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CITY OF LOVELAND
PLANNING COMMISSION MINUTES
August 23, 2010

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers of the Civic Center on August 23, 2010 at 6:30 p.m. Members present: Chairman Molloy; Vice Chairman Ray; and Commissioners Crescibene, Fancher, Krenning, Leadbetter and Middleton. Commissioner Meyers was absent. City Staff present: Brian Burson, Current Planning; Robert Paulsen, Current Planning Manager; 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

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

CITIZEN REPORTS

Ed Klen, 6909 Shannon Court, indicated that he recently sent members of the Planning Commission a packet of information regarding his concerns about the City's Capital Expansion Fee process. He further noted he was available to answer any questions on the information he provided.

COMMISSIONER COMMENTS

There were no comments.

COMMITTEE REPORTS

Commissioner Middleton reported the Title 18 Committee is currently reviewing the Site Development permit process.

STAFF MATTERS

Sunita Sharma recommended that the Commission decide whether to place Mr. Klen's matter concerning the City's Capital Expansion Fee (CEF) process on a future Planning Commission agenda; she indicated that the Planning Commission could vote on a motion to schedule review of the information provided by Mr. Klen.

1 **Commissioner Crescibene** stated that packet provided by the Klen's addresses Capital Expansion
2 Fees which is a matter dealt with by the Construction Advisory Board. He indicated that CEFs are
3 not the responsibility of the Planning Commission.

4
5 **Chairman Molloy** concurred with Commissioner Crescibene stating that discussion regarding CEFs
6 is outside of the realm of the Planning Commission.

7
8 **Commissioner Middleton** stated that he would be in favor of allowing the Klen's to speak but
9 emphasized that the Commission had no jurisdiction with respect to on CEFs.

10
11 **Ms. Sharma** briefly explained how CEF's are determined and who sets those fees.

12
13 **Commissioner Krenning** stated that if the reason for the presentation by Mr. Klen is basic
14 information sharing, then he would be open to hearing a brief discussion on the topic.

15
16 **Chairman Ray** questioned what Mr. Klen was expecting from the Commission.

17
18 **Mr. Paulsen** stated that he could have staff provide the Commission with general information
19 regarding CEF fees at a future meeting; however, he felt that Mr. Klen wanted to speak to a
20 particular circumstance that he was involved in.

21
22 **Mr. Klen** stated that he believed some of the fees are set by Planning or at least set through the
23 planning process. He stated there were issues regarding fee collections.

24
25 **Ms. Sharma** clarified that City Council makes the decision for the fees.

26
27 ***Commissioner Fancher made a motion to allow Mr. Klen to discuss this issue at a future date.***
28 ***Commissioner Middleton seconded the motion.***

29
30 **Commissioner Krenning** stated he would support the motion with the understanding that they will
31 not have a presentation by staff. He further stated that he would not participate in hearing any
32 negative remarks regarding staff but would be willing to hear any suggestions regarding
33 improvements that Mr. Klen might have.

34
35 **Chairman Molloy** suggested that the Commission hear from Mr. Klen after he had spoken to the
36 Construction Advisory Board (CAB).

37
38 **Commissioner Crescibene** stated that this issue belongs with the legal department and with the
39 CAB, emphasizing that that a presentation by Mr. Klen to the Commission was a venue to express
40 his frustration. He further commented that nothing could be determined by hearing his presentation.

1 **Commissioner Middleton** stated that he would not participate in any type of vote regarding the
2 subject, or comment on Mr. Klen's presentation, and if that was understood, he felt that he could
3 agree to listen.
4

5 *The motion was adopted by a 4 to 3 vote to schedule a thirty minute presentation at the next*
6 *regularly scheduled Planning Commission hearing. Yeas: Commissioners Ray; Krenning;*
7 *Fancher and Middleton. Nays: Commissioners Leadbetter; Molloy and Crescibene.*
8

9 **Ms. Sharma** stated that due to pending litigation with the City and Mr. Klen, there would be no
10 presentation from City staff on this matter.
11

12 **Robert Paulsen**, addressing additional staff matters, stated that he would be providing information
13 at each Commission meeting about upcoming City Council items. He requested, by a show of hands,
14 how many Commissioners would like to schedule a joint study session with City Council on
15 November 23, 2010 to discuss growth related issues. It was the consensus of the Commission that
16 Mr. Paulsen secure November 23, 2010 for a Joint Study Session.
17

18 **REGULAR AGENDA**

19 **Lee Farm 1st Subdivision Planned Unit Development.**

20
21
22 Project Description from the Agenda:

23 *This is a public hearing to consider a phased Planned Unit Development ("PUD)*
24 *Preliminary Development Plan ("PDP") and subdivision Preliminary Plat for the*
25 *246.86 acre Lee Farm 1st Subdivision in NW Loveland. The project includes 5*
26 *housing types and densities, a small neighborhood commercial area, and a*
27 *community center with a private park and athletic fields. The property is located*
28 *along the west side of North Wilson Avenue between Buck PUD and Hunter's Run*
29 *PUD. Planning Commission action is quasi-judicial and would be final, subject to*
30 *appeal to City Council.*

31 **Brian Burson, Project Planner**, gave a brief introduction on this application. He stated the
32 applicant is proposing that the Commission consider a phased PUD Preliminary Development
33 Plan and subdivision Preliminary Plat for 246.86 acres. He stated that the project includes 5
34 housing types and densities, a small neighborhood commercial area, and a community center
35 with a private park and athletic fields. He stated that more than 30% of the project area would be
36 devoted to private open space. He further stated that if approved, the PDP would qualify for
37 vested rights. He reported that the action by the Planning Commission was final, subject to
38 appeal to City Council.
39

40 **Joe Quinn, representing the Lee Family, G.A. Lee Farms Inc.**, provided a presentation on the Lee
41 Farm project. He stated that it is the intent of the Lee Family to develop the property at some

1 unspecified time in the future. He spoke of issues related to traffic, stormwater, dwelling types, and
2 lot sizes, stating that he believed all issues had been resolved. He reported that engineers and
3 consultants would be successful in addressing the surface ground water issue and all traffic related
4 issues had been addressed. He commented that there would be both pedestrian and trail access
5 through the subdivision. He stated that the developer was open to discuss fencing concerns raised by
6 the surrounding neighbors.

7
8 **Commissioner Middleton** questioned if the school district had responded to the proposed
9 development. (*Secretary's Note: The School Report was copied and handed out to the
10 Commission and Audience during the hearing.) It was noted that the report was reviewed and was
11 favorable in terms of the Thompson School District accommodating expected enrollment levels
12 resulting from the project.

13
14 **Mr. Quinn**, in summary, reemphasized that the applicant has no current plans to develop the project
15 in the immediate future, but are requesting project approvals to ensure that entitlements are in place.

16
17 **Public Input**

18
19 **Mrs. Atkins, 3079 Sanford Circle**, expressed concerns regarding drainage issues.

20
21 **Robert Atkins, 3079 Sanford Circle**, spoke of safety concerns for children walking to school noting
22 there are no sidewalks on the west side of 43rd Street. He expressed concerns regarding drainage
23 issues.

24
25 **Jerry Westbrook, 2724 Lochbouie Circle**, expressed concerns regarding public access issues and
26 concurred with Mr. Atkins regarding the safety of children walking to school.

27
28 **Marcy McKenzie, 2676 Lochbouie Circle**, expressed concerns regarding ground water and
29 drainage issues.

30
31 **Mr. Quinn** responded to citizen concerns and reported that all stormwater from the site would be
32 detained on the Lee Farm property and would be properly conveyed to off-site stormwater facilities.

33
34 **Donald McKenzie, 2676 Lochbouie Circle**, reiterated the need for pedestrian access on the west
35 side of Wilson. He stated in 2006 there was an agreement with the previous developer that there
36 would be 10 ft. sidewalks along Wilson Avenue. He also questioned if the mailing for the
37 September neighborhood meeting was faulty in its notification. He asked if all the water would be
38 drained under Wilson Avenue through the Cadoa drain to the east.

39
40 **Commissioner Krenning** questioned if Mr. McKenzie had a concern that there is not a sidewalk
41 now or if there would not be one when the development is built out?

1 **Mr. McKenzie** he stated that previously it was stated that there would be a 10 ft. sidewalk on the
2 west side of Wilson from 43rd Street south to 35th Street. He stated although he had concerns
3 regarding future development on the site, he realized that the development would eventually occur.
4 He questioned if the property were sold would the project come back to the Commission for
5 approval.

6
7 **Chairman Molly** responded, stating that if the property is sold and there were major changes to the
8 approved GDP, then the item would come back to the Commission at a public hearing setting.

9
10 **Paul Danson, 3444 Sanford**, expressed concerns regarding traffic and connector streets and the
11 possibility of additional traffic signals.

12
13 **Josh Caucka, 3124 Williamsburg Street**, expressed concerns regarding storm drainage and excess
14 runoff. He spoke in support of creating a bufferyard to keep the excess runoff off of his property. He
15 also indicated that he wanted to have fencing that would mirror the existing fencing in the Buckhorn
16 Subdivision to act both as a buffer for water runoff as well as screening.

17
18 **Ben Lange, 4132 Cripple Creek Drive**, he stated that he had concerns regarding drainage and
19 expressed issues regarding the need for additional dwelling units at this time.

20
21 **Mr. Quinn, on behalf of the applicant**, addressed mailing list issues and clarified that the mailing
22 list was extended an additional 100 ft. beyond the required 1,000 ft. He indicated that the re-
23 notification of the hearing had been proper.

24
25 (***Secretary's Note:** The Chairman called for and the Commission took a short recess)

26
27 **Chairman Molloy** called the meeting to back to order and requested that Kevin Gingery with the
28 City Stormwater Division address the drainage concerns.

29
30 **Kevin Gingery, Public Works Department**, presented a detailed response to concerns regarding
31 stormwater issues within the vicinity of the Lee Farm project site. He reported that the Buck
32 Regional Detention Pond was designed in the 90's and constructed along with the Buck 1st
33 Subdivision. He reported on the history of the Buck 1st Subdivision construction and the drainage
34 swales along the south and north sides of the subdivision and how they work. He reported that the
35 Lee Farm Subdivision currently straddles three different drainage basins (Caddoa Basin, Golf Course
36 Basin, Hogback Basin) and will remain so after construction of the Lee Farm Subdivision. He stated
37 that the Lee Farm project will be massively re-graded and re-sculptured but would continue to drain
38 in the same manner as it has historically drained. He commented that a change in the Buck 1st
39 Subdivision HOA irrigation management company has resulted in over watering of the greenbelts
40 and thus increased irrigation runoff as well as groundwater flows from the subdivision into the
41 regional detention pond. He commented that the regional detention pond was not originally designed

1 to accommodate a base flow of irrigation water and groundwater, thus it is in need of some serious
2 maintenance. He noted that currently the Stormwater Engineering Division has hired a contractor
3 (Mountain Constructors) to relocate the sidewalk up out of the detention pond bottom in order to
4 protect the safety of the citizens using the sidewalk. Then the contractor will re-channelize the
5 access irrigation water/groundwater into new concrete trickle pans in order to manage the flow of
6 water entering the detention pond. Along the way the contractor has been cleaning up the sediment
7 and debris deposited in the detention pond by the Buck 1st Subdivision over the years. He
8 commented that the Lee Farm Subdivision has designed a parallel swale along their southern
9 property line in order to protect the Hunters Run Subdivision. The southerly swale runs from west to
10 east to the detention pond near Wilson Avenue. He also commented that the Hunters Run engineer
11 (Shear Engineering) has worked very hard to ensure that no drainage waters from the Lee Farm
12 Subdivision run onto any of the surrounding subdivisions.
13

14 **Sean Kellar, Transportation Development Review**, responded to traffic and transportation issues,
15 stating that currently Tabernash Street is a full service access and reported that when the traffic flow
16 in the area requires it, a median would be constructed but stated he did not foresee that happening in
17 the near future. He further stated that there are adequate sidewalks to provide safe mobility to the
18 schools in the area and clarified City standards require that sidewalks be built when the development
19 is actually under construction.
20

21 **Matt Delich, Delich and Associates**, spoke of the traffic study and pointed out the numerous future
22 access points on the site.
23

24 **Ms. Sharma** recommended some adjustments to the conditions proposed by staff; generally the
25 adjustments related to basic grammar issues.
26

27 **Brian Burson** responded to questions regarding an alleged agreement that the fencing for the Lee
28 Farms Subdivision would mirror the fencing of the Buck Subdivision. He commented that there
29 would be a swale created as described by Mr. Gingrey and stated that staff felt that the buffer would
30 be adequate. He further stated that there was no evidence of a condition or promise previously made
31 to the Buck Subdivision regarding mirrored fencing.
32

33 **Mr. Quinn** commented that some residents would like open fencing and some want solid fencing.
34 He stated that as they reach the FDP process, they can discuss with the neighbors what it is that they
35 would like to see.
36

37 **Mr. Burson** stated that if the Commission wanted to require fencing then it would need to be done at
38 this time. He further commented that staff would rather not create a canyon-like effect between
39 developments (with solid fencing) for an open space walkway. He stated that the Code does not
40 require any buffer between two single family developments.
41

1 **Mr. Paulsen** stated that staff would prefer to see that no fencing be required.

2
3 **Joe Quinn** stated he would like to go on the record to the effect that the developer will act in good
4 faith to develop it in a manner in the best interest and desires of the community.

5
6 **Mr. Burson** requested the Commission give a definite direction regarding fencing if that is what is
7 decided.

8
9 **Commissioner Krenning** offered a suggestion that at the time of the Final Development Plan the
10 Planning Commission would make a determination on what type of fencing could be constructed.
11 He further commented that he believed that whatever fencing is constructed it should be consistent
12 with the surrounding properties.

13
14 **Chairman Ray** suggested that a determination be made a time of final plat and that fencing and
15 fencing materials should be consistent.

16
17 **Mr. Burson** stated if the Commission would like to place a condition at the time of Final Plat do
18 they then want to hold a neighborhood meeting with Buck Subdivision to gather their input to see
19 what is desired for the community. He further clarified that the City has no control over the Home
20 Owner's Association and/or any covenant.

21
22 After a lengthy discussion the following condition was added:

23
24 ***3b. That the subdivision perimeter fencing needs to be of a consistent type and of***
25 ***appropriate materials and submitted as part of the Final Development Plan.***

26
27 The applicant agreed with the added condition.

28
29 **Matt Delich** spoke of how the traffic flow would occur after build-out of the Lee Farm Addition. He
30 further stated that in his opinion motorists do not traditionally cut through adjoining neighborhoods
31 to access and arterial roadway, stating it would take them too long.

32
33 **Commissioner Comments**

34
35 **Commissioner Middleton** proposed an amendment to Condition 15 to read as follows:

36
37 Unless constructed by others, the Developer shall complete the design and construct
38 the improvements to expand the 29th Street Water Booster Station in order to provide
39 approved pressure and flow water to any property within the Boosted Pressure Zone 2
40 (BPZ2).

1 He stated that he wanted to make sure that if he moves into the area that he wanted good water
2 pressure.

3
4 **Melissa Morin, Water and Power**, responded to the water pressure concern and stated that the City
5 has minimum requirements that must be met; consequently, she did not believe it was necessary.
6 She further clarified that fire flow were more critical than domestic flow.

7
8 **Mr. Quinn** representing the applicant accepted the conditions.

9
10 *Commissioner Fancher made a motion to make the findings listed in Section VII of the staff*
11 *report dated August 23, 2010 and approve the Preliminary Development Plan and Preliminary*
12 *Plat for Lee Farm 1st Subdivision PUD, subject to the conditions of approval in Section VIII of*
13 *said report, as amended on the record. Upon a second by Commissioner Krenning the motion*
14 *was unanimously adopted.*

15 16 **VII. RECOMMENDED CONDITIONS**

17
18 The following conditions are recommended by City staff (as taken from the August 23, 2010
19 staff report and amended on the record):

20 21 **CONDITIONS OF APPROVAL:**

22 23 **A. PUD Preliminary Development Plan:**

24 25 **Current Planning:**

- 26
27 1. No sign permits will be issued for uses within the Tract N commercial area of the PUD until a
28 Planned Sign Program is submitted by the Developer and approved by the City.
29
30 2. The City shall not approve any FDP or final Public Improvements Construction Plans (PICPs) for
31 any phase(s) that includes the 100 foot wide PRPA easement within Tract HH until the Developer
32 submits to the City a letter from PRPA confirming their approval of the proposed landscape and
33 other open space improvements within said tract.
34
35 3. Before issuance of any applicable Certificate of Occupancy by the City for the townhomes or
36 condominiums, the Developer shall ensure that all parking areas, drive lanes and related access
37 drives from streets are paved, striped and signed in compliance with the approved plans.
38
39 3a. That the subdivision perimeter fencing needs to be of a consistent type and of appropriate
40 materials and submitted as part of the Final Development Plan.
41

1 **Transportation Engineering:**

2
3 4. Prior to the issuance of any building permits within this preliminary development plan (PDP),
4 unless otherwise approved by the Director pursuant to the provisions in Section 16.40.010.B of the
5 Loveland Municipal Code, the following improvements shall be designed and constructed by the
6 developer, unless designed and constructed by others. A cash-in-lieu payment, or financial security,
7 may be accepted for all or part of these improvements if approved in writing by the City Engineer:

8
9 a) The four-lane arterial roadway improvements for Wilson Avenue adjacent to the PDP boundary,
10 including sidewalk, as shown on the approved Final Public Improvement Construction Plans.

11
12 b) The Channelized-T raised median configuration in Wilson Avenue (restricting left-turns at the
13 proposed right-in/right-out access while allowing full-movement access at the existing
14 Woodward/Governor access), as shown on the approved Final Public Improvement Construction
15 Plans.

16
17 c) The major collector roadway improvements for Cascade Avenue and 35th Street within the
18 property as shown on the approved Final Public Improvement Construction Plans.

19
20 d) The intersection improvements to Wilson Avenue and 35th Street as shown on the approved Final
21 Public Improvement Construction Plans.

22
23 e) The necessary traffic signal modifications at 35th Street and Wilson Avenue as deemed necessary
24 by the City.

25
26 f) The southbound right-turn lane on Wilson Avenue approaching 35th Street.

27
28 g) The southbound right-turn lane on Wilson Avenue approaching the proposed right-turns only
29 access.

30
31 h) The roundabout at the intersection of Cascade Avenue and 35th Street (if not already constructed
32 by others).

33
34 5. Notwithstanding any information presented in the preliminary development plan (PDP) or
35 accompanying preliminary plat and preliminary construction plan documents (text or graphical
36 depictions), all public street improvements shall conform to the Larimer County Urban Area Street
37 Standards (LCUASS) as amended, unless specific variances are requested and approved in writing.

38
39 6. The Developer shall acquire, at no cost to the City, any off-site right-of-way deemed necessary by
40 the City for mitigation improvements associated with this development.
41

1 7. Prior to approval of the Final Development Plan (FDP) or final construction plans, a traffic signal
2 plan must be submitted for review and approval by the City for the necessary traffic signal
3 modifications at 35th Street and Wilson Avenue.

4
5 8. The Developer shall obtain a Right-of-Way Obstruction Permit from the City for any proposed
6 gates within a public right-of-way prior to the signing of the FDP or Final Public Improvement
7 Construction Plan mylars.

8
9 9. All gates within this PDP shall remain permanently open unless otherwise specifically approved
10 by Loveland City Council.

11
12 10. The following note shall be placed on the cover sheet of the final plat: "Local Streets within this
13 subdivision are listed as Priority Three routes in the City of Loveland's Snow and Ice Control Plan,
14 meaning that snow removal services are unlikely except in extreme circumstances. Privately
15 contracted snow removal services are strongly recommended and are permissible when in accordance
16 with the provisions of Section 12.16.240 of the Loveland City Code."

17
18 **Fire:**

19
20 11. All garage areas shall have heat detectors installed. Only garages protected by an automatic fire
21 sprinkler system shall not require heat detectors.

22
23 **Parks and Recreation:**

24
25 12. No drainage pipes/systems, utilities, signage, landscaping or irrigation shall be allowed to
26 encroach or be constructed in the underpass easements (temporary or permanent) without the Parks
27 and Recreation Directors approval. Any landscaping proposed in Tract A may not be planted until
28 after construction of the underpass. Funds shall be escrowed to complete the landscaping if the
29 underpass is not constructed prior to the completion of Tract A. See the plat dedication statements
30 for any exceptions or exclusions to this condition.

31
32 13. The sidewalk along Wilson, north of Iron City Drive may need to be installed with the
33 construction of the underpass. Funds for the full 10 foot wide sidewalk/trail shall be escrowed if the
34 City determines this to be best for the underpass project. This condition shall be finalized before the
35 final mylars are signed and approved by the City. A temporary 5' wide sidewalk may be required if
36 the permanent sidewalk is not installed.

37
38 **Water/Wastewater:**

39
40 14. Unless constructed by others, the Developer shall design and construct the following public
41 improvements prior to the issuance of any building permits:

1 a. Public water infrastructure as illustrated in the Public Improvement Construction Plans (PICPs) for
2 Vanguard-Famleco 13th Subdivision, aka Hunters Run West Filing 1.

3
4 15. Unless constructed by others, the Developer shall complete the design and construct the
5 improvements to expand the Water Booster Station in order to provide approved pressure
6 and flow water to any property within the Boosted Pressure Zone 2 (BPZ2).

7
8 **Stormwater:**

9
10 16. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the
11 Loveland Stormwater Utility with a final drainage design for Cascade Avenue which complies with
12 the major storm allowable flow depth of 0.75 feet as required by our criteria for a major collector
13 street classification.

14
15 **CONDITIONS OF APPROVAL:**

16
17 **B. Preliminary Plat**

18
19 **Current Planning:**

20
21 17. Prior to commencing any construction or grading on the site, the Developer shall submit a report
22 from a qualified professional to indicate whether there are any active prairie dog burrows or colonies
23 on the site. The report shall distinguish the presence of any black-tailed prairie dog burrows or
24 colonies, as compared to other types of more common prairie dogs. If there are active black-tailed
25 prairie dog burrows or colonies, all reasonable measures shall be taken by the Developer to relocate
26 the black-tailed prairie dogs to any accepting prairie grasslands. If there are any other prairie dogs on
27 the site, the Developer shall employ a professional exterminator, licensed by the Department of
28 Agriculture, to humanely eliminate the dogs from the site. Before extermination activities
29 commence, the Developer shall provide to the City written confirmation from the Division of
30 Wildlife and the licensed professional exterminator stating there will be no detrimental effect to
31 endangered species or burrowing owls.

32
33 18. Prior to commencing any construction or grading on the site, and prior to any removal or
34 extermination efforts of prairie dogs from the site, the Developer shall submit to the City a report
35 prepared by a qualified professional to indicate whether there are any burrowing owls on the site. If
36 such construction, grading or extermination activities are proposed outside the owls' normal activity
37 period (March 1 – October 15), this shall not be required.

38
39 19. As part of the final plat, the drainage swale lying along the rear of Lots 12-16, Blk 24, and the
40 west sideyard of Lot 9, Blk 24 shall be platted as a separate tract to accommodate the large drainage
41 swale that runs through this area.

1
2 20. At the time of final plat and final PICPs, the alignment of all water and sewer lines in public
3 streets shall be revised so that landscape areas within roundabouts and cul-de-sacs can include
4 canopy trees for higher quality visual impacts and improved shading of the on-street parking areas.
5 The landscape plan shall also be revised commensurately to include such trees.

6
7 21. At the time of final plat and final PICPs, the 8 inch water line running through the northern
8 portion of Lot 15, Blk 26 shall be relocated to lie near the north sideyard of said lot, or the easement
9 area shall be platted as a separate tract to be owned and maintained by the HOA.

10
11 22. At the time of final plat and final PICPs, the final grading of the site shall be substantially
12 consistent with the preliminary grading plans. Artificial elevation of perimeter lots in order to create
13 grading for walk-out lots shall not be allowed.

14
15 23. At the time of final plat, the drainage/utility easement shown along the rear of Lots 12-16, Blk
16 24 and the west sideyard of Lot 9, Blk 24, shall be revised to a separate tract dedicated for drainage
17 and utility purposes.

18
19 **Fire:**

20
21 24. Prior to approval of the Final Plat a "Fire Lane- No Parking" sign plan shall be submitted for
22 approval for all courts and multifamily areas.

23
24 **Parks and Recreation:**

25
26 25. Specific dedication statements for the trail and underpass easements, located in Tract A and
27 Outlot A shall be provided setting precedence for the trail as the primary use and all other easements
28 as secondary to the trail and underpass easement. The City shall provide draft language for these
29 dedication statements on the final plat. There shall be dedication statements for both the temporary
30 and permanent easements on the plat.

31
32 26. No additional encroachments, including blanket utility easements shall be allowed in the trail
33 and underpass easements without the City of Loveland, Parks and Recreation Director, approval and
34 as determined by the final dedication statements.

35
36 27. The following note shall be added to the final plat, "The City of Loveland is not responsible for
37 any damage to irrigation heads or the irrigation system, or turf or landscape damage bordering the
38 edge of trail if damaged due to routine snow removal or normal maintenance of the trail".

39
40 28. On the final plat, Tract A shall be labeled in the table shown on plat as:
41

1 Trail/Drainage/Landscape/Open Space to address the trail and access component of the easement.

2
3 Mr. Quinn, in response to the Commission's motion, accepted the conditions as amended on the
4 record.

5
6 **2. Title 18 Amendments for the Proposed Site Development Permit/Building Permit**
7 **Process.**

8 Project Description from the Agenda:

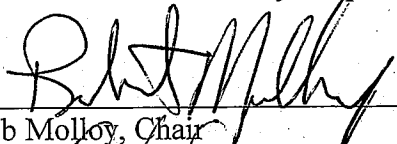
9 *Staff is requesting that the Planning Commission consider the proposed process for*
10 *Site Plan/Building Permit Review and offer any comments, insights or suggestions*
11 *regarding the proposal.*


12 **Brian Burson, Project Planner**, presented an explanation and summary of the information provided
13 to the Planning Commission in the staff memorandum, dated 8/23/10 regarding a proposed new
14 process for review and approval of site development plans that accompany building permit
15 applications. He reported that the new process would initially be limited to permits for non-
16 residential development and all multi-family development. He indicated that a recent evaluation
17 process by the City discovered that the majority of developers, contractors and consultants in the area
18 desire a building permit/site development permit process that is clear, consistent, predictable,
19 repeatable, and transparent. Mr. Burson stated that staff believes that the new process would result
20 in the improvements desired, as well as making significant improvements to timeliness, efficiency
21 and cost savings for both the developer and the City. He clarified that the new process would divide
22 the overall process into two distinct parts allowing submittal, review and approval of each part, thus
23 allowing site work to begin more rapidly and greatly reduce the need for early permits which require
24 the developer to file extra agreements and financial securities for required improvements. The
25 process would also accommodate shovel-ready sites, construction of core-and-shell buildings, and
26 would be waived when there are no exterior improvements required.

27 Planning Commission asked questions regarding public participation in appropriate aspects of the
28 planning process, and whether appropriate input from the development community was part of the
29 process. Mr. Burson responded that the new process would not affect any current appeal rights,
30 except that provisions were proposed to assure that appeals of final plats could not be used as an
31 avenue to interfere with site plans that were for a use-by-right but linked to a plat. He further
32 described the presentations and input being sought through meetings with developers, Planning
33 Commission, Construction Advisory Board, and City Council. He reported that staff is projecting a
34 schedule for a follow-up meeting with developers in September, Planning Commission hearing in
35 October, and City Council in November and December, with the new process in place and ready to
36 implement by January 2011.

1 Adjournment

2
3 *Commissioner Middleton made a motion to adjourn. Upon a second by Commissioner Ray the*
4 *motion was unanimously adopted.*

5 
6 _____
7 Rob Molloy, Chair

8 
9 _____
10 Vicki Mesa, Secretary