

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
January 14, 2019

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on January 14, 2019 at 6:30 p.m. Members present: Acting Chairman McFall; and Commissioners Molloy, Fleischer, Bears, Hammond, Hovland, Peterson, and Tygesen. Members absent: none. City Staff present: Robert 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

- **Mr. Ryan Tripp** stated that he lives in the Garden Gate development. It was brought to his attention that there is a proposed potential development west of where he lives, east of Boise Ave. He understands there will be 99 tiny homes with average price of \$150,000, and the average price of his neighborhood is \$350,000 to \$400,000. **Mr. Tripp** mentioned that too many houses will be crammed into 8 acres, and he is concerned about how close the homes will be situated and concerned with fire protection. He has heard that there will not be garages for the proposed new homes, and the square footage will be approximately 800 square feet per home. Although he understands there is a need for affordable housing, he wishes to see the land used for fewer, higher-priced homes. He is concerned that his housing investment will lose value because of this development. **Commissioner Molloy** asked for clarification of the address; **Mr. Tripp** stated he believes the address of the proposed development is 604 S. Boise Avenue.
- **Ms. Shawna White** spoke of the article published in the Reporter Herald in December which discusses the population density for the proposed development. **Ms. White** mentioned that the traffic on Boise and 1st Street is already very busy due to the Charter School and Winona Elementary. She also spoke of the very narrow bridge on Boise Avenue, by the water treatment plant, that will contribute to traffic issues.
- **Mr. Darren Sickman**, a resident of Green Teal Court, mentioned that it has been proposed that his street will be opened up and will continue through to Boise. He is concerned about the increase of traffic on his currently quiet street, and for what has been nicknamed "Suicide Bridge", which is already very dangerous. **Mr. Sickman** stated that he disagrees that the pricing of the proposed homes is affordable and believes buyers will be taken advantage of.
- **Ms. Jill West** spoke about the proposal to extend Green Teal Court, and mentioned the residents are being told that it is in the City's master plan to do this and that it is considered a fire and life safety issue. She explained that she read through the master plan and saw

nothing about extending Green Teal Court, and after reading the guidelines of what would be considered a fire and life safety issue, she doesn't agree that it is an issue.

- **Duane Rorie** described the area in which he lives as a very family friendly community with many children that ride their bikes through the neighborhood. He stated that there is no bus service in their neighborhood to and from Conrad Ball Middle School, so many kids are trying to cross the street and cannot do so safely. He believes traffic in this area is of huge concern, especially if traffic is to increase.

Mr. Robert Paulsen, Current Planning Manager, addressed the citizen comments by stating he knows of the proposed development, although there is currently no application that has been filed with the City. He explained that there will be an opportunity for a neighborhood meeting that will be attended by City staff if the project materializes. The proposed annexation and zoning request would require public hearings before the Planning Commission and the City Council. When that time comes, citizens are welcome to participate in the public input process. **Mr. Paulsen** also offered area residents the possibility to meet with city staff to explain the process of this proposed development, and gave them his contact information.

CURRENT PLANNING UPDATES

1. **Robert Paulsen, Current Planning Manager**, reviewed the agenda items scheduled for the Monday, January 28, 2019 Planning Commission meeting. An election of officers and committee assignments is scheduled for that meeting; **David Eisenbraun, Strategic Planning**, will be providing a presentation on the downtown parking program. And lastly, a Planning Commission report will be presented by **Mr. Paulsen**, which will provide an update departmental activities and trends in the area over the past year as compared to previous years.
2. **Jennifer Hewett-Apperson, Strategic Planning**, presented a brief update regarding the Highway 402 Project. She stated that staff and a consultant team from Olsson Associates has been studying the area by completing an existing conditions analysis, facilitating public engagement activities (including a charrette meeting and public open houses), and through conceptual planning. The City has been working closely with Larimer County as much of the area land is unincorporated. Staff is hoping to have the project completed and adopted in the Summer of 2019.

Mr. Paulsen suggested that there could be an opportunity for a study session for Planning Commissioners to review project plans and meet the project consultant team. Any commissioners interested should forward their contact information to **Ms. Hewett-Apperson**, and she will get them updated with the project. Commissioners will be presented with the plan proposal eventually, and staff would like them well-informed before that occurs.

Commissioner Hitchcock questioned if the widening of Highway 402 is part of the study. **Ms. Hewett-Apperson** replied that the widening is being discussed and considered in the long range plan.

3. **Mr. Troy Bliss, Current Planning**, updated the Commission on the Foundry Parking Garage artwork. Previously, an artist had been selected to construct a solar muse on the building to enhance its appearance; however, the artist decided not to go forward with the project. A request for proposal was extended to the community, and the Visual Arts Commission has narrowed down the over 100 applications to 2 finalists. **Mr. Bliss** stated that he hopes to inform the Commission of the artist that is selected as the final candidate, along with the proposed art designs, at a Planning Commission meeting in February.

The Planning Commission was previously vocal about what they would like to see for artwork on the building. **Mr. Bliss** explained that it is still expected that artwork will be placed on the building to “dress it up”.

CITY ATTORNEY’S OFFICE UPDATES

Laurie Stirman, Assistant City Attorney, noted there was nothing to report.

COMMITTEE REPORTS

Mr. Robert Paulsen stated that the Title 18 Committee will be meeting again within two months to discuss minor amendments to the Unified Development Code regarding zoning, subdivision, and annexation regulations.

Commissioner McFall mentioned that a Zoning Board of Adjustment (ZBA) hearing took place on December 19, 2018 regarding an increase in garage size. This variance was approved and the appeal period is over. Information regarding the variance decision will be provided at the next Planning Commission meeting.

COMMISSIONER COMMENTS

Chairman McFall welcomed the two new Planning Commissioners to their first meeting. **Commissioner Susan Peterson** introduced herself as a twenty year resident of Loveland, and a realtor with Coldwell Banker. **Commissioner Deborah Tygesen** stated that she is a twelve year resident of Loveland, and is a Business and Accounting Program Director for Front Range Community College.

APPROVAL OF THE MINUTES

Commissioner Hitchcock made a motion to approve the November 26, 2018 minutes; upon a second from Commissioner Bears, the minutes were unanimously approved.

CONSENT AGENDA

There were no items scheduled on the Consent Agenda

REGULAR AGENDA

1. Sanctuary on the Park – Request for Extension of Preliminary Plat

Project Description: This is a request by Shirley Jane Weitzel for an additional one year extension of the Planning Commission approval of the North Lincoln Avenue 2nd Subdivision preliminary plat. The Sanctuary on the Park development proposal is situated within this subdivision plat. The request indicates that Ms. Weitzel is in discussions with a potential developer to sell assembled properties (including this one) for potential development. In the interim, according to the applicant, having entitlements in place on the subject property for marketing the site is beneficial in the event that current negotiations fall through.

The Sanctuary in the Park site includes 14.3 acres located on the east side of Monroe Avenue, to the southwest of Conrad Ball Middle School. From North Lincoln Avenue, it is located to the east of (behind) Big O Tires. The development approval includes plans for 144 residential units, including single family and multi-family products.

If the Preliminary Subdivision Plat extension is granted, this would be the sixth extension of the City approvals, with a total extension of eleven years following the initial approvals that were effective on December 2, 2008. The applicant has committed to make this the final extension request. Staff supports the extension request.

Mr. Troy Bliss, Current Planning, explained that the developer initially proposed a preliminary plat of 185 units comprised of multi-family and single family buildings, along with a preliminary development plan. The project was denied by City Council. Following a lawsuit, the City negotiated with the developer and decided upon a final product with a reduced density of the plat to 144 dwelling units, as well as an increase in open space. Over the years, this plat has been granted a number of extensions, and consequently extended the development plan for the same amount of time. Since the request was submitted in December, it was processed under the previous Title 16 Subdivision and Zoning ordinance.

Mr. Bliss added that the owner wishes to establish this extension in order to make the property marketable to a new developer. He also noted that this should be considered the last extension request if it is granted by the Planning Commission.

COMMISSIONER QUESTIONS:

- **Commissioner Molloy** stated that he was involved in the approval of the preliminary plat that was later denied by City Council. He shared that a year may not be enough time to get the property sold to a new developer and would like the Commission to consider a two year extension instead.
- **Commissioner Fleischer** asked if the number of extensions requested for this development plan is setting a precedent for other projects. **Mr. Bliss** explained that several projects in the area have gone through multiple extensions, so this is not abnormal. **Mr. Paulsen** added that before an extension of a project is brought before the Commission, the Development Review Team discusses whether or not they would recommend approval.
- **Commissioner Hitchcock** asked what would happen if nothing occurs within the time frame of the extension, if granted. **Mr. Bliss** explained that the preliminary plat and preliminary development plan would lose its vesting. Any development would have to go through the PUD process according to the current Unified Development Code.
- **Commissioner Hammond** stated he agreed with **Commissioner Molloy** and believes that extending the time period from one year to a two year extension would be a good idea for everyone.
- **Mr. Larry Melton**, commercial broker for **RealTec Loveland** representing the applicant, stated that although the land may not be developed according to what is shown on the plat, the entitlements show City support for a potential developer the opportunity for medium development density at the least. He shared his vision of what it could look like if there was a complete redevelopment of the property and surrounding areas. **Mr. Melton** added that he has been working with the City for over 30 years, and is very pleased with the competence of the Planning staff and appreciates their efforts to keep the public informed of the development process.

COMMISSIONER DISCUSSION:

Commissioner McFall agreed that he would like to amend the motion by extending the period to two years.

***Commissioner Molloy** moved to further extend the Planning Commission approval of the Preliminary Plat for North Lincoln Avenue 2nd Subdivision from December 11, 2018 to December 11, 2020, subject to the original conditions of approval set forth in Attachment #3 of this report dated January 14, 2019. **Commissioner Hammond** seconded the motion.*

Mr. Larry Melton stated that he accepted the conditions.

The motion was unanimously approved.

Commissioner McFall called for a recess at 8:03 p.m.

Commissioner McFall called the meeting to order at 8:10 p.m.

2. 2019 Update and Process Review by Planning & Legal Staff – Robert Paulsen

This is an informational, administrative item that requires no action by the Planning Commission. **Mr. Robert Paulsen** provided updated information and facilitated a discussion regarding the status of the Unified Development Code (UDC), the development permitting process, the role of the Planning Commission, and Planning Commission operations.

Mr. Paulsen updated the commission on the status of the UDC, which was adopted on November 6, 2018 and went into effect on January 1, 2019. Applications received as of January 1, 2019 are being processed under the current code. With the adoption of the new Code, more projects will be approved through an administrative process instead of through public hearings; however, projects with appeals will go before the Planning Commission. Planning staff has been working on the creation of new checklists and application forms to fulfill the City's requirements for project approval. **Mr. Paulsen** stated that the Clerk's office is working to get the web version of EnCode running properly, which will enable users to search items within the UDC. Within approximately two months, amendments to the Code will be brought forward for approval.

The Development Permitting Process components were discussed, which includes development review, infrastructure inspections and building permits. **Mr. Paulsen** described the development review process as a very rigorous and effective process which is coordinated by the Planning office, but involves other departments such as Transportation, Fire, Stormwater, Power, Water/Wastewater, Parks and Economic Development. Infrastructure design and construction is inspected and must be in compliance with the City's standards. The Building division follows the international code standards which define safety-related requirements for structural, mechanical, electrical and plumbing components.

Mr. Paulsen explained that the Planning Commission is responsible for policy and code review and for development review. City Council depends on the Planning Commission to scrutinize items before it comes to them.

The importance of commissioner attendance was highlighted and an explanation of what is expected was discussed. **Mr. Paulsen** described the different officer positions that are available for commissioners, along with committee appointments.

Laurie Stirman, Assistant City Attorney, explained to commissioners that the purpose behind the procedures and policies that they have been provided with the Planning Commission Manual

is to ensure that the decisions the commissioners make are legally defensible, that public comment was heard, and that all evidence was considered before making their decision. Ms. Stirman will be assisting with commissioner training in the future.

COMMISSIONER COMMENTS

Commissioner Molloy suggested the Commission move forward with the voting of committee and officer chairs.

COMMISSION BUSINESS

Acting Chairman McFall proceeded to the election of officers for committee chairs for 2019. Nominations were as follows:

For Chair, **Commissioner Hitchcock** nominated **Commissioner McFall**, with **Commissioner Bears** seconding the nomination. There were no other nominations.

For Vice Chair, **Commissioner Hovland** nominated **Commissioner Bears**, with **Commissioner McFall** seconding the nomination. There were no other nominations.

For ZBA Hearing Officer, **Commissioner Molloy** nominated **Commissioner Hovland**, with **Commissioner McFall** seconding the nomination. There were no other nominations.

For Alternate ZBA Hearing Officer, **Commissioner McFall** nominated **Commissioner Hitchcock**, with **Commissioner Fleischer** seconding the nomination. There were no other nominations.

For Title 18 Committee, **Commissioner McFall** nominated **Commissioner Molloy**, with **Commissioner Fleischer** seconding the nomination. There were no other nominations.

For Title 18 Committee, **Commissioner Hitchcock** nominated **Commissioner Peterson**, with **Commissioner Hammond** seconding the nomination. There were no other nominations.

For 402 Project Liaison, **Commissioner McFall** nominated **Commissioner Hammond**, with **Commissioner Hovland** seconding the nomination. There were no other nominations.

Acting Chairman McFall called for a vote of approval for those nominated, which was unanimous.

ADJOURNMENT

Commissioner McFall adjourned the meeting 8:53 pm.

Approved by:



Patrick McFall, Planning Commission Chair



Lisa Rye, Planning Commission Secretary.