

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
October 11, 2010

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers of the Civic Center on October 11, 2010 at 6:30 p.m. Members present: Chairman Molloy; Vice Chairman Ray; and Commissioners Crescibene, Fancher, Leadbetter, Middleton. Commissioners Krenning and Meyers were absent. City Staff present: Troy Bliss, Current Planning; Robert Paulsen, Current Planning Manager; Mike Scholl, Community and Strategic Planning; Sunita Sharma, Assistant City Attorney.

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

APPROVAL OF AGENDA

Vice Chair Ray moved to approve the Agenda. Upon a second by Commissioner Fancher, the motion passed unanimously.

APPROVAL OF MINUTES

Commissioner Ray moved to approve the Minutes of the October 11, 2010 Planning Commission meeting. Upon a second by Commissioner Fancher the motion passed unanimously.

CITIZEN REPORTS

There were no citizen reports.

COMMISSIONER COMMENTS

There were no comments.

STAFF REPORTS

Robert Paulsen, Current Planning Manager, reported that the City Council recently voted to approve the Mirasol GDP amendment, therefore affirming the Planning Commission's approval of the Mirasol Preliminary Development Plan for the 60 unit senior apartment building. He also stated that he has provided the Commission with the 2010 City of Loveland 2010 Quality of Life Survey Report which is a customer survey of services provided by the City. He further noted that the Survey was available on the City's website.

1 **Mr. Paulsen** reported that the building permit and development review process item, which is item 1
2 on the Consent Agenda, continues to be worked on by staff. He noted that staff had originally
3 intended to bring the item before the Planning Commission at this hearing but will be coming
4 forward on October 25.

5
6 **Mr. Paulsen** informed the Commission that both candidates who were being considered for the
7 Planning Commission vacancy have withdrawn. He indicated that that Commissioners Ray, Fancher
8 and Middleton all were up for reappointment in December. He encouraged anyone that might be
9 interested in serving on the Commission contact the City Manager's Office.

10 11 **CONSENT AGENDA**

12
13 *Items that remain on the consent agenda are considered to be opened and closed, and are*
14 *approved based on the staff's recommendation.*

15 16 **1. Site Plan Review Amendments – Request to Continue to October 25, 2010.**

17
18 This item has been noticed for the October 11, 2010 hearing. Staff is requesting that this matter be
19 continued to the October 25th meeting so that the proposed amendments can be finalized. Approval
20 of the Consent Agenda will result in a continuance of this matter to October 25th.

21
22 *Commissioner Fancher made a motion to continue the Site Plan Review Amendments to October*
23 *25, 2010 meeting. Upon a second by Vice Chair Ray the motion was unanimously adopted.*

24 25 **REGULAR AGENDA**

26 27 **1. Downtown Update – Mr. Scholl.**

28
29 This is a brief report updating the Planning Commission regarding the ongoing revitalization effort
30 in downtown including the Rialto Bridge project, the Downtown RFP and the Artspace Project.

31
32 **Mr. Scholl, Community and Strategic Planning**, reported that **Commissioner Fancher**, who
33 is Co-Chair for Leadership Loveland, helped raise \$25,000 for the Community Kitchen.

34
35 **Mr. Scholl** gave an update on the City's downtown initiatives. He described the progress of the
36 Rialto Bridge Project, reporting that Council will review the operations and maintenance costs at its
37 October 12 Study Session and review a preliminary construction budget at a Council Study Session
38 on October 26th. He reported that the design has been revised and showed a slide of the final
39 concept.

40
41 **Mr. Scholl** reported that the City Council approved a \$550,000 consulting contract with Artspace
42 Inc. He stated that Artspace is a non-profit developer of affordable housing for artists and that

1 they are looking at completing a \$10-15 million project in Downtown Loveland within the next
2 two years. He stated that Artspace has entered into 23 successful development projects in
3 various communities around the country.
4

5 **Mr. Scholl** stated that Council recently gave the approval to move forward with the completed
6 Downtown Vision book. He stated that the vision book represents Phase II of the effort to develop a
7 comprehensive and successful Request for Proposal (RFP) for Downtown Loveland. He stated that
8 the Downtown Vision book lays out the history, purpose and redevelopment plans for Downtown
9 Loveland.
10

11 **Mr. Scholl** showed slides from the vision book showing the potential for a parking deck, relocating
12 the museum, and potentially closing Third Street for additional parking area.
13

14 **Commissioner Crescibene** thanked Mr. Scholl for his presentation. He expressed concerns that the
15 historic character of downtown would be changed into something more modern with the projects as
16 presented.
17

18 **Mr. Scholl** stated that they are trying to preserve all the historic properties in downtown, noting that
19 not all the buildings have historic character. He indicated that staff has three active grants from the
20 State Historic Fund for buildings in Downtown. He emphasized the need to create density in
21 downtown to drive the economics of Downtown and create an incentive to invest in historic
22 buildings.
23

24 **Commissioner Ray** stated he would like the history of downtown preserved.
25

26 **Commissioner Crescibene** questioned what the term historic means and asked if it was the goal of
27 staff to improve the economics of the downtown area and if so what would bring people to
28 downtown.
29

30 **Mr. Scholl** stated that the goal is to create residential and employment density, which is how
31 successful downtowns create a sustainable economy. He stated that the idea is create an arts and
32 entertainment venue. He reported that currently there is no Class B or Class A office spaces
33 available in Downtown and stated that costs for renovation on the current buildings makes it
34 unaffordable for people to locate in the downtown area. He commented on the architecture of the
35 Rialto Bridge Project and stated it is a mesh between the old and the new. Mr. Scholl spoke of
36 the effort and consideration that goes into creating such a project, and that this effort makes the
37 project fit into the area. He commented that having historic buildings in a blighted downtown
38 neighborhood is not good for anyone. He stated there is a complete historic survey of the
39 downtown.
40

41 **Commissioner Ray** stated many outside people who come to Loveland for community events do
42 not know where the downtown area of Loveland is. He felt that as a community Loveland has

1 not brought enough community events to the downtown area.

2
3 **Mr. Scholl** commented that the currently the downtown is failing. He emphasized that it cannot
4 remain as is and that it will either flourish or fail. He further stated the issue of holding large
5 events in the downtown area has to do more with problems with the current infrastructure and the
6 need to invest money in improving that infrastructure specifically power.

7
8 **Chairman Molloy** asked if the Vision Book called the downtown area "Historic Downtown"
9 and asked if it would be identified as historic.

10
11 **Mr. Scholl** stated that staff would soon be presenting changes to the BE Zone, including
12 amending certain guidelines. He stated one of the amendments would be to lower building
13 heights in the BE Zone for 4th Street.

14
15 After further discussion, Mr. Scholl stated that safeguards are in place which would prohibit
16 someone from buying up the historic properties in the downtown area and demolishing them.

17
18 **Vice Chair Ray** commented that he does not like the look of the final design (of the proposed
19 downtown projects) and felt there were conflicting feedback on what residents and business owners
20 in the area see for the Downtown. While acknowledging his difference of opinion, he thanked staff
21 for all their hard work and efforts.

22
23 **Mr. Scholl** concluded his presentation, stating that he believed the merchants were anxious and want
24 to see something happen.

25 26 27 **2. Namaqua Hills Central Second Subdivision: Preliminary Plat Application**

28
29 This is a public hearing to consider a Preliminary Plat for approximately 49.4 acres located to the
30 west of Wilson Avenue between the future alignments of 29th and 22nd streets, and north of the
31 current terminus of Morning Drive. The Preliminary Plat proposes the creation of 38 single family
32 lots and associated outlots and open space for detention purposes. The eastern portion of the
33 property is zoned R1 (22.7 acres); the western portion is zoned DR (26.7 acres known as Outlot A)
34 and is encumbered with conservation easement. The Planning Commission action is quasi-judicial
35 and is final barring appeal.

36
37 **Troy Bliss, Project Planner**, gave a staff report on the project. He stated that applicant had
38 significantly reduced the number of allowed dwelling units as a result of density conditions imposed
39 by the City Council at the time of annexation. Also, as a condition to the annexation, the applicant
40 was to propose a solution to reducing the amount of traffic on Morning Drive as verified through a
41 Traffic Impact Study. In describing the project location, he noted that the majority of surrounding
42 properties are undeveloped, he stated that due to the cost of the infrastructure needed for the

1 development of this project, it would be very expensive for the applicant to begin construction
2 anytime in the near future. The infrastructure needs are reason why a number of conditions are being
3 recommended from City staff. He concluded his remarks by indicating that staff is in support of the
4 application.

5
6 **Ken Merritt, Landmark Engineering**, representing the applicant, presented a description of the
7 project and described the factors that were taken into consideration in the design of the subdivision.
8 He spoke of the location of the proposed project and how the property fits with the City's
9 Comprehensive Plan. He clarified that the conservation easement is approximately 112 acres (when
10 combining two projects) and has been in place for the past two years. Mr. Merritt clarified that the
11 applicant is not extending the road west of the property. He clarified that the Annexation Agreement
12 describes what is allowed in the R1 Zoning District and also clarified that the density cannot exceed
13 more than 2 dwelling units per acre, emphasizing that the requested number of lots would only allow
14 for 1.7 dwelling units per acre. He spoke of the lot configurations, reporting that smaller lots would
15 be placed adjacent to Hunter's Run, mirroring the lot sizes in Hunters Run.

16
17 **Mr. Merritt** stated that the following were key issues expressed by the neighbors:

- 18 • Extending Morning Drive North to 29th Street would create cut through traffic from future
19 developments to the north and east created by traffic wanting to go to Highway 34
- 20 • Who will pay for the maintenance of Morning Drive due to increased traffic
- 21 • Impact to the wildlife in the area
- 22 • Some residents had issues with opening 22nd Street making the existing Namaqua Hills
23 neighborhood not as secluded as it currently is.
- 24 • As a condition of the Trimble Hills PUD, Council has stated that 22nd Street could not be
25 opened

26
27 **Mr. Merritt** reported that there would be 38 single family lots on approximately 22 acres within a
28 gated community. He stated that the single family lots would range in size from approximately
29 10,000 square feet to over 17,000 square feet. He reported that creating a gated community would
30 help in mitigating the number of residents who would actually use Morning Drive. He clarified that
31 at the time of final plat the applicant would agree to contribute the amount of money equal to the
32 volume of traffic generated by the residents of Namaqua Hills Central for the maintenance of the
33 existing portion of Morning Drive through the County neighborhood. Mr. Merritt described how
34 much traffic there would be if the connection between 22nd Street and Morning Drive was fully
35 opened to traffic.

36
37 **Mr. Merritt** clarified that there would be an additional buffer between the lots furthest to the west
38 and the conservation easement and commented that the open space buffer would provide additional
39 access for pedestrians as well as wildlife.

40
41 **Mr. Merritt** clarified that the HOA would make their street maintenance contribution to Larimer
42 County who is the Administrator for GID #8. He further reported that at the time of Final Plat, the

1 applicant would have to apply for a restricted right-of-way permit before they could proceed; he
2 explained that a restricted right-of-way permit would be needed to allow installation of the access
3 gates.
4

5 **Public Participation**

6
7 **Mike Thompson, 1713 Sunnyside Drive**, spoke of why Morning Drive is not suitable for carrying
8 additional traffic and presented photographic slides of the numerous blind spots on Morning Drive.
9 He stated he did not believe people would use Cascade as an alternative to Morning Drive. He stated
10 that the trail is a great attribute but expressed concerns about parking. He suggested making the
11 access from the south, emergency access only and include a one-way gate into the development.
12

13 **Keith Olson, 2140 Morning Drive**, expressed concerns regarding the fair share contributions and
14 questioned what would happen to the contribution of road maintenance to the GID if the HOA
15 become insolvent. He spoke of his concerns regarding parking at the trailhead and people parking
16 along W. 22nd Street.
17

18 **Dr. Michael McKenna, 2100 Morning Drive**, stated he was under the belief that all issues relating
19 to Morning Drive had been resolved and that Morning Drive should be an emergency egress/ingress
20 only to allow for fire and police only. He expressed concerns regarding safety and commented that
21 all residents who live on Morning Drive back directly onto Morning Drive. He stated that a decision
22 to not open 22nd Street had been decided and questioned why the subject had again been raised. He
23 supported access to the trail and urged that the parking be located on the Namaqua Hills Central
24 property. He emphasized the need to keep Morning Drive closed to emergency access only at the
25 south of the development.
26

27 **Bill Moninger, 2201 Skyrock Road and President of GID #8**, stated that he appreciated the fair
28 share policy and would like to see it in writing. He questioned how road repairs and payments to
29 GID #8 would occur if the Namaqua Hills Central HOA were to become defunct. He further stated
30 that from a safety and convenience standpoint he would support opening up 22nd Street.
31

32 **Jon Zahourek, 1908 Morning Drive**, spoke in support of the community being gated. He
33 expressed his concerns regarding pedestrian safety on Morning Drive and suggested that some type
34 of traffic calming be done.
35

36 **Bret Nye, 1704 Fire Rock Drive**, questioned where the parking for the trail would be and if it was a
37 pedestrian only trail. He stated that he would not support placing houses on the hogback that would
38 be visible from the east or the west. He questioned the language of the Transportation Condition 11,
39 regarding the connection of 22nd Street with Trimble Hills as written in the staff report. He indicated
40 that he did not understand what was meant by the reference to Trimble Hills GDP.
41

1 **Cheryl Reneple, 2209 Morning Drive**, stated that her community could be destroyed if 22nd Street
2 were allowed to go through and expressed concerns regarding traffic counts. She asked if the City's
3 Comprehensive Plan addresses destruction of a community as a result of providing connectivity.
4

5 **Kevin Chandler, 2108 Skyrock Road**, stated that he opposed opening 22nd Street stating that it
6 would reroute additional traffic through Morning Drive. He showed an old graphic that was used
7 when the issue came up years ago (**Exhibit A** – Mr. Chandler took his Exhibit with him at the end of
8 the evening. If needed for the record he can be reached at (970) 663-1688). He stated that he
9 supported the project but opposed opening up 22nd Street.
10

11 **Jeannie Essling, 2108 Skyrock Road**, stated that she does not believe enough emphasis has been
12 placed on safety concerns on Morning Drive if 22nd Street were to be opened. She stated that she
13 has been in front of the Planning Commission and City Council on three separate occasions to
14 address the 22nd Street connection and questioned why the subject keeps coming up. She urged that
15 22nd Street be left as emergency access only.
16

17 **Sherrie Valentine, 2201 Morning Drive**, reported that the City has put up bollards on 22nd Street
18 and that there would not be any issues for emergency access vehicles. She thanked Mr. Merritt and
19 the developer for all the efforts put into the project stating it was a very nice project. She urged the
20 Commission to keep 22nd Street open only for emergency access. She questioned where the
21 compensation agreement is if the roads in GID #8 were to be used as she indicated that she had never
22 seen a copy. Ms. Valentine also stated that the language in the Annexation Agreement is not
23 enforceable, She further stated that the City Council told the GID #8 that a written agreement would
24 be worked out with the County and the Developer and stated that they have not seen any agreement.
25 She stated that the Annexation Agreement also states that the trail would be permanently maintained
26 by the HOA and questioned what happens if the HOA were to go defunct. She suggested that the
27 City maintain the trail and asked why the City would not be responsible for the trail maintenance.
28 She urged that the Commission only approve the application if there is only one access to the
29 development and stated that if the Commission can not approve it in that manner, then let City
30 Council decide.
31

32 **Felicia Horman, 2309 Ponderosa Drive**, thanked the applicant for their efforts. Spoke of access
33 issues and recommended that a condition be placed that says do not build the roads until ready for
34 development.
35

36 **Dick Lubinski, 2000 Skyrock Drive**, concurred with all comments by previous speakers. He
37 expressed concerns regarding additional traffic and noted that there is only one entry and egress into
38 the existing Namaqua Hills neighborhood. He stated his major concern was with safety and thanked
39 Landmark Engineering for doing such a great job.
40

1 **Jodi Radke, 1709 Sunnyside Drive**, expressed safety issues in the area and opposed opening 22nd
2 Street. She stated that she did not believe that the Developer had adequately addressed the impact to
3 the wildlife in the area.
4

5 **Ranee Zahourek, 1908 Morning Drive**, stated she is tired of having to defend the neighborhood.
6 She did not want anyone to gain access to Morning Drive from another neighborhood and supported
7 only allowing emergency access from 22nd Street.
8

9 **Julie Fay, 2101 Skyrock Road**, supported opening 22nd Street stating it would not be that great of
10 an impact on her.
11

12 **Applicant Responses**

13

14 **Mr. Merritt** responded to many questions regarding access on Morning Drive and opening 22nd
15 Street. He reported that the 2030 Transportation Master Plan identifies Morning Drive as a Collector
16 Street. He spoke of the various alternatives proposed and believed that gating the proposed
17 development would alleviate most of the concerns raised by the surrounding neighborhoods. He
18 stated that the roads in the Namaqua Central Second Subdivision would be owned and maintained by
19 the City. He clarified that roads built in County subdivisions are typically the responsibility of the
20 homeowners to maintain.
21

22 He responded to questions regarding how fees will be collected and paid for the shared access. He
23 stated that the only mechanism for collecting maintenance fees is to assess a HOA fee for the
24 residents of Namaqua Central and those fees would be given to Larimer County who is in charge of
25 administering the GID #8 fees. He further stated that until the subdivision is 80% full, the developer
26 is effectively the HOA and would be responsible for the payment of the fees. He also clarified that a
27 final plat could not be approved without an agreement with Larimer County.
28

29 **Mr. Merritt** stated that the trail is a condition of the Parks and Recreation Department and clarified
30 that there is no trailhead parking lot and that the trail is a pedestrian only hiking trail. He reported
31 that the applicant has designated a portion of the property to accommodate some on-street parking.
32 He stated that the applicant would support emergency vehicle access only at the southern entry to the
33 project.
34

35 **Mr. Merritt** reported that there has been a dedication of land for a school in the Trimble Hills
36 neighborhood and when the school is built, which might be 10-years away, there is an agreement that
37 there would be access on 22nd Street. He clarified it was always the intent that Morning Drive would
38 be a collector street.
39

40 **Mr. Merritt** stated that if there is a requirement for opening 22nd Street, he would have to have to
41 hold a public hearing with the City Council to have the condition on Trimble Hills General
42 Development Plan eliminated to allow public traffic.

1 **Mr. Merritt** stated that he believes that a gated community would adequately address traffic and
2 safety issues. He further commented that there would be some impact to the residents on Morning
3 Drive and that opening the access on 22nd Street is up to the discretion of the Planning Commission.
4 He commented that the line of demarcation between development and ridgeline was originally
5 further up the hill but it was lowered to create a larger buffer so that the ridgeline would not be
6 disturbed.

7 8 **Commissioner Questions** 9

10 **Jeff Bailey Transportation Development Review**, in response to a Commission question, stated
11 that City Council, at the time of annexation, directed staff to develop a compromise transportation
12 solution for the project. The compromise would include restricting full access on Morning Drive
13 through the existing County portion of the Namaqua Hills neighborhood from 29th Street to Highway
14 34. He stated that he did not believe that Morning Drive, with its existing design deficiencies, was a
15 good choice for a collector street, but the classification had originally been assigned years ago based
16 on the number of pending/approved dwellings proposed to access Morning Drive. He stated that
17 LCUASS requires two points of full-movement access to all proposed subdivisions. Under previous
18 standards, he noted that some developments had been approved with only one full movement and
19 one emergency access. He stated that such arrangements have become an ongoing maintenance issue
20 for the City, particularly with the placement and replacement of bollards. As an example, he stated
21 that people are currently using the 22nd Street emergency connection to Morning Drive and he
22 indicated that the traffic unit has replaced the safe hits (bollards) on numerous occasions since the
23 access was constructed.

24
25 **Mr. Bailey** commented that while the Transportation Development Review Division supports the
26 current compromise solution, they do not generally favor gated communities due to their restriction
27 of connectivity. He further stated that LCUASS requires proposed development connectivity to all
28 platted roadways, particularly those roadways terminated at property lines for the purpose of future
29 extension. He noted that Morning Drive through the existing Namaqua Hills development meet that
30 criteria. He clarified that 22nd Street was required by Council to be closed as a condition of the
31 approval of the adjacent Trimble Hills development due to concerns raised during public input by the
32 residents of Namaqua Hills.

33
34 **Commissioner Fancher** asked why are the county roads not up to LCUASS standards.
35

36 **Mr. Bailey** stated that he was not an expert in how Larimer County designs and maintains their
37 roads, but suggested that since the county has substantially more miles of roads to maintain, they do
38 what they can with the funds that are available to them. This means that they generally maintain
39 their arterial and collector streets with funds available and rely on local street maintenance to be
40 funded by the various GID's. Also, the design and construction of Morning Drive predated the
41 initial adoption of the LCUASS in 2001.
42

1 **Commissioner Ray** questioned whether it would be possible to remove the proposed gates at the
2 north entrance to the subdivision and have only the south access (Morning Drive) gated.

3
4 **Mr. Bailey** stated that if only the south access were gated, it would create a situation where
5 unfamiliar drivers might assume it was a through street and get trapped by a dead-end.

6
7 In response to a Commissioner's question on what would be required to make the portion of
8 Morning Drive from 22nd Street to the proposed south gate a city street, **Mr. Bailey** indicated that the
9 subject portion of Morning Drive would need to be brought up to current LCUASS design standards
10 before it would be recommended for adoption/. He clarified that based on a recommended condition
11 of approval, no construction traffic would be allowed on Morning Drive and noted that the City
12 would be enforcing that condition. He stated that he couldn't answer questions regarding what it
13 would take to bring county roads up to city standards without a detailed design study.

14
15 **Commissioner Fancher** asked why the Parks Department started the trail at the south end rather
16 than the north end.

17
18 **Mr. Bliss** responded to the question, explaining that the trail goes through both Dakota Ridge and
19 Namaqua Hills Central. He stated that there is already a walking trail on the site that represents the
20 approximate location of the future trail location; while this existing trail has been used over time, it
21 has not been maintained.

22
23 **Vice Chair Ray** inquired as to what is the number of additional trips on Morning Drive.

24
25 **Matt Delich, Delich Associates**, addressed a series of transportation questions. He reported that
26 when the development is completed it would generate an additional 150 trips per day and that would
27 not be enough trips to re-classify the street as a collector street. He also addressed questions about
28 the recreational trail, indicating that parks and recreation areas always generate traffic and explained
29 how he would determine how many trips would be added with the trail. He stated that opening 22nd
30 Street would not create additional traffic on Morning Drive but it would allow people access to a
31 signalized intersection. He concurred with Jeff Bailey stating that connectivity is very important and
32 he would not support emergency access at the south end only and that he also believed that 22nd
33 street should be opened.

34
35 **Romeo Gervais, Loveland Fire Department**, indicated that Fire would not support emergency
36 access only at the south end of the project site and spoke of maintenance and other issues relating to
37 emergency access facilities. He stated that emergency access streets tend to get overlooked and not
38 plowed and then the road conditions deteriorate or get blocked with rocks and debris.

39
40 **Mr. Gervais** clarified that the 2006 Fire Code has gotten away from emergency access only routes
41 which is why the dead end distances were increased to a 1,000 maximum without requiring a
42 secondary access. He stated that once the 1,000 feet has been reached, then Fire would call for two

1 access points. He stated that he personally does not favor gated communities and spoke of the
2 components that are used to access the gates in the communities.

3
4 **Commissioner Fancher** asked Mr. Gervais how important 22nd Street is to the project and asked if it
5 served as a secondary access for Namaqua Hills at this time.

6
7 **Mr. Gervais** stated that 22nd Street would not be constructed today as it currently exists. He stated
8 that it currently functions, but not in the preferred manner and that he would prefer the gated access
9 for the proposed subdivision along with the opening of 22nd Street.

10
11 **Vice Chair Ray** asked if not opening 22nd Street would create significantly more trips on Morning
12 Drive.

13
14 **Mr. Delich** stated if 22nd Street is not opened (and if Morning Drive were not gated at the southern
15 portion of the project site) then there would be an increase of traffic on Morning Drive of 150
16 vehicles daily, but if 22nd Street were to open there would only be 20 vehicles coming through on
17 Morning Drive, basically traveling to Estes Park.

18
19 **Commissioner Middleton** asked if the additional homes would put a burden on the Boosted
20 Pressure Zone 2 and if the developer were only paying for additional design fees or would he be
21 paying for the expansion of Boosted Pressure Zone 2.

22
23 **Melissa Morin, Water and Power Department**, she stated because the utility is an enterprise
24 department they make the developer pay their own way. She stated that the expansion of the Boosted
25 Pressure Zone 2 ("BPZ2") would be funded by the applicant who develops first. She reported that
26 the developer would be required to pay for the complete the design as well as building the station
27 which would include all the lines that lead up to the station. She commented that the Developer
28 could then put in for a reimbursement agreement to be reimbursed from other developers who come
29 later and would benefit from the Station.

30
31 **Commissioner Comments**

32
33 **Commissioner Fancher**, in reference to the decision to be made by the Planning Commission, stated
34 that this was a very difficult decision, but looking at the issue from a common sense, safety-oriented
35 point of view she supported opening 22nd Street. She further commented that she did not find a
36 compelling reason to close the south end of Morning Drive and supported staff's recommendation.

37
38 **Commissioner Leadbetter** stated that he was opposed to gated communities, commenting that the
39 issues are is only delayed by installing gates, and that at some point the gates will come down. He
40 stated that if the Master Plan requires connectivity then he would oppose the gates and he would not
41 support the application. He further stated that he believed there was another solution available.

1 **Commissioner Middleton** stated that if you're going to put in a neighborhood you have to bring it
2 up to LCUASS standards.

3
4 **Vice Chair Ray** stated that the applicant has given more concessions than he needed to. He
5 concurred with others stating he does not like gated communities. He stated that he would support
6 giving the applicant back the three lots taken previously for the trail parking.

7
8 **Commissioner Crescibene** stated that he did not believe that there would be an issue on Morning
9 Drive and he supported the staff's recommendation.

10
11 **Chair Molloy** commented that the original County plat had over 130 home sites—an amount which
12 was drastically reduced under the current proposal. He stated that he felt the applicant has given a lot
13 of concessions and stated that the Planning Commission has no control on whether 22nd Street should
14 be opened. He commented that he did not like gated communities either, however, he believed that
15 the proposed development looked outstanding and the gates would solve the traffic issue raised by
16 the surrounding neighborhoods.

17
18 ***Commissioner Fancher made a motion to make the findings listed in Section V of the staff report***
19 ***dated October 11, 2010 and approve the Preliminary Subdivision Plat for Namaqua Hills Central***
20 ***Second Subdivision, subject to the conditions of approval in Section VI of said report, as amended***
21 ***on the record. Upon a second by Commissioner Crescibene the motion was as follows: Yeas:***
22 ***Commissioners Crescibene, Fancher, Ray and Molloy. Nays: Commissioners Middleton and***
23 ***Leadbetter. The motion passed 4-2.***

24 25 **CONDITIONS**

26
27 The following conditions were adopted:

28 29 ***Current Planning***

- 30 1. Building/structural encroachments of any kind shall not be permissible within easements
31 established on any lot or outlot.
- 32
33 2. This subdivision will be subject to a development agreement which at the time of final
34 platting will be recorded in the real property records of Larimer County.
- 35
36 3. Unless otherwise approved by the City, all unsatisfied conditions of approval for the
37 Namaqua Hills Central First Subdivision shall continue to apply to this property.
- 38
39 4. All expenses involving necessary improvements for water system, sanitary sewer system,
40 storm sewer system, curbs and gutters, sidewalks, street improvements, street signs, traffic control
41 signs, alley grading and surfacing, gas service, electric system, grading and landscaping shall be paid
42 by the developer or their assigns.

1
2 ***Transportation Development Review***

3 5. Notwithstanding any information presented in the preliminary plat or accompanying
4 preliminary construction plan documents (text or graphical depictions), all public improvements
5 shall conform to the Larimer County Urban Area Street Standards, as amended, unless specific
6 variances are requested and approved in writing by the City.
7

8 6. The development shall be responsible for a portion of the future maintenance of the
9 applicable portions of Morning Drive that are in Larimer County right-of-way. Prior to approval of
10 the final plat for the subdivision, the developer shall provide to the City a copy of a written
11 agreement, acceptable to the City, between the developer and Larimer County pertaining to the
12 development's responsibility for a portion of the future maintenance of the section of Morning Drive
13 that is in Larimer County right-of-way.
14

15 7. No construction traffic for the development of this subdivision shall use Morning Drive
16 south of this property.
17

18 8. The following public improvements shall be designed and constructed by the developer
19 unless designed and constructed by others:

- 20 a. West 29th Street from the east property line to Cascade Avenue as shown on the approved
21 construction plans;
22 b. Cascade Avenue from West 29th Street south to the existing portion of Cascade Avenue at
23 West 22nd Street as shown on the approved construction plans;
24 c. A northbound left-turn lane at the intersection of Cascade Avenue and 29th Street;
25 d. The opening of the west end of 22nd Street to through traffic (between Morning Drive and
26 Cascade Avenue); including removal of the 6-inch vertical curbed grade break and replacing it
27 with a vertical curve with a 25 mph design speed per the approval of both the City and Larimer
28 County.
29

30 All improvements listed above shall be completed prior to the issuance of any building permits,
31 unless otherwise approved pursuant to the provisions in Section 16.40 of the Loveland Municipal
32 Code.
33

34 9. Prior to submittal of the final plat, the developer shall submit documentation satisfactory to
35 the City establishing the developer's unrestricted ability to acquire sufficient offsite public right-of-
36 way for the construction of the off-site portions of Cascade Avenue and West 29th Street.
37

38 10. Prior to approval of the final public improvement construction plans and/or the final plat, the
39 developer shall submit recorded deeds of dedication to the City for all offsite right-of-way required
40 for transportation facilities needed to meet City Standards.
41

42 11. Prior to approval of the final plat, the developer shall amend Engineering Condition number

1 14 on the Trimble Hills General Development Plan to allow for the opening of West 22nd Street to
2 public traffic, unless this condition has already been amended by others.

3
4 12. Prior to approval of the Final Plat the developer shall obtain a revocable right-of-way
5 obstruction permit from the City for the proposed gates in Morning Drive.

6
7 ***Water Wastewater***

8 13. Unless constructed by others, the Developer shall obtain all necessary easements and shall
9 design and construct the following public improvements, prior to the issuance of any building
10 permits:

11
12 a. All portions of the water utility infrastructure system which is necessary to convey service and
13 looping requirements for water quality as illustrated in the Public Improvement Construction Plans
14 (PICPs) for Vanguard-Famleco 13th Subdivision, otherwise known as Hunters Run West Filing 1.

15
16 b. All portions of the water infrastructure system which is necessary to convey service and looping
17 requirements for water quality as well as all portions of the wastewater infrastructure system which is
18 necessary to convey service as illustrated in the Public Improvement Construction Plans (PICPs) for
19 Vanguard-Famleco 16th Subdivision, otherwise known as Hunters Run West Filing 2.

20
21 14. The entire development lies within the water Boosted Pressure Zone 2 (BPZ2) and in order to
22 provide water to the development the Developer shall participate with the City in the expansion of
23 the 29th Street Booster Station, unless designed and constructed by others. The Developer shall be
24 responsible for additional design fees required to finalize the pump station expansion design. The
25 Developer shall be responsible to bid the project with a minimum of three qualified bids. The
26 Developer may execute an Oversize Agreement pursuant to City policy if desired, in which the City
27 will reimburse the Developer a portion of the base bid. No building permits shall be issued for any
28 phase of the development within the BPZ2 region until pump station improvements have been
29 completed, activated, and accepted by the City.

30
31 15. Prior to approval of the Final Plat the City of Loveland 25 foot utility easement (Rec # 2008
32 005 2968) will need to be vacated via an ordinance by City Council.

33
34 ***Fire***

35 16. All residential occupancies shall be provided with heat detectors in attached garages unless
36 protected with residential fire sprinklers.

37
38 17. Installation of defensible space in compliance with current Colorado State Forest Service
39 guidelines shall be required on all new construction.

40
41 18. All new structures shall have fire-resistive construction of one of the following types:
42 a. One-hour fire-resistive shell which shall provide not less than one-hour fire-resistive construction

1 at all exterior walls, EXCLUDING ALL OPENINGS AND DECKS.

2 b. Exterior siding materials shall have a flame-spread classification of Class III or better.

3
4 19. The final construction drawings shall indicate "Fire Lane – No Parking" signage in the cul-
5 de-sac bulb.

6
7 20. Prior to construction of this subdivision, 29th Street shall be constructed to an existing street.

8
9 ***Parks***

10 21. Prior to the issuance of any building permits within the subdivision, the Public Access
11 Pedestrian Trail shall be built by the developer and inspected by the Parks and Recreation
12 Department. The developer shall notify the Parks and Recreation Department at the start of public
13 improvement construction, requesting inspection and approval of the trail prior to the first building
14 permit being issued. This condition shall be included in the Development Agreement and on the
15 Final Public Improvement Construction Plans.

16 22. In conjunction with any final plat approval, the developer shall dedicate a public access
17 easement in the location of where the public access pedestrian trail would be constructed. The
18 location will be coordinated with the developer and the City during the final plat review process.

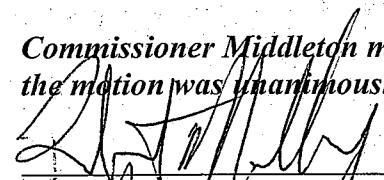
19
20 23. The developer and/or permanent Homeowners' Association (HOA) shall be required to
21 manage and maintain, in perpetuity, the Public Access Pedestrian Trail upon it being constructed
22 with the future development of the Namaqua Hills Central Second Subdivision. This condition shall
23 be included in the Development Agreement and on the Final Plat.

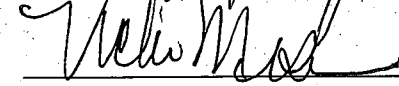
24
25 ***Stormwater***

26 24. The Namaqua Hills Central 2nd Subdivision shall not be constructed until after the
27 adjacent Hunters Run West Filing 2 Subdivision storm drainage infrastructure has been
28 constructed.

29
30 **ADJOURNMENT**

31
32 ***Commissioner Middleton made a motion to adjourn. Upon a second by Commissioner Ray***
33 ***the motion was unanimously adopted.***

34
35 
36 Rob Molloy, Chair

37
38 
39 Vicki Mesa, Secretary