

# CITY OF LOVELAND

## PLANNING COMMISSION MINUTES

### July 22, 2019

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on July 22, 2019 at 6:30 p.m. Members present: Vice-Chairman Bears; and Commissioners Molloy, Hovland, Fleisher, and Peterson. Members absent: Commissioners McFall, Hammond, and Tygesen. 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 of the agenda for the Monday, August 12<sup>th</sup> Planning Commission meeting. The first item will be the Taft Avenue rezoning public hearing, which was postponed from the July 8<sup>th</sup> Planning Commission meeting. The Savannah Industrial conditional-use public hearing is also on the agenda for that date.
2. **Mr. Paulsen** announced that the Highway 34 upgrades update, which was scheduled for tonight, will be postponed until the August 12<sup>th</sup> meeting; Commissioner McFall is absent this evening and had requested this information.
3. **Mr. Paulsen** asked that commissioners consider an earlier start time of the Planning Commission meetings. The City's 2020 budget will require a reduction in staff hours and other boards and commissions have adjusted their start times to account for this. If a change in start time is proposed, City Council will need to be informed of the change. Mr. Paulsen added that if an earlier start time does not work for some commissioner's schedules, we would continue with our current start time.
4. **Mr. Paulsen** announced there is currently one Planning Commission vacancy. Information is available on the City of Loveland website for anyone interested in applying for the position. The application deadline is August 1<sup>st</sup> at 4:00 pm.
5. **Mr. Paulsen** reminded the Commission that an alternate Zoning Board of Adjustment hearing officer is recommended since, with the adoption of the Unified Development Code, there is an increase in the number of variance hearings.

**Commissioner Molloy** nominated **Michael Bears** for Alternate ZBA Hearing Officer, with **Commissioner Hovland** seconding the nomination. **Vice-Chairman Bears** called for a vote of approval, which was unanimous.

### **CITY ATTORNEY'S OFFICE UPDATES**

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

### **APPROVAL OF THE MINUTES**

*Commissioner Molloy made a motion to approve the July 8, 2019 minutes; upon a second from Commissioner Hovland, the minutes were approved unanimously.*

### **REGULAR AGENDA**

#### **1. Mineral Addition Zoning Document – Public Hearing**

**Project Description:** This public hearing item involves a Zoning Document Amendment for one non-residential lot in the Mineral Addition Planned Unit Development (PUD). The vacant, one-acre lot is one of two non-residential lots in the 30-lot Mineral Addition that is located along the east side of South Taft Avenue immediately north of Carlisle Drive and to the south of First Street. The lot is addressed as 691 Split Rock Drive and is adjacent to Carlisle Drive.

The requested Zoning Document Amendment, which is equivalent to a zone change, would expand the use allowance for the lot to include a restaurant with a drive-through facility; allowed uses currently include specified commercial and office uses but the PUD does not allow the requested use. The proposed use is a Ziggi's Coffee Cafe, which is a newer prototype (for Ziggi's) that includes an interior cafe component. Should the amendment be approved, the proposed Ziggi's Cafe would be allowed to proceed through the City's Site Development Plan review and Building Permit review processes.

Staff believes that key issues have been resolved and that the request meets the applicable criteria for a zone change. The role of the Planning Commission is to conduct a public hearing and to forward a recommendation to the City Council for final action.

**Commissioner Bears** opened the public hearing at 6:38 p.m.

**Troy Bliss, Current Planning**, provided an overview of the property located in the Mineral Addition Planned Unit Development, which is composed of residential attached units, which back up to Mineral Lake. The site is surrounded by Thompson Valley School District offices, Thompson Valley High School, River's Edge Natural Area, and Jayhawker Ponds.

**Mr. Bliss** explained that the property was annexed into the city and zoning was established through the Preliminary Development Plan (PDP) in 2006, which set standards for what type of uses could be built within the PUD, architectural design of residences and commercial buildings,

along with the intent of the development including trail connectivity and use of Mineral Lake. Permitted uses on Lots 1 & 2 of Block 2 were defined within the PUD, but a restaurant with drive-thru use is not listed as one of them. With the adoption of the Unified Development Code, the term "Preliminary Development Plan" is no longer used and is replaced with the "Zoning Document"; therefore the proposed amendment is to the Zoning Document.

**Mr. Bliss** stated that the applicants, Greg and Jill Bland, were involved in neighborhood outreach prior to submittal of their application. A formal neighborhood meeting was held on June 18, 2019, 6-8 people attended and offered unanimous support for the proposed use. Since the meeting, no correspondence has been received by City staff.

**Mr. Bliss** provided information that demonstrated how the proposed use meets the goals and objectives of the City's Comprehensive Plan. City standards are also being met. He described the next step of the process as a final site development plan, which looks at utility connections, transportation impact studies, and storm water management. All final details would be reviewed at that time. From the City's perspective, the proposed use integrates into the PUD and will serve the neighborhood well. Conceptual plans that consider mitigating the potential impact of the proposed use include reorienting the drive through towards Taft Avenue and away from the residences, along with substantial landscape buffering of the parking lot and building on the eastern edge of the site.

**Commissioner Fleischer** asked for clarification of the access point into to the proposed site. **Mr. Bliss** answered that the sole access point would be off Carlisle Drive, which is a private street that is owned and maintained by the Mineral Addition Homeowners Association. There is a planned connection point into the vacant commercial lot to the north, which exits onto Split Rock Drive. **Commissioner Molloy** mentioned that he likes the alignment with access to Thompson Valley, but they will need to improve on the cross street access.

**Commissioner Molloy** asked if the Planning Commission would see the project come back as a PDP for approval. **Mr. Paulsen** stated that the next step would be an administratively approved site development plan. **Commissioner Molloy** added that he does not agree with the double curve to the access point, but the City's traffic engineers will be reviewing this item in detail at the next stage. He supports the positioning of the drive-through towards the street and away from neighbors.

**Commissioner Peterson** asked if approval of this project would set a precedence, making it more likely that another similar restaurant use would go into the lot located to the north. **Mr. Bliss** stated that this amendment is strictly for the lot in question and does not carry over into Lot 2.

**Greg Bland**, applicant, explained that his company had initially planned to only build a drive-through coffee stand at this location, but realized that the area lacked a family-oriented meeting option so he now plans on building a café instead. He added that he met with the Homeowners Association of Split Rock to hear concerns. He indicated that the following plan adjustments were made in response to stated concerns:

- Repositioning the driveway from the south vs east, to reduce traffic flow into neighborhood
- Build a landscaped berm on the east end of the lot to act as a natural filtered screen

- Utilize low glare and/or downward pointing parking lot lighting to reduce brightness
- Provide an on-site security camera and provide a towing-secured lot that doesn't allow overnight parking or trail access

#### **CITIZEN COMMENTS:**

- Lonnie Maddox, Split Rock Drive resident and Board of Directors member of the neighborhood HOA, thanked Greg and Jill Bland for working with the residents and listening to their concerns. He stated that the neighborhood's main concern was an increase in traffic; however, he believes that repositioning the driveway from the south instead of the east will help. He shared that he is concerned that construction traffic could destroy the neighborhood street and about what will happen with the other lot in the area (Lot 2). He finished by stating that the neighborhood is looking forward to the coffee shop and supports the project.

**Commissioner Bears closed the public hearing at 7:15 p.m.**

*Commissioner Hovland moved to make the findings listed in the Staff Report dated July 22, 2019, and based on those findings recommend approval of the Zoning Document Amendment, adding a restaurant with drive-thru as a use permitted for Lot 1, Block 2 – Mineral First Subdivision subject to the condition provided on page 8 of the report. Commissioner Molloy seconded the motion.*

**Commissioner Bears** asked the applicant if he agrees to the conditions. The applicant, Greg Bland, stated that he agrees to the conditions.

#### **COMMISSIONER COMMENTS:**

**Commissioner Molloy** stated that this type of coffee shop will benefit the neighborhood, and will not only improve the lifestyle within the neighborhood but will also increase the value of the homes. He appreciates that the other Zigi's location in Loveland is well maintained.

*The motion was unanimously approved.*

#### **2. Wireless Telecommunications & UDC Amendments – Public Hearing**

**Item Description:** This is a public hearing item that involves amendments to the Municipal Code. Staff is requesting that the Planning Commission provides a recommendation to City Council for adoption of the City of Loveland Wireless Communications Code located in Title 14 of the Loveland Municipal Code, and associated amendments to the Unified Development Code (Title 18) and Title 13 of the Loveland Municipal Code regarding pole attachments.

The Wireless Communications Code consolidates existing code provisions that address wireless telecommunications with new provisions relating to small cell wireless facilities in the public rights-of-way. This code adoption is in response to state legislation and FCC regulations regarding small cell wireless facilities. The City is now required to permit small cell wireless facilities to be deployed in the public rights-of-way, with limited regulation by the City. The purpose of the new code is to regulate such wireless communications facilities to the extent the City is permitted. Specifically, the code requires that providers comply with the City's design standards, sign a master license agreement, and comply with other requirements to protect public health, safety and welfare.

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

**Ms. Laurie Stirman, Assistant City Attorney**, explained that there are new regulations regarding technology related to small cell wireless facilities, which has prompted significant changes being proposed for the Loveland Municipal Code. With the promotion by the cellular industry for the move toward 5G, HB 17-1193 was passed which requires municipalities to permit small cell facilities in the public rights-of-way along with expedited permitting. The Federal Communications Commission (FCC) has also passed regulations, which limits fees that municipalities can charge.

Ms. Stirman defined a small cell wireless facility as a structure with limited, smaller antennas and smaller equipment. These require smaller infrastructure than macrocell towers, and have a smaller coverage area designed to supplement macrocell towers and fill in gaps in coverage. Pictures showing differences between macrocell and small cell towers were presented.

The City has made efforts to address the new technology by assessing new fees that regulate cell applications. A template agreement was approved by the City Council, which will be a requirement to use the rights-of-way. The City of Loveland Water and Power Division created design standards that define what the small cell facilities should look like and where they can be located. Ms. Stirman added that a new application process will allow for an expedited time frame of 60 days for permitting and approvals.

The Municipal Code will be updated in order to consolidate sections of existing code that address wireless telecommunications located private property. **Mr. Paulsen** addressed this topic, referring to a memo provided to the Planning Commission that summarizes modest adjustments to the wireless telecommunications provisions that were imported from Title 18 into new Title 14. **Ms. Stirman** also stated that Title 18 would be revised to reflect the removal of provisions relating to wireless telecommunications facilities on private property and to pole attachments.

**Commissioner Molloy** referred to a picture of the small cell facility and asked how a pole in the middle of the sidewalk meets ADA compliance. He mentioned that the towers should have a GPS location, which shows where the pole should be placed. He shared that he does not agree with poles set too close to the curb, as it is unsafe. **Mr. Paulsen** stated that most likely, existing light poles would be replaced with new poles that accommodates both a light and a small cell facility. **Commissioner Molloy** added that he has no issues with the aesthetics of the poles, just the safety.

**CITIZEN COMMENTS:**

There was no public comment.

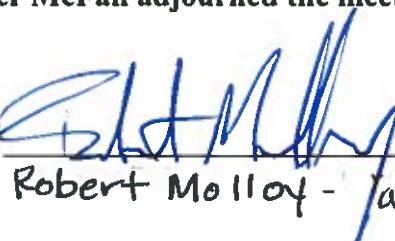
**Commissioner McFall closed the public hearing at 7:48 p.m.**

*Commissioner Hovland moved to approve and recommend that City Council adopt the Wireless Communications Code in Title 14 of the Loveland Municipal Code along with associated revisions to the Unified Development Code in Title 18 and pole attachment provisions in Title 13 of the Loveland Municipal Code; upon a second from Commissioner Molloy, the motion was unanimously adopted.*

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

**Commissioner McFall adjourned the meeting at 7:48 p.m.**

Approved by:



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Robert Molloy - Acting Chair



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Lisa Rye

Lisa Rye, Planning Commission Secretary