

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
October 25, 2010

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers of the Civic Center on October 25, 2010 at 6:30 p.m. Members present: Chairman Molloy; Vice Chairman Ray; and Commissioners Crescibene, Fancher, Krenning, Middleton and Meyers. Commissioner Leadbetter was absent. City Staff present: Troy Bliss, Current Planning; Karl Barton, Community and Strategic Planning; Robert Paulsen, Current Planning Manager; Sunita Sharma, Assistant City Attorney.

These minutes are a general summary of the meeting. For more detailed information, the audio and videotapes are available for review in the Community Services office.

APPROVAL OF AGENDA

Commissioner Middleton moved to approve the Agenda. Upon a second by Commissioner Fancher the motion passed unanimously.

APPROVAL OF THE MINUTES

Commissioner Middleton made a motion to accept the October 11, 2010 meeting minutes. Upon a second by Commissioner Crescibene the motion was unanimously adopted (Commissioner Meyers abstained).

STAFF MATTERS

Robert Paulsen, Current Planning Manager stated that staff did not have anything to discuss at this time.

Commissioner Meyers asked if was any progress on or an update regarding the status of the Western Convenience project.

Mr. Paulsen reported that final approvals concerning this project are still pending.

Commissioner Crescibene commented that he appreciated the report given by Mike Scholl regarding the downtown projects. He requested that Mr. Scholl periodically update the Commission regarding the status of projects relating to the downtown.

1 **Mr. Paulsen** reported that Mr. Scholl is scheduled to come back before the Planning
2 Commission at the first meeting in December to make a presentation to the Commission
3 regarding the proposal for the Rialto Bridge project. He clarified that Mr. Scholl could update
4 the Commission periodically regarding downtown related issues and specifically about the Rialto
5 Bridge project.

6 7 **CONSENT AGENDA** 8

9 **1. Amendments to Titles 15, 16, 17, 18 and 19 of the Municipal Code.**

10
11 Staff is recommending that the Planning Commission continue this item to the November 8,
12 2010 meeting so the amendments can be finalized.

13
14 *Commissioner Middleton made a motion to approve the Consent Agenda. Upon a motion by*
15 *Commissioner Crescibene the motion was unanimously adopted.*

16 17 **REGULAR MEETING** 18

19 **1. Ehrlich Addition Rezoning**

20
21 This is a public hearing to consider rezoning of City-owned property located west of Interstate
22 25 at the southeast corner of Highway 402 and County Road 7. The property, known as the
23 Ehrlich Addition, contains approximately 97 acres and is zoned DR – Developing Resource. The
24 City of Loveland is pursuing a rezoning of the property from DR – Developing Resource to E –
25 Employment in order to establish zoning that is consistent with the City’s Comprehensive Plan
26 and to set parameters for development through the adoption of a conceptual master plan. This is
27 the initial step in marketing the property for future sale. Planning Commission action is quasi-
28 judicial; the Commission’s recommendation will be forwarded to the City Council for final
29 action.

30
31 **Troy Bliss, Project Planner** introduced this item indicating that this is an application to rezone
32 the Ehrlich addition noting the applicant is the City. He stated the request is to rezone the 97-
33 acre property from DR-Developing Resource to E-Employment to make the zoning consistent
34 with the City’s Comprehensive Plan. He stated that a conceptual master plan is required when
35 zoning property in the E-Employment or MAC-Mixed Use Activity zoning districts. He stated
36 that rezoning the property would make the property more marketable for development as well
37 making it more consistent with the City’s Master Plan.

38
39 **Mr. Bliss** reported that a neighborhood meeting was held October 5, and the two neighbors
40 attended and commented on the need for staff to illustrate that the Gard Lateral Ditch be
41 accurately noted on the conceptual master plan. He reported that there is a condition on the
42 current application that reads as follows:

43 At the time of development, the Developer shall, unless designed a constructed by
44 others, provide a coordinated wastewater solution for the development.

1
2 **Mr. Bliss** stated that if the Olson Addition, adjacent to this property, were to develop first the
3 City has made a commitment to extend a wastewater main to the site. He reported that if the
4 Olson property does not develop first then an acceptable solution regarding how to handle the
5 wastewater would need to be decided on for the Ehrlich Addition.

6 **Karl Barton, Community and Strategic Planning Division**, reiterated that the city's request to
7 rezone the property E-Employment is in compliance with the Comprehensive Plan. He showed
8 an overlay of the site noting that the Comprehensive Plan shows two Comprehensive Plan land
9 use designations for this property: E-Employment and CC-Corridor Commercial. He stated that
10 the site could be developed with a maximum of 42.5 acres of non-primary workplace uses. He
11 showed a slide of how the property might be configured and confirmed that at the time of
12 subdivision, a detailed site plan for the property would be required. He reported that the
13 development would have to comply with both LCUASS standards and the Guiding Principles
14 that have been established for the project.

15
16 **Mr. Barton** explained that guiding principles set basic parameters for the location of primary
17 workplace uses and non-primary workplace uses, while considering access, visibility impacts on
18 potential surrounding development and proximity to natural areas. He stated that by following
19 the guiding principles, future plans will be in compliance with the Conceptual Master Plan.

20
21 **Mr. Barton** explained the concept of this campus style development, reporting that it includes
22 unified open space and focal points for outdoor gathering spaces. The plan also requires linkage
23 to the Cattail Swale Natural Area as well as pedestrian connectivity. He spoke of architectural
24 standards and design, and that buildings would be tied together with unified design features. Mr.
25 Barton reported that the basic site planning principles would also be followed which includes
26 placing parking lots behind buildings whenever possible and plaza space between buildings. He
27 stated that the setbacks for parking lots are 80 feet to the edge of pavement and building setbacks
28 are 60 feet from the edge of payment. He clarified that the purpose of that is to provide incentive
29 for creating more buildable space while diminishing the views of parking areas from Highway
30 402. He further reported that the landscaping approach is similar to what is currently seen along
31 Highway 34.

32
33 **Commissioner Crescibene** questioned what would happen with the Gard Lateral Ditch and
34 questioned how it be maintained.

35
36 **Mr. Barton** clarified that the future developer of the site would be responsible for maintaining
37 the functionality of the ditch. He stated there are numerous ways to handle preserving the ditch,
38 noting that future construction drawings would have to be accepted by the ditch company prior
39 to any construction. Mr. Barton indicated that the ditch is an underground ditch and staff has
40 been working with the ditch company and their legal counsel to make sure that all concerns have
41 adequately been addressed in the conceptual plan and clarified that the currently language in the
42 plan was written by their legal counsel.

1 **Commissioner Middleton** questioned if widening Highway 402 was included in the Plan.

2
3 **Sean Kellar, Transportation Development Review**, reported that any future development on
4 the property would be required to comply with the City's street standards and reported that
5 widening Highway 402 is shown on the City's 2030 Transportation Master Plan.
6

7 **Mr. Barton** stated that dedication of ROW was considered but that the amount of right-of-way
8 dedication required would depend on what type of development occurs on the site and what the
9 traffic count would be for that development.
10

11 **Commissioner Meyers** asked if the traffic study was completed in order to improve the
12 marketability of the property and questioned whether the 2030 Transportation Master Plan was
13 considered in that Study.
14

15 **Mr. Kellar** clarified the traffic study that was done shows that this property has the potential to
16 meet the standards at time of development. He indicated that at the time of development there
17 would be a site specific study on the property and that any development on Highway 402 would
18 have to meet CDOT's requirements.
19

20 **Mr. Barton** re-emphasized that this property is subject to all development requirements as any
21 other property.
22

23 **Commissioner Meyers** asked if rezoning the property would increase the property taxes paid by
24 the City.
25

26 **Mr. Barton** responded to various questions. He noted that the property is currently being leased
27 for farming; that there are no severed mineral right owners; and that the property is currently
28 being served by the Little Thompson Water District. He stated that the Water District has
29 indicated that they can serve the property but without a development proposal on the property it
30 is difficult to know if they would be able to serve it in the future. **Mr. Barton** commented that
31 he is not aware if the city has purchased the water rights on the property and reported that staff
32 believes there is adequate power to serve the development of the site.
33

34 **Commissioner Meyers** asked what the city would have to pay to put in the infrastructure
35 needed.
36

37 **Mr. Barton** clarified that this item is scheduled for Council consideration on November 16. He
38 reemphasized the city is only obligated to bring wastewater to the adjacent Olson property, not to
39 the Ehrlich property. He stated that the final cost of doing that would depend on what type of
40 development is chosen. He stated the goal for the city is to remove as much uncertainty as
41 possible in creating a positive value for the property.
42

43 **Commissioner Fancher** questioned how the conceptual master plan is tied to the rezoning.
44

1 **Mr. Bliss** stated that the conceptual master plan is tied to the zoning itself and is required before
2 construction and that by approving staff's recommendation the Commission would also be
3 accepting the conceptual master plan.
4

5 **Mr. Paulsen** clarified that a conceptual master plan is a requirement of the Employment zoning
6 district. He stated staff is proposing a conceptual master plan that is flexible yet consistent with
7 the comprehensive plan designation of the site. He stated that staff sees this as a gateway project
8 and a way of creating greater certainty to a prospective buyer or developer.
9

10 **Commissioner Fancher** asked who decides when a conceptual master plan no longer meets
11 what the developer wants to do and how difficult would it to amend the plan.
12

13 **Mr. Paulsen** clarified that the idea behind the master plan is to create flexibility that is consistent
14 with the comprehensive plan and with the City's zoning provisions and still allow for enough
15 flexibility for a developer to come in and utilize the plan as adopted. He clarified that this item
16 would not come back before the Planning Commission or City Council unless there is a need to
17 amend the plan substantially.
18

19 **Mr. Barton** clarified that Johnstown has a conceptual master plan approved for its property
20 adjacent (to the north) to the Ehrlich property stating that it is zoned for uses that would be
21 common to an interchange.
22

23 **Mr. Barton** responded to Commissioner Krenning's questions and clarified that height
24 allowances reflect what is allowed in the E-Employment District. **Mr. Bliss** clarified that the
25 current DR Zoning does not allow for any type of development, clarifying DR zoning restricts
26 use to open space, agriculture and public utilities only.
27

28 **Mr. Barton** stated that this is an up-zoning from DR and stated that staff looked at the MAC
29 Zone but indicated that MAC is not desirable because it does not allow for warehouse or light
30 manufacturing which could be an advantage due to the proximity of I-25. He also reported the
31 public notification area for the rezoning application was 1,000 feet.
32
33

1 **Public Participation**

2
3 There was no public participation.
4

5 **Commissioner Comments**

6
7 **Chair Molloy** asked if the ditch was included in the conceptual master plan. Mr. Barton stated
8 that the ditch was included after the conceptual master plan's creation and that at the time of
9 final design it will have an impact on how the property is engineered. He stated that it is staffs
10 understanding that the ditch will continue to operate in its current capacity and all access to the
11 ditch will be maintained.
12

13 **Commissioner Krenning** asked if the ditch could be rerouted.
14

15 **Mr. Barton** stated as long as functionality is maintained, but he indicated that that decision is to
16 be made by the Gard Lateral Ditch Company.
17

18 **Commissioner Krenning** questioned what the advantage of rezoning the property was at this
19 time and stated that he believed whoever bought the property would decide on the zoning.
20

21 **Chairman Molloy** stated he believed that the city was moving in the right direction and believed
22 that this zoning was correct for the site.
23

24 **Commissioner Meyers** expressed concerns that the City should be careful not give up things
25 just because we want to sell the property.
26

27 **Commissioner Middleton** stated that he wants City Council to be aware that the ditch company
28 maintains its right-of-way and the Master Conceptual Plan states that they would incur no costs
29 when the property is sold and developed. He stated that this could potentially make their right-
30 of-way extremely valuable if they decide to sell.
31

32 *Commissioner Fancher made a motion to make the findings listed in Section VII of this report*
33 *dated October 25, 2010 and, based on those findings, recommend that City Council approve*
34 *the Ehrlich Addition Rezoning from DR (Developing Resource) to E – Employment with the*
35 *condition stated in Section VIII. Upon a second by Commissioner Middleton the motion was*
36 *unanimously adopted.*
37

38 **RECOMMENDED CONDITIONS**

39
40 There is one (1) recommended condition for this application. All other requirements and
41 conditions for development and use of the property will be determined with subsequent steps of
42 site development planning.
43

44 **Water/Wastewater:**

1
2 1. At the time of development, the Developer shall, unless designed and constructed by others,
3 provide a coordinated wastewater solution for the development.
4

5 **ADJOURNMENT**
6

7 *Commissioner Middleton made a motion to adjourn. Upon a second by Commissioner*
8 *Krenning the motion was unanimously adopted.*
9

10 _____
11 Rob Molloy, Chair
12

13 _____
14 Vicki Mesa, Secretary
15
16