

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**July 8, 2019**

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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, Hovland, Molloy, and Tygesen. Members absent: Commissioners Fleischer, Hammond, and Peterson. City Staff present: Robert Paulsen, Current Planning; 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**, provided a preview to the agenda for the Monday, July 22<sup>nd</sup> Planning Commission meeting. The items coming before the Commission are the Wireless Telecommunications Code and UDC Amendments, and the Mineral Addition Zone Change, both of which will be public hearings.
2. **Mr. Paulsen** announced that the Planning Commission currently has one vacancy. He urged anyone that is interested to contact him. Applications will be accepted through the end of the enrollment period, which closes on July 31, 2019.

**CITY ATTORNEY'S OFFICE UPDATES**

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

**COMMITTEE REPORTS**

**Commissioner Hovland**, Zoning Board of Adjustment (ZBA) hearing officer, reported that so far this year there has been one hearing in April and four in June. It appears that more variance requests will be processed this year. **Mr. Paulsen** stated that with the adoption of the Unified Development Code on January 1, 2019, allowances for setbacks have changed administratively, which will cause an increase in the number of variances processed. **Commissioner McFall** requested that an email be sent to commissioners, asking for volunteers to serve as substitute ZBA hearing officer.

## **COMMISSIONER COMMENTS**

**Commissioner Molloy** asked if the City has approved the newly proposed internet service. **Mr. Paulsen** answered that the Loveland City Council has approved bond funding for the fiber-optic broadband project “Pulse”, which will be available to Loveland’s residents and businesses. The City will begin establishing the infrastructure for the project soon.

**Commissioner McFall** asked for further information regarding possible upgrades to Highway 34 when funding becomes available. **Mr. Paulsen** responded that he is unable to speak regarding this, but he will contact the City Transportation Department and ask for an update through a presentation at a future meeting or a written report for the Planning Commission.

## **APPROVAL OF THE MINUTES**

*Commissioner Hovland made a motion to approve the June 10, 2019 minutes; upon a second from Commissioner Bears, the minutes were approved unanimously.*

## **REGULAR AGENDA**

### **1. Raw Water Study – Informational Item**

**Project Description:** In April of 2019, Water Division staff completed a water use study titled: “Summary of Indoor vs. Outdoor Water Use Study Summary”. Water Division staff has been asked to provide a summary of the findings of the study as the cost of residential water rights has an effect on the cost of residential development and ultimately on housing.

**Nathan Alburn, Water and Power Department – Water Resource Team**, discussed water rights and explained that prior appropriation is used in Colorado, which means that the first to divert from the river becomes the highest priority for water use. The city owns two main types of water rights, including native diversions, which come directly from the Big Thompson River, and trans-basin diversions from the western side of the Continental Divide through a tunnel that flows into Lake Estes. As the city grows, more water rights are required.

**Mr. Alburn** discussed the cost of water rights and the impact on housing costs. The current CBT price is around \$40,000 - \$50,000 per unit, with a unit being approximately one acre-foot. One house uses approximately .5 acre-feet, and approximately \$18,640 in water rates based on the current cash-in lieu price. Since 2010, there has been a steady increase in the cost of water rights. **Mr. Paulsen** pointed out that the cost of water rights can translate to a large amount of money that developers must pay before they are able to build housing projects.

**Mr. Alburn** explained that the main purpose of the study was to analyze the current water use of

residential developments. The two key goals of the study were to analyze residential structures built after low flow fixtures were mandated in 1994 and 1997, and to analyze the current trends of water users within the City of Loveland. Data from 2008 to 2017 was analyzed and indoor and outdoor water usage was calculated for three main types of dwelling units: Single Family Detached, Single Family Attached, and Multi-Family. Based on the study, the staff determined the potential water rights required for each of the three types of dwelling units. Water usage was observed, system loss factors were calculated, vacancies were accounted for, and 99% confidence interval was applied to the sample data.

**Mr. Alburn** presented the main findings of the 2008-2017 Water Use Study, which showed that indoor water usage per dwelling unit has decreased for all analyzed types, and that outdoor water usage per lot has decreased for all types of analyzed housing developments. The study also revealed that single-family detached units, on average, use substantially more water for both indoor and outdoor use than other types of dwellings within the analyzed data set. Finally, staff recommends updating the residential water rights requirement to be more in line with the observed water usage trends. It is also recommended that a table showing water rights calculations to be added to the municipal code, specific to different dwelling unit, which includes the new category of Cottage Homes and Micro Homes.

**Commissioner McFall** stated that he understands that there will be a savings to developers, but asked how it can be guaranteed that the developer will pass that savings onto the homebuyer. **Mr. Alburn** responded that we cannot force them to lower their price, but allows the developer to be more competitive in their pricing.

**Mr. Alburn** concluded that this information will be presented to the Loveland Utilities Commission on July 17<sup>th</sup>, followed by a City Council 1<sup>st</sup> reading on August 6<sup>th</sup>, and finally a City Council 2<sup>nd</sup> reading on August 20<sup>th</sup>.

#### **COMMISSIONER COMMENTS:**

**Commissioner Molloy** stated that he believes the Planning Commission supports the information in the presentation. Commissioner McFall agreed that if it would be helpful, he would like to show support in the form of a motion.

*Commissioner Molloy moved to support the information presented to the Planning Commission as it moves onto the next level with the Loveland Utilities Commission. Commissioner Hovland seconded the motion.*

*The motion was unanimously approved.*

#### **2. Taft Rezoning– Public Hearing**

**Item Description:** The City is initiating the rezoning of seven (7) R1e-Established Low Density Residential lots to B-Developing Business. The proposed B zoning district represents a more

appropriate designation under current and future conditions. The B zoning designation is also compatible with surrounding uses and development patterns. The public hearing is to consider a rezoning of parcels which include Lots 1-4, East Sprenger Addition (rezoning from R1e to B) and Lots 1-3, Block 1, Moline Subdivision (rezoning from R1e to B).

The seven (7) properties are City-owned parcels that will be directly affected by the widening of N. Taft Avenue as this is planned to expand up to 40 feet onto these existing lots. The widening project is estimated to begin in 2022 and has been a City-planned project for over 20 years.

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

**Ms. Emily Tarantini, Current Planning**, described the subject property, which is located on the NW corner of W. 12<sup>th</sup> Street and North Taft Avenue. A commercial business area is located north of the property, as well a massage therapy business and a 1<sup>st</sup> Bank. Existing single-family homes are located to the east, west, and south of the property. Ms. Tarantini stated that seven lots are small, and total approximately 1.89 acres, which are currently all zoned R1e – Established Low Density Residential. The proposed zoning is B-Developing Business, which would match the existing zoning that exists north of the property.

**Ms. Tarantini** stated that rezoning is related to the widening project of N. Taft Ave, which has been a City project for over 20 years, and will help reduce congestion at the intersection and improve traffic safety and traffic flow. The City purchased the seven lots over 10 years ago in order to complete the project, as the Right of Way widening will extend up to 40 feet into the northern lots. The widening project will reduce points of access onto N. Taft Avenue from seven to only one point of access, which will greatly improve safety. She added that rezoning the lots is consistent with the visions of the Comprehensive Plan for a commercial node at major intersections.

The City's public outreach process was discussed, which included staff review, and a noticed neighborhood meeting held June 27, 2019. **Ms. Tarantini** stated that eight residents attended the meeting and shared their concerns such as the project timeline, possible future development, buffering or wall along the Hilltop Drive homes, and future access. One individual who attended the meeting expressed opposition.

**Ms. Tarantini** addressed the concerns of the neighbors, and stated that the estimated date for completion of the road widening is in 2022, with home demolition being complete around 2021. Future development within the B-zone district would allow for commercial, retail and restaurant uses, and multi-family residential uses. The Unified Development Code (UDC) provides for buffering between homes and a potential commercial development. She added that future access to the site from Taft Avenue would be limited to a mid-block right-in, right-out facility. Access from W. 12th would be possible generally from the location of the existing alley. Finally, she stated that there was opposition from a neighbor that lives on the east side of N. Taft Avenue, which is directly across Taft Avenue from the project site. This neighbor expressed concern related to potential uses and the possibility of a fast-food restaurant, obstructed visibility, potential light pollution from commercial signage, and visual pollution they will see from their lot. Ms. Tarantini explained that the type of development that will be proposed for the property

is unknown; this is not a proposal tied to development, it is strictly a proposal to rezone. She added that any new development will be subject to the UDC and development standards.

**Ms. Tarantini** added that the Loveland Comprehensive Plan designates land use of these lots as LDR – Low Density Residential. There are three goals of the plan, which include revitalization of corridors and gateways, cultivating vibrant economic centers, and creating a connected and accessible community.

**Commissioner McFall** asked if the property was rezoned for commercial use, how cars could get from the site, back onto Taft Avenue. **Shawn Fetzer, Public Works Engineer**, answered that although it would go through Development Review approval, they would recommend full movement onto W. 12<sup>th</sup> Street. **Commissioner Molloy** added that a full traffic study would need to be completed with any application.

**Commissioner McFall** asked for the breakdown of square feet for the whole property. **Commissioner Molloy** answered that it is about 80,000 square feet.

**Commissioner Molloy** asked if there are plans for replatting the lots into one or two lots. **Ms. Tarantini** answered that the City is not initiating the lot mergers, but for development purposes they will most likely need to be merged. She added that the four larger lots would be the most developable area. **Commissioner Molloy** asked if the B-zoning would require a neighborhood meeting. **Ms. Tarantini** answered that the more intense uses would require a neighborhood meeting.

**Commissioner McFall** questioned why residential can't go back into that area and why it would have to be rezoned. He said the answer to this from the City was that they do not want residents backing into a major street, but questioned why access could not be from the back alley onto 12<sup>th</sup> Street as it is to the lots located to the south. **Ms. Tarantini** explained that in order to provide access off W. 12<sup>th</sup> Street, the alley would need to become reconfigured into a road, becoming 24-28 feet wide. There would be a need to provide for buffering as well as parking behind each unit, and each lot would need to meet front-yard setback requirements. She stated there does not appear to be enough available area to work with a single-family scenario. **Commissioner McFall** asked that staff be more explicit with their answers to citizens' questions.

**Robert Paulsen**, added that the City does not know what the use may be, but it probably will not be high-traffic generator because of the limited access available to the property. The site could be used for multi-family residential, commercial, or office use. An attached residential development project might be a logical use.

**Commissioner McFall** asked if any future development use for this site will come before the Planning Commission after this evening. **Mr. Paulsen** answered that it depends on the type of use. Many commercial uses would be allowed without a neighborhood meeting or public hearing. More intense adaptable uses would go through a neighborhood meeting. Commercial uses of higher intensity would need to come before the Planning Commission.

**Commissioner McFall** asked what the recourse is for citizens if they disagree with a proposed

development at a neighborhood meeting. **Commissioner Molloy** answered that they can make an appeal to the Planning Commission.

**Commissioner Molloy** stated that he could not see the lots working for single-family houses since they are not deep enough. With open space and parking requirements, he sees it being a difficult space to develop for multi-family. He believes it will take some creative design to make the space work. He stated moving a commercial building closer to the street and allowing for parking in the back would work well.

**Commissioner McFall** opened the public comment at 7:48 p.m.

#### **CITIZEN COMMENTS:**

**Robert Kubik, resident**, raised concerns about commercial zoning. He shared that the lot sizes were glazed over, that lot seven is 80 feet wide by 190 feet deep, and the other three lots are 75 feet wide. The lots to the south of 12<sup>th</sup> Street are remaining as zoned residential and they are demolishing the houses. They have an alley in the back, are 75 x 120 feet deep, and they can still be residential. The houses on the east side of Taft have circular drives, so cars are not backing out onto Taft. He added that the houses that will be demolished are on lots where the houses are located very close to the sidewalks.

He shared that adding a business will increase traffic on 12<sup>th</sup> Street, and will be dangerous as there are many high school students walking the area and there are many Sunday morning traffic jams with a church in the neighborhood. Mr. Kubik stated that he would be more willing to support the project if it was known what type of business would be going in that area. He added that it is hard for him to accept that the lots are unusable as residential when the lots directly south will be smaller, but are staying single family residential.

**Tim Champine, resident**, stated he agrees with Mr. Kubic regarding traffic congestion in the area. He supports the widening project, but does not understand why you would want to bring in businesses that will contribute to more congestion, especially during peak hours. He shared that many cars will go from 12<sup>th</sup> Street, across Taft, over to Loch Mount to get to Lake Loveland which is an unsafe situation. He shared that he is concerned for the pedestrians that tend to cross at 12<sup>th</sup> and Taft Avenue.

**Commissioner Bears** asked if he thinks widening Taft and adding a median will help improve the area. **Mr. Champine** answered that the widening might be good for through traffic, but that putting businesses in the area will bring more cars and more congestion.

**Jessica Kubic, resident**, shared that there is already empty and unsightly commercial space along the Highway 34 and Taft Avenue corridor, which should be the focus of revitalization. She believes that we do not need any more commercial space in that area and the lots should remain zoned for residential.

**Commissioner McFall** asked what the difference is between the houses north and south of 12<sup>th</sup> Street and why are they being zoned differently. **Mr. Fetzer** responded that as you move north towards the intersection at Eisenhower and Taft, there will greater widening in this area, as there will be dual turn lanes, both southbound and northbound, onto Hwy 34. Part of the project is to add turn lanes from Taft onto 12<sup>th</sup> Street, but signals and crosswalks in this area will not be added since it is too close to the intersection.

**Commissioner Molloy** asked if there would be a right-in /right out only access onto Taft from residences. He also asked if West 12<sup>th</sup> would be full movement onto Taft. **Mr. Fetzer** answered affirmative to both. **Commissioner Molloy** asked how this new design would be safer. He also added that he is concerned regarding full movement from West 12<sup>th</sup> Street creates a situation similar to the one with Safeway traffic entering and exiting on Taft Ave. **Mr. Fetzer** stated there are many rear-end collisions on Eisenhower, and the left turn lanes will prevent this. The median will channelize the vehicles and this will be safer for drivers.

**Commissioner McFall** closed the public hearing at 7:48 p.m.

*Commissioner Molloy moved to make the findings set forth in the Planning Commission staff report dated July 8, 2019 and, based on those findings recommend that the City Council approve the following:*

1. *Lots 1-4, East Sprenger Addition rezone*
2. *Lots 1-3, Block 1, Moline Subdivision rezone*

#### **COMMISSIONER DISCUSSION:**

**Commissioner Molloy** asked if Lots 1-3 could remain as single-family and only Lots 4-7 be rezoned.

**Commissioner Mc Fall** shared that the motion could be approved or denied as it is stated. He agreed with **Commissioner Molloy** and is concerned with the rezoning of all lots.

**Mr. Paulsen** shared with the Commission that if they do not believe there is enough information and that staff has not explored all the possibilities, the motion could be tabled. The Planning Commission is not constrained by City staff's recommendation. He added that it would be easier for the full recommendation be presented to City Council instead of in parts. He suggested that decision be postponed until the August 12<sup>th</sup> Planning Commission meeting.

*The motion was unanimously rescinded.*

**Commissioner McFall** shared that he is concerned with rezoning all lots to commercial. He would like City staff to look at reasoning why it is not probable to leave some as residential and rezone commercial.

**Commissioner Molloy** stated he is most concerned with using 12<sup>th</sup> Street as commercial access onto Taft. He asked staff to provide scenarios of what will and will not work for development in

the area.

**Mr. Paulsen** stated that staff will look at the remaining dimensions of the properties, study the viability of the properties under both commercial and residential scenarios, and recommend the most appropriate zoning for the area. He added that despite staff's recommendation, the Planning Commission has the final decision, which goes onto City Council.

*Commissioner Molloy made a motion to postpone the Taft Avenue Rezone project until the August 12, 2019 Planning Commission meeting; upon second by Commissioner Bears, the motion was unanimously adopted.*

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

**Commissioner McFall** adjourned the meeting at 8:18 p.m.

Approved by:

 Patrick McFall, Planning Commission Chair Michael Bears - Vice Chair

 Lisa Rye, Planning Commission Secretary