

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
June 10, 2019**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 10, 2019 at 6:30 p.m. Members present: Chairman McFall; and Commissioners Bears, Fleischer, Hammond, Hovland, Molloy, Peterson and Tygesen. Members absent: None. City Staff present: Kerri Burchett, Principal Planner; 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. **Kerri Burchett, Principal Planner**, stated that she would be providing staff support for the evening in Robert Paulsen's absence.
2. **Ms. Burchett** announced that **Tim Hitchcock** has resigned from the Planning Commission, since he has been appointed to the Human Services Commission. He has served as a Planning Commissioner since July, 2017. His service, along with his work on the Unified Development Code (UDC), is greatly appreciated. Applications will be accepted to fill his position.
3. **Ms. Burchett** notified the commission that there are no items on the June 24, 2019 meeting agenda, and requested a motion to cancel the meeting.

Commissioner Milo Hovland made a motion to cancel the June 24, 2019 Planning Commission meeting; upon a second by Commissioner Bears the motion was unanimously approved.

4. **Ms. Burchett** provided a preview to the agenda for the Monday, July 8th Planning Commission meeting. The Taft Rezoning project will be brought before the Commission for recommendation, along with a UDC Amendment regarding wireless telecommunications.

CITY ATTORNEY'S OFFICE UPDATES

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

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Commissioner McFall stated that he appreciates the service of **Commissioner Hitchcock** over the past few years, and he will be missed.

APPROVAL OF THE MINUTES

Commissioner Peterson made a motion to approve the May 13, 2019 minutes; upon a second from Commissioner Bears, the minutes were approved unanimously.

REGULAR AGENDA

1. Camp Bow Wow – Conditional Use – Public Hearing

Project Description: This is a public hearing for a Conditional Use application. The applicant is proposing the establishment of a 6,000 square foot dog daycare facility at 1227 Des Moines Avenue. The property is zoned I – Developing Industrial, and is developed with a building and associated parking and landscaping. The dog daycare use requires Conditional Use approval from the Planning Commission to operate at this location.

The role of the Planning Commission is to conduct a public hearing and make a decision on the Conditional Use application based on whether the proposal meets the required findings. Barring appeal, the Planning Commission's decision is final.

Commissioner McFall opened the public hearing at 6:41 p.m.

Troy Bliss, Current Planning, explained that this is the first conditional use application to come before the Planning Commission. He presented the four levels of use, as described by the Unified Development Code (UDC). These uses include Conditional Use, which comes before the Planning Commission; Adaptable Use, which requires a neighborhood meeting; Limited Use, which requires an administrative review with limited standards to ensure compatibility with the neighborhood; and lastly, Use by Right, which is administratively reviewed and subject to only general standards of the UDC.

Mr. Bliss explained that the UDC states that if a building or site proposed for an animal kennel is not located along an arterial street or a collector's street, the application is forced into a

conditional use process. Since Des Moines Avenue is a local street, this project is being brought to the Planning Commission as the decision making body on this conditional use.

Mr. Bliss shared that based on the staff's analysis, he believes this use is appropriate to be approved as a conditional use. Should the Planning Commission decide to approve the application, it would also be approving a variation to a standard in the UDC regarding lot size for this type of use, as the property is smaller than the acre size lot requirement. Other development standards such as parking, hours of operation, and noise have been met; therefore, it has been demonstrated that the use is appropriate.

Kelly Hess, applicant, described Camp Bow Wow as being North America's largest pet franchise, with locations in both Fort Collins and Longmont. The proposed site plan was presented, including drawings of exterior plans and signage, pictures of the "camp-themed" lobby with boarding accommodations and outdoor play areas. Ms. Hess explained that there would be 54 "cabins" in the proposed facility.

CITIZEN COMMENTS:

There was no public comment.

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

Commissioner Molloy moved to make the findings listed in this Staff Report dated June 10, 2019, and based on those findings approve the conditional use to allow a dog daycare facility for Lots 14-16, Block 4 – Loveland Business Plaza First Addition, subject to the conditions listed under the Staff Recommendation. Commissioner Bears seconded the motion.

Commissioner McFall asked the applicant if she accepted the conditions. **Ms. Hess** responded that she accepts the conditions.

The motion was unanimously approved.

2. Mehaffey Enclave Annexation & Zoning – Public Hearing

Item Description: This is a public hearing to consider annexation and the establishment of zoning for a 42.7- acre property located in Northwest Loveland. The site is located along the south side of W. 29th Street and the west side of N. Wilson Avenue. The property is the remaining portion of the Mehaffey Farm. The City of Loveland Parks and Recreation Department is the applicant and has been working in cooperation with the property owner, Raymond Mehaffey, on the annexation and zoning application.

While this application has generated interest among nearby residential neighbors, Planning Division staff believes that key issues have been resolved. The City's development review team (DRT) finds that the application is consistent with state statutes and with applicable City policies and regulations, and therefore supports the application. The Planning Commission's role is to conduct a public

hearing and forward a recommendation to the City Council on both the annexation and zoning application.

Commissioner McFall opened the public hearing at 6:58 p.m.

Emily Tarantini, Current Planning, presented the application for the proposed project, which requests the annexation of 42.691 acres of the Mehaffey enclave. Two zoning districts are being requested; PP-Public Park on the western side (Lot 1 – 18.981 acres) and DR-Developing Resource on the eastern side (Lot 2 – 23.62 acres). It was stated that Lot 1 would be owned by the Parks Department and Lot 2 would continue to be owned by the Mehaffey family.

Ms. Tarantini explained that approximately 26 – 30 residents attended a neighborhood meeting on May 20th. Residents had questions related to traffic, both vehicular and pedestrian access, potential development of the site area, along with safety and maintenance of the area. She stated that Kiowa Drive and Mehaffey Drive would most likely be extended through the site. West 29th Street is classified as a major arterial, and is designed to accommodate an increase in traffic volume; furthermore, a Traffic Impact Study will be required with each development application as they come in to ensure compatibility with that road classification. Ms. Tarantini mentioned that the proposed plan for the western portion of the site is an expansion of Mehaffey Park with the potential for a Recreation Center; and, the eastern portion would continue to be farmed by the Mehaffey family for the foreseeable future, and would likely be eventually developed with residential uses. She shared that pedestrian connections to the future park will be required and reviewed with development applications, and that there are plans for a detached sidewalk with tree lawns to protect pedestrians. Finally, she stated that basic maintenance of the park site would be performed by the Parks Department.

Ms. Tarantini described the site area as having a land use designation of Low Density Residential, and an overlay designation of Complete Neighborhood, according to the City's Comprehensive Plan. She further explained that compatible zoning districts for the area include R1, R1e, and PUD. Compatible land uses would include single-family homes, limited duplexes and multi-family homes, recreational/parks, churches, and schools. It was stated that within the annexation agreement, the City is allowing the Mehaffeyes to continue their farming operations on the eastern portion of the property.

Ms. Tarantini finished by stating that the findings show that the annexation complies with Colorado state statutes regarding annexation, the property is situated within the City's Growth Management Area, and the property represents an entire enclave that has been surrounded by property within the City for over 3 years. Based on these facts, City staff is recommending approval of the annexation and zoning, subject to the conditions listed in the staff report.

Bryan Harding, Parks and Recreation Planning Manager, explained that the City's Master Plan provides guidance for the acquisition of future development. The Parks Department has a forecast of community growth in the area, and they strive to stay current with the growth by providing updated and improved facilities for the community whose priorities are health and fitness, access to open lands, and more recreation space and opportunities. Mr. Harding explained that the parcel is a desirable asset to the Parks Department since the location is in

proximity to the existing Mehaffey facilities, is situated in the fastest growing northwest Loveland area, and the size of the property can accommodate a variety of options. He added that The City of Loveland is under contract to purchase the western portion of the property from the Mehaffey family with a proposed closing of September 2019. The acquisition of the land would be purchased in three separate parcels to accommodate City budget needs, with the full purchase being completed in 2021.

Mr. Harding explained that there are no current plans for development of the property being purchased by the Parks and Recreation Department. The purpose of the annexation and zoning action is to establish and preserve areas within the City for public recreation facilities, parks, and open space. Future development will be Parks and Recreation based, but will depend on the budget for development, the decision of voters based the ballot outcome this fall, and will be subject to public review, approvals, and permits.

Commissioner Molloy questioned if there is a binding contract that states tracts will be purchased separately over several years. Mr. Harding answered that the contract states that the land to be purchased over three years as three separate tracts. Commissioner Molloy asked if the other tracts could be farmed during this process. Mr. Harding stated that farming of the land by the Mahaffey family may continue until the purchases of the tracts are complete.

CITIZEN COMMENTS:

Marsha Johnson, resident, shared that she was unable to attend the neighborhood meeting, and is unaware if anyone was opposed to the project. She spoke about a large increase in noise, traffic, and activity in her neighborhood due to the addition of a fire station, Loveland Classical School, and Mehaffey Park. She shared that she is opposed the possibility of a recreation center and a library, and she does not want access to these areas via her neighborhood streets. Ms. Johnson added that she is aware of the bad environment around the downtown library, which encourages drug deals and homeless people loitering, and is concerned that this might be introduced into her neighborhood with the addition of the proposed buildings. She spoke of her concern over safety, vandalism, noise, and blocked views. She stated that her property value would most likely decrease, since her backyard fence will be right next to the park area, which provides easy public access to her backyard. She suggested that since the City has spent money on developing the downtown area, she would like to see some expansion area in the downtown that would encourage citizens to go there. She believes that, due to proximity, Fort Collins residents will be likely to use the proposed area.

Commissioner McFall closed the public hearing at 7:19 p.m.

Ms. Tarantini responded to the concerns of the neighborhood resident. The Unified Development Code has specific standards that must be met regarding separation of new developments from existing neighborhoods, along with specific height requirements. She shared that a noise study can be requested, and that noise complaints can be filed with the City's code enforcement.

Ms. Burchett reminded commissioners that this evening they are voting only on the annexation and zoning of the property, and that they are not voting on extension of streets nor development of the area.

Mr. Harding stated that noise issues can be addressed through adjusting park hours, and complaints should be directed to the Loveland Police Department immediately. Security cameras have been installed at Mehaffey Park and at other Park locations, and there is an increase in police patrols in the area. He stated that parks and recreation areas would not serve the downtown area well, since they do not contribute to tax revenues for the city, which is the goal of the revitalization of downtown. The Department desires to acquire land while they still have the opportunity; and, if the City does not take advantage of this land, there will most likely be a residential subdivision built there. When the land is ready to be developed, it was assured that the Parks Department will take measures to minimize the impact of a new development on the existing neighborhood, such as preserving views with lower rooflines and nighttime light pollution friendly lighting. Mr. Harding stressed that this is not a proposal for a recreation center or future park, but the future development will be dependent on the voter's decision in the fall.

Commissioner McFall asked if anyone was opposed to project at the neighborhood meeting. **Mr. Harding** answered that he is unaware of opposition, but there were fair concerns shared regarding traffic, and added that there were good and challenging questions asked by residents.

COMMISSIONER COMMENTS:

Commissioner McFall shared that the commissioners have heard many discussions regarding the desire to keep the City looking the way we found it, but the commissioner's responsibility today is to vote on the annexation and zoning only, and the development of the land will go through the required processes in the future.

Commissioner Molloy moved to make the findings beginning on page 6 of the Planning Commission staff report dated June 10, 2019 and, based on those findings, recommend that City Council approve the 42.691 acre Mehaffey Addition, subject to the conditions beginning on page 11 of this report dated June 10, 2019, as amended on the record, and zone the western 18.981 acres to PP-Public Park and zone the eastern 23.710 acres DR-Developing Resource. Commissioner Bears seconded the motion.

Commissioner McFall asked the applicant if he accepted the conditions. **Mr. Harding** responded that he agrees to the conditions.

The motion was unanimously approved.

ADJOURNMENT

Commissioner Molloy made a motion to adjourn; upon second by Commissioner Hovland, the motion was unanimously adopted.

Commissioner McFall adjourned the meeting at 7:39 p.m.

Approved by: _____


Patrick McFall, Planning Commission Chair



Lisa Rye, Planning Commission Secretary