursed, or backfilled, by the general fund and cannot be waived outright by City Council. Non-profit developers, namely the Loveland Housing Authority and Habitat for Humanity, have historically received a waiver of close to 100% of building permit and capital expansion fees, as well as utility fees that require backfilling. For-profit organizations have only received fee waivers that do not require backfilling.

On May 15, 2018, City Council discussed back-filling fire impact fees in addition to utility fees and requested that the Community Partnership Office bring forward an action to update portions of Sections 16.38 and 16.43 of the Loveland Municipal Code to require the backfilling of fire impact fees. Affordable housing projects can access the Community Housing Development Fund to pay the backfilled amounts. Historic downtown projects must be backfilled from the general fund or some other fund.

Sections of Title 16 relating to the waiver of fees will be amended to allow the backfilling of fire impact fees in 2018, prior to the effective date of the Unified Development Code. Should the proposed code changes be adopted, the Community Partnership Office will ensure that these changes are incorporated into the Unified Development Code as well.

This item was presented to the Affordable Housing and Historic Preservation Commissions and the Construction Advisory Board on September 17th, 24th and 26th respectively. All three commissions approved the change.

Commissioner Dowding opened the public hearing at 7:45 p.m.

Alison Hade, Community Partnership Office, discussed the proposed changes to the Municipal Code regarding Fire Impact Fees. She spoke of the Intergovernmental Agreement (IGA) that the Loveland Fire and Rescue Authority (LFRA) entered into with the City of Loveland in 2017, stating that LFRA will no longer outright waive the fire impact fees. Ms. Hade added that the IGA will impact the areas of affordable housing, the historic downtown, and the West Eisenhower Reinvestment Zone (WERZ).

Commissioner Dowding mentioned that it is hard to understand the changes to the code without being able to review redline versions of the pertinent sections of the code. **Laurie Stirman, Assistant City Attorney**, clarified that the proposed changes to the code include straight-forward language, specifying that the LFRA fees will be backfilled.

Commissioner Hitchcock questioned how the fees will be backfilled.

Robert Paulsen, Current Planning Manager, mentioned it may be helpful to the commissioners if there was clarification as to why LFRA wants these fees backfilled. **Commissioner McFall** added that he also wondered the same thing. **Ms. Hade** answered that it is the IGA that states that the impact fees must be backfilled. The language in the current municipal code and UDC will be changed to reflect this language.

Commissioner Molloy asked what part of West Eisenhower Reinvestment Zone will be impacted. **David Eisenbraun, Strategic Planning**, supplied the commissioners with a copy of a "Policy and Procedure Statement – West Eisenhower Reinvestment Zone" which shows which fees are waived and reimbursed.

Commissioner Dowding closed the public hearing at 8:01 p.m.

Commissioner Molloy made a motion to recommend that City Council approve amendments to the Loveland Municipal Code Chapters 16.38 and 16.43 regarding fire impact fees as described in the staff memorandum dated October 8, 2018, as amended on the record. Commissioner Fleisher seconded the motion.

The motion was unanimously approved.

ADJOURNMENT

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

Commissioner Dowding adjourned the meeting 8:13 p.m.

Approved by:


Carol Dowding, Planning Commission Chair


Lisa Rye, Planning Commission Secretary.