

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
August 8, 2011

The meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 8, 2011 at 6:30 p.m. Members present: Chair Molloy; Vice Chair Meyers; and Commissioners Crescibene, Middleton, Dowding and Leadbetter. Commissioners Absent: Krenning, Ray and Fancher. City Staff present: Troy Bliss, Current Planning; 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, the audio and videotapes are available for review in the Community Services office.

STAFF MATTERS

Assistant City Attorney Judy Schmidt briefly introduced herself to the Planning Commission explaining that she would soon be assuming the duties of Assistant City Attorney that Ms. Sharma has been performing. She indicated that the change is simply an ongoing effort within the City Attorney's Office to cross-train and work with other city departments and the various boards and commissions.

Robert Paulsen, Current Planning Manager, reported that he provided the Commission with a memorandum regarding the Comprehensive Plan update. He stated that ten (10) revised and consolidated objectives have been identified and he asked the Planning Commission to review the objectives prior to the discussion at the August 22, 2011 Planning Commission Meeting.

APPROVAL OF MINUTES

Commissioner Meyers made a motion to adopt the June 27, 2011 meeting minutes. Upon a second by Commissioner Dowding the motion was unanimously adopted. Commissioner Crescibene abstained.

After a brief discussion regarding the lack of a quorum at the July 25, 2011 Planning Commission meeting, **Assistant City Attorney Sunita Sharma** reported there were no minutes from July 25, 2011 to approve, as no action other than continuance of agenda items was taken.

COMMITTEE REPORTS

Vice Chair Meyers stated that the Title 18 Committee will not meet in August and the items before the Commission are the items that they have been working on.

CONSENT AGENDA

1. Lee Farm 1st Subdivision

SUMMARY OF AGENDA ITEM: Consideration of a request for a two year extension for the approval of the Lee Farm 1st Subdivision preliminary plat, consisting of 246.86 acres. The preliminary plat was originally approved by the Planning Commission on August 23, 2010.

With the original approval of the related Lee Farm 1st Subdivision PUD Preliminary Development Plan, vested rights were acquired, assuring the validity of the PDP for three years. Since the preliminary plat and PDP are interrelated, it is appropriate to grant validity to the preliminary plat for the same length of time.

This application involves administrative action by the Planning Commission. Absent an appeal, the Planning Commission's action is final.

Commissioner Middleton made a motion to approve the Consent Agenda. Upon a second by Commissioner Crescibene the motion was unanimously adopted.

REGULAR AGENDA

1. Amendments to Title 18 Regarding Signs Not Subject to Permit-Exempt Signs and Project Marketing Signs.

SUMMARY OF AGENDA ITEM: This is a public hearing to consider the proposed amendments to Title 18 which are focused on the City's exempt sign and project marketing sign provisions. The amendments are considered minor and are associated with the larger set of Temporary Sign amendments reviewed and recommended for approval by the Planning Commission on June 27, 2011.

Troy Bliss, Project Planner, gave a staff presentation on this item. He reported that staff had initiated some minor adjustments to the signage provisions for government flags and real estate marketing signs following the July 25, 2011 Planning Commission hearing. These adjustments responded to issues raised during the discussion of Temporary signs.

He stated that the proposed amendments are to the City's exempt and project marketing sign provisions, specifically structured in three main areas of focus:

- Expanding and clarifying the use of flags as exempt forms of signs;
- Providing greater allowances for real estate marketing and advertisement needs specifically relating to flying banners-type signs; and
- Allowing a longer duration period for the use of project marketing signs for new residential developments.

He reported that these amendments were presented to the Title 18 Committee on July 14 and received full support of the Committee. He stated that with the Planning Commission's review of these amendments, staff intends to incorporate them into the Temporary Sign amendments when they are presented to the City Council in early September.

Vice Chair Meyers thanked staff for their patience and flexibility in accommodating real estate and business owners. He stated he fully supported the item.

Commissioner Dowding stated that at the June 27, 2011 meeting the Planning Commission supported provisions to accommodate flying banners that were 13 foot high with a total of 25 square feet in area. She questioned why the new amendment specifies a maximum width allowances rather than a square footage limit; she suggested that the standards be consistent on all temporary signage.

Mr. Bliss concurred that the width limitation was not specified in the original Temporary Sign amendments. He clarified that in the new amendments staff is specifying a width of 4 feet, not a specific square footage limitation on the size of the banner.

Vice Chair Meyers he stated that there is no industry standard and that all signs are custom made.

Mr. Bliss clarified that the Commission approved a maximum height of 13 feet and maximum square footage allowance of 25 square feet for flying banners used in commercial applications; he further stated that staff had not specified a width limit. He asked if the Commission would like to keep the height to 13 feet with the maximum width of 25 square feet.

Commissioner Dowding asked if the Commission was comfortable with maintaining a different standard for business and real estate signs.

Vice Chair Meyers reemphasized there are no industry standards for the tear drop banners and that the temporary signs for businesses have already been determined, and for clarification the Commission is only looking at temporary real estate signs. He stated that most signs made are customized.

Mr. Bliss stated staff's intent is to allow a height and width standard for residential banners, vs. the commercial provisions that only identify height and square footage. He further commented that commercial businesses are allowed to have four (4) banners (approx. 100 square ft.) without a permit, and residential banners are limited to two (2) banners and when the height and width is calculated it is approximately the same in square footage.

Vice Chair Meyers, after alluding to the previous hearing, commented that he would not support the 4 foot width and stated that he would support what was approved at the hearing on June 27, 2011.

Assistant City Attorney Sharma noted that she believed that there was an error in the minutes of the June 27, 2011 hearing that were previously adopted. She stated that she believed that the intent of the Commission was for flying banners to be limited to 25 square feet in total area and that the reference in the minutes to "width" was incorrect.

PUBLIC COMMENT

There was no public comment.

Upon closing the public comment portion of the hearing, there was a discussion involving several Commissioners to the effect that the amendment regarding flying banners should include a height limit of 13 feet, a width limit of 4 feet, and a square footage limit of 25 feet for each flying banner type sign. This position appeared to represent a consensus of the Commission.

Vice Chair Meyers made a motion to recommend that City Council approve the amendments to Title 18 regarding signs not subject to permit-exempt signs and project marketing signs as described in the August 8, 2011 Planning Commission staff report, as amended on the record, and to authorize the City Attorney's Office to correct spelling, punctuation, and clerical and typographical errors, and make other such modifications in form, but not substance, as necessary to effectuate the purposes of the recommended amendments. Upon a second by Commissioner Leadbetter the motion was unanimously adopted.

2. Amendments to Title 18 to allow small wind energy systems (wind turbines) on residential properties

SUMMARY OF AGENDA ITEM: This is a public hearing to consider amendments to Title 18 of the City of Loveland Municipal Code to allow small wind energy systems, (small wind turbines) on all residential properties in the City, subject to specific standards and process. Small wind energy systems could be either building-mounted or freestanding. Small wind turbines that fully comply with all of the specific standards would be a use-by-right as an accessory use. Small wind turbines that do not fully comply with all of the specific standards would be a use-by-special review. If approved as a use-by-special review, the small wind energy system would still be deemed as an accessory use.

Brian Burson, Project Planner, gave a brief history and staff report on this item. He commented that information from the American Wind Energy Association was very helpful in guiding staff in drafting the proposed regulations. He stated that the majority of the sources that staff utilized in developing the regulations encouraged the removal of regulatory obstacles in making allowances for small wind energy systems.

Mr. Burson commented that Loveland is considered to be a poor wind generating community (it is located in an area which has relatively low potential for wind power generation) and the amount of energy that could be generated would be used for limited functions; however, future technological advancements could although with on-going technology staff believes that could change. He reported that the majority of the small-scale wind generators come in a kit and can be mounted on a pole or a roof. He stated that the wind systems can be purchased in numerous

places and that the purchaser or a contractor can mount them. He stated that the manufacturers generally provide devices that are designed and stamped by an engineer; the proposed regulations do not require that a Colorado PE stamp the plans for such units. . He stated that the installation of turbines, whether pole or roof-mounted, would be subject to applicable building codes and inspections.

He outlined the proposed standards as follows:

- Limit of one per property, with a maximum rating of 10 kilowatts;
- Limit the height to 10 feet above the ridge line of the roof or 35 feet from grade for freestanding;
- Require appropriate distances from all property lines and all overhead utility lines to limit the impacts and prevent damage to other property and improvements;
- Minimize visual impacts by requiring neutral or muted colors, minimizing guy wires, and prohibiting signs and lights on the devices or towers;
- Assure compliance with the existing noise ordinance for residential properties.

Mr. Burson noted that under the recommended motion, a reference was made to Attachment #3; the reference should read Attachment #2. He concluded by stating that staff is requesting that small wind power generators be allowed as uses by right on all residential properties.

Commissioner Crescibene stated he did not support the proposed amendments and felt that that the small wind turbines would be an eye sore and create visual clutter. He questioned their benefit if Loveland is not in an area that produces a sufficient amount of wind and stated he was opposed to allowing them to be in the City limits, specifically not in a residential area.

Vice Chair Meyers commented that he felt it was important to allow citizens a choice on whether they want to use this type of alternative energy. He spoke of the advances in technology that have recently occurred, stating that there are bladeless generators that can operate with winds of 5 miles per hour.

Mr. Burson responded to a question from Commissioner Middleton, and clarified that a building permit would be required.

Commissioner Middleton stated he supported the amendment and felt that we were behind the green power curve on the alternative power issue in the United States.

Commissioner Dowding stated she support the proposed amendment but expressed concerns that it may potentially create a battleground with Homeowner's Associations.

Commissioner Crescibene commented that due to federal regulations any issue regarding energy supersedes any regulations that a Homeowner's Association may have.

Mr. Burson clarified that the Colorado State Legislature passed legislation that prohibits Homeowner's Associations from denying the generators, but stated they can control how they look and where they are located.

Commissioner Leadbetter stated that he is not a proponent of seeing these generators going up, but he believed there is a need for this type of alternative energy and that it is necessary to have regulations in place. He clarified that his concern was that there be a permitting process to make sure that they are properly erected and that the mounting should be stamped by a local engineer.

Chair Molloy commented that currently the generators may not produce much electricity but believed with time and with advances in technology they will become more efficient. He stated that a reduction in energy usage was a benefit to the community.

PUBLIC COMMENT

There was no public comment.

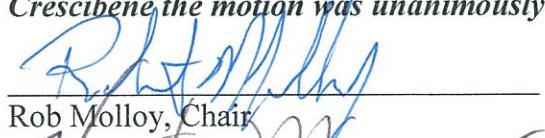
Commissioner Middleton made a motion to recommend the City Council approve the amendments to Title 18 of the Loveland Municipal Code, as set forth in Attachment #2 of the attached Planning Commission staff memorandum, dated July 25, 2011, as amended on the record, and to authorize the City Attorney's Office to correct spelling, punctuation, and clerical and typographical errors, and make other such modifications in form, but not substance, as necessary to effectuate the purposes of the recommended amendments. Upon a second by Vice Chair Meyers the motion was adopted 5-1 (Commissioner Crescibene voting Nay).

(Secretary's note: There was a brief recess)

Vice Chair Meyers made a motion to redact his previous motion to approve the June 27, 2011 meeting minutes. Upon a second by Commissioner Middleton the motion was unanimously adopted.

ADJOURNMENT

Commissioner Middleton made a motion to adjourn. Upon a second by Commissioner Crescibene the motion was unanimously adopted.


Rob Molloy, Chair


Vicki Mesa, Secretary