



MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, July 17, 2018 CITY COUNCIL CHAMBERS 6:00 PM

COUNCIL PRESENT: Mayor Marsh
Councilors:
Overcash, Fogle, Ball, Clark, Olson, Jersvig, and Wright
Councilor Johnson joined the meeting at 6:14 p.m.

COUNCIL ABSENT: Ball

1. INTRODUCTION

1.1 CALL TO ORDER

1.2 PLEDGE OF ALLEGIANCE

1.3 ROLL CALL

**1.4 PROCLAMATION
PROCLAMATION**

The proclamation for National Disability Voter Registration was presented by Councilor Wright to Carrie Brown and Alexandra Stanke.

2. CONSENT AGENDA

**2.1 CITY CLERK
APPROVAL OF MINUTES**

Approval of the City Council minutes for the June 12, 2018 and June 26, 2018 Special Meetings and Study Sessions.

A Motion to Approve the City Council minutes for the June 12, 2018 and June 26, 2018 Special Meetings and Study Sessions.

CARRIED.

**2.2 CITY CLERK
MEMBER APPOINTMENTS TO BOARDS AND COMMISSIONS**

This item is the recommendation to City Council to appoint members to the following Boards and Commissions: The Library Board, The Community Marketing Commission, and The Construction Advisory Board.

- 1) ***A Motion To Appoint Sarah Wolfe As The Youth Member To The Library Board For A Term Effective Until June 30, 2021 CORRECTION TO TERM DATE: August 31, 2019.***
- 2) ***A Motion To Reappoint Tom Dwyer To The Community Marketing Commission For A Term Effective Until June 30, 2021.***
- 3) ***A Motion To Reappoint Kurt Albers To The Community Marketing Commission For A Term Effective Until June 30, 2021.***
- 4) ***A Motion To Appoint Jonathan Cocek As An Alternate To The Community Marketing Commission For A Term Effective Until June 30, 2021.***
- 5) ***A Motion To Reappoint Andrew Ross To The Construction Advisory Board For A Term Effective Until June 30, 2021.***
- 6) ***A Motion To Reappoint Jon Rudolph To The Construction Advisory Board For A Term Effective Until June 30, 2021.***

CARRIED.

2.3 PARKS AND RECREATION

PUBLIC COMMENT

DE-APPROPRIATION OPEN LANDS ACQUISITION

This ordinance will allow for 2018 Budgeted dollars for open lands acquisitions to be de-appropriated from the 2018 budget and included in the 2019 budget. The Open Lands and Trails Division is under negotiations with landowners for highly valued open land parcels, but the owners do not wish to close on the transaction until 2019. The requested funding if approved would be de-appropriated in 2018 and re-appropriated in the 2019 Budget. Therefore, there will not be any impact on unassigned fund balance in either fund. This item was heard by the Open Lands Advisory Commission on June 13, 2018, where it received unanimous recommendation to be presented to City Council. On July 3, 2018, City Council approved the first reading on the consent agenda with an 8 to 0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6221 Enacting A Supplemental Budget and De-appropriation To The 2018 City Of Loveland Budget For Open Lands Acquisitions

CARRIED.

2.4 PUBLIC WORKS

PUBLIC COMMENT

DE-APPROPRIATION AND A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE WILSON AVENUE FLOOD MITIGATION PROJECT

The City was recently awarded additional Community Development Block Grant - Disaster Recovery (CDBG-DR) grant funding by the State of Colorado Department of Homeland

Security and Emergency Management (DHSEM) for construction of the Wilson Avenue Flood Mitigation Project. The additional grant funding allows the City to de-appropriate \$700,000 of project funding back into the Excess TABOR Unassigned Fund Balance and use the CDBG-DR grant funding instead. The ordinance will also enact a supplemental appropriation of an additional \$1,352,581 CDBG-DR grant funds that are in addition to the original \$2,340,000 supplemental appropriation of CDBG-DR grant funds approved on April 18, 2017. The ordinance was adopted on first reading at the July 3, 2018, City Council meeting with a vote of 8-0. The objective of this ordinance is to use the awarded CDBG-DR grant funds to the maximum extent possible and return \$700,000 of previously appropriated City funds back to the Excess TABOR Unassigned Fund Balance. The de-appropriation of TABOR Excess will result in an increase to the unassigned TABOR Excess fund balance. If this request is approved the remaining unassigned fund balance in 2018 would be \$2,010,567. The remaining balance is anticipated to be fully utilized in the 2019 Budget. There will not be an impact on the Transportation Fund Balance due to the increase in revenue offsetting the increase in expenditures. On July 3, 2018, City Council approved the first reading of this item unanimously, 8 to 0.

A Motion to Adopt, On Second Reading, Ordinance No. 6222 Enacting a De-Appropriation from the 2018 City of Loveland Budget of TABOR Funds for the Wilson Avenue Flood Mitigation Project and a Supplemental Budget and Appropriation to the 2018 City of Loveland Budget of Grant Funds for the Wilson Avenue Flood Mitigation Project

CARRIED.

**2.5 LOVELAND POLICE DEPARTMENT
PUBLIC COMMENT**

SUPPLEMENTAL APPROPRIATION FOR A COMBINED REGIONAL INFORMATION SYSTEMS PROJECT

The purpose of this item is to adopt on second reading the supplemental appropriation to provide the necessary funds for the Combined Regional Information Systems Project and to adopt a resolution approving the IGA concerning the formation of the CRISP between the Loveland Police Department, Fort Collins Police Services, and the Larimer County Sheriff's Office. All Parties have agreed to equally share the costs of the development and maintenance of the project. The proposed ordinance will provide funding for the CRISP and simultaneously permit the City to enter into an Intergovernmental Agreement (IGA) with Fort Collins and Larimer County for the project. This partnership will provide regional consistency in the management of criminal justice records and will improve efficiency and effectiveness of police and fire services, and positively impact public safety. The IGA provides that the City is responsible for 33.33% of the project costs (development and ongoing costs), with Fort Collins and Larimer County each paying 33.33%. City of Loveland has \$1,745,654 appropriated from the Capital Fund. This item was presented to City Council on July 3, 2018 where the first reading was approved after discussion with a vote of 8 to 0.

Approve A Motion To Adopt, On Second Reading, Ordinance No. 6223 Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For The Combined Regional Information Systems Project

CARRIED.

Approve A Motion To Adopt Resolution #R-70-2018 Approving An Intergovernmental Agreement Among The City Of Loveland, The City Of Fort Collins, And Larimer County For The Development, Implementation, And Ongoing Maintenance Of A Combined Regional Information Systems Project

CARRIED.

**2.6 DEVELOPMENT SERVICES
PUBLIC COMMENT**

CHILSON-STROH FARMS SECOND SUBDIVISION DEVELOPMENT AGREEMENT

This is a request to approve a development agreement associated with the Chilson-Stroh Farms Second Subdivision. The 73.39-acre subject property is located southeast of the intersection of E. Eisenhower Blvd/US 34 and N. Boyd Lake Ave (Attachment 3). The subdivision proposes to split a portion of the Chilson-Stroh Farms Addition into three lots (Attachment 1), and the development agreement documents standard City conditions that accompany the subdivision. There are no detailed development applications under review in conjunction with the plat of subdivision and development agreement (Exhibit B to the Ordinance). This item was presented to City Council on July 3, 2018 on the consent agenda, where it passed with a 8 to 0 vote.

A Motion To Adopt, On Second Reading, Ordinance No. 6224 Approving An Agreement Setting Forth Specific Requirements, Restrictions, And Conditions Regarding All Blocks, Lots, Tracts And Outlots Located In The Chilson-Stroh Farms Addition, Second Subdivision, City Of Loveland, Larimer County, Colorado, And The Development Or Re-Development Thereof

CARRIED.

**2.7 LIBRARY
PUBLIC HEARING**

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2018 CITY OF LOVELAND BUDGET FOR UTILIZATION OF LIBRARY DONATIONS

The Library is requesting appropriation of \$50,740 from Library donation funds to complete projects, provide staff training, recognition and professional development and market and promote library events and programs in 2018. These funds are restricted for use by the library. Staff engagement will be impacted through expanded professional development and recognition, and the community will be impacted through upgrades to library spaces, services and collection accessibility. This request is budget neutral as revenue is

appropriated from the Library's restricted revenue funds and this amount is offset by expenditures. There is no impact on the unassigned General Fund balance because the requested new revenues offset the requested new appropriations.

A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For Utilization Of Library Donations

CARRIED.

**2.8 PARKS AND RECREATION
PUBLIC HEARING**

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2018 CITY OF LOVELAND BUDGET FOR VIESTENZ-SMITH MOUNTAIN PARK

This ordinance will appropriate supplemental funding for the reconstruction of, and ADA additions to, Viestenz-Smith Mountain Park. \$240,000 of this funding would come from Parks CEF Fund 260 and would be used to complete park expansion work, including adding a paved parking lot to the east of the park entrance and ADA accessible trails through the east side of the park on both sides of the river. \$100,000 of this funding would be an appropriation of revenue received from the lease of an additional section of the Round Mountain Staging Area for the Colorado Department of Transportation (CDOT) reconstruction efforts on US 34. This funding was paid to the City by Kiewit Infrastructure Group in February 2017. This funding would be used to secure and make safe to the public the historic structures within the park, including a Civilian Conservation Corps (CCC) shelter, the Caretaker's residence, and the Butterfly Pavilion. There will not be an impact on the Capital Projects Fund Balance due to the Capital Projects fund being a zero-balance fund. The only time the Capital Projects Fund would carry a balance is in situations like this where revenue was received in the year prior to project expenditures being charged. The remaining unassigned fund balance in the Parks Capital Expansion Fee (CEF) Fund will be \$624,371 if the request is approved. This item was presented to the Parks and Recreation Commission Meeting on May 10, 2018.

A Motion To Adopt, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2018 City Of Loveland Budget For Viestenz-Smith Mountain Park

CARRIED.

**2.9 DEVELOPMENT SERVICES
SET PUBLIC HEARING DATE FOR BOYD LAKE PLACE ADDITION**

This is an item to set a public hearing date of August 21, 2018 for consideration of the annexation of 27.3 acres to be known as the Boyd Lake Place Addition (Attachment 1). The property is located west of Boyd Lake Avenue and the High Plains School, and south of Frank Road. The applicant is Lakeview Holdings, LLC and is represented by Chad

Rodriguez. The public hearing on August 21, 2018 will include an annexation, and Planned Unit Development zoning request to allow development of 98 single family detached homes. The proposed density is 3.6 units per acre, which is consistent with the Low Density Residential designation of 2-4 units per acre in the Comprehensive Plan. The development will be marketed towards active adults with 5,500 square foot lots and amenities such as a putting green, bocce lawn, horseshoe pit, walking trails, and covered seating areas. The initial development proposal was for 360 multifamily apartment units, however due to the opposition from the neighborhood, the proposal was modified to single family detached homes. Two neighborhood meetings were held on the annexation of the property. The first meeting was in regards to the initial multifamily apartment proposal. Based on the significant neighborhood opposition, the land use was subsequently modified to single family detached residential. At the second neighborhood meeting, the neighborhood was appreciative of the land use change, however continued to voice concerns over traffic and school capacity.

A Motion To Adopt Resolution #R-68-18, Finding A Certain Petition For Annexation Known As The Boyd Lake Place Addition, Filed June 7, 2018, To Be In Substantial Compliance With Section 30 Of Article II Of The Colorado Constitution And With The Requirements Of Section 31-12-107(1), C.R.S.; And Establishing A Date, Time And Place For A Hearing To Determine Whether The Proposed Annexation Complies With The Applicable Requirements Of Sections 31-12-104 And 31-12-105, C.R.S., And Is Eligible For Annexation To The City Of Loveland, Colorado

CARRIED.

2.10 WATER & POWER

A RESOLUTION APPROVING THE AMENDED AND RESTATED OWNERSHIP, OPERATIONS, AND MAINTENANCE AGREEMENT FOR THE HOME SUPPLY DAM AND RELATED FACILITIES

The City and Home Supply worked together to repair the dam following extensive damage sustained during the flood of 2013. It was clear the 1895 Agreement was outdated given the technological complexity of the structure, and the parties' current operations and reliance. A new agreement based on the same basic principles could replace the agreement based on current conditions. The parties have negotiated and discussed the terms of the proposed agreement since the flood and completion of the major repairs. Expenses may be incurred on an occasional basis in response to emergency situations or maintenance on the dam or Obermeyer gate. There may be expenses related to the gate controls and compressors. There is no direct impact to unassigned fund balance if this request is approved. This item was presented to the Loveland Utilities Commission on January 17, 2018 where it received approval to recommend City Council adopt the Resolution.

A Motion To Adopt Resolution #R-71-2018 Approving The Amended And Restated Ownership, Operations, And Maintenance Agreement For The Home Supply Dam And Related Facilities And Authorizing The City Manager To Execute The Agreement

CARRIED.

**2.11 PARKS AND RECREATION
INTERGOVERNMENTAL AGREEMENT FOR LARIMER COUNTY SECURITY AND
MAINTENANCE SERVICES**

The Intergovernmental Agreement (IGA) between The City of Loveland and Larimer County would allow for security and maintenance services of Viestenz-Smith Mountain Park and Round Mountain Trailhead to be provided by Larimer County Parks, Open Space and Trails rangers and maintenance staff. Larimer County Parks, Open Space and Trails routinely provides security and maintenance services to their properties in the Big Thompson canyon, and could provide the same services to Viestenz-Smith Mountain Park and Round Mountain Trailhead at a cost effective rate.

A Motion To Adopt Resolution #R-72-2018 Approving An Intergovernmental Agreement with Larimer County For Security And Maintenance Services of Viestenz-Smith Mountain Park and Round Mountain Trailhead

CARRIED.

**2.12 MUNICIPAL COURT
APPOINTMENT OF ADDITIONAL DEPUTY MUNICIPAL COURT JUDGES**

Section 9-2(b) of the Loveland City Charter grants City Council the authority to appoint Deputy Judges, as it deems necessary. City Council appointed Deputy Judge Marco Scalise in 2015. Judge Scalise currently serves as the only Deputy Judge to cover Municipal Court when Judge Joneson is unavailable or unable to perform her duties. Judge Scalise is in private practice and, at times, cannot make himself available to cover court due to prior commitments and obligations. Most municipalities have several "relief judges" or deputy judges. Having multiple judges available to perform judicial duties is a safeguard to insure Municipal Court is always able to conduct business and serve the public without interruption. Deputy Municipal Judges are paid \$75 per hour for actual hours worked, that comes out of the General Fund. There is no "on-call or stipend" pay. Sufficient funds are budgeted for this request.

A Motion To Adopt Resolution #R-69-2018 Appointing Brandi Nieto, Carrie Clein, And Jill Hueser As Deputy Municipal Judges

CARRIED.

3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

4. MOTION TO ADOPT THE CONSENT AGENDA

Moved by Councilor Jersvig, seconded by Councilor Olson.

A Motion To Adopt The Consent Agenda, Items 2.1 to 2.12 as presented.

CARRIED UNANIMOUSLY, 7 – 0.

City Manager Adams requested that Item 7.2, Supplemental Appropriated to Fund Incentive Agreement with Tharp Cabinet Company, LP, be moved to the August 7, 2018 City Council meeting at the request of the applicant.

Moved by Council Jersvig, seconded by Councilor Olson.

A Motion to remove Item 7.2 and place it on the August 7, 2018 Council Agenda at the request of the applicant.

CARRIED UNANIMOUSLY, 8 – 0.

5. PUBLIC COMMENT

Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.

Janet Wood addressed Council regarding traffic on Boise Avenue near McKee Medical Center stating speed and parking being used as a short cut to Boyd Lake is a concern. Ms. Wood also stated that a flashing pedestrian sign was supposed to be installed. City Manager Adams reported that the police department will take care of the enforcement side of the issues and Mark Jackson, Director of Public Works, will speak to Ms. Wood regarding the status of the pedestrian sign.

David Crowder, McWhinney, provided a follow up on the presentation that had been made in January. Mr. Crowder had a report regarding the update which was left for distribution to the City Council.

Roger Weidelman, Ward 2, spoke to Council regarding the information on Broadband that he had received with his utility bill; he supports competitive and equal access of broadband for all and is looking forward to details about the financial side of the project and if there will be any financial assistance granted.

Bruce Croissant, Ward 1, addressed concerns with condition of the sidewalks in many parts of the city and bike accessibility and safety due to poor conditions of streets. He recommended to not delay any street projects.

6. BUSINESS FROM CITY COUNCIL

This is an opportunity for Council Members to introduce new business for discussion at this time or on a future City Council agenda.

Councilor Overcash stated that topic of affordable housing and the construction of 206 homes was a topic presented to the City Council by a collaboration of five different partners. It was acknowledged by the partners that the program is short \$1.15M. Mr. Overcash suggested hosting a platinum community event to raise funds and bring the project to fruition. Council discussed giving the partners and staff an opportunity to look at the numbers to bring the gap in numbers to a management number along with potentially offering a matching grant program if community members want to participate.

Councilor Olson reminded Council that Friday is the deadline to submit an application for the Water Literate Leaders class.

Mayor Marsh requested a Rule of 4 to discuss the installation of fencing at Advantage Automotive. This is in response to concerns regarding the litter and trash left at their site due to the location of the temporary transit station. Council discussed several issues related to the concern acknowledging law enforcement is doing their best to deal with the issue. Mayor Marsh received support to pursue the topic on a future meeting agenda.

**7. REGULAR AGENDA
PROCEDURAL INFORMATION**

**7.1 PUBLIC WORKS
OPTIONS FOR A SIDEWALK CONNECTION ALONG WILSON AVENUE IN
RESPONSE TO CITY COUNCIL DIRECTION**

Director of Public Works, Marc Jackson, introduced the topic noting support from City of Loveland employees Justin Stone, Mike Jacobson, Katy Guthrie, and Joe Bernowsky.

Mark Jackson, Director of Public Works, provided Council with options to build a sidewalk connection along Wilson Avenue, between 43rd Street and approximately 35th Street. Per City Council's Rule of Four, a request was made for Staff to develop alternatives for City Council consideration. No funds are currently identified for a sidewalk connection in this area. Programmed funds available annually for pedestrian improvements (approximately \$250,000) are already scheduled and in some cases under contract. Current and future projects can be delayed or cancelled if this sidewalk is deemed a higher priority. City Council can choose to use Special Project funds for the project. After accounting for all of the current 2018 and 2019 commitments for the City Council Special Projects (CSP) Fund, \$738,500 remains available in CSP Funding between now and the end of 2019.

Mr. Jackson reported that the east side of Wilson Avenue has a sidewalk that is up to city specifications. The sidewalk policy was reviewed noting the bike and pedestrian master plan is the initial document. The City strives to have a sidewalk on one side of the street with priority in developed areas. Mr. Jackson presented three options; the first two would be considered "throw away" in order to make a functional connection on Wilson the third

would be a permanent solution. The “throw away” options would eventually be taken out as they would not built to city specifications.

- Option 1 – install temporary 5' asphalt path @ \$230,000
- Option 2 – same as Option 1 but concrete @ \$525,000
- Option 3 – build sidewalk to city standards @ \$975,000; it may be eligible for partial reimbursement by developers later

Council discussed the percentage that could be paid by a developer. Staff noted that all but one foot is paid by the developer and one foot is paid by the City; approximately \$150,000 - \$200,000 would be paid out by the City of Loveland if it was built to city specifications.

Various ideas were discussed by Council include Safe Routes to School grants, creating an “ala carte” list of options for the sidewalk, reduction of speed limit and other projects that could be impacted by a sidewalk on Wilson Avenue.

Council requested staff to bring back information via a memo showing a full size sidewalk including lighting less the other amenities and outlining staff priorities in the area of sidewalk needs.

**7.2 ECONOMIC DEVELOPMENT
SUPPLEMENTAL APPROPRIATION TO FUND INCENTIVE AGREEMENT WITH
THARP CABINET COMPANY, LP**

Removed from agenda.

**7.3 DEVELOPMENT SERVICES
PUBLIC HEARING
HENDRICKS FIRST ADDITION ANNEXATION AND ZONING**

Jennifer Hewett-Apperson, Senior Planner, presented this agenda item noting it is the consideration of the annexation and zoning concerning the proposed Hendricks First Addition in southwest Loveland, at the intersection of Highway 287 and 19th St. SE. The request is to annex 25.65 acres of property owned by North Loveland LLC and Derby Hill Baptist Church, and zone the property R3 – Developing High Density Residential to allow future development. The request is to annex the subject property, known as Hendricks First Addition into the City of Loveland and zone it R3, with any future development of the property to occur in a manner consistent with the City of Loveland Municipal Code. A City of Loveland zoning district must be assigned at the time of annexation. At present, the subject property is part of a Larimer County enclave that is wholly surrounded by properties within the jurisdiction of the City of Loveland. Prior to any development occurring on the property, further development applications will need to be submitted for review, including subdivision plats, site development plans (for certain types of development) and building permits.

This item was presented to the Loveland Planning Commission, where two residents of adjacent neighborhoods spoke regarding the proposed annexation and zoning. One resident expressed concern about future increased traffic on Valency Avenue as a result of future development, and the another resident was concerned about potential impacts on a nearby pond from future development. Staff explained that any future development would be required to build an extension of Valency Drive to City standards, and future traffic studies would determine any necessary safety improvements. The applicant's representative indicated that the referenced pond, while not on the subject property, was designed to accommodate future development of the subject property, and clarified that the pond is owned by the City; as such it does not have direct public access. Commissioners asked about timing of future development, to which the applicant's representative responded that there were not specific development plans under consideration at the present time. Staff indicated that any development of the property would be subject to City review processes. After these concerns were addressed, the Planning Commission unanimously recommended the item be presented to City Council with a vote of 6-0.

Ms. Hewett-Apperson provided a history of the property in relation to the comprehensive plan and noted the role of the City Council is to conduct the public hearing for consideration of annexation and rezoning and to determine compliance based on state statute, the City Comprehensive Plan and the City Code.

Lee Martin, Landmark Engineering and applicant representative, was present and addressed Council regarding the project.

Mayor Marsh opened the public hearing.

Lori Layba, one of the owners of property directly south of the proposed annexation, addressed Council stating there are three owners of the property. Ms. Layba expressed concern regarding use of their single access dirt road for high density access; their current agreement with the Hendricks allows for access but not high density access.

Ms. Hewett-Apperson reported that part of the annexation agreement provides for dedication of right of way along 19th Street and as part of the development process access and transportation will be addressed.

Moved by Councilor Jersivg, seconded by Councilor Olson.

A Motion to Adopt Resolution #R-73-2018 Concerning the Annexation to the City of Loveland, Colorado, of a Certain Area Designated as "Hendricks First Addition" More Particularly Described Herein, and Setting Forth Findings of Fact and Conclusions Based Thereon as Required By the Colorado Constitution and By State Statute

CARRIED UNANIMOUSLY 8 – 0.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion to Adopt, On First Reading, an Ordinance Approving the Annexation of Certain Territory to the City of Loveland, Colorado, to be Known and Designated as "Hendricks First Addition" to the City of Loveland

CARRIED UNANIMOUSLY 8 – 0.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion to Adopt, On First Reading, an Ordinance Amending Section 18.04.060 of the Loveland Municipal Code, the Same Relating to the Zoning Regulations for "Hendricks First Addition" to the City of Loveland, Colorado

CARRIED UNANIMOUSLY 8 – 0.

7.4 DEVELOPMENT SERVICES PUBLIC HEARING

AMENDMENT TO KENDALL BROOK GENERAL DEVELOPMENT PLAN

Jennifer Hewett-Apperson, Senior Planner, stated the public hearing is to consider an amendment to the Kendall Brook Business Park General Development Plan (GDP). The project is located at the northwest corner of N. Taft Ave. and W. 43rd St (Attachment 1). The amendment proposes to increase the maximum allowable building height for multifamily from 40 feet to 45 feet and seeks to increase the maximum number of multifamily dwelling units from 184 to 242. These changes are sought to allow for the development of a cooperatively owned senior housing community. A developer of cooperatively owned senior housing communities is interested in developing a community within Kendall Brook on a parcel designated for mixed use. Currently there are not adequate multifamily development rights remaining to accommodate this use, and the existing maximum multifamily building height of 40 feet would not accommodate a three-story structure with an underground parking deck, due to site characteristics. The objective of this amendment is to increase the number of allowed multifamily dwelling units, and increase the maximum multifamily building height from 40 feet to 45 feet in order to accommodate the proposed development.

The item was presented to the Loveland Planning Commission on June 25, 2018 where four neighbors spoke at the public hearing. One neighbor was opposed to the height increase, while two others had questions about aesthetics and where in the process they would be addressed. The president of the Kendall Brook Homeowners Association (HOA) expressed support for the amendment, and indicated that the HOA thought the proposed use will be highly compatible with the existing community. She asked when in the process parking and site design would be addressed. Staff indicated that site design, parking and general aesthetics will be addressed as part of the Preliminary Development Plan and Final Development Plan/Site Development Plan processes. The applicant responded to

comments and indicated that the final building height would likely be 43 feet, with the water table height, planned underground parking, as well as the desire to include a pitched roof, being primary drivers of the requested height increase. Commissioners expressed that they were less concerned about the requested height increase after hearing the applicant's reasoning, and were comfortable with the requested amendment since it is consistent with the Comprehensive Plan, and they would be seeing additional information on site design and aesthetics as part of the Preliminary Development Plan and Final Development Plan/Site Development Plan processes. The Planning Commission approved this item with a 6-0 vote.

Ms. Hewett-Apperson reported on the staff findings included in the power point and noted that senior housing typically has fewer impacts than other types of multi-family housing. Staff recommended approval with second reading scheduled for August 7, 2018.

The applicant addressed Council regarding the proposed cooperative housing; it would be 52 units for those ages 62 and over. Each homeowner would own a share of the building; they would not own the apartment. The height increase is being requested as the water table is high on the site which dictates how deep the parking structure can go. They are 1.2 parking stalls per unit. There will approximately 35 stalls available for staff and visitors.

Mayor Marsh opened the public hearing.

Irene Fortune, President of Kendall Brook Homeowners Association, stated there was no objection to the amendment to the development plan. Ms. Fortune stated that adult living cooperative housing is a very good use and there are no concerns with increasing number of multi-family dwelling units. Questions regarding raising building height and parking have been addressed and they are happy with the information they have received.

Moved by Councilor Jersvig, seconded by Councilor Olson.

A Motion To Adopt, On First Reading, An Ordinance Approving The First Amendment To The General Development Plan For The Kendall Brook PUD

CARRIED UNANIMOUSLY 8 – 0.

Moved by Councilor Jersvig, seconded by Councilor Olson

A Motion To Adopt, On First Reading, An Ordinance Amending The Kendall Brook General Development Plan

CARRIED UNANIMOUSLY 8 – 0.

7.5 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

8. REPORTS

July 17, 2018

**This is an opportunity for City Council members to report on recent activities.
No Council Reports**

8.1 CITY MANAGER REPORT

City Manager Adams reported on the Home Supply Agreement Maintenance that was approved on consent agenda and that an event had been scheduled to celebrate a ribbon cutting and agreement which will be held Friday, August 27 from 11-12:30 p.m.

Mr. Adams reported on dates he would be out of the office during the month.

8.2 CITY ATTORNEY REPORT

City Attorney Garcia reported on dates he would be out of the office during the month.

9. ADJOURN

Mayor Marsh adjourned the July 17, 2018 Regular Council meeting at 9:03 p.m.

Respectfully Submitted,



A handwritten signature in blue ink, appearing to read "Patti Garcia", is written over a horizontal line.

Patti Garcia, City Clerk

A handwritten signature in black ink, appearing to read "Jacki Marsh", is written over a horizontal line.

Jacki Marsh, Mayor