

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**August 8, 2016**

---

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 8, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, McFall and Roskie. Members absent: Cloutier, Meyers and Ray. City Staff present: Bob Paulsen, Current Planning Manager; Tree Abalo, Assistant City Attorney; Cita Lauden, Planning Administrative Specialist; Linda Bersch, Interim Planning Commission Secretary.

**CITIZEN REPORTS**

There were no citizen reports.

*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: <http://loveland.pegcentral.com>*

**STAFF MATTERS**

1. **Robert Paulsen**, Current Planning Manager, alerted the Commissioners that the August 22<sup>nd</sup> Planning Commission Meeting would include two very important public hearings on the following:
  - i. Mirasol III Addition and PUD – GDP Amendment and Annexation
  - ii. N. Taft Avenue Subdivision – Preliminary Plat.
2. **Mr. Paulsen** gave an update on the Eisenhower Reinvestment Zone Fee Waivers (approved with amendments at the 7/19/16 Council Meeting). There is now the availability for property owners to pursue fee waivers for development and redevelopment along West Eisenhower particularly along the corridor between Taft and Wilson Avenues. Owners will have the opportunity be exempted from certain city development related fees.
3. **Mr. Paulsen** informed that the Flexible Zoning Overlay provisions were approved by City Council on first reading at the Council meeting on August 2, 2016. Second reading will take place on the 16<sup>th</sup>. These provisions were approved as recommended by the Planning Commission. City Council comments were favorable and the efforts of the Planning Commissioners in developing this overlay are very much appreciated.
4. **Mr. Paulsen** reported there are no Hot Topics at this time.

**COMMITTEE REPORTS**

**Commissioner Molloy** stated that a Title 18 meeting is to be held this Thursday. Mr. Paulsen reported that this meeting's topic will be discussion of the possible amendments to our electronic sign provisions. This stems for a joint study session with City Council that was held July 26th. At that meeting, direction from Council was to pursue certain adjustments to the electronic message sign provisions along the I-25 corridor. These adjustments should be to the Planning

Commission in September or October. A study session will be scheduled with the Planning Commissioners before any public hearing on these amendments.

**Mr. Paulsen** also reported that Planning Staff has started working with the consultant hired to do an assessment of the zoning code. Staff should be receiving that assessment this week and will be scheduling an outreach meeting with the development community, tentatively on August 23<sup>rd</sup>, to review these potential updates. Staff is moving forward with this effort which will take up to 18 months or possibly longer to fully complete the updates to our Zoning Code and Subdivision Ordinance.

**Commissioner Forrest** reported that a Zoning Board of Adjustment hearing was held prior to this meeting. A variance regarding fencing was requested. The report should be available in the next couple of days.

### **COMMISSIONER COMMENTS**

**Commissioner McFall** reported he was contacted by Dan Maas, COO of the Thompson School District. The District would like present an award of recognition to the Planning Commission for their excellent relationship with the District. **Commissioner McFall** will accept this award for the Commission.

### **APPROVAL OF THE MINUTES**

*Commissioner Dowding made a motion to approve the July 11, 2016 minutes; upon a second from Commissioner Roskie, the minutes were approved.*

### **CONSENT AGENDA**

There were no items on the consent agenda.

### **REGULAR AGENDA**

#### **1. Lee Farm Addition – GDP Amendment**

**Project Description:** This is a quasi-judicial item that includes a public hearing. The new owner of the 247-acre Lee Farm property located on the west side of North Wilson Avenue is pursuing an amendment to the approved General Development Plan. Proposed changes include removal of a community center, the elimination of a multi-family component and the reconfiguration of internal streets. Neighborhood residents have raised concerns over the plan amendment, particularly the proposed location of 35<sup>th</sup> Street. Staff is recommending approval. The Planning Commission must make a recommendation to the City Council for final action.

**Troy Bliss** explained that the Lee Farms PUD was approved in 2006. The new owner, True Life Companies, is requesting an amendment to the General Development Plan (GDP). There will be upcoming development phases that will provide more specific detail on each phase and provide interested citizens the opportunity to participate in

public hearings. The proposed GDP amendment is to the use and density of the development. Commercial development is being eliminated as a development option and the number of dwellings is being reduced from approximately 1050 units to 820 units with same mix of residential uses. Also requested is a GDP vesting extension from one year to a period of ten years. The major neighborhood concern is the changing of the street design and alignment of West 35<sup>th</sup> Street. A neighborhood meeting was held June 28, 2016. A report of that meeting is included as Attachment 4 of the staff report. **Mr. Bliss** also reported that this amendment concurs with Create Loveland. The staff recommends approval of this amendment with the conditions listed in Section IX of the staff report. The city council is scheduled to hold their public hearing for this matter on September 20, 2016.

**Katie Cooley** and staff of True Life Companies presented details of the proposed GDP amendment objectives which include: the reduction in density from 1057 units to 820 and the redistribution of housing types; relocation of proposed roadways/streets; the elimination of commercial development; storm water improvements, pedestrian linkages and buffers and screening.

#### **COMMISSIONER QUESTIONS AND COMMENTS:**

- **Commissioner Jersvig** inquired about the construction of 35<sup>th</sup> Street and who was responsible for the construction of the adjacent round-a-bout. **Mr. Bliss** said the expectation is that 35<sup>th</sup> Street will be completed in phases beginning at Wilson; however, that level of detail has not been finalized at this point. The adjacent round-a-bout is a design function of proposed Hunters Run West development. If this development would occur before Hunters Run West, a negotiation between the respective developers would have to take place.
- **Commissioner McFall** noted that the decrease of density in the development is about 230 units and inquired as to what type of units made up that decrease. **Mr. Bliss** said that the decrease was across the board in all types of units. **Commissioner McFall** also asked what the distance is between the proposed street and the Hunter's Run property line in this amendment and what it was before. **Mr. Bliss** stated that the distances from the north edge of that property to the street is about 80 feet now and was about 300 feet in the original proposal. **Commissioner McFall** stated he could understand the adjacent neighborhood's concern.
- **Commissioner Molloy** asked what other developments the True Life Companies have done. **Ms. Cooley** said, while they are fairly new to Colorado, they are working on Willow Bend in Thornton which is still in entitlements and as the developer and builder of paired homes on 80 lots in Aurora. They are a national company that does mostly residential. **Commissioner Molloy** inquired about who would do the build out in this development. **Ms. Cooley** reported they have worked with national builders such as Lennar and would be using both national and local builders here. **Commissioner Molloy** also inquired about whether trails in the development would connect with the city trail system. He also expressed concern about the appearance of the out front detention pond and whether the connector street in the north east corner of the development would have access onto Wilson. **Ms. Cooley** said the trail would connect with the city tunnel to be

built under Wilson. She stated that since that detention pond would be the front entrance to their development, they want it to be a nice amenity. The minor collector street in question will not have access to Wilson. It will only access the proposed commercial development in the Buck addition. **Commissioner Molloy** also inquired about signalization at the 35<sup>th</sup> Street intersection with Wilson. **Ms. Cooley** said there is already a signal there; however, it will need some minor improvements.

- **Commissioner Roskie** inquired about traffic calming along the north/south connector streets and was there a neighborhood concern about sound attenuation in terms of buffering along 35<sup>th</sup> Street. **Ms. Cooley** said at this level, detail about traffic calming is not yet available. In terms of buffering of sound, a traffic study showed that due to less density there would be less traffic than originally approved. Since 35<sup>th</sup> is a neighborhood collector street, a typical decibel report of 45-60 is the same as occurs in other subdivisions. There will be landscaping and a fencing buffer along this street for noise reduction.

#### **CITIZEN COMMENTS:**

**Commissioner Jersvig opened the public hearing at 7:32 p.m.**

- **Jim Vernon**, resident, lives on the border of 35<sup>th</sup> Street and feels this development proposal would gut his property values. It is disingenuous to state that the street buffer was increased from 70 feet to 80 feet when, in reality, it is being reduced from the 300 feet to 80 feet. The previous plan was better and this amendment should be rejected. This plan claims to make a feathering approach with higher density near Wilson; however, the placement of town homes and the flex use area moves higher density directly opposite the northern border of Hunters Run. He stated adjacent land use is not being respected. He was strongly opposed to the new design.
- **K. C. Hogan**, resident, echoed Mr. Vernon's concerns. She worked with original developer for nine months to get our properties mirrored and to have the road in front of the new development to respect what is currently there and to approve a thirty foot easement between the properties with a privacy fence so residents can have the privacy we are used to. This plan puts a condo and patio home right behind my house. I had a market analysis done that shows a decrease in value of my home is ten thousand dollars and with condos and patio homes placed there a decrease of forty-five thousand dollars or more. I have a problem with that.
- **Jerry Westbrook**, resident, said his issue is with drainage. For the past several years he has worked with a commercial developer at 43<sup>rd</sup> and Wilson on improving drainage. That development plan is now gone. The question is will the Lee Farms proposed drainage pond be sufficient to keep water from running over Wilson Avenue?
- **Shanna Vernon**, resident Hunters Run, indicated that her main concern is about the road. The road was supposed to be in Lee Farms subdivision. In the previous meeting, the developer said that placement would make that subdivision feel segregated. We feel this new road puts all the burden on our subdivision. We don't feel connected. This road alignment aids that subdivision but we now have to deal

with noise, lights and traffic. Having the buffer go from 300 feet down to 80 feet is unacceptable. This make us feel further alienated.

- **Kevin Lear**, resident of the Buck neighborhood, stressed that the notion of like against like needs to be honored in the new plan. The plan needs to be modified so only single family detached homes are along the Buck development. Some density increases in some portion of the plan along the west are from estate lots to the single family designation. He commended the inclusion of the north/south trail but has a concern about the trail system in the Buck subdivision, especially in regard to a wall along the trail. The city should make sure that wall does not prohibit Buck residents from accessing the trail.
- **L. P. Magley**, resident Buckhorn Village, expressed concern over the fact that roads and cars directly behind us will destroy our quality of life. Town homes and condos would turn into low income rentals and drive property values down and create more crime, noise, traffic and light pollution. This would take away our view and the quality of our life. I know we cannot stop new development but this is too pristine an area to have condos and town homes and patio homes. Make it all single family homes, he requested.
- **Josh Cacka**, resident Buck subdivision, appreciates the lower density and lack of commercial development. He does have concern about drainage and thinks the city underestimates how bad the water table is there. The whole area floods across Wilson. Will this retention pond make it better? He also has a concern about the increase of density right next to Buck subdivision. The plan needs to be modified so only single family detached homes are along the Buck development. Also there is a need for a street buffer along the Buck side.

**Commissioner Jersvig closed the public hearing at 7:50 p.m.**

- **Commissioner Jersvig** stated he would like the applicant to answer some of the property owners' concerns regarding the drainage on 35<sup>th</sup> Street and if what is proposed to would keep storm water off Wilson Avenue. **Brett Woolard** of CWC Consultants, project engineer, said they are aware of the current flooding and are working with Public Works to address the issue. The current pond is undersized and they are designing to current standards to retain any flow out of the property on the property. The lower density will help reduce runoff as will the larger swale design in this amendment. The right designs for this issue are still being worked on with the Public Works staff.
- **Commissioner Molloy** said he is aware that many of the existing homes in the area have sump pumps and it appears homes in this development may have to as well. He is also concerned the 35<sup>th</sup> Street appears to be higher than the current homes and that is going to be an issue going forward. **Mr. Woolard** indicated that one lane in the center of the roadway must be high enough for emergency vehicle access. They will further study this issue. **Mr. Woolard** discussed that the like for like issue on the home redesign/lot configuration is mostly for the drainage issue. Tabernash Street will shut down and not be a full movement street. Hunters Run will use 35<sup>th</sup> to get to Wilson. The purpose of the connector streets within Lee Farms was also discussed. Those are part of the city's long range plan.

- **Commissioner McFall** expressed concerns regarding moving 35th Street alignment closer to Hunters Run, with the relocation being the length of over one and one half times the length of a football field. Hunters Run homeowners had the expectation of a larger buffer. Why was this move made? **Ms. Cooley** indicated this was largely for drainage. If the road wasn't moved they don't believe it would solve any of drainage concerns that are there are now. **Commissioner McFall** questioned the reduction of single family units. Ms. Cooley indicated it would only affect the estate lots numbers as they created a buffer of smaller single family lots near the power lines instead of estate lots. The decrease on townhomes is from 480 down to 200. They are still fronting like product to like product because the patio homes are single family ranch and the flex section is for paired homes and would front the proposed Hunters Run West area that has not been built yet. The price point for the homes in the development was discussed. The target is \$350,000 for single family and probably higher for patio homes because of common area maintenance. Due to market conditions, condos cannot be priced this high.
- **Commissioner Jersvig** noted that a metro district has been approved for the property so there will be additional property taxes on residents. He believes this and the pricing eliminates the concern regarding low income housing. He also inquired about the concern for more buffering on the north end of the property. Ms. Cooley indicated that could be addressed at the next phase, at the PDP level. It has not been addressed at the GDP level.

#### **COMMISSIONER COMMENTS:**

- **Commissioner Molloy** indicated he likes the plan overall but does have tremendous concerns about the road height that needs to be addressed at the PDP level. He is an advocate of detached sidewalks even on local streets. The biggest concern of the two adjacent neighborhoods is drainage and if improvements can be made in this amendment, it is a great benefit. This design brings better pedestrian movement that has been a concern about children getting to school in the past. He will be interested in how these trails tie into city trails in the PDP plan. Tabernash being closed to Wilson is a good plan. Density being brought down is a good plan. He does have concerns about the loss of the commercial area but the area at 43<sup>rd</sup> is a better place for it. Overall he is for the amendment.
- **Commissioner Forrest** also has concern about height of road because will take a long time for the buffering to do its job. Lowering the road while keeping emergency access would be a better solution. The Plan is well laid out. She likes the fact that there is a neighborhood park and that the wetlands have been considered. Keeping that natural habitat is asset to development. She is for project.
- **Commissioner McFall** also has concerns with the height of road but does have greater concern for the loss of the larger buffer. He is not happy with that aspect.
- **Commissioner Roskie** is in general agreement with what has been said. Improvement in density and drainage are generally positive. The mix of housing types is good. Compatibility is good with the reduction in density. She does have concerns about the movement of the road as it is a real disruption to the expectations of the neighbors but drainage is a real issue in this area so she will be voting for the amendment.

- **Commissioner Dowding** understands the movement of 35<sup>th</sup> Street and how it will improve drainage in Hunters Run as well as this development. Everyone benefits from lower density. Different housing types improve neighborhoods and she likes the neighborhood park. She agrees about detached sidewalks. Drainage is a difficult thing for everyone but it is best to put water where it is held away from homes. She will be voting in favor.
- **Commissioner Jersvig** thanked the applicant for their presentation and most importantly the residents for coming and speaking. He emphasized that we do consider your comments. But stated that he will be supporting this amendment as it is a major improvement over the original GDP. He understands the concerns of the road being moved but believes the benefit of the drainage improvement outweighs those concerns and will be supporting the amendment.

**Ms. Cooley** was asked by **Commissioner Jersvig** if she accepts the conditions listed in the staff report. She replied affirmatively.

*Commissioner Dowding motioned to make the findings listed in Section VIII of the Planning Commission staff report dated August 8, 2016, and based on these findings recommend approval of Lee Farm General Development Plan Amendment #1, subject to the conditions listed in Section IX, as amended on the record. Upon a second by **Commissioner Forrest** the motion passed with five ayes and one nay (Commissioner McFall)*

**Commissioner Jersvig** called for a recess at 8:30 p.m.

**Commissioner Jersvig** called the meeting to order at 8:40 p.m.

## 2. Adjustment to Future Land Use Map Amendment Procedure

This is an information item to discuss potential changes in procedures for handling Comprehensive Plan amendments.

**Karl Barton, senior planner with the Strategic Planning Division**, presented that Staff is considering a change in the way comprehensive plan future land use map amendments are processed. Instead of processing them individually, either with or without an associated development application, they could instead be processed annually, along with a general update on the comprehensive plan. Staff is interested in the Planning Commission's comfort in moving forward with the proposed process.

**Mr. Barton** presented background on the use of the land use maps in the Comprehensive Plan as well as the information on the current and proposed processes. He reported that the advantage of this approach is that it recognizes the advisory role of the future land use map. It also facilitates a more comprehensive annual examination of larger areas, so that future land use decisions are not being made on a parcel by parcel basis or only at the time of an application. Also, the yearly review will keep the Comprehensive Plan fresh in people's minds. The disadvantage is that, while the review of zoning and annexation applications with respect to the future land use map would still take place, there would not be a separate application to tie the review to. There is the possibility this would cause confusion for the

Commission or applicant.

Therefore, the Commission and Council would continue to see applications containing statements about future land use map consistency, but there would not be a specific / separate application. On an annual basis, the Commission would see a comprehensive plan update agenda item that would include an assessment of rezoning and annexation applications approved during that year and a recommendation on what revisions to the future land use map would be appropriate.

### **CITIZEN COMMENTS:**

There were no citizen Comments

### **COMMISSIONER COMMENTS:**

- **Commissioner Dowding** has always thought of the land use map as a big picture item so likes this change to annual updates.
- **Commissioner Jersvig** asked if this would have any negative effect on the speed of development. **Mr. Barton** replied that this should make things go faster. This reduces complexity. **Mr. Paulsen** said he thinks this is a positive change. For example, now if a density exceeds the mapped designation by small amount we would have required a comp plan amendment; with this proposed change, we don't have to be so rigid. If the request is generally consistent with the comp plan we would eliminate a procedure that is not adding any value to process.
- **Commissioner Molloy** asked if the reverse is true in regard to getting trends or rezones where the land use plan was behind the current changes in the area. **Mr. Barton** noted that the Comprehensive plan is living document as all docs it feeds are as well.
- **Commissioner Jersvig** indicates he needs more details but the change seems good.
- **Commissioner Forrest** likes the concept.
- **Commissioner Roskie** says this seems like best practice and sounds completely consistent with what planning should be for.
- **Commissioner Jersvig** questioned how would work for flex zoning. **Mr. Barton** indicated would still look at consistency with comprehensive plan and would approve each on its own merits.
- **Mr. Paulsen** and **Mr. Barton** summed up that this is an internal procedural change that may require a small language change in Concept Loveland. The commission will be kept informed as the process goes forward.

### **ADJOURNMENT**

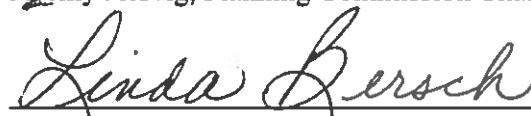
**Commissioner Roskie**, made a motion to adjourn. Upon a second by **Commissioner Dowding**, the motion was unanimously adopted.

**Commissioner Jersvig adjourned the meeting at 9:10 p.m.**

Approved by:



Jeremy Jersvig, Planning Commission Chair



Linda Bersch, Interim Planning Commission Secretary.