



**DEVELOPMENT SERVICES
Current Planning**

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MEMORANDUM

TO: City of Loveland Planning Commission

FROM: Brian Burson, Current Planning Division

DATE: November 28, 2011

RE: extension of Planning Commission approval of North Lincoln Ave 2nd Subdivision preliminary plat

I. STAFF RECOMMENDATION

City staff recommends that the Planning Commission approve the following motion:

“Move to extend the December 2, 2008 Planning Commission approval of the Preliminary Plat for North Lincoln Avenue 2nd Subdivision to December 7, 2012, subject to the conditions of approval set forth in Attachment 3 of this report”.

II. ATTACHMENTS

1. Vicinity map.
2. Applicant's letter of request, dated September 30, 2011.
3. Approved July 9, 2007 Planning Commission minutes.
4. December 14, 2009 Planning Commission agenda and approved minutes.
5. North Lincoln Avenue 2nd Subdivision preliminary plat, as conditionally approved by Planning Commission on July 9, 2007.
6. Overall PDP site plan for Sanctuary on the Park PUD, as approved by City Council December 2, 2008.

III. SUMMARY

A. Process

This is a request for an additional one year extension of the Planning Commission approval of the North Lincoln Avenue 2nd Subdivision preliminary plat. Title 16 of the Municipal Code (the subdivision code) authorizes the Planning Commission to approve all subdivision preliminary plats, subject to appeal to the City Council. For property proposed for PUD zoning, a PUD Preliminary Development Plan (PDP) normally accompanies the matching subdivision preliminary plat. Chapter 18.41 of the Municipal Code (the PUD code) stipulates that for a non-phased PUD (there is no PUD General Development Plan as the initial zoning document), the Planning Commission makes a recommendation on the PDP, but the final action must be made by City Council. In such cases, the Planning Commission normally considers the preliminary plat and PDP at the same hearing, but takes a different action on each one. Any Planning Commission approval of the preliminary plat must therefore be conditioned on the subsequent City Council approval of the zoning and PDP.

Section 16.20.020 of the Municipal Code (the subdivision code), and Section 18.41.050.E.6 of the Municipal Code (the PUD code), stipulate that City approval of both the preliminary plat and PDP expire one year after initial approval. In order to maintain the validity of the preliminary plat and/or PDP, the applicant must submit a complete application for subdivision final plat and PUD Final Development Plan before that deadline, or submit a written request for extension. Section 16.20.020 authorizes the Planning Commission to approve all such extension requests for preliminary plats. Section 18.41.050.E.6 authorizes the Current Planning Manager to approve extensions of the PDP approval.

B. General Description

The preliminary plat for North Lincoln Avenue 2nd Subdivision was considered by the Planning Commission on July 9, 2007, along with the accompanying rezoning and PUD Preliminary Development Plan known as "Sanctuary on the Park PUD". Since it was a non-phased PUD, the Planning Commission's action was to recommend approval of the rezoning and PDP, and to approve the preliminary plat subject to subsequent City council approval of the rezoning and PDP. The City Council considered the rezoning and PDP on August 21, 2007, and denied the rezoning and PDP applications. Since approval of the preliminary plat was conditioned upon City Council approval of the rezoning and PDP, this resulted in a disapproval of the preliminary plat as well.

The developer subsequently filed legal action against the City for this disapproval. The outcome of this process was to remand the applications for rezoning and PDP back to the City Council for a new determination, formally implementing a negotiated settlement between the parties to reduce the density to 144 dwelling units and an 8% increase in the total open space in the project. This had the automatic effect of reinstating the Planning Commission approval of the preliminary plat, as of the date of December 2, 2008.

Under the provisions of the above referenced code sections, the preliminary plat and PDP would have expired on December 2, 2009. However, as allowed by the code, Solitaire Investments, LLC, submitted a request for a two (2) year extension of the preliminary plat and PDP. The request was considered and approved by the Planning Commission on December 14, 2009; and the Current Planning Manager also approved a matching two year extension of the PDP. These actions extended the validity of the plat and PDP until December 2, 2011.

With the ongoing economic slow-down, the Developer has now requested an additional extension of one year for the preliminary plat and PDP. The letter of request cites the specific economic conditions as the basis for the extension. (See **Attachment # 1**). The Developer's representatives have met briefly with City staff to discuss possible amendments to the project which would reduce the density further, however no firm decisions or pathway has been determined at this point.

C. Neighborhood response

A request for extension does not require a neighborhood meeting or public hearing. With the original overall process, the neighborhood was more comfortable with the project at the lower density and higher open space.

D. Key Issues

There are no key issues for the request. City staff who are normally involved in development review have been consulted in conjunction with the requested extension. Since the original conditions of approval require the final plat and PUD Final Development Plan to meet the City standards in effect at time of subsequent applicant, staff has no concern about the extension.

IV. RECOMMENDED CONDITIONS:

There are no recommended additional or revised conditions from City staff for the extension. By referencing the original conditions as part of the recommended motion, the original conditions will continue to apply.