

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
April 9, 2012

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 9, 2012 at 6:30 p.m. Members present: Chairman Meyers; Vice Chairman Middleton; and Commissioners Dowding, Crescibene, Krenning, Leadbetter, Molloy and Ray. Commissioner Fancher was absent. City Staff present: Karl Barton, Community and Strategic Planning; Justin Stone, Public Works; Kerri Burchett, Current Planning; Robert Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney.

These minutes are a general summary of the meeting. For more detailed information, audio and videotapes of the meeting are available for review in the Community Services office.

COMMITTEE REPORTS

Commissioner Molloy reported the Title 18 Committee is considering meeting April 19, 2012.

REGULAR AGENDA

1. Millennium GDP Amendment #9.

This is a public hearing to consider an amendment to the Millennium Addition PUD General Development Plan that would:

- 1) Add definitions for light and heavy manufacturing and specify location allowances for each use;
- 2) Adjust non-residential site planning criteria for shadow/shading analysis and context diagrams;
- 3) Modify public hearing requirement criteria for development proposals; and
- 4) Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25

Staff supports the proposed amendment. Review of this application requires quasi-judicial action by the Planning Commission.

Kerri Burchett, Project Planner, briefly highlighted the proposed amendments, they were as follows:

- Add definitions for light and heavy manufacturing and specify location allowances for each use;
- Adjust non-residential site planning criteria for shadow/shading analysis and context diagrams;
- Modify public hearing requirement criteria for development proposals; and,

- Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25.

She reported that staff has reviewed the proposed amendment and believes that all required findings contained in Section VII of the staff report can be made.

Ms. Burchett stated the revisions proposed in the amendment would help streamline City processes to help meet the market demand for permit ready sites. She indicated that the architectural and site planning standards in the GDP along with the thresholds identified for public review by City Council would be maintained.

After further explanation, Ms. Burchett stated that staff is recommending approval of the amendment. The Council hearing is scheduled for May 1, 2012.

Ms. Burchett briefly addressed a letter from Ms. Jennifer Biever, representing the Promenade Shops ownership, which claimed that the public hearing notice requirements for this hearing had not been met and then directed the Commission to Exhibit B, an email response to Ms. Biever from the City Attorney stating that the requirements had been met.

Ms. Burchett asked the Planning Commission to consider a brief recess to allow the Commission to review the material submitted by email by Ms. Biever at approximately 4:00 PM this afternoon. The email material, as described by Ms. Burchett, includes a six page statement of opposition to the application accompanied by a 92- page attachment (Exhibit A). Ms. Burchett indicated that the recess would allow Commissioners to quickly review the statement of opposition, giving them the ability to decide if they could continue to hear the item.

Deputy City Attorney Judy Schmidt clarified that the question of proper notification had been resolved and that it was no longer at issue. She further stated that if the Planning Commission supported taking a recess to review the summary of concerns expressed by Ms. Biever, then they could either postpone or continue with the hearing.

The Commission invited Ms. Biever to the podium in order to clarify her position.

Ms. Biever emphasized that her main concern was the modification to the public hearing process proposed by the amendment and that her client will not pursue objections to the notification of the hearing.

After a discussion by the Commission as to whether or not to take a recess in order to give Commissioners an opportunity to review the materials submitted by Ms. Biever, **Commissioner Krenning made a motion that Agenda Item #2, the Bicycle and Pedestrian Plan, be moved to be heard prior to recessing to review the materials submitted by Ms. Biever. Commissioner Krenning explained that moving the Bicycle and Pedestrian Plan forward to be heard prior to the Millennium GDP Amendment would allow certain staff and others in attendance to avoid**

1 *sitting through a long recess and potentially long discussion. Upon a second by Commissioner*
2 *Ray the motion was unanimously adopted.*
3
4

5 **2. Bicycle and Pedestrian Plan.**

6

7 This is a public hearing item to consider adoption of the Bicycle and Pedestrian Plan. The
8 primary plan area is comprised of the City of Loveland's Growth Management Area (GMA) and
9 associated links to adjacent communities. The Bicycle and Pedestrian Plan is presented to the
10 Planning Commission for review and a recommendation because it is part of the 2030
11 Transportation Plan which is a functional component of the 2005 Comprehensive Plan.
12

13 **Karl Barton, Community and Strategic Planning**, provided a brief overview of the Bicycle
14 and Pedestrian Plan and stated the Plan is presented to the Planning Commission for review and
15 a recommendation because it is part of the 2030 Transportation Plan which is a functional
16 component of the 2005 Comprehensive Plan.
17

18 **Justin Stone, Public Works Civil Engineer**, introduced Ray Moe who assisted in the Draft
19 Plan.
20

21 **Ray Moe, LSA Associates, 132 West Mountain Avenue, Fort Collins, CO**, provided a
22 powerpoint presentation which identified the planning process and contents of the Plan. He
23 stated the key issues that were considered were as follows:

- 24 • connectivity
- 25 • continuity
- 26 • safety
- 27 • joint construction developer contribution
- 28 • high use
- 29 • neighborhood support
- 30 • feasibility
- 31 • cost effective

32 He spoke of the phasing of the plan, public input process and the involvement of the steering
33 committee.
34

35 **Public Input**

36

37 There was no public input.
38

39 **Mr. Stone** emphasized that the document was Vision Plan that was intended to identify and
40 determine where the priorities are and how to proceed when the Plan is adopted. He stated that
41 some funding sources have been identified. There was discussion regarding input from law
42 enforcement and their participation with the safe route to school program and moving lanes off

1 of Highway 34 and Highway 402. He reported that the safe route to school program has created
2 a task force which includes an employee from the school district and their involvement is critical
3 in the event that the district has a route closure they be better prepared to assess where a potential
4 problem may exist.

5
6 **Commissioner questions/comments**

7
8 **Commissioner Krenning** expressed concerns that the Plan may not be updated as needed and
9 urged that it remain flexible.

10
11 **Mr. Stone** reiterated that the Plan is a Vision Plan and commented he felt certain that it would be
12 adjusted and amended in the same manner as the Transportation Plan.

13
14 **Mr. Roe** commented that the City has done a lot of work on geocoding all its sidewalks etc., and
15 this is the first time that the Plan has gone into this much detail. He further commented that as
16 the industry grows and develops better or more efficient ways to do things the Plan will be
17 updated accordingly.

18
19 **Commissioner Molloy** stated when he worked on the Plan one of his major issues was to have a
20 bike lane that would run along the railroad tracks though out the City.

21
22 **Commissioner Krenning** stated he was in support of the Plan.

23
24 **Commissioner Crescibene** stated he would like the bike lanes to be seven feet wide.

25
26 **Commissioner Ray** stated he would support the plan and knows that staff will look at the Plan
27 emphasizing he would not support a Plan if all it did was to put paint on the road.

28
29 **Chair Meyers** expressed funding issues and suggested that those percentages be clear before
30 proceeding to City Council. He also expressed his concern regarding who would maintain the
31 paths.

32
33 **Mr. Stone** noted that the paths are not the Parks and Recreations paths but they will be
34 integrated in the future.

35
36 *Vice Chair Middleton made the motion to approve Resolution No. 3, 2012 recommending that*
37 *City Council approve the Bicycle and Pedestrian Master Plan. Upon a second by*
38 *Commissioner Dowding the motion was unanimously adopted.*

39
40 *Vice Chair Middleton made a motion to adjourn for 45 minutes to review the materials*
41 *regarding the Millennium GDP amendment as submitted by Ms. Biever. Upon a second by*
42 *Commissioner Ray the motion was unanimously adopted.*
43

1 (Secretary's Note: The Commission voted to take a meeting recess at 8:00 p.m. The
2 meeting reconvened at 8:41 p.m.)
3

4 It was the consensus of the majority of Commission (with the exception of Commissioner
5 Crescibene) to proceed with the public hearing on the Millennium GDP.
6

7 1. Millennium GDP Amendment #9 continued.
8

9 Ms. Biever stated the primary issue of concern for her client was the proposed amendment to
10 Section 12.3.3: administrative review and public review. She stated that the amendment was
11 not consistent with the Millennium Standards or with good public policy. She apologized for the
12 late submittal of information to the Planning Commission stating that she did not read the city's
13 staff report until Friday and had little time to prepare. She clarified that most of the materials
14 contained in her email were reference materials for the Commissioners convenience.
15

16 Kim Perry, McWhinney, 2725 Rock Mountain Avenue, Loveland Colorado, reported the
17 Promenade Shops received a draft of the proposed amendments on March 13 of this year. She
18 stated that the amendment was a result of a meeting with the Loveland Economic Development
19 Department to discuss how the review and approval process for projects within the Millennium
20 GDP boundaries could be streamlined, particularly larger projects with economic development
21 potential.
22

23 Ms. Perry stated that with the amendment, they are asking the following:

- 24 • Amendment to add definitions for light and heavy manufacturing in order to differentiate
25 the activities and provide appropriate location allowances for each use, currently
26 manufacturing falls within the heavy industrial land use.
- 27 • Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25 and that the
28 uses be a use by right with a mixed use of commercial, industrial, residential and mixed
29 use neighborhoods.
- 30 • Shade and shadowing analysis would continue to be a requirement but would go through
31 the same standards and guidelines as the rest of the Millennium GDP and would assure
32 that a third party could not arbitrarily stop a project.
- 33 • Allow an administrative review for buildings over 100,000 square feet and 60 feet in
34 height in the GDP, which is consistent with the other sites in Loveland.
35

36 She stated that the design standards would not change and that all projects would continue to go
37 through the Millennium's Architectural Review Committee. She added that attracting additional
38 development would benefit the Promenade Shops because it would lower their association dues
39 as well as adding to their consumer base. She clarified that the Promenade Shops would be
40 outside of the 500 foot notification for a public hearing because of the proximity of the sculpture
41 park and surrounding roads. She thanked the Planning Commission for taking the time to read
42 the materials and allowing her to make her presentation.

Public Comment

Jennifer Biever, 1200 17th Street, Denver Colorado, G&I VI LLC, representing the Promenade Shops with General Manager Don Foster, stated that they want the public to have the right to participate in the public review process. Ms. Biever emphasized the need to be considerate of people who live and work in the area. She further stated that she believed that the amendment was a big departure from the existing framework. She stated that adoption of the proposed amendments would limit the Planning Commission's role in what undergoes public review. She responded to Commissioner questions stating that her client does not have concerns about a specific project. However, she emphasized her client's opposition to the proposed streamlining of the public review process.

Commissioner Krenning asked if the Promenade Shops would benefit from the amendment if they were to rebuild in the future.

Donald Foster, 1818 Holbert Drive, Loveland, Co, responded, stating that if the Promenade Shops were to be redeveloped or expanded, he would expect to come to a public hearing.

Commissioner Comments

Commissioner Dowding asked if manufacturing was allowed in Parcel A.

Ms. Perry reported that manufacturing has always been allowed and clarified that traffic studies would still be reviewed by staff through the Site Development Plan ("SDP") process.

Following Ms. Perry's comments, the Commission questioned whether the Planning Commission or City Council has the ability to appeal an administrative approval for projects within the Millennium. It was determined that Section 12 of the GDP allows 3 members of Planning Commission or City Council to appeal a decision on a preliminary subdivision plat but there is no ability to appeal a land use decision.

(Secretary's Note: 9:29 p.m. Commissioner Crescibene requested to be excused)

The Commission conducted a lengthy discussion about the impacts of the proposed amendments to the GDP, including changing the threshold for public review from 100,000 square feet to 500,000 square feet; time savings to the approval process by eliminating the public hearing process; and issues and concerns regarding lack of notification if a heavy industrial manufacturing project were to locate in the Millennium.

Ms. Perry stated that eliminating the review process for a building 100,000 square feet and greater would save four to five months in the process. She stated she would support a different threshold for a heavy industrial use.

1 **Ms. Burchett** emphasized that the timing component was critical for certain projects, stating it
2 was not only time saved but a certainty in the process for a business interested in the site.

3
4 **Chairman Meyers** expressed hesitation with elimination of the public review process.

5
6 **Commissioner Krenning** stated he would support the amendments stating that the
7 McWhinney's have good record of quality development. However, Commissioner Krenning
8 questioned how the 500,000 square feet threshold was decided and questioned if there was an
9 opportunity for compromise.

10
11 **Commissioner Dowding** concurred with Commissioner Krenning and expressed concerns that
12 the threshold was increased by a factor of five times.

13
14 **Commissioner Ray** stated he would support the amendment adding that he hoped it would help
15 in giving Loveland an advantage over other communities.

16
17 **Vice Chair Middleton** was opposed to the proposed 500,000 square feet threshold and felt that
18 they would be giving unrestricted power to do what they wanted without the benefit of the public
19 process.

20
21 **Chairman Meyers** expressed to Ms. Perry his concern that heavy industrial uses were included
22 in this request. He proposed to her a condition that if she would agree that heavy industrial uses
23 over 100,000 square feet be left in the review process he would be acceptable to the other
24 changes.

25
26 **Ms. Perry** stated that she was not prepared to offer a reduction with regards to the 500,000
27 square feet and emphasized the need to be competitive. She stated she would agree to a
28 condition regarding heavy industrial use and clarified that McWhinney was not marketing sites
29 to heavy industrial users.

30
31 After discussion regarding heavy industrial uses, Commissioner Ray made a motion to add the
32 following condition: *"Subject to the condition that heavy industrial use in excess of 100,000*
33 *square feet shall remain subject to public review before the Planning Commission."* Upon a
34 *second by Commissioner Krenning, the motion passed 5-2. Yeas: Commissioners Ray,*
35 *Crescibene, Meyers, Krenning and Dowding. Nays: Commissioners Molloy and Middleton.*

36
37 **Ms. Perry** accepted the conditions.
38
39

1 ADJOURNMENT

2
3 *Commissioner Middleton made motion to adjourn. Upon a second by Commissioner Ray the*
4 *motion was unanimously adopted.*

5
6
7 
8 Buddy Meyers, Chair

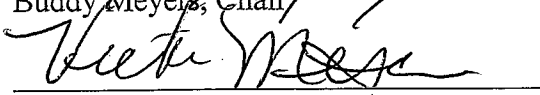
9 
10 Vicki Mesa, Secretary
11
12



EXHIBIT A
(planning commission 4/9)

Hogan Lovells US LLP
One Tabor Center, Suite 1500
1200 Seventeenth Street
Denver, CO 80202
T +1 303 899 7300
F +1 303 899 7333
www.hoganlovells.com

April 9, 2012

John Duval, Esq.
City Attorney
500 East Third Street
Loveland, Colorado 80537
duvalj@ci.loveland.co.us

Kerri Burchett
Reviewing Planner
500 East Third Street
Loveland, Colorado 80537
burchk@ci.loveland.co.us

Re: Objection to the Millennium GDP Major Amendment No. 9

Ladies and Gentlemen:

Our client, G&I VI Promenade, LLC ("Promenade"), owns the property commonly known as the Promenade Shops at Centerra. We submit the following substantive comments on the Millennium General Development Plan ("GDP") proposed Major Amendment No. 9 for the Millennium Planned Unit Development ("PUD") on behalf of Promenade. According to the Planning Commission Staff Report, dated April 9, 2012 (the "Report"), the applicant, McWhinney Enterprises (the "Applicant"), at the request of the City's Economic Development Department, proposes to amend the Millennium GDP as follows:

- Add definitions for light and heavy manufacturing and specify location allowances for each use;
- Modify public hearing requirement criteria for development proposals;
- Adjust non-residential site planning criteria for shadow/shading analysis and context diagrams; and
- Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25.

Promenade has several concerns regarding the amendments proposed above, particularly those related to the modification of the opportunities for public comment. Promenade's specific concerns are provided in greater detail in Section III below.

I. Background

On March 9, 2012, McWhinney sent a notice letter to Promenade (see Attachment A, Notice Letter to Promenade). The letter provided notice of a Neighborhood Meeting on March 21, 2012, a Planning Commission

EXHIBIT A
(planning commission 4/9)

public hearing on April 9, 2012, and a City Council public hearing on May 1, 2012, "to discuss an amendment to the Planned Unit Development," specifically Major Amendment No. 9 to the Millennium GDP. Specifically, the notice indicated that the project included amendments to the Millennium GDP to: (1) provide a definition of light and heavy manufacturing and provide location allowances for the uses; (2) modify the criteria in which development proposals require a public hearing; and (3) divide one sub parcel into two distinct sub areas on the east side of I-25. *Id.* Immediately prior to the Neighborhood Meeting, a representative of Promenade obtained a copy of the proposed amendments from McWhinney (*see Attachment B, Proposed Amendments Provided by McWhinney to Promenade*). These attachments were represented by McWhinney to reflect the proposed amendments to be presented to Planning Commission and City Council – as noticed by McWhinney in the above-referenced notice.

On April 6, 2012, the Report and agenda for the proposed amendment became available on the City of Loveland's website. Review of the Report and agenda reflected several changes from both the notice provided to Promenade and the proposed amendments provided by McWhinney to Promenade. Specifically, the agenda (*see Attachment C, Agenda for Planning Commission Hearing April 9, 2012*) included a new amendment that was not reflected in the notice, that is: to adjust non-residential site planning criteria for shadow/shading analysis and context diagrams. Additionally, the redline draft of the proposed amendments provided to the Planning Commission (as attachments to the Report) were different in several ways from the proposed amendments provided previously to Promenade directly from McWhinney. *See Attachment D, Chart Reflecting Differences In Proposed Amendments Received by Promenade and Proposed Amendments Provided to Planning Commission.* Because Promenade understands that the version provided to the Planning Commission represents the complete and accurate proposed amendments as of April 9, 2012, the below comments reflect Promenade's concerns on the proposed amendments as provided to the Planning Commission.

II. Approval Process for Amendment to General Development Plan

The Loveland Municipal Code ("Municipal Code"), 18.41.050(D)(11), states that a GDP may be amended in the same manner it was approved. In reviewing an application for a GDP, or an amendment thereto, the Planning Commission and City Council shall consider several factors, including whether: (1) the proposed amendment to the GDP conforms with the requirements of Chapter 18.41 of the Municipal Code, the City of Loveland's (the "City") master plan ("CMP") and to any applicable area plan;¹ (2) the proposed development will negatively impact traffic in the area, city utilities, or otherwise have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it; and (3) the proposed development 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. Municipal Code 18.41.050(D)(4)(a), 18.41.050(D)(5), (6); *see also* Report at 9-12. Further, no GDP shall be approved "if it is not in compliance with applicable land use and development regulations in effect at the time that the city council decides whether or not to approve the general development plan." Municipal Code 18.41.050(D)(9).

¹ The text of the Millennium GDP reinforces the need for conformity and consistency with the City's master plans and any applicable area plans, stating as a primary goal to maintain "[c]onformity with the intent of the City of Loveland and Comprehensive Master Plan dated October 18, 1994, as currently amended." Millennium GDP 1.1.2.A.

EXHIBIT A
(planning commission 4/9)

III. The Proposed Revision to Limit Public Review of Development Proposals within the Millennium PUD Does Not Comply with the Municipal Code

The Applicant proposes to amend the Millennium GDP to modify the development proposals that require a public hearing before the Planning Commission and those that require a public hearing before both the Planning Commission and City Council. See Attachment E, Proposed Amendments Provided by City to Planning Commission, p. 12-4. The Millennium GDP currently requires a public hearing before Planning Commission for, among others: any single building over 60 feet in height; any single building over 100,000 gross square feet; any single building over 50,000 gross square feet directly abutting one or more residential properties; or any heavy commercial or heavy industrial use abutting one or more residential properties. Id. The proposed amendment would alter the Millennium GDP such that a public hearing before the Planning Commission would no longer be required for, among others: any single building over 60 feet in height not abutting certain residential properties; any single building over 100,000 gross square feet; and any single building over 50,000 gross square feet, any heavy commercial use, or any heavy industrial use directly abutting residential properties other than single family properties. Id. Thus, the proposed amendment significantly alters those development proposals—which typically have a significant effect on neighboring uses—that will be subject to a public hearing before the Planning Commission. Further, the proposed amendment will no longer require Planning Commission and City Council review for non-residential projects greater than 500,000 combined gross square feet, as long as those projects are phased. Id.

a. Limiting Public review Is Inconsistent with the City’s Master Plan

On behalf of Promenade, we submit that these proposed changes related to public review are in direct conflict with the City’s CMP as well as the Millennium GDP’s own intent. The City’s 2005 CMP declares certain “Vision Statements” to further the community’s goals, and to maintain consistency and compatibility with existing and future development. See Loveland 2005 CMP, “Acknowledgments, Vision Statements and Table of Contents,” available at <http://www.ci.loveland.co.us/index.aspx?page=109>. Of relevance here are the following vision statements:

- Loveland is a community that encourages active public involvement and is responsive to the health and human services needs of its citizens.
- Loveland is a community that is characterized by welcoming neighborhoods with diverse housing opportunities that create a sense of individual belonging.
- Loveland is a community that is a continuously developing partnership of citizens, business, health and educational communities; with a stable and diverse economic base that offers ample employment and business opportunities to all.

Section 7 of the City’s CMP (See Attachment E, CMP Section 7 Regarding Public Participation) dedicates twenty-seven (27) pages to “Public Participation,” focusing on how to best engage the public in planning and development-related activities, and how to inform and educate the community on relevant issues affecting the community.² Section 7 presents specific goals, objectives, and strategies to accomplish these purposes. Furthermore, the City’s 2011 Implementation Plan is the result of a 5-Year CMP update project required by the

² See Loveland 2005 CMP, “Public Participation,” available at <http://www.ci.loveland.co.us/modules/showdocument.aspx?documentid=278>.

EXHIBIT A
(planning commission 4/9)

2005 Comprehensive Plan, containing 95 objectives assigned to 23 boards, commissions, and staff divisions. See Loveland CMP 2011 Implementation Plan, available at <http://www.ci.loveland.co.us/modules/showdocument.aspx?documentid=8892>. Of particular relevance is Planning Commission “Guiding Principle 18,” which aims to develop “meaningful public participation processes that encourage community and stakeholder collaboration in the decision-making process.” Id. at 38.

These goals and objectives to implement public participation into the fabric of governing bodies are grounded in research and studies:

Surveys show that citizens want to be listened to by their elected and appointed officials; that citizens want to share the power of governance; and that citizens want a sense of belonging to a community. Consequently, in community planning, the emphasis has changed from institution-centered governance to citizen-centered governance.

See CMP Section 7 Regarding Public Participation, at 7-1.

We contend that the Applicant’s proposal to “[m]odify the criteria in which development proposals require a public hearing” does not conform to the plain language and intent of the City’s CMP and the 2011 Implementation Plan and would essentially revoke the public’s opportunity to be noticed of and meaningfully participate in the review process of certain proposed uses.

The proposed changes are similarly inconsistent with the Millennium GDP itself. A comprehensive assessment of the Millennium GDP evidences an intent to proactively engage neighboring communities, both within and adjacent to the boundaries of the PUD, to carefully and equitably plan and orchestrate development.

“Lastly, it is in the intent of the GDP to recognize the importance of being good neighbors in the community and to adjacent neighbors. Through actively engaging neighborhood participation and through sensitive development, the GDP seeks to recognize adjacent land use relationships and provide meaningful and equitable solutions to citizens outside the GDP’s boundaries and within the development.”

See Millennium GDP 1.1.2.D, “Good Neighbor.”

The proposed amendments that modify, and essentially eliminate, the opportunity for public comment and participation in certain instances are not consistent with this stated intent by the Applicant to be a good neighbor. Though Promenade understands the interest in streamlined and efficient development of the Millennium PUD, such efforts should not be accomplished to the detriment of the public and neighboring property owners.

As one of the largest stakeholders in the Millennium PUD, and with a significant amount of undeveloped acreage around Promenade’s site, Promenade is highly concerned about the diminishment of the public review process. Promenade is not alone in its concerns about the future developments proposed within the Millennium PUD. At the neighborhood meeting associated with the proposed amendments, which a representative of Promenade attended, approximately thirty members of the public attended and raised concerns with the Applicant about existing and future development plans in the Millennium PUD. The mere presence of a significant number of people at the neighborhood meeting, as well as the widespread inquiry by

EXHIBIT A
(planning commission 4/9)

the public of proposed plans within the Millennium PUD, evidences that the public wants and needs this public review process.³ To eliminate or significantly reduce those opportunities would cause significant harm and deprivation to the community and adjacent landowners.

Promenade does not disagree with the Applicant and City's interest in promoting economic development in the City of Loveland. However, such economic development should not be obtained at the expense of either members of the public or existing businesses and developments that had to undergo the important and critical public review process. To now revise the uses subject to public review—after parties have invested in the community and the public has developed an understanding as to its opportunities for public participation—causes significant unfair prejudice to existing members of the community and adjacent landowners. Additionally, proposed Amendment No. 9 to the Millennium GDP unfairly benefits future project proponents. If the amendments are adopted, future development plans that would have traditionally been subject to public review, consistent with the City's CMP and the existing Millennium GDP, would not be subject to the same level of public review, avoiding the obligation to accommodate the concerns and recommendations voiced by neighboring property owners.

The City's Economic Development Strategic Plan does not support such an extreme sacrifice. The Report promotes the concept of streamlining the zoning and development approval processes, yet the Report fails to recognize that the Millennium PUD has already streamlined these processes. For example, section 12 of the Millennium GDP already contains reduced public notice requirements for certain development proposals and provides an administrative review of a significant number of developments within the Millennium PUD. The proposed amendments would leave without opportunity for public review extremely large and complex projects – the very types of projects that, when contained within a PUD such as this, should be offered to the community for full and complete evaluation.

Obtaining a PUD designation, as McWhinney did, provides a developer with many significant benefits. However, the mixed use nature of a PUD designation also requires certain considerations and risks—including public review by the many individuals and entities that reside in, inhabit, work in and otherwise utilize the PUD space. Here, the Applicant controls the majority of the development within the Millennium GDP. This is a crucial consideration. Allowing one developer the type and level of autonomy contemplated by these proposed amendments—constrained only by administrative review of the City of Loveland Planning Staff and no interested members of the public, the Planning Commission or City Council, could have significant consequences and unwanted outcomes.

b. Limiting Public Review Could Result in Detrimental Impacts to Properties Near Developments Governed by the GDP

As stated, the Planning Commission and City Council must consider whether the proposed amendment to the Millennium GDP will have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it. See Municipal Code 18.41.050(D)(4)(b). Where such impacts exist, "the planning division shall recommend either disapproval of the [amendment to the] general development plan or reasonable conditions designed to mitigate the negative impacts." Id. By eliminating public review of certain development proposals, the Applicant and the City propose to eliminate the primary mechanism by which the

³ Promenade notes that due to the interests of the public in development within the Millennium PUD generally, the meeting focused more on potential developments rather than on the currently proposed amendments. In fact, the information relayed at the neighborhood meeting did not specifically address or inform those in attendance the extent to which the proposed amendment would eliminate or reduce opportunities for public comment in the future.

EXHIBIT A
(planning commission 4/9)

Planning Division, Planning Commission and City Council are informed as to potential detrimental impacts to nearby properties – the public comment process.

The Promenade Shops at Centerra, located within Parcel A of the PUD, represents one of the most significant current developments within the PUD. Additionally, the Promenade Shops at Centerra abut a significant amount of undeveloped acreage, currently proposed for future mixed use. See Attachment G, Map Provided by McWhinney at Neighborhood Meeting. By omitting the process for public review, including review by those in close proximity to the proposed developments, the Applicant and the City would eliminate, or significantly reduce, Promenade's (as well as other interested stakeholders) opportunity to critically review, analyze, and submit or express comments as to whether and to what extent certain proposed projects may detrimentally affect its property.

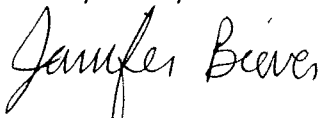
Without the ability to participate in meaningful public comment on particular projects, including those over 60 feet in height or over 100,000 gross square feet, Promenade may be detrimentally impacted and unable to effectively voice its objections and concerns to such developments. Concerns regarding a particular proposed development could include, but are not limited to: economic impacts, visual impacts, construction impacts, overdevelopment or devaluation in uses, or the failure to conform or be harmonious with existing surrounding uses. The fact that Promenade and others cannot voice those particular concerns at this juncture or identify specific detrimental impacts at this present time, does not alter the analysis. The proposed amendment by the Applicant, at the request of the City, increases the likelihood that developments that detrimentally impact nearby properties will occur in the future, and will not be subject to public review.

IV. Conclusion

Promenade respectfully requests that the Planning Commission and City Council deny the Millennium GDP Amendment No. 9 to the extent that the proposed amendments alter those categories of projects that must undergo a public hearing before the Planning Commission and those categories of projects that must undergo a public hearing before both the Planning Commission and City Council. Such modifications to the public review process are neither consistent with the City's CMP, the intent of the Millennium GDP, or prudent policy-making. The Applicant and the City's interest in encouraging economic development in the City should be applauded, but should not be prioritized over appropriate and critical public comment and review.

For all of these reasons, we respectfully request that the Planning Commission recommend disapproval of the proposed amendments to Sections 12.3.3.2(a) and 12.3.3.2(b) of the Millennium GDP.

Thank you for your consideration.



Jennifer L. Biever
jennifer.biever@hoganlovells.com
D 1+303.454.2410

cc: McWhinney
2725 Rocky Mountain Ave, Suite 200
Loveland, Colorado 80538
kim.perry@mcwhinney.com

EXHIBIT A
(planning commission 4/9)

Attachment A

Notice Letter to Promenade

EXHIBIT A
(planning commission 4/9)**Neighborhood Meeting and Public Hearing Notice Letter**

Date: March 9, 2012

Dear Property Owner:

The following is a notice of a neighborhood meeting, Planning Commission public hearing and a City Council public hearing to discuss an amendment to a Planned Unit Development in your neighborhood:

Project Name: *Millennium GDP Major Amendment No. 9*

Application Type: *PUD General Development Plan Amendment*

General Location: *See attached Vicinity Map – GDP is located generally in four areas:*

- *Parcel A – 1166 acres located at the northeast corner of I-25 and US 34*
- *Parcel B – 878 acres located east of Houts Reservoir and Equalizer Lake, south of Crossroads Boulevard, west of I-25 and north of US 34*
- *Parcel C – 477 acres located west of Houts Reservoir and Equalizer Lake and east of Boyd Lake Avenue*
- *Parcel D – 395 acres located south of US 34, north of East First Street and west of Mountain View High School*

Description of Project: *The Millennium GDP is proposed to be amended as follows:*

- *Provide a definition of light and heavy manufacturing and provide location allowances for the uses*
- *Modify the criteria in which development proposals require a public hearing*
- *Divide one sub parcel into two distinct sub areas on the east side of I-25*

Legal Description: *Legal Description provided upon request, Millennium GDP Parcel Map included as Exhibit A*

Neighborhood Meeting

Meeting Date: *Wednesday, March 21, 2012*

Meeting Time: *6:00 p.m.*

Meeting Location: *McWhinney
2725 Rocky Mountain Avenue, Suite 400
4th Floor, Gates Conference Room
Loveland, Colorado 80538*

Bring Your Dream

2725 Rocky Mountain Ave.
Suite 200
Loveland, CO 80538
p: 970.962.9990
f: 970.635.3003
www.mcwhinney.com

EXHIBIT A
(planning commission 4/9)

In addition to the neighborhood meeting, there will be further opportunities for you to participate in the decision making process. This application will require a public hearing.

Planning Commission Hearing

Meeting Date: *Monday, April 9, 2012*
Meeting Time: *6:30 p.m.*
Meeting Location: *City Council Chambers*
500 East 3rd Street
Loveland, Colorado 80537

City Council Hearing

Meeting Date: *Tuesday, May 1, 2012*
Meeting Time: *6:30 p.m.*
Meeting Location: *City Council Chambers*
500 East 3rd Street
Loveland, Colorado 80537

The notification list of affected property owners is supplied by the applicant and derived from current records of the Larimer County Assessor's Office. As those records are not always current, please feel free to notify your neighbors of this meeting date so all may have the opportunity to participate.

If you have any questions regarding the proposed project, please contact: Kim L. Perry at (970) 776-4055.

If you have questions regarding the City process, please contact Kerri Burchett at (970) 962-2566.

Sincerely,



Kim L. Perry
Vice President of Community Design
McWhinney
(970) 962.9990

EXHIBIT A
(planning commission 4/9)

Millennium GDP Parcels

Exhibit A - Millennium GDP Major Amendment No. 9 - Project Area



Revised per Millennium GDP Major Amendment #8

EXHIBIT A
(planning commission 4/9)

Attachment B

Proposed Amendment Provided by McWhinney to Promenade

EXHIBIT A
(planning commission 4/9)

OVERALL GDP NARRATIVE

- D. Group Homes / Group Care Facilities (Special Review Use only).
- E. Senior Housing of a Non-residential Nature.
- F. Veterinary facilities and Animal Clinics Small Outdoor Use including Pet Day Care Facilities.
- G. Auto Dealerships.
- H. Vehicle Major Repair, Servicing and Maintenance.
- I. Conference / Convention Centers.
- J. Retail Establishments (greater than 25,000 sf).
- K. Bars, taverns, nightclubs.
- L. Call Center.
- M. Vehicle Minor Repair, Servicing and Maintenance establishments (indoors).
- N. Entertainment Facilities and Theaters.
- O. Gasoline stations and Convenience Stores with fuel sales.
- P. Equipment, trucks and trailer rental establishments.
- Q. Parking lots and Parking Garages (as a principal use).
- R. Indoor Recreational Uses.
- S. Wireless Telecommunications Facility / Services (Special Review Use only).
- T. Personal Wireless Services / Facilities (Special Review Use only or in accordance with Municipal Code).
- U. Self storage, mini storage, mini Warehouse.
- V. Outdoor Storage related to the above listed uses.
- W. Light Commercial Uses that have Outdoor Storage associated with them.
- X. Accessory Uses related to the above listed uses.

1.3.5 Mixed Use Village Center

- A. The Light Commercial Uses listed in Section 1.3.3.
- B. The Institutional/Civic/Public Uses listed in Section 1.3.1.
- C. Multi-Family Dwellings.
- D. Single Family Attached Dwellings.
- E. Live/Work Structures.
- F. Parks and Open Space Uses listed in Section 1.3.9.
- G. The Heavy Commercial Uses listed in Section 1.3.4.

1.3.6 Light Industrial Uses

- A. Warehouses and Distribution
- B. Flex Office/R&D/Industrial/Warehouse
- ~~B.C. Light Manufacturing~~
- D. Research Laboratories.
- E. Medical laboratories.
- F. Workshops and Custom Small Industry uses.
- G. Outdoor Storage of Recreational Vehicle, Boats and Trucks.
- H. Accessory Buildings and Uses including outdoor storage of equipment, products or other goods that occupy no greater than 10% of the gross square footage of the structure related to the above listed uses.
- ~~I. Outdoor Accessory Uses related to the above listed uses. Outdoor Storage, other than as allowed in item 1.3.6.F above, is not allowed with Light Industrial Uses.~~

1.3.7 Heavy Industrial Uses

- A. Wireless Telecommunications Facility / Services.
- B. Personal Wireless Services / Facilities
- C. Heavy Manufacturing.
- D. Recycling facilities, heavy industry.
- E. Vehicle Major Repair, Servicing and Maintenance.
- F. Accessory Buildings and Uses related to the above listed uses.
- G. Outdoor Storage of equipment, products or other goods as a principle use related to the above listed uses.
- ~~H. Light Industrial Uses that have Outdoor Storage associated with them.~~

1.3.8 Business Park Uses

- A. Public safety and emergency facilities.
- B. Parks, recreation and other open lands.
- C. Cemeteries.
- D. Community Facilities.
- E. Neighborhood Support/Recreational Facilities.
- F. Public and non-profit offices.
- G. Government, semipublic or other civic uses.
- H. Clubs and Lodges.
- I. Public utilities.

EXHIBIT A
(planning commission 4/9)

PARCEL A

SECTION 2
PARCEL A

2.1 INTRODUCTION

Parcel A is approximately 1166 acres in size and includes Parcels A, B and C of the East Region of the Millennium Addition, Tract A of the McWhinney Addition, Parcels C and D of the Savanna Addition and the East and Central Parcels of the Grange Addition.

This site is located at the northeast corner of I-25 and US 34 (East Eisenhower Boulevard). The site is divided by the Union Pacific Railroad tracks, which run roughly from the northwest corner of the site to the southeast corner of the site. The Greeley – Loveland Irrigation Canal and the Farmers Ditch cross the southern portion of the site. Refer to Map 1 and Map 4 in Section 11, for the location of Parcel A.

2.2 LAND USE INFORMATION

2.2.1 Existing Land Uses

Parcel A-3 is currently being developed as a regional shopping mall. The balance of Parcel A has existing agricultural activities and related uses and mineral extraction uses (2 oil wells). The existing agricultural uses are to be allowed to continue as legal non-conforming uses within this parcel.

There are two existing oil wells, buried concrete vaults and burn-off valve assemblies as well as four oil tanks near the northeast corner of this parcel. To the extent that the Developer acquires control of the mineral rights, the oil wells will be abandoned and the related structures listed above, will be removed and disposed of properly off-site prior to issuance of a building permit for development within 350' of the wells.

According to the Mineral Extraction Report prepared by Terracon on December 24, 1998 and the Mineral Extraction Report prepared by Earth Engineering Consultants, Inc. on March 29, 2007, there are no economically viable sand and gravel resources to be extracted from this parcel.

2.2.2 Proposed Land Uses

The land use categories for Parcel A include Institutional/Civic/Public, Light Commercial Uses, Heavy Commercial Uses, Light Industrial Uses, Heavy Industrial Uses (a maximum of 8,100,000 gross square feet of commercial and industrial uses), Mixed Use Village Center, Residential Mixed Use Neighborhood (MUN), Residential Uses (not in an MUN) and Parks and Open Space Uses. The total number of permitted Dwelling Units in Parcel A is 3,781, however, each Subparcel in Parcel A in which residential uses are allowed is also subject to a total number of Dwelling Units therein as set forth below:

Parcel A-1	1,250
Parcel A-2	<u>8801,568</u>
Parcel A-3	1,000
Parcel A-5	632
Parcel A-6	664
Parcel A-7	127
Parcel A-8	<u>688</u>

It is intended that Parcels A-6 and A-7 develop primarily with residential uses and that non-residential uses in such parcels, although permitted, will be secondary and complementary to the residential uses.

Refer to Section 1.3 for a detailed list of the specific uses within each land use category, and the Land Use Legend on Map 4 in Section 11 for the identification of each land use category as either a Use-by-Right or a Special Review Use.

Section 12 contains the review processes applicable to such uses. Please refer to Section 12.1.2 and General Condition No. 12 for information on the ability to increase the number of Dwelling Units.

2.2.3 Density

The maximum density of residential developments in Parcel A is provided on Map 4 in Section 11 and in Sections 9 and 10.

Density within a 300-foot wide strip along a portion of the north edge of Parcel A-5 and along the east

EXHIBIT A
(planning commission 4/9)

PARCEL A

Detention shall either be provided on individual sites or in regional detention ponds in accordance with the East I-25 Basin Master Drainage Plan or the City's Storm Drainage Master Plan.

2.4.3 Electric

The City's Water and Power Department will provide electricity. A 600 amp underground feeder is located along the north side of US 34, and a 200 amp underground feeder is located at the southern boundary of the Crossroads Business Park. Approximately the eastern one-quarter of this parcel is located within the Poudre Valley Rural Electric Association service territory.

A surcharge of 5% will be added to all bills for the sale of electric power to uses established after January 31, 1987 within the service territory of the Poudre Valley Rural Electric Association for a period of ten years after the effective date of the annexation of the affected Parcels or portions thereof. For Parcels A-1 through A-4 and A-8, except that portion of Parcel A-1 known as the Central Parcel of the Grange Addition, the surcharge will expire October 3, 2010 (Note that the Central Parcel of the Grange Addition is not subject to the surcharge). For Parcel A-5, the surcharge will expire July 11, 2016. For Parcels A-6 and A-7, the surcharge will expire July 15, 2018.

In the event that electric power for construction is not be available, generators will have to be used for construction power. Also, an engineering deposit in the then current amount, site/utility plans, an electrical one-line drawing and construction drawings must be submitted to the Water and Power Department for the design of the underground electric extension to the building.

2.4.4 Natural Gas

It is presently anticipated that Xcel Energy Company will provide natural gas.

2.4.5 Telephone

It is presently anticipated that Qwest Communications will provide telephone and telecommunications services.

2.4.6 Irrigation Ditches

There are two existing irrigation ditches on the property, the Farmers Ditch and The Greeley and Loveland Irrigation Canal. These existing irrigation ditches will be maintained in place, boxed, lined or re-aligned as necessary. If any realignment or physical change is proposed in the ditch or improvement is proposed to any portion of an irrigation ditch, the ditch company will be contacted for approval. A copy of a letter from the ditch company shall be submitted to the City prior to any approval that directly impacts the ditch. Irrigation ditches may be used as a raw water supply for irrigation of open space areas.

2.4.7 Railroads

The Union Pacific Railroad tracks run through Parcel A roughly from the northwest corner of the site to the southeast corner of the site (see Map 4 in Section 11). In order to mitigate railroad noise and vibration, the Applicant shall provide a bufferyard between Buildings for residential occupancy on lots in Parcel A and the edge of the railroad right-of-way in accordance with the requirements set forth in Section 15, Appendix A of the GDP. See also Special Condition No. 18 in Appendix 2-1.

2.5 NATURAL AREAS

Any Environmentally Sensitive Areas within Parcel A have been identified in an ESAR. The ESARs applicable to Parcel A are provided in Section 14 of the GDP.

For Parcels A-1 and A-4, please refer to the ESAR prepared by Ecological Resource Consultants dated July 18, 2003 and revised November 20, 2003. Please refer to the ESAR prepared by FlyWater Consulting, Inc. dated October 11, 2007 for the southeast portion of Parcel A-1, which is known as the Central Parcel of the Grange Addition. For Parcels A-2, A-3 and A-8, please refer to the ESAR prepared by Cedar Creek Associates dated January, 1999.

For Parcel A-5, please refer to the ESAR prepared

EXHIBIT A
(planning commission 4/9)

PARCEL A

APPENDIX 2-1

**SPECIAL CONDITIONS FOR
PARCEL A**

AIRPORT

Special Condition No. 1 (Parcels A-1, A-3, through A-4 and A-8):

Those portions of Parcel A that are located within the boundaries of the Airport Influence Area (including portions of Parcels A-1, A-2 and A-3 and all of Parcel A-4) as depicted on Map 4 in Section 11 of the GDP are subject to that Aviation Easement recorded in the Larimer County Records on July 9, 2004 at Reception No. 2004-0066598.

Special Condition No. 2 (Parcels A-1, A-3, through A-4 and A-8):

Those portions of Parcel A that are located within the Airport Influence Area may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations, therefore, all subdivision plats for property that is wholly or partially located within the boundaries of the Airport Influence Area as depicted on Map 4 in Section 11 of the GDP shall contain the following language: "All or a portion of the property being subdivided may be located within the Airport Influence Area of the Fort Collins-Loveland Municipal Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations."

Special Condition No. 3 (Parcels A-1, A-3, through A-4 and A-8):

No structures located within those portions of Parcel A that are located within the Airport Influence Area as shown on Map 4 in Section 11 of the GDP shall extend into restricted air space as defined by FAA Regulation, Part 77, and the Applicant shall comply with all applicable notice requirements of such FAA Regulation.

Special Condition No. 4 (Parcels A-1, A-3, through A-4 and A-8):

Except to the extent otherwise required by applicable Federal law, all new bodies of water within the Airport Influence Area as depicted on Map 4 in Section 11 of the GDP and within a radius of 10,000 feet from the end of any runway of the Airport, shall be prohibited provided that: (1) they are larger than one-quarter acre in size; (2) they are installed after July 11, 2006; (3) they are designed to hold or retain water permanently or over extended periods of time; and (4) they are bird attractants. To the extent permitted by Federal law, this prohibition shall not apply to a relocation or expansion of any existing water body or to detention ponds that have outlet structures designed to prevent the permanent containment of water.

Special Condition No. 5 (Parcels A-1, A-3, through A-4 and A-8):

No exterior lighting, reflective material, smoke emissions or electronic emissions shall be permitted in the Airport Influence Area as depicted on Map 4 in Section 11 of the GDP which would materially lower pilots' visibility or cause material interference with the Airport's navigation and communication systems. For purposes of this condition, "reflective material" is defined as glazing with a reflectivity of 65% or greater.

Special Condition No. 6 (Parcels A-1, A-3, through A-4 and A-8):

The Developer shall include the following disclosure statement in all of its contracts for the sale of any of the property located within Parcel A of the GDP which is also within the Airport Influence Area as shown on Map 4 in Section 11 and further, shall include a provision in such sales contracts that the purchaser thereof shall include the following disclosure statement in all of its subsequent contracts for sale of such property: "The property subject to this contract may be located within the Airport Influence Area of the Fort Collins-Loveland Municipal Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations." Each such contract subject to this Special Condition shall expressly provide that the disclosure provision survives closing and is enforceable at law or in equity by the

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

City as a third party beneficiary of such contract.

FEES/CREDITS/REIMBURSEMENTS

Special Condition No. 7 (Parcels A-1, A-3 and A-4):

Pursuant to the MFA, projects within Parcels A-1, A-3 and A-4 (MFA Commercial Area) shall not be eligible to receive reimbursement from the City to which they might otherwise be entitled pursuant to City Regulations, as defined in the MFA, for the design and construction of public improvements therein, with the exception of the following reimbursements:

1. The City's obligation to reimburse Centerra Properties West, LLC for certain costs incurred for a preliminary design of the Arterial Street Improvements. Refer to Section 6.5 of the PVH Agreement for specific terms.

2. Reimbursements for public improvements which were completed prior to January 20, 2004. Refer to Sections 12.3 and 13.5 of the MFA for specific terms.

3. Reimbursements for public improvements completed in connection with Development Projects not within the MFA Commercial Area, unless such public improvements are not eligible for reimbursement pursuant to the MFA, Section 12.3.

Special Condition No. 8 (Parcels A-1, A-3 and A-4):

Centerra Properties West, LLC and its affiliates are entitled to receive certain credits against City water system impact fees and City capital expansion fees for streets in connection with Development Projects within Parcels A-1, A-3 and A-4 (MFA Commercial Area) pursuant to the terms of the MFA. Refer to Section 12.1 of the MFA for the specific terms.

Special Condition No. 9 (Parcels A-1, A-3 and A-4):

Except as provided in Special Conditions Nos. 7 and 8 above, the Applicant of every project within Parcels A-1, A-3 and A-4 (MFA Commercial Area) shall be responsible for payment of all applicable City development fees and use taxes and for satisfaction of all raw water requirements. Refer to Section 12.3 of the MFA for the specific terms.

Special Condition No. 10 (Parcels A-2, and A-5 and A-8):

With the exception of the local street segment as defined in LCUASS, all streets that are included in the City's Transportation Capital Improvement Plan, as part of the Transportation Plan ("CIP"), shall be deemed part of the City's street capital expansion fee system and eligible for street CEF reimbursement consistent with City policy, which City policy presently designates only those streets classified as arterial and above as part of such CIP system and eligible for reimbursement. To the extent the Developer, as a condition of the development of Parcels A-2 or A-5, has designed and/or constructed, or caused to be designed and constructed, improvements to such streets, it shall be entitled to a reimbursement therefor but such reimbursement shall be in an amount equal to the costs incurred by or on behalf of the Developer in the design and construction of such streets (including the cost of off-site easement acquisition), plus interest at the average rate received by the City on its investments over the twelve (12)-month period preceding the date such interest commences to accrue, compounded annually and accruing from the date of completion and acceptance of the eligible improvement to the date reimbursement has been made. The Developer shall be reimbursed an amount equal to eighty percent (80%) of each applicable street CEF actually paid by any person or entity other than the City for each building permit within all projects in the GDP, and such reimbursement shall continue to apply until the Developer has received reimbursements in an amount equal to the total cost, as calculated above, of those eligible streets designed and constructed, or caused to be designed and constructed, by the Developer. The remaining twenty

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

RAILROAD

Special Condition No. 18 (Parcel A):

For the purpose of mitigating general railroad noise and vibration, the Applicant shall provide a buffer yard between Buildings for residential occupancy on lots in Parcel A and the Union Pacific Railroad right-of-way in accordance with the requirements set forth in Section 15, Appendix A of the GDP.

Special Condition No. 19 (Parcels A-1, through A-3 and A-8):

The Union Pacific Railroad tracks run through Parcel A generally from the northwest corner of such parcel to the southeast corner of the parcel. Residents adjacent to such railroad tracks may experience noise and vibration effects resulting from the passage of trains on such tracks in close proximity to adjacent Lots. A notice reciting the above-stated potential impacts from such railroad tracks shall be placed on each subdivision plat which includes any portion of Parcels A-1, A-3, or A-8 within 500 feet of the railroad right-of-way.

SCHOOL DISTRICT

Special Condition No. 20 (Parcel A-1):

The development of a Mixed Use Village Center in Parcel A-1 shall not require the dedication of land for a school site, however, the School District will assess fees in lieu of land dedication in accordance with the School District IGA as Category B (5 or more attached units).

Special Condition No. 21 (Parcels A-2 and A-8):

The Developer shall dedicate one ten (10)-acre elementary school site within Parcel A-2 or A-8 to the School District in accordance with the requirements of the School District IGA, the Municipal Code to the extent not inconsistent with the School District IGA, and the site selection criteria of the School District established by its current Master Plan. So long as the dedicated site provides two points of roadway access and does not contain on-site detention, the size of such site shall be ten (10) acres. If

the foregoing conditions are not met with the site, the acreage may be increased, at the School District's discretion, up to a total of twelve (12) acres for such site, as needed to provide sufficient accessibility and developable acreage. The timing of the dedication shall be in accordance with the requirements of the Municipal Code and the School District IGA. Any land dedicated for a school site, which land is subsequently conveyed to the Developer or others upon the School District's determination that the land is not suitable for school purposes, shall remain subject to the Performance Standards and allowed uses for Parcels A-2 and A-8 following such conveyance. All land dedicated and used for school purposes shall remain subject to the Performance Standards to the extent consistent with State law.

In accordance with an agreement between the Developer and the School District, the School District has agreed to work in good faith with the Centerra DRC (or its assignee) to provide a design for the school on the dedicated school site generally consistent with the architectural theme of the GDP, subject to budgetary constraints of the School District and to the final decision of the Board of Education of the School District.

TRANSPORTATION

Special Condition No. 22 (Parcel A):

To the extent that street and/or trail crossings of the existing railroads are required as a condition of a Development Project within Parcel A to meet the ACF Regulations and any approved exceptions thereto or other applicable Municipal Code requirements, the City shall be responsible for processing the requests for Public Utilities Commission approval of such crossings, and the Applicant shall be responsible for the payment of the City's reasonable costs incurred therefor, including reasonable attorney's fees.

Special Condition No. 23 (Parcel A-1):

Unless designed and constructed by others, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations

EXHIBIT A
(planning commission 4/9)

PARCEL A

and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, Kendall Parkway from Centerra Parkway to US 34 to the standards required by the Transportation Plan and LCUASS. The necessity, timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within that portion of Parcel A-1 formerly known as the Central Parcel on the Grange Addition.

Special Condition No. 24 (Parcels A-1 through A-4 and A-8):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels A-1 through A-4.

- (a) Rocky Mountain Avenue from north of the Union Pacific Railroad crossing to Crossroads Boulevard.
- (b) Kendall Parkway from Boyd Lake Avenue to Rocky Mountain Avenue.
- (c) CR 24 (East 29th Street) from Rocky Mountain Avenue under I-25 to the north/south major arterial roadway in Parcel A.
- (d) Boyd Lake Avenue from CR 20C East 5th Street) to CR 24E (East 37th Street).
- (e) CR 20C (East 5th Street) from Boyd Lake Avenue to CR 9E (Sculptor Drive).
- (f) CR 9E (Sculptor Drive) from US 34 to State Highway 402.

Special Condition No. 25 (Parcel A-5):

Prior to or concurrent with the approval of any Development Project or Final Plat within Parcel A-5, or as otherwise approved by the City Engineer, the owner shall dedicate, at no cost to the City, the right-of-way necessary for all street improvements either within or adjacent to said Development Project or Final Plat that are shown on the Transportation Plan.

Special Condition No. 26 (Parcel A-5):

Unless designed and constructed by others or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcel A-5.

- (a) County Road 3 from the north boundary of Parcel A-5 to US 34.
- (b) Boyd Lake Avenue adjacent to Parcel C-4.
- (c) Kendall Parkway from Boyd Lake Avenue to Rocky Mountain Avenue.

Special Condition No. 27 (Parcels A-6 and A-7):

Unless designed and constructed by others, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The necessity, timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels A-6 and A-7.

- (a) High Plains Boulevard (LCR3) adjacent to Parcel A-7 to US 34.
- (b) Centerra Parkway from Kendall Parkway to Crossroads Boulevard.

EXHIBIT A
(planning commission 4/9)

NON-RESIDENTIAL SITE PLANNING CRITERIA

TABLE OF CONTENTS
SECTION 6

SECTION 6.....	1
NON-RESIDENTIAL SITE PLANNING CRITERIA.....	1
6.1 SITE LAYOUT.....	1
6.2 BOUNDARIES/RIGHTS-OF-WAY/ EASEMENTS.....	1
6.3 SETBACKS.....	1
6.4 BUILDING AND STRUCTURE HEIGHTS	3
6.5 SHADOW AND SHADING ANALYSIS	3
6.6 OPEN SPACE REQUIREMENTS	4
6.7 ALLOWABLE OPEN SPACE ELEMENTS	5
6.8 LAND USE COMPATIBILITY	5
6.8.1 Outdoor Storage Areas/Mechanical Equipment.....	5
6.8.2 Noise.....	5
6.8.3 Bufferyards.....	5
6.9 VIEW CORRIDORS	6
6.10 RETAIL SITE AMENITIES AND DRIVE THROUGH FACILITIES	6
6.10.1 Retail Site Amenities.....	6
6.10.2 Drive-Through Facilities	6
6.11 US 34 AND I-25 DESIGN CONSIDERATIONS	7
6.11.1 Policy.....	7
6.11.2 Context Diagram	7
6.11.3 US 34 Setback Treatment.....	7
6.11.4 I-25 Setback Treatment	7
6.12 ENVIRONMENTALLY SENSITIVE AREAS PLANNING	9
6.13 LANDSCAPING	10
6.13.1 Landscape Design and Materials	11
6.13.2 Tree Stocking	12
6.13.3 Foundation Planting	12
6.13.4 Retaining Walls.....	12
6.13.5 Ownership and Maintenance.....	12
6.14 EXISTING VEGETATION.....	13
6.15 IRRIGATION SYSTEM.....	13
6.16 INTERNAL PARKING LOT LANDSCAPING	13
6.16.1 Policy.....	13
6.16.2 Criteria.....	13
6.17 PARKING LOT SCREENS.....	14
6.17.1 Policy.....	14
6.17.2 Criteria.....	14
6.18 SNOW REMOVAL.....	14
6.19 DRAINAGE.....	15
6.20 UTILITIES, MECHANICAL EQUIPMENT, AND COMMUNICATION DEVICES	15
6.20.1 Permanent Utility Lines	15
6.20.2 Temporary Overhead Power and Telephone Lines.....	15
6.20.3 Communication Devices and Mechanical Equipment	15
6.20.4 Transformers, Gas Meters	16
6.20.5 Equipment Sound Levels	16

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

6.20.6	Installation of Ground-Level Structures.....	16
6.21	SERVICE AREAS	16
6.21.1	Policy.....	16 17
6.21.2	Criteria.....	17
6.22	OUTDOOR STORAGE.....	17 18
6.23	CART STORAGE, VENDING MACHINES, ETC.	18
6.24	OUTDOOR SALES/DISPLAY	18
6.25	SECURITY FENCES/WALLS	18
6.25.1	Policy.....	18
6.25.2	Criteria.....	18
6.26	SITE FURNISHINGS	19
6.27	SIGNAGE	19 20
6.27.1	Policy.....	19 20
6.27.2	Criteria.....	19 20
6.28	LIGHTING.....	20
6.28.1	Policy.....	20
6.28.2	Criteria.....	20
6.28.3	Normative Lighting Criteria.....	21
6.28.4	Lighting Levels	22

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

Table 6-3
Open Space Requirements

Land Use	Minimum % Private Open Space Required*
Light & Heavy Commercial	20%
Institutional/Civic/Public	30%
Light and Heavy Industrial	20%
Notes: The percentages listed for minimum Private Open Space may be adjusted administratively up to 10% as long as the intent of the GDP is respected. *Private Open Space requirements for Mixed Use Village Centers may be reduced. The core of the Mixed Use Village Center will be allowed 0% Open Space, and more Open Space is required as density of the Mixed Use Village Center feathers out. 10% Open Space is required for Multi-Family Dwellings within Mixed Use Village Centers, unless located within ¼ mile of another existing or planned Common Open Space area.	

Buildings shall be, to the extent practical, located and designed so as not to cast a shadow onto structures within the site or on adjacent property greater than the shadow which would be cast by a thirty-foot hypothetical wall located along the property lines of the development between the hours of 9:00 am and 3:00 p.m., MST on December 21.

~~If a project does not comply with a strict interpretation of the shadow analysis requirements, but it does meet the intent of the standard, as stated in the first paragraph of this Section 6.5, the Director, or his/her appointee may allow alternates to the shading standards subject to approval from the affected property owner(s).~~

6.6 OPEN SPACE REQUIREMENTS

The minimum Private Open Space requirement for each Lot is indicated in Table 6-3, Open Space Requirements.

A minimum of 85% of the area defined as Private Open Space shall be vegetated landscaped areas. The intent is to create spaces which can be seen, used and enjoyed by people, whether on foot or in a vehicle. (See also Section 6.13 and 6.15).

An implementation plan shall be submitted for non-irrigated landscape areas describing how and when the non-irrigated areas will be established. Non-irrigated landscaping shall be established within a 3 year timeframe. Financial security, in a form and amount that is acceptable to the City in accordance with the Municipal Code, shall be provided to ensure seed establishment. In the event that the Centerra Metropolitan District No. 1 installs such landscaping, the financial security shall be in accordance with Section 4.3 of the MFA.

The Private Open Space requirement for an individual Lot may be reduced by 5% (for example, reduce requirements from 20% to 15%) where a Lot abuts public or Common Open Space or a golf course, if a minimum of one-third of the Lot's total perimeter length is immediately adjacent to the public or Common Open Space. The public or Common Open Space area which the Lot abuts, must also have an average width of 30' along the Lots edge in order for the reduction to be applied.

Private Open Space requirements for individual Lots within a Planned Retail Center and campuses may be reduced (if approved by the Centerra DRC and City), provided that the total percentage of Open

EXHIBIT A
(planning commission 4/9)

NON-RESIDENTIAL SITE PLANNING CRITERIA

6.11 US 34 AND I-25 DESIGN CONSIDERATIONS

6.11.1 Policy

This GDP will have a significant presence along both US 34 and I-25. The intent of this section is to ensure that development located adjacent to either US 34 and I-25 is planned cohesively with visual quality and consistency in mind.

6.11.2 Context Diagram

Development Projects located within ¼ mile of either I-25 or US 34 right-of-way, and for Development Projects including a Mixed Use Village Center, shall include a Context Diagram (or reference an existing Context Diagram provided with an earlier application). The purpose of the Context Diagram is to illustrate how the project will contribute to the make-up of the roadway frontage, to illustrate that land uses are planned as cohesive center(s) with coordinated access, circulation, signage locations and landscape treatments.

The Applicant shall submit for review by the City, in conjunction with the plat review process, a possible configuration (or alternative configurations) of the land within 500 feet of the Development Project, (excluding land that is not a part of the GDP and land which is not within a ¼ mile of I-25 or US 34).

The Context Diagram shall include the following:

- A. Potential land uses and existing land uses;
- B. Pedestrian and vehicular circulation patterns;
- C. Open Space areas;
- D. Landscape standards;
- E. Conceptual drainage systems;
- F. Conceptual location of ground mounted project signs;

- G. Other general planning considerations within 500' of the proposed Development Project;
- H. Linkages to areas immediately adjacent, important views, corridors and vistas, and Environmentally Sensitive Areas (as identified within this GDP);
- I. The Context Diagram shall clearly indicate which elements are schematic and subject to change with future Preliminary Plats, and which elements are considered to be conditions of approval of the concurrent Preliminary Plat application.

6.11.3 US 34 Setback Treatment

The recommendations of the U.S. 34 Corridor Plan (available from the City) will be incorporated into the GDP. As an extension of the U.S. 34 Corridor Plan, property abutting US 34 east of I-25 will incorporate the recommended U.S. 34 Corridor Zones as shown in Figure 6-1. Alternatives to the recommendations of the U.S. 34 Corridor Plan shall be allowed subject to the approval of the Director.

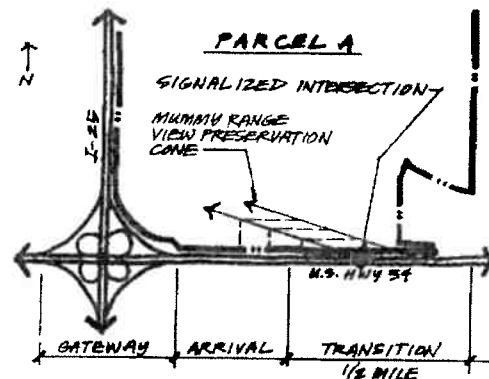


Figure 6-1 – View Preservation Cones will be Implemented at Signalized Intersection

6.11.4 I-25 Setback Treatment

- A. A consistent and high quality image shall be presented along I-25 corridor. Visual impacts of Buildings shall be softened and views to parking areas shall be screened where possible.
- B. The I-25 right-of-way will be primarily unirrigated grasses and sculpted landforms with oc-

EXHIBIT A
(planning commission 4/9)

NON-RESIDENTIAL SITE PLANNING CRITERIA



**6.12 ENVIRONMENTALLY SENSITIVE
AREAS PLANNING**

Note: The Environmentally Sensitive Areas Planning Performance Standards apply to all proposed land uses within this GDP.

- A. ESARs are provided within Section 14 of this GDP. No further ESAR will be required with Preliminary Plats except in the case of sensitive, threatened, or endangered species as described below. The existing ESARs will suffice for Preliminary Plats when supplemented with the detailed reports and detailed preliminary design plans submitted as outlined below.
- B. The City and the Applicant acknowledge that future federal or State listing of sensitive, threatened, or endangered species may result in the need to further analyze environmental conditions on the property. With future listings of such species, the City or the Applicant may require submittal of a supplemental ESAR solely to address the potential presence of, impacts to, and mitigation appropriate for said species.
- C. In the more typical process for detailed planning and design of Environmentally Sensitive Areas, the Applicant will prepare, in consultation with the City's environmental planning staff a three step *Amenities Framework Plan* that will include:
 - 1. A *Conceptual Amenity Map* – included as a part of this GDP - addressing general locations of natural/Environmentally Sensitive Areas, school sites, parks, trail systems, and other Recreational Facilities. This plan clarifies that;
 - a. Developed portions of neighborhood park and school sites will not encroach on buffers as defined in the associated ESAR, as amended from time to time (included in this GDP).
 - b. Industrial, manufacturing, or similar uses of potential concern planned within 300' of Environmentally Sensitive Areas may, at the City's option, be required to provide a noise impact/mitigation study.
 - 2. Other *Supporting Documents* completed outside the scope of this GDP to address the long-term funding, maintenance, management, and potential environmental educational programs for Environmentally Sensitive Areas will be prepared and submitted for approval prior to the submittal of
- c. The determination of potential for a nature park or other educational/interpretive features integrated into any buffer areas will be made as the other *Supporting Documents* and *Detailed Preliminary Design Plans* evolve - as described below.
- d. Timing of installation, species, soil prep, weed control, irrigation, maintenance, etc. will be addressed in the appropriate *Detailed Preliminary Design Plans* for each area.
- e. Areas indicated as buffers are to be managed and protected from the impacts of human activities, but in some cases are not required to be totally inaccessible. In some areas, smaller buffers are intended only to address increased water quality concerns, which may be addressed through methods other than a predetermined setback of a certain dimension. Detention and other storm drainage management features may be integrated into some portions of larger buffer areas, subject to sensitive design. The same is true of some limited trail construction.
- f. Appropriate recreational uses as determined in the related ESAR will not be prohibited.
- g. The proposed trail across the divider of Houts Reservoir and Equalizer Lake is an important part of the overall pedestrian circulation system within the GDP. Because of the trail's proximity to the buffers called for as part of Areas 1, 2, 5, and 6, sensitive design and construction techniques are to be defined in the applicable *Detailed Preliminary Design Plans*.

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

1. Administrative Review. Development Projects for Uses-by-Right shall be processed in accordance with the Review Timelines for Administrative Review:

(a) The Review Timelines for Administrative Review have separate requirements for Development Projects with Uses-by-Right which fit within any of the following categories:

- (i) Those located on a previously platted Lot;
- (ii) Those submitted with a Boundary Line Adjustment or lot merger;
- (iii) Those submitted with a Minor Subdivision plat;
- (iv) Those submitted with a Major Subdivision plat consisting of a Preliminary Plat followed by a Final Plat; and
- (v) Those submitted with a Major Subdivision plat consisting with a combined Preliminary and Final Plat.

(b) Development Projects for Uses-by-Right subject to Administrative Review shall not be preceded by a pre-application conference unless requested by the Director or the Applicant, nor shall they require a Development Review Team Meeting as defined in the Municipal Code or review and approval by the Planning Commission or City Council.

2. Public Review.

(a) A Development Project for a Use-by-Right which includes any one or more of the uses listed in subsections (i) through (vi) below shall be preceded by a conceptual review team meeting and thereafter shall be processed in accordance with the Review Timelines for Public Review, which processes require a public hearing before the Planning Commission:

- (i) Any single Building over 60' in height ~~directly abutting one or more existing Single Family Detached or Single Family Attached residential properties, or with only an intervening collector classification or smaller street;~~
- ~~(ii) Any single Building over 100,000 gross square feet;~~

(iii) Any single Building over 50,000 gross square feet directly abutting one or more existing residential properties, or with only an intervening local classification or smaller street;

(iiiiv) Any Heavy Commercial Use directly abutting one or more existing residential properties or with only an intervening collector classification or smaller street;

(iv) Any Heavy Industrial Use abutting one or more existing residential properties or with only an intervening collector classification or smaller street; or

(vi) Veterinary facilities, Animal Clinics, Small Outdoor Use, and/or Pet Day Care Facilities with outdoor use adjacent to a residential neighborhood.

(b) A Development Project for a single nonphased project which includes a combined gross square footage of 500,000 non-residential square feet or more and the first Development Project within a Mixed Use Village Center shall be preceded by a conceptual review team meeting and thereafter shall be subject to Public Review in accordance with the Review Timeline therefor, which process requires public hearings before the Planning Commission and the City Council. The first Development Project within a Mixed Use Village Center shall be accompanied with Performance Standards for Mixed Use Village Centers which shall be incorporated into the GDP through the Major Amendment process concurrently with the first Development Project within a Mixed Use Village Center. Thereafter, all Development Projects within any Mixed Use Village Center shall be processed in accordance with the provisions of this Section 12 that are applicable to such subsequent Development Projects.

(c) The Public Review processes for the uses listed in (a) and (b) above shall include a neighborhood meeting and public hearings. Notice of the neighborhood meeting shall be given in accordance with the requirements of Section 12.3.7.B. Notice of the public hearings shall be given in accordance with the requirements of Section 12.3.7.A. Notification of mineral estate owners in the property shall be given in accordance with the requirements of Section 12.3.8.

*MILLENNIUM GDP***EXHIBIT A
(planning commission 4/9)**

"Gross Acreage" means the total area within a parcel, typically measured to the centerline of adjacent streets, which includes any public dedications for parks, schools or other public use.

"Gross Density" means the number of Dwelling Units per gross acre of land.

"Group Homes / Group Care Facilities" means residences or facilities licensed by or operated by a governmental agency, and specifically including State licensed foster care homes, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

"Health and Fitness Clubs" means organizations of persons for special purposes or for the promulgation of sports, fitness, recreation, arts, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings.

"Heavy Commercial Uses" means those uses set forth in Section 1.3.4 of the GDP.

"Heavy Industrial Uses" means those uses set forth in Section 1.3.7 of the GDP.

"Heavy Manufacturing" means manufacturing that is engaged in the basic processing and manufacturing of materials or products predominantly from extracted raw materials, petrochemical and rubber refining, primary metal mining or similar uses.

"HPEC" means the High Plains Environmental Center, a Colorado nonprofit corporation, or any successor thereto.

"HPF" means the High Plains Foundation, a Colorado nonprofit corporation, or any successor thereto.

"Hotel" and "Motel" means a Building designed for temporary occupancy in which there are ten or more guest rooms and in which no provision is made for cooking in any individual room or suite. A motel or hotel room or suite which includes cooking facilities shall be considered a dwelling unit.

"Housing Type" shall mean the various types of residential development including, but not limited to, Single Family Attached Dwellings, Single Family Detached Dwellings, Townhomes, Condominiums, Patio Homes, Zero Lot Line Homes, Multi-Family Dwellings, apartments, Mixed Use Residential, Live/Work Structures, Co-Housing, Senior House of a Residential Nature and Extended Stay Housing.

"I-25" means Interstate Highway No. 25.

"Immediate Neighborhood" means a cohesive sub-area of a MUN which is typically comprised of one or two (or sometimes more) housing types, possibly with compatible supporting non-residential uses; have related architectural character; and are usually between eight and thirty acres in size. See MUN.

"Improvements" include, but are not limited to, any and all buildings, out-buildings, roads, driveways, parking areas, fences, screening walls, retaining walls, loading areas, signs, utilities, lawns, lighting, landscaping, and walkways, including all those located on building sites and common areas, as well as any construction, work, or treatment done or applied to any of the property in connection therewith.

"In-Line Retail" means attached retail stores.

"Independent Living Communities" means communities for seniors that include Single-Family Detached Dwellings, Single-Family Attached Dwellings, condominiums, and/or apartments where the residents maintain an independent lifestyle.

EXHIBIT A
(planning commission 4/9)
DEFINITIONS

"Indoor Recreation Use" means exercise and athletic facilities, and amusement and recreational services, such as billiard and pool parlors, dance studios, martial art schools, and arts and crafts studios, but not including bowling alleys or establishments which have large-scale gymnasium-type facilities for such activities as tennis, roller or ice skating, and/or competitive swimming.

"Infrastructure" means those man-made structures which serve the common needs of the population, such as: potable water systems, potable water wells serving a system, non-potable water systems for irrigation; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails.

"Institutional/Civic/Public Uses" means those uses set forth in Section 1.3.1 of the GDP.

"Landscaping" or "Landscaped" means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grassed, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of existing trees.

"Larimer County Records" means the records of the Clerk and Recorder of Larimer County, Colorado.

"LCUASS" means the Larimer County Urban Area Street Standards adopted by the City, and all amendments thereto.

"Level of Service" means the level of service standards as defined in the Municipal Code.

"Light Commercial Uses" means those uses listed in Section 1.3.3 of the GDP.

"Light Industrial Uses" means those uses listed in Section 1.3.6 of the GDP.

"Light Manufacturing" means manufacturing that is predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products provided all manufacturing activities are contained within a building.

"Live / Work Structure" means a Building incorporating a Dwelling Unit with a first floor (and possibly second-floor) retail, office, or other non-residential use allowed as a part of an Urban Character village in a MUN or as part of a residential neighborhood not within a MUN.

"Lot" means a portion of a subdivision intended as a unit for transfer of ownership or for development, which has access to a public right-of-way.

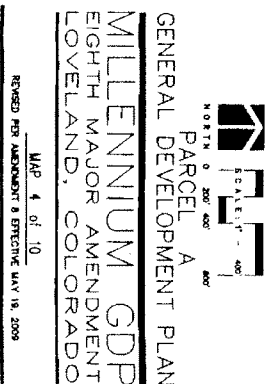
"LURA" shall mean the Loveland Urban Renewal Authority.

"Major Subdivision" or "Subdivision" means all subdivisions not falling within the definition of a Minor Subdivision, and which are not Boundary Line Adjustments or lot mergers. Except where otherwise specified or where the context requires otherwise, the term subdivision as used herein shall mean Major Subdivision.

~~"Manufacturing" means a facility wherein goods are produced or repaired, using necessary equipment for the manufacturing of materials or products from extracted or raw materials.~~

"Maximum Extent Feasible" means that no feasible and prudent alternative exists, and all possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken.

EXHIBIT A



MAP 4 OF 10 LAND USE LEGEND

EXHIBIT A

SUB-PARCEL:	ACRES:	USES-BY-RIGHT:	SPECIAL REVIEW USES:	MAXIMUM DENSITY FOR ANY INDIVIDUAL PHASE ON A SINGLE PLAT (RESIDENTIAL USE ONLY):	MAXIMUM RESIDENTIAL UNITS:	OTHER FOOTNOTES:
A1	185	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Mixed-Use Village Center (MUVC) Residential (Not in a MUN) Parks and Open Space	Heavy Industrial	MUVC+ RES (not in a MUN) 30 DU/AC ++	1250	** ***
A2	185329	Institutional/Civic/Public Light Commercial Light Industrial Mixed-Use Village Center (MUVC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space	Heavy Commercial Heavy Industrial	MUVC+ RES (Not in a MUN) 30 DU/AC++ RES (MUN) 30 DU/AC+++	8804568	
A3	213	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Heavy Industrial Mixed-Use Village Center (MUVC) Residential Mixed-Use Neighborhood Residential (Not in a MUN) Parks and Open Space		MUVC+ RES (Not in a MUN) 30 DU/AC++ RES (MUN) 30 DU/AC+++	1000	** ***
A4	100	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Parks and Open Space			0	
A5	158	Institutional/Civic/Public Light Commercial Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space		RES (Not in a MUN) Δ RES (MUN) 30 DU/AC Δ Δ	632	
A6	47	Institutional/Civic/Public Light Commercial Mixed-Use Village Center (MUVC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space	Heavy Commercial	MUVC+ RES (Not in a MUN) Δ RES (MUN) 30 DU/AC Δ Δ	664	*
A7	32	Institutional/Civic/Public Light Commercial Mixed-Use Village Center (MUVC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space		MUVC+ RES (Not in a MUN) Δ RES (MUN) 30 DU/AC Δ Δ	127	*
A8	144	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Mixed-Use Village Center (MUVC) Residential (Not in a MUN) Parks and Open Space	Heavy Industrial	MUVC+ RES (not in a MUN) 30 DU/AC ++ RES (MUN) 30 DU/AC+++	688	
Sub-Total	1,064					
Eisenhower Blvd. (US34) R.O.W	8	NA	NA			
Common Open Space	76	Parks & Open Space				
Railroad R.O.W.	18	NA	NA			
TOTAL	1,166					

- * The density of individual phases of development within a Mixed-Use Village Center with Residential uses shall not be restricted provided that the maximum number of dwelling units is not exceeded.
- ++ 30 Dwelling Units per acre for Multi-Family Dwellings. All other maximum densities per Table 10-1.
- +++ 30 dwelling units per acre for Multi-Family Dwellings. All other maximum densities per Table 9-1.
- Δ Maximum densities per Table 10-1.
- Δ Δ Maximum densities per Table 9-1.
- * Parcels A6 and A7 are to be predominantly Residential Non-Residential uses will be secondary and complementary to the Residential uses.
- ** Single Family Detached Dwellings are prohibited.
- *** The total maximum acres combined in sub-parcels A1 and A3 of Residential uses (Excludes Residential in a Mixed-Use Structure) is 107 acres. Please refer to special condition No. 14 in Appendix 2-1.

EXHIBIT A
(planning commission 4/9)

Attachment C

Agenda for Planning Commission Hearing April 9, 2012

**EXHIBIT A**
(planning commission 4/9)**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

Monday, April 9, 2012
500 E. 3rd Street – Council Chambers
Loveland, CO 80537

THE CITY OF LOVELAND DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY, RACE, CREED, COLOR, GENDER, SEXUAL ORIENTATION, RELIGION, AGE, NATIONAL ORIGIN OR ANCESTRY IN THE PROVISION OF SERVICES. FOR DISABLED PERSONS NEEDING REASONABLE ACCOMODATIONS TO ATTEND OR PARTICIPATE IN A CITY SERVICE OR PROGRAM, CALL 962-2523 OR TDD 962-2620 AS FAR IN ADVANCE AS POSSIBLE.

I. CALL TO ORDER**II. PLEDGE OF ALLEGIANCE****III. REPORTS:****a. Citizen Reports**

This is time for citizens to address the Commission on matters not on the published agenda.

b. Staff Matters**c. Committee Reports****d. Commission Comments**

Policy matters, directions to staff, etc.

IV. CONSENT AGENDA:

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request removal of an item from the consent agenda for discussion. Items removed from the consent agenda will be heard at the beginning of the regular agenda.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

No Consent Agenda items are scheduled for this meeting.

EXHIBIT A**(planning commission 4/9)****V. REGULAR AGENDA:****1. Millennium GDP Amendment #9.**

This is a public hearing to consider an amendment to the Millennium Addition PUD General Development Plan that would:

- 1) Add definitions for light and heavy manufacturing and specify location allowances for each use;
- 2) Adjust non-residential site planning criteria for shadow/shading analysis and context diagrams;
- 3) Modify public hearing requirement criteria for development proposals; and
- 4) Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25

Staff supports the proposed amendment. Review of this application requires quasi-judicial action by the Planning Commission.

2. Bicycle and Pedestrian Plan.

Staff is recommending the Planning Commission consider making a motion to approve a resolution stating that the *Bicycle and Pedestrian Plan* is consistent with the City's Comprehensive Plan. The primary plan area is comprised of the City of Loveland's Growth Management Area (GMA) and associated links to adjacent communities. The Bicycle and Pedestrian Plan is presented to the Planning Commission for review and a recommendation because it is part of the 2030 Transportation Plan which is a functional component of the 2005 Comprehensive Plan. Review of this application requires legislative action by the Planning Commission.

VI. ADJOURNMENT

Attachment D

Chart Reflecting Differences in Proposed Amendments
Received by Promenade from McWhinney and Proposed
Amendments Provided to Planning Commission

EXHIBIT A
(planning commission 4/9)

REVIEW OF:
Redlined Amendments as Provided by McWhinney
Compared to
Redlined Amendments as Provided in Staff Report

**For purposes of this review, we only draw your attention to those sections where there are inconsistencies between the two documents; we do not cite to sections where the two documents were consistent in language proposed.

Amendments in Document Provided by McWhinney (page number)	Amendments in Staff Report (page number)
SECTION 1	
<p>1.3.6 Light Industrial Uses</p> <p>A. Warehouses and Distribution</p> <p>B. Flex Office/R&D/Industrial/Warehouse</p> <p>B-C. Light Manufacturing</p> <p>D. Research Laboratories.</p> <p>E. Medical laboratories.</p> <p>F. Workshops and Custom Small Industry uses.</p> <p>G. Outdoor Storage of Recreational Vehicle, Boats and Trucks.</p> <p>H. Accessory Buildings and Uses including outdoor storage of equipment, products or other goods that occupy no greater than 10% of the gross square footage of the structure related to the above-listed uses.</p> <p>I. Outdoor Accessory Uses related to the above-listed uses. Outdoor Storage, other than as allowed in item 1.3.6.F above, is not allowed with Light Industrial Uses.</p> <p>(see page 1-5)</p>	<p>1.3.6 Light Industrial Uses</p> <p>A. Warehouses and Distribution</p> <p>B. Flex Office/R&D/Industrial/Warehouse</p> <p>B-C. Light Manufacturing</p> <p>D. Research Laboratories.</p> <p>E. Medical laboratories.</p> <p>F. Workshops and Custom Small Industry uses.</p> <p>G. Outdoor Storage of Recreational Vehicle, Boats and Trucks.</p> <p>H. Accessory Uses that occupy no greater than 10% of the gross square footage of the structure related to the above listed uses.</p> <p>I. Outdoor Accessory Uses related to the above-listed uses. Outdoor Storage, other than as allowed in item 1.3.6.F above, is not allowed with Light Industrial Uses.</p> <p>(see page 1-5)</p>

EXHIBIT A
(planning commission 4/9)

Amendments in Document Provided by McWhinney (page number)	Amendments in Staff Report (page number)
<p>1.3.7 Heavy Industrial Uses</p> <p>A. Wireless Telecommunications Facility / Services.</p> <p>B. Personal Wireless Services / Facilities</p> <p>C. <u>Heavy</u> Manufacturing.</p> <p>D. Recycling facilities, heavy industry.</p> <p>E. Vehicle Major Repair, Servicing and Maintenance.</p> <p>F. Accessory <u>Buildings and Uses related to the above-listed uses.</u></p> <p>G. Outdoor Storage <u>of equipment, products or other goods as a principle use related to the above-listed uses.</u></p> <p>H. Light Industrial Uses that have Outdoor Storage associated with them.</p> <p>(see page 1-5)</p>	<p>1.3.7 Heavy Industrial Uses</p> <p>A. Wireless Telecommunications Facility / Services.</p> <p>B. Personal Wireless Services / Facilities</p> <p>C. <u>Heavy</u> Manufacturing.</p> <p>D. Recycling facilities, heavy industry.</p> <p>E. Vehicle Major Repair, Servicing and Maintenance.</p> <p>F. Accessory Uses related to the above-listed uses.</p> <p>G. Outdoor Storage related to the above-listed uses.</p> <p>H. Light Industrial Uses that have Outdoor Storage associated with them.</p> <p>(see page 1-5)</p>
<p>TT. Manufacturing.</p> <p>UU. Recycling facilities, heavy industry.</p> <p>VV. Vehicle Major Repair, Servicing and Maintenance.</p> <p>(see page 1-6). No proposed revision to the current GDP in this version.</p>	<p>TT. <u>Light and Heavy</u> Manufacturing.</p> <p>UU. Recycling facilities, heavy industry.</p> <p>VV. Vehicle Major Repair, Servicing and Maintenance.</p> <p>WW. Privately owned and maintained landscape areas.</p> <p>(see page 1-6)</p>

EXHIBIT A
(planning commission 4/9)

Amendments in Document Provided by McWhinney (page number)	Amendments in Staff Report (page number)
SECTION 2	
<p><u>Special Condition No. 1 (Parcels A-1, A-3, through A-4 and A-8):</u></p> <p>Those portions of Parcel A that are located within the boundaries of the Airport Influence Area (including portions of Parcels A-1, A-2 and A-3 and all of Parcel A-4) as depicted on Map 4 in Section 11 of the GDP are subject to that Avigation Easement recorded in the Larimer County Records on July 9, 2004 at Reception No. 2004-0066598.</p> <p>(see page 2-5)</p>	<p><u>Special Condition No. 1 (Parcels A-1, A-3, through A-4 and A-8):</u></p> <p>Those portions of Parcel A that are located within the boundaries of the Airport Influence Area (including portions of Parcels A-1, A-32 and A-83 and all of Parcel A-4) as depicted on Map 4 in Section 11 of the GDP are subject to that Avigation Easement recorded in the Larimer County Records on July 9, 2004 at Reception No. 2004-0066598.</p> <p>(see page 2-5)</p>
<p><u>Special Condition No. 10 (Parcels A-2, and A-5 and A-8):</u></p> <p>...</p> <p>system and eligible for reimbursement. To the extent the Developer, as a condition of the development of Parcels A-2 or A-5, has designed and/or constructed, or caused to be designed and constructed, improvements to such streets, it shall be entitled to a reimbursement therefor but such reimbursement shall be subject to the following conditions:</p> <p>(see page 2-6)</p>	<p><u>Special Condition No. 10 (Parcels A-2, and A-5 and A-8):</u></p> <p>...</p> <p>system and eligible for reimbursement. To the extent the Developer, as a condition of the development of Parcels A-2, A-5 or A-85, has designed and/or constructed, or caused to be designed and constructed, improvements to such streets, it shall be entitled to a reimbursement therefor but such reimbursement shall be subject to the following conditions:</p> <p>(see page 2-6)</p>

EXHIBIT A
(planning commission 4/9)

Amendments in Document Provided by McWhinney (page number)	Amendments in Staff Report (page number)
<p><u>Special Condition No. 24 (Parcels A-1 through A-4 and A-8):</u></p> <p>Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels A-1 through A-4.</p> <p>(see page 2-9)</p>	<p><u>Special Condition No. 24 (Parcels A-1 through A-4 and A-8):</u></p> <p>Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels A-1 through A-4 and A-8.</p> <p>(see page 2-9)</p>
SECTION 6	
<p>6.11 US 34 AND I-25 DESIGN CONSIDERATIONS</p> <p>6.11.1 Policy</p> <p>This GDP will have a significant presence along both US 34 and I-25. The intent of this section is to ensure that development located adjacent to either US 34 and I-25 is planned cohesively with visual quality and consistency in mind.</p> <p>(see page 6-7). No proposed revision to the current GDP language in this version.</p>	<p>6.11 <u>US 34, AND I-25 AND MULTI-PHASED CAMPUS-STYLE DEVELOPMENT</u> DESIGN CONSIDERATIONS</p> <p>6.11.1 Policy</p> <p>This GDP will have a significant presence along both US 34 and I-25. The intent of this section is to ensure that development located adjacent to either US 34 and I-25 <u>and multi-phased campus-style development projects of 50 acres in size or larger are</u> planned cohesively with visual quality and consistency in mind.</p> <p>(see page 6-7)</p>

EXHIBIT A
(planning commission 4/9)

Amendments in Document Provided by McWhinney (page number)	Amendments in Staff Report (page number)
<p>6.11.2 Context Diagram</p> <p>Development Projects located within ¼ mile of either I-25 or US 34 right-of-way., and for Development Projects including a Mixed Use Village Center, shall include a Context Diagram (or reference an existing Context Diagram provided with an earlier application). The purpose of the Context Diagram is to illustrate how the project will contribute to the make-up of the roadway frontage, to illustrate that land uses are planned as cohesive center(s) with coordinated access, circulation, signage locations and landscape treatments.</p> <p>(continued)</p> <p>The Context Diagram shall include the following:</p> <p>...</p> <p>E. Conceptual drainage systems;</p> <p>...</p> <p>(see page 6-7). No proposed revision to the current GDP in this version.</p>	<p>6.11.2 Context Diagram</p> <p>Development Projects located within ¼ mile of either I-25 or US 34 right-of-way-, and for Development Projects including a Mixed Use Village Center <u>and multi-phased campus-style development projects of 50 acres in size or larger</u>, shall include a Context Diagram (or reference an existing Context Diagram provided with an earlier application). The purpose of the Context Diagram is to illustrate how the project will contribute to the make-up of the roadway frontage, to illustrate that land uses are planned as cohesive center(s) with coordinated access, circulation, signage locations and landscape treatments.</p> <p>(continued)</p> <p>The Context Diagram <u>for Development Projects within ¼ mile of either I-25 or US 34 right-of-way</u> shall include the following:</p> <p>...</p> <p>E. Conceptual drainage <u>and utility</u> systems;</p> <p>...</p>

EXHIBIT A
(planning commission 4/9)

Amendments in Document Provided by McWhinney (page number)	Amendments in Staff Report (page number)
	<p><u>Multi-phased campus style development projects of 50 acres in size or larger, the Applicant shall submit for review by the City in conjunction with the first Site Development Plan review process, a possible configuration (or alternative configurations) of land within the defined campus. The context diagram shall include the following:</u></p> <p><u>A.Potential land uses and existing land uses;</u> <u>B.Pedestrian and vehicular circulation patterns;</u> <u>C.Open Space areas;</u> <u>D.Conceptual drainage and utility systems;</u> <u>E.Linkages to areas immediately adjacent, important views, corridors and vistas, and Environmentally sensitive Areas (as identified within this GDP).</u></p> <p>(see page 6-7)</p>
<p>6.12.C.1</p> <p>b. Industrial, manufacturing, or similar uses of potential concern planned within 300' of Environmentally Sensitive Areas may, at the City's option, be re-</p> <p>(see page 6-9). No proposed revision to the current GDP in this version.</p>	<p>6.12.C.1</p> <p>b. Industrial, Heavy mManufacturing, or similar uses of potential concern planned within 300' of Environmentally Sensitive Areas may, at the City's</p> <p>(see page 6-9)</p>
SECTION 7	
<p>Section 7 was not included in the document provided by McWhinney.</p>	<p>7.17.2</p> <p><u>Light and Heavy Manufacturing / Industrial Activities:</u> 1 space for every 450 gross square feet of Floor Area or 1 for every 2 Employees, whichever is greater.</p>

EXHIBIT A
(planning commission 4/9)

Amendments in Document Provided by McWhinney (page number)	Amendments in Staff Report (page number)
	(see page 7-9)
SECTION 12	
<p>2. <u>Public Review.</u></p> <p>(a) A Development Project for a Use-by-Right which includes any one or more of the uses listed in subsections (i) through (vi) below shall be preceded by a conceptual review team meeting and thereafter shall be processed in accordance with the Review Timelines for Public Review, which processes require a public hearing before the Planning Commission:</p> <p>(i) Any single Building over 60' in height directly abutting one or more existing Single Family Detached or Single Family Attached residential properties, or with only an intervening collector classification or smaller street;</p> <p>(ii) Any single Building over 100,000 gross square feet;</p> <p>(iii) Any single Building over 50,000 gross square feet directly abutting one or more existing residential properties, or with only an intervening local classification or smaller street;</p> <p>(ii)(iv) Any Heavy Commercial Use directly abutting one or more existing residential properties or with only an intervening collector classification or smaller street;</p> <p>(iv) Any Heavy Industrial Use abutting one or more existing residential properties or with only an intervening collector classification or smaller street; or</p> <p>(vi) Veterinary facilities, Animal Clinics, Small Outdoor Use, and/or Pet Day Care Facilities with outdoor use adjacent to a residential neighborhood.</p> <p>(see page 12-4)</p>	<p>2. <u>Public Review.</u></p> <p>(a) A Development Project for a Use-by-Right which includes any one or more of the uses listed in subsections (i) through (vi) below shall be preceded by a conceptual review team meeting and thereafter shall be processed in accordance with the Review Timelines for Public Review, which processes require a public hearing before the Planning Commission:</p> <p>(i) Any single Building over 60' in height directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties, or with only an intervening street of collector or smaller street classification;</p> <p>(ii) Any single Building over 100,000 gross square feet;</p>

EXHIBIT A
(planning commission 4/9)

Amendments in Document Provided by McWhinney (page number)	Amendments in Staff Report (page number)
	<p>(iii) Any single Building over 50,000 gross square feet directly abutting one or more <u>existing platted or built Single Family Detached or Single Family Attached</u> residential properties, or with only an intervening <u>street of local classification</u> or smaller street <u>classification</u>;</p> <p>(iiiv) Any Heavy Commercial Use directly abutting one or more <u>existing platted or built Single Family Detached or Single Family Attached</u> residential properties <u>or with only an intervening street of collector or smaller street classification</u>;</p> <p>(iv) Any Heavy Industrial Use abutting one or more <u>existing platted or built</u> residential properties <u>or with only an intervening street of collector or smaller street classification</u>; or</p> <p>(vi) Veterinary facilities, Animal Clinics, Small Outdoor Use, and/or Pet Day Care Facilities with outdoor use adjacent to <u>any existing platted or built</u> residential neighborhood.</p> <p>(see page 12-4)</p>

Attachment E

Proposed Amendments Provided by City to Planning
Commission

EXHIBIT A
(planning commission 4/9)

OVERALL GDP NARRATIVE

- D. Group Homes / Group Care Facilities (Special Review Use only).
- E. Senior Housing of a Non-residential Nature.
- F. Veterinary facilities and Animal Clinics Small Outdoor Use including Pet Day Care Facilities.
- G. Auto Dealerships.
- H. Vehicle Major Repair, Servicing and Maintenance.
- I. Conference / Convention Centers.
- J. Retail Establishments (greater than 25,000 sf).
- K. Bars, taverns, nightclubs.
- L. Call Center.
- M. Vehicle Minor Repair, Servicing and Maintenance establishments (indoors).
- N. Entertainment Facilities and Theaters.
- O. Gasoline stations and Convenience Stores with fuel sales.
- P. Equipment, trucks and trailer rental establishments.
- Q. Parking lots and Parking Garages (as a principal use).
- R. Indoor Recreational Uses.
- S. Wireless Telecommunications Facility / Services (Special Review Use only).
- T. Personal Wireless Services / Facilities (Special Review Use only or in accordance with Municipal Code).
- U. Self storage, mini storage, mini Warehouse.
- V. Outdoor Storage related to the above listed uses.
- W. Light Commercial Uses that have Outdoor Storage associated with them.
- X. Accessory Uses related to the above listed uses.

1.3.5 Mixed Use Village Center

- A. The Light Commercial Uses listed in Section 1.3.3.
- B. The Institutional/Civic/Public Uses listed in Section 1.3.1.
- C. Multi-Family Dwellings.
- D. Single Family Attached Dwellings.
- E. Live/Work Structures.
- F. Parks and Open Space Uses listed in Section 1.3.9.
- G. The Heavy Commercial Uses listed in Section 1.3.4.

1.3.6 Light Industrial Uses

- A. Warehouses and Distribution
- B. Flex Office/R&D/Industrial/Warehouse
- ~~B.C. Light Manufacturing~~
- D. Research Laboratories.
- E. Medical laboratories.
- F. Workshops and Custom Small Industry uses.
- G. Outdoor Storage of Recreational Vehicle, Boats and Trucks.
- H. Accessory Uses that occupy no greater than 10% of the gross square footage of the structure related to the above listed uses.
- I. Outdoor Accessory Uses related to the above-listed uses. Outdoor Storage, other than as allowed in item 1.3.6.F above, is not allowed with Light Industrial Uses.

1.3.7 Heavy Industrial Uses

- A. Wireless Telecommunications Facility / Services.
- B. Personal Wireless Services / Facilities
- C. Heavy Manufacturing.
- D. Recycling facilities, heavy industry.
- E. Vehicle Major Repair, Servicing and Maintenance.
- F. Accessory Uses related to the above-listed uses.
- G. Outdoor Storage related to the above-listed uses.
- H. Light Industrial Uses that have Outdoor Storage associated with them.

1.3.8 Business Park Uses

- A. Public safety and emergency facilities.
- B. Parks, recreation and other open lands.
- C. Cemeteries.
- D. Community Facilities.
- E. Neighborhood Support/Recreational Facilities.
- F. Public and non-profit offices.
- G. Government, semipublic or other civic uses.
- H. Clubs and Lodges.
- I. Public utilities.
- J. General Offices.
- K. Bed and Breakfast Establishments.
- L. Restaurants, Indoor and Outdoor.

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

- M. Restaurants, Fast Food (drive-through permitted).
- N. Funeral homes / mortuaries.
- O. Grocery Stores (no greater than 20,000 sf).
- P. Financial services and institutions.
- Q. Artisan and photography studios and galleries.
- R. Veterinary facilities and small animal clinics.
- S. Medical offices.
- T. Open-Air Farmers Markets.
- U. Print Shops.
- V. Hotel/Motel.
- W. Retail Establishments.
- X. Health and Fitness Clubs.
- Y. Personal and Business Service Shops.
- Z. Supermarkets and Grocery Stores (greater than 20,000 SF).
- AA. Auto Dealerships.
- BB. Conference / Convention Centers.
- CC. Retail Establishments (greater than 10,000 SF).
- DD. Bars, taverns and nightclubs.
- EE. Call Center.
- FF. Vehicle Minor Repair, Servicing and Maintenance.
- GG. Entertainment Facilities and Theaters.
- HH. Gas stations and Convenience Stores with fuel sales.
- II. Equipment, trucks, and trailer rental.
- JJ. Parking lots and Parking Garages.
- KK. Indoor Recreational Uses and facilities.
- LL. Wireless Telecommunications Facility/Services.
- MM. Personal Wireless Facilities.
- NN. Warehouses.
- OO. Light Industrial Uses.
- PP. Flex Research and Development Facilities.
- QQ. Research and medical laboratories.
- RR. Workshops and Custom Industry uses.
- SS. Recreational vehicle, boats and truck storage.
- TT. Light and Heavy Manufacturing.
- UU. Recycling facilities, heavy industry.
- VV. Vehicle Major Repair, Servicing and Maintenance.
- WW. Privately owned and maintained landscape areas.

- XX. Publicly owned and maintained landscape areas.
- YY. Passive and active Recreation.
- ZZ. Agricultural Activity, community gardens or similar uses.
- AAA. Community Facilities, parks, Recreation Space and Recreation Facilities.
- BBB. Accessory Uses related to the above.
- CCC. Outdoor Accessory Uses related to above uses.

1.3.9 Parks and Open Space Uses

- A. Privately owned and maintained landscaped areas (parks, plaza, trails, etc.) or natural areas.
- B. Publicly owned and maintained landscaped areas or natural areas.
- C. Golf courses (public and private).
- D. Passive or active recreation fields, courtyards, Accessory Buildings, associated maintenance facilities, and clubhouses.
- E. Agricultural activity, community gardens, or similar uses.
- F. Community Facilities, cultural arts facilities, parks, Recreation Space and Recreation Facilities.

1.3.10 MUN

- A. Institutional/Civic/Public Uses
 - 1. Places of worship, churches, and other places of assembly.
 - 2. Public and private schools (elementary, intermediate, and high school, etc.).
 - 3. Other educational/training facilities if within an Urban Character Village.
 - 4. State licensed child or adult day-care centers.
 - 5. Group Homes/Group Care Facilities.
 - 6. Public safety and emergency facilities.
 - 7. Community Facilities (including golf courses, public and private).
 - 8. Indoor public and private cultural, educational and Recreational Facilities and community centers.
 - 9. Outdoor public and nonprofit educational and Recreational Facilities.

EXHIBIT A
(planning commission 4/9)

PARCEL A

SECTION 2
PARCEL A

2.1 INTRODUCTION

Parcel A is approximately 1166 acres in size and includes Parcels A, B and C of the East Region of the Millennium Addition, Tract A of the McWhinney Addition, Parcels C and D of the Savanna Addition and the East and Central Parcels of the Grange Addition.

This site is located at the northeast corner of I-25 and US 34 (East Eisenhower Boulevard). The site is divided by the Union Pacific Railroad tracks, which run roughly from the northwest corner of the site to the southeast corner of the site. The Greeley – Loveland Irrigation Canal and the Farmers Ditch cross the southern portion of the site. Refer to Map 1 and Map 4 in Section 11, for the location of Parcel A.

2.2 LAND USE INFORMATION

2.2.1 Existing Land Uses

Parcel A-3 is currently being developed as a regional shopping mall. The balance of Parcel A has existing agricultural activities and related uses and mineral extraction uses (2 oil wells). The existing agricultural uses are to be allowed to continue as legal non-conforming uses within this parcel.

There are two existing oil wells, buried concrete vaults and burn-off valve assemblies as well as four oil tanks near the northeast corner of this parcel. To the extent that the Developer acquires control of the mineral rights, the oil wells will be abandoned and the related structures listed above, will be removed and disposed of properly off-site prior to issuance of a building permit for development within 350' of the wells.

According to the Mineral Extraction Report prepared by Terracon on December 24, 1998 and the Mineral Extraction Report prepared by Earth Engineering Consultants, Inc. on March 29, 2007, there are no economically viable sand and gravel resources to be extracted from this parcel.

2.2.2 Proposed Land Uses

The land use categories for Parcel A include Institutional/Civic/Public, Light Commercial Uses, Heavy Commercial Uses, Light Industrial Uses, Heavy Industrial Uses (a maximum of 8,100,000 gross square feet of commercial and industrial uses), Mixed Use Village Center, Residential Mixed Use Neighborhood (MUN), Residential Uses (not in an MUN) and Parks and Open Space Uses. The total number of permitted Dwelling Units in Parcel A is 3,781, however, each Subparcel in Parcel A in which residential uses are allowed is also subject to a total number of Dwelling Units therein as set forth below:

Parcel A-1	1,250
Parcel A-2	880 1,568
Parcel A-3	1,000
Parcel A-5	632
Parcel A-6	664
Parcel A-7	127
Parcel A-8	688

It is intended that Parcels A-6 and A-7 develop primarily with residential uses and that non-residential uses in such parcels, although permitted, will be secondary and complementary to the residential uses.

Refer to Section 1.3 for a detailed list of the specific uses within each land use category, and the Land Use Legend on Map 4 in Section 11 for the identification of each land use category as either a Use-by-Right or a Special Review Use.

Section 12 contains the review processes applicable to such uses. Please refer to Section 12.1.2 and General Condition No. 12 for information on the ability to increase the number of Dwelling Units.

2.2.3 Density

The maximum density of residential developments in Parcel A is provided on Map 4 in Section 11 and in Sections 9 and 10.

Density within a 300-foot wide strip along a portion of the north edge of Parcel A-5 and along the east

EXHIBIT A
(planning commission 4/9)
PARCEL A

Detention shall either be provided on individual sites or in regional detention ponds in accordance with the East I-25 Basin Master Drainage Plan or the City's Storm Drainage Master Plan.

2.4.3 Electric

The City's Water and Power Department will provide electricity. A 600 amp underground feeder is located along the north side of US 34, and a 200 amp underground feeder is located at the southern boundary of the Crossroads Business Park. Approximately the eastern one-quarter of this parcel is located within the Poudre Valley Rural Electric Association service territory.

A surcharge of 5% will be added to all bills for the sale of electric power to uses established after January 31, 1987 within the service territory of the Poudre Valley Rural Electric Association for a period of ten years after the effective date of the annexation of the affected Parcels or portions thereof. For Parcels A-1 through A-4 and A-8, except that portion of Parcel A-1 known as the Central Parcel of the Grange Addition, the surcharge will expire October 3, 2010 (Note that the Central Parcel of the Grange Addition is not subject to the surcharge). For Parcel A-5, the surcharge will expire July 11, 2016. For Parcels A-6 and A-7, the surcharge will expire July 15, 2018.

In the event that electric power for construction is not be available, generators will have to be used for construction power. Also, an engineering deposit in the then current amount, site/utility plans, an electrical one-line drawing and construction drawings must be submitted to the Water and Power Department for the design of the underground electric extension to the building.

2.4.4 Natural Gas

It is presently anticipated that Xcel Energy Company will provide natural gas.

2.4.5 Telephone

It is presently anticipated that Qwest Communications will provide telephone and telecommunications services.

2.4.6 Irrigation Ditches

There are two existing irrigation ditches on the property, the Farmers Ditch and The Greeley and Loveland Irrigation Canal. These existing irrigation ditches will be maintained in place, boxed, lined or re-aligned as necessary. If any realignment or physical change is proposed in the ditch or improvement is proposed to any portion of an irrigation ditch, the ditch company will be contacted for approval. A copy of a letter from the ditch company shall be submitted to the City prior to any approval that directly impacts the ditch. Irrigation ditches may be used as a raw water supply for irrigation of open space areas.

2.4.7 Railroads

The Union Pacific Railroad tracks run through Parcel A roughly from the northwest corner of the site to the southeast corner of the site (see Map 4 in Section 11). In order to mitigate railroad noise and vibration, the Applicant shall provide a bufferyard between Buildings for residential occupancy on lots in Parcel A and the edge of the railroad right-of-way in accordance with the requirements set forth in Section 15, Appendix A of the GDP. See also Special Condition No. 18 in Appendix 2-1.

2.5 NATURAL AREAS

Any Environmentally Sensitive Areas within Parcel A have been identified in an ESAR. The ESARs applicable to Parcel A are provided in Section 14 of the GDP.

For Parcels A-1 and A-4, please refer to the ESAR prepared by Ecological Resource Consultants dated July 18, 2003 and revised November 20, 2003. Please refer to the ESAR prepared by FlyWater Consulting, Inc. dated October 11, 2007 for the southeast portion of Parcel A-1, which is known as the Central Parcel of the Grange Addition. For Parcels A-2, A-3 and A-8, please refer to the ESAR prepared by Cedar Creek Associates dated January, 1999.

For Parcel A-5, please refer to the ESAR prepared

EXHIBIT A
(planning commission 4/9)

PARCEL A

APPENDIX 2-1

**SPECIAL CONDITIONS FOR
PARCEL A**

AIRPORT

Special Condition No. 1 (Parcels A-1, A-3, through A-4 and A-8):

Those portions of Parcel A that are located within the boundaries of the Airport Influence Area (including portions of Parcels A-1, A-3~~2~~ and A-8~~3~~ and all of Parcel A-4) as depicted on Map 4 in Section 11 of the GDP are subject to that Aviation Easement recorded in the Larimer County Records on July 9, 2004 at Reception No. 2004-0066598.

Special Condition No. 2 (Parcels A-1, A-3, through A-4 and A-8):

Those portions of Parcel A that are located within the Airport Influence Area may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations, therefore, all subdivision plats for property that is wholly or partially located within the boundaries of the Airport Influence Area as depicted on Map 4 in Section 11 of the GDP shall contain the following language: "All or a portion of the property being subdivided may be located within the Airport Influence Area of the Fort Collins-Loveland Municipal Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations."

Special Condition No. 3 (Parcels A-1, A-3, through A-4 and A-8):

No structures located within those portions of Parcel A that are located within the Airport Influence Area as shown on Map 4 in Section 11 of the GDP shall extend into restricted air space as defined by FAA Regulation, Part 77, and the Applicant shall comply with all applicable notice requirements of such FAA Regulation.

Special Condition No. 4 (Parcels A-1, A-3, through A-4 and A-8):

Except to the extent otherwise required by applicable Federal law, all new bodies of water within the Airport Influence Area as depicted on Map 4 in Section 11 of the GDP and within a radius of 10,000 feet from the end of any runway of the Airport, shall be prohibited provided that: (1) they are larger than one-quarter acre in size; (2) they are installed after July 11, 2006; (3) they are designed to hold or retain water permanently or over extended periods of time; and (4) they are bird attractants. To the extent permitted by Federal law, this prohibition shall not apply to a relocation or expansion of any existing water body or to detention ponds that have outlet structures designed to prevent the permanent containment of water.

Special Condition No. 5 (Parcels A-1, A-3, through A-4 and A-8):

No exterior lighting, reflective material, smoke emissions or electronic emissions shall be permitted in the Airport Influence Area as depicted on Map 4 in Section 11 of the GDP which would materially lower pilots' visibility or cause material interference with the Airport's navigation and communication systems. For purposes of this condition, "reflective material" is defined as glazing with a reflectivity of 65% or greater.

Special Condition No. 6 (Parcels A-1, A-3, through A-4 and A-8):

The Developer shall include the following disclosure statement in all of its contracts for the sale of any of the property located within Parcel A of the GDP which is also within the Airport Influence Area as shown on Map 4 in Section 11 and further, shall include a provision in such sales contracts that the purchaser thereof shall include the following disclosure statement in all of its subsequent contracts for sale of such property: "The property subject to this contract may be located within the Airport Influence Area of the Fort Collins-Loveland Municipal Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations." Each such contract subject to this Special Condition shall expressly provide that the disclosure provision survives closing and is enforceable at law or in equity by the

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

City as a third party beneficiary of such contract.

FEES/CREDITS/REIMBURSEMENTS

Special Condition No. 7 (Parcels A-1, A-3 and A-4):

Pursuant to the MFA, projects within Parcels A-1, A-3 and A-4 (MFA Commercial Area) shall not be eligible to receive reimbursement from the City to which they might otherwise be entitled pursuant to City Regulations, as defined in the MFA, for the design and construction of public improvements therein, with the exception of the following reimbursements:

1. The City's obligation to reimburse Centerra Properties West, LLC for certain costs incurred for a preliminary design of the Arterial Street Improvements. Refer to Section 6.5 of the PVH Agreement for specific terms.

2. Reimbursements for public improvements which were completed prior to January 20, 2004. Refer to Sections 12.3 and 13.5 of the MFA for specific terms.

3. Reimbursements for public improvements completed in connection with Development Projects not within the MFA Commercial Area, unless such public improvements are not eligible for reimbursement pursuant to the MFA, Section 12.3.

Special Condition No. 8 (Parcels A-1, A-3 and A-4):

Centerra Properties West, LLC and its affiliates are entitled to receive certain credits against City water system impact fees and City capital expansion fees for streets in connection with Development Projects within Parcels A-1, A-3 and A-4 (MFA Commercial Area) pursuant to the terms of the MFA. Refer to Section 12.1 of the MFA for the specific terms.

Special Condition No. 9 (Parcels A-1, A-3 and A-4):

Except as provided in Special Conditions Nos. 7 and 8 above, the Applicant of every project within Parcels A-1, A-3 and A-4 (MFA Commercial Area) shall be responsible for payment of all applicable City development fees and use taxes and for satisfaction of all raw water requirements. Refer to Section 12.3 of the MFA for the specific terms.

Special Condition No. 10 (Parcels A-2, and A-5 and A-8):

With the exception of the local street segment as defined in LCUASS, all streets that are included in the City's Transportation Capital Improvement Plan, as part of the Transportation Plan ("CIP"), shall be deemed part of the City's street capital expansion fee system and eligible for street CEF reimbursement consistent with City policy, which City policy presently designates only those streets classified as arterial and above as part of such CIP system and eligible for reimbursement. To the extent the Developer, as a condition of the development of Parcels A-2, A-5 or A-8~~5~~, has designed and/or constructed, or caused to be designed and constructed, improvements to such streets, it shall be entitled to a reimbursement therefor but such reimbursement shall be in an amount equal to the costs incurred by or on behalf of the Developer in the design and construction of such streets (including the cost of off-site easement acquisition), plus interest at the average rate received by the City on its investments over the twelve (12)-month period preceding the date such interest commences to accrue, compounded annually and accruing from the date of completion and acceptance of the eligible improvement to the date reimbursement has been made. The Developer shall be reimbursed an amount equal to eighty percent (80%) of each applicable street CEF actually paid by any person or entity other than the City for each building permit within all projects in the GDP, and such reimbursement shall continue to apply until the Developer has received reimbursements in an amount equal to the total cost, as calculated above, of those eligible streets designed and constructed, or caused to be designed and constructed, by the Developer.

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

RAILROAD

Special Condition No. 18 (Parcel A):

For the purpose of mitigating general railroad noise and vibration, the Applicant shall provide a buffer-yard between Buildings for residential occupancy on lots in Parcel A and the Union Pacific Railroad right-of-way in accordance with the requirements set forth in Section 15, Appendix A of the GDP.

Special Condition No. 19 (Parcels A-1, ~~through A-3~~ and A-8):

The Union Pacific Railroad tracks run through Parcel A generally from the northwest corner of such parcel to the southeast corner of the parcel. Residents adjacent to such railroad tracks may experience noise and vibration effects resulting from the passage of trains on such tracks in close proximity to adjacent Lots. A notice reciting the above-stated potential impacts from such railroad tracks shall be placed on each subdivision plat which includes any portion of Parcels A-1, A-~~3~~, or A-~~8~~ within 500 feet of the railroad right-of-way.

SCHOOL DISTRICT

Special Condition No. 20 (Parcel A-1):

The development of a Mixed Use Village Center in Parcel A-1 shall not require the dedication of land for a school site, however, the School District will assess fees in lieu of land dedication in accordance with the School District IGA as Category B (5 or more attached units).

Special Condition No. 21 (Parcels A-2 and A-8):

The Developer shall dedicate one ten (10)-acre elementary school site within Parcel A-2 or A-8 to the School District in accordance with the requirements of the School District IGA, the Municipal Code to the extent not inconsistent with the School District IGA, and the site selection criteria of the School District established by its current Master Plan. So long as the dedicated site provides two points of roadway access and does not contain on-site detention, the size of such site shall be ten (10) acres. If

the foregoing conditions are not met with the site, the acreage may be increased, at the School District's discretion, up to a total of twelve (12) acres for such site, as needed to provide sufficient accessibility and developable acreage. The timing of the dedication shall be in accordance with the requirements of the Municipal Code and the School District IGA. Any land dedicated for a school site, which land is subsequently conveyed to the Developer or others upon the School District's determination that the land is not suitable for school purposes, shall remain subject to the Performance Standards and allowed uses for Parcels A-2 and A-8 following such conveyance. All land dedicated and used for school purposes shall remain subject to the Performance Standards to the extent consistent with State law.

In accordance with an agreement between the Developer and the School District, the School District has agreed to work in good faith with the Centerra DRC (or its assignee) to provide a design for the school on the dedicated school site generally consistent with the architectural theme of the GDP, subject to budgetary constraints of the School District and to the final decision of the Board of Education of the School District.

TRANSPORTATION

Special Condition No. 22 (Parcel A):

To the extent that street and/or trail crossings of the existing railroads are required as a condition of a Development Project within Parcel A to meet the ACF Regulations and any approved exceptions thereto or other applicable Municipal Code requirements, the City shall be responsible for processing the requests for Public Utilities Commission approval of such crossings, and the Applicant shall be responsible for the payment of the City's reasonable costs incurred therefor, including reasonable attorney's fees.

Special Condition No. 23 (Parcel A-1):

Unless designed and constructed by others, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations

EXHIBIT A
(planning commission 4/9)
PARCEL A

and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, Kendall Parkway from Centerra Parkway to US 34 to the standards required by the Transportation Plan and LCUASS. The necessity, timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within that portion of Parcel A-1 formerly known as the Central Parcel on the Grange Addition.

Special Condition No. 24 (Parcels A-1 through A-4 and A-8):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels A-1 through A-4 and A-8.

- (a) Rocky Mountain Avenue from north of the Union Pacific Railroad crossing to Crossroads Boulevard.
- (b) Kendall Parkway from Boyd Lake Avenue to Rocky Mountain Avenue.
- (c) CR 24 (East 29th Street) from Rocky Mountain Avenue under I-25 to the north/south major arterial roadway in Parcel A.
- (d) Boyd Lake Avenue from CR 20C East 5th Street) to CR 24E (East 37th Street).
- (e) CR 20C (East 5th Street) from Boyd Lake Avenue to CR 9E (Sculptor Drive).
- (f) CR 9E (Sculptor Drive) from US 34 to State Highway 402.

Special Condition No. 25 (Parcel A-5):

Prior to or concurrent with the approval of any Development Project or Final Plat within Parcel A-5, or as otherwise approved by the City Engineer, the owner shall dedicate, at no cost to the City, the right-of-way necessary for all street improvements either within or adjacent to said Development Project or Final Plat that are shown on the Transportation Plan.

Special Condition No. 26 (Parcel A-5):

Unless designed and constructed by others or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcel A-5.

- (a) County Road 3 from the north boundary of Parcel A-5 to US 34.
- (b) Boyd Lake Avenue adjacent to Parcel C-4.
- (c) Kendall Parkway from Boyd Lake Avenue to Rocky Mountain Avenue.

Special Condition No. 27 (Parcels A-6 and A-7):

Unless designed and constructed by others, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The necessity, timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels A-6 and A-7.

- (a) High Plains Boulevard (LCR3) adjacent to Parcel A-7 to US 34.
- (b) Centerra Parkway from Kendall Park-

EXHIBIT A
(planning commission 4/9)

NON-RESIDENTIAL SITE PLANNING CRITERIA

TABLE OF CONTENTS
SECTION 6

SECTION 6.....	11
NON-RESIDENTIAL SITE PLANNING CRITERIA.....	11
6.1 SITE LAYOUT.....	11
6.2 BOUNDARIES/RIGHTS-OF-WAY/ EASEMENTS.....	11
6.3 SETBACKS.....	11
6.4 BUILDING AND STRUCTURE HEIGHTS	33
6.5 SHADOW AND SHADING ANALYSIS	33
6.6 OPEN SPACE REQUIREMENTS	44
6.7 ALLOWABLE OPEN SPACE ELEMENTS	55
6.8 LAND USE COMPATIBILITY	55
6.8.1 Outdoor Storage Areas/Mechanical Equipment.....	55
6.8.2 Noise.....	55
6.8.3 Bufferyards.....	55
6.9 VIEW CORRIDORS	66
6.10 RETAIL SITE AMENITIES AND DRIVE THROUGH FACILITIES	66
6.10.1 Retail Site Amenities.....	66
6.10.2 Drive-Through Facilities	66
6.11 <u>US 34 AND I-25 and MULTI-PHASED CAMPUS-STYLE DEVELOPMENT DESIGN</u> CONSIDERATIONS	77
6.11.1 Policy.....	77
6.11.2 Context Diagram	77
6.11.3 US 34 Setback Treatment.....	77
6.11.4 I-25 Setback Treatment	87
6.12 ENVIRONMENTALLY SENSITIVE AREAS PLANNING	99
6.13 LANDSCAPING	11+0
6.13.1 Landscape Design and Materials	12+1
6.13.2 Tree Stocking	12+2
6.13.3 Foundation Planting	12+2
6.13.4 Retaining Walls.....	13+2
6.13.5 Ownership and Maintenance.....	13+2
6.14 EXISTING VEGETATION.....	13+3
6.15 IRRIGATION SYSTEM.....	14+3
6.16 INTERNAL PARKING LOT LANDSCAPING	14+3
6.16.1 Policy.....	14+3
6.16.2 Criteria.....	14+3
6.17 PARKING LOT SCREENS.....	14+4
6.17.1 Policy.....	14+4
6.17.2 Criteria.....	14+4
6.18 SNOW REMOVAL	15+1+5
6.19 DRAINAGE.....	15+5
6.20 UTILITIES, MECHANICAL EQUIPMENT, AND COMMUNICATION DEVICES	16+5
6.20.1 Permanent Utility Lines	16+5
6.20.2 Temporary Overhead Power and Telephone Lines.....	16+5
6.20.3 Communication Devices and Mechanical Equipment	16+5+6
6.20.4 Transformers, Gas Meters.....	16+6

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

6.20.5	Equipment Sound Levels	17+6
6.20.6	Installation of Ground-Level Structures.....	17+6
6.21	SERVICE AREAS	17+6
6.21.1	Policy.....	17+6+7
6.21.2	Criteria.....	17+7
6.22	OUTDOOR STORAGE.....	18+7+8
6.23	CART STORAGE, VENDING MACHINES, ETC.....	18+8
6.24	OUTDOOR SALES/DISPLAY	18+8
6.25	SECURITY FENCES/WALLS	18+8
6.25.1	Policy.....	18+8
6.25.2	Criteria.....	19+8
6.26	SITE FURNISHINGS.....	19+9
6.27	SIGNAGE	20+9+20
6.27.1	Policy.....	20+9+20
6.27.2	Criteria.....	20+9+20
6.28	LIGHTING.....	20+20
6.28.1	Policy.....	20+20
6.28.2	Criteria.....	20+20
6.28.3	Normative Lighting Criteria.....	21+21
6.28.4	Lighting Levels	22+22

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

Table 6-3
Open Space Requirements

Land Use	Minimum % Private Open Space Required*
Light & Heavy Commercial	20%
Institutional/Civic/Public	30%
Light and Heavy Industrial	20%
Notes: The percentages listed for minimum Private Open Space may be adjusted administratively up to 10% as long as the intent of the GDP is respected. *Private Open Space requirements for Mixed Use Village Centers may be reduced. The core of the Mixed Use Village Center will be allowed 0% Open Space, and more Open Space is required as density of the Mixed Use Village Center feathers out. 10% Open Space is required for Multi-Family Dwellings within Mixed Use Village Centers, unless located within ¼ mile of another existing or planned Common Open Space area.	

Buildings shall be, to the extent practical, located and designed so as not to cast a shadow onto structures within the site or on adjacent property greater than the shadow which would be cast by a thirty-foot hypothetical wall located along the property lines of the development between the hours of 9:00 am and 3:00 p.m., MST on December 21.

~~If a project does not comply with a strict interpretation of the shadow analysis requirements, but it does meet the intent of the standard, as stated in the first paragraph of this Section 6.5, the Director, or his/her appointee may allow alternates to the shading standards subject to approval from the affected property owner(s).~~

6.6 OPEN SPACE REQUIREMENTS

The minimum Private Open Space requirement for each Lot is indicated in Table 6-3, Open Space Requirements.

A minimum of 85% of the area defined as Private Open Space shall be vegetated landscaped areas. The intent is to create spaces which can be seen, used and enjoyed by people, whether on foot or in a vehicle. (See also Section 6.13 and 6.15).

An implementation plan shall be submitted for non-irrigated landscape areas describing how and when the non-irrigated areas will be established. Non-irrigated landscaping shall be established within a 3 year timeframe. Financial security, in a form and amount that is acceptable to the City in accordance with the Municipal Code, shall be provided to ensure seed establishment. In the event that the Centerra Metropolitan District No. 1 installs such landscaping, the financial security shall be in accordance with Section 4.3 of the MFA.

The Private Open Space requirement for an individual Lot may be reduced by 5% (for example, reduce requirements from 20% to 15%) where a Lot abuts public or Common Open Space or a golf course, if a minimum of one-third of the Lot's total perimeter length is immediately adjacent to the public or Common Open Space. The public or Common Open Space area which the Lot abuts, must also have an average width of 30' along the Lots edge in order for the reduction to be applied.

Private Open Space requirements for individual Lots within a Planned Retail Center and campuses may be reduced (if approved by the Centerra DRC and City), provided that the total percentage of Open

EXHIBIT A
(planning commission 4/9)

NON-RESIDENTIAL SITE PLANNING CRITERIA

**6.11 ~~US 34 AND I-25 AND MULTI-PHASED~~
CAMPUS-STYLE DEVELOPMENT
DESIGN CONSIDERATIONS**

6.11.1 Policy

This GDP will have a significant presence along both US 34 and I-25. The intent of this section is to ensure that development located adjacent to either US 34 and I-25 and multi-phased campus-style development projects of 50 acres in size or larger are planned cohesively with visual quality and consistency in mind.

6.11.2 Context Diagram

Development Projects located within ¼ mile of either I-25 or US 34 right-of-way, ~~and for Development Projects including a Mixed Use Village Center and multi-phased campus-style development projects of 50 acres in size or larger,~~ shall include a Context Diagram (or reference an existing Context Diagram provided with an earlier application). The purpose of the Context Diagram is to illustrate how the project will contribute to the make-up of the roadway frontage, to illustrate that land uses are planned as cohesive center(s) with coordinated access, circulation, signage locations and landscape treatments.

The Applicant shall submit for review by the City, in conjunction with the plat review process, a possible configuration (or alternative configurations) of the land within 500 feet of the Development Project, (excluding land that is not a part of the GDP and land which is not within a ¼ mile of I-25 or US 34).

The Context Diagram for Development Projects within ¼ mile of either I-25 or US 34 right-of-way shall include the following:

- A. Potential land uses and existing land uses;
- B. Pedestrian and vehicular circulation patterns;
- C. Open Space areas;
- D. Landscape standards;

- E. Conceptual drainage and utility systems;
- F. Conceptual location of ground mounted project signs;
- G. Other general planning considerations within 500' of the proposed Development Project;
- H. Linkages to areas immediately adjacent, important views, corridors and vistas, and Environmentally Sensitive Areas (as identified within this GDP);
- I. The Context Diagram shall clearly indicate which elements are schematic and subject to change with future Preliminary Plats, and which elements are considered to be conditions of approval of the concurrent Preliminary Plat application.

Multi-phased campus style development projects of 50 acres in size or larger, the Applicant shall submit for review by the City in conjunction with the first Site Development Plan review process, a possible configuration (or alternative configurations) of land within the defined campus. The context diagram shall include the following:

- A. Potential land uses and existing land uses;
- B. Pedestrian and vehicular circulation patterns;
- C. Open Space areas;
- D. Conceptual drainage and utility systems;
- E. Linkages to areas immediately adjacent, important views, corridors and vistas, and Environmentally sensitive Areas (as identified within this GDP).

6.11.3 US 34 Setback Treatment

The recommendations of the U.S. 34 Corridor Plan (available from the City) will be incorporated into the GDP. As an extension of the U.S. 34 Corridor Plan, property abutting US 34 east of I-25 will incorporate the recommended U.S. 34 Corridor Zones as shown in Figure 6-1. Alternatives to the recommendations of the U.S. 34 Corridor Plan shall be allowed subject to the approval of the Director.

EXHIBIT A
(planning commission 4/9)

NON-RESIDENTIAL SITE PLANNING CRITERIA

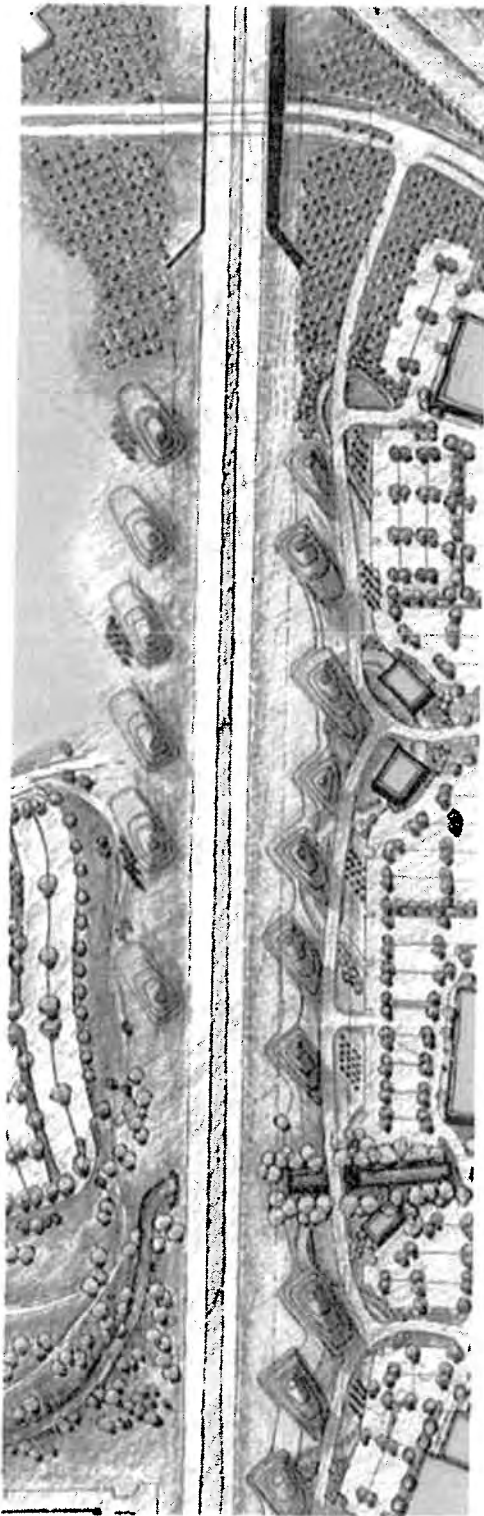


Figure 6-2 – Interstate 25 Treatment

6.12 ENVIRONMENTALLY SENSITIVE AREAS PLANNING

Note: The Environmentally Sensitive Areas Planning Performance Standards apply to all proposed land uses within this GDP.

- A. ESARs are provided within Section 14 of this GDP. No further ESAR will be required with Preliminary Plats except in the case of sensitive, threatened, or endangered species as described below. The existing ESARs will suffice for Preliminary Plats when supplemented with the detailed reports and detailed preliminary design plans submitted as outlined below.
- B. The City and the Applicant acknowledge that future federal or State listing of sensitive, threatened, or endangered species may result in the need to further analyze environmental conditions on the property. With future listings of such species, the City or the Applicant may require submittal of a supplemental ESAR solely to address the potential presence of, impacts to, and mitigation appropriate for said species.
- C. In the more typical process for detailed planning and design of Environmentally Sensitive Areas, the Applicant will prepare, in consultation with the City's environmental planning staff a three step *Amenities Framework Plan* that will include:
 1. A *Conceptual Amenity Map* – included as a part of this GDP - addressing general locations of natural/Environmentally Sensitive Areas, school sites, parks, trail systems, and other Recreational Facilities. This plan clarifies that;
 - a. Developed portions of neighborhood park and school sites will not encroach on buffers as defined in the associated ESAR, as amended from time to time (included in this GDP).
 - b. Industrial, Heavy Manufacturing, or similar uses of potential concern planned within 300' of Environmentally Sensitive Areas may, at the City's

EXHIBIT A
(planning commission 4/9)

ACCESS, CIRCULATION AND PARKING

TABLE OF CONTENTS
SECTION 7

SECTION 7.....	14
ACCESS, CIRCULATION AND PARKING.....	14
7.1 INTRODUCTION	14
7.2 VEHICULAR ACCESS POINTS.....	14
7.2.1 Policy.....	14
7.2.2 Criteria.....	14
7.3 ROUNDABOUTS	2
7.3.1 Policy.....	2
7.3.2 Criteria.....	2
7.4 STREET HIERARCHY	2
7.4.1 Policy.....	2
7.4.2 Criteria.....	2
7.5 TRAFFIC CALMING.....	23
7.6 ALLEYS	33
7.7 CUL-DE-SACS.....	33
7.8 MEDIAN TREATMENTS	33
7.9 EMERGENCY AND UTILITY ACCESS	33
7.9.1 Policy.....	33
7.9.2 Criteria.....	33
7.10 MASS TRANSIT FACILITIES.....	33
7.10.1 Policy	33
7.10.2 Criteria	44
7.11 RESTRICTED-ACCESS DRIVES AND SECURED ENTRIES.....	44
7.11.1 Policy	44
7.11.2 Criteria	44
7.12 TRUCK TURNING REQUIREMENTS	55
7.12.1 Policy	55
7.12.2 Criteria	55
7.13 SIGHT TRIANGLES.....	55
7.13.1 Policy	55
7.13.2 Criteria	55
7.14 PARKING LOTS.....	66
7.14.1 Policy	66
7.14.2 Criteria	66
7.15 PARKING DIMENSIONS	66
7.15.1 Break Up Large Parking Lots	77
7.16 COMPACT CAR PARKING	88
7.16.1 Criteria	88
7.16.2 Policy	88
7.17 PARKING RATIOS	88
7.17.1 Policy	88
7.17.2 Minimum Off-Street Parking Criteria.....	88
7.18 ON-STREET PARKING	1040
7.19 MOTORCYCLE PARKING	1040
7.20 SHARED PARKING	1040
7.21 PARKING FOR FACILITIES WITH MULTIPLE WORK SHIFTS	1040

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

7.22	TRUCK TRAILER PARKING	<u>10+0</u>
7.23	PARKING STRUCTURES	<u>10+0</u>
7.24	INTERIM PARKING LOTS	<u>11+1</u>
7.25	HANDICAPPED ACCESS/PARKING/ SIGNS	<u>11+1</u>
7.25.1	Policy	<u>11+1</u>
7.26	BICYCLE PARKING	<u>11+1</u>
7.26.1	Policy	<u>11+1</u>
7.26.2	Criteria	<u>11+1</u>
7.27	PEDESTRIAN CIRCULATION	<u>12+2</u>
7.27.1	Policy	<u>12+2</u>
7.27.2	Criteria	<u>12+2</u>
7.27.3	Retail Pedestrian Circulation	<u>13+3</u>
7.28	RECREATIONAL TRAILS	<u>13+3</u>
7.28.1	Policy	<u>13+3</u>

EXHIBIT A
(planning commission 4/9)

ACCESS, CIRCULATION AND PARKING

continuing education, etc): 1 space for each classroom seat plus one space for each shift Employee.

Commercial/Retail Uses: 1 space/ 300 gross square feet of Building Floor Area.

Congregate Care Facilities and Congregate Care Housing Developments: 1 space for every 3 beds, plus 0.5 spaces per Employee on a major shift.

Convenience Store: One space for every 200 gross square feet of Floor Area.

Corporate Campus (Office/R & D labs without light manufacturing or distribution): 1 space per 250 gross square feet of gross Building Floor Area.

Corporate, Professional, and Multi-Tenant Offices: 1-space/250 gross square feet of Building Floor Area.

Entertainment Facilities and Theatres: 1 space for every 3 seats in the principal place of assembly.

Fast Food Restaurant / Drive-Ins: 1 space for every 100 gross square feet of Floor Area.

Financial Services and Institutions: 1 space for every 250 gross square feet of Floor Area.

Flex Research and Development (Flex Office with light manufacturing): 3 space per 1,000 gross square feet of Building Floor Area.

Hospitals: 2 parking spaces per bed plus one parking space per 300 square feet of outpatient clinics and service areas.

Hotel/Conference Center: 1 space/room x .80 (plus .75 space per daytime Employee).

Independent Living Communities: 1 space per unit plus one space for each major shift Employee.

Indoor Recreational Facilities (Not Including Theaters or Auditoriums): 1 space for every 200 gross square feet of Floor Area.

Light and Heavy Manufacturing / Industrial Activities: 1 space for every 450 gross square feet of Floor Area or 1 for every 2 Employees, whichever is greater.

Medical Offices and Clinics: 1 space for every 200 gross square feet of Floor Area.

Medical Laboratories: 1 space for every 450 gross square feet of Floor Area.

Night Clubs: 1 space for every 4 seats plus two spaces for every 3 Employees on the maximum shift.

Nurseries / Child Care Centers: 1-parking space for each 450 gross square feet of Floor Area.

Nursing Care Facilities, Continuing Care Retirement Community: 1 parking space for every 3 beds plus one space per 2 major shift Employees.

Places of Worship: 1 space for every 4 seats in the principal place of assembly.

Public and Private Schools – Elementary: 2 spaces for each classroom.

Public and Private Schools - Senior High: 1 space for each 3 seats in the auditorium or principal place of assembly.

Public and Private Schools - Junior High: 2 spaces for each classroom.

Restaurant: 1-space/3 seats or 10 spaces/1000 gross square feet, whichever is greater.

Showroom Warehouse: 5 spaces for every 1,000 gross square feet of Floor Area.

Wholesale Commercial Uses/Warehouses: 1 space per 1,000 gross square feet for the first 100,000 gross square feet of Floor Area plus 1 space for every 5,000 gross square feet after the first 100,000 gross square feet.

EXHIBIT A
(planning commission 4/9)

MILLENNIUM GDP

1. Administrative Review. Development Projects for Uses-by-Right shall be processed in accordance with the Review Timelines for Administrative Review:

(a) The Review Timelines for Administrative Review have separate requirements for Development Projects with Uses-by-Right which fit within any of the following categories:

- (i) Those located on a previously platted Lot;
- (ii) Those submitted with a Boundary Line Adjustment or lot merger;
- (iii) Those submitted with a Minor Subdivision plat;
- (iv) Those submitted with a Major Subdivision plat consisting of a Preliminary Plat followed by a Final Plat; and
- (v) Those submitted with a Major Subdivision plat consisting with a combined Preliminary and Final Plat.

(b) Development Projects for Uses-by-Right subject to Administrative Review shall not be preceded by a pre-application conference unless requested by the Director or the Applicant, nor shall they require a Development Review Team Meeting as defined in the Municipal Code or review and approval by the Planning Commission or City Council.

2. Public Review.

(a) A Development Project for a Use-by-Right which includes any one or more of the uses listed in subsections (i) through (vi) below shall be preceded by a conceptual review team meeting and thereafter shall be processed in accordance with the Review Timelines for Public Review, which processes require a public hearing before the Planning Commission:

- (i) Any single Building over 60' in height directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties, or with only an intervening street of collector or smaller street classification;
- ~~(ii) Any single Building over 100,000 gross square feet;~~

(iii) Any single Building over 50,000 gross square feet directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties, or with only an intervening street of local classification or smaller street classification;

~~(iii*)~~ Any Heavy Commercial Use directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties or with only an intervening street of collector or smaller street classification;

(iv) Any Heavy Industrial Use abutting one or more existing platted or built residential properties or with only an intervening street of collector or smaller street classification; or

(vi) Veterinary facilities, Animal Clinics, Small Outdoor Use, and/or Pet Day Care Facilities with outdoor use adjacent to any existing platted or built residential neighborhood.

(b) A Development Project for a single nonphased project which includes a combined gross square footage of 500,000 non-residential square feet or more and the first Development Project within a Mixed Use Village Center shall be preceded by a conceptual review team meeting and thereafter shall be subject to Public Review in accordance with the Review Timeline therefor, which process requires public hearings before the Planning Commission and the City Council. The first Development Project within a Mixed Use Village Center shall be accompanied with Performance Standards for Mixed Use Village Centers which shall be incorporated into the GDP through the Major Amendment process concurrently with the first Development Project within a Mixed Use Village Center. Thereafter, all Development Projects within any Mixed Use Village Center shall be processed in accordance with the provisions of this Section 12 that are applicable to such subsequent Development Projects.

(c) The Public Review processes for the uses listed in (a) and (b) above shall include a neighborhood meeting and public hearings. Notice of the neighborhood meeting shall be given in accordance with the requirements of Section 12.3.7.B. Notice of the public hearings shall be given in accordance with the requirements of Section 12.3.7.A. Notification

*MILLENNIUM GDP***EXHIBIT A**
(planning commission 4/9)

streets, which includes any public dedications for parks, schools or other public use.

"Gross Density" means the number of Dwelling Units per gross acre of land.

"Group Homes / Group Care Facilities" means residences or facilities licensed by or operated by a governmental agency, and specifically including State licensed foster care homes, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

"Health and Fitness Clubs" means organizations of persons for special purposes or for the promulgation of sports, fitness, recreation, arts, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings.

"Heavy Commercial Uses" means those uses set forth in Section 1.3.4 of the GDP.

"Heavy Industrial Uses" means those uses set forth in Section 1.3.7 of the GDP.

"Heavy Manufacturing" means manufacturing that is engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, petrochemical and rubber refining, primary metal mining or similar uses.

"HPEC" means the High Plains Environmental Center, a Colorado nonprofit corporation, or any successor thereto.

"HPF" means the High Plains Foundation, a Colorado nonprofit corporation, or any successor thereto.

"Hotel" and "Motel" means a Building designed for temporary occupancy in which there are ten or more guest rooms and in which no provision is made for cooking in any individual room or suite. A motel or hotel room or suite which includes cooking facilities shall be considered a dwelling unit.

"Housing Type" shall mean the various types of residential development including, but not limited to, Single Family Attached Dwellings, Single Family Detached Dwellings, Townhomes, Condominiums, Patio Homes, Zero Lot Line Homes, Multi-Family Dwellings, apartments, Mixed Use Residential, Live/Work Structures, Co-Housing, Senior House of a Residential Nature and Extended Stay Housing.

"I-25" means Interstate Highway No. 25.

"Immediate Neighborhood" means a cohesive sub-area of a MUN which is typically comprised of one or two (or sometimes more) housing types, possibly with compatible supporting non-residential uses; have related architectural character; and are usually between eight and thirty acres in size. See MUN.

"Improvements" include, but are not limited to, any and all buildings, out-buildings, roads, driveways, parking areas, fences, screening walls, retaining walls, loading areas, signs, utilities, lawns, lighting, landscaping, and walkways, including all those located on building sites and common areas, as well as any construction, work, or treatment done or applied to any of the property in connection therewith.

"In-Line Retail" means attached retail stores.

"Independent Living Communities" means communities for seniors that include Single-Family Detached Dwellings, Single-Family Attached Dwellings, condominiums, and/or apartments where the residents maintain an independent lifestyle.

"Indoor Recreation Use" means exercise and athletic facilities, and amusement and recreational services, such as billiard and pool parlors, dance studios, martial art schools, and arts and crafts studios, but not

EXHIBIT A
(planning commission 4/9)
DEFINITIONS

including bowling alleys or establishments which have large-scale gymnasium-type facilities for such activities as tennis, roller or ice skating, and/or competitive swimming.

"Infrastructure" means those man-made structures which serve the common needs of the population, such as: potable water systems, potable water wells serving a system, non-potable water systems for irrigation; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails.

"Institutional/Civic/Public Uses" means those uses set forth in Section 1.3.1 of the GDP.

"Landscaping" or "Landscaped" means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grassed, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, revegetation or the preservation, protection and replacement of existing trees.

"Larimer County Records" means the records of the Clerk and Recorder of Larimer County, Colorado.

"LCUASS" means the Larimer County Urban Area Street Standards adopted by the City, and all amendments thereto.

"Level of Service" means the level of service standards as defined in the Municipal Code.

"Light Commercial Uses" means those uses listed in Section 1.3.3 of the GDP.

"Light Industrial Uses" means those uses listed in Section 1.3.6 of the GDP.

"Light Manufacturing" means manufacturing that is predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products provided all manufacturing activities are contained within a building.

"Live / Work Structure" means a Building incorporating a Dwelling Unit with a first floor (and possibly second-floor) retail, office, or other non-residential use allowed as a part of an Urban Character village in a MUN or as part of a residential neighborhood not within a MUN.

"Lot" means a portion of a subdivision intended as a unit for transfer of ownership or for development, which has access to a public right-of-way.

"LURA" shall mean the Loveland Urban Renewal Authority.

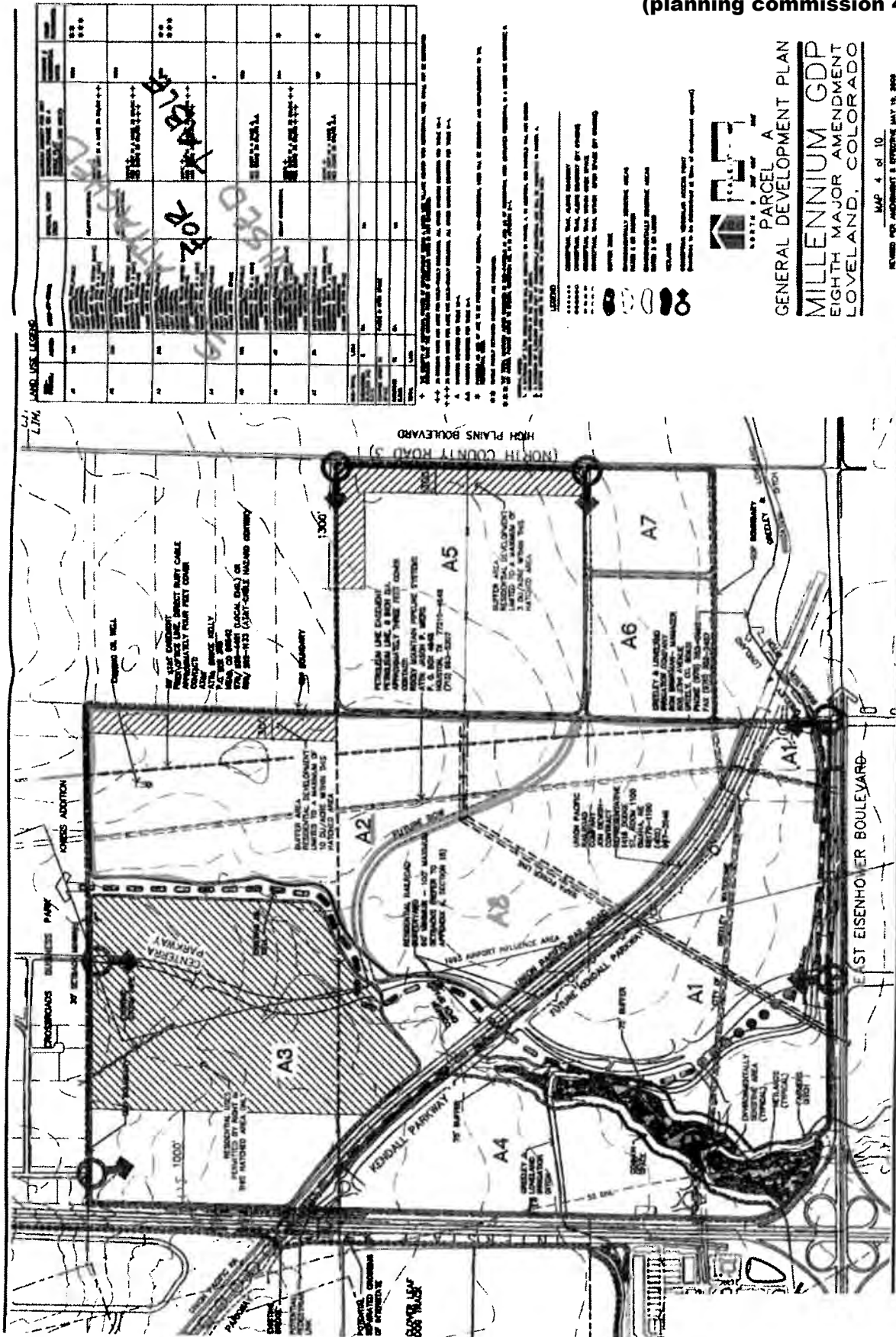
"Major Subdivision" or "Subdivision" means all subdivisions not falling within the definition of a Minor Subdivision, and which are not Boundary Line Adjustments or lot mergers. Except where otherwise specified or where the context requires otherwise, the term subdivision as used herein shall mean Major Subdivision.

~~"Manufacturing" means a facility wherein goods are produced or repaired, using necessary equipment for the manufacturing of materials or products from extracted or raw materials.~~

"Maximum Extent Feasible" means that no feasible and prudent alternative exists, and all possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken.

"May" when used, will be given its permissive meaning.

EXHIBIT A
(planning commission 4/9)



MAP 4 OF 10 LAND USE LEGEND

SUB-PARCEL:	ACRES:	USES-BY-RIGHT:	SPECIAL REVIEW USES:	MAXIMUM DENSITY FOR ANY INDIVIDUAL PHASE ON A SINGLE PLAT (RESIDENTIAL USE ONLY):	EXHIBIT A MAXIMUM RESIDENTIAL UNITS: (planning commission 4/9)	OTHER FOOTNOTES:
A1	185	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Mixed-Use Village Center (MUVUC) Residential (Not in a MUN) Parks and Open Space	Heavy Industrial	MUVUC+ RES (not in a MUN) 30 DU/AC ++	1250	** ***
A2	185328	Institutional/Civic/Public Light Commercial Light Industrial Mixed-Use Village Center (MUVUC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space	Heavy Commercial Heavy Industrial	MUVUC+ RES (Not in a MUN) 30 DU/AC++ RES (MUN) 30 DU/AC+++	8801668	
A3	213	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Heavy Industrial Mixed-Use Village Center (MUVUC) Residential Mixed-Use Neighborhood Residential (Not in a MUN) Parks and Open Space		MUVUC+ RES (Not in a MUN) 30 DU/AC++ RES (MUN) 30 DU/AC+++	1000	** ***
A4	100	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Parks and Open Space			0	
A5	158	Institutional/Civic/Public Light Commercial Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space		RES (Not in a MUN) Δ RES (MUN) 30 DU/AC Δ Δ	632	
A6	47	Institutional/Civic/Public Light Commercial Mixed-Use Village Center (MUVUC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space	Heavy Commercial	MUVUC+ RES (Not in a MUN) Δ RES (MUN) 30 DU/AC Δ Δ	664	*
A7	32	Institutional/Civic/Public Light Commercial Mixed-Use Village Center (MUVUC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space		MUVUC+ RES (Not in a MUN) Δ RES (MUN) 30 DU/AC Δ Δ	127	*
A8	144	<u>Institutional/Civic/Public</u> <u>Light Commercial</u> <u>Heavy Commercial</u> <u>Light Industrial</u> <u>Mixed-Use Village Center (MUVUC)</u> <u>Residential (Not in a MUN)</u> <u>Parks and Open Space</u>	<u>Heavy Industrial</u>	<u>MUVUC+</u> <u>RES (not in a MUN) 30 DU/AC ++</u> <u>RES (MUN) 30 DU/AC+++</u>	<u>688</u>	
Sub-Total	1,064					
Eisenhower Blvd. (US34) R.O.W	8	NA	NA			
Common Open Space	76	Parks & Open Space				
Railroad R.O.W.	18	NA	NA			
TOTAL	1,166					

+ The density of individual phases of development within a Mixed-Use Village Center with Residential uses shall not be restricted provided that the maximum number of dwelling units is not exceeded.

++ 30 Dwelling Units per acre for Multi-Family Dwellings. All other maximum densities per Table 10-1.

+++ 30 dwelling units per acre for Multi-Family Dwellings. All other maximum densities per Table 9-1.

Δ Maximum densities per Table 10-1.

Δ Δ Maximum densities per Table 9-1.

* Parcels A6 and A7 are to be predominantly Residential Non-Residential uses will be secondary and complemer

** Single Family Detached Dwellings are prohibited.

*** The total maximum acres combined in sub-parcels A1 and A3 of Residential uses (Excludes Residential in a Mi. Please refer to special condition No. 14 in Appendix 2-1.

ATTACHMENT 5

EXHIBIT A
(planning commission 4/9)

Attachment F

Section 7 of City CMP Addressing “Public Participation”

Section 7.0 Public Participation Plan and Toolkit

Table of Contents

Overview	1
Goal 1: To engage the public in active participation in planning-related initiatives	3
Objective 1.1: Provide effective information to the public in a proactive, timely, clear, concise, visually appealing, jargon- and acronym-free manner.	3
Objective 1.2: Involve a wide cross-section of the community through outreach efforts.	4
Objective 1.3: Involve citizens in all phases of the planning and/or plan update process so that they have a chance to give meaningful and informed input.	5
Objective 1.4: Seek opportunities to join decision-makers when they formally engage the public in two-way communication.	6
Objective 1.5: Involve neighborhoods in planning-related initiatives.	7
Goal 2: To empower the public (individuals, institutions, and organizations) to form partnerships with government and take the lead in solving problems.	7
Objective 2.1: Continue to foster leadership in the community by actively promoting Leadership Loveland activities and programs.	7
Objective 2.2: Use public participation to encourage volunteerism and community partnerships for developing solutions to challenges in the community.	7
Objective 2.3: Strive to increase the diversity of Lovelanders engaged in leadership in order to properly represent the community.	8
Goal 3: To inform and educate the community on relevant issues and government activities affecting the community	8
Objective 3.1: Encourage city departments to prepare and distribute annual reports that document development and/or planning-related activities.	8
Objective 3.2: Engage in on-going education activities so that City employees serve as information ambassadors to the community.	8
Goal 4: To maximize the use of those tools that allow for two-way communication between the public and City government.	9
Objective 4.1: Expand and maintain city contact lists.	9
Objective 4.2: Use community surveys for citizen input and to monitor community indicators.	10
Objective 4.3: Improve the quality and quantity of the current level of information services provided on Channel 16.	10
Objective 4.4: Evaluate all information mediums in terms of potential audience and cost per thousand in that audience to assist with choices on frequency of medium use and resource allocation.	10
Objective 4.5: Develop a matrix of population demographics to increase our understanding of the community audience and types of news that might be important to those audiences.	10
Concluding Remarks	11
Public Participation Checklist	12
Public Participation Toolkit (3/14/05)	13

Overview

Overview

The City of Loveland has come to increasingly recognize the importance of involving the public in the planning and development-related decision-making process. In 2003, the City created a Communications Plan to “provide the community and employees with excellent information related to issues and activities of City government in a manner that facilitates participation in City Government.”¹ This Public Participation Plan, which is intended to be incorporated as an adopted element of the Comprehensive Master Plan, supplements the Communications Plan by providing more detail on involving the public in planning-related initiatives.

At least once every ten years, the City prepares a new Comprehensive Master Plan (“the Plan”). Every five years, the Plan is re-evaluated (See Section 7.0 Process and Procedures for Amending the 1994 Comprehensive Master Plan) to ensure that it remains current. Additionally various City departments periodically update Plan elements. These Plan elements may be functional plan elements (such as Transportation, Parks and Recreation, Water and Power, Open Lands plans) or plans specific to a certain geographic area (such as the I-25 Corridor Plan).

Each time a Plan element is formulated or updated, the responsible department, and the respective advisory board/commission, should strive to implement as many of the strategies in this Public Participation Element and the accompanying Public Participation Toolkit (Appendix A) as time and budget will allow. The Public Participation Plan and Toolkit are intended to provide a recommended template for public participation and a menu of tools that can be used at every step of the planning process.

Surveys show that citizens want to be listened to by their elected and appointed officials; that citizens want to share the power of governance; and that citizens want a sense of belonging to a community. Consequently, in community planning, the emphasis has changed from institution-centered governance to citizen-centered governance.

To that end, the purpose of this Plan is to engage citizens in meaningful public participation on planning-related issues by encouraging community and stakeholder collaboration in the decision-making process. More specifically, the intent of this element is to:

- Support more citizen-driven initiatives
- Look to citizens as leaders who share in the decision-making process
- Empower citizens to take the lead in solving problems
- Invite citizens to become partners with local government

With these tenets in mind, **public participation** is defined as:

Those processes where citizens and other stakeholders are encouraged to take a leadership role, along with their local government administrators and elected officials, in making decisions and developing policies that directly affect daily life in their communities.

¹ City of Loveland Communications Plan

The term “public” includes individuals, community organizations, governmental entities, and professionals in relevant field(s). Public participation also assumes that all groups or individuals who would want to participate are welcome to be involved.

Active public participation can foster a sense of community when people make decisions together; identify themselves as part of something larger than the sum of their individual relationships; and commit themselves for the long term to their own, one another's, and the group's well-being.

The Value of Public Participation

Involving interested parties at various stages in the planning process generally results in more effective planning overall. Taking time at the beginning to communicate with potentially affected interests, carefully explaining a proposal and gathering input early-on in the process can enhance the plan and potentially reduce the time and effort needed for implementation.

Public involvement throughout the planning process is valuable because:

- Empowered citizens tend to be more active and participate more fully in governance.
- Empowered citizens can more fully understand the complexities of the issues, and appreciate the patience and perseverance that is required to work through public issues.
- Problem solving is enhanced when people work together as a team, not solo.
- When citizens are included in the problem-solving and decision-making processes, they share in the ownership (“buy in”) of the solutions to their community's problems.
- When you involve everyone who has a stake in a community issue in win-win problem-solving processes, the likelihood of conflict is reduced.
- Policy makers and staff may gain new information.
- Participants can identify and build partnerships with City government to help achieve plan goals.
- Participant comments help identify areas where people may have concerns or misunderstandings. This can be used to better inform others who are not participating.
- Government can build an ongoing relationship with the public based on mutual trust.

The Public Participation Plan Framework

The framework used for this Public Participation Plan is the same as that adopted for the General Plan element of the Comprehensive Master Plan. The Comprehensive Master Plan utilizes a framework hierarchy of guiding principles, goals and objectives. *Goals* are defined as clear, distinct thoughts aligned with a *guiding principle* (in this case, the *purpose* of this Public Participation Plan). *Objectives* describe specific actions that are necessary to implement or achieve a goal. *Strategies* are more specific action items that serve to implement or achieve a portion of an objective.

This plan is meant to be a recommended template for enhancing public participation each time plan elements are updated, when new plan elements are formulated, or when implementation tools (such as codes and other regulations) are added or revised. This plan is also intended to provide objectives and a menu of strategies and tools for achieving successful public participation.

Conversely, the plan is *not* meant to provide a one-size-fits-all public participation method for all departments and other respective advisory boards and commissions. Departments and advisory boards and commissions should use those participation tools contained in the toolkit that are most applicable to their purpose and audience.

Public participation, as it relates to planning-related initiatives, should adhere to the following goals:

- To engage the public in active participation in planning-related initiatives.
- To empower the public (individuals, institutions, organizations) to form partnerships with government and take the lead in solving problems.
- To inform and educate the community on relevant issues and government activities affecting the community.
- To maximize the use of those tools which allow for two-way communication between the public and government entities.

The following is the detailed public participation framework, with commentary in italics.

Goal 1: To engage the public in active participation in planning-related initiatives

Objective 1.1: Provide effective information to the public in a proactive, timely, clear, concise, visually appealing, jargon- and acronym-free manner.

Strategy 1.1.1: Use a variety of means to disseminate information about upcoming public involvement activities.

Public participation activities can be announced by a variety of means. The Public Participation Toolkit (Appendix A) lists various means of disseminating information. The City's primary means of reaching the public are the City Updates, a monthly newsletter included in utility bills; Dateline: Loveland, a monthly news-style article in the Loveland Reporter-Herald; and Channel 16 (including the monthly Loveland's Talking; Two-Minute Max videos; and occasional Mayor or Council call-in shows.) You can also create a "what's new" link from the City's main webpage directly to new information on your department's page.

You may also consider mailing lists of community organizations (maintained by the City or your department); speaking at community organization meetings; geographically targeted mailings; posting fliers; and other means of reaching the public. The Toolkit lists effective locations for publications and announcements.

In writing pieces for the media or city publications, keep in mind that citizens will be more interested in government activities that directly affect them. This is particularly important when plans are being updated. Rather than focusing on the plan update process, focus on how the plan will affect the future provisions of services, be it the parks and recreation facilities citizens use; the roads, trails and public transit they get around on; the shape of new development or the protection of natural resources near them; the types of cultural and human services available, etc.

Strategy 1.1.2: Create and maintain an appropriate contact list for mail/e-mail use.

Contact lists are maintained by various groups such as the Chamber of Commerce. Contact lists can be made more inclusive by considering social and/or service clubs; non-profit community and faith-based organizations; professional organizations; homeowners' associations; public and private educational providers; and past participants in public involvement activities.

Strategy 1.1.3: Coordinate outreach activities with the Public Information Officer, and solicit advice regarding strategies implementation and delivery.

The planning and delivery of announcements and other public dissemination tools should be coordinated with the Public Information Officer (PIO) sufficiently in advance of publication deadlines. All tools require some lead time; if you would like to be the "lead story" in either Dateline: Loveland or the City Update, you should plan months ahead.

As a supplement to the Toolkit, the PIO has developed a City of Loveland Public Information Tools Analysis and Matrix spreadsheet that is invaluable in identifying a tool's best use, target audience, distribution frequency, word/time limitations, preparation deadlines, advantages/ disadvantages, and potential costs as well as staff time considerations.

Strategy 1.1.4: Schedule meetings at convenient times and places that are varied to maximize participation.

Consider your audience's needs in scheduling meetings. Are they likely to come to a central location, or should activities be located in their neighborhood? Are they better able to attend in the evening, on weekends, or during work hours? Avoid scheduling meetings too close to holidays or during spring or fall breaks at schools. You may consider holding an activity more than once, varying times and/or locations. Open houses offer flexibility and can be scheduled in the late afternoon so that people may attend either during work hours or after work.

Objective 1.2: Involve a wide cross-section of the community through outreach efforts.

Strategy 1.2.1: Make a proactive effort to involve underserved groups.

There are numerous populations that are less likely to get involved in public participation activities unless a special effort is made to reach out to them. A proactive effort is needed to ensure public involvement is representative of Loveland's diverse population. Consider the locations of and language used in publications/ announcements, and which media channels or outlets might best reach these audiences. Tools such as focus groups, key informant interviews, and agency contacts may be used to include underserved groups.

Special outreach efforts should be directed to reach populations such as:²

- Hispanic community members;*
- non-white community members;*

² This list was based in part on the North Front Range Metropolitan Planning Organization (MPO)'s list of underserved communities, as well as comments received for the Comprehensive Master Plan Update process in 2004-2005.

- low-income community members (defined by HUD as those earning 50% or less of the median income);
- physically challenged community members;
- people who may be unable to access or operate a private automobile;
- people who do not speak English;
- youth (generally those under 21);
- out-commuters (those who live in Loveland but work elsewhere);
- geographically diverse populations (from all neighborhoods in Loveland).

By making a reasonable extra effort to engage these populations, policy makers ensure that all residents are given opportunity to express their views which should result in due consideration in the decision-making process. Also, development of a matrix of specific population segments, cross referenced to specific outreach methods, is recommended in the City's communications plan.

Strategy 1.2.2: Make a concerted effort to involve affected parties.

Any party who will be disproportionately affected, positively or negatively, by a given action deserves special consideration to encourage their involvement. Potentially affected parties may include residents and/or landowners of a certain area; or users of a certain service. Generally, potentially affected parties should be contacted directly and invited to participate. Targeted mailings; key informant interviews, agency contacts, focus groups, and neighborhood meetings are good ways to reach potentially affected parties.

Strategy 1.2.3: Make a special effort to involve youth and schools.

If a plan, plan update, or implementation tool is likely to affect youth, an extra effort should be made early-on in the process to include youth in public participation activities. The City's Youth Advisory Commission represents high-school age youth and meets monthly. The Thompson Valley School District, Ames Community College, private schools, and home-schooled students should be involved in outreach activities of interest to youth. Youth visioning workshops, GIS activities, and writing contests have been used to involve youth in planning in Loveland.

Strategy 1.2.4: Ensure all meetings are ADA accessible.

Meeting facilities should be accessible in accordance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities as applicable. In general, persons with disabilities should be provided with easy and unobstructed access to sidewalks, crosswalks, parking lots, streets, parks, restrooms, and other public and private facilities. Assistive technology is available in the Library conference room(s), allowing for wider participation.

Objective 1.3: Involve citizens in all phases of the planning and/or plan update process so that they have a chance to give meaningful and informed input.

Strategy 1.3.1: Do not simply ask the public to respond to staff proposals, rather involve the public from the beginning in problem definition, goal-setting, and visioning.

Some tools that can be used to accomplish this objective include audits, community visioning workshops, and charrettes.

Strategy 1.3.2: Incorporate education into the participation process so that participants can provide informed input.

Kick-off meetings; presentations; newsletters; walking tours; audits; and charrettes are some tools that can be used to educate participants. A short presentation providing data on relevant issues and trends; past planning processes; and the workings of local government can improve the quality of discussion and public input. Ideally, presentations should include visuals (e.g., graphs and charts).

Strategy 1.3.3: Identify key decision points in the planning process and involve the public accordingly.

Identify well ahead of time when key decisions will be made (i.e. goal setting; identification and selection of alternatives; etc) and build the public participation process, including distribution of drafts (below), around these decision points.

Strategy 1.3.4: Release and distribute drafts and provide sufficient outreach activities and time to gather public comment.

Release drafts early in the process, before key decision points, and seek and consider feedback. Releasing a draft is a newsworthy event and should be accompanied by a press preview meeting or a press release. An open house is a good forum to present a summary of your draft, while a focus group is a good way to get more in-depth feedback. Allow citizens sufficient time and means to comment at outreach activities, on-line or in writing.

Strategy 1.3.5: Use as many varied participation activities as possible that are suited to your planning process.

Review the tool kit for varied public participation tools. Some of these activities work best if facilitated, either by a professional facilitator or by advisory commission/committee members, who have been properly trained.

Strategy 1.3.6: Evaluate the effectiveness of outreach activities and make needed adjustments throughout the process.

Outreach activities should be evaluated for effectiveness and satisfaction and to seek constructive criticism. A survey-type evaluation is an ideal tool. Staff may evaluate quantitative factors such as turnout and response rate, and qualitative factors such as quality of discussion.

Objective 1.4: Seek opportunities to join decision-makers when they formally engage the public in two-way communication.

Strategy 1.4.1: Decision-makers and staff should join forces in outreach activities such as community visioning workshops, walking tours, etc, in order to maximize communication.

Citizens and decision-makers appreciate opportunities for two-way communication. Public officials should sponsor outreach activities such as ward meetings and breakfasts periodically to get the "pulse" of the community.

Objective 1.5: Involve neighborhoods in planning-related initiatives.

Strategy 1.5.1: Identify neighborhoods affected by relevant planning activities and hold neighborhood meetings.

As Loveland grows, it becomes necessary to hold neighborhood meetings in different geographic areas of the city and its environs. In some cases, residents of a neighborhood may be considered potentially affected parties because of a disproportionate affect on their neighborhood. School auditoriums and church community rooms close to or within neighborhoods are excellent locations to hold neighborhood meetings. Many formats may be used for neighborhood meetings.

Goal 2: To empower the public (individuals, institutions, and organizations) to form partnerships with government and take the lead in solving problems.

Objective 2.1: Continue to foster leadership in the community by actively promoting Leadership Loveland activities and programs.

Leadership Loveland is a program designed to develop emerging leaders, in order to supplement and encourage high quality local leadership. Through the involvement of business, civic and community leaders, the Loveland program will address these specific goals:

- *Identify, motivate and develop community leaders*
- *Assist future leaders in identifying issues and problems facing the community and to develop possible solutions to the problems*
- *Provide program participants the opportunity to meet current leaders and to challenge both classes to greater community involvement.³*

Objective 2.2: Use public participation to encourage volunteerism and community partnerships for developing solutions to challenges in the community.

Strategy 2.2.1: Identify ways for the respective department to make use of the City of Loveland's Volunteer Program.

The volunteer program provides central coordination of volunteer opportunities for every department in the municipality. The Volunteer Program aims to effectively combine the efforts of staff and volunteers to enrich and enhance the delivery of the highest quality services to Loveland's citizens. See <http://www.ci.loveland.co.us/volunteer/vols.htm>.

Strategy 2.2.2: Use public participation activities as a venue for building and deepening partnerships among individuals, organizations and/or government.

One function of public participation is to facilitate the public's leadership role in addressing problems and working towards desired outcomes. Some goals and objectives expressed during public participation activities may fall outside the realm of the local government's responsibility and/or require more resources than the City has available. This doesn't necessarily mean that these goals should be tabled. Individuals,

³ Leadership Loveland Mission and Objectives

institutions and organizations have a wealth of expertise and resources to bring to partnerships; government may serve as an active player or simply a facilitator.

Objective 2.3: Strive to increase the diversity of Lovelanders engaged in leadership in order to properly represent the community.

Both the Agenda for the 90s and the 2004-5 Comprehensive Master Plan Update process have identified the need to increase the diversity of Lovelanders engaged in public participation, boards and commissions, and other community leadership positions, in order to ensure the community is represented. The Human Services Commission Standing Committee is attempting to address this objective.

Goal 3: To inform and educate the community on relevant issues and government activities affecting the community

Objective 3.1: Encourage city departments to prepare and distribute annual reports that document development and/or planning-related activities.

Several city departments have undertaken the preparation of annual reports to monitor performance and inform the interested public on planning-related activities and accomplishments.

Objective 3.2: Engage in on-going education activities so that City employees serve as information ambassadors to the community.⁴

Strategy 3.2.1: Schedule community forums and other educational outreach activities.

Community forums may be scheduled in city buildings, and present speakers on one or two topics of current interest to the community. City staff may also make presentations to professional and civic organizations; schools; and other groups.

Strategy 3.2.2: Make department personnel available to speak before various community groups.

Staff should be willing to give presentations to various civic and professional groups. City staff should volunteer to participate in an organized speakers' bureau should one be established.

Strategy 3.2.3: Use the media regularly to convey information to the public.

The Public Participation Toolkit identifies media channels such as newspaper (press releases; press preview meetings; Dateline: Loveland); and public television and radio). The Public Information Officer can provide more information as well as valuable tips on dealing with the media in many situations. Recent city publications are available on the City's News Page at <http://www.ci.loveland.co.us/news/newsmain.htm>.

Strategy 3.2.4: Use innovative ways of educating the public.

⁴ See City of Loveland Communications Plan

Aside from indoor meetings, staff should consider hosting educational activities such as river and neighborhood cleanups; walking, bus or bicycle tours; site visits; etc. Participating in these activities may present opportunities to forge partnerships with community groups.

Strategy 3.2.5: Use nationally-recognized weeks/days, such as World Town Planning Day and GIS Day/National Geography Week, as a means to educate and inform the public of associated planning-related initiatives.

Identify annual days and weeks related to your department's mission and plan a variety of educational activities around them. Recent Council proclamations that may be relevant to city departments include: Arbor Day; Archaeology and Historic Preservation Month; Barrier Awareness Day; Cinco de Mayo Celebration; Children's Day; Children's Book Week; Constitution Week; Disability Awareness Week; Foster Care Month; Geographic Information Systems Day; Mental Health Month; Motorcycle Safety and Awareness Week; National Alcohol and Drug Addiction Recovery Month; National Arts and Humanities Month; National Engineers Week; National Family Week; National Hunger Awareness Month; National Mentoring Month; National Patriotist Week; National Public Works Week; Public Power Week; Records and Information Management Month; Public Safety Week; School to Careers Month; Shop Loveland; and World Town Planning Day.

Strategy 3.2.6: Present information from a non-technical, jargon-free point of view, using visual aids whenever possible. (See Objective 1.1)

It is important that information is both engaging and understandable to lay people.

Strategy 3.2.7: Consider the use of video and interactive presentations.

Information in video format can be distributed as needed. Channel 16 and Channel 14 present a venue for presenting videos, as well as technical capacity to create video programs. Channel 16 provides regular forums for outreach in the form of programs such as "Loveland's Talking." Contact the Public Information Officer for more information. Geographic Information Systems (GIS) can be used to create interactive resources for the public.

Strategy 3.2.8: Prepare or promote educational programs of interest to advisory board/commission members.

Educational programs may be of interest to advisory commission members as well as the general public. Individual departments may offer educational and training programs (such as Planning Commissioner trainings). Various organizations and agencies, including Colorado's Department of Local Affairs (DOLA), also offer workshops and conferences.

Goal 4: To maximize the use of those tools that allow for two-way communication between the public and City government.

Objective 4.1: Expand and maintain city contact lists.

Keeping contact lists current, and expanding them when appropriate, is crucial to public meeting success. Contact lists, in compatible formats, should incorporate new and existing

lists of social and service clubs; community, non-profit and faith-based organizations; professional organizations; public and private schools; homeowners' associations; participants in City activities; etc. These lists should be available to departments engaged in public participation activities. Gaps in current lists (i.e. homeowners' association contacts) should be addressed.

The City should continue to develop and use a VIC (Very Interested Citizens) list and a subscription service that allows citizens to subscribe for e-mail updates on city activities.

Objective 4.2: Use community surveys for citizen input and to monitor community indicators.

The City Council has asked staff to conduct a quality of life survey annually. Every five years, a professional survey will be conducted by a consultant. This survey can be used as a guide for surveys conducted using in-house resources (to determine the sample size needed for a valid survey, for example). The MIS department can generate a random sample for mailing. See <http://www.ci.loveland.co.us/survey04.htm>.

Objective 4.3: Improve the quality and quantity of the current level of information services provided on Channel 16.⁵

Improvements could include sound, presentation (visual appeal) and operations performance (camera operation, etc.)

Objective 4.4: Evaluate all information mediums in terms of potential audience and cost per thousand in that audience to assist with choices on frequency of medium use and resource allocation.⁶

The Public Participation Toolkit provides more details on using the dissemination tools and public participation activities included in the above strategies. For additional information specific to the City's Public Information Program, such as Channel 16, City Updates, and Dateline: Loveland, consult the City of Loveland Public Information Tools Matrix and Tools Analysis which can be obtained through the City's Public Information Officer (PIO). The Tools Matrix provides a list of tools categorized by type/media. The Tools Analysis provides detailed information on the best use, target audience, distribution frequency, word/time limit, deadline, advantages, disadvantages, and costs (money/time) of the various tools.

The City's Media Page is located under the Public Works page and provides an overview of some media tools the city produces. See <http://www.ci.loveland.co.us/news/newsmain.htm>.

Objective 4.5: Develop a matrix of population demographics to increase our understanding of the community audience and types of news that might be important to those audiences.⁷

Understanding Loveland's population, and how to best reach them, allows departments to reach a broad cross-section of the community, including underserved groups.

⁵ City of Loveland Communications Plan

⁶ City of Loveland Communications Plan

⁷ City of Loveland Communications Plan

Concluding Remarks

These strategies should help departments to carry out broad-based, effective public participation processes that help achieve the purpose and goals of this plan by empowering citizens to become partners with government in maintaining and building a better community.

End Notes

Parts of this plan have been adapted from the North Front Range Metropolitan Planning Organization (MPO)'s Citizen Involvement Plan.

Public Participation Checklist

This checklist has been developed to assist those carrying out public participation activities regarding plan updates and major projects. While each item may not be relevant to all participation activities, this list offers a comprehensive framework for organizing public participation.

- ☐ Publicize all outreach activities well using as many tools as possible
- ☐ Establish a broad-based mailing list if invitations are mailed
- ☐ Identify affected parties and formally invite them or otherwise ensure their participation
- ☐ Make a reasonable effort to include underserved populations
- ☐ Hold meetings and activities at times and locations that are convenient for a broad range of the interested public
- ☐ Involve the public from the beginning in goal setting and visioning
- ☐ Educate participants so that they can better participate
- ☐ Identify key “decision points” in your process and seek input prior to each point
- ☐ Float a draft – for example, of alternatives – to the community and solicit public input on the draft
- ☐ Use appropriate public participation activities – such as community visioning workshops, surveys, charrettes, audits, walking tours, focus groups, neighborhood meetings, key informant interviews, and open houses
- ☐ Involve the media in covering the planning and public participation process
- ☐ Use outreach media available through the City’s Public Information Office
- ☐ Evaluate the success of and satisfaction with public involvement activities and make changes if needed
- ☐ Compile and summarize public input
- ☐ Use public input to improve the plan or project
- ☐ Establish trust and buy-in for your plan or project
- ☐ Use the participation process to identify and mobilize potential community partners who can help to implement your plan or project

Public Participation Toolkit (3/14/05)

Activity	Description	Comments
Agency Contact	See organization contact	
Annual Report	A report prepared by a department or agency that documents development and/or planning-related activities undertaken and accomplished.	Several city departments have undertaken the preparation of annual reports to monitor performance and inform the interested public on planning-related activities and accomplishments.
Audit	An audit is an assessment of conditions in the community or part of the community.	It may be a place audit, or an audit regarding a particular theme such as pedestrian mobility or urban renewal opportunities. Audits may be "walking audits" where a group evaluates the good and bad features of a particular area.
Block Party	An informal gathering so that neighborhood residents can get to know one another.	May be sponsored by a neighborhood group. A block party may not have a specific purpose other than to give residents a chance to network.
Brochure	Some City departments regularly distribute brochures including the Recreation Brochure and Cultural Events Brochure; other brochures may be produced on certain topics.	Contact the appropriate department or the Public Information Officer.
Cable TV Public Service Announcement	These can be used to promote events and programs or draw attention to an issue.	These may be up to 30 seconds and must be accepted by Comcast. Contact the Public Information Officer.

EXHIBIT A
(planning commission 4/9)

Activity	Description	Comments
Channel 14	The Thompson School District operates Channel 14, a station that airs educational programming and student-produced broadcasts. This could be used to reach a larger spectrum of youth as well as families.	Whatever is presented to the kids needs to be short and to the point with a source of additional information such as a web site. The Loveland Youth Advisory Commission meets monthly and can assist in organizing or facilitating presentations.
Channel 16	Channel 16 is run by the Loveland Public Library and shows local interest programs. See the City of Loveland Public Information Tools Analysis for the various shows aired on Channel 16. <i>Loveland's Talking</i> is a monthly interview program featuring information on City activities; other options include the <i>Mayor's Show</i> , <i>Council/Staff Call-In Shows</i> , and <i>Two Minutes Max</i> videos.	Programs created may be shown on Channel 16 as well as at meetings or distributed to various organizations. Programs produced for Channel 16 reach a small audience and the audio-visual quality may be unpolished. Contact the Public Information Office for more information.
Charrette	An intensive brainstorming session using visual methods to define issues and alternatives.	Charrettes may be one-time workshops or can be held over several days involving multiple participants. A key aspect is that participants use not only their own knowledge, but share and use data usually presented in the form of (a) map(s). Charrettes are useful for any plan having an urban design, land use, or spatial component. A charrette can be at the neighborhood or city scale; or can examine a single site such as a redevelopment project, transportation project, shopping center, or park.
City Updates	<i>City Updates</i> is a monthly newsletter about city of Loveland government programs, actions and issues.	Prepared by the Public Information Office and mailed to 29,000 local residents and businesses, it arrives in the envelope with the water and electric bill. You may need to submit your piece up to two months in advance to the Public Information Officer.

EXHIBIT A
(planning commission 4/9)

Activity	Description	Comments
City Manager/Staff Call-in Show	Provides an avenue for opinions, suggestions, and explanations.	Call-in shows make it easy for the public to participate and have instant access to staff. Contact the Public Information Officer at least 4 weeks in advance.
City Web Site	In addition to departmental pages, the City maintains a media page (under Public Works).	The Web Site may be used for web surveys as well as announcing events and presenting information. Some people do not have access to the internet.
Community Forum	A public meeting that is designed to help attendees better understand a subject. It is not designed for decision making. A forum may be informational, or may strive to present differing points of view on a topic.	The City has numerous locations that can host a forum. It is helpful if some of the "experts" were local and trusted by the community. If different points of view are to be presented, a neutral moderator is needed.
Community Visioning Workshop	Visioning is a chance for community members to work together to create a shared vision of the future of their community.	During the Comprehensive Master Plan Update carried out in 2004-5, the City used a model developed by Ames, called the Oregon Model, that includes 4 segments: Where are we now (current conditions); Where are we going (trends); Where do we want to be (goals); and How do we get there (action items)? Community Visioning Workshops allowed four groups of citizens, including high school youth, to participate. All four segments may be included in one meeting, or the final segment (action items) may be saved for future meeting(s). Recent plans, such as the Open Lands and Historic Preservation plans, also included community visioning exercises. See <i>Bibliography</i> for more resources on visioning.
Conference	A meeting with two or more people where the participants discuss particular issues.	This can also be a series of meetings and/or events focused on a unifying subject; conferences sponsored by various organizations may provide opportunities for outreach.

EXHIBIT A
(planning commission 4/9)

Loveland, Colorado 2005 Comprehensive Master Plan
Section 7.0
Public Participation Plan

Activity	Description	Comments
Contact lists	Contact lists may include social and/or service clubs; non-profit community and faith-based organizations; professional organizations; homeowners' associations; public and private educational providers; city board and commission members; and past participants in public involvement activities.	Contact lists of potential interested parties should be kept as current as possible. The City's Public Information Office plans to maintain a Very Interested Citizen (VIC) list in the future.
Contest	A writing or art contest is a good way to involve members of the public while publicizing a plan.	A contest could be used to select an introduction to a plan; or artwork for a logo, plan cover, or other purpose. Publicizing the contest widely and partnering with schools and newspapers can generate publicity for the plan process.
Council Breakfast	An interactive discussion with citizens.	Contact Public Information Officer for more information.
Council Call-In Show	A quarterly show allowing citizens to exchange views with the Council.	Offers the benefit of an immediate, easy way for citizens to interact with elected officials. It takes about 4 weeks to schedule, prepare and promote. Contact the Public Information Officer.
Culture Events Brochure	See Brochure	
Dateline: Loveland	The first Saturday of every month, the City publishes feature-story style information in the <i>Loveland Daily Reporter-Herald</i> on various activities associated with Loveland government.	Dateline: Loveland has proven to be an excellent tool for providing complex information in an easy to read and understand format to a wide audience. The City controls the content. Contact the Public Information Officer 2-3 weeks prior to the date of publication.

EXHIBIT A
(planning commission 4/9)

Loveland, Colorado 2005 Comprehensive Master Plan
Section 7.0

Public Participation Plan

Activity	Description	Comments
Display	Information and materials are displayed in an informal setting where people are free to move about and consider whatever is of interest to them.	These may be placed at the Government Center, Public Library, Museum Gallery, banks, malls, schools and colleges, etc. See also Information Booth and Open House.
Draft Document	Releasing a draft for public comment can be a good way to stir citizen comment.	It is sometimes advisable to hold a press preview meeting just before release a draft document release. This gives the press a chance to learn about the draft and report information more accurately. At the very least, the draft release should be announced with a press release.
E-Government	E-Government refers to the development of strategies to enable businesses and citizens to access and transact with government quickly and reliably.	The City web page, on-line surveys, FTP sites, e-mail lists, and the use of interactive GIS are all e-government tools currently available. The City maintains a New Page under the Public Works Department.
E-Mail	The city plans on maintaining a Very Interested Citizens (VIC) e-mail list; specific lists may be created for your outreach purpose.	Contact the City's Public Information Officer (PIO) to use the VIC list to reach residents with a special interest in government.
Educational Presentation	Educational presentations may take various forms. Providing participants with data on trends, issues, past plans, and the workings of government can improve the quality of public involvement.	Education can be an important tool; at the same time, avoid leading the participants or having staff set the agenda and define alternatives. Unless it is part of a purely educational event (i.e. community forum), keep it short.
Evaluation Tool	A survey for participants in a public involvement activity, to evaluate satisfaction with the activity. See Appendix B for an example.	Evaluating activities and making changes is an important part of the public involvement process.

EXHIBIT A
(planning commission 4/9)

Activity	Description	Comments
Focus Group	A small carefully selected group of individuals who meet together to give feedback to the organizer on a specific topic. Focus groups are a good way to gain feedback from affected parties as well as underserved populations.	A focus group allows a depth of discussion and communication not possible in a survey. Generally, stakeholders are selected based on what they can add to the process. Because this is a selected group, people who are not selected may be suspicious of the information gathered; an effort can be made to involve "common citizens" in the focus group.
Games and Contests	These include a wide variety of activities including such things as board games, role playing, computer simulations, etc.	Use of these is an unusual and creative way to actively involve people.
GIS Day	Held in November, GIS (Geographic Information Systems) Day may involve an open house as well as specific outreach at area schools.	Loveland held its first GIS Day events in 2004 and plans to continue this event annually. Groups outside the City who use GIS, such as the Big Thompson Watershed Forum, were participants.
Grocery Store	Contacting people at the grocery store, either by printing information on a grocery bag, dropping information into a grocery bag, staffed information tables or by displaying fliers or posters in the store.	This is a way to reach a larger and possibly diverse group of people. See publications for more locations.
Information Booths	Place where information is exhibited at fair-type events or a conference.	The City's annual Corn Roast; other annual festivals; and conferences provide good opportunities.
Key Informant Interview	A question and answer session with a specifically targeted person with whom it would be particularly important or useful to speak.	This may be useful as a first step in reaching minority or other interest groups and affected parties.

EXHIBIT A
(planning commission 4/9)

Activity	Description	Comments
Kickoff Meeting	A kickoff meeting is an initial meeting to educate participants about the key issues and the upcoming public participation process.	A kickoff meeting should be widely publicized. <i>Affected parties</i> should be formally invited, when appropriate, and an effort should be made to include <i>underserved populations</i> . An educational presentation at the kickoff meeting may increase the quality of participation.
Luncheon or Breakfast	A luncheon or breakfast may be used to recognize or thank a group of people.	An example is Loveland's Business Appreciation Luncheon.
Mayor's Show	A monthly show on Channel 16 that provides in-depth information on a topic of current interest presented by the Mayor and other guests.	Contact the Public Information Officer. The show can present detailed information, but it reaches a small viewership and audio-visual quality is unpolished.
Meetings	These are opportunities for larger groups of people to get together for a multitude of purposes. The general intent is to allow people to interact on a person-to-person basis. Meetings can be held for a wide variety of reasons from working on an issue to making a presentation.	To be most effective, a meeting should inform the participant prior to coming: what type of meeting it will be, what their role will be, and the expected outcome of the meeting.
Modeling	Computer and/or physical modeling can be used to help people better visualize or better understand a particular concept or project.	Geographic Information Systems (GIS) can be a powerful tool for presentations; or can be included in an open house format, possibly in an interactive form. CommunityViz and similar software can show what the physical environment will look like under different design and use patterns or after a proposed structure is built. Low-tech modeling options should also be considered.

EXHIBIT A
(planning commission 4/9)

Loveland, Colorado 2005 Comprehensive Master Plan
Section 7.0 *Public Participation Plan*

Activity	Description	Comments
Neighborhood Meeting	A meeting with residents of a neighborhood for the purpose of seeking input for an area plan or a specific city-wide plan.	Neighborhood meetings can be conducted using a variety of formats including community visioning workshop, charrettes, open house, etc. Try to locate the meeting in a facility (school auditorium; church community room; etc.) near or within the neighborhood in question.
News Release (Press Release)	This official release tells the press there is news they might be interested in reporting. It generally follows a specific format and includes who, what when, where and a contact for more information.	Information that is reported as "news" gets more attention and credibility than paid advertising. Community forums, public meetings, and releases of plan drafts are all newsworthy events. Contact the Public Information Officer for more information.
Newspaper	The newspaper can run stories on government-related happenings and announce meetings and events.	In addition to Press Releases, Press Preview Meetings and <i>Dateline: Loveland</i> ; there are many ways to use the newspaper, including community announcements; monthly news briefs; and guest opinion columns or letters from the M-Team. Contact the Public Information Office for ideas.
Newspaper Advertisement	Information that a newspaper prints in their paper that is not part of the news. The person/group placing the advertisement has control of the content.	These are generally purchased, and are used to announce meetings and other events. These can be expensive.
Newsletter	You may create a newsletter (electronic or print) regarding your public involvement and planning process for interested parties. Some departments also have their own newsletters (i.e. <i>Utility News</i>). <i>City Updates</i> is the City's monthly newsletter. A newsletter might also be printed by a neighborhood group for residents of that neighborhood.	Make the newsletter easily understandable by avoiding jargon. Pay careful consideration to rules for good newsletter layout. Contact the Public Information Officer for more information.

EXHIBIT A
(planning commission 4/9)

Activity	Description	Comments
Open House	Information and materials are displayed in an informal setting where people are free to move about and consider whatever is of interest to them. Informed people are available to answer questions and take comments and suggestions.	Publicize your open house, including targeted efforts to attract affected parties and underserved populations. A variety of locations in city buildings can host open houses; also consider locations in neighborhoods (at schools, places of worship, etc.).
Organization Contact	Contact with an organization could take the form of a presentation, question & answer session, brainstorming, etc.	Social and service clubs and professional organizations are good venues for presentations.
Presentation Meetings	These meetings allow the organizer to provide information and answer questions for a large group at once.	The presenter generally does not present any side of the issue other than their own. (If possible the style of the meeting should be adapted to the audience. For example certain audiences may prefer posters to a PowerPoint presentation.)
Press Preview Meeting	A meeting held just before release of a draft document, in order to speak with the press.	Holding a press preview meeting gives the press enough time to review a document and ask questions so that information is more accurately represented. Open houses also provide a good venue for staff to speak with the press.
Press Release	See News Release	
Promotional Activities	Contests, tours, and other activities may serve to bring attention to your planning process.	

EXHIBIT A
(planning commission 4/9)

Loveland, Colorado 2005 Comprehensive Master Plan
Section 7.0

Public Participation Plan

Activity	Description	Comments
Public Hearings	This is a legal meeting that is required to ensure there is opportunity for public comment before adopting an amendment. It takes place before the City Council, with community members speaking under specific conditions.	These are required in Loveland prior to an amendment or plan being adopted. They should come at the end of the recommended public participation process. Since public hearings occur late in the process, they are not an ideal vehicle for public input. If unresolved issues are identified at a public hearing, then additional public participation activities may have to be scheduled before the project can move forward..
Public Notice	These are official notices posted prior to meetings.	These are required for meetings where 3 or more elected officials from the same governing body will be present.
Public Service Announcements	These are short announcements, usually on radio or television, for which there is no charge, with the purpose of announcing something important for the public to know.	
Publications and announcements	Publications and announcements include brochures, fliers, invitations, newsletters, postcard notices, posters, public notices, and other announcements. See Appendix B, Public Information Dissemination Tools. <i>City Updates, Dateline: Loveland, and Utility News</i> are useful communication resources.	These can be mailed, included in utility bills; printed in the newspaper; and/or placed at numerous locations. Publications are designed to appeal to different groups or underserved populations. Locations may include the Public Library, Government Center, Chilson Center, Museum Gallery, schools and colleges, grocery stores, book stores, cafes, places of worship, apartment and condominium buildings, transit stops and buses, major employers, parks and trailheads. Take advantage of the City's graphic design capabilities and "consumer test" materials to ensure they are understandable and attractive.
Radio 1610	Public service radio station.	Contact the Public Information Officer, preferably a few days in advance.

EXHIBIT A
(planning commission 4/9)

Activity	Description	Comments
Radio Talk Show	Various talk shows may be presented on area radio stations.	This may be an opportunity for providing more in-depth information on a certain topic.
Recreation Brochure	See Brochure	
School Presentations	In order to reach youth, presentations can be made at the schools, including presentations to clubs, student council and specific classes.	Suggested classes would be: civics, economics (or other senior level classes) and geography classes. (Whatever is presented to the kids needs to be short and to the point with a source of additional information such as a web site.)
School TV Station	See Channel 14	
Speakers Bureau	This is an organized effort to make speakers available, by invitation, to various groups and events on one or more specific subjects. City employees as well as other experts are encouraged to belong to a speakers' bureau.	Participation in a speakers' bureau allows for more flexibility and reaches a broader audience.

EXHIBIT A
(planning commission 4/9)

Loveland, Colorado 2005 Comprehensive Master Plan
Section 7.0

Public Participation Plan

Activity	Description	Comments
Survey – Citizen Survey	Surveys may be undertaken by individual departments in relation to plans and projects or to assess community satisfaction. In 2004, the city conducted a Quality of Life survey. The MIS department can generate a random sample for mailing.	<p>To get more meaningful (i.e. representative) results, ask demographic questions such as age, location in the city (by quadrants), income, etc. Questions may be closed-ended (multiple-choice) or open-ended (fill-in-the-blank or short answer).</p> <p>There are several ways to distribute a survey: mailing with utility bills; direct mail; printing in the newspaper; distribution to major employers; e-mail; internet (city web page); and making the survey available at outreach activities and/or various locations around town. Internet surveys sometimes have low numbers of respondents and are not scientific.</p> <p>Consideration should be given to preparing surveys in Spanish as well as English.</p>
Survey – User Survey	A user survey assesses satisfaction with a particular government service.	Individual departments may find user surveys to be good tools for evaluation and planning. It is a good idea to test surveys on a small group to ensure they are understandable and will generate the feedback desired.
Telephone Hot-Line	A specific phone number that has been set up to collect comments for a specific reason.	
T-Shirt	T-shirts can be used to publicize city events and campaigns (i.e. recycling; bike-to-work day; farmers' markets; etc.), volunteer programs, and so forth.	Selling t-shirts can make this a self-sustaining activity.
TV Advertisements	These are usually 30 or 60 second spots on TV during breaks in a regular show.	With cable television, it is not too expensive to run these. The main expense is in producing the spot.

EXHIBIT A
(planning commission 4/9)

Activity	Description	Comments
Two Minutes Max	These videos are produced for Loveland's Channel 16 and shown on a regular basis while they are relevant. They can also be shown on the webpage.	Contact the Public Information Officer for more info.
Utility News	This monthly newsletter is prepared by the City's Water and Power Utility and deals exclusively with related information of interest to the City's utility customers.	Another newsletter, City Updates (see above) is also mailed every month with utility bills and is not limited to utility-related information.
Visioning	See Community Visioning Workshop	
Visual Preferencing (Visual Preference Survey)	A survey of a group of citizens, presenting a variety of pictures/slide of development and asking citizens to rate development positively or negatively. It is a means of determining what sort of community residents prefer. It could be tailored to land use, community design, redevelopment, corridor planning, parks design, etc.	Visual preferencing may be done in several neighborhoods if it is to be used for neighborhood planning. Be careful in choosing pictures that illustrate different development alternatives in a way which is not leading or self-fulfilling. Pictures may or may not be local examples. A visual preference survey was conducted as part of Loveland's 2002 Historic Preservation Plan.
Video	A video is a useful tool for illustrating planning goals, showing community assets, and showing good (and bad) examples of development in the community. See <i>Two Minutes Max</i> .	Enlisting local film students at high schools and colleges is one way to produce an inexpensive video. The Loveland Public Library operates Channel 16, while the Thompson School District operates Channel 14. Resident interviews add interest to local videos. Videos may be distributed to organizations, shown at presentations, and shown on Channels 14 and 16.
Walking Tour	An organized walking tour can include both the public and decision-makers.	A walking tour may be a forum for communication between residents, staff and/or decision-makers. A tour may focus on successful examples of development projects or existing conditions. It could be part of a charrette or audit.

EXHIBIT A
(planning commission 4/9)

Activity	Description	Comments
Ward Meeting	An interactive discussion, generally with citizens and council members present, presenting a chance for two-way communication.	Contact the Public Information Officer one month before holding the meeting
Working Meetings	Generally these are meetings designed to work through issues when there can be give and take among all the participants.	
Workshop	Meetings to inform and solicit input on specific issues, plans or projects.	These usually allow a smaller group of people to participate more intensively. (See also community visioning workshop and charrette).
Youth Planning Activities	A variety of activities can involve youth in planning and provide an opportunity for youth input. Youth may be important or potential users of certain city services such as parks, recreation centers, trails and public transportation.	Loveland has recognized that youth are the future of the community and has expressed a desire to provide opportunities for youth to remain in Loveland. Therefore, it is important to involve youth in the planning process. During the 2004-5 Comprehensive Master Plan Update, a Youth Visioning Workshop was held; the visioning process was shortened and the last step (action steps) was removed. The Youth Advisory Board, Ames Community College, and the Thompson School District should be involved early on when a plan element affects areas of interest to youth. Be sure to include those who attend private schools or are home-schooled.

Many of the items in this list have been adapted from the North Front Range Metropolitan Planning Organization (MPO) Public Participation Tools and the City of Loveland Public Information Tools Analysis. Please see the City of Loveland Public Information Tools Analysis for more information on specific tools, their best use, target audience, role of the Public Information Officer, and other relevant information.

Attachment G

Map Provided by McWhinney at Neighborhood Meeting

EXHIBIT A
(planning commission 4/9)



EXHIBIT B**Kerri Burchett****(planning commission 4/9)**

From: Biever, Jennifer L. <jennifer.biever@hoganlovells.com>
Sent: Monday, April 09, 2012 11:45 AM
To: John Duval
Cc: Greg George; Kerri Burchett; Robert Paulsen; Judy Schmidt; Bill Cahill
Subject: RE: Comments Re Millennium GDP Major Amend, No. 9

Mr. Duval,

Thank you for your email on Friday. I appreciate the prompt response and considered evaluation of our letter regarding concerns about the notice provided with respect to Major Amendment No. 9 to the Millennium GDP. I would like to take this opportunity to assure you that our letter was not intended to be misleading. My client has significant and legitimate concerns about the opportunities for complete and timely public participation both in this amendment and future amendments/developments related to the Millennium GDP. Though we disagree with the City of Loveland regarding the applicability of Millennium GDP Section 12 procedures on public notice to this GDP amendment and contend that the notice provisions established in the Loveland Municipal Code are the applicable provisions, in order to accommodate the City's request, my client does not intend to further pursue its objection to the notice provided. Again, I appreciate the prompt response to my letter. We anticipate providing further comments on the substance of the proposed amendment later today.

Best regards,
Jennifer

EXHIBIT B
(planning commission 4/9)

From: John Duval [mailto:DuvalJ@ci.loveland.co.us]
Sent: Friday, April 06, 2012 11:44 AM
To: Biever, Jennifer L.
Cc: Greg George; Kerri Burchett; Robert Paulsen; Judy Schmidt; Bill Cahill
Subject: RE: Comments Re Millennium GDP Major Amend. No. 9

Ms. Biever,

I have reviewed your April 5, 2012, letter I received late yesterday. I have also reviewed the Millennium GDP, more specifically Section 12 of the GDP (a copy of which is attached), and the City Code provisions you cite. I have also consulted with the City's planning staff and reviewed with them the notices that were sent. Based on this, I do not agree with the conclusion in your letter that the neighborhood meeting and the two public hearings scheduled and noticed concerning the proposed major amendment to the Millennium GDP need to be rescheduled and re-noticed.

The basic premise of your letter is that the provisions found in City Code Section 18.05.030 concerning the content of the required notices for this major amendment of the Millennium GDP are controlling and have not been satisfied in the notices that were actually sent. You arrive at this premise by first citing to and quoting from Section 12.5.1.B of the Millennium GDP. However, your quote from this section is incomplete and, therefore, misleading and inaccurate. The complete quote reads:

"A Major Amendment shall be subject to review and approval by the Planning Commission and City Council in accordance with the applicable section of the Municipal Code [currently Section 18.41.050.D(11)], except that public notice of the hearings shall be given in accordance with the requirements of Section 12.3.7.A." (Emphasis added.)

If you will read Section 12.3.7.A in the attached copy of GDP Section 12, you will see that the notice requirements for public hearings, including the content for those notices, are different from those required in Code Section 18.05.030. You should also review GDP Section 12.3.7.B. for the notice requirements that are specific to neighborhood meetings. Based on the notice content requirements of these controlling GDP sections, the notices I reviewed satisfy these requirements.

I would also direct your attention to Section 12.1.1 which makes it very clear that the regulatory provisions of Millennium GDP Section 12 "shall govern all development within the GDP and shall expressly supersede and modify any City guideline, plan, administrative procedure, policy, requirement or Municipal Code provisions which in in conflict or inconsistent therewith."

If I have not properly understood your arguments in this matter or if my analysis is flawed, please let me know. If, however, neither is the case, it would be appreciated if you and your client would withdraw your objection in recognition of the cost and effort that the City and its officials have so far expended in responding to your objection and will have to continue to expend if your objection is not withdrawn.

Thank you.

John Duval
Loveland City Attorney
970-962-2541

EXHIBIT B
(planning commission 4/9)

From: Biever, Jennifer L. [mailto:jennifer.biever@hoganlovells.com]
Sent: Thursday, April 05, 2012 5:03 PM
To: John Duval
Subject: Comments Re Millennium GDP Major Amend. No. 9

Mr. Duval

Pursuant to our conversation this afternoon.

Please let me know if you have any questions.

Jennifer

Jennifer Biever
Associate

Hogan Lovells US LLP
One Tabor Center, Suite 1500
1200 Seventeenth Street
Denver, CO 80202

Tel: +1 303 899 7300
Direct: +1 303 454 2410
Fax: +1 303 899 7333
Email: jennifer.biever@hoganlovells.com
www.hoganlovells.com

About Hogan Lovells

Hogan Lovells is an international legal practice that includes Hogan Lovells US LLP and Hogan Lovells International LLP. For more information, see www.hoganlovells.com.

CONFIDENTIALITY. This email and any attachments are confidential, except where the email states it can be disclosed; it may also be privileged. If received in error, please do not disclose the contents to anyone, but notify the sender by return email and delete this email (and any attachments) from your system.



EXHIBIT B
(planning commission 4/9)

Hogan Lovells US LLP
One Tabor Center, Suite 1500
1200 Seventeenth Street
Denver, CO 80202
T +1 303 899 7300
F +1 303 899 7333
www.hoganlovells.com

April 5, 2012

John R. Duval, Esq.
City Attorney
500 East Third Street
Loveland, Colorado 80537
Facsimile: 970-962-2900

Kerri Burchett
Reviewing Planner
500 East Third Street
Loveland, Colorado 80537
burchk@ci.loveland.co.us.

Re: Objection to Notification Regarding Millennium GDP Major Amendment No. 9

Ladies and Gentlemen:

On behalf of G&I VI Promenade, LLC ("Promenade"), we submit the following comments. Promenade owns the property commonly known as the Promenade Shops at Centerra. On March 9, 2012, McWhinney sent a notice letter to Promenade (attached as Exhibit A). The letter provided notice of a Neighborhood Meeting on March 21, 2012, a Planning Commission public hearing on April 9, 2012, and a City Council public hearing on May 1, 2012, "to discuss an amendment to the Planned Unit Development," specifically Major Amendment No. 9 to the Millennium General Development Plan ("GDP"). On behalf of Promenade, we are writing to raise concerns regarding the adequacy of the notice provided and respectfully request that the applicant conduct a new Neighborhood Meeting and that the City of Loveland (the "City") postpone the Planning Commission and City Council hearings until adequate notice has been provided.

Requirements for GDP Amendment Approval

The Millennium GDP states that a "Major Amendment shall be subject to review and approval by the Planning Commission and City Council in accordance with the applicable section of the Municipal Code." See Millennium GDP 12.5.1.B. The Loveland Municipal Code ("Municipal Code"), 18.41.050(D)(11), states that a GDP may be amended in the same manner it was approved. Accordingly, approval of a Major GDP amendment requires that an applicant provide, by first class mail, notice to all

EXHIBIT B
(planning commission 4/9)

neighborhood property owners, as defined by Section 16.16.030(B)(1)(b)(ii),¹ at least ten (10) days prior to the Neighborhood Meeting. See Municipal Code 18.41.050(D)(2)(b)(i)-(ii). An applicant must further provide notice of the Neighborhood Meeting through posted notice. Id. at 18.05.020, Table 18.05-1.

Following issuance of the planning division's recommendation, the Major GDP amendment shall be set for public hearing at the next regularly scheduled meeting of the Planning Commission and the appropriate neighboring property owners must be noticed in accordance with Municipal Code Chapter 18.05, Public Notice. Id. at 18.41.050(D)(5). The Planning Commission's recommendations are forwarded to City Council, and, after proper notice in accordance with Chapter 18.05, City Council holds a public hearing. Pursuant to Municipal Code 18.05.020 and 18.05.040, in addition to posted and published notice, notice must be mailed by first class mail to all property owners on the certified list at least fifteen (15) days prior to any public hearing.

Where public notice is required for Neighborhood Meetings or public hearings, the notice must include the following:

1. Time, date, and location of the meeting or hearing.
2. The type(s) of application to be considered.
3. Project name.
4. Applicant's Name.
5. Description of the location of the subject property by legal description, and general location using street address and/or nearest street intersection.
6. Description of the proposal for the subject property.
7. Primary Contact (applicant or applicant's consultant(s)) information, including name of individual; name of company; phone number; email address.
8. Secondary Contact (City of Loveland Current Planning Division) information, including name of reviewing planner; phone number of reviewing planner; email address of reviewing planner.
9. For public hearing notices, a statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division.

Id. at 18.05.030 (emphasis added).

The notice provided to Promenade does not comply with the requirements of the Municipal Code 18.05.030. Accordingly, the City of Loveland must terminate "the review process until the proper notice has been provided and the public hearings have been reopened." Id. at 18.05.100; 18.41.050(D)(2)(c).

¹ For Major GDP approvals, the certified list of neighborhood property owners must include the names and addresses of all surface owners of record of all properties that fall wholly or partially within 1,000 feet of the boundaries of the GDP.

**EXHIBIT B
(planning commission 4/9)**

- 3 -

Applicant's Failure to Comply with the Notice Requirements of the Municipal Code

The mailed notice (and presumably the posted and published notice) related to the Millennium GDP Major Amendment No. 9 is inadequate and defective on several grounds.

First, the notice for the Neighborhood Meeting and the public hearings is required to state the applicant's name. Although the notice letter is from McWhinney and on McWhinney letterhead, the notice does not in fact explicitly state whether McWhinney is the applicant for this GDP amendment.

Second, the notice for the Neighborhood Meeting and the public hearings is required to provide a primary contact (a representative of the applicant) and a secondary contact (the reviewing planner for the City of Loveland), identify their affiliation, and provide an email address for those contacts. The notice provided to Promenade states:

"If you have any questions regarding the proposed project, please contact: Kim L. Perry at (970) 776-4055. If you have questions regarding the City process, please contact Kerri Burchett at (970) 962-2566."

The notice does not comply with the Municipal Code because it does not represent the affiliation of each of the listed contacts and does not provide an email address for those contacts. Where, as here, an interested member of the public would like to submit written comments to the Planning Division or applicant, no avenue for providing such comments has been provided. This does not meet the plain language or intent of the notice provisions in the Municipal Code.

Third, notice for the Neighborhood Meeting and the public hearings must include a "legal description" of the subject property. The notice provided to Promenade provides no such legal description stating only that: "legal description provided upon request." This does not comply with the notice requirements of the Municipal Code.

Finally, notice for the public hearings must include "a statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the City's Current Planning Division." See Municipal Code 18.05.030. The notice provided to Promenade includes no such statement. In fact, the notice provided to Promenade states only that "[i]n addition to the neighborhood meeting, there will be further opportunities for you to participate in the decision making process." By failing to expressly inform the public of the mechanisms for meaningful participation, i.e., appearance at the public hearing or the filing of written comments, the plain terms of the Municipal Code and the basic intent of the notice provisions have been violated. In fact, Promenade has sought counsel to understand the opportunities available to it to participate in this process. Such opportunities should have been clearly and directly communicated to Promenade in the notice provided.

These violations of the notice requirements are not trivial. "Strict compliance with statutory notice requirements for zoning is mandatory." Raygor v. Board of County Com'rs of County of El Paso, 21 P.3d 432, 436 (Colo. App. 2000). The legislative intent in enacting the zoning statute is that

EXHIBIT B
(planning commission 4/9)

- 4 -

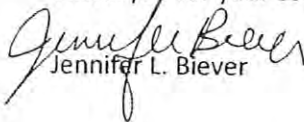
"over-all plans or changes should be given such publicity as will reasonably inform those owners affected, as well as the public, of what is proposed." Holly Development Inc. v. Board of County Com'rs, 342 P.2d 1032, 1038 (1959). The meaning of the notice must be intelligible to the layman and any ambiguity is to be resolved in favor of the public. See Holly, 342 P.2d at 1036; Hallmark Builders and Realty v. City of Gunnison, 650 P.2d 556, 560 (Colo. 1982) (holding that strict compliance with provisions for notice of a public hearing is required in connection with a zoning ordinance amendment).

In addition to these violations of the Municipal Code's fundamental notice requirements, Promenade has concerns with the fact that the Neighborhood Meeting, Planning Commission hearing and City Council hearing were all concurrently noticed (i.e., noticed together in one letter). The Municipal Code states that "[t]he objective of the neighborhood meeting is to inform the neighborhood of the scope and nature of the project and to reach an agreement between the applicant and the city as to the location, extent and nature of improvements and any conditions or restrictions necessary to adequately mitigate the impacts of the project on the neighborhood and on the public in general; as well provide for harmonious and aesthetic development." See Municipal Code 18.40.030(F). By setting the Planning Commission public hearing regarding the amendment prior to conducting the Neighborhood Meeting, the City and applicant have not appropriately considered and evaluated any information raised during the Neighborhood Meeting. The Neighborhood Meeting should not be conducted as an afterthought – to do so results only in form over function.

Conclusion

Based on the fundamental flaws in the notice provided for the Neighborhood Meeting, the Planning Commission public hearing, and the City Council public hearing, Promenade submits that Planning Commission is without jurisdiction to proceed to consider the Millennium GDP Major Amendment No. 9 on April 9, 2012 and respectfully requests that the City (and applicant) hold a new Neighborhood Meeting and postpone the Planning Commission public hearing until McWhinney provides proper notice of the proposed Major Amendment No. 9 to the Millennium GDP.

Thank you for your consideration,



Jennifer L. Biever

jennifer.biever@hoganlovells.com
D 1+303.454.2410

cc: McWhinney
2725 Rocky Mountain Ave, Suite 200
Loveland, Colorado 80538
kim.perry@mcwhinney.com

EXHIBIT B
(planning commission 4/9)

EXHIBIT A

EXHIBIT B
(planning commission 4/9)**Neighborhood Meeting and Public Hearing Notice Letter**

Date: March 9, 2012

Dear Property Owner:

The following is a notice of a neighborhood meeting, Planning Commission public hearing and a City Council public hearing to discuss an amendment to a Planned Unit Development in your neighborhood:

Project Name: *Millennium GDP Major Amendment No. 9*

Application Type: *PUD General Development Plan Amendment*

General Location: *See attached Vicinity Map – GDP is located generally in four areas:*

- *Parcel A – 1166 acres located at the northeast corner of I-25 and US 34*
- *Parcel B – 878 acres located east of Houts Reservoir and Equalizer Lake, south of Crossroads Boulevard, west of I-25 and north of US 34*
- *Parcel C – 477 acres located west of Houts Reservoir and Equalizer Lake and east of Boyd Lake Avenue*
- *Parcel D – 395 acres located south of US 34, north of East First Street and west of Mountain View High School*

Description of Project: *The Millennium GDP is proposed to be amended as follows:*

- *Provide a definition of light and heavy manufacturing and provide location allowances for the uses*
- *Modify the criteria in which development proposals require a public hearing*
- *Divide one sub parcel into two distinct sub areas on the east side of I-25*

Legal Description: *Legal Description provided upon request, Millennium GDP Parcel Map included as Exhibit A*

Neighborhood Meeting

Meeting Date: *Wednesday, March 21, 2012*

Meeting Time: *6:00 p.m.*

Meeting Location: *McWhinney
2725 Rocky Mountain Avenue, Suite 400
4th Floor, Gates Conference Room
Loveland, Colorado 80538*

Bring Your Dream

2725 Rocky Mountain Ave.
Suite 200
Loveland, CO 80538
p: 970.962.9990
f: 970.635.3003
www.mcwhinney.com

EXHIBIT B
(planning commission 4/9)

In addition to the neighborhood meeting, there will be further opportunities for you to participate in the decision making process. This application will require a public hearing.

Planning Commission Hearing

Meeting Date: *Monday, April 9, 2012*

Meeting Time: *6:30 p.m.*

Meeting Location: *City Council Chambers
500 East 3rd Street
Loveland, Colorado 80537*

City Council Hearing

Meeting Date: *Tuesday, May 1, 2012*

Meeting Time: *6:30 p.m.*

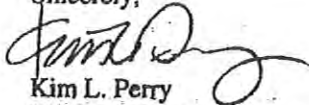
Meeting Location: *City Council Chambers
500 East 3rd Street
Loveland, Colorado 80537*

The notification list of affected property owners is supplied by the applicant and derived from current records of the Larimer County Assessor's Office. As those records are not always current, please feel free to notify your neighbors of this meeting date so all may have the opportunity to participate.

If you have any questions regarding the proposed project, please contact: Kim L. Perry at (970) 776-4055.

If you have questions regarding the City process, please contact Kerri Burchett at (970) 962-2566.

Sincerely,



Kim L. Perry
Vice President of Community Design
McWhinney
(970) 962.9990

EXHIBIT B
(planning commission 4/9)

Millennium GDP Parcels

Exhibit A - Millennium GDP Major Amendment No. 9 Project Area



Revised per Millennium GDP Major Amendment #8

EXHIBIT B
(planning commission 4/9)

REGULATORY PROCEDURES



SECTION 12
REGULATORY PROCEDURES

12.1 GENERAL PROVISIONS

12.1.1 Regulatory Procedures

The Regulatory Procedures set forth in this Section 12 define submittal requirements and Review Time-lines for Development Projects within the GDP, including but not limited to, processes for administrative and public review of Development Projects containing Uses-by-Right and Special Review Uses and of subdivision plats, variations, appeals and amendments. The Regulatory Procedures shall govern all development within the GDP and shall expressly supersede and modify any City guideline, plan, administrative procedure, policy, requirement or Municipal Code provision which is in conflict or inconsistent therewith.

12.1.2 Centerra Design Review Committee

The Regulatory Procedures incorporate a review process by the Centerra DRC, a private committee created for the purpose, among others, of evaluating Development Projects within the GDP, for compliance with the GDP and the private design standards adopted by the Centerra DRC.

The legal documents which establish the private design guidelines applicable within the GDP and creating the Centerra DRC with authority to review Development Projects within the GDP, are on file with the City. The Centerra DRC shall at all times be comprised of a minimum of three (3) voting members. Voting members shall include one (1) individual representing the Developer, and two (2) additional individuals, which may include any combination of the following: a registered architect, a certified planner, a registered landscape architect, a registered professional civil engineer, a sustainability consultant and/or other appropriate design professional. All voting members of the Centerra DRC shall be appointed by the Developer. At the City's option, a City staff member may serve as a non-voting liaison to the Centerra DRC and a designated representative of the Director may also serve as a non-voting liaison for the purpose of evaluating re-

quests for Variations of the Performance Standards pursuant to Section 12.2.4.

The role of the Centerra DRC in the evaluation of development within the GDP is described in detail in Section 12.3.1.

12.2 REVIEW STANDARDS

12.2.1 Controlling Documents

A. The primary review standards for projects within the GDP are: the Special Conditions which are applicable to Development Projects within designated GDP Parcels and are attached as appendices to Sections 2 through 5 of this GDP; the General Conditions which are applicable to all Development Projects within the GDP and are attached as an appendix to Section 1 of this GDP; and the Performance Standards for architecture, site planning, landscaping, streetscape and signage which are applicable to all GDP Development Projects and are contained in Sections 6 through 10 of this GDP. In addition, the provisions of the Restated Agreement, including, but not limited to provisions regarding Vested Property Rights, govern all projects within the GDP.

B. In the event of a conflict or inconsistency between provisions of the Controlling Documents applicable to a Development Project, the following hierarchy shall prevail: (1) the Restated Agreement; (2) the Special Conditions; (3) the General Conditions; and (4) any other provision of the GDP.

12.2.2 Applicability of Municipal Code

The provisions of the Municipal Code shall apply to all projects within this GDP except to the extent that any such provision is inconsistent with or in conflict with the terms and conditions of the Controlling Documents.

12.2.3 City Review/Approval Authority

A. The City shall have the right and responsibility to interpret and enforce the Controlling Documents and any applicable provisions of the Municipal Code and the right to refuse to approve any De-

EXHIBIT B
(planning commission 4/9)

MILLENNIUM GDP

velopment Project within the GDP if such Development Project fails to comply with such requirements.

B. Section 12.2.3.A shall not be construed as a waiver by the Developer of any right to challenge a City interpretation or the City's denial of a Development Project. If applicable, any such challenge shall first be processed as an Appeal in accordance with Section 12.4.

12.2.4 Variations of the Performance Standards

If an Applicant desires any Variation from the requirements of the Performance Standards, a written request therefor shall be submitted to the City prior to the submittal of the Development Project which incorporates the requested Variation and, in the case of a building permit for a Use-by-Right, the Variation request shall also be approved by the City prior to submittal of the Development Project which incorporates the requested Variation. A letter from the Centerra DRC stating its approval of such Variation shall accompany the written request. In the alternative, the Director is authorized to evaluate and approve Variations concurrently with the Centerra DRC's review and approval of the Variation. In the granting of a request for a Variation of the Performance Standards, the Director shall find that the implementation of the requested Variation would not pose a health, safety or welfare risk to the general public and that: (i) the proposed Variation is equal to or better than the provision of the Performance Standards sought to be varied; (ii) the application of the provision sought to be varied would create a site specific hardship (other than a financial hardship) on the Applicant; or (iii) the proposed Variation reflects a design solution or a distinct recognized architectural style that is appropriate for the project and results in the quality of the project being equal to or better than the result of complying with the Performance Standard sought to be varied. Decisions of the Director on a request for a Variation of a Performance Standard shall be issued in writing no later than seven (7) days after submission of the complete application therefor. In the event that the Director denies a requested Variation, the Applicant may Appeal such denial to the Planning Commission for a final decision, subject only to a right of Appeal to the City Council by the Applicant. The Appeal procedure shall be as set forth in Section 12.4.1.

12.2.5 Development Contiguity

In the event that a proposed Development Project fails to meet the contiguity requirements of the City of Loveland Comprehensive Master Plan dated October 18, 1994, as currently amended, including the latest amendment thereto dated February 18, 2003, the Director shall, in his or her sole discretion, be authorized to administratively grant an exception to the contiguity requirements upon the Applicant's submission in writing of a request and justification therefor and upon finding that the provision of utilities and roads to the proposed Development Project have been, or are planned to be, sufficiently sized to meet the service needs of such project, and of the other adjacent areas as the Director determines to be affected, in an efficient manner and at no cost to the City, unless the City has agreed to share in such costs.

Requests for exceptions to the contiguity requirements of such Comprehensive Master Plan shall be submitted to the Director and a decision thereon shall be made by the Director no later than seven (7) days after submission of the request and prior to submittal of the Development Project. Decisions of the Director on requests for exceptions to the contiguity requirements may be appealed by the Applicant therefor pursuant to Section 12.4.1.

In the event that the City amends the contiguity requirements of such Comprehensive Master Plan to be less restrictive, the Applicant shall be entitled to apply the less restrictive requirements to its proposed Development Project.

12.3 REVIEW PROCESS

12.3.1 Centerra DRC Review

A. With the exception of applications for Preliminary Plats, Development Projects within the GDP (including applications for a Variation, Type 1 Zoning Permit, Type 2 Zoning Permit, building permit, sign permit, Minor Subdivision, combined Preliminary Plat and Final Plats, Final Plats and Special Review Uses) shall be accompanied by a letter from the Centerra DRC stating its recommendation for final approval of the proposed Development Project,

EXHIBIT B
(planning commission 4/9)

REGULATORY PROCEDURES



with or without conditions, based upon its compliance with the GDP and a copy of the documents reviewed by the Centerra DRC and upon which its recommendation was made.

B. Applications for Preliminary Plats shall be accompanied by a written preliminary evaluation from the Centerra DRC that the Preliminary Plat complies with the GDP.

C. Development Projects which incorporate a Variation or Variations from the applicable Performance Standards shall also be accompanied by a letter from the Centerra DRC that states its recommendation for final approval of the requested Variation, with or without conditions, and a copy of the documents relied upon by the Centerra DRC in taking such actions. In the event that the Director approves the Variation request concurrently with the Centerra DRC review, the Development Project shall also be accompanied by the written decision of the Director.

D. The Centerra DRC may assign certain review and decision-making responsibilities to a subcommittee of the Centerra DRC and, for residential Development Projects and Variations, it may assign its review and decision-making responsibilities to another designated residential design review committee, provided that such subcommittee is comprised of the same number and type of members as required for the Centerra DRC and that the City has been given written notice of such assignment.

E. The City shall take into consideration the statement of the Centerra DRC regarding compliance with the GDP, but the City shall have the right and responsibility to determine each Development Project's compliance with applicable provisions of all Controlling Documents and the Municipal Code.

12.3.2 Complete Application

A. For purposes of these Regulatory Procedures, a complete application is defined as a Development Project submittal for which all of the following requirements have been met ("Complete Application"):

1. The Applicant has submitted a complete development application form for the type of application(s) being submitted;
2. The Applicant has submitted every item listed on the approved Submittal Checklist for the type of development application(s) being submitted, unless such item has been waived by the designated City official as set forth on the applicable Submittal Checklist;
3. The Applicant has submitted the documentation from the Centerra DRC as required by Section 12.3.1; and
4. The Applicant has paid all required fees for the type of development application(s) being submitted.

Submittal Checklists for Uses-by Right, Special Review Uses and subdivision plats will be approved, and may be modified, administratively by the Director upon the agreement of Developer without amending the GDP.

B. If an Applicant desires to develop a project containing a land use that is not specifically listed as either a Use-by-Right or Special Review Use for any Subparcel of the GDP, the Applicant shall obtain a determination from the Director as to the proper categorization of the desired use prior to submittal of a Development Project which contains such use. The Director's determination, in his or her sole discretion, shall be based upon the similarity of the desired use to the character of the uses specifically listed for the Subparcel in which the new use is desired. A use which is not, in the discretion of the Director, similar in character to a specifically listed Use-by-Right or Special Review Use shall not be permitted.

12.3.3 Development Projects

A. Uses-by-Right

The land use legends on Maps 4, 5, 6 and 7 of the GDP contain a list of Uses-by-Right for each Subparcel.

1. Administrative Review. Development Projects for Uses-by-Right shall be processed in accordance with the Review Timelines for Administrative Review:

EXHIBIT B
(planning commission 4/9)

MILLENNIUM GDP

(a) The Review Timelines for Administrative Review have separate requirements for Development Projects with Uses-by-Right which fit within any of the following categories:

- (i) Those located on a previously platted Lot;
- (ii) Those submitted with a Boundary Line Adjustment or lot merger;
- (iii) Those submitted with a Minor Subdivision plat;
- (iv) Those submitted with a Major Subdivision plat consisting of a Preliminary Plat followed by a Final Plat; and
- (v) Those submitted with a Major Subdivision plat consisting with a combined Preliminary and Final Plat.

(b) Development Projects for Uses-by-Right subject to Administrative Review shall not be preceded by a pre-application conference unless requested by the Director or the Applicant, nor shall they require a Development Review Team Meeting as defined in the Municipal Code or review and approval by the Planning Commission or City Council.

2. Public Review.

(a) A Development Project for a Use-by-Right which includes any one or more of the uses listed in subsections (i) through (vi) below shall be preceded by a conceptual review team meeting and thereafter shall be processed in accordance with the Review Timelines for Public Review, which processes require a public hearing before the Planning Commission:

- (i) Any single Building over 60' in height;
- (ii) Any single Building over 100,000 gross square feet;
- (iii) Any single Building over 50,000 gross square feet directly abutting one or more residential properties, or with only an intervening local classification or smaller street;
- (iv) Any Heavy Commercial Use directly abutting one or more residential properties;
- (v) Any Heavy Industrial Use abutting one or more residential properties; or
- (vi) Veterinary facilities, Animal Clinics, Small Outdoor Use, and/or Pet Day Care Facilities

with outdoor use adjacent to a residential neighborhood.

(b) A Development Project for a single project which includes a combined gross square footage of 500,000 non-residential square feet or more and the first Development Project within a Mixed Use Village Center shall be preceded by a conceptual review team meeting and thereafter shall be subject to Public Review in accordance with the Review Timeline therefor, which process requires public hearings before the Planning Commission and the City Council. The first Development Project within a Mixed Use Village Center shall be accompanied with Performance Standards for Mixed Use Village Centers which shall be incorporated into the GDP through the Major Amendment process concurrently with the first Development Project within a Mixed Use Village Center. Thereafter, all Development Projects within any Mixed Use Village Center shall be processed in accordance with the provisions of this Section 12 that are applicable to such subsequent Development Projects.

(c) The Public Review processes for the uses listed in (a) and (b) above shall include a neighborhood meeting and public hearings. Notice of the neighborhood meeting shall be given in accordance with the requirements of Section 12.3.7.B. Notice of the public hearings shall be given in accordance with the requirements of Section 12.3.7.A. Notification of mineral estate owners in the property shall be given in accordance with the requirements of Section 12.3.8.

In connection with the uses listed in (a) above, the Planning Commission may deny, approve or approve with conditions the proposed use and the action of the Planning Commission shall be final, subject only to a right of Appeal to the City Council pursuant to Section 12.4.2.

In connection with the use referred to in (b) above, the action of the Planning Commission shall be in the form of a recommendation to the City Council. The City Council may deny, approve or approve with conditions the proposed use.

(d) Public Review by the Planning Commission and the City Council pursuant to these Regulatory

EXHIBIT B
(planning commission 4/9)

REGULATORY PROCEDURES



Procedures shall be limited to a review of the site plan, landscape plan and architectural elevations, other supporting documentation reasonably required by the City, and any other evidence submitted at the hearing for the purpose of determining compliance with the Controlling Documents.

B. Special Review Uses

The land use legends on Maps 4, 5, 6 and 7 of the GDP contain a list of Special Review Uses for each Subparcel.

1. Development Projects for Special Review Uses shall be subject to the Review Timelines for a Type 2 Zoning Permit.
2. The Review Timelines for the Type 2 Zoning Permit process have separate requirements for Development Projects with Special Review Uses which fit within any of the following categories:
 - (i) Those located on a previously platted Lot;
 - (ii) Those submitted with a Boundary Line Adjustment or lot merger;
 - (iii) Those submitted with a Minor Subdivision plat;
 - (iv) Those submitted with a Major Subdivision plat consisting of a Preliminary Plat followed by a Final Plat; and
 - (v) Those submitted with a Major Subdivision plat consisting of a combined Preliminary Plat and Final Plat.
3. Development Projects for Special Review Uses may, at the option of the Applicant or the Director, be preceded by a pre-application conference.
4. Special Review Uses shall be evaluated for compliance with the GDP and those applicable special review criteria of the Municipal Code (currently Chapter 18.40) which are not inconsistent with the GDP.
5. An application for a Special Review Use shall be accompanied with a listing of the names and addresses of the owners as set forth in Section 12.3.7.A.1. All such owners and all current members of the Planning Commission and City Council shall be mailed written notice by the Current Plan-

ning Division of the Director's administrative decision on such application within five (5) days of such decision, which notice shall include the name of the Development Project and the location of the property, the substance and date of the Director's decision, and notice of the right to appeal such decision pursuant to Section 12.4.4.

C. Use-by-Right and Special Review Use Combinations

An application for a Development Project containing both Uses-by-Right and Special Review Uses shall be subject to the applicable Type 2 Zoning Permit Process described in Section 12.3.3.B.

D. Changes in Use

Changes in the use of an existing Building on an existing Lot to a Use-by-Right when a Building permit is not required shall be processed in accordance with the Review Timelines for a Type 1 Zoning Permit.

E. Other Allowed Processes

In lieu of the procedures set forth herein for plans with Uses-by-Right and Special Review Uses, an Applicant may elect to rezone its property out of the GDP and to another planned unit development or other zoning designation permitted under the Municipal Code. In such event, the Applicant shall comply with all applicable submittal and processing requirements of the Municipal Code therefor. Notwithstanding that any parcel of property is rezoned out of the GDP and is then subject to another development procedure permitted by the Municipal Code, any such project shall be subject to the Performance Standards of the GDP and the development application therefor shall be accompanied by a letter of recommendation from the Centerra DRC and a copy of the documents reviewed by the Centerra DRC.

F. Final Execution of Documents

The City shall execute all final documents and submit for recording, as applicable, within fourteen (14) days of receipt by the City of such documents properly executed by all necessary parties except the

EXHIBIT B
(planning commission 4/9)

MILLENNIUM GDP

City, provided that all other applicable City requirements have been met.

12.3.4 Subdivision Plats

A. Administrative Review

1. All applications for subdivision plats (including applications for Minor Subdivisions, Preliminary Plats, Final Plats and combined Preliminary Plats and Final Plats) shall be administratively reviewed and a decision made thereon by the Director. Public hearings before the Planning Commission or the City Council are not required for any subdivision plat unless otherwise required by State statute, or by a Special Condition of this GDP or in event that the administrative decision on the subdivision plat is appealed as provided herein.

2. An application for a subdivision plat that is not accompanied by an application for a Development Project shall be subject to the Review Timeline therefor.

3. The Review Timelines for subdivision plats have separate requirements for:

- (i) a Boundary Line Adjustment or lot merger;
- (ii) a Minor Subdivision plat;
- (iii) a Major Subdivision plat consisting of a Preliminary Plat followed by Final Plat; and
- (iv) a Major Subdivision plat consisting of a combined Preliminary Plat and Final Plat.

4. If an application for a subdivision plat is accompanied by an application for a Development Project containing Uses-by-Right and/or Special Review Uses, the applicable Review Timelines described in Section 12.3.3 shall apply.

5. An application for a Major Subdivision plat shall be preceded by a conceptual review team meeting, however, an application for a subdivision plat shall not require a Development Review Team Meeting or its equivalent, unless the Applicant or the Director determines that a Development Review Team Meeting is necessary considering the size or complexity of the project.

6. An application for a Major Subdivision plat consisting of either a Preliminary Plat or a combined Preliminary Plat and Final Plat shall be accompanied with a listing of the names and addresses of the owners as set forth in Section 12.3.7.A.1 and a listing of the names and addresses of the owners of all easements on the property proposed for development as evidenced by an ownership and encumbrance report provided by the Applicant. All such owners and all current members of the Planning Commission and City Council shall be mailed written notice by the Current Planning Division of the Director's administrative decision on such application within five (5) days of such decision, which notice shall include the name of the Development Project and the location of the property, the substance and date of the Director's decision, and notice of the right to appeal such decision pursuant to Section 12.4.3.A.

B. Replats

In the event a subdivision plat is submitted in which the desired Development Project does not include all of the property within a legal parcel, the remaining property which is not then being developed shall be shown as an Outlot on the subdivision plat which shall require replatting prior to City approval of any Development Project within such Outlot. If an Outlot is replatted as a Minor Subdivision, it shall not be subject to any waiting period set forth in the Municipal Code. Lots and Tracts also shall not be subject to any such waiting period provided that the Director determines, in his or her sole discretion, that the replat of a Lot or Tract through a Minor Subdivision process would not contravene the purposes of the City's subdivision requirements or would not be contrary to the best interests of the City.

C. Final Execution of Documents

The City shall execute the plat mylars and any other final documents and submit for recording, as applicable, within fourteen (14) days of receipt by the City of such documents properly executed by all necessary parties except the City, provided that all other applicable City requirements have been met.

12.3.5 Building Permits

EXHIBIT B
(planning commission 4/9)

REGULATORY PROCEDURES



Notwithstanding the timeframes for the submittal, processing and issuance of building permits (excluding grading permits) contained in the Review Timelines, the following requirements shall apply:

A. Applications for nonresidential building permits may only be submitted concurrently with a resubmittal of a subdivision plat application or after approval and recordation of the Final Plat.

B. Applications for residential building permits will only be accepted by the City for processing after approval and recordation of the Final Plat.

C. Building permits shall only be issued after the installation of adequate infrastructure improvements to be determined in the discretion of the Director in accordance with General Condition No. 9 and the requirements of the Municipal Code (currently Sections 16.40.010.A and B) which are not in conflict therewith.

12.3.6 Review Timelines

A. The Review Timelines will be approved, and may be modified, administratively by the Director upon the agreement of the Developer without amending the GDP.

B. The City shall use its best efforts to limit the review period for Development Projects within the GDP to the timeframes set forth on the approved Review Timelines, and the Applicant shall comply with the applicable Review Timelines.

B. The Review Timelines are meant to be maximum limits and shall not be construed as limiting the ability of the City to process any application in a shorter period of time.

C. In the event the City determines that it cannot complete its written comments and make them available to the Applicant within the timeframes set forth in the Review Timelines, it may retain a consultant to perform the necessary project review within such required timeframe. The City may require that the Applicant pay the cost of such consultant, provided that such payment is consistent with the City's then-existing general policy for payment of outside consultants by developers.

D. Notwithstanding the commitment of the City and the Applicant to comply with the Review Timelines, such timeframes may be extended in any of the following circumstances:

1. The City Manager determines that there are circumstances which justify an extension of time for the City staff's review of a Development Project, in which case a written notice shall be provided to the Applicant stating the extended period of time deemed necessary by the City for completion of its review; or

2. The Applicant fails to resubmit its Development Project within the timeframes set forth in the Review Timelines resulting in a rescheduling by the Director of the subsequent review and resubmittal timeframes. The Director shall use his best efforts to reschedule the timeframes for the application to the earliest possible dates which are next available in accordance with the remainder of the applicable Review Timeline.

E. In the event that the City adopts amendments to the procedural requirements of the Municipal Code or otherwise approves a more streamlined review process for the GDP which effectively shortens the Review Timelines for one or more types of Development Projects, the Developer may submit an amendment to the Regulatory Procedures which would permit such new process to be an alternative permitted process under the Regulatory Procedures. Such amendment may be administratively approved by the Director in his discretion to apply either to a particular Development Project or to all future Development Projects within the GDP of a similar type.

12.3.7 Public Notice Requirements

A. At least fifteen (15) days prior to any hearing required by these Regulatory Procedures, public notification shall be given of the date, time and place of the hearing, the nature of the matter to be considered at the hearing, a description of any property directly affected by the subject matter of the hearing and the telephone number of the City's Current Planning Department, as follows:

EXHIBIT B
(planning commission 4/9)

MILLENNIUM GDP

1. The Applicant shall provide the City with a listing of the names and addresses of all owners of record of: (i) the property proposed for development; and (ii) all properties that fall wholly or partially within the areas set forth in subparagraph A.3 of this section. The names and addresses required under (i) above shall include fee simple owners as evidenced by an ownership report provided by the Applicant. The names and addresses required under (ii) above shall be as they appear on the latest Larimer County Records;

2. The City shall publish the required notice in the City's newspaper of record and mail notice to the Applicant and the owners of record of the property proposed for development;

3. The Applicant shall send by first class mail written notice to all surface owners of record of all properties located within the following areas: (i) within a 1000-foot radius of the boundaries of the proposed Development Project if the project includes more than 50 acres; (ii) within a 750-foot radius of the boundaries of the proposed Development Project if the project includes 20 or more acres but no greater than 50 acres, or (iii) within a 500-foot radius of the boundaries of the proposed Development Project if the project includes less than 20 acres; and

4. The Applicant shall post a sign or signs (with the content approved by the City) on the property which is the subject of the hearing in a location that is readily visible from each public street or highway adjoining the property.

Prior to the public hearing, the Applicant shall provide the City with an affidavit certifying that the Applicant's requirements of this Section 12.3.7.A have been met. Failure to provide the required affidavit or evidence of a defective mailing list or posting will result in termination of project review until proper notice is provided.

The public notice requirements of this Section 12.3.7.A shall not be applicable to "initial public hearings" before the Planning Commission for the limited purpose of hearing objections of mineral estate owners pursuant to any Special Conditions of this GDP, which shall be noticed in accordance with Section 12.3.8 hereof.

B. At least ten (10) days prior to any neighborhood meeting required by these Regulatory Procedures, the Applicant shall give written notice by first class mail to all owners of all properties that fall wholly or partially within the applicable area set forth in Section 12.3.7.A.1. The Applicant shall provide the City with an affidavit certifying that the Applicant conducted the neighborhood meeting and that the requirements of this Section 12.3.7.B were met. Failure to provide the required affidavit or evidence of a defective mailing list will result in termination of project review until proper notice is provided and the neighborhood meeting is conducted.

12.3.8 Mineral Estate Owner Notification

The notification of mineral estate owners shall be given in accordance with the requirements of C.R.S. §24-65.5-101 et seq., as amended.

12.4 APPEALS

12.4.1 Performance Standard Variations/Exceptions to Development Contiguity Requirements/Uses-by-Right subject to an Administrative Review/Boundary Line Adjustments/Lot Mergers/Minor Subdivision Plats/Final Plats/Minor Amendments

A. Third party Appeals are not permitted with regard to the Director's administrative decision on an application for a Variation of the Performance Standards, an exception to the development contiguity requirements, a Development Project containing a Use-by-Right subject to Administrative Review, a Boundary Line Adjustment, a lot merger, a Minor Subdivision plat or a Final Plat or a Minor Amendment.

B. In the event, however, that the Director denies any such application, or approves any such application with conditions that are not acceptable to the Applicant, the Applicant shall have the limited right to Appeal the Director's decision to the Planning Commission. The only grounds for Appeal shall be (i) that the Director did not have competent evidence to support his or her decision, or (ii) that the Director

EXHIBIT B
(planning commission 4/9)

REGULATORY PROCEDURES



did not properly interpret or apply the applicable review standards. The Appeal shall state the grounds upon which the Applicant is relying and the specific facts that support such grounds.

C. Appeals of an administrative decision of the Director shall be filed in writing with the Current Planning Division within ten (10) days of the mailing of the Director's decision. The Planning Commission shall hold a hearing on the Appeal within thirty (30) days of the filing of the Appeal and shall either reverse, modify or uphold the Director's decision. The hearing before the Planning Commission shall be de novo (i.e. a new hearing in which the Planning Commission is entitled to hear and consider new evidence and testimony). Written notice of the hearing shall be given to the Applicant at least fifteen (15) days before the hearing. The Director may adopt supplementary administrative procedures for such Appeals which are not in conflict or inconsistent with these provisions. The decision of the Planning Commission shall be final unless it is appealed in writing by the Applicant to the City Council as provided in Paragraph D. below.

D. Appeals of a decision of the Planning Commission shall be filed in writing with the Current Planning Division within ten (10) days of the Planning Commission's decision. The City Council shall hold a hearing on the Appeal within thirty (30) days after the Planning Commission's decision. The hearing before the City Council shall be on the record, i.e. limited to evidence which was before the Planning Commission at the time its decision was made. Written notice of the hearing shall be given to the Applicant at least fifteen (15) days before the hearing and the City Council shall either reverse, modify or uphold the decision of the Planning Commission.

12.4.2 Public Review

A decision of the Planning Commission pursuant to Section 12.3.3.A.2(a) may be appealed to the City Council by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, or three or more members of the City Council. The process for any such Appeal shall be the process described in Section 12.4.1.D, except that public notice of the hear-

ing shall be given in accordance with the requirements of Section 12.3.7.A.

12.4.3 Preliminary Plats/Combined Preliminary and Final Plats

A. The administrative decision of the Director on an application for a Preliminary Plat or a combined Preliminary Plat and Final Plat may be appealed to the Planning Commission by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, three or more Planning Commission members or three or more members of the City Council. The process for any such Appeal shall be the process described in Section 12.4.1.C, except that public notice of the Appeal hearing shall be given in accordance with the requirements of Section 12.3.7.A and, in addition, the Applicant shall provide such notice of the Appeal hearing to the list of easement owners described in Section 12.3.4.A.6.

B. A decision of the Planning Commission pursuant to Section 12.4.3.A may be appealed to the City Council by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, or three or more members of the City Council. The process for any such Appeal shall be the process described in at Section 12.4.1.D, except that public notice of the hearing shall be given in accordance with the requirements of Section 12.3.7.A and, in addition, the Applicant shall provide such notice of the Appeal hearing to the list of easement owners described in Section 12.3.4.A.6.

12.4.4 Special Review Use Approvals

The administrative decision on a Type 2 Zoning Permit may be appealed to the Planning Commission by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, any person that appeared at the neighborhood meeting, three or more Planning Commission members or three or more members of the City Council. The process for any such Appeal shall be the process described herein at Section 12.4.1.C and 12.4.1.D., except that public notice of the hearing shall be given in accordance with the requirements of Section 12.3.7.A.

EXHIBIT B
(planning commission 4/9)

MILLENNIUM GDP

A decision of the Planning Commission on a Type 3 Zoning Permit may be appealed to the City Council by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, any person that appeared at the neighborhood meeting or three or more members of the City Council. The process for any such Appeal shall be the process described herein at Section 12.4.1.D, except that public notice of the hearing shall be given in accordance with the requirements of Section 12.3.7.A.

12.5 AMENDMENTS

12.5.1 Amendments to the GDP

A. Consent to Amendments

The Controlling Documents shall, in accordance with the terms of the Restated Agreement, only be amended or terminated by the City with the consent in writing of the Developer, or any affiliated entity in which the Developer has a majority interest, and those third parties, if any, to whom the Developer has specifically granted, in writing, the right to approve such amendment or termination.

B. Major Amendments

For purposes of these Regulatory Procedures, any of the following amendments to this GDP constitute a Major Amendment: (a) permit a use not identified in a GDP Parcel or Subparcel as a Use-by-Right, a Special Review Use, or a use approved by the Director pursuant to Section 12.3.2.B of the Regulatory Procedures; (b) decrease the amount of commonly-owned, but not dedicated, open space within the GDP by more than ten percent (10%); (c) change any requirement for the payment of money or the dedication of land or other property rights to the City or the public; (d) materially relocate any public facility or improvement; (e) increase residential density by more than five percent (5%) in any GDP Parcel; and (f) increase nonresidential Building square footage by more than five percent (5%) in any GDP parcel ("Major Amendment"). A Major Amendment

shall be subject to review and approval by the Planning Commission and City Council in accordance with the applicable section of the Municipal Code [currently Section 18.41.050.D(11)], except that public notice of the hearings shall be given in accordance with the requirements of Section 12.3.7.A. For Major Amendments that directly affect less than the entire GDP, the public notice requirement shall be specific to the Parcels or Subparcels of the GDP affected by the Major Amendment as determined by the Director in his or her reasonable discretion.

C. Minor Amendments

Minor amendments are any amendments to this GDP which do not meet the definition of a Major Amendment described in Section 12.5.1.B above ("Minor Amendments"). Minor Amendments shall be administratively reviewed and a final decision made thereon by the Director without requiring the approval by the Planning Commission or the City Council.

12.5.2 Amendments to Approved Plans or Sub-division Plats

A. Uses-by-Right

Proposed amendments to a Development Project containing a Use-by-Right for which a building permit has been issued shall be reviewed in accordance with the same process by which the Development Project was approved. In the event, however, that the amendment proposes a use set forth in Section 12.3.3.A.2, the proposed amendment shall be subject to the Public Review process set forth therein.

B. Special Review Uses

Proposed modifications to an approved Type 2 Zoning Permit or Type 3 Zoning Permit shall be reviewed in accordance with the applicable section of the Municipal Code (currently Section 18.40.050.A or Section 18.40.050.B), except that public notice of

EXHIBIT B
(planning commission 4/9)**REGULATORY PROCEDURES**

any required hearing shall be given in accordance with Section 12.3.7.A.

C. Subdivisions Plats

Proposed modifications or amendments to an approved Preliminary Plat, Final Plat or Minor Subdivision plat shall be processed in accordance with the same process by which the plat was approved.



Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

Planning Commission Staff Report

April 9, 2012

Agenda #: Regular Agenda - 1

Title: Millennium GDP Amendment #9

Applicant: McWhinney Enterprises

Request: **General Development Plan Amendment**

Location: The PUD is generally located on the east side of Loveland. It contains parcels on both the north and south sides of Highway 34 between the western edge Mountain Lion Drive and east of I-25 to High Plains Boulevard (County Road 3).

Existing Zoning: Planned Unit Development

Staff Planner: Kerri Burchett

Staff Recommendation

Subject to additional evidence presented at the public hearing, City staff recommends the following motion:

Recommended Motions:

1. *Move to make the findings listed in Section VII of this report dated April 9, 2012 and, based on those findings, recommend that City Council approve the Millennium Addition PUD General Development Plan 9th Amendment.*

Summary

This is a public hearing to consider an amendment to the Millennium Addition PUD General Development Plan that would:

- 1) Add definitions for light and heavy manufacturing and specify location allowances for each use;
- 2) Adjust non-residential site planning criteria for shadow/shading analysis and context diagrams;
- 3) Modify public hearing requirement criteria for development proposals; and,
- 4) Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25.

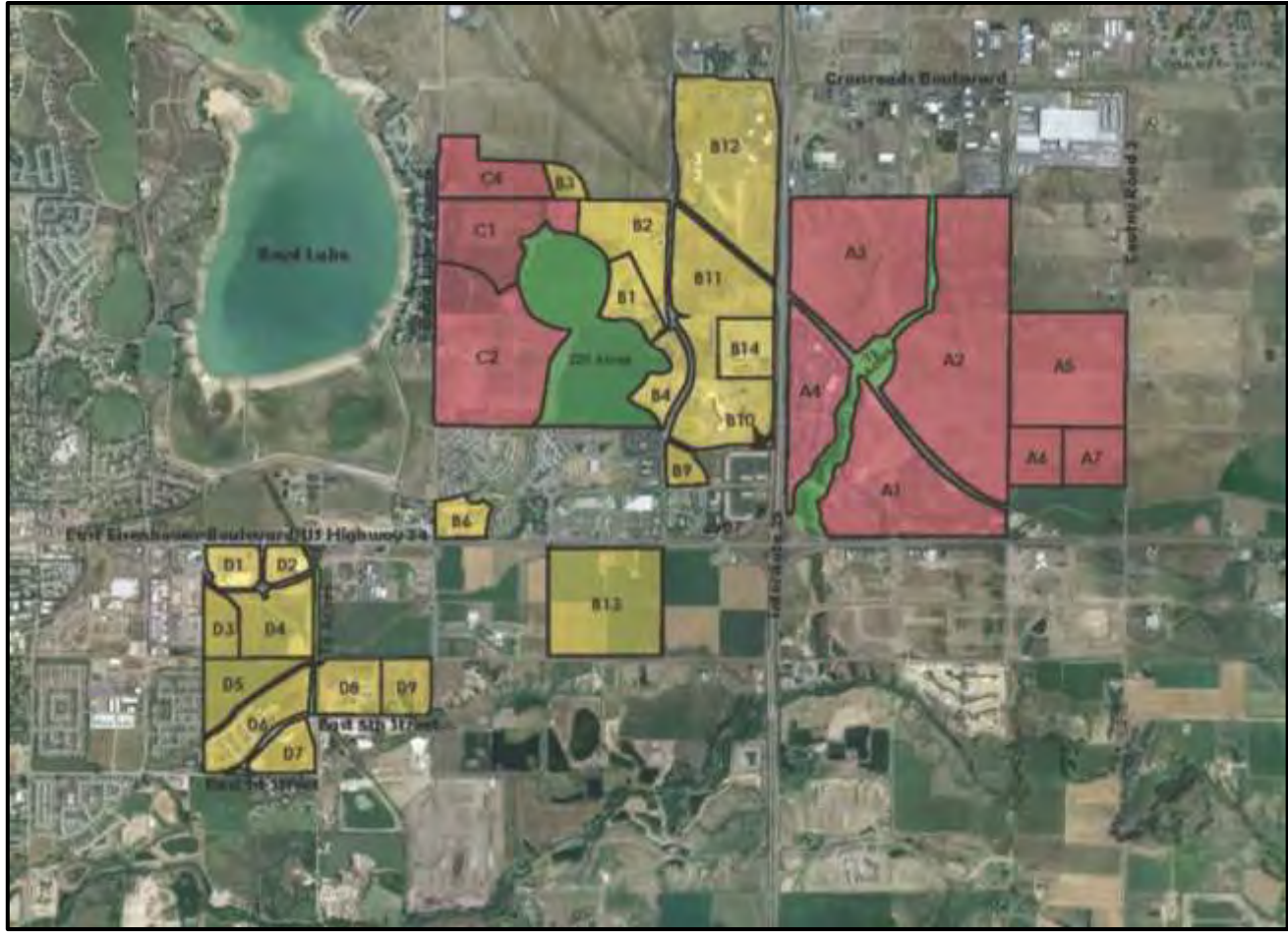
City staff has reviewed the proposed amendment and believes that all required findings contained in Section VII of the staff report can be made, with emphasis on the following:

- The amendment is in compliance with the City's Comprehensive Master Plan;
- The amendment will not negatively impact traffic or City utilities;
- The revisions proposed in the amendment should not have negative impacts on neighboring properties; and
- Development in conjunction with the GDP Amendment will be in harmony with existing and future development through the incorporation of high quality design standards and transition requirements.

I. ATTACHMENTS

1. Millennium PUD Vicinity Map showing City limits
2. Narrative description of the requested amendment provided by applicant
3. Amended Millennium GDP sections with proposed changes redlined
4. Map 4 Revisions
5. Narrative of revised land use legend for Map 4

II. VICINITY MAP



The Millennium General Development Plan (GDP) governs land use within the Millennium Planned Unit Development (PUD). The PUD contains approximately 2,916 acres within four separate parcels: A, B, C and D as identified in the vicinity map above. Parcel A, which includes the Promenade Shops at Centerra, is located east of I-25 and north of Highway 34. Parcel B, which includes the Medical Center of the Rockies and various office, research and multifamily uses, is generally located east and south of Houts Reservoir and Equalizer Lake. Parcel B also incorporates two separate areas along Highway 34. Parcel C is located west of Houts Reservoir and Equalizer Lake and is bounded by Boyd Lake Avenue on the west. Lastly, Parcel D is located south of Highway 34 and west of Mountain View High School. Parcel D includes the development of Lowes, Kohls and residential uses along East 1st and 5th Streets.

III. PROJECT DESCRIPTION

Summary

The GDP Amendment was initiated at the request of the City's Economic Development Department. In collaboration with McWhinney Enterprises, the Department identified certain process improvements and revisions to the GDP that would enable the City to provide more competitive review time frames to companies considering Loveland. The Amendment proposes four general modifications to the GDP document:

1. Add definitions for light and heavy manufacturing and specify location allowances for each use;
2. Modify public hearing requirement criteria for development proposals;
3. Adjust non-residential site planning criteria for shadow/shading analysis and context diagrams; and
4. Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25.

The revisions proposed in the amendment would help streamline City processes to help meet the market demand for permit ready sites. The amendment would also remove process requirements specific to the GDP that are not required in similar zone districts within the City and, in effect, "level the playing field" compared to other conventionally zoned property. The high quality architectural and site planning standards in the GDP along with the thresholds identified for public review by City Council would be maintained.

The following contains a more detailed description of each proposed revision requested in the Amendment. While the requested amendment affects the entire PUD, only the GDP sections and maps proposed to be revised have been included as an attachment to this staff report. The revisions to each section are identified in a redline/strikethrough format (**Attachment 3**). A copy of the complete Millennium PUD GDP document is available for viewing at the Current Planning office.

1. Light and Heavy Manufacturing Definitions and Use Location

The GDP currently contains a definition for manufacturing that narrowly describes manufacturing as related to goods and products produced from extracted or raw materials. The definition of manufacturing provided in Section 13 of the GDP is as follows:

"Manufacturing" means a facility wherein goods are produced or repaired, using necessary equipment for the manufacturing of materials or products from extracted or raw materials."

The use of manufacturing falls within the heavy industrial land use designation in the GDP, which requires approval of a special review in many of the non-residential sub-parcels. The special review process involves a neighborhood meeting with a comment and appeal period which lengthens the City's processing timeframe and could create uncertainty for prospective companies. The GDP does not differentiate between varying intensities or impacts of the manufacturing activities on surrounding properties. The amendment proposes to add definitions for light and heavy

manufacturing in order to differentiate the activities and provide appropriate location allowances for each use.

The proposed definition for light manufacturing would require that the manufacturing activities be contained entirely within a building, thereby reducing external impacts on surrounding properties. Light industrial uses would include activities such as processing, fabrication, assembly, packaging and distribution from previously prepared materials. Light manufacturing would be classified as a light industrial use in the GDP and as proposed, would not be subject to a special review approval on non-residential sub-parcels.

GDP AMENDMENT

Light Manufacturing Definition:

Manufacturing that is predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products provided all manufacturing activities are contained within a building.

Heavy manufacturing would be defined as processing and manufacturing of materials or products primarily from extracted or raw materials. The use could involve outside activities and would remain classified as a heavy industrial use in the GDP. Heavy manufacturing would require special review approval in many of the non-residential sub-parcels. Additionally, any heavy industrial use proposed adjacent to a built or platted residential property would require Planning Commission approval.

GDP AMENDMENT

Heavy Manufacturing Definition:

Manufacturing that is engaged in the basic processing and manufacturing of materials or products, predominantly from extracted or raw materials, petrochemical and rubber refining, primarily metal mining, or similar uses.

2. Public Hearing Requirement Criteria

Section 12 of the GDP provides regulatory procedures for developing in the Millennium PUD. The regulatory procedures incorporate items such as required approval from the Centerra Design Review Committee, the process for administrative variations of the performance standards and an outline of the City review process. The review process is divided into two components for uses by right as described in Section 12.3.3: administrative review and public review.

Unlike similar conventionally zoned properties in the City, such as the City's Developing Business and Industrial zone districts, the GDP specifies criteria and thresholds for when a use-by-right development project requires public review and approval from the Planning Commission or City Council. The GDP outlines six thresholds that would require Planning Commission approval generally including: i) building heights over 60 feet in height; ii) buildings over 100,000 square feet; iii) buildings over 50,000 square feet abutting residential properties; iv) heavy commercial uses abutting residential properties; v) heavy industrial uses abutting residential properties; and vi) veterinary facilities and clinic with outdoor uses adjacent to a residential neighborhood.

The only zoning district outside of the Millennium PUD that includes provisions requiring Planning Commission approval based on building size is the City's downtown Be-Established Business Zone. In the Be zone, buildings over 25,000 square feet in the General Core Area of Downtown, buildings over 10,000 square feet in the Neighborhood Transition Area and buildings exceeding 70

feet in height require approval by Planning Commission. In establishing the thresholds for public review in the Be zone, the City recognized that the downtown area has characteristics unique to the historic core of the City and public involvement was necessary. The historical nature of downtown properties and preservation of architectural form and character is very different from the greenfield development within the Millennium.

In the GDP Amendment, the applicant and the City's Economic Development Department are proposing revisions to the defined thresholds in which public review and Planning Commission approval would be necessary. The purpose of the revision is to "level the playing field" compared to other properties zoned to allow light industrial/light manufacturing uses. The requirement for a public hearing before the Planning Commission would be based more on the proximity of a use to a built or platted residential neighborhood as opposed to the actual height, square footage or use of the building itself. An example would be that a commercial or light manufacturing use over 100,000 square feet could be processed without a Planning Commission hearing, provided the use was not located abutting a platted or built single family residential neighborhood.

GDP AMENDMENT

Planning Commission hearing required for:

- Any single Building over 60' in height directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties, or with only an intervening street of collector or smaller street classification;
- Any single Building over 50,000 gross square feet directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties, or with only an intervening street of local or smaller street classification;
- Any Heavy Commercial Use directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties or with only an intervening street of collector or smaller street classification;
- Any Heavy Industrial Use abutting one or more existing platted or built residential properties or with only an intervening street of collector or smaller street classification; and
- Veterinary facilities, Animal Clinics, Small Outdoor Use, and/or Pet Day Care Facilities with outdoor use adjacent to an existing platted or built residential neighborhood.

The GDP amendment would enable the City to provide more competitive review time frames to companies considering Loveland by streamlining the processes. Indirectly, the amendment would encourage tall buildings and buildings with large square footages to locate in areas not directly adjacent to single family residential properties by eliminating the public hearing process based on the building's location. The amendment would not alter the criteria of requiring a public hearing before the Planning Commission and City Council for development projects with 500,000 or more gross square feet.

3. Non-Residential Site Planning Criteria Revisions

Section 6 of the GDP provides non-residential site planning criteria for all development within the Millennium PUD. Dimensional standards such as setbacks, building heights and open space are outlined along with site layout, compatibility criteria such as screening, noise and bufferyards and design considerations. Two components of this section are proposed to be modified with the GDP

Amendment relating to the shadow/shading analysis requirement and provision of a context diagram with large campus-style developments.

Shadow and Shading Analysis: Developments proposing building heights greater than fifty-five feet in the PUD require a shadow analysis to identify any impacts of shading and shadows cast by the proposed building. Design standards in the GDP require that buildings be located and designed so as to not have substantial adverse impacts on natural and artificial light on neighboring properties. Adverse impacts include casting shadows on property that would preclude the use of solar energy, contributing to the accumulation of snow and ice during the winter and shading windows or gardens for more than three months out of a year.

If a project does not comply with the strict interpretation of the shadow analysis requirements, but meets the intent of the standard, the GDP requires the applicant to obtain approval from the affected property owner. If approval from the property owner is not obtained, a redesign of the project may be necessary without any means of relief from a strict interpretation of the standard. The applicant is therefore requesting that this requirement be removed. The regulatory procedures in Section 12 of the GDP provide a process and necessary findings in which the Director of Development Services can approve variations to GDP standards. With the proposed amendment and the removal of the requirement for a third party approval, variations to the shadow analysis would be subject to the same regulatory procedures as all other design standards in the GDP.

Context Diagram: A context diagram is a schematic map or plan accompanying a proposed development that shows how the project relates to its surrounding areas. The diagram is used to ensure that the area is planned cohesively and consistently in terms of land uses, pedestrian and vehicular circulation patterns, open space areas and utilities. The requirement for providing a context diagram is unique to projects within the Millennium PUD and is not required in other zone districts in the City. The diagram, which is administratively approved, must accompany plats and site development plans for developments proposed within 1/4 mile of either I-25 or US 34 or within a mixed use village center. At the City's request, the requirement for providing a context diagram is being expanded with the GDP Amendment to include all multi-phased campus-style developments of 50 acres or more. This will enable better planning and coordination efforts for phased campuses.

GDP AMENDMENT

Context Diagram

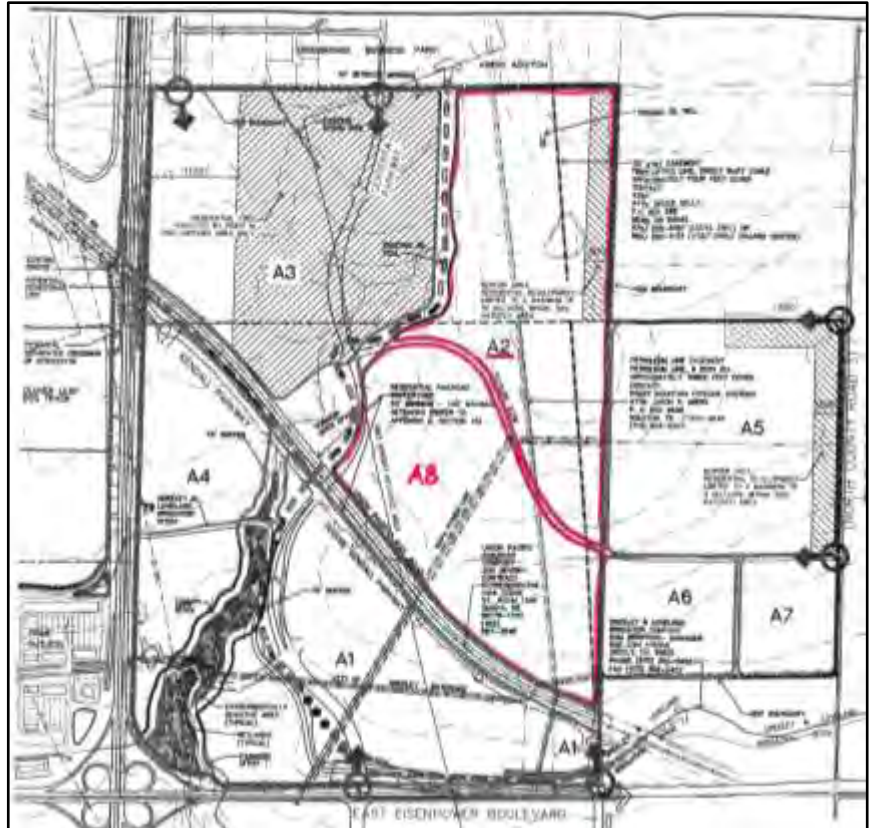
Multi-phased campus style development projects of 50 acres in size or larger, the Applicant shall submit for review by the City in conjunction with the first Site Development Plan review process, a possible configuration (or alternative configurations) of land within the defined campus. The context diagram shall include the following:

- A. Potential land uses and existing land uses;
- B. Pedestrian and vehicular circulation patterns;
- C. Open Space areas;
- D. Conceptual drainage and utility systems;
- E. Linkages to areas immediately adjacent, important views, corridors and vistas, and Environmentally sensitive Areas (as identified within this GDP).

4. Divide sub-parcel A-2 into two distinct sub-parcels on the east side of I-25.

Sub-parcel A-2, located on the east side of I-25, consists of approximately 320 acres. The parcel can be developed to include a variety of commercial, industrial, residential and mixed use neighborhoods with a maximum of 1,568 residential dwelling units permitted. In the GDP Amendment, the applicant has requested to sub divide this parcel into two distinct sub-parcels and reallocate the approved number of dwellings units between the new sub-parcels. No increase to the maximum number of residential units is requested in the amendment. The new sub-parcel A-2 would consist of approximately 185 acres and permit 880 dwelling units. The newly created sub-parcel A-8 would consist of approximately 144 acres with 688 residential units permitted.

Permitted land uses within sub-parcel A-2 would remain unchanged. Allowed land uses within sub parcel A-8 would be consistent with those of A-2 with the exception that heavy commercial uses would be permitted as a use by right. Heavy commercial use is currently subject to special review approval in sub-parcel A-2 due to the proximity of residential uses east of the parcel. Heavy commercial land uses include grocery stores, large retail establishments, auto related uses, convenience stores, self-storage facilities and entertainment facilities.



GDP Amendment: Parcel A-2 and A-8 Proposed Land Uses

SUB-PARCEL:	ACRES:	USES-BY-RIGHT:	SPECIAL REVIEW USES:	MAXIMUM DENSITY FOR ANY INDIVIDUAL PHASE ON A SINGLE PLAT (RESIDENTIAL USE ONLY):	MAXIMUM # RESIDENTIAL UNITS:
A2	185	Institutional/Civic/Public Light Commercial Light Industrial Mixed-Use Village Center (MUVC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space	Heavy Commercial Heavy Industrial	MUVC+ RES (Not in a MUN) 30 DU/AC++ RES (MUN) 30 DU/AC+++	880
A8	144	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Mixed-Use Village Center (MVUC) Residential (Not in a MUN) Parks and Open Space	Heavy Industrial	MUVC+ RES (not in a MUN) 30 DU/AC ++ RES (MUN) 30 DU/AC+++	688

IV. KEY ISSUES

City staff believes that there are no key issues associated with the GDP Amendment request.

V. BACKGROUND

The Millennium Addition PUD and GDP was approved by City Council in September of 2000. Since its approval, the GDP has been amended several times to reallocate and increase the maximum number of residential units in designated parcels, add land area, provide new definitions and modify land use locations.

VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification

An affidavit was received from McWhinney Enterprises which certifies that the surrounding property owners within 1,000 feet of the PUD boundaries and all property owners within the PUD were notified on March 9, 2012 of a neighborhood meeting held on March 21, 2012. The notice also included the date and time of the Planning Commission hearing. The affidavit from McWhinney Enterprises also certifies that notices were posted in prominent locations within the PUD on March 6, 2012. In addition, a notice was published in the Reporter Herald on March 24, 2012. All notices stated that the Planning Commission will hold a public hearing on April 9, 2012 to consider the matter.

B. Neighborhood Response

A neighborhood meeting was held on March 21, 2012. There were 29 neighbors, along with the applicant and city staff, in attendance. Many of the questions from the neighborhood focused on development plans along Boyd Lake Avenue, north of High Plans Village (Parcel C shown in the vicinity map). No specific development proposal has been received for this area and the applicant indicated development timing was based on market conditions. General discussion focused on where heavy manufacturing could be located in various parcels occurred. Other general questions included the following:

- School location in Van de Water parcel;
- Flight numbers at the airport;
- Grand Station plans;
- Grocery store possibilities;
- Development at the former waterpark site;
- Development patterns on Crossroads Boulevard;
- Property values;
- Active properties being marketed; and
- Timing of when the former dog track will be removed.

Specific to the amendment, questions were voiced concerning the removal of the public hearing process for future developments. The applicant explained that thresholds were being maintained based on building square footage and building height, along with heavy industrial and commercial uses, that would require a public hearing before Planning Commission when the use abutted existing, built or platted single family attached or detached uses.

After the neighborhood meeting, City staff has received one call from a resident who could not attend the meeting. The resident voiced concerns about non-residential development occurring along Boyd Lake Avenue.

VII. FINDINGS AND ANALYSIS

In reviewing the application, the Planning Commission must determine if the findings specified in the Municipal Code can be met. These findings are listed in italicized font below, along with a summary analysis provided by City staff. If, based on the submitted application, the Planning Commission determines that the findings can be met, the Planning Commission shall recommend approval of the GDP amendment application. If the Planning Commission determines that the findings cannot be met, the Planning Commission must recommend disapproval of the amendment.

Finding 1. *Whether the general development plan conforms to the requirements of this Chapter 18.41, to the City's master plans and to any other applicable area plan.*

Current Planning: Staff is of the opinion that the Millennium General Development Plan 9th Amendment is in substantial compliance with the City of Loveland Comprehensive Master Plan. Residential densities are not proposed to be modified with the amendment and are in alignment with the Master Plan. Additionally, there are no substantial changes proposed for the location of land uses throughout the PUD. The amendment proposes to add definitions for light and heavy manufacturing to separate and distinguish the uses based on their external impacts. City staff is in support of this distinction, which closely aligns with the City's light and heavy industrial definitions in the Municipal Code. Light manufacturing conducted entirely within a building would be added to the list of allowable uses by right in areas of the PUD that currently permit light industrial uses. Other light industrial uses approved in the PUD include warehouses and distribution, flex office, research and development, warehouses, medical laboratories, custom small industry uses, and outdoor storage of RV's, boats and trucks. Staff believes that light manufacturing conducted within a building is similar in nature to those uses permitted in the light industrial areas and with the GDP design standards would be consistent with the City's Master Plan.

Finding 2. *Whether the proposed development will negatively impact traffic in the area.*

Transportation: Staff believes that this finding can be met, due to the following:

- The Transportation Development Review Division has reviewed the requested General Development Plan amendment. Master Traffic Impact Studies were submitted with the original GDP and subsequent major amendments that demonstrated the transportation system, incorporating typical expected improvements, could adequately serve the conceptual land uses proposed.

- Traffic Impact Studies will be required with subsequent submittals of specific development plans. Full analysis of traffic impacts along with street design issues specific to the development will then be reviewed to determine specific transportation requirements. Any additional devices or measures needed to mitigate traffic impacts will be addressed at that time.
- The proposed application has demonstrated that all future development within the GDP will comply with the City's ACF Ordinance to ensure that at the time of development, traffic will not be negatively impacted.

Finding 3. *Whether the proposed development will negatively impact City utilities.*

Power: Staff believes that this finding can be met, due to the following:

- The existing electric facilities are adequate and available for extension to the projected uses. The proposed development meets the criteria for level of service as outlined in the ACF ordinance.
- Regarding the division of sub-parcel A-2 into two separate sub-parcels, there are three-phase underground 600-amp and 200-amp feeders located along the east side of Centerra Parkway. Vaults also are located along the east side of Centerra Parkway, with one specifically located at the southeast corner of Sky Pond Drive and Centerra Parkway. Power will be extended onto the site from these vaults at the developer's expense per City Municipal Codes.

Water/Wastewater: Staff believes that this finding can be met, due to the following:

- This development is situated within the City's current service area for both water and wastewater.
- The GDP is consistent with the Department's Water and Wastewater master plan by being consistent with the 2005 Comprehensive Master Plan. The proposed development will not negatively impact City water and wastewater facilities.

Stormwater: Staff believes that this finding can be met, due to the following:

- The GDP Amendment parcels are located within various basins as defined by the City of Loveland Master Drainage Plan. With the proposed Millennium development, the Developer is planning various stormwater detention ponds that will adequately detain and release stormwater runoff in a manner that will eliminate off-site impacts. Therefore, when final designed and constructed, the Millennium parcels will not negatively affect City storm drainage utilities. Amendment #9 does not have any impact on stormwater facilities planned within the Millennium development.

Fire Prevention: Staff believes that this finding can be met due to the following:

- The site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company (Stations 1, 4 and 6).

- The proposed development will not negatively impact fire protection for the subject development.

Finding 4. *Whether the proposed development will have detrimental impact on property that is sufficient proximity to the proposed development to be affected by it.*

Current Planning: Staff believes that this finding can be met. The revisions proposed in the GDP Amendment should not have negative impacts on neighboring properties. The Millennium GDP contains adequate development standards to ensure that new development is compatible with existing development and that new development is of a high quality that brings value to the community.

Finding 5. *The proposed development will be complimentary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:*

5a. *Incorporating natural physical features into the development design and providing sufficient open spaces considering the type of intensity of use.*

Current Planning: Staff believes that this finding can be met. The Millennium GDP contains provisions that address the incorporation of natural physical features into site planning. The GDP also contains adequate requirements for the provision of open space for all types of residential and nonresidential development. Open space requirements are based on lot coverage with minimum percentages of open space required. Residential standards are also prescriptive as to what kind of open space is provided so as to provide for the needs of the residents. This amendment does not propose any changes to these provisions.

5b. *Incorporating site planning techniques that will foster the implementation of the City's Master Plans, and encourages a land use pattern that will support a balanced transportation system, including auto, bike and pedestrian traffic, public mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the City.*

Current Planning: Staff believes that this finding can be met. The Millennium GDP contains residential and nonresidential site planning requirements that foster the implementation of the City's Master Plans by addressing density, lot pattern, circulation, open spaces, bufferyards and linkages between developments. These requirements encourage a balanced transportation system and effective delivery of municipal services. These requirements are not being changed with this amendment.

5c. *Incorporating physical design features in the development 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.*

Current Planning: Staff believes that this finding can be met. The Millennium GDP contains bufferyard standards that address transitions between proposed development projects and existing adjacent uses and public streets. The GDP amendment maintains the public review and Planning Commission hearing process for proposed development projects abutting existing built or platted single family attached or detached residential uses for:

1. Building heights over 60 feet;
2. Buildings over 50,000 square feet;
3. Heavy commercial land uses;
4. Heavy industrial land uses; and
5. Veterinary facilities and animal clinic uses.

The public hearing process will provide opportunities for public involvement in reviewing appropriate transitions between the existing residential neighborhood and future development. Standards related to architectural design and height and bulk restrictions will not change as a result of this amendment.

5d. *Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.*

Current Planning: Staff believes that this finding can be met. The Millennium GDP contains Environmentally Sensitive Areas reports that address the treatment of environmentally sensitive areas. This amendment does not alter standards and requirements related to preservation of identified environmentally sensitive areas within the PUD.

5e. *Incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's service facilities.*

Current Planning: Staff believes that this finding can be met. No immediate development is included with this amendment that would trigger the necessity for new public facilities or infrastructure, or cash-in-lieu payments. These issues will be addressed with future subdivision plats and site specific development plans.

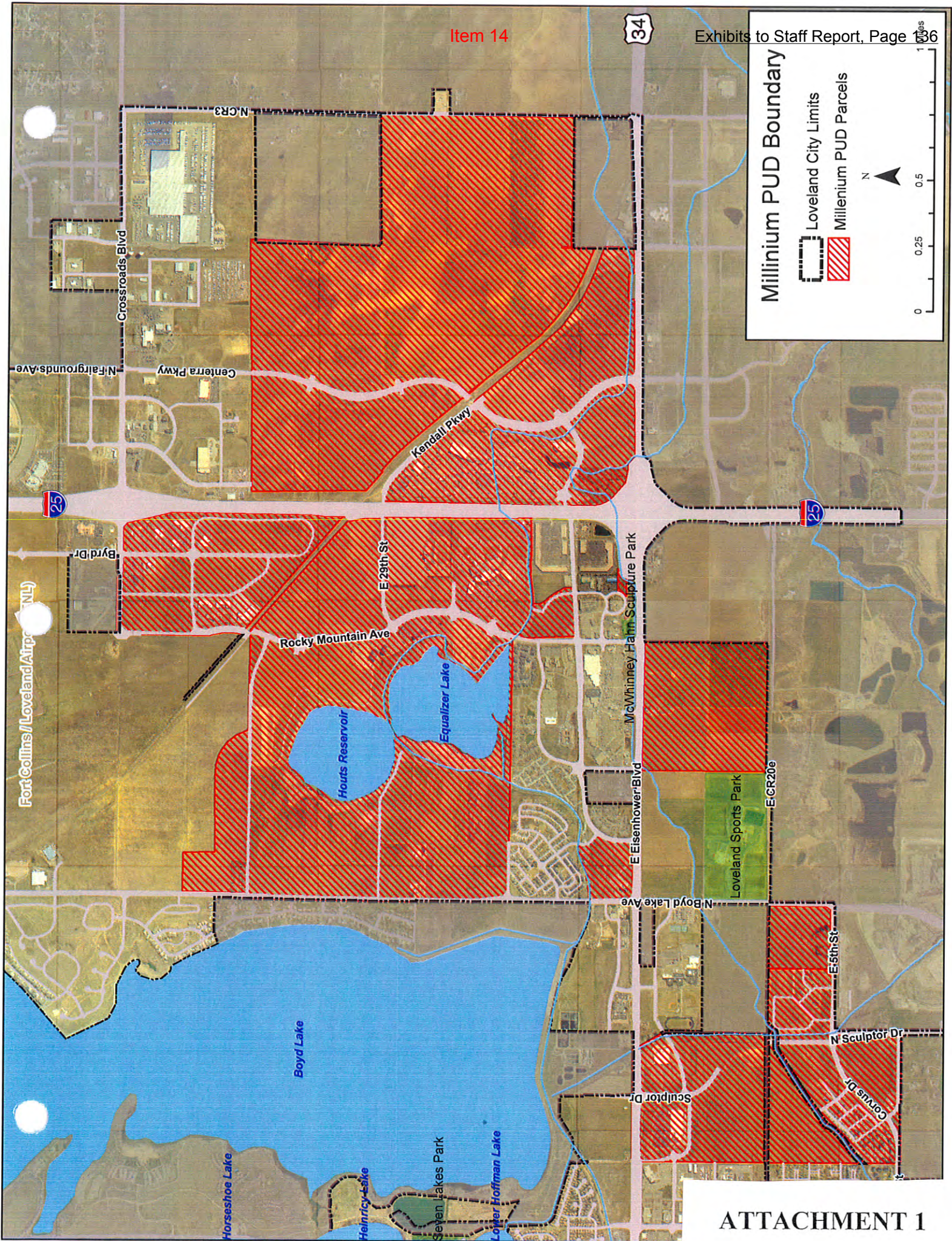
5f. *Incorporating an overall plan for the design of the streetscape within the project. Including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

Current Planning: Staff believes that this finding can be met. The Millennium GDP includes streetscape design guidelines including the provision for a context diagram for properties within 1/4 mile of I-25 and Highway 34. The design guidelines and context

diagram requirements will ensure consistency of site planning amenities and attractive streetscapes. The design guidelines related to streetscape, landscaping, parking, circulation, architecture or placement of buildings are not proposed to change with this amendment.

VIII. RECOMMENDED CONDITIONS

There are no conditions of approval recommended by City staff



Narrative Description of Project Millennium GDP Major Amendment 9

3/1/12

Background

The City of Loveland, through the leadership of the Mayor and City Council, has prioritized economic development within the community. The importance of this commitment is communicated in the City's Economic Development Strategic Plan mission statement:

"Grow employment and business opportunities to sustain the economic health of Loveland and the Northern Colorado Region."

The strategic plan also seeks to address critical business issues including infrastructure and the speed and ease which businesses interact with the City. The first action item in the plan's Goal #3 – "Make the right investment easy to come, stay and grow" is:

"Continue to streamline and improve the "speed" at which building permits and site plans are reviewed"

To accomplish the mission and goals, Council has recognized that it is in the best interest of the City to leverage a range of development opportunities to attract new employers including those from the historic downtown area, to the new Rocky Mountain Center for Innovation to the master planned green field sites in Centerra. Different businesses and employers have different needs and require different types of facilities and locations. In order to maximize Loveland's competitiveness in the regional market, all the development opportunities must be primed to be in the best possible position to meet potential employers' needs for speed to market. This need has been further emphasized by employers in recent economic development activities. New and relocating businesses are demanding permit ready opportunities.

Centerra works in close partnership with the City's and the region's economic development organizations. Specifically, in working with Loveland's Economic Development Department, the Millennium GDP was closely reviewed and it became apparent that there were certain improvements that should be made to help meet the market demand for permit ready sites. The proposed changes maintain the high quality standards and appropriate level of public input while making sure that the Centerra opportunities are not at a development disadvantage when compared to other sites.

Summary of Proposed Changes

Section 1

Clarification to address a differentiation between manufacturing uses and outdoor storage uses allowed in Light Industrial areas and Heavy Industrial areas. Manufacturing in Light Industrial areas must be contained within a building and outdoor storage is generally an accessory use rather than a principle use. The proposed changes also track more closely with the City's code.

Section 2

Changes reflect the division of one subparcel into two sub parcels. There is no increase in the maximum allowed residential units, density or commercial square footage.

Section 6

The shade and shadow analysis requirement is maintained but the subjective approval of a third party which could arbitrarily stop a project is removed.

Section 12

The Millennium GDP is almost 3000 acres and is a master planned community with a single developer controlling and coordinating development. It is reasonable to allow projects within the GDP which are compatible in use and density to have access to the administrative review process. The major change is the removal of the arbitrary discrimination toward buildings over 100,000 SF and over 60 feet in height which currently do not have the option for administrative review. This change is also in keeping with what other sites in Loveland are allowed to do through the municipal code and removes a disadvantage in the GDP. Beyond the City code, the GDP still has the additional design standards and increased level of review by a Design Review Committee that ensures high quality development. There are also several proposed changes which increase public input with regard to new development adjacent to existing residential properties.

Section 13

Changes reflect coordination with Section 1 regarding clarification on the definition of manufacturing.

Map 4 of 10

Creates two subparcels (A2 and A8) out of the original A2 subparcel. There is no increase in maximum allowed residential units, density or commercial square footage. The change in uses to be allowed in subparcel A8 will include commercial uses consistent with mixed use plans proposed by the developer. This change will also be consistent with the changes in the Flex URA boundary approved in 2008 that anticipate potential commercial and mixed use development opportunities in this area.

OVERALL GDP NARRATIVE



TABLE OF CONTENTS SECTION 1

SECTION 1 – OVERALL GDP NARRATIVE.....	1
1.1 INTRODUCTION.....	1
1.1.1 Background Information	1
1.1.2 GDP Goals.....	1
1.2 LAND USE INFORMATION.....	2
1.2.1 Overall Concept.....	2
1.2.2 Circulation.....	2
1.2.3 Public and Private Facility Providers.....	2
1.2.4 Open Space.....	3
1.2.5 Landscaping/Landscape Elements	3
1.2.6 Other Urban Design Elements	3
1.2.7 Architecture.....	3
1.2.8 Typical Residential Neighborhood Layout	3
1.2.9 Land Use Compatibility	3
1.2.10 Airport Influence Area	3
1.2.11 Landform Modification.....	3
1.2.12 Implementation.....	3
1.3 ALLOWABLE USES WITHIN EACH LAND USE CATEGORY	4
1.3.1 Institutional/Civic/Public Uses.....	4
1.3.2 Residential Uses (If not within a Mixed Use Neighborhood).....	4
1.3.3 Light Commercial Uses.....	4
1.3.4 Heavy Commercial Uses.....	4
1.3.5 Mixed Use Village Center.....	5
1.3.6 Light Industrial Uses.....	5
1.3.7 Heavy Industrial Uses	5
1.3.8 Business Park Uses	5
1.3.9 Parks and Open Space Uses	6
1.3.10 MUN	6
1.4 GDP REPORT	8
1.5 DEVELOPMENT CONDITIONS	8
APPENDIX 1-1- GENERAL CONDITIONS	9

OVERALL GDP NARRATIVE



SECTION 1 OVERALL GDP NARRATIVE

1.1 INTRODUCTION

Suburban development occurring in recent decades has been successful at providing housing, shopping, employment areas and recreation facilities. However, there are often a number of shortcomings with much conventional suburban land development, such as: segregated / poorly linked land uses, overdependence on the automobile, discouragement of pedestrian circulation, fragmented development, lack of sense of community, lower quality of life, and lower tax base due to low density.

The GDP represents a unique opportunity to create a better, more livable pattern of development. The GDP proposes to: master plan the entire development area; provide unifying design elements; provide a better mix of integrated land uses; plan for the pedestrian; provide a range of housing opportunities in close proximity to jobs; create quality housing, shopping and work places; create social gathering spaces; create a sense of community; and to create harmony between the natural and the built environment.

Approval of the GDP creates Vested Property Rights pursuant to Section 24-68-103, Colorado Revised Statutes, as amended.

1.1.1 Background Information

There are approximately 2916 acres within four separate parcels of land that comprise the GDP. The four parcels, Parcels A, B, C and D, are described in separate narratives in this GDP (See Sections 2, 3, 4 and 5 respectively). The Key Map (Map 1 in Section 11) delineates the boundaries of each of the four GDP parcels. Parcel A is located east of I-25. Parcel B is located east and south of Houts Reservoir and Equalizer Lake. Parcel C is located west of Houts Reservoir and Equalizer Lake. Parcel D is located south of US 34 and west of Mountain View High School.

Sections 2, 3, 4 and 5 provide detailed information specific to each parcel including descriptions of the

parcel locations, sizes, existing and proposed land uses, circulation, specific public services information, existing natural area influences landform modification and any specific conditions imposed upon the parcel or Subparcels.

The narrative sections for each of the four parcels include a list of land use categories for each Subparcel. Section 12 of the GDP sets forth the regulations and procedures by which the uses are to be developed.

In order to ensure quality development, Performance Standards (Sections 6 through 10) have been created and are a part of this GDP.

The Centerra DRC has been formed as an advisory committee to review Development Projects proposed within the GDP for compliance with the Performance Standards. The Centerra DRC will meet regularly to review Development Projects. Review by the Centerra DRC is required prior to submittal of a Development Project to the City. Please see Section 12 for a description of the Centerra DRC's role in the approval of Development Projects within the GDP.

1.1.2 GDP Goals

- A. Conformity with the intent of the City of Loveland Comprehensive Master Plan dated October 18, 1994, as currently amended, including the latest amendment thereto dated February 18, 2003. The overall goal of the GDP is to provide a long-range plan for the future of the eastern part of the City that will encourage quality development that is carefully planned and orchestrated. The purpose will be to ensure that Loveland continues to develop with a high quality image that enhances the City's image as one of the premier communities in Northern Colorado.
- B. Balance of Uses. An additional goal of the GDP is to provide a mix of uses, creatively located and integrated, that provides a balance of residential, commercial, retail, office, public facilities, light manufacturing and open space. Through providing this balance, residents will be able to easily access all of the needs of daily

MILLENNIUM GDP

life without having to drive long distances. Work, shopping, and recreation will be provided in a mix that encourages alternative transportation.

- C. Attract High Quality Users. A third goal of the GDP is to create an attractive area that will serve as a magnet to attract and retain the highest quality employers. Base level jobs, which encourage clean manufacturing, are a prime desire of this development. Economic modeling of base level industry indicates that these types of jobs provide positive economic benefits to a community and help provide financial security.
- D. Good Neighbor. Lastly, it is the intent of the GDP to recognize the importance of being good neighbors in the community and to adjacent neighbors. Through actively engaging neighborhood participation and through sensitive development, the GDP seeks to recognize adjacent land use relationships and provide meaningful and equitable solutions to citizens outside of the GDP's boundaries and within the development.

1.2 LAND USE INFORMATION

1.2.1 Overall Concept

The zoning for this property is defined by the GDP. The GDP provides a mechanism by which land areas can be uniquely developed to meet the needs of the City, property owners, residents and Applicants and as an alternative to conventional zoning regulations.

Development within this GDP shall be in accordance with the review processes and timeframes contained in Section 12. The Performance Standards shall apply to all Development Projects within this GDP. Refer to the GDP maps and the applicable Performance Standards for land use types, densities, and locations of each proposed land use (see Maps 4, 5, 6 and 7 in Section 11). A maximum of 7721 Dwelling Units shall be allowed within the GDP, unless amended. The maximum number of Dwelling Units for each Parcel of the GDP is provided on Maps 4, 5, 6 and 7 in Section 11.

It is the responsibility of the applicant to demonstrate to the City that Development Projects comply with the land uses and Performance Standards in the GDP.

1.2.2 Circulation

Circulation is discussed separately in the narrative for each of the four parcels of the GDP. In addition, the Conceptual Amenity Map depicts conceptual access points and a master planned trail system within the GDP (See Map 2 in Section 11 and Section 7 for additional access and circulation information).

1.2.3 Public and Private Facility Providers

Following is a list of the utility providers currently available to provide services within the GDP. The provision of services by other utility providers will be determined at the time of development.

- A. Police – Loveland Police Department
- B. Fire – Loveland Fire and Rescue Department
- C. Schools – Thompson R2-J School District
- D. Parks and Open Space – City
- E. Water and Sewer – City
- F. Electric – City Light and Power
- G. Gas – Xcel Energy Company
- H. Telephone – Qwest Communications

This GDP area is currently served by Fire Stations One, Four and Six. In the future, an additional fire station may be constructed on the east side of I-25 to serve a portion of the GDP.

A majority of the GDP area will be served by the East Side Lift Station. Portions of Parcel A will require service from the new Interchange Lift Station and a lift station located west of I-25 and south of US 34. Parcel B-13 will be served by a new lift station to be installed south of US 34 and west of I-25.

Specific sites and locations/alignments for water, sanitary and storm water systems illustrated on this GDP shall be determined in accordance with the applicable General Conditions. Snow and ice re-

OVERALL GDP NARRATIVE

removal services will be provided in accordance with the City's Snow and Ice Control Plan.

1.2.4 Open Space

The GDP incorporates a network of open space areas, greenbelts and pedestrian trail connections that will form the basis of the open space system (Refer to Map 2 in Section 11). These areas will be designed to interconnect the various neighborhoods and/or businesses within the GDP and to the regional trail system.

Setbacks for wetlands and Environmentally Sensitive Areas will be provided as recommended within the applicable Environmentally Sensitive Areas Report. Section 6.12 of the Performance Standards addresses planning issues for Environmentally Sensitive Areas.

Maintenance, subdivision, noise impacts, and timing of and criteria for planting of buffers within Environmentally Sensitive Areas are discussed in Section 6.12 of the Performance Standards.

Although trails may not be shown on the GDP drawings (Maps 2, 4, 5, 6, and 7), if areas are identified as appropriate for recreational uses within the applicable Environmentally Sensitive Areas Report, these uses may be allowed with future development upon approval by the City.

1.2.5 Landscaping / Landscape Elements

Landscape design and materials are discussed in Sections 6.13 through 6.17 of the Performance Standards.

1.2.6 Other Urban Design Elements

Thematic components that will provide unity throughout the GDP include arterial streetscapes, bridges, landscape walls, trails, directional and street name signage, accent lighting, sculpture, other street furniture and similar design elements.

1.2.7 Architecture

Architectural design and materials for non-residential uses and standards are included in Section 8. Architectural design and materials for Residential Uses are included in Sections 9 and 10.

1.2.8 Typical Residential Neighborhood Layout

Typical residential neighborhood concepts are discussed in Sections 9 and 10.

1.2.9 Land Use Compatibility

Land use compatibility shall be accomplished through the application of the Performance Standards contained in Section 6.8.

1.2.10 Airport Influence Area

The boundaries of the Airport Influence Area depicted on the maps in Section 11 of the GDP were approved by the Restated Agreement effective July 11, 2006 and such boundaries serve as the basis for Special Conditions applicable to certain GDP parcels or Subparcels because of their proximity to the Airport. Any such Special Conditions are set forth in Appendices 2-1, 3-1, 4-1 and 5-1 to Sections 2 through 5, respectively, of the GDP. The Airport Lines depicted on the maps in Section 11 of the GDP shall be applicable to all parcels and Subparcels of the GDP.

1.2.11 Landform Modification

The majority of property in the GDP is relatively flat. Any landform modification that is done will be for the purpose of creating visual interest through the development, to provide screening as necessary, or to provide for proper management of drainage. The amount of grading on the property will be minimized to the extent reasonably feasible. Refer to Map 3 in Section 11 and the parcel narratives in Sections 2, 3, 4 and 5 for more detail.

*MILLENNIUM GDP***1.2.12 Implementation**

It is anticipated that development within the GDP will be phased over a period of approximately 25 years. It is anticipated that each of the parcels will have multiple phases.

1.3 ALLOWABLE USES WITHIN EACH LAND USE CATEGORY

Following are lists of the specific uses that are included within each of the land use categories referred to throughout this GDP. The land use categories for each Subparcel, together with the specification of the land use category as either a Use-by-Right or a Special Review Use, are set forth in the land use legends on Maps 4, 5, 6 and 7 in Section 11. A land use category, as a whole, may be a Use-by-Right or a Special Review Use, depending on the location of the Subparcel and the adjacent land uses and features. Any exception to the categorization of an entire land use category as either Use-by-Right or Special Review Use is noted in parentheses following the specific use. For example, see Section 1.3.4 where it is noted that Group Homes/Group Care Facilities are always a Special Review Use, even if Heavy Commercial Uses are Uses-by-Right in a specific Subparcel.

1.3.1 Institutional/Civic/Public Uses

- A. Public and private schools (college, university, vocational and technical education, etc.).
- B. Places of worship, churches, or places of assembly.
- C. Public Facilities.
- D. Parks, recreation and other open lands.
- E. Cemeteries.
- F. Community Facilities.
- G. Neighborhood Support/Recreational Facilities.
- H. Public and non-profit offices and administrative facilities.
- I. Government, semipublic, or other civic uses.
- J. Clubs and Lodges.
- K. Accessory Uses related to the above listed uses.

1.3.2 Residential Uses (If not within a Mixed Use Neighborhood)

- A. Single Family Detached Dwellings.
- B. Single Family Attached Dwellings.
- C. Multi-Family Dwellings.
- D. Live/Work Structures.
- E. Senior Housing of a Residential Nature.
- F. Group Homes for up to eight (8) developmentally disabled or elderly persons.
- G. Home occupations (in accordance with Municipal Code).
- H. Ancillary Dwelling Units.
- I. Neighborhood Support/Recreational Facilities.

1.3.3 Light Commercial Uses

- A. General Offices.
- B. Bed and Breakfast Establishments.
- C. Restaurants, Indoor and Outdoor.
- D. Restaurants, Fast Food (drive-through permitted).
- E. Funeral homes / mortuaries.
- F. Grocery Stores (no greater than 20,000 sf).
- G. Financial services and institutions, and clinics.
- H. Artisan and photography studios and galleries.
- I. Veterinary facilities and Animal Clinics Small Indoor Use including Pet Day Care Facilities.
- J. Senior Housing of a Non-residential Nature.
- K. Child-care centers.
- L. Medical offices.
- M. Open-Air Farmers Market.
- N. Print Shops.
- O. Hotel/Motel.
- P. Parking lots and Parking Garages.
- Q. Retail Establishments (no greater than 25,000 sf).
- R. Health and Fitness Clubs.
- S. Personal and Business Service Shops.
- T. Accessory Uses related to the above listed uses.

1.3.4 Heavy Commercial Uses

- A. Supermarkets and Grocery Stores (greater than 20,000 sf).
- B. Hospitals.
- C. Hospital Accessory Uses such as a helipad.

OVERALL GDP NARRATIVE



- D. Group Homes / Group Care Facilities (Special Review Use only).
- E. Senior Housing of a Non-residential Nature.
- F. Veterinary facilities and Animal Clinics Small Outdoor Use including Pet Day Care Facilities.
- G. Auto Dealerships.
- H. Vehicle Major Repair, Servicing and Maintenance.
- I. Conference / Convention Centers.
- J. Retail Establishments (greater than 25,000 sf).
- K. Bars, taverns, nightclubs.
- L. Call Center.
- M. Vehicle Minor Repair, Servicing and Maintenance establishments (indoors).
- N. Entertainment Facilities and Theaters.
- O. Gasoline stations and Convenience Stores with fuel sales.
- P. Equipment, trucks and trailer rental establishments.
- Q. Parking lots and Parking Garages (as a principal use).
- R. Indoor Recreational Uses.
- S. Wireless Telecommunications Facility / Services (Special Review Use only).
- T. Personal Wireless Services / Facilities (Special Review Use only or in accordance with Municipal Code).
- U. Self storage, mini storage, mini Warehouse.
- V. Outdoor Storage related to the above listed uses.
- W. Light Commercial Uses that have Outdoor Storage associated with them.
- X. Accessory Uses related to the above listed uses.

1.3.5 Mixed Use Village Center

- A. The Light Commercial Uses listed in Section 1.3.3.
- B. The Institutional/Civic/Public Uses listed in Section 1.3.1.
- C. Multi-Family Dwellings.
- D. Single Family Attached Dwellings.
- E. Live/Work Structures.
- F. Parks and Open Space Uses listed in Section 1.3.9.
- G. The Heavy Commercial Uses listed in Section 1.3.4.

1.3.6 Light Industrial Uses

- A. Warehouses and Distribution
- ~~B.~~ Flex Office/R&D/Industrial/Warehouse
- ~~B-C.~~ **Light Manufacturing**
- D. Research Laboratories.
- E. Medical laboratories.
- F. Workshops and Custom Small Industry uses.
- G. Outdoor Storage of Recreational Vehicle, Boats and Trucks.
- H. Accessory Uses that occupy no greater than 10% of the gross square footage of the structure related to the above listed uses.
- I. Outdoor Accessory Uses related to the above-listed uses. Outdoor Storage, other than as allowed in item 1.3.6.F above, is not allowed with Light Industrial Uses.

1.3.7 Heavy Industrial Uses

- A. Wireless Telecommunications Facility / Services.
- B. Personal Wireless Services / Facilities
- C. **Heavy** Manufacturing.
- D. Recycling facilities, heavy industry.
- E. Vehicle Major Repair, Servicing and Maintenance.
- F. Accessory Uses related to the above-listed uses.
- G. Outdoor Storage related to the above-listed uses.
- H. Light Industrial Uses that have Outdoor Storage associated with them.

1.3.8 Business Park Uses

- A. Public safety and emergency facilities.
- B. Parks, recreation and other open lands.
- C. Cemeteries.
- D. Community Facilities.
- E. Neighborhood Support/Recreational Facilities.
- F. Public and non-profit offices.
- G. Government, semipublic or other civic uses.
- H. Clubs and Lodges.
- I. Public utilities.
- J. General Offices.
- K. Bed and Breakfast Establishments.
- L. Restaurants, Indoor and Outdoor.

MILLENNIUM GDP

- M. Restaurants, Fast Food (drive-through permitted).
- N. Funeral homes / mortuaries.
- O. Grocery Stores (no greater than 20,000 sf).
- P. Financial services and institutions.
- Q. Artisan and photography studios and galleries.
- R. Veterinary facilities and small animal clinics.
- S. Medical offices.
- T. Open-Air Farmers Markets.
- U. Print Shops.
- V. Hotel/Motel.
- W. Retail Establishments.
- X. Health and Fitness Clubs.
- Y. Personal and Business Service Shops.
- Z. Supermarkets and Grocery Stores (greater than 20,000 SF).
- AA. Auto Dealerships.
- BB. Conference / Convention Centers.
- CC. Retail Establishments (greater than 10,000 SF).
- DD. Bars, taverns and nightclubs.
- EE. Call Center.
- FF. Vehicle Minor Repair, Servicing and Maintenance.
- GG. Entertainment Facilities and Theaters.
- HH. Gas stations and Convenience Stores with fuel sales.
- II. Equipment, trucks, and trailer rental.
- JJ. Parking lots and Parking Garages.
- KK. Indoor Recreational Uses and facilities.
- LL. Wireless Telecommunications Facility/Services.
- MM. Personal Wireless Facilities.
- NN. Warehouses.
- OO. Light Industrial Uses.
- PP. Flex Research and Development Facilities.
- QQ. Research and medical laboratories.
- RR. Workshops and Custom Industry uses.
- SS. Recreational vehicle, boats and truck storage.
- TT. **Light and Heavy** Manufacturing.
- UU. Recycling facilities, heavy industry.
- VV. Vehicle Major Repair, Servicing and Maintenance.
- WW. Privately owned and maintained landscape areas.

- XX. Publicly owned and maintained landscape areas.
- YY. Passive and active Recreation.
- ZZ. Agricultural Activity, community gardens or similar uses.
- AAA. Community Facilities, parks, Recreation Space and Recreation Facilities.
- BBB. Accessory Uses related to the above.
- CCC. Outdoor Accessory Uses related to above uses.

1.3.9 Parks and Open Space Uses

- A. Privately owned and maintained landscaped areas (parks, plaza, trails, etc.) or natural areas.
- B. Publicly owned and maintained landscaped areas or natural areas.
- C. Golf courses (public and private).
- D. Passive or active recreation fields, courtyards, Accessory Buildings, associated maintenance facilities, and clubhouses.
- E. Agricultural activity, community gardens, or similar uses.
- F. Community Facilities, cultural arts facilities, parks, Recreation Space and Recreation Facilities.

1.3.10 MUN

- A. Institutional/Civic/Public Uses
 - 1. Places of worship, churches, and other places of assembly.
 - 2. Public and private schools (elementary, intermediate, and high school, etc.).
 - 3. Other educational/training facilities if within an Urban Character Village.
 - 4. State licensed child or adult day-care centers.
 - 5. Group Homes/Group Care Facilities.
 - 6. Public safety and emergency facilities.
 - 7. Community Facilities (including golf courses, public and private).
 - 8. Indoor public and private cultural, educational and Recreational Facilities and community centers.
 - 9. Outdoor public and nonprofit educational and Recreational Facilities.

OVERALL GDP NARRATIVE

10. Senior Housing of a Non-residential Nature.
11. Essential public utility and public service installations.
12. Cemeteries.
13. Public and private non-profit offices and administrative facilities.
14. Government, semipublic, or other civic uses.
15. Clubs and Lodges.

B. Residential

1. Single-Family Detached Dwellings.
2. Single-Family Attached Dwellings.
3. Multi-Family Dwellings.
4. Single family, two family, or multi-family condominium Dwelling Units.
5. Ancillary Dwelling Units, including guest quarters limited to one per Lot.
6. Co-Housing structures and related facilities.
7. Senior Housing of a Residential Nature.
8. Extended Stay Housing.
9. Home occupations.
10. Live/Work Structures – only in Urban Character Villages.
11. Bed and Breakfast Establishments.
12. Group Home / Group Care Facilities.

C. Commercial (in Urban Character Village only)

An Urban Character Village shall include at least two of the following uses:

1. Live/Work Structures or Townhomes.
2. Mixed-Use Structures including commercial, residential, and other allowed uses are allowed and encouraged in Urban Character Villages.
3. Multi-Family Dwelling Units. (Single family, or other types of Dwelling Units may be included in an Urban Character Village, but may not be used to meet the requirement for a second land use.)

4. Government, semi-public or other civic uses.

5. Artisan and photography studios, professional offices, educational/training facilities, financial services, Personal and Business Service Shops, Retail Stores, Convenience Stores (without gasoline sales), clinics or similar uses. Individual office or commercial uses with a maximum of 8,000 square feet gross Floor Area.

6. Indoor veterinary facilities; Animal Clinics Small Indoor Use and Pet Day Care Facilities. Outdoor facilities are not allowed.

7. Restaurants, pubs, or coffee shops with a maximum of 4,000 square feet of gross Floor Area. (Drive-through restaurant facilities shall not be permitted).

8. Clubs and Lodges.

9. Health and Fitness Clubs.

10. Public plazas or gardens.

11. Recreational Facilities.

12. Public or private elementary, intermediate and high schools.

13. Adult Day/Respite Care Facilities or child care facilities.

14. Places of assembly or worship.

15. Open-Air Farmers Market. (Temporary/seasonal outdoor markets are Uses-By-Right; Permanent outdoor markets are Special Review Uses only.)

16. Hotels, Bed and Breakfast Establishments, or other commercial lodging establishments with a maximum of eight (8) guestrooms.

D. Parks, Recreation and Opens Lands

MILLENNIUM GDP

1. Natural areas.
2. Parks and Recreation Facilities, including trails, neighborhood parks, pocket parks or village greens, plazas, formal or informal gardens, playgrounds, and/or similar uses.
3. Public or private Community Facilities, including environmental centers, parks, Recreation Spaces, and other Recreational Facilities.
4. Open lands for cultivation of crops, community gardens, or similar uses.

E. Accessory/Miscellaneous

1. Accessory Buildings and Uses.
2. Satellite dish Antennas eighteen (18) inches or less in diameter.
3. Active or passive solar, or other alternative energy devices.
4. Personal Wireless Facilities (Special Review Use only).

1.4 GDP REPORT

The GDP report format established by the City is designed for a standard GDP. However, for this GDP, many of the items typically addressed in the GDP are addressed in the Restated Agreement and the Performance Standards set forth herein.

A. The proposed development is 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:

1. Incorporating natural physical features into the development and providing sufficient open spaces considering the type and intensity of use;
2. Incorporating site planning techniques that foster the implementation of the city's master plans, and encourage a land use pattern that supports a balanced transportation system, including auto, bike, and pedestrian traffic, public or mass transit, and the cost-effective delivery of other municipal services consistent with adopted plans, policies and regulations of the City;
3. Incorporating physical design features in the development that provide a transition

between the development and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;

4. Incorporating identified Environmentally Sensitive Areas, including but not limited to, wetlands and wildlife corridors, into the development design;
5. Incorporating elements of community-wide significance such as schools, parks, recreational trails, etc.;
6. Incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the city's services and facilities; and
7. Incorporating an overall plan for the design of the streetscape within the development, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.

B. The property will be developed in phases. Uses-by-Right and Special Review Uses will comply with the GDP.

C. The proposed development will be complementary to and in harmony with existing development plans for the area in which the proposed development is to take place by incorporating the factors set forth under item A. 1 through 7 of this report.

1.5 DEVELOPMENT CONDITIONS

Development within the GDP shall be subject to the applicable General Conditions in Appendix 1-1 attached to this Section 1 and incorporated herein by this reference.

Development within the separate parcels or Subparcels of the GDP shall also be subject to the applicable Special Conditions set forth as an appendix to the narrative for that parcel in Sections 2 through 5 of the GDP.

OVERALL GDP NARRATIVE**APPENDIX 1-1****GENERAL CONDITIONS****PARKS**

1. The possible purchase of a park site within any proposed subdivision within the GDP shall be discussed by the Applicant with the Parks and Recreation Department prior to approval of such subdivision plat.
2. Except as otherwise provided in any Special Condition, the Applicant for each subdivision plat within the GDP shall construct that portion of the trail, including any trail underpass, which is depicted on the approved master trail plan for the GDP and which is located adjacent to or within such platted area.

PLANNING

3. Every Development Project within the GDP shall comply with all applicable provisions of the GDP and the conditions of the individual project's approval.
4. Development Projects within the GDP shall be subject to the payment of all applicable fees required by the Municipal Code.
5. Unless specifically authorized pursuant to General Condition No. 9, no building permits shall be issued until all on-site and off-site public improvements required for the subject subdivision have been completed by the Applicant or others and approved by the City, or a satisfactory guarantee has been made to the City for all such incomplete public improvements in accordance with the Municipal Code, except to the extent any of such requirements is inconsistent with provisions of the PVH Agreement or the MFA.
6. All Buildings must be constructed in compliance with current Building Code requirements.

7. If any individual Development Project within the GDP does not meet the contiguity requirements of the City of Loveland Comprehensive Master Plan dated October 18, 1994, as currently amended, including the latest amendment thereto dated February 18, 2003, the Director shall, in his or her sole discretion, be authorized to administratively grant an exception to such contiguity requirements in accordance with the applicable provisions of the Regulatory Procedures.
8. At the Developer's option, it may design upgraded street furnishings (i.e., benches, trash receptacles, etc.), regulatory signs, bus stops, street lights or other similar visible public improvements for the GDP. The City agrees to cooperate with the Developer in establishing criteria to review and approve or deny such designs and to negotiate an equitable sharing of costs for, and maintenance of, the same, except as otherwise provided in the MFA or the Service Plan for the Centerra Metropolitan Districts Nos. 1 through 4.
9. Provided that adequate water for fire protection and an acceptable all-weather access road for emergency vehicles are available to the site, the Director shall have the discretion to permit the approval of a Final Plat and/or the issuance of building permits for Development Projects within the GDP prior to: (a) signing of public improvement construction drawings by the City, provided such drawings have been submitted in final form, after consultation with City and non-City review agencies, and are ready to be executed; (b) the dedication of easements and rights-of-way for public improvements; and (c) the construction of public improvements. In exercising the discretion authorized, the Director shall consider the following factors:
 - Whether or not practical difficulties exist;
 - Whether such permits could be issued without impairing public health, safety and welfare; and

MILLENNIUM GDP

- With regard to item (b) above, reasonable assurance of the Applicant's ability to acquire the needed easement or right-of-way prior to issuance of a certificate of occupancy.

In such event, the Applicant, prior to the issuance of such building permit, shall post with the City financial security to ensure acquisition of any necessary easements and rights-of-way and completion of public improvements in a form and amount as the City may deem necessary, and the applicant shall complete and obtain City approval of items (a) through (c) listed herein prior to the issuance of any certificate of occupancy for the affected Building or Buildings.

Provided that adequate water for fire protection and an acceptable all-weather access road for emergency vehicles are available to the site, the Director shall have the discretion to approve the issuance of building permits for model homes and sales offices for any Development Projects within the GDP prior to completion of the items listed in (a), (b) and (c) above.

10. Developer has hired a consultant acceptable to the City which has created a building permit tracking system for the GDP, which includes the tracking of CEF reimbursements, fees-in-lieu of land dedication for schools and the Environmental Fees (the "Tracking System"). The City shall utilize the Tracking System for projects within the GDP for those items required to be tracked pursuant to the General or Special Conditions and, upon the Developer's request, shall provide a quarterly statement to the Developer with the results of the Tracking System for that period.
11. Development Projects within the GDP shall comply with the submittal and review requirements of the Regulatory Procedures and shall also comply with any applicable submittal and review requirements of the Municipal Code.
12. No more than a total of 7721 Dwelling Units shall be permitted within the GDP, unless the GDP is amended pursuant to the Regulatory Procedures. Notwithstanding that each Parcel within the GDP states a maximum number of Dwelling Units, an applicant may increase by five percent (5%) the number of residential Dwelling Units within any such Parcel, provided that the overall total number of Dwellings Units therein does not exceed 7721.
13. The Applicant shall be responsible for staking underground power lines per the requirements of the City's Electric Division, including cut and fill stakes as required. The Applicant shall be responsible for any costs associated with the relocation, raising, or lowering of the underground electrical three phase electric power lines which are necessitated by incorrect staking, changes in road design, installation of other utilities, or any other construction changes caused by the Applicant.
14. Except as otherwise provided in the Special Conditions, each project within the GDP shall be required to meet the City's current requirements for provision of adequate sanitary sewer facilities necessary to serve the project, which may be in the form of construction of such facilities, a payment-in-lieu of construction of such facilities or a reimbursement for previously constructed facilities which are needed to service the project.
15. The Developer has completed and submitted to the City a master sanitary sewer plan for the GDP which has addressed sanitary sewer loadings for the entire GDP as well as any off-site impacts that may result from the sanitary sewer demands associated with the GDP. With each site-specific Development Project, the Applicant shall provide to the City an analysis of the applicability of the master sanitary sewer plan to such project and, to the extent the sanitary sewer assumptions for such project differ from

POWER**SANITARY SEWER**

OVERALL GDP NARRATIVE

the assumptions of the master sanitary sewer plan (whether the assumptions are based on higher or lower demands than those of the master sanitary sewer plan), the Applicant shall provide such additional information as may be required by the City to determine the sanitary sewer impacts of the project.

STORM DRAINAGE

16. Drainage plans and improvements as required by City standards shall be provided for each Development Project within the GDP.
17. Elevation of foundation and the lot grade shall be designed to provide for adequate surface water removal.
18. Sufficient spot elevations, sketch plan, preliminary drainage report, erosion control plan and other drainage information required by the City's storm drainage criteria manual, as amended, shall be submitted in accordance with the requirements of such manual.
19. Proposed regional detention ponds that are not identified improvements of the City's master drainage plan shall be designed and constructed without financial contribution from the City's stormwater utility unless the City Council approves a master drainage plan update that includes regional detention ponds and an application for an individual project within the GDP is submitted to the City which requires construction of a regional detention pond shown on such an updated master drainage plan.
20. Written permission from the owners of each irrigation canal and reservoir accepting stormwater runoff, both as to quantity and quality, into their canals and reservoirs shall be required at the time of preliminary and final development plans, unless the City Attorney has determined that such permission is not legally required.

TRANSPORTATION

21. Except for those street design cross sections shown on Map 8 of the GDP (Road Cross Section for Minor Collector Roadways), every Development Project within the GDP shall comply with the design and construction standards set forth in LCUASS and the Transportation Plan.
22. As a condition of approval of any Development Project within the GDP, the City may impose such transportation-related requirements and/or restrictions as it deems necessary based upon the conclusions of the Traffic Study for such Development Project, applicable provisions of the Municipal Code and LCUASS and any applicable Special Conditions or General Conditions.
23. Notwithstanding any conceptual information included in the GDP, street layout and alignments, access locations, intersection configurations and intersection operations (traffic control) shall be finally determined in conjunction with the review and approval of individual Development Projects within the GDP.
24. Subject to the provisions of General Condition No. 9, if off-site right-of-way is required for transportation facilities needed to meet City ordinances, the Applicant shall submit, prior to approval of any Preliminary Plat, preliminary development plan or preliminary public improvement construction plans, a "Letter of Intent" from the affected off-site property owner acknowledging its intent to dedicate to the City such right-of-way, in a form acceptable to the City Attorney.
25. Subject to the provisions of General Condition No. 9, the off-site right-of-way needed to serve each Development Project shall be acquired and dedicated to the City by the Applicant in a form acceptable to the City and at no cost to the City prior to the approval of the Final Plat or final construction plans (for each project) by the Transportation Engineering Division. Prior to or concurrent with approval of any final subdivision plat for any Development Project

MILLENNIUM GDP

- subject to the GDP, all right-of-way required by the then current City standards for said subdivision shall be dedicated to the City at no cost to the City. Prior to construction of a City-funded project to improve any roadways adjacent to the GDP, the right-of-way necessary for the roadway improvements shall be dedicated by the Applicant to the City in a form acceptable to the City and at no cost to the City.
26. Notwithstanding any information presented in the previous traffic studies for the GDP, Applicant shall provide any additional traffic information, corrections, revisions and analysis required by the City to verify compliance with applicable standards at the time of development application submittal.
27. General ACF Regulations:
- 27.1 All Development Projects within the GDP shall comply with the ACF Regulations except as otherwise provided herein or in any applicable Special Condition of this GDP and except to the extent less restrictive regulations are adopted, in which case those less restrictive regulations shall apply.
- 27.2 In connection with development of the GDP, the following State and federal highways shall be exempt from compliance with the ACF Regulations during the Vesting Period:
- (i) I-25 and its interchanges (which, pursuant to City policies are presently exempt from ACF Regulations); and
 - (ii) U.S. 34 and its intersections.
- 27.3 The evaluation of projects within the GDP for compliance with the ACF Regulations and any approved exceptions thereto shall occur at the time of submittal of the earliest of the following items: a preliminary or minor subdivision plat; building permit application; or Special Review Use application.
- 27.4 Based on the project's Traffic Study, each project shall make all street improvements within one (1) mile from the closest point on a boundary of each such project necessary to comply with the ACF Regulations and any approved exceptions thereto, and except where the necessary link improvements (as opposed to intersection improvements) are not required or not shown on the Transportation Plan. If such link improvements are not required or not shown on the Transportation Plan, the Applicant shall not be obligated to construct any transportation link improvements over and above those shown on the Transportation Plan.
- 27.5 The provisions of General Condition No. 27.4 above, which are based on the Transportation Plan, shall apply to all Development Projects within the GDP only for a twenty (20)-year period, commencing on June 30, 2006 and provided that both of the following conditions are met by each such project submitted to the City: (a) the traffic generated by such project, when combined with traffic generated by all other approved Development Projects within the GDP, does not exceed 184,235 total daily trip ends (which represents approximately eighty percent [80%] of the estimated total daily trip ends from the GDP); and (b) the uses within such project, when combined with uses within all other approved Development Projects within the GDP, do not exceed either a total of 9,856,800 non-residential square feet or a total of 6177 Dwelling Units, representing approximately eighty percent (80%) of the estimated non-residential square footage and eighty percent (80%) of the estimated Dwelling Units, respectively, which are likely to be constructed within the GDP.

OVERALL GDP NARRATIVE

27.6 Prior to the end of the 5th, 10th, 14th, 17th, 19th and 20th years after commencement of the twenty (20)-year period referenced in General Condition No. 27.5 above, the Developer shall provide to the Director in writing: (a) the total daily trip ends generated by Development Projects in the GDP; (b) the total amount of the non-residential square feet in the approved Development Projects in the GDP; and (c) the total number of Dwelling Units constructed within the GDP.

28. Adequate shoulder width shall be provided as determined by the City Engineer and CDOT adjacent to all right turn lanes on US 34 at the proposed accesses.

29. In the event that the Transportation Plan is amended to eliminate roadway improvements that are required to be constructed pursuant to a General or Special Condition, the Public Works Director shall be authorized to administratively waive or modify the requirements of any such condition.

30. The Applicant shall obtain, at no cost to the City, all FHWA and CDOT approvals needed for any underpass of I-25 proposed in connection with a project within the GDP. Written documentation of these approvals must be provided to the City by the Applicant prior to the approval of any Final Plat or final improvement construction plans that include this future underpass.

31. Each Preliminary Plat application that includes improvements to any County road shall be accompanied by a letter of concurrence from the County Engineering Department stating that it has reviewed the preliminary design for the work that is proposed on the County roads. In addition, the letter shall clarify whether or not the County supports the construction of these proposed roadway improvements, and that it anticipates issuing formal approval of the construction drawings after receipt and review of the final plan.

WATER

32. Prior to the issuance of any building permits within each approved final subdivision plat within GDP, the Applicant agrees to meet raw water requirements for such subdivision in compliance with the Municipal Code. Nothing herein shall be construed as preventing the Applicant from seeking and obtaining a waiver or modification of water rights requirements as provided in the Municipal Code.

WATER AND SANITARY SEWER

33. All public water and wastewater improvements constructed in conjunction with the GDP shall be in conformance with the Municipal Code, the City's water and wastewater master plan and technical development standards for such improvements in effect at the time of development application submittal.

34. Prior to participating in any water or sanitary sewer oversizing agreements, the Applicant shall prepare or update and submit a fiscal/financial analysis report. The report shall identify all build-out time frames and anticipated oversize costs for water and sewer facilities for each proposed construction phase. Each construction phase, with its related build-out time frames, facilities and costs, shall be based upon the issuance of the first anticipated certificate of occupancy within the respective construction phase. Additional specific contents of the report can be further discussed and identified in a separate meeting between the Applicant and the City prior to submittal of the report.

35. Development of the GDP is expected to require the construction and installation of arterial streets, sanitary sewer, water and stormwater trunk and interceptor lines, a sanitary sewer lift station and other significant public improvements which will provide coordinated, regional improvements benefiting properties other than the GDP. For those improvements, or a por-

MILLENNIUM GDP

tion of them, which are located beyond the boundaries of the GDP and are not contemplated in the MFA or in the Centerra Metropolitan Districts' Service Plan to be constructed by the Centerra Metropolitan Districts, Applicants of projects within the GDP shall use good faith efforts to obtain required easements or rights-of-way for the same in a reasonably direct route, including paying fair market value compensation therefor. If an Applicant is unable to so obtain required easements or rights-of-way, the City, in good faith, will consider condemnation pursuant to then current City policy to obtain the same. If condemnation action is taken by the City, the actual costs to the City, including attorneys' fees, therefor shall be paid by the Applicant whose project triggered the condemnation, unless the public improvement for which such easement or right-of-way is needed is eligible for reimbursement under the Municipal Code.

In the event the City refuses to condemn any easement or right-of-way necessary to receive a positive determination of adequacy of transportation facilities pursuant to the ACF Regulations, the City agrees that the Applicant shall not be required, as a condition of development approval, to construct or install the improvement for which such easement or right-of-way is needed, provided that the existing transportation facilities and any facilities to be constructed with the proposed development are reasonably determined by the City, based upon conclusions of the Traffic Study for the proposed development, to safely service the projected traffic from such development. In that event, the City may require that the Applicant escrow with the City, in cash or security acceptable to the City, a sum equal to the cost of improvements necessary to comply with the ACF Regulations and the fair market value of the cost of any easement or right-of-way required for such improvements, which escrow shall only be used for such purposes. On the anniversary date of the posting of such escrow and continuing each year thereafter for a period not to exceed ten (10) years from the date the escrow is established, the amount of such escrow shall be

increased or decreased by the Applicant, as set forth hereafter, unless, prior to such anniversary date, the City has acquired the relevant easements or rights-of-way and the public improvements for which the escrow was established have been completed. The escrow shall be increased or decreased annually as aforesaid by an amount equal to the percentage of increase or decrease in the Consumer's Price Index over the preceding year. "Consumer Price Index" shall mean the Revised Consumer's Price Index for the Cities of Denver and Boulder for construction, published by the Bureau of Labor Statistics of the United States Department of Labor. Escrowed monies shall be returned to the Applicant only to the extent that during such ten (10)-year period, right-of-way or public improvements which were the subject of the escrow have been respectively acquired or constructed by the Applicant or third parties. At the expiration of such ten (10)-year period, all remaining escrowed monies shall be released from escrow and shall be deposited into a City capital street improvement fund to be used for the acquisition of the needed right-of-way and/or the needed street construction and/or other public improvements within or adjacent to the GDP.

SCHOOL DISTRICT

36. As set forth in the Restated Agreement, the Developer has dedicated to the School District a 30-acre middle school site in exchange for which it shall be reimbursed by the City, to the extent paid, the School District's fees in lieu of land dedication ("School Fees") for two thousand eighty-five (2,085) Dwelling Units in the GDP. The Developer has also agreed to dedicate two 10-acre elementary school sites to the School District as embodied in the Special Conditions for Parcels A and C, respectively. For each such elementary school site dedication, the Developer shall be reimbursed, to the extent paid, School Fees for an additional six hundred ninety-five (695) Dwelling Units in the GDP. The School Fees shall be collected by the City at the time of building permit issuance for any residential Dwelling Unit in the

OVERALL GDP NARRATIVE

GDP in accordance with the then-current rates for School Fees set forth in the School District IGA and any amendments thereto, and any applicable reimbursement shall be promptly made by the City to the Developer. School Fees for which the Developer is not entitled to be reimbursed shall be remitted to the School District in accordance with the City's normal practice regarding the same.

SIGNS

37. All existing signs within the GDP that do not have sign permits issued by the City shall have sign permits issued and shall comply with any applicable, approved planned sign program or, if none, applicable provisions of the Municipal Code.



TABLE OF CONTENTS

SECTION 2

SECTION 2 – PARCEL A.....	1
2.1 INTRODUCTION.....	1
2.2 LAND USE INFORMATION.....	1
2.2.1 Existing Land Uses.....	1
2.2.2 Proposed Land Uses.....	1
2.2.3 Density	1
2.2.4 Airport Influence Area	2
2.3 CIRCULATION.....	2
2.3.1 Site Access	2
2.3.2 Internal Circulation	2
2.3.3 Standards.....	2
2.4 PUBLIC AND PRIVATE UTILITIES.....	2
2.4.1 Water and Sewer	2
2.4.2 Storm Drainage.....	2
2.4.3 Electric	3
2.4.4 Natural Gas	3
2.4.5 Telephone.....	3
2.4.6 Irrigation Ditches	3
2.4.7 Railroads	3
2.5 NATURAL AREAS.....	3
2.6 LANDFORM MODIFICATION	4
2.7 DEVELOPMENT CONDITIONS.....	4
APPENDIX 2-1- SPECIAL CONDITIONS FOR PARCEL A	5

PARCEL A

SECTION 2 PARCEL A

2.1 INTRODUCTION

Parcel A is approximately 1166 acres in size and includes Parcels A, B and C of the East Region of the Millennium Addition, Tract A of the McWhinney Addition, Parcels C and D of the Savanna Addition and the East and Central Parcels of the Grange Addition.

This site is located at the northeast corner of I-25 and US 34 (East Eisenhower Boulevard). The site is divided by the Union Pacific Railroad tracks, which run roughly from the northwest corner of the site to the southeast corner of the site. The Greeley – Loveland Irrigation Canal and the Farmers Ditch cross the southern portion of the site. Refer to Map 1 and Map 4 in Section 11, for the location of Parcel A.

2.2 LAND USE INFORMATION

2.2.1 Existing Land Uses

Parcel A-3 is currently being developed as a regional shopping mall. The balance of Parcel A has existing agricultural activities and related uses and mineral extraction uses (2 oil wells). The existing agricultural uses are to be allowed to continue as legal non-conforming uses within this parcel.

There are two existing oil wells, buried concrete vaults and burn-off valve assemblies as well as four oil tanks near the northeast corner of this parcel. To the extent that the Developer acquires control of the mineral rights, the oil wells will be abandoned and the related structures listed above, will be removed and disposed of properly off-site prior to issuance of a building permit for development within 350' of the wells.

According to the Mineral Extraction Report prepared by Terracon on December 24, 1998 and the Mineral Extraction Report prepared by Earth Engineering Consultants, Inc. on March 29, 2007, there are no economically viable sand and gravel resources to be extracted from this parcel.

2.2.2 Proposed Land Uses

The land use categories for Parcel A include Institutional/Civic/Public, Light Commercial Uses, Heavy Commercial Uses, Light Industrial Uses, Heavy Industrial Uses (a maximum of 8,100,000 gross square feet of commercial and industrial uses), Mixed Use Village Center, Residential Mixed Use Neighborhood (MUN), Residential Uses (not in an MUN) and Parks and Open Space Uses. The total number of permitted Dwelling Units in Parcel A is 3,781, however, each Subparcel in Parcel A in which residential uses are allowed is also subject to a total number of Dwelling Units therein as set forth below:

Parcel A-1	1,250
Parcel A-2	880 1,568
Parcel A-3	1,000
Parcel A-5	632
Parcel A-6	664
Parcel A-7	127
<u>Parcel A-8</u>	<u>688</u>

It is intended that Parcels A-6 and A-7 develop primarily with residential uses and that non-residential uses in such parcels, although permitted, will be secondary and complementary to the residential uses.

Refer to Section 1.3 for a detailed list of the specific uses within each land use category, and the Land Use Legend on Map 4 in Section 11 for the identification of each land use category as either a Use-by-Right or a Special Review Use.

Section 12 contains the review processes applicable to such uses. Please refer to Section 12.1.2 and General Condition No. 12 for information on the ability to increase the number of Dwelling Units.

2.2.3 Density

The maximum density of residential developments in Parcel A is provided on Map 4 in Section 11 and in Sections 9 and 10.

Density within a 300-foot wide strip along a portion of the north edge of Parcel A-5 and along the east

MILLENNIUM GDP

edge of Parcel A-5 is limited to 3 Dwelling Units per gross acre (see Map 4 in Section 11). Density within a 300-foot wide strip along a portion of the east edge of Parcel A-2 is limited to 10 Dwelling Units per gross acre (see Map 4 in Section 11).

2.2.4 Airport Influence Area

Any Special Conditions applicable to development in Parcel A because of its proximity to the Airport are included in the Special Conditions attached as Appendix 2-1 attached to this Section 2.

2.3 CIRCULATION

2.3.1 Site Access

Subject to City approval of specific Development Projects, primary access to the Subparcels of Parcel A will be from US 34. Additional access points will be from High Plains Boulevard on the east and from Crossroads Boulevard on the north. There will also potentially be a future access from the west via the extension of Kendall Parkway under I-25.

2.3.2 Internal Circulation

An integrated network and hierarchy of transportation ways will be provided for automobiles, pedestrians, bicyclists, and public transportation.

Centerra Parkway is the primary access/circulation road between US 34 (East Eisenhower Boulevard) and Crossroads Boulevard that will provide access to development sites within the parcel. Additional access points and roadways are anticipated to accommodate efficient and safe traffic flow.

Refer to Section 7 for detailed information on access, circulation, and parking.

The Conceptual Amenity Map (Map 2 in Section 11) illustrates a proposed, conceptual trail system. Although not all buffer and open space areas have trails shown on this map, they will be allowed if determined appropriate in the applicable ESAR.

Details on any proposed trail system shall be provided with applications for Preliminary Plats and/or Final Plat review or applications for a building permit. Development within Subparcel A-1 shall comply with the intent of the US 34 Corridor Plan. Refer to Section 6.9 for additional view corridor guidelines.

2.3.3 Standards

The street network for Parcel A is intended to develop as recommended in the Transportation Plan.

All streets shall comply with LCUASS as described in Section 7 and General Condition No. 21.

2.4 PUBLIC AND PRIVATE UTILITIES

The following subsections indicate the utility providers currently available to serve Parcel A. The provision of services by other utility providers will be determined at the time of development.

2.4.1 Water and Sewer

The City will provide water and sewer service. Water line extensions to serve this property are located under I-25 near the proposed Kendall Parkway and at McWhinney Boulevard. These water line extensions continue east along Sky Pond Drive and Kendall Parkway, then north in Centerra Parkway to the north line of Parcel A. The water line system then extends east and north to the City's elevated tank located south of Crossroads Boulevard. Sanitary sewer service is provided by a combination of a gravity system in conjunction with a lift station. A sanitary sewer trunk main crosses I-25 just north of The Greeley and Loveland Irrigation Canal crossing. This main then runs north in Centerra Parkway. A lift station and gravity sewer will provide service to areas along US 34 and areas east of Centerra Parkway and north of the Union Pacific Railroad. Details of services will be worked out at time of preliminary and/or final development plan or at the time of application for a building permit.

2.4.2 Storm Drainage

PARCEL A

Detention shall either be provided on individual sites or in regional detention ponds in accordance with the East I-25 Basin Master Drainage Plan or the City's Storm Drainage Master Plan.

2.4.3 Electric

The City's Water and Power Department will provide electricity. A 600 amp underground feeder is located along the north side of US 34, and a 200 amp underground feeder is located at the southern boundary of the Crossroads Business Park. Approximately the eastern one-quarter of this parcel is located within the Poudre Valley Rural Electric Association service territory.

A surcharge of 5% will be added to all bills for the sale of electric power to uses established after January 31, 1987 within the service territory of the Poudre Valley Rural Electric Association for a period of ten years after the effective date of the annexation of the affected Parcels or portions thereof. For Parcels A-1 through A-4 and A8, except that portion of Parcel A-1 known as the Central Parcel of the Grange Addition, the surcharge will expire October 3, 2010 (Note that the Central Parcel of the Grange Addition is not subject to the surcharge). For Parcel A-5, the surcharge will expire July 11, 2016. For Parcels A-6 and A-7, the surcharge will expire July 15, 2018.

In the event that electric power for construction is not be available, generators will have to be used for construction power. Also, an engineering deposit in the then current amount, site/utility plans, an electrical one-line drawing and construction drawings must be submitted to the Water and Power Department for the design of the underground electric extension to the building.

2.4.4 Natural Gas

It is presently anticipated that Xcel Energy Company will provide natural gas.

2.4.5 Telephone

It is presently anticipated that Qwest Communications will provide telephone and telecommunications services.

2.4.6 Irrigation Ditches

There are two existing irrigation ditches on the property, the Farmers Ditch and The Greeley and Loveland Irrigation Canal. These existing irrigation ditches will be maintained in place, boxed, lined or re-aligned as necessary. If any realignment or physical change is proposed in the ditch or improvement is proposed to any portion of an irrigation ditch, the ditch company will be contacted for approval. A copy of a letter from the ditch company shall be submitted to the City prior to any approval that directly impacts the ditch. Irrigation ditches may be used as a raw water supply for irrigation of open space areas.

2.4.7 Railroads

The Union Pacific Railroad tracks run through Parcel A roughly from the northwest corner of the site to the southeast corner of the site (see Map 4 in Section 11). In order to mitigate railroad noise and vibration, the Applicant shall provide a bufferyard between Buildings for residential occupancy on lots in Parcel A and the edge of the railroad right-of-way in accordance with the requirements set forth in Section 15, Appendix A of the GDP. See also Special Condition No. 18 in Appendix 2-1.

2.5 NATURAL AREAS

Any Environmentally Sensitive Areas within Parcel A have been identified in an ESAR. The ESARs applicable to Parcel A are provided in Section 14 of the GDP.

For Parcels A-1 and A-4, please refer to the ESAR prepared by Ecological Resource Consultants dated July 18, 2003 and revised November 20, 2003. Please refer to the ESAR prepared by FlyWater Consulting, Inc. dated October 11, 2007 for the southeast portion of Parcel A-1, which is known as the Central Parcel of the Grange Addition.

For Parcels A-2, A3 and A-~~83~~, please refer to the ESAR prepared by Cedar Creek Associates dated January, 1999.

For Parcel A-5, please refer to the ESAR prepared

MILLENNIUM GDP

by Ecological Resource Consultants dated June 8, 2004.

For Parcels A-6 and A-7, please refer to the ESAR prepared by FlyWater Consulting, Inc. dated October 11, 2007.

A unique feature within Parcel A is the drainage area at the southwest corner which has been identified as a high quality habitat. A mixture of wetlands and uplands exists within this area and includes large, mature cottonwoods. This area will be protected from development within this parcel by a 75-foot buffer (as shown on Map 4 in Section 11). The mature cottonwoods will also be preserved.

2.6 LANDFORM MODIFICATION

Parcel A is relatively flat. Landform modification will occur in order to create visual interest through the site to provide screening as necessary, and/or to provide for proper management of drainage. The existing drainage pattern running roughly from the northeast to the southwest corner of the parcel will be preserved.

Refer to the Conceptual Utility/Grading Map, (Map 3 in Section 11) as well as Section 6.10.2 for additional grading information and amounts of anticipated cut and fill.

2.7 DEVELOPMENT CONDITIONS

Development within Parcel A shall be subject to the applicable General Conditions in Appendix 1-1 of Section 1 and the applicable Performance Standards in Sections 6 through 10.

Development within Parcel A shall also be subject to the applicable Special Conditions in Appendix 2-2 attached to this Section 2 and incorporated herein by this reference.

PARCEL A



APPENDIX 2-1

SPECIAL CONDITIONS FOR PARCEL A

AIRPORT

Special Condition No. 1 (Parcels A-1, A-3, ~~through~~ A-4 and A-8):

Those portions of Parcel A that are located within the boundaries of the Airport Influence Area (including portions of Parcels A-1, A-~~32~~ and A-~~83~~ and all of Parcel A-4) as depicted on Map 4 in Section 11 of the GDP are subject to that Avigation Easement recorded in the Larimer County Records on July 9, 2004 at Reception No. 2004-0066598.

Special Condition No. 2 (Parcels A-1, A-3, ~~through~~ A-4 and A-8):

Those portions of Parcel A that are located within the Airport Influence Area may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations, therefore, all subdivision plats for property that is wholly or partially located within the boundaries of the Airport Influence Area as depicted on Map 4 in Section 11 of the GDP shall contain the following language: "All or a portion of the property being subdivided may be located within the Airport Influence Area of the Fort Collins-Loveland Municipal Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations."

Special Condition No. 3 (Parcels A-1, A-3, ~~through~~ A-4 and A-8):

No structures located within those portions of Parcel A that are located within the Airport Influence Area as shown on Map 4 in Section 11 of the GDP shall extend into restricted air space as defined by FAA Regulation, Part 77, and the Applicant shall comply with all applicable notice requirements of such FAA Regulation.

Special Condition No. 4 (Parcels A-1, A-3, ~~through~~ A-4 and A-8):

Except to the extent otherwise required by applicable Federal law, all new bodies of water within the Airport Influence Area as depicted on Map 4 in Section 11 of the GDP and within a radius of 10,000 feet from the end of any runway of the Airport, shall be prohibited provided that: (1) they are larger than one-quarter acre in size; (2) they are installed after July 11, 2006; (3) they are designed to hold or retain water permanently or over extended periods of time; and (4) they are bird attractants. To the extent permitted by Federal law, this prohibition shall not apply to a relocation or expansion of any existing water body or to detention ponds that have outlet structures designed to prevent the permanent containment of water.

Special Condition No. 5 (Parcels A-1, A-3, ~~through~~ A-4 and A-8):

No exterior lighting, reflective material, smoke emissions or electronic emissions shall be permitted in the Airport Influence Area as depicted on Map 4 in Section 11 of the GDP which would materially lower pilots' visibility or cause material interference with the Airport's navigation and communication systems. For purposes of this condition, "reflective material" is defined as glazing with a reflectivity of 65% or greater.

Special Condition No. 6 (Parcels A-1, A-3, ~~through~~ A-4 and A-8):

The Developer shall include the following disclosure statement in all of its contracts for the sale of any of the property located within Parcel A of the GDP which is also within the Airport Influence Area as shown on Map 4 in Section 11 and further, shall include a provision in such sales contracts that the purchaser thereof shall include the following disclosure statement in all of its subsequent contracts for sale of such property: "The property subject to this contract may be located within the Airport Influence Area of the Fort Collins-Loveland Municipal Airport. Such property may experience noise from low-flying aircraft as a result of 24 hour per day aircraft operations." Each such contract subject to this Special Condition shall expressly provide that the disclosure provision survives closing and is enforceable at law or in equity by the

MILLENNIUM GDP

City as a third party beneficiary of such contract.

FEES/CREDITS/REIMBURSEMENTS

Special Condition No. 7 (Parcels A-1, A-3 and A-4):

Pursuant to the MFA, projects within Parcels A-1, A-3 and A-4 (MFA Commercial Area) shall not be eligible to receive reimbursement from the City to which they might otherwise be entitled pursuant to City Regulations, as defined in the MFA, for the design and construction of public improvements therein, with the exception of the following reimbursements:

1. The City's obligation to reimburse Centerra Properties West, LLC for certain costs incurred for a preliminary design of the Arterial Street Improvements. Refer to Section 6.5 of the PVH Agreement for specific terms.

2. Reimbursements for public improvements which were completed prior to January 20, 2004. Refer to Sections 12.3 and 13.5 of the MFA for specific terms.

3. Reimbursements for public improvements completed in connection with Development Projects not within the MFA Commercial Area, unless such public improvements are not eligible for reimbursement pursuant to the MFA, Section 12.3.

Special Condition No. 8 (Parcels A-1, A-3 and A-4):

Centerra Properties West, LLC and its affiliates are entitled to receive certain credits against City water system impact fees and City capital expansion fees for streets in connection with Development Projects within Parcels A-1, A-3 and A-4 (MFA Commercial Area) pursuant to the terms of the MFA. Refer to Section 12.1 of the MFA for the specific terms.

Special Condition No. 9 (Parcels A-1, A-3 and A-4):

Except as provided in Special Conditions Nos. 7 and 8 above, the Applicant of every project within Parcels A-1, A-3 and A-4 (MFA Commercial Area) shall be responsible for payment of all applicable City development fees and use taxes and for satisfaction of all raw water requirements. Refer to Section 12.3 of the MFA for the specific terms.

Special Condition No. 10 (Parcels A-2, ~~and~~ A-5 and A-8):

With the exception of the local street segment as defined in LCUASS, all streets that are included in the City's Transportation Capital Improvement Plan, as part of the Transportation Plan ("CIP"), shall be deemed part of the City's street capital expansion fee system and eligible for street CEF reimbursement consistent with City policy, which City policy presently designates only those streets classified as arterial and above as part of such CIP system and eligible for reimbursement. To the extent the Developer, as a condition of the development of Parcels A-2, A-5 or ~~A-8~~, has designed and/or constructed, or caused to be designed and constructed, improvements to such streets, it shall be entitled to a reimbursement therefor but such reimbursement shall be in an amount equal to the costs incurred by or on behalf of the Developer in the design and construction of such streets (including the cost of off-site easement acquisition), plus interest at the average rate received by the City on its investments over the twelve (12)-month period preceding the date such interest commences to accrue, compounded annually and accruing from the date of completion and acceptance of the eligible improvement to the date reimbursement has been made. The Developer shall be reimbursed an amount equal to eighty percent (80%) of each applicable street CEF actually paid by any person or entity other than the City for each building permit within all projects in the GDP, and such reimbursement shall continue to apply until the Developer has received reimbursements in an amount equal to the total cost, as calculated above, of those eligible streets designed and constructed, or caused to be designed and constructed, by the Developer.

PARCEL A

The remaining twenty percent (20%) of each applicable street CEF paid at building permit issuance may be used by the City to fund capital transportation costs in other areas of the City, as it deems appropriate. Reimbursements shall be made by the City to the Developer on a quarterly basis. Notwithstanding the foregoing, the Developer shall not be entitled to any reimbursement from the City under this Special Condition for those "Public Improvements" which are not eligible for reimbursement from the City under Section 12.3 of the MFA.

Special Condition No. 11 (Parcel A-4):

Centerra Properties West, LLC and its affiliates are entitled to receive a deferral of certain City system impact fees and capital expansion fees for a defined period in connection with the development of the approved lifestyle center in Parcel A-4 pursuant to the terms of the MFA. Refer to Section 12.2 of the MFA for specific terms.

**NOTIFICATION
OF MINERAL
ESTATE OWNERS**

Special Condition No. 12 (Parcels A-1, A-6 and A-7):

The first application for a subdivision plat which includes any portion of that part of Parcel A-1 known as the Central Parcel of the Grange Addition or any portion of Parcels A-6 or A-7 shall require a public hearing before the Planning Commission at least thirty (30) days prior to the administrative approval of such subdivision plat, for the limited purpose of hearing objections of mineral estate owners, as such owners are defined by C.R.S. §24-65.5-102(5). Such public hearing shall constitute the "initial public hearing" for the subdivision plat application; notice thereof shall be given in accordance with the requirements of C.R.S. §24-65.5-103 and, except as required by C.R.S. §24-65.5-103(1.5), no further notice to mineral estate owners within such subdivision plat shall be given. Prior to final approval of the subdivision plat for which notice was given pursuant to this Special Condition, the Applicant shall provide the City with a written

certification in accordance with the requirements of C.R.S. §24-65.5-103.3.

PLANNING

Special Condition No. 13 (Parcel A):

Developer shall provide sufficient Personal and Business Service Shops in Parcel A to service the Residential Uses in Parcel A.

Special Condition No. 14 (Parcels A-1 and A-3):

Residential uses which are not located in a Mixed-Use Structure shall not occupy more than eighteen (18) acres of land within Parcel A-1, nor shall such uses occupy more than a total of one hundred seven (107) acres within Parcels A-1 and A-3 combined.

Special Condition No. 15 (Parcel A-1):

Residential uses within Parcel A-1 which are not located in a Mixed-Use Structure shall be integrated into the Mixed Use Village Center project so that they have physical connections, and visually relate, to the other land use components within such project.

Special Condition No. 16 (Parcels A-6 and A-7):

Multi-family Dwellings and Single Family Dwellings within Parcels A-6 and A-7 shall be separated by an intervening public street, private road subject to a public access easement or open space a minimum of fifty feet (50') wide.

POWER

Special Condition No. 17 (Parcels A-6 and A-7):

All subdivision plats for property within Parcels A-6 and A-7 shall include the following note: "The property included on this plat is located within the certified service territory of the Poudre Valley Rural Electric Association and is, therefore, subject to a five percent (5%) surcharge on electrical energy until (insert date 10 years after final approval of the Grange Addition), 2018."

*MILLENNIUM GDP***RAILROAD**Special Condition No. 18 (Parcel A):

For the purpose of mitigating general railroad noise and vibration, the Applicant shall provide a buffer-yard between Buildings for residential occupancy on lots in Parcel A and the Union Pacific Railroad right-of-way in accordance with the requirements set forth in Section 15, Appendix A of the GDP.

Special Condition No. 19 (Parcels A-1, ~~through A-3~~ and A-8):

The Union Pacific Railroad tracks run through Parcel A generally from the northwest corner of such parcel to the southeast corner of the parcel. Residents adjacent to such railroad tracks may experience noise and vibration effects resulting from the passage of trains on such tracks in close proximity to adjacent Lots. A notice reciting the above-stated potential impacts from such railroad tracks shall be placed on each subdivision plat which includes any portion of Parcels A-1, A-~~32~~, or A-~~38~~ within 500 feet of the railroad right-of-way.

SCHOOL DISTRICTSpecial Condition No. 20 (Parcel A-1):

The development of a Mixed Use Village Center in Parcel A-1 shall not require the dedication of land for a school site, however, the School District will assess fees in lieu of land dedication in accordance with the School District IGA as Category B (5 or more attached units).

Special Condition No. 21 (Parcels A-2 and A-8):

The Developer shall dedicate one ten (10)-acre elementary school site within Parcel A-2 or A-8 to the School District in accordance with the requirements of the School District IGA, the Municipal Code to the extent not inconsistent with the School District IGA, and the site selection criteria of the School District established by its current Master Plan. So long as the dedicated site provides two points of roadway access and does not contain on-site detention, the size of such site shall be ten (10) acres. If

the foregoing conditions are not met with the site, the acreage may be increased, at the School District's discretion, up to a total of twelve (12) acres for such site, as needed to provide sufficient accessibility and developable acreage. The timing of the dedication shall be in accordance with the requirements of the Municipal Code and the School District IGA. Any land dedicated for a school site, which land is subsequently conveyed to the Developer or others upon the School District's determination that the land is not suitable for school purposes, shall remain subject to the Performance Standards and allowed uses for Parcels A-2 and A-8 following such conveyance. All land dedicated and used for school purposes shall remain subject to the Performance Standards to the extent consistent with State law.

In accordance with an agreement between the Developer and the School District, the School District has agreed to work in good faith with the Centerra DRC (or its assignee) to provide a design for the school on the dedicated school site generally consistent with the architectural theme of the GDP, subject to budgetary constraints of the School District and to the final decision of the Board of Education of the School District.

TRANSPORTATIONSpecial Condition No. 22 (Parcel A):

To the extent that street and/or trail crossings of the existing railroads are required as a condition of a Development Project within Parcel A to meet the ACF Regulations and any approved exceptions thereto or other applicable Municipal Code requirements, the City shall be responsible for processing the requests for Public Utilities Commission approval of such crossings, and the Applicant shall be responsible for the payment of the City's reasonable costs incurred therefor, including reasonable attorney's fees.

Special Condition No. 23 (Parcel A-1):

Unless designed and constructed by others, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations

PARCEL A

and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, Kendall Parkway from Centerra Parkway to US 34 to the standards required by the Transportation Plan and LCUASS. The necessity, timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within that portion of Parcel A-1 formerly known as the Central Parcel on the Grange Addition.

Special Condition No. 24 (Parcels A-1 through A-4 and A-8):

Unless designed and constructed by others or by the City pursuant to the PVH Agreement, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels A-1 through A-4 and A-8.

- (a) Rocky Mountain Avenue from north of the Union Pacific Railroad crossing to Crossroads Boulevard.
- (b) Kendall Parkway from Boyd Lake Avenue to Rocky Mountain Avenue.
- (c) CR 24 (East 29th Street) from Rocky Mountain Avenue under I-25 to the north/south major arterial roadway in Parcel A.
- (d) Boyd Lake Avenue from CR 20C East 5th Street) to CR 24E (East 37th Street).
- (e) CR 20C (East 5th Street) from Boyd Lake Avenue to CR 9E (Sculptor Drive).
- (f) CR 9E (Sculptor Drive) from US 34 to State Highway 402.

Special Condition No. 25 (Parcel A-5):

Prior to or concurrent with the approval of any Development Project or Final Plat within Parcel A-5, or as otherwise approved by the City Engineer, the owner shall dedicate, at no cost to the City, the right-of-way necessary for all street improvements either within or adjacent to said Development Project or Final Plat that are shown on the Transportation Plan.

Special Condition No. 26 (Parcel A-5):

Unless designed and constructed by others or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcel A-5.

- (a) County Road 3 from the north boundary of Parcel A-5 to US 34.
- (b) Boyd Lake Avenue adjacent to Parcel C-4.
- (c) Kendall Parkway from Boyd Lake Avenue to Rocky Mountain Avenue.

Special Condition No. 27 (Parcels A-6 and A-7):

Unless designed and constructed by others, or otherwise approved by the City Engineer, and to the extent needed to comply with the ACF Regulations and any approved exceptions thereto, the Applicant shall design and construct, or cause to be designed and constructed at no cost to the City, the following street improvements to the standards required by the Transportation Plan and LCUASS. The necessity, timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels A-6 and A-7.

- (a) High Plains Boulevard (LCR3) adjacent to Parcel A-7 to US 34.
- (b) Centerra Parkway from Kendall Park-

MILLENNIUM GDP

way to Crossroads Boulevard.

(c) An east-west collector street from Centerra Parkway to High Plains Boulevard (LCR3).

UTILITIES

Special Condition No. 28 (Parcel A-1):

At least thirty (30) days prior to the public hearing before the Planning Commission for the first Development Project within a Mixed Use Village Center, the Developer shall submit water demand projections and wastewater load projections for said project to the City's Water and Power Department. Based on such projections, the City shall update its water model to reflect the water demand projections for the Development Project and the Developer shall update its wastewater model for property east of I-25 to reflect the wastewater load projections for the Development Project. The updated models shall be reviewed and approved by the City's Water and Power Department prior to the public hearing of the City Council on the Development Project. Pending the Water and Power Department's approval of the updated models, which include the 850 dwelling units proposed in Parcel A-1, the Developer shall be responsible for capacity increases in water and wastewater conveyance components including all piping and sanitary sewer lift stations as well as I-25 crossings, but excluding water and wastewater treatment facilities.

Special Condition No. 29 (Parcel A-1):

Unless designed and constructed by others or otherwise approved by the Director of the Water and Power Department, the Developer shall design and construct, or cause to be designed and constructed, at no cost to the City, the following water and sanitary sewer improvements to City standards. The exact size and location of each improvement and the timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within that portion of Parcel A-1 known as the Central Parcel of the Grange Addition.

(a) A water main in Kendall Parkway from Centerra Parkway to US 34.

(b) A water main along the north side of US 34 from Centerra Parkway to the east boundary of Parcel A-1 with a connection to the water main described in subparagraph (a) above.

(c) A water main through that portion of Parcel A-1 known as the Central Parcel of the Grange Addition with two points of connection.

(d) Extension of the existing wastewater main located near US 34 and Centerra Parkway north of the Union Pacific Railroad tracks to the east boundary of Parcel A-1 and north to the north boundary of Parcel A-1, with sufficient capacity to accommodate wastewater flows from that portion of Parcel A-1 known as the Central Parcel of the Grange Addition and future development adjacent to such property.

(e) The Interchange Lift Station with appropriate mains and force mains, as described in the Technical Supplement to the Centerra Wastewater Master Plan dated February, 2005.

Special Condition No. 30 (Parcels A-6 and A-7):

Unless designed and constructed by others or otherwise approved by the Director of the Water and Power Department, the Developer shall design and construct, or cause to be designed and constructed at no cost to the City, the following water and sanitary sewer improvements to City standards. The exact size, location and capacity of each improvement and the timing, scope and phasing of such construction shall be determined during review and approval of future Development Projects within Parcels A-6 and A-7.

(a) A water main along the north side of US 34 from Centerra Parkway to the easternmost improvement within Parcel A-7.

(b) A water main through Parcels A-6 and A-7 with two points of connection to the water main described in subparagraph (a) above.

(c) A secondary water main connection between a water main within Parcels A-6 and A-7 and a water main in Centerra Parkway.

PARCEL A

(d) Extension of the existing wastewater main located near US 34 and Centerra Parkway north of the Union Pacific Railroad tracks to the easternmost improvement within Parcel A-7, with sufficient capacity to accommodate wastewater flows from Parcels A-6 and A-7 and future development adjacent to such parcels.

(e) The Interchange Lift Station with appropriate mains and force mains, as described in the Technical Supplement to the Centerra Wastewater Master Plan dated February, 2005.

Special Condition No. 31 (Parcels A-1, A-6 and A-7):

Any reimbursement for the East Side Lift Station shall be in accordance with that Reimbursement Agreement by and between the Developer and the City of Loveland Water Department dated September 7, 2004.

NON-RESIDENTIAL SITE PLANNING CRITERIA



TABLE OF CONTENTS SECTION 6

SECTION 6.....	<u>14</u>
NON-RESIDENTIAL SITE PLANNING CRITERIA.....	<u>14</u>
6.1 SITE LAYOUT.....	<u>14</u>
6.2 BOUNDARIES/RIGHTS-OF-WAY/ EASEMENTS.....	<u>14</u>
6.3 SETBACKS.....	<u>14</u>
6.4 BUILDING AND STRUCTURE HEIGHTS	<u>33</u>
6.5 SHADOW AND SHADING ANALYSIS.....	<u>33</u>
6.6 OPEN SPACE REQUIREMENTS.....	<u>44</u>
6.7 ALLOWABLE OPEN SPACE ELEMENTS	<u>55</u>
6.8 LAND USE COMPATIBILITY	<u>55</u>
6.8.1 Outdoor Storage Areas/Mechanical Equipment.....	<u>55</u>
6.8.2 Noise.....	<u>55</u>
6.8.3 Bufferyards.....	<u>55</u>
6.9 VIEW CORRIDORS	<u>66</u>
6.10 RETAIL SITE AMENITIES AND DRIVE THROUGH FACILITIES	<u>66</u>
6.10.1 Retail Site Amenities.....	<u>66</u>
6.10.2 Drive-Through Facilities.....	<u>66</u>
6.11 US 34, AND I-25 and MULTI-PHASED CAMPUS-STYLE DEVELOPMENT DESIGN CONSIDERATIONS	<u>77</u>
6.11.1 Policy.....	<u>77</u>
6.11.2 Context Diagram	<u>77</u>
6.11.3 US 34 Setback Treatment.....	<u>77</u>
6.11.4 I-25 Setback Treatment	<u>87</u>
6.12 ENVIRONMENTALLY SENSITIVE AREAS PLANNING	<u>99</u>
6.13 LANDSCAPING	<u>114</u>
6.13.1 Landscape Design and Materials	<u>124</u>
6.13.2 Tree Stocking	<u>124</u>
6.13.3 Foundation Planting	<u>124</u>
6.13.4 Retaining Walls.....	<u>134</u>
6.13.5 Ownership and Maintenance.....	<u>134</u>
6.14 EXISTING VEGETATION.....	<u>134</u>
6.15 IRRIGATION SYSTEM.....	<u>143</u>
6.16 INTERNAL PARKING LOT LANDSCAPING	<u>143</u>
6.16.1 Policy.....	<u>143</u>
6.16.2 Criteria.....	<u>143</u>
6.17 PARKING LOT SCREENS.....	<u>144</u>
6.17.1 Policy.....	<u>144</u>
6.17.2 Criteria.....	<u>144</u>
6.18 SNOW REMOVAL	<u>154</u>
6.19 DRAINAGE.....	<u>154</u>
6.20 UTILITIES, MECHANICAL EQUIPMENT, AND COMMUNICATION DEVICES	<u>164</u>
6.20.1 Permanent Utility Lines	<u>164</u>
6.20.2 Temporary Overhead Power and Telephone Lines.....	<u>164</u>
6.20.3 Communication Devices and Mechanical Equipment	<u>164</u>
6.20.4 Transformers, Gas Meters.....	<u>164</u>

MILLENNIUM GDP

6.20.5	Equipment Sound Levels	17 4 6
6.20.6	Installation of Ground-Level Structures.....	17 4 6
6.21	SERVICE AREAS.....	17 4 6
6.21.1	Policy.....	17 4 6 1 7
6.21.2	Criteria.....	17 4 7
6.22	OUTDOOR STORAGE.....	18 4 7 1 8
6.23	CART STORAGE, VENDING MACHINES, ETC.....	18 4 8
6.24	OUTDOOR SALES/DISPLAY	18 4 8
6.25	SECURITY FENCES/WALLS	18 4 8
6.25.1	Policy.....	18 4 8
6.25.2	Criteria.....	19 4 8
6.26	SITE FURNISHINGS	19 4 9
6.27	SIGNAGE	20 1 9 2 0
6.27.1	Policy.....	20 1 9 2 0
6.27.2	Criteria.....	20 1 9 2 0
6.28	LIGHTING.....	20 2 0
6.28.1	Policy.....	20 2 0
6.28.2	Criteria.....	20 2 0
6.28.3	Normative Lighting Criteria.....	21 2 1
6.28.4	Lighting Levels	22 2 2

NON-RESIDENTIAL SITE PLANNING CRITERIA**SECTION 6
LIST OF FIGURES**

6-1	View Perservation Cones will be Implemented at Signalized Intersection	7
6-2	I-25 Treatment	8
6-3	Retaining Wall Examples	12
6-4	Parking Islands.....	14
6-5	Parking Lot Screening.....	14
6-6	Trash Enclosures.....	17
6-7	Service Areas	17
6-8	Fencing.....	19

LIST OF TABLES

6-1	Minimum Setbacks	2
6-2	Building and Structure Heights.....	3
6-3	Open Space Requirements	4
6-4	Minimum Plant Sizes.....	12
6-5	Replacement of Valuable Trees.....	13
6-6	Lighting Levels	22

NON-RESIDENTIAL SITE PLANNING CRITERIA



SECTION 6 NON-RESIDENTIAL SITE PLANNING CRITERIA

6.1 SITE LAYOUT

Site design and land planning are critical elements in development of the GDP. Proposed Development Projects will be evaluated for compliance with the site planning criteria of this section.

These standards shall apply to Development Projects within the GDP unless they are in conflict with standards in Section 9 (MUN) or Section 10 (Residential).

6.2 BOUNDARIES/RIGHTS-OF-WAY/ EASEMENTS

Building permit site plans shall show existing property boundaries, rights-of-way and easements. Buildings and/or structures shall in no case extend into public rights-of-way or easements, or beyond its property boundary line.

Elements which may be allowed within an easement include: Trees, shrubbery, landscaping, retaining walls or other landscape features, berms, fences or walls, driveways, sidewalks, permitted signs, eaves that do not project more than 2½ feet into the easement, site furnishings, utility lines, wires and associated structures, such as power and light poles, provided that there are no conflicts between utilities within easements. Development Projects shall demonstrate that there are no conflicts between utilities and proposed landscape elements, signs, fences and walls. Landscape plans shall illustrate proposed and existing utilities.

Within any tree-lawn area, easement or street center median(s), trees shall not be planted within 10 feet of water, sanitary or storm main lines or within 5 feet of primary electrical lines, nor shall shrubs be planted within 5 feet of water, sanitary or storm main lines, unless otherwise approved by the utility provider. Offsets are not required from private utility service lines.

Elements allowed within a public right-of-way include: All of the elements allowed within an easement, except the following items: fences or walls, retaining walls, eaves of buildings, signs (except regulatory signs), berms, required buffer-yards, and site furnishings unless otherwise approved by the Director.

6.3 SETBACKS

The Building and parking Setbacks have been designed to reflect the suburban character of this area and to establish a consistent street character. In general, the most generous Setbacks are along the perimeter and along the internal arterial roads within the non-residential areas. In a Mixed Use Village Center, Setbacks are reduced to allow for compact development and increased pedestrian connectivity.

See Table 6-1 for minimum Building and parking Setbacks. In some cases, in order to comply with the bufferyard requirements, increased Setbacks may be necessary.

A. Features allowed within Setbacks. The following features may be located within required Setbacks, subject to the Building Code (see also the City's Bufferyard Standards for features allowed within bufferyards):

1. Trees, shrubbery or other landscape features;
2. Fences or walls that comply with the Municipal Code;
3. Driveways which cross the setback;
4. Sidewalks and or trails;
5. Signs, subject to permit approval;
6. Bay windows, architectural design embellishments;
7. Eaves that do not project more than 2½ feet into the required setback;
8. Chimneys, flues and ventilating ducts that do not project more than two feet into a required Setback and when placed so as not to obstruct light and ventilation;

MILLENNIUM GDP

8. Utility lines, wires and associated structures, such as power and lights;
9. Refer to Section 7.13 for further restrictions within sight triangles;
10. Refer to Appendix A for further restrictions within bufferyards.

Table 6-1
Minimum Setbacks

<u>Land Use</u>	MINIMUM SETBACKS FROM							
	<u>Side & Back Property Line</u>	<u>I-25 & US 34</u>	<u>Arterial Street ROW</u>	<u>Collector Street ROW</u>	<u>Local Street ROW</u>	<u>Alley ROW</u>	<u>Private Road (back of curb)</u>	<u>Between Buildings</u>
Mixed Use Village Center	0' **	I-25 - 80' from ROW, US 34 per 34 Corr. Plan^^	15'	0'	0'	0'	0'	0'
All Other Areas	Struct - 15', Pkg - 10' **, ***, ++, ^	I-25 - 80' from ROW, US 34 - per 34 Corr. Plan^^	40'	25'+	25'+	Struct - 10', Pkg - 0'	20'	6' Between Eaves
Notes: ** 25' minimum adjacent to Residential Uses. *** If the adjacent land use is similar or compatible, a 0 foot side Setback shall be allowed on one or more sides where common walls between uses exist. + 25' Setback shall be measured from the back of sidewalk in areas where the right-of-way line is located at the curb of the street. This does not apply to meandering sidewalks. ++ If a side or back property line is located along a public ROW, the ROW Setback is applied. ^ Parking areas which incorporate Shared Parking and/or driveways are excluded from the Setback requirement along the edge(s) of the property where this condition occurs. ^^ Refer to Section 6.11.3 of this GDP and the US 34 Corridor Plan for setbacks requirements along US 34 east of I-25. <u>General Note:</u> A 0' Lot line Setback will be allowed for all uses where the Setback and bufferyards are provided within an abutting Tract, Outlot or similar.								

NON-RESIDENTIAL SITE PLANNING CRITERIA



6.4 BUILDING AND STRUCTURE HEIGHTS

Maximum heights for buildings and structures are listed in Table 6-2.

If approved by the City and the Centerra DRC, Building Heights (provided in Table 6-2) may be increased by a maximum of 10 feet if architectural detailing is provided in order to increase the aesthetic character of the façade. This additional height for the parapet, at corners and at other major Building elements, must not impact other Buildings or structures with shading and may be approved administratively by the Director, subject to approval by the Centerra DRC.

Structures that impede the use of Fire Department radios must install an antenna system within the structure. Loveland Fire and Rescue Department will determine the specifications and Buildings requiring the antenna system, unless otherwise approved.

Large or high-rise structures may be required to have a fire control room. This room will contain the control panels for the alarm system, fire extinguishing system, HVAC system, smoke control system or any other system as determined by Loveland Fire and Rescue Department. The Loveland Fire and Rescue Department will determine the requirements of the fire control room and Buildings requiring the fire control room.

High-rise structures may be required to have a fire department telephone system separate from the regular telephone system. Loveland Fire and Rescue Department will determine the requirements for the telephone system and Buildings requiring the system.

6.5 SHADOW AND SHADING ANALYSIS

Buildings or structures greater than fifty-five (55) feet in Height shall be designed so as not to have substantial adverse impact on the distribution of natural and artificial light on adjacent public and private property. Adverse impacts include, but are not limited to, casting shadows on adjacent property sufficient to preclude the functional use of solar energy technology, contributing to the accumulation of snow and ice during the winter on adjacent property, and shading of windows or gardens for more than three (3) months a year. Techniques to reduce the shadow impact of a Building may include, but are not limited to, repositioning of a structure on the lot, increasing the Setbacks, reducing Building or structure mass or redesigning a Building or structure shape.

Submittal Requirements: Developments proposing Building Heights in excess of fifty-five (55) feet shall include a shadow analysis that indicates on the project site plan the location of all shadows cast by the Building or structure (with associated dates of the year).

Table 6-2
Building and Structure Heights

Land Use	Maximum Height of Buildings and Structures*
Light & Heavy Commercial**	55 feet **
Institutional/Civic/Public	90 feet
Light and Heavy Industrial	45 feet
Notes: *Building Heights are subject to height restrictions as defined by the applicable Special Conditions. ** -Hospital Uses are allowed a maximum Building Height of 90 feet; -Office Uses are allowed a maximum Building Height of 85 feet; -Hotel Uses are allowed a maximum Building Height of 120 feet	

Table 6-3
Open Space Requirements

Land Use	Minimum % Private Open Space Required*
Light & Heavy Commercial	20%
Institutional/Civic/Public	30%
Light and Heavy Industrial	20%
Notes: The percentages listed for minimum Private Open Space may be adjusted administratively up to 10% as long as the intent of the GDP is respected. *Private Open Space requirements for Mixed Use Village Centers may be reduced. The core of the Mixed Use Village Center will be allowed 0% Open Space, and more Open Space is required as density of the Mixed Use Village Center feathers out. 10% Open Space is required for Multi-Family Dwellings within Mixed Use Village Centers, unless located within ¼ mile of another existing or planned Common Open Space area.	

Buildings shall be, to the extent practical, located and designed so as not to cast a shadow onto structures within the site or on adjacent property greater than the shadow which would be cast by a thirty-foot hypothetical wall located along the property lines of the development between the hours of 9:00 am and 3:00 p.m., MST on December 21.

~~If a project does not comply with a strict interpretation of the shadow analysis requirements, but it does meet the intent of the standard, as stated in the first paragraph of this Section 6.5, the Director, or his/her appointee may allow alternates to the shading standards subject to approval from the affected property owner(s).~~

6.6 OPEN SPACE REQUIREMENTS

The minimum Private Open Space requirement for each Lot is indicated in Table 6-3, Open Space Requirements.

A minimum of 85% of the area defined as Private Open Space shall be vegetated landscaped areas. The intent is to create spaces which can be seen, used and enjoyed by people, whether on foot or in a vehicle. (See also Section 6.13 and 6.15).

An implementation plan shall be submitted for non-irrigated landscape areas describing how and when the non-irrigated areas will be established. Non-irrigated landscaping shall be established within a 3 year timeframe. Financial security, in a form and amount that is acceptable to the City in accordance with the Municipal Code, shall be provided to ensure seed establishment. In the event that the Centerra Metropolitan District No. 1 installs such landscaping, the financial security shall be in accordance with Section 4.3 of the MFA.

The Private Open Space requirement for an individual Lot may be reduced by 5% (for example, reduce requirements from 20% to 15%) where a Lot abuts public or Common Open Space or a golf course, if a minimum of one-third of the Lot's total perimeter length is immediately adjacent to the public or Common Open Space. The public or Common Open Space area which the Lot abuts, must also have an average width of 30' along the Lots edge in order for the reduction to be applied.

Private Open Space requirements for individual Lots within a Planned Retail Center and campuses may be reduced (if approved by the Centerra DRC and City), provided that the total percentage of Open

NON-RESIDENTIAL SITE PLANNING CRITERIA



Space within the center or campus meets the requirements of the GDP.

The Open space reductions described above can be reviewed and approved administratively by the Director.

6.7 ALLOWABLE OPEN SPACE ELEMENTS

Open space elements that may be included for the purpose of calculating Open Space in non-residential areas include:

- A. Open Space areas shall be a minimum 85% vegetated with living plant material unless otherwise approved by the City;
- B. Pedestrian plazas and entry courts, patios, outdoor gathering spaces (unenclosed amphitheaters);
- C. Pedestrian/transit facilities where they represent a bus stop area (smaller than 500 square feet);
- D. Sidewalks, trails, seating areas, fountains, pools, and information/exhibit kiosks;
- E. Passive and active recreation areas;
- F. Environmentally Sensitive Areas and associated buffers;
- G. Detention areas, drainages, wetland water quality areas, ponds and irrigation ditches;
- H. Landscaped areas planted with living plant material. Landscape materials shall be planted at a density that will cover mulch beds within a 3-year period;
- I. Turf areas;
- J. Other similar uses as approved by the City.

6.8 LAND USE COMPATIBILITY

The purpose of this section is to ensure that the physical and operational characteristics of proposed Buildings and uses are compatible when considered within the context of the surrounding area.

6.8.1 Outdoor Storage Areas/Mechanical Equipment

No areas for Outdoor Storage, trash collection or compaction, loading or other such uses shall be located within the Setback areas.

Loading docks, truck parking, Outdoor Storage, Outdoor Storage, Recreational Vehicles, Boats, and Trucks, utility meters, HVAC and other mechanical equipment, trash collection, trash compaction and other service functions shall be located and screened (per Sections 6.20, 6.21, 6.22 and 6.23) so that the visual and acoustic impacts of these functions are contained and out of view from public streets, public sidewalks, trails, and from dissimilar adjacent land uses.

6.8.2 Noise

Uses shall comply with the noise standards within the Municipal Code.

- A. Where Outdoor Storage, loading areas and other similar uses are proposed adjacent to Residential Uses, the Applicant shall prepare and submit a noise study or memorandum identifying projected noise levels.
- B. Noise issues can be mitigated using some or all of the following techniques: increased Setback, berming, solid fencing/walls, or landscaping. In some cases, landscaping alone is not sufficient to mitigate noise issues. In these instances, landscaping must be used in combination with some of the other techniques listed above.

6.8.3 Bufferyards

Bufferyards shall be constructed to mitigate problems associated with noise, odor, glare, dust, smoke, pollution, water vapor, conflicting land uses and density, height, mass, layout of adjacent uses, loss

MILLENNIUM GDP

of privacy, unsightly views and other potential negative effects of development.

Bufferyards are not required in Mixed Use Village Centers.

Bufferyards shall be located on the outer perimeter of a Lot, extending to the Lot boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public right-of-way, except as permitted by the City's Site Development Performance Standards and Guidelines.

Refer to Appendix A for the City of Loveland Site Performance Standards and Guidelines for detailed bufferyard performance standards. Bufferyards within this GDP shall comply with the City's bufferyard standards, as amended, unless otherwise approved. Alternatives to the requirements for bufferyard types, Setbacks and plant material quantities shall be allowed subject to review and approval by the Director as stated within the bufferyard guidelines.

6.9 VIEW CORRIDORS

Views to the attractive natural surroundings, such as Equalizer Lake, Houts Reservoir, and the Rocky Mountain backdrop, as well as distinctive on-site features, including park areas, open space and natural areas are amenities to be shared by all. Preserving view opportunities of these features from Open Space corridors, building entries, and interior spaces is encouraged. Owners and Applicants are encouraged to emphasize these key natural features by reflecting them in their individual developments.

- A. Where possible, create view corridors by aligning roads, driveways, Open Space corridors, building entries, and pedestrian walkways to preserve and take advantage of available views.
- B. Protect significant views to the attractive natural surroundings.

6.10 RETAIL SITE AMENITIES AND DRIVE THROUGH FACILITIES

6.10.1 Retail Site Amenities

Each Planned Retail Center shall contribute to the enhancement of community and public spaces by providing at least two (2) of the following:

1. Patio/seating area/outdoor dining;
2. Pedestrian plaza with benches;
3. Transportation center/bus stop;
4. Window-shopping walkway;
5. Outdoor playground area;
6. Kiosk area;
7. Water feature/work of art;
8. Floral displays, flower pots or hanging flower baskets.

6.10.2 Drive-Through Facilities

Buildings with drive-through facilities, such as banks and fast food restaurants, shall be oriented in order to reduce the visibility of the drive-through window(s) from the dominant abutting public street.

Drive-through lanes and driveways are subject to parking lot screening requirements. (see Section 6.17).

NON-RESIDENTIAL SITE PLANNING CRITERIA



6.11 US 34, ~~AND I-25~~ AND MULTI-PHASED CAMPUS-STYLE DEVELOPMENT DESIGN CONSIDERATIONS

6.11.1 Policy

This GDP will have a significant presence along both US 34 and I-25. The intent of this section is to ensure that development located adjacent to either US 34 and I-25 and multi-phased campus-style development projects of 50 acres in size or larger are planned cohesively with visual quality and consistency in mind.

6.11.2 Context Diagram

Development Projects located within ¼ mile of either I-25 or US 34 right-of-way, ~~and for~~ Development Projects including a Mixed Use Village Center and multi-phased campus-style development projects of 50 acres in size or larger, shall include a Context Diagram (or reference an existing Context Diagram provided with an earlier application). The purpose of the Context Diagram is to illustrate how the project will contribute to the make-up of the roadway frontage, to illustrate that land uses are planned as cohesive center(s) with coordinated access, circulation, signage locations and landscape treatments.

The Applicant shall submit for review by the City, in conjunction with the plat review process, a possible configuration (or alternative configurations) of the land within 500 feet of the Development Project, (excluding land that is not a part of the GDP and land which is not within a ¼ mile of I-25 or US 34).

The Context Diagram for Development Projects within ¼ mile of either I-25 or US 34 right-of-way shall include the following:

- A. Potential land uses and existing land uses;
- B. Pedestrian and vehicular circulation patterns;
- C. Open Space areas;
- D. Landscape standards;

- E. Conceptual drainage and utility systems;
- F. Conceptual location of ground mounted project signs;
- G. Other general planning considerations within 500' of the proposed Development Project;
- H. Linkages to areas immediately adjacent, important views, corridors and vistas, and Environmentally Sensitive Areas (as identified within this GDP);
- I. The Context Diagram shall clearly indicate which elements are schematic and subject to change with future Preliminary Plats, and which elements are considered to be conditions of approval of the concurrent Preliminary Plat application.

Multi-phased campus style development projects of 50 acres in size or larger, the Applicant shall submit for review by the City in conjunction with the first Site Development Plan review process, a possible configuration (or alternative configurations) of land within the defined campus. The context diagram shall include the following:

- A.Potential land uses and existing land uses;
- B.Pedestrian and vehicular circulation patterns;
- C.Open Space areas;
- D.Conceptual drainage and utility systems;
- E.Linkages to areas immediately adjacent, important views, corridors and vistas, and Environmentally sensitive Areas (as identified within this GDP).

6.11.3 US 34 Setback Treatment

The recommendations of the U.S. 34 Corridor Plan (available from the City) will be incorporated into the GDP. As an extension of the U.S. 34 Corridor Plan, property abutting US 34 east of I-25 will incorporate the recommended U.S. 34 Corridor Zones as shown in Figure 6-1. Alternatives to the recommendations of the U.S. 34 Corridor Plan shall be allowed subject to the approval of the Director.

MILLENNIUM GDP

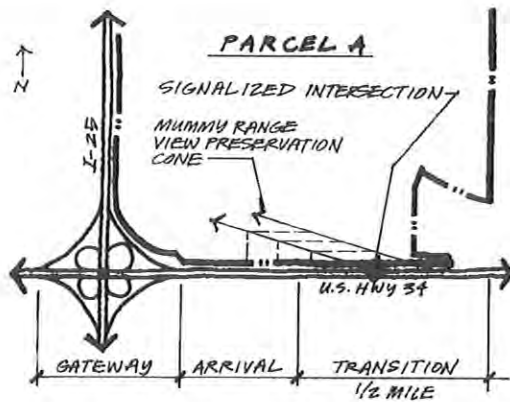


Figure 6-1 – View Preservation Cones will be Implemented at Signalized Intersection

CDOT standards. (Refer to Section 6.25 for additional fence standards).

- H. Height of sculpted berms will vary by location. Berm locations and heights will be designed to provide screening of parking areas, service areas and to provide visual interest along I-25. Sculpted berms will range in height from 5 feet to 15 feet.

6.11.4 I-25 Setback Treatment

- A. A consistent and high quality image shall be presented along I-25 corridor. Visual impacts of Buildings shall be softened and views to parking areas shall be screened where possible.
- B. The I-25 right-of-way will be primarily unirrigated grasses and sculpted landforms with occasional bands of shrubs and trees that meander just inside the right-of-way to the private property and back, to avoid a straight line treatment at the edge of the right-of-way.
- C. The 80 foot landscape buffer adjacent to the right-of-way will be dominated by the sculpted landforms, supported by irrigated and unirrigated grasses, tree groupings, and banks of ornamental grasses, shrubs and perennials.
- D. The combined I-25 right-of-way and 80 foot landscape buffer shall be designed as a unified concept.
- E. Identity signs for significant projects will be allowed within the 80 foot buffer, per the Centerra Planned Sign Program which is included in Section 15 of this GDP as Appendix C.
- F. Buildings and parking lots shall be setback a minimum of 80 feet from the I-25 right-of-way.
- G. Fences shall be setback a minimum of 80 feet from the I-25 right-of-way or if required, per

NON-RESIDENTIAL SITE PLANNING CRITERIA

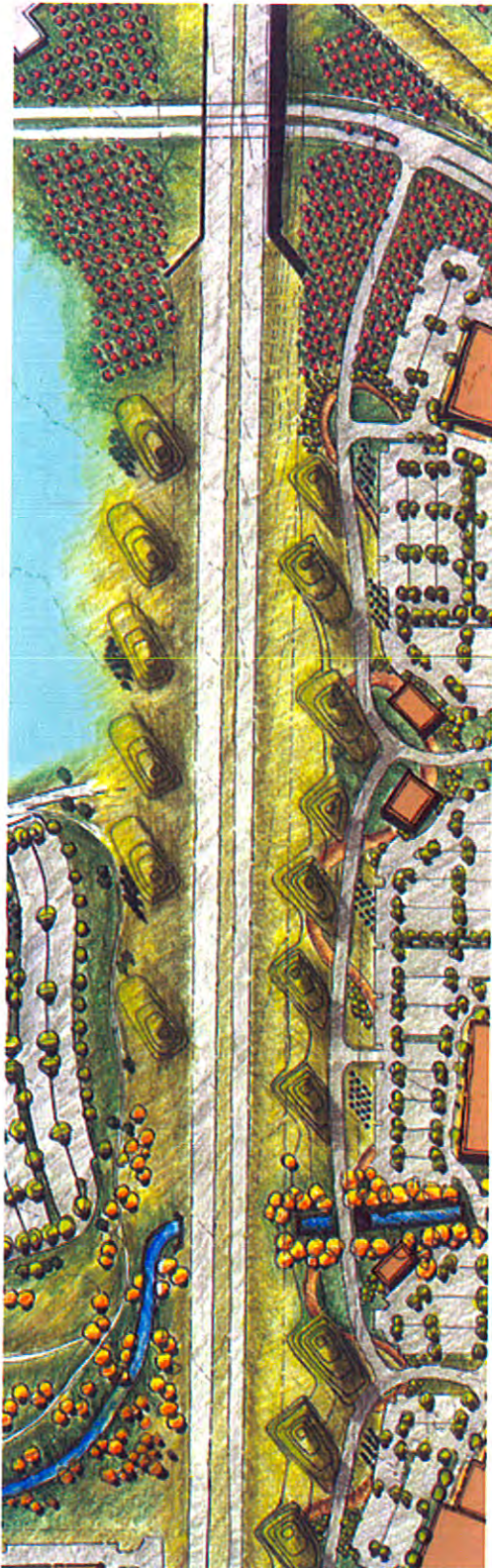


Figure 6-2 – Interstate 25 Treatment

6.12 ENVIRONMENTALLY SENSITIVE AREAS PLANNING

Note: The Environmentally Sensitive Areas Planning Performance Standards apply to all proposed land uses within this GDP.

- A. ESARs are provided within Section 14 of this GDP. No further ESAR will be required with Preliminary Plats except in the case of sensitive, threatened, or endangered species as described below. The existing ESARs will suffice for Preliminary Plats when supplemented with the detailed reports and detailed preliminary design plans submitted as outlined below.
- B. The City and the Applicant acknowledge that future federal or State listing of sensitive, threatened, or endangered species may result in the need to further analyze environmental conditions on the property. With future listings of such species, the City or the Applicant may require submittal of a supplemental ESAR solely to address the potential presence of, impacts to, and mitigation appropriate for said species.
- C. In the more typical process for detailed planning and design of Environmentally Sensitive Areas, the Applicant will prepare, in consultation with the City's environmental planning staff a three step *Amenities Framework Plan* that will include:
 1. A *Conceptual Amenity Map* – included as a part of this GDP - addressing general locations of natural/Environmentally Sensitive Areas, school sites, parks, trail systems, and other Recreational Facilities. This plan clarifies that;
 - a. Developed portions of neighborhood park and school sites will not encroach on buffers as defined in the associated ESAR, as amended from time to time (included in this GDP).
 - b. Industrial, ~~Heavy m~~Manufacturing, or similar uses of potential concern planned within 300' of Environmentally Sensitive Areas may, at the City's

MILLENNIUM GDP

- option, be required to provide a noise impact/mitigation study.
- c. The determination of potential for a nature park or other educational/interpretive features integrated into any buffer areas will be made as the other *Supporting Documents* and *Detailed Preliminary Design Plans* evolve - as described below.
 - d. Timing of installation, species, soil prep, weed control, irrigation, maintenance, etc. will be addressed in the appropriate *Detailed Preliminary Design Plans* for each area.
 - e. Areas indicated as buffers are to be managed and protected from the impacts of human activities, but in some cases are not required to be totally inaccessible. In some areas, smaller buffers are intended only to address increased water quality concerns, which may be addressed through methods other than a predetermined setback of a certain dimension. Detention and other storm drainage management features may be integrated into some portions of larger buffer areas, subject to sensitive design. The same is true of some limited trail construction.
 - f. Appropriate recreational uses as determined in the related ESAR will not be prohibited.
 - g. The proposed trail across the divider of Houts Reservoir and Equalizer Lake is an important part of the overall pedestrian circulation system within the GDP. Because of the trail's proximity to the buffers called for as part of Areas 1, 2, 5, and 6, sensitive design and construction techniques are to be defined in the applicable *Detailed Preliminary Design Plans*.
2. Other *Supporting Documents* completed outside the scope of this GDP to address the long-term funding, maintenance, management, and potential environmental educational programs for Environmentally Sensitive Areas will be prepared and submitted for approval prior to the submittal of any Preliminary Plat creating building Lots abutting on Environmentally Sensitive Areas or related buffer areas, as defined in the January 1999 Cedar Creek *Sensitive Areas Report*. It is at this time that any changes in environmental conditions and/or City policy will be addressed.
 3. *Preliminary Design Plans* will be prepared for each Environmentally Sensitive Area and related buffer, addressing mitigation measures, enhancements, grading, other physical improvements, plantings, and timing of installation. A *Preliminary Design Plan* for any Environmentally Sensitive Area - as defined in the ESAR- will be prepared and submitted for approval prior to, or in conjunction with, the approval of a Preliminary Plat for any building lots adjacent to, or within 300' of that sensitive area. Preliminary landscape plans shall illustrate the graphic locations of existing and proposed plant materials, areas to be receive seed and sod, general seed types, irrigated vs. non-irrigated areas, a plant legend showing the graphic symbols for the various plant types (plant labels and a plant list are not required with *Preliminary Design Plans*).
 4. *Final Design Plans* will be prepared for each Environmentally Sensitive Area and related buffer, addressing mitigation measures, enhancements, grading, other physical improvements, plantings, and timing of installation. *Final Design Plan* for any Environmentally Sensitive Area - as defined in the ESAR - will be prepared and submitted for approval prior to, or in conjunction with, the approval of a Final Plat, combined Preliminary Plat and Final Plat, or Use-By-Right for any building Lots adjacent to, or within 300' of that sensitive area. Final Design Plans shall illustrate existing and proposed plant material, plant labels, a detailed plant materials list, indication of irrigated vs. non-irrigated areas, and description of seed/sod types.
 5. Implementation of the elements of the applicable *Final Design Plan* will become a

NON-RESIDENTIAL SITE PLANNING CRITERIA



condition of approval of the Development Project for the subject property.

6.13 LANDSCAPING

Note: The Landscaping Performance Standards apply to all proposed land uses within the GDP.

Landscaping is intended to unify the Building and its site with adjacent development areas. Emphasis is on landscaping the GDP as a single entity, not on a small-scale with individual landscaped areas. In order to establish a consistent streetscape and Open Space image, a conceptual landscape master plan or a set of detailed landscape design guidelines shall be prepared and submitted to the City for approval along with the first Preliminary Plat within each parcel. The conceptual master plan or guidelines will specify the intent, character, types, and locations of landscape elements.

Development Projects shall include a detailed landscape plan that indicates the location, type, sizes and quantity of proposed landscape elements.

Where appropriate, turf will be low water requiring varieties with areas of longer, native species. Perennial and annual flowers will provide accent color.

Create a landscape that is sustainable, attractive, comfortable, and complimentary to the natural and man-made environment.

Use plant materials that are massed and placed to provide variety and focal points at strategic locations.

Where appropriate, use large-scale plantings with the intent of creating thickets of shrubs and broad sweeps of flowers in meadows that occur naturally in the Colorado plains and foothills region.

Plant evergreens and other trees with moderate to low water needs on uplands, while locating cottonwoods, willows and other riparian plants in drainages and low lying areas.

Landscaping and/or earth shaping shall be used to screen surface parking, to soften structures such as

Parking Garages and stark walls; to buffer sound adjacent to heavily traveled areas. Shrubs are encouraged to be used for low level buffers, enclosure, identity and reinforcement of pathways, and to provide visual interest and display.

Landscape plans shall include landscaping for non-paved areas located in any public right-of-way adjacent and contiguous to the Lot to which the plan applies. The landscape plan shall illustrate existing trees, shrubs and irrigated turf areas immediately adjacent to the Lot for which the plan applies.

Sites adjacent to US 34 will incorporate the recommendations set forth in the U.S. 34 Corridor Plan, unless otherwise approved by the City.

Tree lawns shall be a minimum of six feet wide on streets classified as collectors or arterials; and on local residential streets of 28 feet or less. Street trees may be planted formally or informally providing that the required number of streets are included.

Berm and embankment slopes shall not exceed a ratio of 3:1 and must be graded with smooth transitions. Berm slopes facing public streets may not exceed 4:1. Shrubs and vines should be placed at least three feet to five feet from curbs to protect them from roadway chemicals. (See also Section 6.17).

Where surface retention is a part of the overall design, use of water features, both functional and ornamental, is highly encouraged.

Landscaping and irrigation must be completed in the next available planting season, or as soon as weather conditions permit, or within the schedule approved by the City, whichever is earlier. Areas to be landscaped shall be completed within 9 months of the date of occupancy. The City will require escrow in the amount of 125% of the value of the installed landscaping and irrigation, at the time of a temporary certificate of occupancy, until the landscaping is installed. In the event that the Centerra Metropolitan District No. 1 installs such landscaping, the financial security shall be in accordance with Section 4.3 of the MFA.

MILLENNIUM GDP

Landscape plans must be prepared by a professional landscape architect.

6.13.1 Landscape Design and Materials

As an alternative to the City guidelines and Performance Standards, specific landscape design criteria may be developed for each neighborhood or village and approved as alternative compliance by the Director. Additional or alternative plant species, beyond those included in the City guidelines, may be used as appropriate to the site-specific conditions. Landscape design shall incorporate some or all of the following xeriscape principles:

- A. Grouping plants with similar water requirements together;
- B. Limiting high-irrigation turf and plantings to high-use and/or high visibility areas;
- C. Use of low-water demanding plants and turf where practical;
- D. Use of indigenous plant materials, where appropriate and practical;
- E. Use of efficient irrigation systems, including the use of non-potable irrigation water;
- F. Use of mulches and soil improvements;
- G. Provision of programs for regular and attentive maintenance;
- H. Trees and shrubs sizes, at the time of planting, shall comply with the minimum sizes listed in Table 6-4. Refer to Appendix B for a map of the Special Improvement District.

Table 6-4
Minimum Plant Sizes

Plant Type	Typical Min. Sizes	Min. Sizes within the Special Improvement District
Deciduous Shade Trees	2" caliper	2.5" caliper
Ornamental Tree	1 ½ caliper	2" caliper
Evergreen Trees	6' height	8' height
Shrubs	5 gallon	5 gallon

6.13.2 Tree Stocking

- A. "Tree stocking" shall be required in landscape areas within one hundred (100) feet of a Building or structure as further described below. Landscape areas shall be provided in adequate numbers, locations and dimensions to allow tree stocking to occur along all high use or high visibility sides of any Building or structure (building facades abutting alleys are exempt from tree stocking requirements).
- B. Tree stocking shall mean formal or informal groupings of trees (canopy, evergreen or ornamental) planted at a quantity equal to 1 tree for every 40 lineal feet of Building Frontage.
- C. Exact locations and spacing may be adjusted at the option of the Applicant to support patterns of use, views and circulation as long as the minimum tree-planting requirement is met.

6.13.3 Foundation Planting

- A. Where appropriate, trees, shrubs and ground-covers, shall be located near Buildings on the site to aesthetically integrate each Building into the overall site, to visually soften the massiveness of Buildings, and to separate the Building from the parking lot. The appropriate amount of Building foundation plantings shall be determined by the Centerra DRC and the City. Where trees are utilized, planting beds shall be a minimum of six (6) feet in width.

NON-RESIDENTIAL SITE PLANNING CRITERIA



- B. Where parking lots abut a Building without intervening landscaping, parking bays shall extend no more than seven (7) parking spaces without an intervening landscape island with a tree.

6.13.4 Retaining Walls

Materials such as split-face modular block (straight face - not beveled), brick, stone, artificial stone and other similar materials may be used to construct retaining walls.



Figure 6-3 Retaining Wall Examples

6.13.5 Ownership and Maintenance

Parks or other outdoor spaces may be dedicated to a public agency or be privately owned and maintained by the Applicant or property owners association. Public acceptance of such parks or outdoor spaces into the publicly owned system of open lands will be based on specific negotiation on an individual site basis.

Maintenance of landscaped areas located behind the sidewalk and within the public right-of-way, is the responsibility of the adjacent property owner. A Metropolitan District and/or an owners association will maintain landscaped areas between the sidewalk and the back of curb within the public right-of-way or an easement.

6.14 EXISTING VEGETATION

- A. Preserve valuable shrubs, grasses and trees within natural drainage areas and areas not needed for development.
- B. Preserve healthy, mature trees and younger plants that would normally succeed older plants; do not preserve trees, which are decayed, diseased or are reaching the end of their natural life span, as determined by a qualified professional.
- C. Site plans shall identify locations, sizes and species of existing vegetation located within the Development Project. Existing vegetation shall be classified in one of the following categories: "Preserve," "Relocate" or "Remove". If a tree is classified "Remove", a justification statement shall be provided. "Replacement Trees" shall be identified on the landscape plan in accordance with Table 6-6 below.
- D. If there is no practical alternative in terms of siting Buildings and other development, trees and other plants may be removed. If valuable healthy, mature trees are destroyed by development, new trees shall be installed to replace the destroyed trees as described in Table 6-5.

Table 6-5
Replacement of Valuable Trees

Tree Removed	Replace With
--------------	--------------

MILLENNIUM GDP

24" or larger caliper tree	(3) 4" caliper min. trees
12" to 24" caliper tree	(2) 4" min. caliper trees
6" to 12" caliper tree	(1) 4" min. caliper tree
2" to 6" caliper tree	(1) 3" min caliper tree

6.15 IRRIGATION SYSTEM

Landscaping (except natural areas and other similar areas) shall be irrigated using an automatic underground irrigation system. Use of raw water for irrigation purposes is encouraged, but not required. Developments are required to irrigate their landscape areas including street rights of way adjacent to their respective properties.

Roadway medians (including roundabout islands), and Common Open Space areas will be irrigated and maintained by an owners association or Metropolitan District.

6.16 INTERNAL PARKING LOT LANDSCAPING**6.16.1 Policy**

Areas within the perimeter of parking lots shall be landscaped to minimize the feeling of expansive hard surfaced areas, to improve the parking lot appearance and to reduce heat build-up. The landscape design of the areas shall allow for plant aeration and efficient traffic movement.

6.16.2 Criteria

- A. Refer to Section 7.15.1 for landscape requirement within large parking areas.
- B. Parking lots containing fifteen (15) or more parking spaces shall provide at least six (6) percent interior parking lot landscaping. At least seventy-five (75) percent of landscaped area should be covered with living materials within three years of installation.
- C. Additional internal landscaping shall be provided in parking lots that exceed the minimum Parking Ratios. Fifty (50) square feet of internal landscape shall be provided for each park-

ing space, which exceeds the Parking Ratio as defined in Section 7.17 of these Performance Standards. The additional internal landscaping can be distributed throughout the interior of the entire parking lot.

- D. Shade trees shall be planted in the parking lots at a rate of at least one (1) tree and five (5) shrubs for every fifteen (15) parking spaces.

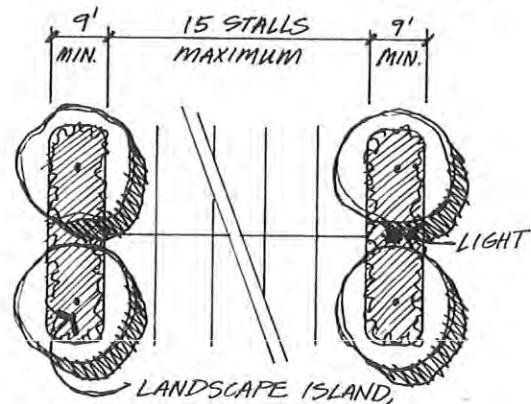


Figure 6-4 - Parking Islands

- E. Plant materials shall be placed on end islands, entry drives, pedestrian walks and along islands which separate parking from drives. The landscape island should be designed to allow plant materials to survive and flourish given harsh conditions and the need to store snow during the winter. Landscape islands shall be at least 9 feet in width and the same length as adjacent parking spaces.

6.17 PARKING LOT SCREENS**6.17.1 Policy**

Parking lots shall be screened from surrounding public streets, public sidewalks and trails, public parks and other properties that are used by the public.

6.17.2 Criteria

- A. Whenever there are three (3) or more parking spaces on the property, the parking lot shall be

NON-RESIDENTIAL SITE PLANNING CRITERIA



screened for the entire length of the parking lot, which abuts a public street (excluding Alleys).

- B. Berms, walls, fences, plants, planters or similar means shall be used to create the parking lot screen. Where structures such as walls or fences are used to create a screen, plants shall be located on the side of the structure which can be seen from surrounding streets, walks, parks, trails and other properties which are used by the public.
- C. The screen around the parking shall be at least three (3) feet higher than the surface of the parking lot. Where plants are used to create a screen, the plants should create a three-foot screen within three years from the time planted. (See Figure 6-5).

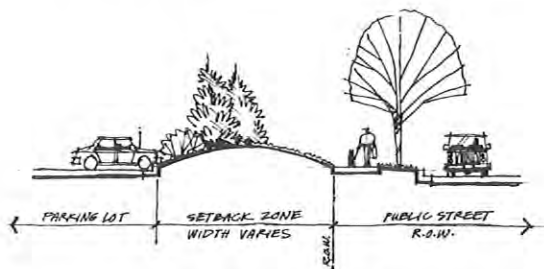


Figure 6-5 – Parking Lot Screening

- D. Parking lot Setbacks are provided to mitigate the visual impacts of parking areas from adjacent property and public rights-of-way (refer to Table 6-1 for Setbacks). A minimum 3' high screen shall be provided between parking lots and public right-of-way. In addition, 4' to 6' high screens shall be provided between parking lots and the I-25 and US 34 right-of-way. The screen can be accomplished using one or a combination of the following: berms, landscaping, or wall. Height of screen shall be measured from the parking surface.

6.18 SNOW REMOVAL

Provision must be made for snow removal and storage on each nonresidential site. Pushing snow into the street or street medians is not permitted.

6.19 DRAINAGE

Site drainage must be compatible with adjacent property drainage and in accordance with the Concept Utility/Grading Plan component of the GDP. Excess run-off from the site shall be minimized with sites graded to provide positive drainage away from buildings and to drainage easements/systems and/or to street drainage systems. Storm drain detention requirements shall be accommodated within individual development sites, Houts Reservoir and Equalizer Lake (if possible in Parcels B & C) and possibly within regional detention areas. Each proposed Development Project must be evaluated for potential detention needs to avoid exceeding the carrying capacity of conveyance facilities, or creating off-site flow problems on adjacent downstream parcels. The City requires each Development Project to detain its developed storm flows at historic rates.

Existing drainage patterns and drainage conveyance easements are important site considerations, as reflected in the Conceptual Utility/Grading Plan component of the GDP. Proposed site drainage plans must address site drainage considerations as well as the relationship of site drainage to off-site drainage patterns and systems.

The basic concepts for drainage are:

- A. Drainage shall be conveyed along dedicated streets, private drives and swales along property lines, or in Open Space corridors. Drainage will be surface drained where possible; however, some below-grade drainage using storm sewer piping and culverts may be required.
- B. Surface drain systems and detention ponds are encouraged to be irregular in plan and graded to create an aesthetically pleasing character. Side slopes shall vary and avoid consistent side slopes. Steepest slopes should be no more than 3:1.
- C. Retaining walls may be used in detention areas where existing topography demands this type of design solution. Refer to Section 6.13 for retaining wall information.

MILLENNIUM GDP

- D. Drainage structures in sidewalks and bike paths must be placed flush with the surface, and grate patterns cannot have openings larger than three-eighths of an inch. Surface storm water or irrigation should not be discharged across sidewalks; and there should be no point discharges into curbs to prevent traffic-impeding surges into the street.
- E. The City's water quality standards shall be incorporated into developments within the GDP.

6.20 UTILITIES, MECHANICAL EQUIPMENT, AND COMMUNICATION DEVICES

Visual and sound impacts of utilities, mechanical equipment, data transmission dishes, towers, micro-waves, and other services and equipment shall be minimized within the GDP. Radio transmitter towers and other similar equipment shall comply with the Municipal Code.

6.20.1 Permanent Utility Lines

Design and install all permanent utility lines underground. During construction and maintenance, minimize disruptions to other sites and businesses.

Berms (generally described as being higher than 2 feet and having side slopes steeper than 4:1) shall not be installed over the top of existing and/or proposed water, sanitary or storm main lines, unless approved otherwise by the applicable utility service provider.

6.20.2 Temporary Overhead Power and Telephone Lines

Overhead power and telephone lines are permitted during construction, but shall be removed prior to issuance of a certificate of occupancy (including the temporary certificate of occupancy).

6.20.3 Communication Devices and Mechanical Equipment

Wherever possible, mount data transmission and receiving telecommunication devices at ground lev-

el, to the rear of structures, and screen them from view from adjacent roadways, pedestrian paths, and Building sites.

In screening such devices and equipment, use architectural treatments in subdued colors that blend with the surroundings and landscaping.

Coordinate locations, screening, and landscape decisions with involved utility and service providers in order to allow adequate conditions for servicing these devices and equipment and to reduce visual impact.

If transmission and receiving devices or mechanical equipment are roof-mounted, locate them so they are not visible from the site, adjacent Buildings, and public view.

Communication devices visible from adjacent sites and Buildings shall be painted in a color compatible to the Primary Structure. If equipment cannot be painted it shall be screened using architectural screen walls or landscaping.

6.20.4 Transformers, Gas Meters

Electrical transformers and other utility boxes and equipment shall be substantially screened from public view with the use of landscaping, berming or screened enclosures. Where appropriate, screening shall be subject to approval from the City's Power Department and the Current Planning Division. Screening materials shall be compatible with the primary Building.

Coordinate locations, screening, and landscape decisions with involved utility companies in order to allow adequate conditions for service access. Conduits, meter sockets, and vents shall be painted to match Building surfaces and screens. While the meter socket may be painted, the meter itself cannot be painted.

Prior to approval of the Final Plat, the location of all vaults and transformers shall be shown on the landscape plan. Vaults shall have no bushes, shrubs or trees of mature growth within five (5) feet of either side of the short sides of the vaults. Bushes, shrubs

NON-RESIDENTIAL SITE PLANNING CRITERIA



and trees of mature growth may be located within ten (10) feet of either side of the long side of the vaults. Transformers shall have no bushes, shrubs or trees of mature growth within ten (10) feet of the sides and back of the transformers and within fifteen (15) feet of the front of the transformers. Transformers may be screened with landscaping to the extent allowed by the above dimensions, provided that it meets with the requirements of the local utility company.

Unless approved otherwise, all metering equipment including cabinets, breakers and main disconnects shall be located on an outside wall of the each structure.

The screening of utilities and mechanical equipment shall not create a safety hazard to either the general public or for the safe operations of the utility meter. Locate transformers and gas meters away from major pedestrian routes and outdoor seating areas in order to protect pedestrians and facility users in these locations.

6.20.5 Equipment Sound Levels

Select, locate, and install all mechanical and electrical equipment to not exceed the sound levels allowed under the Municipal Code.

Use landscape or architectural buffers to reduce the noise and visual impact of such equipment.

6.20.6 Installation of Ground-Level Structures

Install ground-level structures, such as manhole covers and grates, flush with the pavement. Grate spaces within pedestrian routes shall in accordance with the Americans with Disabilities Act, federal, State, the Municipal Code and LCUASS.

6.21 SERVICE AREAS

6.21.1 Policy

The visual impacts of service, delivery, trash, and outdoor equipment or storage areas shall be minimized, particularly relative to views from public roadways and along view corridors. Thoughtful

placement and design of screening for these facilities is a priority for all sites.

6.21.2 Criteria

- A. Loading docks, generators, trash containers, and service areas shall be screened or located out of view from adjacent streets, dissimilar land uses pedestrian pathways, and Open Space corridors.
- B. Facilities must be fully screened from public view using a masonry wall (or similar) and gate to match the Primary Structure. Gate shall be constructed of solid metal panels and finished to match the Primary Structure.
- C. Loading docks and services areas located within industrial areas do not need to be screened from other adjacent industrial areas. However, these loading/service areas shall be screened from public streets, sidewalks and other public view corridors.
- D. Screening for loading docks and service areas should be a minimum height of six feet (6'), or as tall as the object which is being screened, and incorporate materials and finishes that match or are compatible with those of the Primary Structures. (See Figure 6-6).



Figure 6-6 - Trash Enclosures

- E. Locate loading, service, and delivery areas so they do not encroach into Setbacks.

MILLENNIUM GDP

- F. Locate parking areas for outdoor equipment, trucks, research trailers, service vehicles, etc. away from public parking lots and major pedestrian circulation routes. Unless out of view, screen these areas architecturally and/or with landscaping. Materials, supplies, trucks, or equipment being stored on a site must be concealed inside a closed Building or behind a visual screen approved by the City and the Centerra DRC. (See Figure 6-7).

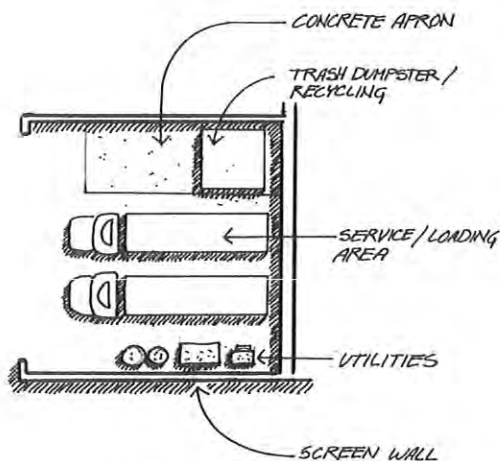


Figure 6-7 - Service Areas

- G. Clearly identify all service entrances to discourage the use of main entrances for deliveries.
- H. Service area shall be located outside of designated view corridors or fully screened from view.
- I. Where possible, trash containers should be located within the building service area. Where trash enclosures are located outside of the building service area, they shall comply with the Setback requirements listed in Table 6-1.

6.22 OUTDOOR STORAGE

Outdoor Storage is only allowed with uses as specified in Section 1.3. and shall be restricted to defined areas clearly identified on the building permit plans. Such areas shall be screened from views from adjacent properties, public roadways and public pedestrian pathways.

6.23 CART STORAGE, VENDING MACHINES, ETC.

Cart corrals, cart storage, vending machines, ATM machines, newspaper racks, video and book return boxes, and telephones shall either be placed inside structures or shall be architecturally screened using the same materials and colors as the Primary Structure.

Placement, screening and illumination of outdoor vending machines, cart corrals and cart storage areas shall be reviewed and approved by the City and the Centerra DRC.

6.24 OUTDOOR SALES/DISPLAY

Outdoor sales areas are intended for the seasonal outdoor display of merchandise such as Christmas trees, pumpkins, etc. Outdoor sales/displays shall be reviewed and approved by the City and the Centerra DRC.

Displays of sheds, play equipment, spas and other similar products must be fully screened from public view.

Development Projects proposing outdoor sales/display of merchandise shall provide a detailed site plan illustrating the location(s), size, itemization of products to be displayed, quantity of each product, maximum stacking heights, and the duration of for each seasonal display.

6.25 SECURITY FENCES/WALLS

6.25.1 Policy

Fences and/or walls must be designed to relate to or continue the character of the GDP. Materials must be compatible with other architectural and landscape elements. Fence locations, elevations and designs shall be submitted and approved by the Centerra DRC and Current Planning Manager with building permit applications.

NON-RESIDENTIAL SITE PLANNING CRITERIA



A fence will be constructed along I-25 as a requirement of the CDOT. The fence design is dictated by CDOT.

The following criteria do not apply to temporary construction fencing.

These criteria do not apply to MUNs. See Section 9 for permitted fencing and related requirements in those neighborhoods.

6.25.2 Criteria

A. Where security fencing is used in highly visible areas (access points, focal areas, adjacent to Common Open Space, etc.) the use of architectural metal fencing (wrought iron or similar) is required. Specific ornamental fence designs will be selected for use along Common Open Space and specific roadways within the GDP. The fence will be selected to provide a high degree of visual quality, low maintenance, security, and to present a consistent image. Where fencing is desired, the ornamental fence shall be used along public or Private Open Space areas and along the following street frontages.

1. I-25.
2. US 34.
3. Arterial streets in nonresidential areas.
4. Collector streets.

B. Chain link fences may be used for security if significant berming and landscaping can fully screen views of the fence (See Figure 6-8.).

C. Where chain link fences are used, they shall be vinyl clad (or similar) and black in color except at athletic facilities and school sites (See 6.26.2)

D. Chain link fencing with integral slats or fabric is not permitted.

E. Use of chain link fence will be reviewed by the Centerra DRC and the City.

F. Unless approved otherwise, security fences shall be a maximum of six (6) feet tall.

G. Fences adjacent to public streets must be setback a minimum of fifteen (15) feet, or the minimum required bufferyard widths from the right-of-way unless approved otherwise by the Centerra DRC and the City. Fences along I-25 and US 34 must be setback a minimum of 80 feet from the right-of-way or if required, per CDOT standards.

H. Wooden fences are prohibited in non-residential areas.

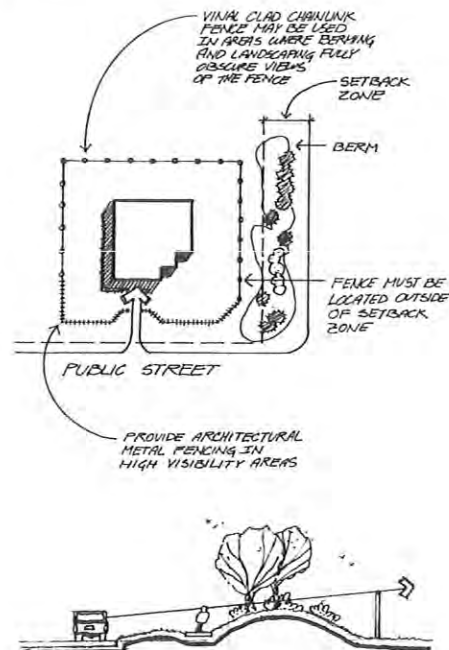


Figure 6-8 - Fencing

I. In areas visible to the public, fencing should be buffered with landscaping to ensure an attractive development. Buffering should be accomplished with a mixture of evergreen trees, shrubs, ornamental or deciduous canopy trees, and berms. Fence buffer designs shall be such that a minimum of 70% of the fence is obscured from vision within 3 years after planting.

6.26 SITE FURNISHINGS

The provision of site furnishings is required. Site furnishing components should enhance and respect the scale of the urban spaces in which they are

MILLENNIUM GDP

placed. Lines should be simple, clean and harmonious with the adjacent architecture and landscaping.

The elements of the street furniture to be used include seating areas, tables, planters, bike racks shelters, information kiosks, newspaper dispensers, mail boxes, trash containers, and public telephone stations. A consistent theme will be established within individual villages, neighborhoods, developments, and Open Spaces by using common design elements, such as: site furnishings, lighting, monument signage and landscaping.

Selected colors and materials for site furnishings are to be compatible with the development theme, predominant colors, and materials of the surrounding environment.

Art items proposed for outdoor locations are encouraged.

6.27 SIGNAGE

The GDP is subject to the Centerra Planned Sign Program, which is attached as Appendix C.

6.27.1 Policy

Effective signs function not as a separate entity, but as an integral part of the environment. Signage shall be incorporated into the overall landscaping of the site.

6.27.2 Criteria

In addition to the Centerra Planned Sign Program, planned sign programs may be prepared for individual villages within the GDP as well as for the overall GDP. If so, sign programs will specify the types, shapes, sizes, lighting method and materials that are allowed for freestanding and wall-mounted signage. Development entry signage is anticipated on either side of major roadways near the edges of each parcel. The individual names will be consistent with the overall style of the sign. Individual property identification signs and directional signs will also be harmonious with the development theme. Unless otherwise approved, real estate signage, temporary signs, and other signage will comply with the City

Sign Code, Chapter 18.50 of the Municipal Code as amended from time to time.

Signage that is not addressed in the Centerra Planned Sign Program or another subsequent sign programs shall comply with the Municipal Code and the recommendations of the U.S. 34 Corridor Plan unless approved otherwise by the City.

Unless otherwise approved, horizontal sign presentation of ground-mounted development identification signs is required throughout the GDP. Ground mounted signs shall have a maximum height of 12 feet, unless they are setback more than 75 feet from the edge of pavement; in such case, signs shall be allowed a maximum height of 15 feet.

Directional signage shall be provided for Buildings with addresses that are not visible from the public right-of-way. Directional signs shall comply with the governing planned sign program.

6.28 LIGHTING

6.28.1 Policy

The purpose of this section is the elimination of light trespass from the Building and the site, the improvement of night sky access and reduction of development impact on nocturnal environments.

A family of lighting fixtures will be developed for the overall GDP and for subvillages within the Development Project. Each element of the lighting design should contribute to the character of the entire system, strengthen relationships between parcels, increase the physical and psychological safety, and maintain a village-like atmosphere.

Site lighting shall meet the functional needs of the proposed land use without adversely affecting adjacent properties or the community. Minimize site lighting where possible.

6.28.2 Criteria

Building permit applications shall include a point-by-point illuminance plan indicating foot-candles calculations. The point-by-point illuminance plan

NON-RESIDENTIAL SITE PLANNING CRITERIA



shall illustrate the locations of proposed exterior light fixtures including but not limited to: ornamental pedestrian lights, wall mounted lights, and parking lot lights. The plan shall indicate photometric foot-candle light levels for sidewalks, plazas, parking areas, driveways and other high activity pedestrian areas. The photometric calculations shall be illustrated on a maximum ten-foot (10') grid within the areas stated above, and extending twenty feet (20') beyond property boundary line. Refer to Table 6-7 for minimum lighting requirements.

Point-by-point illuminance plan calculations must be determined using a light loss factor of 1.0.

Light levels measured twenty (20) feet beyond the property line of the Development Project and adjacent rights-of-way shall not exceed one-tenth (0.1) foot-candle as a direct result of the on-site lighting. Exceptions include situations where cross parking and shared access are incorporated into a specific Development Project.

For Retail Uses, lighting from interior spaces which projects in to exterior spaces shall be included in the photometric calculations on the site illuminance plan.

Interior lighting shall not be directed to illuminate exterior spaces. Interior lights visible from the exterior of the Building must not produce glare and shall not have visible light sources.

Exterior light fixtures including site and Building mounted fixtures shall be full cut off, with flat lenses and shielded (if needed) so that all of the light falls upon either the surface of the structure to be illuminated or the ground.

Lighting systems shall be designed which do not produce direct, incident, or reflected light that interferes with the safe movement of motor vehicles on public streets, including:

- A. Any light fixture not designed for street illumination that produces light that could interfere with the operation of a motor vehicle.

- B. Any light that may be confused with or construed as a traffic control device.
- C. Animated, flashing, or changing intensity lights.

Lights shall be located so as not to interfere with parking, backing, required trees within parking areas, and pedestrian or traffic flow. Light fixtures shall not be located within a sidewalk or trail which will not allow for a minimum of five (5) feet of unobstructed travel surface.

6.28.3 Normative Lighting Criteria

Parking lot and streetlights shall have a dark, anodized aluminum finish or a material with similar quality and durability.

Light poles heights shall be provided as follows:

- A. Within small parcels, (5 acres in size or less) light fixtures shall have a maximum total height of 20 feet unless otherwise approved by the Centerra DRC and the Director, or his/her appointee.
- B. Within large parcels it is often more cost effective and energy efficient to increase the light pole heights. Light fixtures for parking areas on sites larger than 5 acres in size (gross site area), parking in campus settings, or parking for industrial land uses, will be allowed a maximum total light fixture height of 37 feet (including concrete bases), provided said parcel incorporates pedestrian light fixtures adjacent to the Building entry and along pedestrian pathways between parking areas. If pedestrian light fixtures are not provided, a maximum total light fixture height of 30 feet will be permitted.
- C. Pedestrian light fixtures shall not exceed 14 feet in height. Small ornamental embellishments may extend up to 16 feet.
- D. Exceptions to light fixture heights may be permitted where it can be demonstrated that light poles will complement those on adjacent

MILLENNIUM GDP

cent sites, or slight adjustments could significantly reduce the number of required fixtures.

Light fixture styles and lamp types should be selected to function for their intended use. The style of light standards and fixtures shall be consistent with the community development theme.

Design lighting to emphasize Building entrances. Integrate lighting that highlights approaches to Buildings, Building facades, architectural features and landscaping.

Full wall wash lighting is prohibited.

Soffit or canopy lighting shall be fully recessed and down directional.

Exterior Building mounted and site fixtures shall be full cut-off style with flat lenses only. Decorative low-wattage wall sconces, without cut-off characteristics, may be used on a limited basis, and will be reviewed by the City and the DRC on a case-by-case basis. Non-cut-off wall sconces shall have frosted lenses or similar in order to diffuse the light.

Directional lighting of signs, sculptures and other exterior features is allowed on a limited basis, and will be reviewed by the City and the DRC on a case-by-case basis.

Luminaires located within a distance of 2.5 times its mounting height from the property boundary shall have shielding such that no light from that luminaire extends more than twenty feet (20') outside of the property boundary. This requirement does not apply to parking lots/driveways for Buildings on separate lots which share access and/or parking. Luminaires on development parcels located adjacent to Environmentally Sensitive Areas may have more restrictive shielding requirements as determined by the Centerra DRC and the City.

Design lighting with controls for consistent photocell or timed on-off functions.

6.28.4 Lighting Levels

With the exception of lighting for public streets, lighting used to illuminate Buildings, parking lots,

walkways; plazas or the landscape shall be evaluated during the building permit process. The following table provides lighting criteria for outdoor facilities used at night. (See Table 6-6 below)

NON-RESIDENTIAL SITE PLANNING CRITERIA



Table 6-6
Light Levels at Initial Installation*

	Minimum horizontal illuminance	Maximum Uniformity Ratio (max. to min.)	Maximum average illuminance	Minimum vertical illuminance
Paths, plazas walkways**	0.1	20:1	0.5	0.1
Bicycle parking areas	0.1	20:1	0.5	0.1
Commercial parking areas	0.5	10:1	2 footcandle-footcandles	0.2 footcandles
Industrial, office parking areas	0.2	10:1	1 footcandle-footcandles	0.1 footcandles
Residential parking areas	0.1	20:1	0.5 footcandles	NA
Parking areas – schools	0.1	20:1	0.5 footcandles	NA
Notes: * Lighting criteria is adapted from the IESNA, 8 th Edition, Lighting Handbook. ** Excludes recreational trails and paths that are not typically used at night.				

Maximum on-site lighting levels for Development Projects within the GDP shall not exceed ten (10) foot-candles excluding only the following Motorplex Centerra areas. Motorplex sites must comply with specific lighting guidelines approved by the Centerra DRC. Light levels for Motorplex inventory/merchandise display lots, as designated on the Centerra DRC and City approved plans, may not exceed twenty (20) footcandles and shall also comply with the following criteria:

- a. Maximum average of ten (10) footcandles;
- b. 10:1 maximum to minimum uniformity;
- c. 5:1 average to minimum uniformity;
- d. Front row (row closest to perimeter roadways) of inventory display areas shall have a 5:1 maximum to minimum uniformity.

Motorplex featured display pads as designated on the Centerra DRC and City approved plans may not exceed twenty (20) footcandles as measured on the hood of the displayed vehicle.

ACCESS, CIRCULATION AND PARKING



TABLE OF CONTENTS SECTION 7

SECTION 7.....	11
ACCESS, CIRCULATION AND PARKING.....	11
7.1 INTRODUCTION	11
7.2 VEHICULAR ACCESS POINTS.....	11
7.2.1 Policy.....	11
7.2.2 Criteria.....	11
7.3 ROUNDABOUTS	2
7.3.1 Policy.....	2
7.3.2 Criteria.....	2
7.4 STREET HIERARCHY.....	2
7.4.1 Policy.....	2
7.4.2 Criteria.....	2
7.5 TRAFFIC CALMING.....	23
7.6 ALLEYS	33
7.7 CUL-DE-SACS.....	33
7.8 MEDIAN TREATMENTS	33
7.9 EMERGENCY AND UTILITY ACCESS	33
7.9.1 Policy.....	33
7.9.2 Criteria.....	33
7.10 MASS TRANSIT FACILITIES.....	33
7.10.1 Policy	33
7.10.2 Criteria	44
7.11 RESTRICTED-ACCESS DRIVES AND SECURED ENTRIES.....	44
7.11.1 Policy	44
7.11.2 Criteria	44
7.12 TRUCK TURNING REQUIREMENTS	55
7.12.1 Policy	55
7.12.2 Criteria	55
7.13 SIGHT TRIANGLES.....	55
7.13.1 Policy	55
7.13.2 Criteria	55
7.14 PARKING LOTS.....	66
7.14.1 Policy	66
7.14.2 Criteria	66
7.15 PARKING DIMENSIONS	66
7.15.1 Break Up Large Parking Lots	77
7.16 COMPACT CAR PARKING	88
7.16.1 Criteria	88
7.16.2 Policy	88
7.17 PARKING RATIOS	88
7.17.1 Policy	88
7.17.2 Minimum Off-Street Parking Criteria.....	88
7.18 ON-STREET PARKING	1010
7.19 MOTORCYCLE PARKING	1010
7.20 SHARED PARKING	1010
7.21 PARKING FOR FACILITIES WITH MULTIPLE WORK SHIFTS	1010

MILLENNIUM GDP

7.22	TRUCK TRAILER PARKING	10+0
7.23	PARKING STRUCTURES	10+0
7.24	INTERIM PARKING LOTS	11+1
7.25	HANDICAPPED ACCESS/PARKING/ SIGNS	11+1
7.25.1	Policy	11+1
7.26	BICYCLE PARKING	11+1
7.26.1	Policy	11+1
7.26.2	Criteria	11+1
7.27	PEDESTRIAN CIRCULATION	12+2
7.27.1	Policy	12+2
7.27.2	Criteria	12+2
7.27.3	Retail Pedestrian Circulation	13+3
7.28	RECREATIONAL TRAILS	13+3
7.28.1	Policy	13+3

ACCESS, CIRCULATION AND PARKING**SECTION 7****LIST OF FIGURES**

7-1	Hammerhead Cul-De-Sac	3
7-2	Transit Stop.....	4
7-3	Parking Area Dimensions	7
7-4	Break Up Large Parking Areas	7
7-5	Landscape Islands	8
7-6	Interim Parking Lot.....	11

ACCESS, CIRCULATION AND PARKING



SECTION 7 ACCESS, CIRCULATION AND PARKING

7.1 INTRODUCTION

This section is intended to ensure that the parking and circulation aspects of developments are well designed with regard to safety, efficiency and convenience for vehicles, bicycles, pedestrians and transit, both within the GDP and to and from surrounding areas. This section provides Performance Standards for the development and redevelopment of property. In utilizing these regulations, the Applicant and other users should remain flexible in their approach to site design given the characteristics of the site, the nature of the use and the intent of these standards.

7.2 VEHICULAR ACCESS POINTS

7.2.1 Policy

Access to public streets shall be allowed if the following three criteria are complied with:

- A. The future traffic predicted to use the proposed access point does not cause the Level of Service at any link, intersection or driveway access within the Traffic Study area to drop below the levels set forth in the Municipal Code.
- B. Intersection spacing requirements are met;
- C. The access spacing meets LCUASS, or as otherwise approved by the City Engineer (and the CDOT if required).

7.2.2 Criteria

- A. Intersection and driveway spacing shall comply with LCUASS, unless otherwise approved by the City Engineer.
- B. Key access points are indicated on the GDP Maps (Section 11). Proposed access locations contained in this GDP are conceptual in nature only, and are specifically exempt from any vesting (except for Boyd Lake Avenue access points). Access locations and operation shall be

approved by the City Engineer after review of the supporting Development Projects and Traffic Studies.

- C. Approval of any particular design plan by the City shall not relieve the Applicant from responsibility from compliance with the requirement of this Section. In the event a plan does not comply with the level of service standard after development or redevelopment occurs, the Applicant or landowner is obligated to take such further measures in the manner contemplated by its design, which are necessary to comply with the intent of these Performance Standards.
- D. Fire apparatus access roads shall be provided and maintained in accordance with the provisions of the *Loveland Fire Department Development and Construction Requirements*.
- E. Access to a state-regulated highway shall comply with the State Highway Access Code, 2 C.C.R. sec. 601-1. The Applicant shall submit to the Engineering Division copies of the approved access permits from CDOT prior to the approval of any plat that includes access to US 34.
- F. No direct access to US 34 from Parcel A will be approved until the City receives a copy of the approved configuration and type of intersection traffic control from the CDOT for the safety upgrades needed at the interchange of I-25 and US 34.
- G. Acceleration, deceleration and/or auxiliary turn lanes may be required if a Traffic Study finds that they are necessary to preserve safety and/or the traffic-carrying capacity of the existing street.
- H. A Traffic Study shall be submitted to the City (unless waived by the Traffic Engineer) in accordance with LCUASS.

MILLENNIUM GDP

7.3 ROUNDABOUTS

7.3.1 Policy

Roundabouts are often an effective tool for traffic management. They are used largely to reduce motor vehicle speeds, increase capacity level, increase safety, and to reduce noise and air pollution. Therefore, the use of roundabouts will be considered at arterial/collector street intersections. The City Engineer shall approve the use and design of roundabouts.

7.3.2 Criteria

The configuration of proposed roundabouts should be designed by a licensed professional engineer. The engineer must have previous experience in designing roundabouts of comparable traffic capacity. Refer to the LCUASS roundabout design standards and required qualifications for the design engineer.

7.4 STREET HIERARCHY

7.4.1 Policy

Vehicular circulation within the GDP is designed to provide safe, understandable, and convenient access to all sites. The design of these routes is an important feature of the GDP, providing pleasing corridors used in guiding visitors and employees to each village, to individual parcels, and to each Building.

Primary access points to all sites are provided via an internal roadway system. The hierarchy of roadways emphasizes view corridors and features curvilinear sections to create continuous visual interest. Coordinated landscaping along major roads and at driveway entrances is also emphasized.

7.4.2 Criteria

The following criteria address basic planning concepts for arranging and designing arterial streets, collector streets, local streets, internal driveways, entry drives and service drives.

Roadways within the GDP will be designed to meet the *LCUASS – General Parameters and Technical Design Criteria of LCUASS*, with the following exceptions: Street cross sections for specific types of streets shown on Maps 8 and 9 in Section 11 of this GDP, but not included in the LCUASS Suburban Arterials and Urban Character Village Streets shall be allowed, subject to approval by the City Engineer.

- A. **Arterial Streets** provide access through the development and connect directly with the primary perimeter roadways serving the surrounding area including US 34, Boyd Lake Ave., County Road 9, Rocky Mountain Avenue, County Road 24E and First Street. Arterial streets may be designed as divided or undivided, and feature streetscape and entryway landscaping
- B. **Collector Streets** provide direct access from the arterials streets to residential neighborhoods or development parcels, and connects them with the perimeter roadways and other internal roadways within the development. Collector streets feature secondary entryways where they connect with the perimeter roadways, US 34/Eisenhower Blvd., Boyd Lake Avenue, County Road 9, Rocky Mountain Avenue, County Road 24E and First Street. Collector streets may be designed as divided or undivided roadways, and feature streetscape and entryway landscaping, similar to the arterial streets.
- C. **Local Streets** provide access to Lots and can be shared by several Lots.
- D. **Entrance Drives** provide direct access to individual Building drop-off and parking areas.
- E. **Service Drives** provide access to loading and waste pick-up areas within individual sites or parcels. Service drives are encouraged to be separate from entrance drives.

7.5 TRAFFIC CALMING

Traffic calming measures may be implemented on collector and residential streets, as needed (based

ACCESS, CIRCULATION AND PARKING



upon a current Traffic Study), such as, but not limited to, mini roundabouts or traffic circles, street narrowing, medians or other techniques, as approved by the City Engineer.

7.6 ALLEYS

Alleys are allowed in mixed use areas and in residential neighborhoods.

7.7 CUL-DE-SACS

“Hammerhead” cul-de-sacs are allowed (See Figure 7-1) in addition to standard cul-de-sacs.

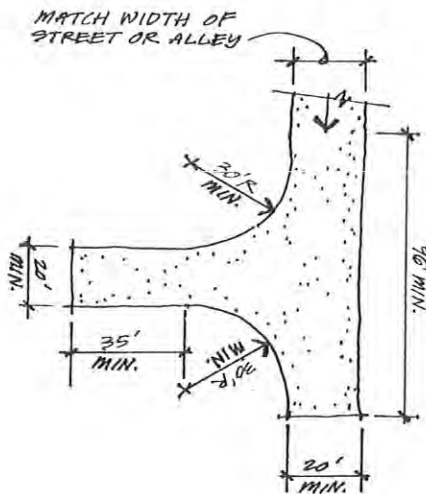


Figure 7-1 – Hammerhead Cul-De-Sac

7.8 MEDIAN TREATMENTS

Medians within public roadways are encouraged, but not required except in 4-lane arterial roadways.

Median width will vary. Median width shall be approved by the City Engineer.

Landscaped medians (except for medians within US 34) shall be maintained by the Centerra Metropolitan District No.1, the Developer or an owners association designated by the Developer. The City will provide no maintenance for landscaped medians.

7.9 EMERGENCY AND UTILITY ACCESS

7.9.1 Policy

Fire protection for the GDP is provided and administered by the City Fire Department. Police protection is provided by the City Police Department. For these and all other services requiring emergency or maintenance access, convenient and appropriate routes should be easily discernible and, when appropriate, clearly marked.

7.9.2 Criteria

Provide access for fire, police, ambulance, and other emergency vehicles to buildings in accordance with *Loveland Fire Department Development and Construction Requirements*. Such access shall be fully capable of supporting such vehicles.

Temporary fire access roads, turnarounds and second points of access may be used as part of an approved phased project or imminent public street improvements. Temporary access roads shall meet all other fire road access criteria.

Provide unobstructed access to utilities, including easements when required.

Where possible, connect emergency routes between adjacent properties.

7.10 MASS TRANSIT FACILITIES

7.10.1 Policy

The Developer anticipates the need to provide mass transit facilities to serve the residents, shoppers, visitors, and employees in the GDP. The plans include the integration of transit facilities within the GDP. Proposed facilities may include bus shelters along the arterials and possibly collectors in several areas throughout the GDP. Final locations of these facilities will be determined as development progresses. Some Buildings and development areas may generate such high volumes of transit use that stops may be required in these specific areas. These facilities will not be required until such time that a transit provider serves the GDP.

*MILLENNIUM GDP***7.10.2 Criteria**

Bus shelters shall be designed consistent with the architectural character for recognition purpose. Plans for bus shelters shall be approved by the future transit provider and by the Centerra DRC.

In areas where transit facilities are fully exposed to climatic conditions the shelter shall be designed with a solid roof, enclosed on one or more sides, and provide seating within the protected area. Landscaping can also be used as wind breaks around transit facilities.

Bus shelters shall be of appropriate size based on the potential number of users within their intended service area.

Advertising on bus shelters and bus benches is prohibited.

Locate bus shelters in close proximity to commercial retail areas and other Buildings that generate high volumes of transit use.

Locate bus shelters in close proximity to primary pedestrian walkways, which serve the surrounding businesses and neighborhoods.

Where possible, locate bus shelters behind the sidewalk so that the sidewalk passes between the shelter and the street.

In order to provide safe loading and unloading of buses, sidewalks shall be designed so that a paved surface is provided at both the front and rear doors of the bus when the bus is parked at the facility. Coordinate design of these facilities with the transit provider. (See Figure 7-2).

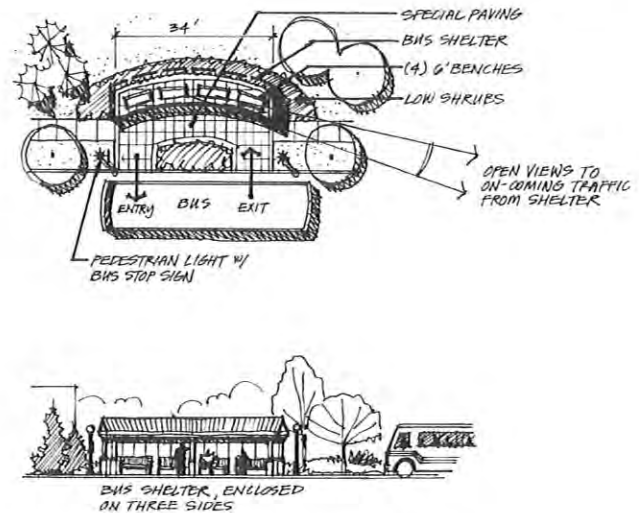


Figure 7-2 - Transit Stop

7.11 RESTRICTED-ACCESS DRIVES AND SECURED ENTRIES

7.11.1 Policy

Some facilities may require secured entries in order to control access to an individual business or site. Such guardhouses and security gates shall be designed and located to be as visually integrated with the site and the Primary Structures.

7.11.2 Criteria

Guardhouses shall be located within a landscaped island and be bordered with plantings of trees and shrubs

Adequate stacking must be provided for cars entering a secured campus as determined by a Traffic Study. A minimum distance shall allow for at least 3 cars to be stacked waiting to obtain clearance for entry, therefore, guardhouses must be located a minimum of 60 feet behind the stop bar on the access drive. Perimeter security fencing shall step back away from the access road to provide greater visibility for exiting traffic and to create a more welcoming appearance.

Locate guardhouses so that crossing conflicts with major bicycle and pedestrian routes are minimized,

ACCESS, CIRCULATION AND PARKING



and where queuing vehicles do not restrict visibility or cause hazardous conditions.

Provide a distinct pedestrian walkway at secured entries that is separate from the travel lanes.

Guardhouses shall meet the requirements of the Loveland Fire Department.

7.12 TRUCK TURNING REQUIREMENTS

7.12.1 Policy

Vehicle circulation shall be designed to provide safe and efficient turning movements for anticipated service and emergency vehicles. Design of individual parcels to accommodate truck access shall meet regulatory requirements for turning areas without sacrificing other important objectives of the Performance Standards, including minimizing pedestrian-vehicle conflicts, discouraging speeding, minimizing space devoted to street use, and relating roadways and other vehicle use areas to the site and natural topography.

7.12.2 Criteria

Design roadway turning areas, especially those anticipated for truck service and emergency vehicle access, to meet the required regulatory standards for minimum truck turning movements and area requirements including those established by the following agencies and others as applicable, as amended from time to time:

- A. City (LCUASS).
- B. Loveland Fire Department Development and Construction Requirements.
- C. Mass transit provider (if present).
- D. American Association of State Highway Transportation Officials (AASHTO) - Standards for Turning Roadway Design (including minimum turning path dimensions)

In general, design roadway-turning areas (for truck service and emergency vehicles) according to the following AASHTO standards:

- A. Turning areas anticipated for single unit truck or bus access (including entry drives, drop-offs, and parking areas) shall use SU-30 turning dimensions (including 42 ft. minimum outside turning radius)
- B. Minimum turning areas anticipated for semi trailer combination trucks access (with 40 ft. wheelbase) shall use WB-40 turning dimensions (including 40 ft. minimum outside turning radius)
- C. Turning areas anticipated for larger semi trailer combination truck access (with 50 ft. wheel base) shall use WB-50 turning dimensions (including 45 ft. minimum outside turning radius)
- D. Turning areas anticipated for emergency and fire truck access shall use B-40 turning dimensions (including 42 ft. minimum outside turning radius)

7.13 SIGHT TRIANGLES

7.13.1 Policy

Sites shall be designed so that plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians.

7.13.2 Criteria

No plants, foliage, wall, fence or berm higher than twenty four (24) inches above the top of the curb shall be located within the sight distance triangle on any corner of the property adjoining an intersection. Sight distance triangles shall comply with the minimum sight distance requirements defined by the LCUASS.

MILLENNIUM GDP

7.14 PARKING LOTS**7.14.1 Policy**

Parking lots shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the parking area (including cars, motorcycles, trucks, bicycles, and emergency vehicles).

7.14.2 Criteria

- A. To the extent practical, pedestrians and vehicles shall be separated through provision of a sidewalk or walkway. Where complete separation of vehicles is not feasible, using landscaping, bollards, special paving, lighting and other means to clearly delineate pedestrian areas, shall minimize potential hazards.
- B. Unobstructed vehicular access to and from a public street shall be provided for off-street parking spaces.
- C. Parking lots shall be designed so that backing and turning movements associated with parking layout will minimize conflicts with traffic, either on or off site.
- D. Parking lots with more than three parking spaces will provide adequate room to allow vehicles to turn around within the parking lot and enter an adjoining street in a forward direction.
- E. Parking stalls shall be clearly and permanently defined on the parking surface using asphalt paint. If an alternate method of defining parking spaces is desired it shall require approval from the City.
- F. Where parking stalls overhang (bumpers overhang) into a peripheral sidewalk area, the sidewalk shall have a minimum width of seven (7) feet.
- G. See also Section 6.28 for lighting requirements in parking areas.

- H. Landscaped islands with raised curbs shall be used to define parking entrances, ends of parking aisles, the location of internal drives, and to provide pedestrian refuge areas and walkways, unless approved otherwise by the City.
- I. Parking, loading, maneuvering and driving areas shall be paved with asphalt, concrete or similar dust free material approved by the City.
- J. Loading and unloading facilities shall take place on site and not on public right-of-way. There shall be no backing of vehicles onto the public right-of-way from loading areas.
- K. Drive-up and drive-through lanes shall be segregated from drive aisles and general parking areas.
- L. Parking is prohibited within Setback zones. Refer to table 6-1 for Setbacks.
- M. Refer to Section 6.17 for parking lot screening requirements.

7.15 PARKING DIMENSIONS

- A. Parking lots shall be designed using the angles, layout and dimensions as indicated in the figure and tables below, unless otherwise approved by the City.

ACCESS, CIRCULATION AND PARKING



Parking Area Dimensions

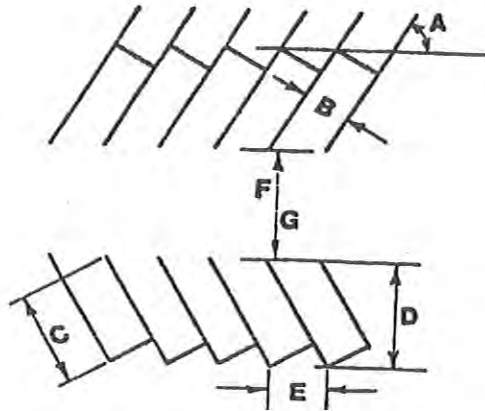


Figure 7-3

Standard Vehicle

A	B	C	D	E	F	G
0°	8	23	8	23	20	12
30°	8.5	20	17.4	17	20	15
45°	8.5	20	20.2	12	20	15
60°	9	19	21	10.4	24	20
90°	9	19	19	9	24*	20**

Compact Vehicle

A	B	C	D	E	F	G
0°	7.5	19	7.5	19	20	12
30°	7.5	16.5	14.8	15	20	15
45°	7.5	16.5	17	10.6	20	15
60°	8	16	17.9	9.2	24	20
90°	8	15	15	8	24*	20**

A. - ANGLE OF PARKING

B. - STALL WIDTH

C. - STALL LENGTH

D. - STALL DEPTH

E. - CURB LENGTH

F. - TWO-WAY DRIVE WIDTH OR DOUBLE LOADED DRIVE WIDTH

G. - ONE WAY DRIVE WIDTH OR SINGLE LOADED DRIVE WIDTH

* When garages are located along a driveway and are opposite other garages or buildings, the driveway width must be increased to 28 ft.

** When an overhang is allowed to reduce stall depth, aisle width must be increased to 22 feet.

Under special conditions these dimensions could be varied with the City Engineer's approval.

Stall length can be reduced by 2' when overhang is provided.

For handicapped spaces, width shall be 13' with ramp access to walks.

- B. Adequate turn around and backing areas shall be provided without disruption of circulation or parking facilities.
- C. Parking spaces located across from each other, on opposite sides of a drive lane, should be located at the same angle to the drive lane.
- D. Angle parking located on a drive lane with one common exit and entrance is discouraged, unless the angle of the parking space is ninety (90) degrees to the direction of travel.

7.15.1 Break Up Large Parking Lots

- A. Large parking lots shall be divided into smaller sections by using landscape separators. Each section shall contain a maximum of two hundred (200) parking spaces. Landscape separators shall have a minimum width 15 feet (exclusive of sidewalks). (See Figure 7-4.)

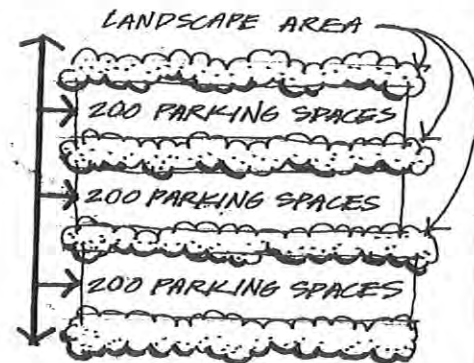


Figure 7-4 – Break Up Large Parking Areas

- B. Landscape separators shall contain, as a minimum, one deciduous or evergreen tree per 700 square feet of landscapable area, or one tree per 35 lineal feet, whichever results in a greater number of trees. Trees can be planted formally or informally in groupings.
- C. For parking lots with more than forty (40) spaces, parking bays shall extend no more than fifteen (15) parking spaces without an intervening tree, landscape island or landscape peninsula. (See Figure 7-5).

MILLENNIUM GDP

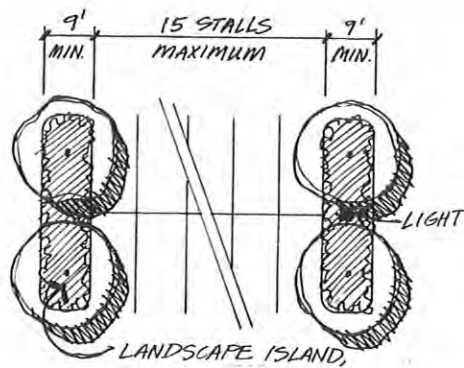


Figure 7-5 – Landscape Islands

7.16 COMPACT CAR PARKING

7.16.1 Criteria

- A. Parking spaces designated for compact cars shall be at least eight (8) feet wide and fifteen (15) feet long.
- B. Compact car spaces should be clustered in groups. The groups should be evenly distributed throughout the parking lot. However, compact car spaces should not be placed within the most accessible or highest turnover areas, such as directly in front of the building near the main entrance.

7.16.2 Policy

- A. Be no more than twenty (20) percent of the total number parking spaces in each lot;
- B. Compact car spaces shall be identified with a 'C' symbol. The compact car demarcation should be 2 square feet in size, be located at the rear of each compact car space and be clearly legible.

7.17 PARKING RATIOS

7.17.1 Policy

Adequate parking shall be provided to support individual projects within the GDP. If a specific use is not discussed the Parking Ratio will be determined

on a case-by-case basis with Centerra DRC and City approval.

If development is within 1650' of an existing transit facility the minimum-parking ratio may be reduced subject to City approval.

In the event that a previously approved development is converted to a different land use, the number of existing and/or added stalls for the applicable use(s) shall meet the requirements of these Performance Standards.

Refer to Sections 9 and 10 for Parking Ratios in MUNs and residential neighborhoods. Refer to Section 6.16 for parking areas that exceed the recommended ratio.

7.17.2 Minimum Off-Street Parking Criteria

Alzheimers Care Facility: 1 space for every 3 beds, plus 0.5 spaces per Employee on a major shift.

Assisted Living Facilities: 1 space for every 3 beds, plus 0.5 spaces per Employee on a major shift.

Athletic/Fitness/Recreation Facilities: 1 space/300 gross square feet of Building Floor Area.

Automotive Sales / Auto Dealerships: 1 space for every 450 gross square feet of Floor Area.

Bar/Tavern: 1 space for every 100 gross square feet of Floor Area.

Call Center: 6 spaces per 1,000 gross square feet of Building Floor Area.

Clinics: 1 space for each examination or treatment room plus 1 space for every 2 Employees or health care providers.

Colleges/Universities in a Campus Setting: 1 space for each Employee plus 1 space for every 5 students.

College/Universities in a Non-Campus Setting (for non-traditional commuting students including adult education, professional and/or technical training,

ACCESS, CIRCULATION AND PARKING



continuing education, etc): 1 space for each classroom seat plus one space for each shift Employee.

Commercial/Retail Uses: 1 space/ 300 gross square feet of Building Floor Area.

Congregate Care Facilities and Congregate Care Housing Developments: 1 space for every 3 beds, plus 0.5 spaces per Employee on a major shift.

Convenience Store: One space for every 200 gross square feet of Floor Area.

Corporate Campus (Office/R & D labs without light manufacturing or distribution): 1 space per 250 gross square feet of gross Building Floor Area.

Corporate, Professional, and Multi-Tenant Offices: 1-space/250 gross square feet of Building Floor Area.

Entertainment Facilities and Theatres: 1 space for every 3 seats in the principal place of assembly.

Fast Food Restaurant / Drive-Ins: 1 space for every 100 gross square feet of Floor Area.

Financial Services and Institutions: 1 space for every 250 gross square feet of Floor Area.

Flex Research and Development (Flex Office with light manufacturing): 3 space per 1,000 gross square feet of Building Floor Area.

Hospitals: 2 parking spaces per bed plus one parking space per 300 square feet of outpatient clinics and service areas.

Hotel/Conference Center: 1 space/room x .80 (plus .75 space per daytime Employee).

Independent Living Communities: 1 space per unit plus one space for each major shift Employee.

Indoor Recreational Facilities (Not Including Theaters or Auditoriums): 1 space for every 200 gross square feet of Floor Area.

Light and Heavy Manufacturing / Industrial Activities: 1 space for every 450 gross square feet of Floor Area or 1 for every 2 Employees, whichever is greater.

Medical Offices and Clinics: 1 space for every 200 gross square feet of Floor Area.

Medical Laboratories: 1 space for every 450 gross square feet of Floor Area.

Night Clubs: 1 space for every 4 seats plus two spaces for every 3 Employees on the maximum shift.

Nurseries / Child Care Centers: 1-parking space for each 450 gross square feet of Floor Area.

Nursing Care Facilities, Continuing Care Retirement Community: 1 parking space for every 3 beds plus one space per 2 major shift Employees.

Places of Worship: 1 space for every 4 seats in the principal place of assembly.

Public and Private Schools – Elementary: 2 spaces for each classroom.

Public and Private Schools - Senior High: 1 space for each 3 seats in the auditorium or principal place of assembly.

Public and Private Schools - Junior High: 2 spaces for each classroom.

Restaurant: 1-space/3 seats or 10 spaces/1000 gross square feet, whichever is greater.

Showroom Warehouse: 5 spaces for every 1,000 gross square feet of Floor Area.

Wholesale Commercial Uses/Warehouses: 1 space per 1,000 gross square feet for the first 100,000 gross square feet of Floor Area plus 1 space for every 5,000 gross square feet after the first 100,000 gross square feet.

*MILLENNIUM GDP***7.18 ON-STREET PARKING**

On-street parking will be allowed and encouraged on most residential local and residential collector streets to facilitate guest parking for houses and businesses fronting on those streets. On-street parking may not be counted to satisfy the minimum parking quantities described above unless approved by the Centerra DRC and the Director.

7.19 MOTORCYCLE PARKING

Motorcycle parking areas shall be paved with concrete, and signs shall be provided designating the area for motorcycle parking only.

A paved area measuring 9' x 18' will accommodate two motorcycles.

Parking lots with over 250 spaces shall provide 1% of total spaces as motorcycle parking. Parking lots with between 40 and 250 spaces shall provide a minimum of two motorcycle parking spaces. Parking lots with less than 40 spaces are not required to provide motorcycle parking spaces.

7.20 SHARED PARKING

Shared Parking will be allowed in situations where the individual land uses which share the parking spaces have differing peak parking demand times. A business or structure shall be allowed to share a maximum of 20% of its parking with another use. In these situations a parking demand study shall be prepared by a professional traffic engineer and submitted by the applicant documenting that the hours of actual parking demand for the proposed uses will not conflict and those uses will be served by adequate parking if Shared Parking reductions are authorized.

Shared Parking will also be allowed in situations where a business constructs additional parking that is above and beyond what is required to comply with the minimum parking standards. For example, the business is required to provide 100 spaces to meet the minimum standards, but the business builds 125 spaces. If agreed to by both parties, the excess 25

parking spaces may be shared with one or more adjacent businesses. A Shared Parking agreement shall be submitted with the Development Project, and recorded so that it will run with the land.

7.21 PARKING FOR FACILITIES WITH MULTIPLE WORK SHIFTS

- A. Businesses with overlapping work shifts shall supply adequate on-site parking to accommodate the required parking for the total of the number of overlapping Employees.
- B. Shifts changes shall be staggered so as to reduce the number of additional spaces required.
- C. A parking management plan shall be submitted to the Centerra DRC and to the City for approval.

7.22 TRUCK TRAILER PARKING

Areas designated for semi trailer and large truck parking and loading shall be screened from view using architectural walls or a combination of landscaping, berming and walls. See Section 6.21.

Except during initial site construction, no parking is allowed for permanent or temporary storage of trucks, trailers, buses or semi-mobile equipment, with the exception of moving vans, etc., when in use.

7.23 PARKING STRUCTURES

Design of Parking Structures shall be such that they are minimized visually by earthen embankments and by limiting the overall height of the structure relative to the principal building. Maximum height of Parking Structures shall be forty-five feet (45') but never taller than the principal Building.

Proposed Parking Structures require specific approval from the City. Approval will be contingent, in part, upon trip generation and traffic loads generated by the proposed development and the development infrastructure's capacity to handle the parking.

ACCESS, CIRCULATION AND PARKING

**7.24 INTERIM PARKING LOTS**

On-grade interim parking must be paved with an all weather material. It must be replaced with the permanent use within 24 months unless the City grants an extension. Internal parking lot landscaping is not required for interim parking areas. Perimeter landscape treatments shall be consistent with the landscape requirements for permanent parking lots. (See Figure 7-6).

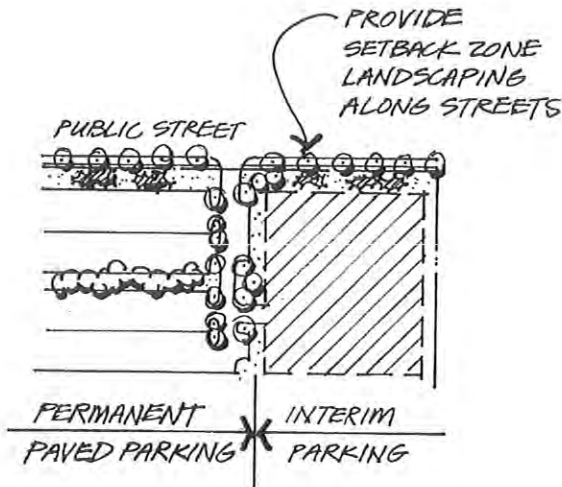


Figure 7-6 - Interim Parking Lot

7.25 HANDICAPPED ACCESS/PARKING/ SIGNS**7.25.1 Policy**

The GDP is intended to be equally accessible to handicapped and non-handicapped persons, and owners and Applicants are expected to meet or exceed all requirements of the Americans with Disabilities Act (ADA), 1996, and all amendments thereto, in the design and development of individual parcels, sites, Buildings, and facilities.

Provide equal access in a manner that integrates handicapped-accessibility with ordinary accessibility, rather than separately.

7.26 BICYCLE PARKING**7.26.1 Policy**

Except as allowed for in these standards, bicycle parking shall conform to the LCUASS and shall be provided within each commercial, retail, business, office, industrial, civic and multi-family residential Lot to encourage and accommodate alternative transportation modes.

7.26.2 Criteria

- A. Bicycle parking facilities shall be located so as to provide safety, security and convenience for bicycle riders. Such facilities shall not interfere with, and be located a safe distance from, pedestrian and motor vehicular traffic.
- B. Generally, a minimum number of bicycle parking spaces shall be provided, equal in number to five (5) percent of the total number of automobile parking spaces provided by the development, but not less than two (2). Development Projects, which require 350 or more automobile parking spaces, a minimum of 16 bicycle parking spaces shall be provided. Development Projects such as these will be reviewed on a case-by-case basis by the City to determine the potential need for bicycle racks.
- C. Garages may be used to satisfy needs for bicycle parking for Residential Uses.
- D. Bicycle parking facilities should be located outside of a vehicular or pedestrian way and be protected and separated from motor vehicle traffic and parking lots by either a three (3) foot separation distance or a curb or other physical barrier.
- E. For security reason bicycle-parking areas should be located so they are highly visible from Building entrances and convenient for Employees, yet not generally visible from roadways.

MILLENNIUM GDP

- F. Bicycle parking facilities shall be designed to allow the bicycle frame and both wheels to be securely locked to the parking structure. The structure shall be of permanent construction such as heavy gauge tubular steel and permanently attached to the pavement foundation.
- G. If the bicycle facility is to be used at night it should be sufficiently illuminated. See Section 6.28 for minimum foot-candles required for bicycle parking areas.
- H. Provide protection from the elements. Specific considerations include the following:
 - 1. Shelters and bike lockers are encouraged but not required. Protected overhangs incorporated into a Building's design are a desirable solution.
 - 2. Shelter design and materials should compliment the architectural design of the primary Building.
- A. Provide a system of pedestrian movement to points both on and off site;
- B. Provide a logical link between the origins and destinations of pedestrian traffic;
- C. Provide a direct, convenient, safe, and visible pedestrian path between parking area and Building entrance.
- D. Be constructed to channel storm water resulting from minor storm events away from the traveled surface to eliminate ponding on sidewalks and paths.
- E. Paving materials shall be visually compatible with the architecture, durable, easily maintained (allow for snow removal), Non-slip, and accessible to the handicapped. Special paving materials such as interlocking brick color concrete pavers or colored and textured concrete and other similar materials are encouraged. Mortared brick paving is discouraged.

7.27 PEDESTRIAN CIRCULATION**7.27.1 Policy**

Pedestrian and bicycle networks shall be designed to invite walking and bicycle use throughout the development, and to connect with regional systems in the area. Individual parcels and sites shall be integrated with the overall design to form a comprehensive network within the GDP. (See the Conceptual Amenity Map component of the GDP).

Pedestrians should be separated from vehicles and bicycles. Where complete separation of pedestrians and vehicles and bicycles is not possible, potential hazards shall be minimized through the use of techniques such as special paving, grade separations, pavement markings, signs, striping, bollards, median refuge areas, traffic calming features, lighting or other means to clearly delineate pedestrian areas, for both day and night use.

7.27.2 Criteria

Sidewalks and/or pedestrian paths shall be constructed and located in order to:

- F. Sidewalks will be provided along public streets within the development. Walks on some local streets may be eliminated if duplicated by a nearby (within 150'), generally parallel trail.
- G. Walks along public streets that are considered to be primary trails may be increased in width and provided on one side of the street only.
- H. Continuous pedestrian walkways shall link street sidewalks (public sidewalks) with customer/visitor building entries through individual sites. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscape areas for no less than fifty (50) percent of the length of the walkway. It is preferable that these connections be located within Open Space areas. Where it is necessary for the primary pedestrian access to cross drive aisles, parking lots, or internal roadways the pedestrian crossing shall emphasize and place priority on pedestrian access and safety.

ACCESS, CIRCULATION AND PARKING



The material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way. The pedestrian crossings must be well marked using low maintenance pavement treatments (such as scored concrete with an appropriate size score pattern of “human scale”), colored concrete, pavers, brick or other similar materials) and signs, striping, lighting, traffic calming techniques, median refuge areas or landscaping.

- I. Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system shall be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle volumes that are anticipated. A minimum width of eight (8) feet shall be required and shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines, Guide for Development of Bicycle Facilities, August 1991, or any successor publication. Additional width may be required to accommodate higher volumes of bicycle and pedestrian traffic.
- J. Design sidewalks around non-residential and Multi-Family Dwellings, parking areas, and along all public and private roadways, to be constructed of concrete and have an unobstructed width of no less than five feet (5').

7.27.3 Retail Pedestrian Circulation

In addition to the criteria listed in Section 7.27, retail areas shall provide the following:

- A. Continuous pedestrian walkways, no less than five feet (5') in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal Buildings on a site. Walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials for no less than fifty (50) percent of the length of the walkway.

- B. Sidewalks, no less than eight (8) feet in width, shall be provided along the full length of the building along any façade featuring a customer entrance, and along any façade abutting public parking areas. Where appropriate, sidewalks shall be designed to accommodate landscaping, which could include some or all of the following: foundation plantings, planting areas not attached to the building, tree wells, flower pots, etc.).

7.28 RECREATIONAL TRAILS

7.28.1 Policy

Recreational trails should be planned to minimize conflicts with other modes of circulation, and engineered to meet performance characteristics of their identified uses. In general, pedestrian and bicycle trails should provide linkages between recreational and Open Space amenities. Facilitation and/or development of trails may be required of individual tract Applicants/owners in accordance with the General Conditions and Special Conditions.

See also the Conceptual Amenity Map (Section 11, Map 2) for conceptual trail locations. Exact trail locations will be determined with future subdivision plats and building permit applications.

Trails shown on the GDP maps will be ten feet in width and will be constructed of either concrete or an alternative soft pavement system (such as crusher-fines).

Refer to the LCUASS for design of public trails.

Trails should be universally accessible. Grades up to 5% can be used on standard trail sections (intersections should have grades below 3%). Grades above 5%, however, will not be considered accessible to wheelchair users.

REGULATORY PROCEDURES



SECTION 12 REGULATORY PROCEDURES

12.1 GENERAL PROVISIONS

12.1.1 Regulatory Procedures

The Regulatory Procedures set forth in this Section 12 define submittal requirements and Review Time-lines for Development Projects within the GDP, including but not limited to, processes for administrative and public review of Development Projects containing Uses-by-Right and Special Review Uses and of subdivision plats, variations, appeals and amendments. The Regulatory Procedures shall govern all development within the GDP and shall expressly supersede and modify any City guideline, plan, administrative procedure, policy, requirement or Municipal Code provision which is in conflict or inconsistent therewith.

12.1.2 Centerra Design Review Committee

The Regulatory Procedures incorporate a review process by the Centerra DRC, a private committee created for the purpose, among others, of evaluating Development Projects within the GDP, for compliance with the GDP and the private design standards adopted by the Centerra DRC.

The legal documents which establish the private design guidelines applicable within the GDP and creating the Centerra DRC with authority to review Development Projects within the GDP, are on file with the City. The Centerra DRC shall at all times be comprised of a minimum of three (3) voting members. Voting members shall include one (1) individual representing the Developer, and two (2) additional individuals, which may include any combination of the following: a registered architect, a certified planner, a registered landscape architect, a registered professional civil engineer, a sustainability consultant and/or other appropriate design professional. All voting members of the Centerra DRC shall be appointed by the Developer. At the City's option, a City staff member may serve as a non-voting liaison to the Centerra DRC and a designated representative of the Director may also serve as a non-voting liaison for the purpose of evaluating re-

quests for Variations of the Performance Standards pursuant to Section 12.2.4.

The role of the Centerra DRC in the evaluation of development within the GDP is described in detail in Section 12.3.1.

12.2 REVIEW STANDARDS

12.2.1 Controlling Documents

A. The primary review standards for projects within the GDP are: the Special Conditions which are applicable to Development Projects within designated GDP Parcels and are attached as appendices to Sections 2 through 5 of this GDP; the General Conditions which are applicable to all Development Projects within the GDP and are attached as an appendix to Section 1 of this GDP; and the Performance Standards for architecture, site planning, landscaping, streetscape and signage which are applicable to all GDP Development Projects and are contained in Sections 6 through 10 of this GDP. In addition, the provisions of the Restated Agreement, including, but not limited to provisions regarding Vested Property Rights, govern all projects within the GDP.

B. In the event of a conflict or inconsistency between provisions of the Controlling Documents applicable to a Development Project, the following hierarchy shall prevail: (1) the Restated Agreement; (2) the Special Conditions; (3) the General Conditions; and (4) any other provision of the GDP.

12.2.2 Applicability of Municipal Code

The provisions of the Municipal Code shall apply to all projects within this GDP except to the extent that any such provision is inconsistent with or in conflict with the terms and conditions of the Controlling Documents.

12.2.3 City Review/Approval Authority

A. The City shall have the right and responsibility to interpret and enforce the Controlling Documents and any applicable provisions of the Municipal Code and the right to refuse to approve any De-

MILLENNIUM GDP

velopment Project within the GDP if such Development Project fails to comply with such requirements.

B. Section 12.2.3.A shall not be construed as a waiver by the Developer of any right to challenge a City interpretation or the City's denial of a Development Project. If applicable, any such challenge shall first be processed as an Appeal in accordance with Section 12.4.

12.2.4 Variations of the Performance Standards

If an Applicant desires any Variation from the requirements of the Performance Standards, a written request therefor shall be submitted to the City prior to the submittal of the Development Project which incorporates the requested Variation and, in the case of a building permit for a Use-by-Right, the Variation request shall also be approved by the City prior to submittal of the Development Project which incorporates the requested Variation. A letter from the Centerra DRC stating its approval of such Variation shall accompany the written request. In the alternative, the Director is authorized to evaluate and approve Variations concurrently with the Centerra DRC's review and approval of the Variation. In the granting of a request for a Variation of the Performance Standards, the Director shall find that the implementation of the requested Variation would not pose a health, safety or welfare risk to the general public and that: (i) the proposed Variation is equal to or better than the provision of the Performance Standards sought to be varied; (ii) the application of the provision sought to be varied would create a site specific hardship (other than a financial hardship) on the Applicant; or (iii) the proposed Variation reflects a design solution or a distinct recognized architectural style that is appropriate for the project and results in the quality of the project being equal to or better than the result of complying with the Performance Standard sought to be varied. Decisions of the Director on a request for a Variation of a Performance Standard shall be issued in writing no later than seven (7) days after submission of the complete application therefor. In the event that the Director denies a requested Variation, the Applicant may Appeal such denial to the Planning Commission for a final decision, subject only to a right of Appeal to the City Council by the Applicant. The

Appeal procedure shall be as set forth in Section 12.4.1.

12.2.5 Development Contiguity

In the event that a proposed Development Project fails to meet the contiguity requirements of the City of Loveland Comprehensive Master Plan dated October 18, 1994, as currently amended, including the latest amendment thereto dated February 18, 2003, the Director shall, in his or her sole discretion, be authorized to administratively grant an exception to the contiguity requirements upon the Applicant's submission in writing of a request and justification therefor and upon finding that the provision of utilities and roads to the proposed Development Project have been, or are planned to be, sufficiently sized to meet the service needs of such project, and of the other adjacent areas as the Director determines to be affected, in an efficient manner and at no cost to the City, unless the City has agreed to share in such costs.

Requests for exceptions to the contiguity requirements of such Comprehensive Master Plan shall be submitted to the Director and a decision thereon shall be made by the Director no later than seven (7) days after submission of the request and prior to submittal of the Development Project. Decisions of the Director on requests for exceptions to the contiguity requirements may be appealed by the Applicant therefor pursuant to Section 12.4.1.

In the event that the City amends the contiguity requirements of such Comprehensive Master Plan to be less restrictive, the Applicant shall be entitled to apply the less restrictive requirements to its proposed Development Project.

12.3 REVIEW PROCESS

12.3.1 Centerra DRC Review

A. With the exception of applications for Preliminary Plats, Development Projects within the GDP (including applications for a Variation, Type 1 Zoning Permit, Type 2 Zoning Permit, building permit, sign permit, Minor Subdivision, combined Preliminary Plat and Final Plats, Final Plats and Special

REGULATORY PROCEDURES



Review Uses) shall be accompanied by a letter from the Centerra DRC stating its recommendation for final approval of the proposed Development Project, with or without conditions, based upon its compliance with the GDP and a copy of the documents reviewed by the Centerra DRC and upon which its recommendation was made.

B. Applications for Preliminary Plats shall be accompanied by a written preliminary evaluation from the Centerra DRC that the Preliminary Plat complies with the GDP.

C. Development Projects which incorporate a Variation or Variations from the applicable Performance Standards shall also be accompanied by a letter from the Centerra DRC that states its recommendation for final approval of the requested Variation, with or without conditions, and a copy of the documents relied upon by the Centerra DRC in taking such actions. In the event that the Director approves the Variation request concurrently with the Centerra DRC review, the Development Project shall also be accompanied by the written decision of the Director.

D. The Centerra DRC may assign certain review and decision-making responsibilities to a subcommittee of the Centerra DRC and, for residential Development Projects and Variations, it may assign its review and decision-making responsibilities to another designated residential design review committee, provided that such subcommittee is comprised of the same number and type of members as required for the Centerra DRC and that the City has been given written notice of such assignment.

E. The City shall take into consideration the statement of the Centerra DRC regarding compliance with the GDP, but the City shall have the right and responsibility to determine each Development Project's compliance with applicable provisions of all Controlling Documents and the Municipal Code.

12.3.2 Complete Application

A. For purposes of these Regulatory Procedures, a complete application is defined as a Development Project submittal for which all of the following re-

quirements have been met ("Complete Application"):

1. The Applicant has submitted a complete development application form for the type of application(s) being submitted;
2. The Applicant has submitted every item listed on the approved Submittal Checklist for the type of development application(s) being submitted, unless such item has been waived by the designated City official as set forth on the applicable Submittal Checklist;
3. The Applicant has submitted the documentation from the Centerra DRC as required by Section 12.3.1; and
4. The Applicant has paid all required fees for the type of development application(s) being submitted.

Submittal Checklists for Uses-by Right, Special Review Uses and subdivision plats will be approved, and may be modified, administratively by the Director upon the agreement of Developer without amending the GDP.

B. If an Applicant desires to develop a project containing a land use that is not specifically listed as either a Use-by-Right or Special Review Use for any Subparcel of the GDP, the Applicant shall obtain a determination from the Director as to the proper categorization of the desired use prior to submittal of a Development Project which contains such use. The Director's determination, in his or her sole discretion, shall be based upon the similarity of the desired use to the character of the uses specifically listed for the Subparcel in which the new use is desired. A use which is not, in the discretion of the Director, similar in character to a specifically listed Use-by-Right or Special Review Use shall not be permitted.

12.3.3 Development Projects

A. Uses-by-Right

The land use legends on Maps 4, 5, 6 and 7 of the GDP contain a list of Uses-by-Right for each Subparcel.

MILLENNIUM GDP

1. Administrative Review. Development Projects for Uses-by-Right shall be processed in accordance with the Review Timelines for Administrative Review:

(a) The Review Timelines for Administrative Review have separate requirements for Development Projects with Uses-by-Right which fit within any of the following categories:

- (i) Those located on a previously platted Lot;
- (ii) Those submitted with a Boundary Line Adjustment or lot merger;
- (iii) Those submitted with a Minor Subdivision plat;
- (iv) Those submitted with a Major Subdivision plat consisting of a Preliminary Plat followed by a Final Plat; and
- (v) Those submitted with a Major Subdivision plat consisting with a combined Preliminary and Final Plat.

(b) Development Projects for Uses-by-Right subject to Administrative Review shall not be preceded by a pre-application conference unless requested by the Director or the Applicant, nor shall they require a Development Review Team Meeting as defined in the Municipal Code or review and approval by the Planning Commission or City Council.

2. Public Review.

(a) A Development Project for a Use-by-Right which includes any one or more of the uses listed in subsections (i) through (vi) below shall be preceded by a conceptual review team meeting and thereafter shall be processed in accordance with the Review Timelines for Public Review, which processes require a public hearing before the Planning Commission:

- (i) Any single Building over 60' in height directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties, or with only an intervening street of collector or smaller street classification;
- ~~(ii) Any single Building over 100,000 gross square feet;~~

(iii) Any single Building over 50,000 gross square feet directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties, or with only an intervening street of local classification or smaller street classification;

(iiiiv) Any Heavy Commercial Use directly abutting one or more existing platted or built Single Family Detached or Single Family Attached residential properties or with only an intervening street of collector or smaller street classification;

(iv) Any Heavy Industrial Use abutting one or more existing platted or built residential properties or with only an intervening street of collector or smaller street classification; or

(vi) Veterinary facilities, Animal Clinics, Small Outdoor Use, and/or Pet Day Care Facilities with outdoor use adjacent to any existing platted or built residential neighborhood.

(b) A Development Project for a single nonphased project which includes a combined gross square footage of 500,000 non-residential square feet or more and the first Development Project within a Mixed Use Village Center shall be preceded by a conceptual review team meeting and thereafter shall be subject to Public Review in accordance with the Review Timeline therefor, which process requires public hearings before the Planning Commission and the City Council. The first Development Project within a Mixed Use Village Center shall be accompanied with Performance Standards for Mixed Use Village Centers which shall be incorporated into the GDP through the Major Amendment process concurrently with the first Development Project within a Mixed Use Village Center. Thereafter, all Development Projects within any Mixed Use Village Center shall be processed in accordance with the provisions of this Section 12 that are applicable to such subsequent Development Projects.

(c) The Public Review processes for the uses listed in (a) and (b) above shall include a neighborhood meeting and public hearings. Notice of the neighborhood meeting shall be given in accordance with the requirements of Section 12.3.7.B. Notice of the public hearings shall be given in accordance with the requirements of Section 12.3.7.A. Notification

REGULATORY PROCEDURES



of mineral estate owners in the property shall be given in accordance with the requirements of Section 12.3.8.

In connection with the uses listed in (a) above, the Planning Commission may deny, approve or approve with conditions the proposed use and the action of the Planning Commission shall be final, subject only to a right of Appeal to the City Council pursuant to Section 12.4.2.

In connection with the use referred to in (b) above, the action of the Planning Commission shall be in the form of a recommendation to the City Council. The City Council may deny, approve or approve with conditions the proposed use.

(d) Public Review by the Planning Commission and the City Council pursuant to these Regulatory Procedures shall be limited to a review of the site plan, landscape plan and architectural elevations, other supporting documentation reasonably required by the City, and any other evidence submitted at the hearing for the purpose of determining compliance with the Controlling Documents.

B. Special Review Uses

The land use legends on Maps 4, 5, 6 and 7 of the GDP contain a list of Special Review Uses for each Subparcel.

1. Development Projects for Special Review Uses shall be subject to the Review Timelines for a Type 2 Zoning Permit.

2. The Review Timelines for the Type 2 Zoning Permit process have separate requirements for Development Projects with Special Review Uses which fit within any of the following categories:

- (i) Those located on a previously platted Lot;
- (ii) Those submitted with a Boundary Line Adjustment or lot merger;
- (iii) Those submitted with a Minor Subdivision plat;
- (iv) Those submitted with a Major Subdivision plat consisting of a Preliminary Plat followed by a Final Plat; and

(v) Those submitted with a Major Subdivision plat consisting of a combined Preliminary Plat and Final Plat.

3. Development Projects for Special Review Uses may, at the option of the Applicant or the Director, be preceded by a pre-application conference.

4. Special Review Uses shall be evaluated for compliance with the GDP and those applicable special review criteria of the Municipal Code (currently Chapter 18.40) which are not inconsistent with the GDP.

5. An application for a Special Review Use shall be accompanied with a listing of the names and addresses of the owners as set forth in Section 12.3.7.A.1. All such owners and all current members of the Planning Commission and City Council shall be mailed written notice by the Current Planning Division of the Director's administrative decision on such application within five (5) days of such decision, which notice shall include the name of the Development Project and the location of the property, the substance and date of the Director's decision, and notice of the right to appeal such decision pursuant to Section 12.4.4.

C. Use-by-Right and Special Review Use Combinations

An application for a Development Project containing both Uses-by-Right and Special Review Uses shall be subject to the applicable Type 2 Zoning Permit Process described in Section 12.3.3.B.

D. Changes in Use

Changes in the use of an existing Building on an existing Lot to a Use-by-Right when a Building permit is not required shall be processed in accordance with the Review Timelines for a Type 1 Zoning Permit.

E. Other Allowed Processes

In lieu of the procedures set forth herein for plans with Uses-by-Right and Special Review Uses, an Applicant may elect to rezone its property out of the

MILLENNIUM GDP

GDP and to another planned unit development or other zoning designation permitted under the Municipal Code. In such event, the Applicant shall comply with all applicable submittal and processing requirements of the Municipal Code therefor. Notwithstanding that any parcel of property is rezoned out of the GDP and is then subject to another development procedure permitted by the Municipal Code, any such project shall be subject to the Performance Standards of the GDP and the development application therefor shall be accompanied by a letter of recommendation from the Centerra DRC and a copy of the documents reviewed by the Centerra DRC.

F. Final Execution of Documents

The City shall execute all final documents and submit for recording, as applicable, within fourteen (14) days of receipt by the City of such documents properly executed by all necessary parties except the City, provided that all other applicable City requirements have been met.

12.3.4 Subdivision Plats

A. Administrative Review

1. All applications for subdivision plats (including applications for Minor Subdivisions, Preliminary Plats, Final Plats and combined Preliminary Plats and Final Plats) shall be administratively reviewed and a decision made thereon by the Director. Public hearings before the Planning Commission or the City Council are not required for any subdivision plat unless otherwise required by State statute, or by a Special Condition of this GDP or in event that the administrative decision on the subdivision plat is appealed as provided herein.

2. An application for a subdivision plat that is not accompanied by an application for a Development Project shall be subject to the Review Timeline therefor.

3. The Review Timelines for subdivision plats have separate requirements for:

- (i) a Boundary Line Adjustment or lot merger;
- (ii) a Minor Subdivision plat;

- (iii) a Major Subdivision plat consisting of a Preliminary Plat followed by Final Plat; and
- (iv) a Major Subdivision plat consisting of a combined Preliminary Plat and Final Plat.

4. If an application for a subdivision plat is accompanied by an application for a Development Project containing Uses-by-Right and/or Special Review Uses, the applicable Review Timelines described in Section 12.3.3 shall apply.

5. An application for a Major Subdivision plat shall be preceded by a conceptual review team meeting, however, an application for a subdivision plat shall not require a Development Review Team Meeting or its equivalent, unless the Applicant or the Director determines that a Development Review Team Meeting is necessary considering the size or complexity of the project.

6. An application for a Major Subdivision plat consisting of either a Preliminary Plat or a combined Preliminary Plat and Final Plat shall be accompanied with a listing of the names and addresses of the owners as set forth in Section 12.3.7.A.1 and a listing of the names and addresses of the owners of all easements on the property proposed for development as evidenced by an ownership and encumbrance report provided by the Applicant. All such owners and all current members of the Planning Commission and City Council shall be mailed written notice by the Current Planning Division of the Director's administrative decision on such application within five (5) days of such decision, which notice shall include the name of the Development Project and the location of the property, the substance and date of the Director's decision, and notice of the right to appeal such decision pursuant to Section 12.4.3.A.

B. Replats

In the event a subdivision plat is submitted in which the desired Development Project does not include all of the property within a legal parcel, the remaining property which is not then being developed shall be shown as an Outlot on the subdivision plat which shall require replatting prior to City approval of any Development Project within such Outlot. If an Out-

REGULATORY PROCEDURES



lot is replatted as a Minor Subdivision, it shall not be subject to any waiting period set forth in the Municipal Code. Lots and Tracts also shall not be subject to any such waiting period provided that the Director determines, in his or her sole discretion, that the replat of a Lot or Tract through a Minor Subdivision process would not contravene the purposes of the City's subdivision requirements or would not be contrary to the best interests of the City.

C. Final Execution of Documents

The City shall execute the plat mylars and any other final documents and submit for recording, as applicable, within fourteen (14) days of receipt by the City of such documents properly executed by all necessary parties except the City, provided that all other applicable City requirements have been met.

12.3.5 Building Permits

Notwithstanding the timeframes for the submittal, processing and issuance of building permits (excluding grading permits) contained in the Review Timelines, the following requirements shall apply:

- A. Applications for nonresidential building permits may only be submitted concurrently with a re-submittal of a subdivision plat application or after approval and recordation of the Final Plat.
- B. Applications for residential building permits will only be accepted by the City for processing after approval and recordation of the Final Plat.
- C. Building permits shall only be issued after the installation of adequate infrastructure improvements to be determined in the discretion of the Director in accordance with General Condition No. 9 and the requirements of the Municipal Code (currently Sections 16.40.010.A and B) which are not in conflict therewith.

12.3.6 Review Timelines

- A. The Review Timelines will be approved, and may be modified, administratively by the Director

upon the agreement of the Developer without amending the GDP.

- B. The City shall use its best efforts to limit the review period for Development Projects within the GDP to the timeframes set forth on the approved Review Timelines, and the Applicant shall comply with the applicable Review Timelines.

B. The Review Timelines are meant to be maximum limits and shall not be construed as limiting the ability of the City to process any application in a shorter period of time.

- C. In the event the City determines that it cannot complete its written comments and make them available to the Applicant within the timeframes set forth in the Review Timelines, it may retain a consultant to perform the necessary project review within such required timeframe. The City may require that the Applicant pay the cost of such consultant, provided that such payment is consistent with the City's then-existing general policy for payment of outside consultants by developers.

- D. Notwithstanding the commitment of the City and the Applicant to comply with the Review Timelines, such timeframes may be extended in any of the following circumstances:

1. The City Manager determines that there are circumstances which justify an extension of time for the City staff's review of a Development Project, in which case a written notice shall be provided to the Applicant stating the extended period of time deemed necessary by the City for completion of its review; or
2. The Applicant fails to resubmit its Development Project within the timeframes set forth in the Review Timelines resulting in a rescheduling by the Director of the subsequent review and resubmittal timeframes. The Director shall use his best efforts to reschedule the timeframes for the application to the earliest possible dates which are next available in accordance with the remainder of the applicable Review Timeline.

MILLENNIUM GDP

E. In the event that the City adopts amendments to the procedural requirements of the Municipal Code or otherwise approves a more streamlined review process for the GDP which effectively shortens the Review Timelines for one or more types of Development Projects, the Developer may submit an amendment to the Regulatory Procedures which would permit such new process to be an alternative permitted process under the Regulatory Procedures. Such amendment may be administratively approved by the Director in his discretion to apply either to a particular Development Project or to all future Development Projects within the GDP of a similar type.

12.3.7 Public Notice Requirements

A. At least fifteen (15) days prior to any hearing required by these Regulatory Procedures, public notification shall be given of the date, time and place of the hearing, the nature of the matter to be considered at the hearing, a description of any property directly affected by the subject matter of the hearing and the telephone number of the City's Current Planning Department, as follows:

1. The Applicant shall provide the City with a listing of the names and addresses of all owners of record of: (i) the property proposed for development; and (ii) all properties that fall wholly or partially within the areas set forth in subparagraph A.3 of this section. The names and addresses required under (i) above shall include fee simple owners as evidenced by an ownership report provided by the Applicant. The names and addresses required under (ii) above shall be as they appear on the latest Larimer County Records;
2. The City shall publish the required notice in the City's newspaper of record and mail notice to the Applicant and the owners of record of the property proposed for development;
3. The Applicant shall send by first class mail written notice to all surface owners of record of all properties located within the following areas:
 - ✂ (i) within a 1000-foot radius of the boundaries of the proposed Development Project if the project includes more than 50 acres; (ii) within a 750-foot radius of the boundaries of the pro-

posed Development Project if the project includes 20 or more acres but no greater than 50 acres, or (iii) within a 500-foot radius of the boundaries of the proposed Development Project if the project includes less than 20 acres; and

4. The Applicant shall post a sign or signs (with the content approved by the City) on the property which is the subject of the hearing in a location that is readily visible from each public street or highway adjoining the property.

Prior to the public hearing, the Applicant shall provide the City with an affidavit certifying that the Applicant's requirements of this Section 12.3.7.A have been met. Failure to provide the required affidavit or evidence of a defective mailing list or posting will result in termination of project review until proper notice is provided.

The public notice requirements of this Section 12.3.7.A shall not be applicable to "initial public hearings" before the Planning Commission for the limited purpose of hearing objections of mineral estate owners pursuant to any Special Conditions of this GDP, which shall be noticed in accordance with Section 12.3.8 hereof.

B. At least ten (10) days prior to any neighborhood meeting required by these Regulatory Procedures, the Applicant shall give written notice by first class mail to all owners of all properties that fall wholly or partially within the applicable area set forth in Section 12.3.7.A.1. The Applicant shall provide the City with an affidavit certifying that the Applicant conducted the neighborhood meeting and that the requirements of this Section 12.3.7.B were met. Failure to provide the required affidavit or evidence of a defective mailing list will result in termination of project review until proper notice is provided and the neighborhood meeting is conducted.

12.3.8 Mineral Estate Owner Notification

The notification of mineral estate owners shall be given in accordance with the requirements of C.R.S. §24-65.5-101 et seq., as amended.

REGULATORY PROCEDURES



12.4 APPEALS

12.4.1 Performance Standard Variations/Exceptions to Development Contiguity Requirements/Uses-by-Right subject to an Administrative Review/Boundary Line Adjustments/Lot Mergers/Minor Subdivision Plats/Final Plats/Minor Amendments

A. Third party Appeals are not permitted with regard to the Director's administrative decision on an application for a Variation of the Performance Standards, an exception to the development contiguity requirements, a Development Project containing a Use-by-Right subject to Administrative Review, a Boundary Line Adjustment, a lot merger, a Minor Subdivision plat or a Final Plat or a Minor Amendment.

B. In the event, however, that the Director denies any such application, or approves any such application with conditions that are not acceptable to the Applicant, the Applicant shall have the limited right to Appeal the Director's decision to the Planning Commission. The only grounds for Appeal shall be (i) that the Director did not have competent evidence to support his or her decision, or (ii) that the Director did not properly interpret or apply the applicable review standards. The Appeal shall state the grounds upon which the Applicant is relying and the specific facts that support such grounds.

C. Appeals of an administrative decision of the Director shall be filed in writing with the Current Planning Division within ten (10) days of the mailing of the Director's decision. The Planning Commission shall hold a hearing on the Appeal within thirty (30) days of the filing of the Appeal and shall either reverse, modify or uphold the Director's decision. The hearing before the Planning Commission shall be de novo (i.e. a new hearing in which the Planning Commission is entitled to hear and consider new evidence and testimony). Written notice of the hearing shall be given to the Applicant at least fifteen (15) days before the hearing. The Director may adopt supplementary administrative procedures for such Appeals which are not in conflict or inconsistent with these provisions. The decision of the

Planning Commission shall be final unless it is appealed in writing by the Applicant to the City Council as provided in Paragraph D. below.

D. Appeals of a decision of the Planning Commission shall be filed in writing with the Current Planning Division within ten (10) days of the Planning Commission's decision. The City Council shall hold a hearing on the Appeal within thirty (30) days after the Planning Commission's decision. The hearing before the City Council shall be on the record, i.e. limited to evidence which was before the Planning Commission at the time its decision was made. Written notice of the hearing shall be given to the Applicant at least fifteen (15) days before the hearing and the City Council shall either reverse, modify or uphold the decision of the Planning Commission.

12.4.2 Public Review

A decision of the Planning Commission pursuant to Section 12.3.3.A.2(a) may be appealed to the City Council by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, or three or more members of the City Council. The process for any such Appeal shall be the process described in Section 12.4.1.D, except that public notice of the hearing shall be given in accordance with the requirements of Section 12.3.7.A.

12.4.3 Preliminary Plats/Combined Preliminary and Final Plats

A. The administrative decision of the Director on an application for a Preliminary Plat or a combined Preliminary Plat and Final Plat may be appealed to the Planning Commission by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, three or more Planning Commission members or three or more members of the City Council. The process for any such Appeal shall be the process described in Section 12.4.1.C, except that public notice of the Appeal hearing shall be given in accordance with the requirements of Section 12.3.7.A and, in addition, the Applicant shall provide such

MILLENNIUM GDP

notice of the Appeal hearing to the list of easement owners described in Section 12.3.4.A.6.

B. A decision of the Planning Commission pursuant to Section 12.4.3.A may be appealed to the City Council by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, or three or more members of the City Council. The process for any such Appeal shall be the process described in at Section 12.4.1.D, except that public notice of the hearing shall be given in accordance with the requirements of Section 12.3.7.A and, in addition, the Applicant shall provide such notice of the Appeal hearing to the list of easement owners described in Section 12.3.4.A.6.

12.4.4 Special Review Use Approvals

The administrative decision on a Type 2 Zoning Permit may be appealed to the Planning Commission by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, any person that appeared at the neighborhood meeting, three or more Planning Commission members or three or more members of the City Council. The process for any such Appeal shall be the process described herein at Section 12.4.1.C and 12.4.1.D., except that public notice of the hearing shall be given in accordance with the requirements of Section 12.3.7.A.

A decision of the Planning Commission on a Type 3 Zoning Permit may be appealed to the City Council by the Applicant, any owner of property located within the area subject to the notification requirements of Section 12.3.7.A, any person that appeared at the neighborhood meeting or three or more members of the City Council. The process for any such Appeal shall be the process described herein at Section 12.4.1.D, except that public notice of the hearing shall be given in accordance with the requirements of Section 12.3.7.A.

12.5 AMENDMENTS

12.5.1 Amendments to the GDP

A. Consent to Amendments

The Controlling Documents shall, in accordance with the terms of the Restated Agreement, only be amended or terminated by the City with the consent in writing of the Developer, or any affiliated entity in which the Developer has a majority interest, and those third parties, if any, to whom the Developer has specifically granted, in writing, the right to approve such amendment or termination.

B. Major Amendments

For purposes of these Regulatory Procedures, any of the following amendments to this GDP constitute a Major Amendment: (a) permit a use not identified in a GDP Parcel or Subparcel as a Use-by-Right, a Special Review Use, or a use approved by the Director pursuant to Section 12.3.2.B of the Regulatory Procedures; (b) decrease the amount of commonly-owned, but not dedicated, open space within the GDP by more than ten percent (10%); (c) change any requirement for the payment of money or the dedication of land or other property rights to the City or the public; (d) materially relocate any public facility or improvement; (e) increase residential density by more than five percent (5%) in any GDP Parcel; and (f) increase nonresidential Building square footage by more than five percent (5%) in any GDP parcel ("Major Amendment"). A Major Amendment shall be subject to review and approval by the Planning Commission and City Council in accordance with the applicable section of the Municipal Code [currently Section 18.41.050.D(11)], except that public notice of the hearings shall be given in accordance with the requirements of Section 12.3.7.A. For Major Amendments that directly affect less than the entire GDP, the public notice requirement shall be specific to the Parcels or Subparcels of the GDP affected by the Major Amendment as determined by the Director in his or her reasonable discretion.

C. Minor Amendments

Minor amendments are any amendments to this GDP which do not meet the definition of a Major

REGULATORY PROCEDURES



Amendment described in Section 12.5.1.B above (“Minor Amendments”). Minor Amendments shall be administratively reviewed and a final decision made thereon by the Director without requiring the approval by the Planning Commission or the City Council.

12.5.2 Amendments to Approved Plans or Sub-division Plats**A. Uses-by-Right**

Proposed amendments to a Development Project containing a Use-by-Right for which a building permit has been issued shall be reviewed in accordance with the same process by which the Development Project was approved. In the event, however, that the amendment proposes a use set forth in Section 12.3.3.A.2, the proposed amendment shall be subject to the Public Review process set forth therein.

B. Special Review Uses

Proposed modifications to an approved Type 2 Zoning Permit or Type 3 Zoning Permit shall be reviewed in accordance with the applicable section of the Municipal Code (currently Section 18.40.050.A or Section 18.40.050.B), except that public notice of any required hearing shall be given in accordance with Section 12.3.7.A.

C. Subdivisions Plats

Proposed modifications or amendments to an approved Preliminary Plat, Final Plat or Minor Subdivision plat shall be processed in accordance with the same process by which the plat was approved.

DEFINITIONS



SECTION 13

TERMS AND DEFINITIONS

Note 1: Definitions not included in this Section 13 or in the Restated Agreement, shall be in accordance with the Municipal Code, unless said definitions are in conflict or inconsistent with the provisions of the GDP and/or the Restated Agreement.

Note 2: The words and phrases in this Section 13, when used in the GDP, shall have the meanings set forth in this section, except where the context indicates otherwise.

“Accessory Building” or “Accessory Use” means a structure or use on a parcel that is secondary in nature to the Primary Structure or use, for example, a detached garage next to a residence or the retail sales of promotional clothing in conjunction with an eating and drinking establishment or public parking lots, pump stations, meter stations, maintenance facilities and landscape compounds, etc., together with the related primary uses. Indoor accessory uses are those uses (i.e. cafeteria, office) that occupy 10 percent or less of the gross square footage of the structure. If an indoor use occupies more than 10 percent of the gross square footage of the structure it shall be evaluated separate from the Primary Use for parking and other amenities.

“ACF Regulations” means the provisions of the Municipal Code relating to adequate community facilities as now existing in Chapter 16.41 and which are found at Exhibit A of the Restated Agreement.

“Administrative Review” means the approved processes for the review of Development Projects for Uses-by-Right as defined in Section 12.2.2A.1 of the Regulatory Procedures.

“Adult Day/Respite Care Facilities” means nonresidential facilities providing for the care, supervision, protection and social activities of persons over

eighteen (18+) years of age during normal daytime working hours and allowing overnight stay on a short-term basis as a subordinate function.

“Agricultural Activity” or “Agriculture” means farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating or harvesting for the production of food or fiber products (except commercial logging and timber harvesting operations); the grazing or raising of livestock (except in feedlots); aquaculture; sod production; orchards; Christmas tree plantations; nurseries; and the cultivation of products as part of a recognized commercial enterprise provided such activities do not include a retail component.

“Airport” means the Fort Collins-Loveland Municipal Airport.

“Airport Influence Area” means those areas depicted on the maps in Section 11 of the GDP, which areas are within the Airport Influence Area of the Airport depicted on Figure 4.6.C. of the City of Loveland Comprehensive Master Plan dated October 18, 1994 as amended on February 18, 2003, which was the latest amendment thereto at the time the Restated Agreement was approved. The boundaries of the Airport Influence Area depicted on the maps in Section 11 of the GDP were approved by the Restated Agreement effective July 11, 2006 and such boundaries serve as the basis for Special Conditions applicable to certain GDP parcels or Subparcels because of their proximity to the Airport.

“Airport Lines” mean the noise contours and the boundaries of the runway protection zone and critical zone approved by the FAA in the 2006 Master Plan Update for the Airport and depicted on the maps in Section 11 of the GDP, but specifically do not include the boundaries of the Airport Influence Area. The Airport Lines shall be applicable to all parcels and Subparcels of the GDP.

“Airport Master Plan” means the May, 1993 Airport Master Plan Update for the Airport.

"Alley" means a minor way used primarily for vehicular service access to the back or side of properties abutting on a street, or in some cases properties fronting on an open space area with a connecting walkway.

"Alzheimers Facilities" means residential facilities specifically designed to care for people with dementia.

"Ancillary Dwelling Unit" means a Dwelling Unit located on the same Lot, either attached or detached, with another Single Family Attached Dwelling or Single Family Detached Dwelling, and in common ownership with the Primary Use or residence on the Lot. Ancillary Dwelling Units shall contain more than 1050 square feet.

"Animal Clinic Small Indoor Use" means any facility maintained by or for the uses of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

"Animal Clinic Small Outdoor Use" means any facility, with an enclosed fenced outdoor area for use by the animals adjoining the facility, maintained by or for the uses of a licensed veterinarian in the diagnosis, treatment or prevention of animal diseases wherein the animals are limited to dogs, cats, or other comparable household pets and wherein the overnight care of said animals is prohibited except when necessary in the medical treatment of the animal.

"Antenna" means any exterior apparatus or apparatuses designed for telephonic, radio, data, Internet or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services including, for example, "cellular," "enhanced special-

ized mobile radio" and "personal communications services" telecommunications services, and its attendant base station. For purposes of this chapter, the term "antenna" shall not include an antenna used by an amateur radio operator or "ham" operator, nor an exterior antenna or satellite dish used for the private or non-commercial reception of television or radio signals.

"Appeal" means a request for a review of an administrative decision of the Director or a decision of the Planning Commission. Appeal procedures are outlined in the Regulatory Procedures.

"Applicant" means the owner of a building site or an owner's authorized representative for the purpose of making application for approval of a Development Project to the Centerra DRC or the City.

"Architectural Articulation" means a manner of joining walls that makes the united parts clear distinct and precise in relation to each other. This may include recesses, projections, and other elements that produce undulations designed to discourage flat planes.

"Assisted Living Facilities" means residences for seniors that provide a range of services including room, board and at least the following: personal services, protective oversight, social care and regular supervision available on a 24-hour basis.

"Auto Dealership" means an establishment primarily engaged in the sale, rental, service, repair, storage or salvage of automobiles and trucks.

"Avigation Easement" means the conveyance of a specified property interest in the airspace over real property in the form set forth as Attachment No. 1 to Appendix 3-1 and Appendix 4-1 of the GDP.

"Bay" or "Building Bay" means a wall plane projection or recess that forms an articulated wall surface on a building elevation, and that can be formed by pilasters, columns or other vertical elements such as

DEFINITIONS

a group of windows. Building Bay does not mean a service bay for autos or trucks and does not mean a bay window.

"Bed and Breakfast Establishments" means lodging facilities, typically restricted to 3-8 rooms, with the proprietor residing on the premises.

"Boarding Houses or Rooming Houses" means a Building or portion thereof which is used to accommodate, for compensation, three or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such Building.

"Boundary Line Adjustment" means the relocation or adjustment of a Lot line, which meets the applicable requirements of the GDP and the Municipal Code.

"Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels or property of any kind and includes both the main portion of a structure built for permanent use, as well as all projections and extensions thereof. Such projections and extensions include, but are not limited to, garages, outside platforms and docks, carports, canopies, enclosed malls, and porches. Buildings have the following characteristics:

- Is permanently affixed to the land;
- Has one (1) or more floors and a roof; and
- Is bounded by either open space or the Lot lines of a Lot.

"Building Code" means the International Building Code as adopted by the City pursuant to Chapter 15.08 of the Municipal Code and any amendments thereto.

"Building Coverage" means the actual "footprint" of all buildings on the Lot at grade or at plaza level. Building Coverage is measured to the exterior faces of building walls. Lot areas covered by plazas, pedestrian malls, and/or landscaping shall not consti-

tute Building Coverage. Similarly, building area situated over plazas, pedestrian malls, or landscaping shall constitute Building Coverage.

"Building Frontage" means that side of a Building that faces and is parallel to or most nearly parallel to a public or private street. The length of the frontage is determined by measuring along the outside walls of the Building.

"Building Height". When measured in feet, Building Height refers to the vertical distance between the average finished grade at the base of the building or structure (see below) and: 1) the highest point of the coping of a flat roof; 2) the deck line of a mansard roof; or 3) the average height level between the eaves and ridge line of a gable, hip or gambrel roof, or the highest point of a curved roof. In the case of fences or walls, Building Height shall be measured on the side with the least vertical exposure above finished grade to the top of the fence or wall. For the purpose of this definition "ground surface" shall include sidewalks, and "finished grade" as a point of measure shall mean either of the following, whichever yields a greater height of building or structure.

- The elevation of the highest ground surface within a five foot horizontal distance from the exterior wall of the Building, when there is less than a ten foot difference between the highest and lowest ground surface within a five foot horizontal distance from said wall.
- An elevation ten feet higher than the lowest ground surface within a five foot horizontal distance from the exterior wall of the Building, when there is greater than a ten foot difference between the highest and lowest ground surface within a five foot horizontal distance from said wall.

The following structures and features shall not be considered when calculating Building Height measured in feet under this definition:

- Chimneys, smokestacks or flues that cover no more than five percent of the horizontal surface area of the roof;
- Cooling towers and ventilators that cover no more than five percent of the horizontal surface area of the roof;

MILLENNIUM GDP

- Elevator bulkheads and stairway enclosures;
- Fire towers;
- Utility poles and support structures;
- Belfries, spires and steeples;
- Monuments and ornamental towers.
- The upper story of a building, if the floor area of that story does not exceed 20% of the area of the Building footprint, may exceed the otherwise required Building Height by up to 15'.

"Business Park Uses" means that list of specific uses set forth at Section 1.3.8 of the GDP.

"Call Center" means a central place where customer and other telephone calls are handled by an organization, usually with some amount of computer automation. Typically, a call center has the ability to handle a considerable volume of calls at the same time, to screen calls and forward them to someone qualified to handle them, and to log calls. Call Centers are used by mail-order catalog organizations, telemarketing companies, computer product help desks, and any large organization that uses the telephone to sell or service products and services.

"CDOT" means the Colorado Department of Transportation.

"CEF" means those capital expansion fees imposed on development by the City for the purpose of funding growth-related capital costs pursuant to the Municipal Code.

"Center" in a MUN refers to an activity node that typically serves as a focal point or community gathering site, and may take the form of a park, village green, plaza, garden, or an Urban Character Village as described in Section 9.5.9. See MUN.

"Centerra DRC" means the Centerra Design Review Committee, a private committee created for the purpose, among others, of evaluating Development Projects within the GDP, for compliance with the GDP and the private design standards adopted by the Centerra DRC.

"City" means the city of Loveland, Colorado, or the area within the territorial limits of the city of Loveland, Colorado.

"City Attorney" means the city attorney appointed by the City Council or that person's designee.

"City Council" means the body constituting the city council of the City.

"City Engineer" means the engineering manager of the City's Department of Public Works or that person's designee.

"City Manager" means the duly appointed manager of the City or that person's designee.

"Clubs and Lodges" means organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

"Co-Housing" shall mean a residential area, to be owned partially or completely as a cooperative by the residents, designed as a cohesive unit with shared common facilities.

"Common Areas" means that real property, if any, shown on any present or subsequently recorded plat of the property or buildings that are intended to be devoted to the common use and enjoyment of the owners and occupants of the GDP. Such common areas may include, but are not limited to, private access easements, utility easements, drainage easements, open space, private drives, lawns, sidewalks, landscaping, exercise paths, street furniture, green belt structures, and recreational and athletic facilities.

DEFINITIONS

"Community Facilities" means public, private, or private nonprofit facilities which are primarily intended to serve the recreational, educational, cultural or entertainment needs of a neighborhood or the community as a whole, and/or capital improvements including, but not limited to facilities for providing necessary urban services. The term Community Facilities shall include community parks, schools and golf courses and may also include neighborhood parks, trails, natural areas, environmental centers, open spaces, wetlands or similar types of uses.

"Compatible" means harmonious or visually pleasing with another object. Compatible does not mean the same, matching or equal.

"Complete Application" means and refers to an application for a Development Project which complies with the requirements of Section 12.3.2.

"Conference / Convention Center" means a facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

"Congregate Care Facilities" means facilities for seniors that combine private living quarters with centralized dining services, shared living spaces, and access to social and recreational activities. Many congregate care facilities offer transportation services, personal care services, rehabilitative services, spiritual programs, and other support services.

"Congregate Care Housing Developments" means multiple-unit housing buildings (private rooms or full apartments) for seniors that integrate private living units with the availability of optional congregate meals, socialization activities, and a range of non-health-related supportive assistance such as housekeeping, counseling and transportation.

"Context Diagram" means a map or plan accompanying a proposed Development Project that illustrates the existing and proposed development sur-

rounding the proposed Development Project as described in Sections 6 and 9 of the GDP.

"Continuing Care Retirement Communities" means multiple-living style complexes for seniors that include independent living units (apartments and/or cottages), social activities, congregate meals, supportive assistance and personal care on one campus. Assisted Living Facilities and Nursing Care Facilities may also be included within the same campus.

"Controlling Documents" means collectively the Restated Agreement and the GDP, including, but not limited to, the Special Conditions, the General Conditions and the Performance Standards.

"Convenience Store" means a retail establishment whose principal business is the retail sale of gasoline and other petroleum products, as well as the accessory sales of food items and other consumable goods, and where the floor area devoted to the display and sales of non-petroleum products exceeds four hundred (400) square feet.

"Corporate and Professional Offices " means single Building sites as well as "corporate campuses" consisting of multiple Buildings for single and multi-tenant office users with uses that include, but are not limited, to a mix of headquarters or branch offices, research and development facilities, laboratory facilities and manufacturing and distribution facilities and Accessory Uses to these facilities which may include, but are not limited to, cafeterias, delicatessens, private health clubs and day care facilities.

"County" means the County of Larimer, Colorado.

"Current Planning Manager" means the manager of the City's Current Planning Division or that person's designee.

"Days" shall mean calendar days unless otherwise specifically noted.

MILLENNIUM GDP

"Density" is a measure of the intensity of development in terms of the number of dwelling units per acre of land.

"Developer" means McWhinney Real Estate Services, Inc., a Colorado corporation.

"Development" means any man made change to improved or unimproved real estate, including but not limited to, construction of Buildings and other structures, mining, dredging, filling, grading, paving, excavation and drilling operations.

"Development Project" means and refers to any application for development within the GDP including, but not limited to, applications for building permits, changes of use, Type 1 Zoning Permits, Type 2 Zoning Permits, plans containing Uses-by-Right or Special Review Uses, Boundary Line Adjustments, lot mergers, Minor Subdivision plats, combined Preliminary Plats and Final Plats and Final Plats.

"Director" means the City's Director of Development Services or that person's designee.

"Double Frontage Lot" means any lot which abuts two or more streets other than a corner lot, which abuts two intersecting streets.

"Duplex" – See definition for Single Family Attached Dwelling.

"Dwelling Unit" means one or more rooms, including kitchen facilities or kitchen area (kitchen does not need to be a separate room but will include, at a minimum, a sink, stove and refrigerator), and at least one bathroom, designed, occupied or intended for occupancy as separate quarters for the use of a family for living, cooking and sanitary purposes, located in a Single Family Detached Dwelling, Single Family Attached Dwelling, Patio Home/Zero Lot Line Home or Multi-Family Dwelling, Live/Work Structure or mixed use building. The term Dwelling Unit shall not include Hotels, Motels, tents or other struc-

tures designed or used primarily for temporary occupancy. Any Dwelling Unit except Ancillary Dwelling Units shall be deemed to be the Principal Use or building.

"Edges" in a MUN means the elements that define the perceived limits of the larger neighborhood. Edges may be formed by perimeter arterial landscape treatment, lakefront areas, storm drainage facilities, certain collector (or other) streets, and/or Open Space corridors. Strategically placed public uses such as parks and school sites may function as both centers and edges. Edges between adjacent residential neighborhoods need not be rigidly defined. See MUN.

"Employees" means the total number of persons reasonably anticipated to be employed in a Building or on land during normal periods of use. This includes employees having overlapping work shifts.

"Entertainment Facilities and Theaters" means a Building, Buildings or parts thereof devoted to showing motion pictures or dramatic, musical or live performances.

"Environmental Entities" means and includes the HPF and the HPEC.

"Environmentally Sensitive Area" or "Environmentally Sensitive Areas" means and refers to those areas identified in the Environmentally Sensitive Areas Reports applicable to the Subparcels of the GDP.

"Environmentally Sensitive Areas Report" or "ESAR" means and refers to a report prepared by a qualified biologist, which identifies Environmentally Sensitive Areas within a property and recommends mitigation measures for development purposes. ESAR's applicable to the Subparcels of the GDP are listed in Sections 2 through 5. A copy of each ESAR is included in Section 14.

DEFINITIONS

"Extended Stay Housing" means Dwelling Units intended to be rented/leased for periods of up to six months.

"Extent Feasible" or "Extent Practicable" or "Extent Possible" means that, under the circumstances, reasonable efforts have been undertaken to comply with the standards, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize potential harm or adverse impacts resulting from noncompliance with the standard.

"FAA" means the Federal Aviation Administration.

"FHWA" means the Federal Highway Administration.

"Final Plat" means the plat of certain described land prepared in accordance with the requirements of the Municipal Code, as an instrument for recording real estate interests in the Larimer County Records. The final plat shall serve as the "plat" for purposes of C.R.S. § 31-23-215.

"Flex Office/R&D/Industrial/Warehouse" means a Building where a portion of the Building area is devoted to office uses that support the principal industrial, warehouse and/or R&D use, and/or a portion of the Building area devoted to inventory, fabrication, research or distribution.

"Floor Area Ratio" or "FAR" means the gross floor area of all Buildings or structures on a Lot divided by the Lot area, expressed as a ratio.

"Floor Area" means the gross area of the Building measured along the outside wall of the Building including each floor level and interior balconies, but excluding garages and enclosed automobile parking areas; exterior unenclosed balconies; basements;

and one half the area for storage and display area in commercial uses for hard goods.

"Front Lot Line" means the property line dividing a Lot from a street except Lots bordered by more than one street or Lots that front an open space with a connecting walk. On Lots bordered by more than one street, the building official shall determine the Front Lot Line requirements, subject to the following limitations:

- At least one Front Lot Line shall be established creating one front yard Setback as required generally in the GDP.
- Any other yard area abutting on a street shall have a minimum corner Setback as required in the GDP.

"General Condition" or "General Conditions" means and refers to those conditions of development which are applicable to all Development Projects within the GDP in accordance with the Controlling Documents and are which set forth in Appendix 1-1 to Section 1 of the GDP.

"General Offices" means offices for professional use such as physicians, dentists, lawyers, architects, engineers, artists, musicians, designers, teachers, accountants, or others who through training are qualified to perform services of a professional nature and where no storage or sale of merchandise is conducted.

"GDP" means the Millennium General Development Plan – Fifth Amendment and Restatement and all amendments thereto.

"Grocery Store" means a retail establishment primarily selling food, as well as other convenience and household goods.

"Gross Acreage" means the total area within a parcel, typically measured to the centerline of adjacent

MILLENNIUM GDP

streets, which includes any public dedications for parks, schools or other public use.

"Gross Density" means the number of Dwelling Units per gross acre of land.

"Group Homes / Group Care Facilities" means residences or facilities licensed by or operated by a governmental agency, and specifically including State licensed foster care homes, for the purpose of providing special care or rehabilitation due to homelessness, physical condition or illness, mental condition or illness, elderly age or social, behavioral or disciplinary problems, provided that authorized supervisory personnel are present on the premises.

"Health and Fitness Clubs" means organizations of persons for special purposes or for the promulgation of sports, fitness, recreation, arts, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings.

"Heavy Commercial Uses" means those uses set forth in Section 1.3.4 of the GDP.

"Heavy Industrial Uses" means those uses set forth in Section 1.3.7 of the GDP.

"Heavy Manufacturing" means manufacturing that is engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, petrochemical and rubber refining, primary metal mining or similar uses.

"HPEC" means the High Plains Environmental Center, a Colorado nonprofit corporation, or any successor thereto.

"HPF" means the High Plains Foundation, a Colorado nonprofit corporation, or any successor thereto.

"Hotel" and "Motel" means a Building designed for temporary occupancy in which there are ten or more guest rooms and in which no provision is made for cooking in any individual room or suite. A motel or hotel room or suite which includes cooking facilities shall be considered a dwelling unit.

"Housing Type" shall mean the various types of residential development including, but not limited to, Single Family Attached Dwellings, Single Family Detached Dwellings, Townhomes, Condominiums, Patio Homes, Zero Lot Line Homes, Multi-Family Dwellings, apartments, Mixed Use Residential, Live/Work Structures, Co-Housing, Senior House of a Residential Nature and Extended Stay Housing.

"I-25" means Interstate Highway No. 25.

"Immediate Neighborhood" means a cohesive sub-area of a MUN which is typically comprised of one or two (or sometimes more) housing types, possibly with compatible supporting non-residential uses; have related architectural character; and are usually between eight and thirty acres in size. See MUN.

"Improvements" include, but are not limited to, any and all buildings, out-buildings, roads, driveways, parking areas, fences, screening walls, retaining walls, loading areas, signs, utilities, lawns, lighting, landscaping, and walkways, including all those located on building sites and common areas, as well as any construction, work, or treatment done or applied to any of the property in connection therewith.

"In-Line Retail" means attached retail stores.

"Independent Living Communities" means communities for seniors that include Single-Family Detached Dwellings, Single-Family Attached Dwellings, condominiums, and/or apartments where the residents maintain an independent lifestyle.

"Indoor Recreation Use" means exercise and athletic facilities, and amusement and recreational services, such as billiard and pool parlors, dance studios, martial art schools, and arts and crafts studios, but not

DEFINITIONS



including bowling alleys or establishments which have large-scale gymnasium-type facilities for such activities as tennis, roller or ice skating, and/or competitive swimming.

"Infrastructure" means those man-made structures which serve the common needs of the population, such as: potable water systems, potable water wells serving a system, non-potable water systems for irrigation; waste water disposal systems, solid waste disposal sites or retention areas; storm drainage systems; utilities; bridges; roadways; bicycle paths and trails; pedestrian sidewalks, paths and trails.

"Institutional/Civic/Public Uses" means those uses set forth in Section 1.3.1 of the GDP.

"Landscaping" or "Landscaped" means any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grassed, and may include structural features such as walkways, fences, benches, works of art, reflective pools, fountains or the like. Landscaping shall also include irrigation systems, mulches, topsoil use, soil preparation, re-vegetation or the preservation, protection and replacement of existing trees.

"Larimer County Records" means the records of the Clerk and Recorder of Larimer County, Colorado.

"LCUASS" means the Larimer County Urban Area Street Standards adopted by the City, and all amendments thereto.

"Level of Service" means the level of service standards as defined in the Municipal Code.

"Light Commercial Uses" means those uses listed in Section 1.3.3 of the GDP.

"Light Industrial Uses" means those uses listed in Section 1.3.6 of the GDP.

"Light Manufacturing" means manufacturing that is predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products provided all manufacturing activities are contained within a building.

"Live / Work Structure" means a Building incorporating a Dwelling Unit with a first floor (and possibly second-floor) retail, office, or other non-residential use allowed as a part of an Urban Character village in a MUN or as part of a residential neighborhood not within a MUN.

"Lot" means a portion of a subdivision intended as a unit for transfer of ownership or for development, which has access to a public right-of-way.

"LURA" shall mean the Loveland Urban Renewal Authority.

"Major Subdivision" or "Subdivision" means all subdivisions not falling within the definition of a Minor Subdivision, and which are not Boundary Line Adjustments or lot mergers. Except where otherwise specified or where the context requires otherwise, the term subdivision as used herein shall mean Major Subdivision.

~~"Manufacturing" means a facility wherein goods are produced or repaired, using necessary equipment for the manufacturing of materials or products from extracted or raw materials.~~

"Maximum Extent Feasible" means that no feasible and prudent alternative exists, and all possible efforts to comply with the standard or minimize potential harm or adverse impacts have been undertaken.

"May" when used, will be given its permissive meaning.

“Metropolitan District” includes all existing and future metropolitan districts within the GDP, but not limited to, the Centerra Metropolitan Districts and the Van deWater Metropolitan Districts.

“MFA” means the Centerra Master Financing and Intergovernmental Agreement by and among the City, the LURA, Centerra Properties West, LLC, the Centerra Metropolitan District No. 1, The Centerra Public Improvement Collection Corporation and The Centerra Public Improvement Development Corporation dated January 20, 2004 and on file with the City.

“MFA Commercial Area” means that real property legally described on Exhibit “B” to the MFA, subject to addition of future inclusions and deletion of future exclusions approved by the City Council. The MFA Commercial Area is the same as the area included in the Centerra Metropolitan District No. 2 and the area subject to The US 34/Crossroads Corridor Renewal Plan.

“Minor Subdivision” means the division of land into no more than four additional lots, as defined in Chapter 16.08 of the Municipal Code.

“Mixed Use Residential” means residential uses located in the same Building with non-residential uses.

“Mixed Use Residential Building” means a Building containing Mixed Use Residential uses in which the floor area of the non-residential uses shall be reasonably equivalent to, or greater than, the floor area of the first floor of such Building, exclusive of any parking floor area located on the first floor of the Building.

“Mixed Use Structure” means a Building intended to house multiple tenants of varying uses, such as retail, office, and/or residential. Mixed Use Structures accommodate residential and non-residential uses as distinct tenants rather than being designed to allow individual tenants to mix residential uses with

non-residential uses in a single lease space as is the case with Live/Work Structures.

“Mixed Use Village Center” means a concentration of development that provides a combination of uses in the same general area of a community and/or within a single Building. For example, a mixed-use Building could have several floors. On the bottom floor, the space could be dedicated to retail or offices. The remaining floors could be apartments or condominiums. Another example would be a retail district that is closely related to offices, Multi-Family Dwellings and Single Family Attached Dwellings, with each use located within separate structures creating a dense urban concentration.

“Multi-Family Dwelling” means a Building or lot with six or more separate Dwelling Units, two stories or more in Height located on a single Lot. The units may be sold as condominiums or cooperatives, or for rental as apartments. A Multi-Family Dwelling does not include Single Family Attached Dwellings, Townhomes, Hotels, Motels, or Live/Work Structures.

“MUN” means a residential mixed-use neighborhood which is a residential area – typically of 50 to 160 acres - comprising one or more interconnected Immediate Neighborhoods designed to be served with a common collector street system, and typically having identifiable edges and one or more Centers within walking distance (1650'±) of most neighborhood residents. In this context an Immediate Neighborhood is a cohesive sub-area within a mixed-use neighborhood frequently (but not always) made up of one or two housing types. Edges are elements such as major streets, open space corridors, lakes, or other geographic features that define the perceived limits of the larger neighborhood. Centers serve as focal points or community gathering sites, and may include parks, village greens, plazas, gardens, or Urban Character Villages.

“Municipal Code” means the City of Loveland Municipal Code, as amended from time to time.

DEFINITIONS

"Must" means compliance is mandatory, unless the context requires otherwise.

"Neighborhood Support / Recreational Facilities" means recreation / pool facilities and/or meeting rooms intended for the use and enjoyment of residents and guests of the adjacent neighborhood.

"Net Acre" means the area of developable land of a site, excluding land being dedicated for public rights-of-way or other public uses (i.e., schools, and parks).

"Net Density" means the number of Dwelling Units per net acre of land.

"Non-Residential Environmental Fees" means those HPEC fees imposed at the time of building permit issuance on the square footage of non-residential Buildings in accordance with the applicable Special Conditions.

"Nursing Care Facilities" means health institutions that are planned, organized, operated and maintained to provide facilities and health services with related social care to inpatients who require regular medical care and twenty-four-hour per day nursing services for illness, injury or disability. Nursing Care Facilities may specialize in short term or acute nursing care, intermediate or long term skilled nursing care.

"Open-Air Farmers Market" means a permanent or temporary/seasonal outdoor market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and craft items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

"Open Space" means either Private Open Space or Common Open Space, or a combination thereof.

"Open Space, Common" means areas within a Development Project, not included in Lots or golf courses and includes drainageways, active and passive Recreation Spaces including Accessory Uses related to the operation of such facilities such as toilet/locker rooms and parking lots, platted Outlots, landscaped areas, landscaped entries, landscaped roofs, landscaped right-of-ways, lakes, ponds, bikeways, trails, sidewalks, plazas, ditch corridors and other irrigation facilities.

"Open Space, Private" means those areas within each individual Lot not covered by Building, parking or driveways and includes all open areas, drainageways, active and passive Recreation Spaces including related Accessory Uses, all landscaped areas, landscaped entries, landscaped roofs, landscaped islands, lakes, ponds, bikeways, trails, sidewalks, plazas, courtyards, irrigation facilities, and structural parking covered by plazas. See also Section 6.6 and 6.7.

"Outdoor Storage" means the keeping, in an unroofed area, of equipment, goods, junk, material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

"Outdoor Storage, Recreational Vehicles, Boats, and Trucks" means the keeping, in an unroofed area, recreational vehicles, boats and trucks in the same place for more than twenty-four (24) hours.

"Outlot" means a portion of land included in a subdivision that is not intended for development with Buildings containing residential, commercial or industrial uses. It may or may not have public right-of-way access. Common uses include, but are not limited to, easements, recreation gardens, Common Open Space or drainage detention. Nothing herein prevents an Outlot from being further subdivided into smaller Lots provided it meets all City requirements therefor.

"Parking Garage or "Parking Structure" means an off-street parking area within a Building.

MILLENNIUM GDP

“Parking Ratio” means the number of parking spaces required in relation to some measure of development intensity – the number of bedrooms in a Dwelling Unit, number of Dwelling Units, or amount of square footage. With the exception of certain restrictions in Urban Character Villages, the parking ratio requirements in this GDP are minimums. Additional parking may be provided at the developer’s discretion providing other standards are met. Within certain areas of MUNs – as noted in this GDP – the required parking may include all allowed on street parking on the adjacent side of each surrounding local or collector street.

“Parks and Open Space Uses” means those uses listed in Section 1.3.9 of the GDP.

“Patio Home” means a primarily Single Family Detached Dwelling that is built on or close to the Lot’s outer boundary(s) and having either a small front yard or small back yard. The yard maintenance may or may not be handled by a neighborhood association.

“Performance Standards” means the performance standards contained in Section 6 through 10 of the GDP, which address design considerations including, but not limited to, architectural, site planning, landscaping, streetscape and sign elements for all development within the GDP.

“Personal and Business Service Shops” means shops primarily engaged in providing services generally involving the care of the person or such person’s apparel or rendering services to business establishments such as laundry or dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.

“Personal Wireless Services” and “Personal Wireless Service Facilities,” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services and the facilities for the provision of such services, as de-

finied in Title 47, United States Code, Section 332, as amended from time to time.

“Pet Day Care Facility” means a facility providing such services as canine day care for all or part of a day, obedience classes, training, grooming and /or behavioral counseling, provided that overnight boarding is not permitted.

“Planned Capital Improvements” means a capital improvement or an extension or expansion of a capital improvement which does not presently exist, but which is included within a capital improvement program.

“Planned Retail Center” means a retail development containing two or more individual tenants and more than 25,000 gross square feet.

“Planning Commission” means the Planning Commission of the City as duly constituted by law.

“Preliminary Plat” means the plat of a proposed subdivision and specified supporting materials, drawn and submitted in accordance with the Regulatory Procedures, for the purpose of reviewing and evaluating the proposal prior to submission of a Final Plat. A preliminary plat is not a plat for purposes of C.R.S. § 31-23-215.

“Principal Structure” or “Primary Structure” means a structure in which is conducted the main or Principal Use of the Lot on which said Building is located.

“Principal Use” or “Primary Use” means the primary or predominant use of any Lot or Tract, as permitted under the GDP.

“Print Shops” means an establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint or offset printing equipment, and may include the collating of booklets and reports.

DEFINITIONS

“Public Facilities” means public transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems, electric utilities, gas utilities, cable facilities or other public facilities.

“Public Use” or “Public Area” means any use intended to be conducted in a facility or upon land which is owned by and operated for public use by school districts or by city, county, state or federal governments.

“Public Review” means the approved processes for the review of Development Projects for Uses-by-Right as defined in Section 12.3.3.A.2 of the Regulatory Procedures.

“Public Works Director” means the director of the City’s Department of Public Works or that person’s designee.

“PVH Agreement” means the PVH Annexation Agreement by and among the City, its Water, Wastewater and Sewer Enterprises, Centerra Office Partners, LLC, Centerra Properties West, LLC, Cloverleaf Development Corporation, Hahn Development Company, LLC, and Poudre Valley Health Care, Inc. dated April 8, 2003 and recorded in the records of the Larimer County Clerk and Recorder on June 3, 2003 at Reception No. 2003-0067059.

“PVH Commercial Area” means that real property depicted and described on Exhibits F-1 and F-2 to the PVH Agreement.

“PVH Project” means the Hospital and Related Facilities as defined in the PVH Agreement to be constructed on the PVH Property.

“PVH Property” means that real property subject to the PVH Agreement and approved for development

of the PVH Project, the legal description of which is attached to the PVH Agreement as Exhibits A-2, B and D.

“Recreational Facilities” means structures, or open areas including features and/or equipment specifically intended for recreational use.

“Recreational Space” means space, which is designed for active or passive recreational use for more than three (3) families. This may include indoor spaces: Recreational Facilities or structures and their Accessory Uses located in approved areas, including but not limited to game rooms, swimming pools, gymnasiums, bowling alleys, exercise rooms and tennis and racquetball courts; If the Recreational Space is to be owned an/or maintained by an association, residents of the Development Project for which the facility is planned shall automatically become members without additional charge.

“Regulatory Procedures” means those regulatory procedures set forth in Section 12 of the GDP which define submittal requirements and review processes for Development Projects within the GDP, including but not limited to, processes for Administrative Review and Public Review of Development Projects containing Uses-by-Right, and processes for Special Review Uses, subdivision plats, Variations, Appeals and amendments.

“Research and Development Facilities” means single Building sites as well as multiple Building complexes for users involved in high technology research and development. Uses may include, but not be limited to, computer hardware and software development, bio-medical research, pharmaceutical manufacturing, environmental or otherwise “high-technology” engineering. Accessory Uses may include those involved in the receipt, storage and distribution of products and materials required in the manufacturing process incidental to the research and development use and similar uses related thereto.

MILLENNIUM GDP

“Research Laboratories” means a Building or group of Buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

“Residential Environmental Fees” means those HPEC fees imposed at the time of building permit issuance on the square footage of Dwelling Units in accordance with the applicable Special Conditions.

“Residential Uses” means those uses listed in Section 1.3.2 and Section 1.3.10.B of the GDP.

“Restated Agreement” shall mean the Amended and Restated Annexation and Development Agreement for the Millennium GDP and any future amendments thereto.

“Restaurant, Drive-In” means any establishment in which the principal business is the sale of foods and beverages to the customer in a ready-to-consume state and in which the design or principal method of operation of all or any portion of the business is to allow food or beverages to be served directly to the customer in a motor vehicle without the need for the customer to exit the motor vehicle.

“Restaurant, Fast Food” means any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes both of the following characteristics: food and beverages are usually served edible in containers or in paper, plastic or other disposable containers: The consumption of food and beverages is encouraged or permitted within the restaurant Building, elsewhere on the premises or for carryout. This type of business commonly has a drive-through facility.

“Restaurant, Indoor and Outdoor” means any establishment in which the principal business is the sale

of food and beverages to customers in a ready-to-consume state: where fermented malt beverages, and/or malt, special malt or vinous and spirituous liquors may be produced on the premises and an accessory use; and where the design or principal method of operation includes one (1) of both of the following characteristics: customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; and customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant Building or within a fenced in outdoor seating area on the sidewalk or other open area adjoining the restaurant premises.

“Retail Establishment” or “Retail Store” means the sale or rental of goods or merchandise to the general public for personal or household consumption or to services incidental to the sale or rental of such goods or merchandise. Retail establishments over 10,000 square feet include power centers and life style centers.

“Right-of-Way” or “ROW” means an interest in real property conveyed to the public, the City and/or public utilities which have been constructed or will be constructed, for public transportation, drainage or utility improvements including but not limited to street paving, curb and gutter, sidewalks, bicycle lanes and buried or overhead utilities.

“School District” means the Thompson R2-J School District.

“School District IGA” means the Intergovernmental Agreement Concerning Land Dedication or Fees In Lieu for School Purposes between the School District and the City dated January 23, 1996.

“Senior Housing of a Non-Residential Nature” means housing for seniors that does not include residential Dwelling Units. Individual living quarters may include a private or shared bedroom and a bathroom, but may not include a kitchen. Residents may share a common living room, dining room, kitchen,

DEFINITIONS

supportive services and/or personal care services. Examples of these facilities could include: Adult Day/Respite Care Facilities; Alzheimers Facilities; Assisted Living Facilities; Congregate Care Housing Developments; Congregate Care Facilities; Continuing Care Retirement Communities; Independent Living Communities, Group Homes/Group Care Facilities, Nursing Care Facilities and other similar facilities.

“Senior Housing of a Residential Nature” means housing for seniors where individual living quarters are considered residential Dwelling Units. Housing types may include: Single Family Detached Dwellings, Single Family Attached Dwellings, Condominiums and Multi-Family Dwellings. These housing types may integrate private Dwelling Units with optional congregate meals, socialization activities and a range of non-health-related supportive assistance such as housekeeping, counseling and transportation. Examples of these facilities could include: Adult Day/Respite Care Facilities; Alzheimers Facilities; Assisted Living Facilities; Congregate Care Housing Developments; Congregate Care Facilities; Continuing Care Retirement Communities; Independent Living Communities, Nursing Care Facilities and other similar facilities.

“Setbacks” means the required distance between the furthestmost projection of a structure or parking lot and the property line of the lot on which the structure or parking lot is located. Required setbacks shall be unobstructed from the ground to the sky except as specified in Section 6.3.

“Shall” means compliance is mandatory, unless the context requires otherwise.

“Shared Parking” means required parking that is provided both on-site and private lot where the same parking spaces are assigned to more than one (1) use at one (1) time.

“Similar” means resembling each other in some ways. Similar does not mean the same or equal.

However, it does mean substantially equal in terms of visual appearance and/or quality of materials, as determined by the Director.

“Single Family Attached Dwelling ” means a Dwelling Unit which may be individually owned and which shares a common wall with one or more Dwelling Units, which may be – but are not required to be – on fee-simple Lots, attached in groups of two to five units. Buildings shall be three stories or less in height. Units commonly have direct access to outdoor area.

“Single Family Detached Dwelling” means a detached Building, arranged and designed as a single Dwelling Unit other than a mobile home.. Examples include: Single Family Detached Dwellings, Patio Homes, Zero Lot Line homes and other similar dwellings.

“Special Condition” or “Special Conditions” means and refers to those conditions of development which are applicable to Development Projects within designated parcels or Subparcels of the GDP in accordance with the Controlling Documents and as set forth as Appendices 2-1, 3-1, 4-1 and 5-1 to Sections 2 through 5, respectively, of the GDP.

“Special Review Uses” means those uses listed in the land use legends on Maps 4, 5, 6 and 7 of the GDP which are reviewed in accordance with Section 12.3.3.B.

“Start of Construction” means and includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land prepa-

ration, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of temporary structures or Accessory Buildings, such as garages or sheds not occupied as Dwelling Units or not part of the main structure.

"State" means the state of Colorado.

"Street" or "Streets" means those roadways including, but not limited to, arterial, collector, cul-de-sac, local and private streets, as defined in the Municipal Code or the City's applicable street standards (currently LCUASS).

"Submittal Checklist" or "Submittal Checklists" means those lists of items that are required to make a Complete Application as approved and amended by the Director.

"Subparcel" means a defined portion of Parcel A, B, C or D as defined in Sections 2, 3, 4 and 5 of the GDP. For example, the land included in the areas depicted as A-1, A-2 or A-3, etc., as shown on Map 4 in Section 11 of the GDP, are Subparcels.

"Technical Standards" means those technical standards, specifications and regulations contained in or adopted by the City pursuant to the Municipal Code for the construction of Buildings and public improvements (e.g., streets, sanitary sewer, water, storm water improvements, and the like).

"Townhome" – See definition for Single Family Attached Dwelling.

"Tract" means a portion of a subdivision intended as, but not limited to, a unit for transfer of ownership or for development, typically being substantially larger than a Lot and intended for large scale development, future subdivision into smaller Lots, or

preservation as open space or buffer yards, in accordance with dedications or notes on the plat.

"Traffic Study" or "TIS" means a traffic impact study, the requirements of which are set forth in LCUASS.

"Transit Facility" means a bus stop, bus terminals, transfer points or depots without vehicle repair or storage.

"Transportation Engineering Division" means the engineering and transportation division of the City's Department of Public Works.

"Transportation Plan" means the City of Loveland 2020 Transportation Plan as amended or superseded.

"Two Family Attached Dwelling" See definition for Single Family Attached Dwelling.

"Type 1 Zoning Permit" means and refers to the permit issued by the City following the City's administrative approval of a change of use of an existing building based upon its administrative review of a site and landscape plan for the proposed change of use.

"Type 2 Zoning Permit" means and refers to the permit issued for a Special Review Use by the City following the City's administrative approval of the use.

"Type 3 Zoning Permit" means the permit for a Special Review Use issued by the City following the Planning Commission's approval of the use.

"Urban Character Village" means a mixed-use Immediate Neighborhood planned with design elements that create a more "urban," and less "suburban," streetscape. These elements may include minimal front Setbacks, a block face dominated by building frontages rather than parking areas, pedes-

DEFINITIONS

trian amenities, “downtown/storefront” architectural elements, outdoor seating areas and/or other small community gathering areas. A variety of uses are permitted within an Urban Character Village to create and protect an appropriate character, refer to Section 9.7.1 for examples of these uses and additional planning criteria.

“US 34” means and refers to United States Highway 34.

“Uses-by-Right” means those uses listed in the land use legends on Maps 4, 5, 6 and 7 of the GDP which are reviewed in accordance with Section 12.3.3.A or 12.3.3.C.

“Variation” means a grant of relief from the requirements of the Performance Standards that permits construction in a manner that would otherwise be prohibited by the GDP.

“Vehicle Major Repair, Servicing and Maintenance” means any Building, or portion thereof, where heavy maintenance activities such as engine overhauls, automobile/truck painting, body or fender work, welding or the like are conducted. Such use shall not include the sale of fuel, gasoline or petroleum products.

“Vehicle Minor Repair, Servicing and Maintenance” means the use of any Building, land area, premises or portion thereof, where light maintenance activities such as engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing or the like are conducted.

“Vested Property Rights” means the right to undertake and complete the development and use of property in the GDP under the terms and conditions of the Controlling Documents and applicable law.

“Vesting Period” means the various periods of Vested Property Rights afforded Parcels and Subparcels within the GDP as set forth in Section 7 of the Restated Agreement.

“Warehouse” means a Building used primarily for the storage of goods or materials.

“Warehouse and Distribution” means a use engaged in storage, wholesale, and distribution of manufactured products, supplies or equipment, including accessory offices or showrooms, including incidental retail sales, but excluding bulk storage of materials that are explosive or that create hazardous or commonly recognized offensive conditions.

“Will” means compliance is mandatory, unless the context requires otherwise.

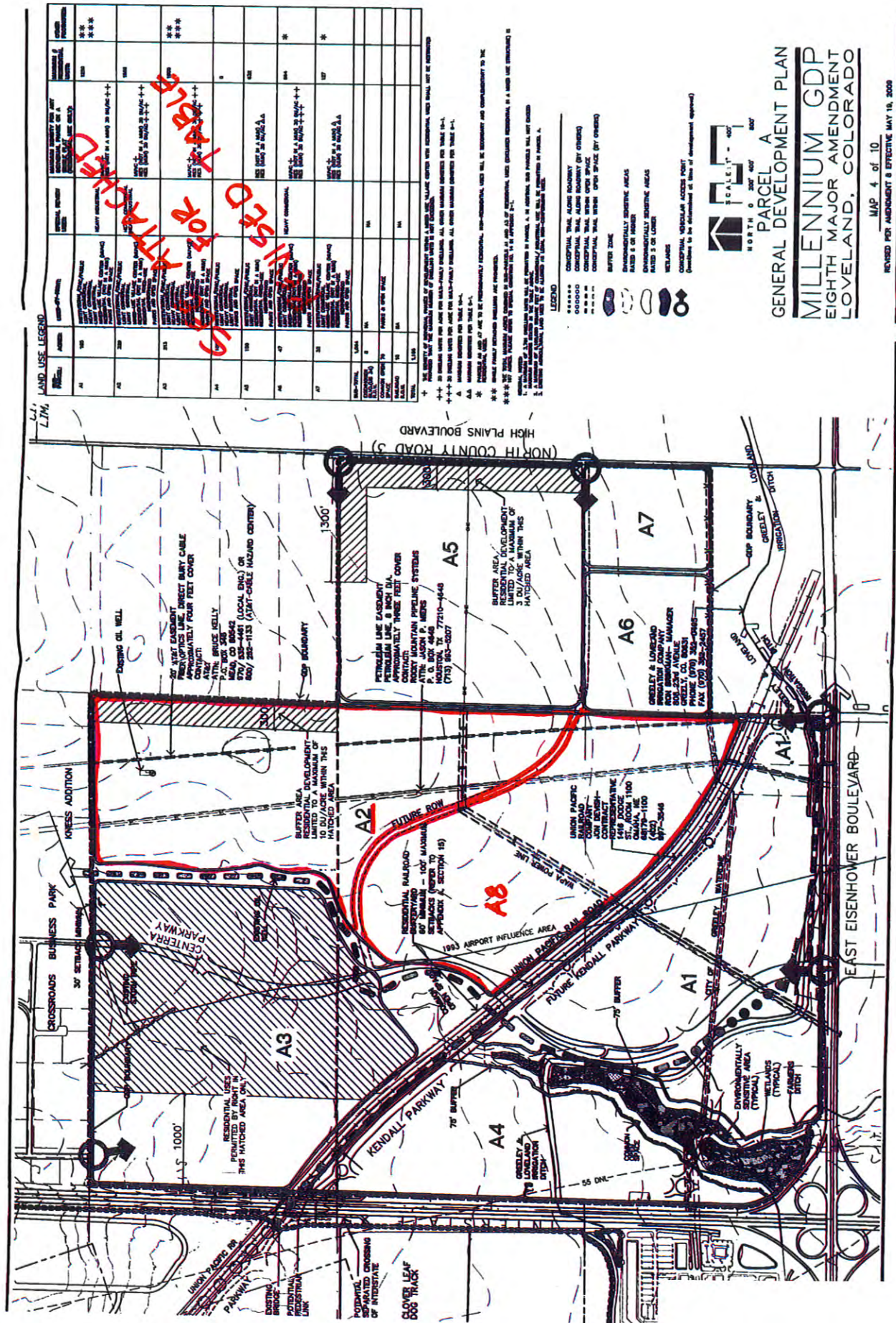
“Wireless Telecommunication Facility” means any freestanding facility, Building, pole, tower or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.

“Wireless Telecommunications Services” means services providing for the transmission of wireless communications utilizing frequencies authorized by the Federal Communications Commission for paging systems, enhanced specialized wireless telecommunications, personal communication services or cellular telephone.

“Workshop and Custom Small Industry” means a facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, including small engine repair, furniture making and restoring, upholstering, custom care or motorcycle restoring or other similar uses.

“Zero Lot Line Home” is a Building or structure which satisfies one of the following criteria: 1) a structure with at least one (1) wall coterminous with the Lot line, which wall may include footings, eaves and gutters that may encroach onto the abutting Lot under the authority of an encroachment and mainte-

nance easement; or 2) a Building or structure that is generally “centered” between its own side Lot lines, and using cross maintenance and access agreements each property owner is entitled to use a portion of one adjacent Lot; or 3) a similar condition to #2 above, but having unequal side yard Setbacks.



MAP 4 OF 10 LAND USE LEGEND

SUB-PARCEL:	ACRES:	USES-BY-RIGHT:	Item 14 SPECIAL REVIEW USES:	MAXIMUM DENSITY FOR ANY INDIVIDUAL PHASE ON A SINGLE PLAT (RESIDENTIAL USE ONLY):	MAXIMUM # RESIDENTIAL UNITS:	OTHER FOOTNOTES:
A1	185	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Mixed-Use Village Center (MUVUC) Residential (Not in a MUN) Parks and Open Space	Heavy Industrial	MUVUC+ RES (not in a MUN) 30 DU/AC ++	1250	** ***
A2	185329	Institutional/Civic/Public Light Commercial Light Industrial Mixed-Use Village Center (MUVUC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space	Heavy Commercial Heavy Industrial	MUVUC+ RES (Not in a MUN) 30 DU/AC++ RES (MUN) 30 DU/AC+++	8801568	
A3	213	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Heavy Industrial Mixed-Use Village Center (MUVUC) Residential Mixed-Use Neighborhood Residential (Not in a MUN) Parks and Open Space		MUVUC+ RES (Not in a MUN) 30 DU/AC++ RES (MUN) 30 DU/AC+++	1000	** ***
A4	100	Institutional/Civic/Public Light Commercial Heavy Commercial Light Industrial Parks and Open Space			0	
A5	158	Institutional/Civic/Public Light Commercial Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space		RES (Not in a MUN) Δ RES (MUN) 30 DU/AC Δ Δ	632	
A6	47	Institutional/Civic/Public Light Commercial Mixed-Use Village Center (MUVUC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space	Heavy Commercial	MUVUC+ RES (Not in a MUN) Δ RES (MUN) 30 DU/AC Δ Δ	664	*
A7	32	Institutional/Civic/Public Light Commercial Mixed-Use Village Center (MUVUC) Residential (Not in a MUN) Residential Mixed-Use Neighborhood Parks and Open Space		MUVUC+ RES (Not in a MUN) Δ RES (MUN) 30 DU/AC Δ Δ	127	*
A8	144	<u>Institutional/Civic/Public</u> <u>Light Commercial</u> <u>Heavy Commercial</u> <u>Light Industrial</u> <u>Mixed-Use Village Center (MUVUC)</u> <u>Residential (Not in a MUN)</u> <u>Parks and Open Space</u>	<u>Heavy Industrial</u>	<u>MUVUC+</u> <u>RES (not in a MUN) 30 DU/AC ++</u> <u>RES (MUN) 30 DU/AC+++</u>	<u>688</u>	
Sub-Total	1,064					
Eisenhower Blvd. (US34) R.O.W	8	NA	NA			
Common Open Space	76	Parks & Open Space				
Railroad R.O.W.	18	NA	NA			
TOTAL	1,166					

+ The density of individual phases of development within a Mixed-Use Village Center with Residential uses shall not be restricted provided that the maximum number of dwelling units is not exceeded.

++ 30 Dwelling Units per acre for Multi-Family Dwellings. All other maximum densities per Table 10-1.

+++ 30 dwelling units per acre for Multi-Family Dwellings. All other maximum densities per Table 9-1.

Δ Maximum densities per Table 10-1.

Δ Δ Maximum densities per Table 9-1.

* Parcels A6 and A7 are to be predominantly Residential Non-Residential uses will be secondary and complemer

** Single Family Detached Dwellings are prohibited.

*** The total maximum acres combined in sub-parcels A1 and A3 of Residential uses (Excludes Residential in a Mi: Please refer to special condition No. 14 in Appendix 2-1.

ATTACHMENT 5

GENERAL NOTES:

1. A maximum of 3,751 dwelling units will be permitted in Parcel A. In addition, sub parcels will not exceed maximum lot sizes established by Ordinance 14-00000.
2. A maximum of 8,100,000 square feet of Commercial / Industrial use will be permitted in Parcel A.
3. Existing agricultural land uses to be allowed as legal non-conforming uses.

Item 14

Exhibits to Staff Report, Page 240