



Development Services Current Planning

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Planning Commission Staff Report

September 12, 2011

Agenda #: Regular Agenda - 1

Title: Mariana Butte 23rd Subdivision PUD PDP Amendment and Mariana Butte 26th Subdivision Findings and Conclusions

Request: Adoption of Findings and Conclusions from the August 22, 2011 public hearing

Location: Generally located at the northwest corner of Rossum Drive and West 1st Street

Staff Planner: Kerri Burchett

Staff Recommendation

City staff recommends the following motion:

Recommended Motions:

1. *Move to approve Resolution #11-01 thereby denying the First Amendment to the Mariana Butte 23rd Subdivision PUD Preliminary Development Plan and Mariana Butte 26th Subdivision preliminary plat.*

Summary

On August 22, 2011, the Planning Commission considered the application from B&BI, LLC for approval of an Amendment to the Mariana Butte 23rd Subdivision Preliminary Development Plan (PDP) and a preliminary plat for Mariana Butte 26th Subdivision. The Amended PDP was reviewed in light of the intent and objectives of Chapter 18.41 of the Loveland Municipal Code, and more specifically the Findings set forth in Sections 18.41.050.E.2.a-c. The Commission determined that the Amended PDP did not satisfy the required Findings in Sections 18.41.050.D.4.b and c of the Municipal Code and therefore denied the requested Amendment. The Commission took no action on the preliminary plat as it could not be approved since the Amended PDP was not approved, but did indicate that the preliminary plat did not satisfy the required Finding in Code Section 16.20.030.A.

Section 18.41.050.E.3.a of the Municipal Code requires the Planning Commission to issue findings and conclusions in support of their decision within thirty days of the public hearing. After the Commission adopts its written findings and conclusions, a ten day appeal period occurs in which the applicant or any party-in-interest as defined in Chapter 18.80, may file a written notice of appeal. If an appeal is received, the application will be scheduled for a full public hearing, *de novo*, with the City Council in accordance with Chapter 18.80.

I. ATTACHMENTS

1. Resolution #11-01

II. PROJECT DESCRIPTION

On August 22, 2011, the Planning Commission considered an amendment to the Mariana Butte 23rd Subdivision Preliminary Development Plan (Amended PDP) and a Preliminary Plat for the Mariana Butte 26th Subdivision as a joint application under Code Section 18.41.080. The property is located at the northwest corner of West 1st Street and Rossum Drive, within the Mariana Butte Planned Unit Development. The Amended PDP proposed to increase the number of residential dwellings within the development to 11 units and modify the product type to allow for single family paired units. The Commission considered the Amended PDP in light of the intent and objectives of Chapter 18.41 of the Loveland Municipal Code, and more specifically the Findings set forth in Sections 18.41.050.E.2.a-c.

At the conclusion of the public hearing, the Planning Commission determined that the Amended PDP did not satisfy the required Findings in Sections 18.41.050.D.4.b and c of the Municipal Code (see Findings below). The Commission denied the requested Amendment and took no action on the Preliminary Plat, since the applications were considered concurrently as a joint application under Code Section 18.41.080 and a denial of approval of the Amended PDP results in denial of the Preliminary Plat. The Commission noted, however, that the Preliminary Plat also did not meet the requirements of Code Section 16.020.030.A that the subdivision not create, or mitigates to the extent possible, negative impacts on the surrounding property.

III. FINDINGS

The following Findings and reasons set forth below were identified by the Planning Commission in determining that the requirements of Section 18.41.050.E.2 of the Loveland Municipal Code were not met. These Findings are set forth in Findings C.3. and C.5, respectively, of the Staff Report dated August 22, 2011.

1. **Section 18.41.050.D.4.b:** *Whether the proposed development [permitted by the Amended PDP] will have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it.*
2. **Section 18.41.050.D.4.c:** *Whether the proposed development [permitted by the Amended PDP] will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:*
 - a. Incorporating natural physical features into the PDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.*
 - b. Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Master Plan.*
 - c. Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway,*

edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.

- d. *Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

The Planning Commission finds that the character of the area adjacent to Buckingham Reservoir in which the development proposed by the Amended PDP is located, presents unique building opportunities and substantial investments to property have been made by the property owners. Development proposed by the Amended PDP will have detrimental impacts on property in proximity to the development proposed by the Amended PDP and will create negative impacts on the surrounding property due to the density proposed in the Amended PDP.

The Planning Commission further finds that the proposed development of 11 residential lots on the site as set forth in the Amended PDP will not be complementary to and in harmony with the existing development and future development plans for the area around the Reservoir, in which the development proposed by the Amended PDP is located, due to the density proposed in the Amended PDP.

Although the Preliminary Plat could not be approved independent of the Amended PDP under Code Section 18.41.080.A, the Commission also found that the Preliminary Plat did not meet the requirements of Code Section 16.20.030.A (set forth as Finding C.4 of the Staff Report) that the *“subdivision does not create, or mitigates to the extent possible, negative impacts on the surrounding property.”*

The Planning Commission finds that the character of the area adjacent to Buckingham Reservoir in which the subdivision proposed by the Preliminary Plat is located presents unique building opportunities and substantial investments to property have been made by the property owners. The subdivision proposed by the Preliminary Plat will have negative impacts on the surrounding property due to the density proposed in the Preliminary Plat.

IV. PROCESS

Section 18.41.050.E.3.a of the Municipal Code requires the Planning Commission to issue findings and conclusions in support of their decision within thirty days of the public hearing. The resolution included as **Attachment 1** serves as the findings and conclusions. Upon approval of the resolution, a ten day appeal period will begin in which the applicant or any party-in-interest as defined in Chapter 18.80, may file a written notice of appeal. If an appeal is received, the application will be scheduled for a new full public hearing, *de novo*, with the City Council in accordance with Chapter 18.80.