



Development Services Current Planning

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Planning Commission Staff Report

March 25, 2013

Agenda #: Regular Agenda - 1
Title: Fire Station No. 2 Addition
Applicant: City of Loveland Fire Rescue Authority, Randy Mirowski, Fire Chief
Request: Annexation and Zoning
Location: South of West 29th Street and approximately 900 feet west of North Wilson Avenue.
Existing Zoning: County FA -Farming
Proposed Zoning: R1 - Developing Low Density Residential
Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the annexation and zoning..

Recommended Motions:

1. *Move to make the findings listed in Section VIII of the Planning Commission staff report dated March 25, 2013 and, based on those findings, recommend that City Council approve the Fire Station No. 2 Addition, subject to the condition listed in Section IX, as amended on the record, and zone the addition R1 Developing Low Density Residential.*

Summary of Analysis

This is a public hearing concerning the annexation and zoning of a 3 acre parcel owned by the City and 3.4 acres of existing West 29th Street right-of-way. The property would be annexed and zoned to facilitate the development of a new fire station on the south side of West 29th Street. The new fire station would replace the existing Fire Station #2 located on Taft Avenue, south of W. 29th Street in the North Lake Park. The hearing is to consider the following items:

- An annexation of 6.43 acres; and
- A zoning of the property to R1- Developing Low Density Residential District.

Staff believes that all key issues have been resolved based on City Code and standards. The development of the fire station, which is currently in a conceptual stage, will require a special review application and a subsequent neighborhood meeting. Special review applications can be approved administratively, however there is an appeal period in which an application can be appealed to a public hearing with the Planning Commission.

I. SUMMARY

This proposal is to annex and zone 6.43 acres, which includes a 3 acre parcel that is owned by the city and 3.43 acres of right-of-way on West 29th Street. The property, which is vacant, was purchased by the city to develop a new fire station that will replace Fire Station #2 located on Taft Avenue in the North Lake Park. The property is located on the south side of West 29th Street, approximately 900 feet west of Wilson Avenue (see vicinity map on page 3). The applicant, which is the Loveland Fire Rescue Authority, proposes to annex this property and zone it R1 - Developing Low Density Residential in compliance with the city's Master Plan.

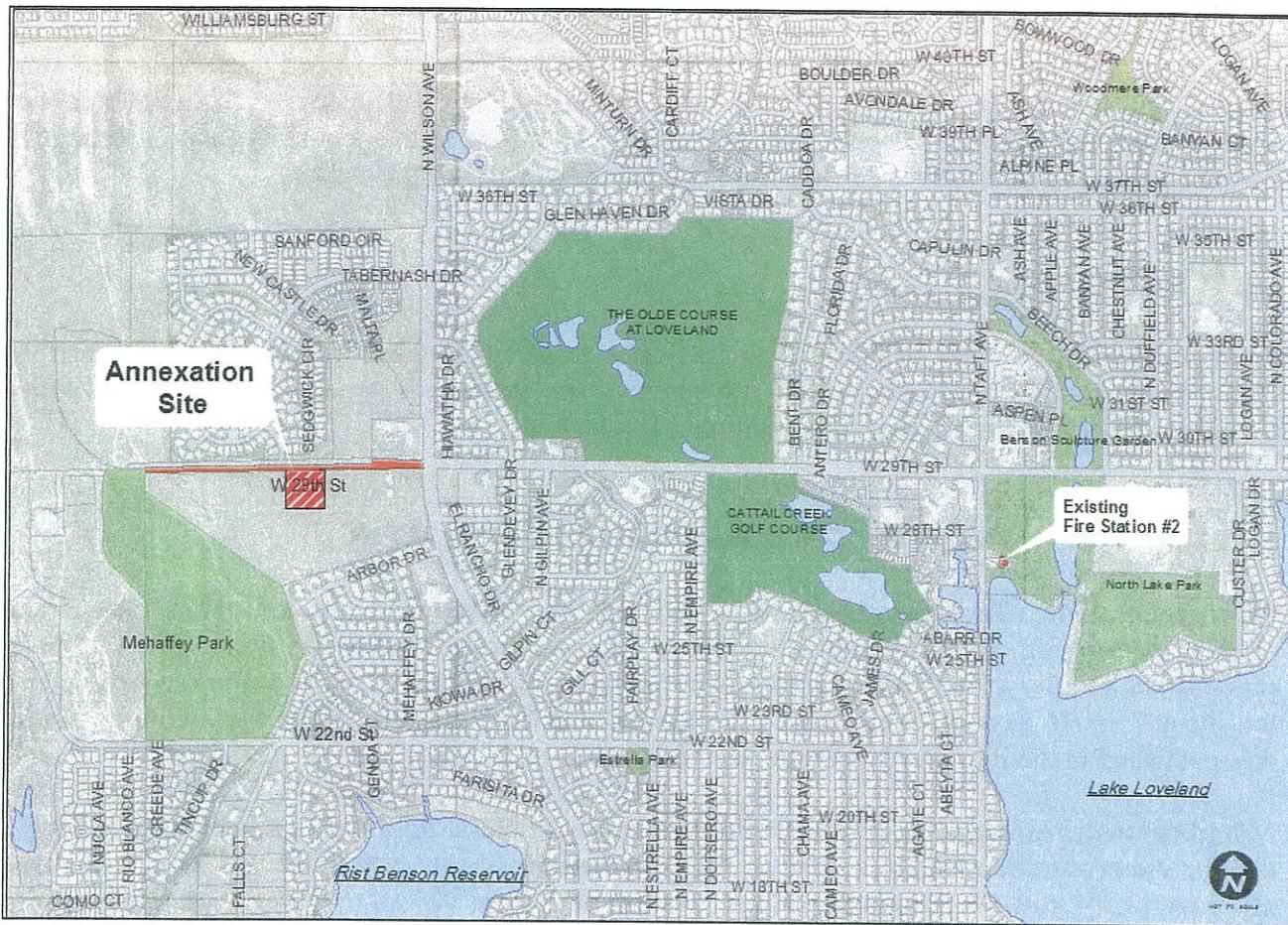
The city's determination to purchase property at this location for a replacement fire station was based on the results from an Insurance Service Office (ISO) report that identified that the city was short a heavy rescue service and engine company in the northwest portion of the city. The ISO report was based on the number of calls that the Fire Authority receives from this area. The location of the existing Fire Station #2 in North Lake Park creates overlapping service areas with Fire Station #1 and #5 and does not provide the services needed in the northwest area of the city. A review of the data from the ISO report indicated that the best coverage location for a new site would be on West 29th Street and Wilson Avenue.

The design of the fire station is in a conceptual planning stage. It is anticipated that the station would house a heavy rescue company and an engine company with a maximum of 8 persons at the facility per day. While a conceptual site plan and building elevations are included as **Attachments 2 and 3** in this report, these plans are for information purposes only and convey a general concept or potential for the orientation of the building. The plans have not been formally submitted to the City or presented to the neighborhood. In the R1 zone district, the development of a fire station requires approval of a special review. The special review procedures require a neighborhood meeting and provide an opportunity for public input. A special review can be approved administratively by the Current Planning Division, however the process includes an appeal period in which the application can be appealed to a public hearing with the Planning Commission.

II. ATTACHMENTS

1. Chapter 18.12 R1 - Developing Low Density Residential
2. Conceptual site plan
3. Conceptual building elevations
4. Annexation Map

III. VICINITY MAP



IV. SITE DATA

A. ANNEXATION

ACREAGE OF SITE GROSS	6.43 AC
ACREAGE OF RIGHT-OF-WAY	3.43 AC
MASTER PLAN DESIGNATION	LOW DENSITY RESIDENTIAL
EXISTING ZONING	LARIMER COUNTY FA FARMING
PROPOSED ZONING	R1 DEVELOPING LOW DENSITY RESIDENTIAL
EXISTING USE	VACANT
EXIST ADJ ZONING & USE - NORTH	PUD HUNTERS RUN / SF RESIDENTIAL
EXIST ADJ ZONING & USE - SOUTH	COUNTY FA / VACANT FARMED LAND
EXIST ADJ ZONING & USE - WEST	COUNTY FA / VACANT FARMED LAND
EXIST ADJ ZONING & USE - EAST	COUNTY FA / VACANT FARMED LAND
UTILITY SERVICE - WATER, SEWER	CITY OF LOVELAND
UTILITY SERVICE - ELECTRIC	CITY OF LOVELAND

V. KEY ISSUES

City staff believes that all key issues associated with the annexation and zoning request have been addressed. At the neighborhood meeting, there were questions and concerns voiced about noise and other impacts resulting from the development of a fire station (see Section VII.B, below). The neighbors were provided information regarding the special review process and informed that a neighborhood meeting will be held in the future to discuss the specific design and related impacts of the station.

VI. BACKGROUND

The Loveland Fire Rescue Authority purchased the 3 acre property proposed for annexation in December of 2012 for the purpose of developing a new fire station. The property is zoned FA Farming in Larimer County and has historically been used for agricultural production.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** An affidavit was received from Merlin Green with the Loveland Fire Rescue Authority certifying that written notice was mailed to all property owners within 1,000 feet of the property on February 7, 2013 and notices were posted in a prominent location on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on March 9, 2013.
- B. Neighborhood Response:** A neighborhood meeting was held at 5:30 p.m. on February 25, 2013 at the Fire Administration Building. The meeting was attended by 11 neighbors and interested parties along with City staff. At the meeting, there were no objections voiced to the annexation and zoning requests, however there were questions and concerns raised about the impacts of the development of a fire station on the neighborhood. Comments voiced included noise and traffic impacts, questions on why the location was chosen and declining property values. Merlin Green, Division Chief/Fire Marshall, explained the operation side of the city's fire stations and how they worked to reduce impacts on the neighborhood, such as not turning on sirens until outside of the neighborhood area. Two additional outreach meetings with the Hunter's Run Home Owners Association are being held the week before the Planning Commission hearing. Planning staff also explained the process and public involvement with the special review application, which will be the next step in the development of the fire station. The neighbors and residents were informed that there would be another neighborhood meeting for the design and development of the fire station with the special review process.

VIII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code.

Annexation and Zoning

A. Annexation Policies and Eligibility

1. **Loveland Comprehensive Master Plan, Section 4.2**
 - a. **Annexation ANX2.A:** *Whether the annexation encourages a compact pattern of urban development.*
 - b. **Annexation ANX2.B:** *Whether the annexation would result in the creation of an enclave*
 - c. **Annexation ANX5.B:** *Whether the applicant has demonstrated that reasonable efforts have been made to assemble adjoining land parcels to allow for the preparation of a master plan for a larger area, rather than submit separate individual proposals.*
 - d. **Annexation ANX1.C and 6:** *Whether the annexation encourages infill development and ensures that land is immediately contiguous to other land in the City that is already receiving City services, discouraging leapfrog and scattered site development.*
 - e. **Growth Management GM7:** *Whether the land proposed for annexation is within the City of Loveland Growth Management Area.*
2. **Loveland Municipal Code, Section 17.04.020:** *The annexation complies with the laws of the State of Colorado regarding annexation and the property proposed for annexation is otherwise eligible to be annexed because there is at least one-sixth contiguity between the City and the area seeking annexation and there is no evidence that two or more of the following conditions have been met:*
 - a. *Less than 50% of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial or commercial facilities of the municipality and less than 25% of its adult residents are employed in the annexing municipality.*
 - b. *One-half or more of the land proposed to be annexed is agricultural, and the landowners of such agricultural land have expressed an intention under oath to devote the land to agricultural use for at least five years.*
 - c. *It is not physically practical to extend urban service which the municipality provides normally.*

Planning: Staff believes that the findings can be met, based on the following facts:

A.1.a & d. The development of the fire station will encourage a compact pattern of urban development and will not be leapfrog or scattered site development. The land is immediately contiguous to other land in the City that is already receiving City services.

A.1.b. No new enclaves will be created by this annexation and there is no evidence that two or more of the conditions listed in Section 17.04.020 of the Municipal Code, cited above, have been met. The property being annexed is part of a larger county enclave. The property owner of the remainder of the enclave has indicated a desire to remain in the county and continue the farming operation on the site.

A.2. The annexation complies with the Colorado State Statutes regarding annexation of lands and is within the City's Growth Management Area.

B. City Utilities/Services and Transportation

1. **Loveland Comprehensive Master Plan, Section 4.2**
 - a. **Annexation ANX1.A and B:** *Whether the annexation of land minimizes the length of vehicle trips generated by development of the land and whether the annexation minimizes the short and long term costs of providing community facilities and services for the benefit of the annexed area.*
2. **Loveland Municipal Code**
 - a. **Section 17.04.040:**
 - (i) *Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the City in order that the public needs may be served by such facilities and services. Such facilities include, but are not limited to, parks and recreation areas, schools, police and fire station sites, and electric, water, wastewater and storm drainage facilities. Such services include, but are not limited to, fire and police protection, provision of water, and wastewater services.*
 - (ii) *Whether the annexation and development pursuant to the uses permitted in the zone district will create any additional cost or burden on the existing residents of the City to provide such facilities and services in the area proposed for annexation.*
 - (iii) *The annexation complies with the water rights requirements set forth in Title 19 of the Loveland Municipal Code.*
 - b. **Section 17.04.040,:** *Whether all existing and proposed streets in the newly annexed property are, or will be, constructed in compliance with City street standards, unless the City determines that the existing streets will provide proper access during all seasons of the year to all lots and that curbs, gutters, sidewalks, bike lanes, and other structures in compliance with City standards are not necessary to protect public health, safety, and welfare.*
 - c. **Section 18.04.010:** *The zoning, as proposed, would: lessen congestion in the streets; secure safety from fire, panic, and other dangers; and promote health and general welfare.*

Transportation: Staff believes that this finding can be met, based on the following facts:

- Annexing and zoning property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. A condition is recommended to clearly ensure that all future development or land application within this proposed property shall be in compliance with the City of Loveland Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application.
- As identified in the City Municipal Code Title 16, a Traffic Impact Study will be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.
- Pending future proposed development within this property, of which review and approval by the City is required, the Transportation Engineering staff does not object to the proposed annexation and zoning.

Fire: Staff believes that this finding can be met, based on the following facts:

- The site will comply with the requirements in the ACF Ordinance.
- Once constructed, the new fire station will provide increased response efficiency to the northwest area of the city.

Water/Wastewater: Staff believes that this finding can be met, based on the following facts:

- The subject annexation is situated within the City's current service area for both water and wastewater.
- The Department finds that the annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2005 Comprehensive Master Plan.
- Public facilities are available to serve the development.

Power: Staff believes that this finding can be met, based on the following facts:

- 600 amp and 200 amp three phase underground power currently exists in an underground duct bank located along the north side of W. 29th Street. 200 amp three phase underground power is currently available in an underground vault located at the northeast corner of W. 29th Street and Hudson Drive and can be extended south to the proposed annexation area.
- The proposed annexation currently lies within Excel Energy Company certified territory. Upon completion of successful annexation to the City of Loveland, the City will provide electric service to any future development of the proposed annexation.
- The existing electric facilities are sufficient for the current use. The proposed development meets the criteria for level of service as outlined in the ACF ordinance.
- The existing uses as well as any future development requirements are current with the Power Division's existing infrastructure and system master plan.

Stormwater: Staff believes that this finding can be met, based on the following facts:

- With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.
- Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

C. Land Use

1. Loveland Comprehensive Master Plan, Section 4.7

- a. **Land Use Plan:** *Whether the zoning is consistent with the Loveland Comprehensive Master Plan Land Use Plan or a "major plan amendment" request is being processed concurrently with the annexation and GDP application.*

Planning: Staff believes that this finding can be met, based on the following facts:

- The Comprehensive Master Plan designates the site as Low Density Residential (LDR). The LDR category permits churches, parks, schools and civic uses as acceptable land uses.
- The proposed zoning of R1 is consistent with the zoning categories in the Comprehensive Master Plan. The R1 zone district requires that any governmental uses be processed as a special review.

2. Loveland Municipal Code

a. Section 18.04.010:

- (i) *Whether the zoning will provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.*
- (ii) *The character of the district and the particular uses permitted by right in the district will preserve the value of buildings and encourage the most appropriate use of land.*

Planning: Staff believes that this finding can be met, based on the following facts:

- 2.a.(i)** Development of the fire station will incorporate perimeter landscaped bufferyards and open space on the site to ensure adequate light and air. The development will also facilitate the adequate provision of public facilities in this area.
- 2.a.(ii)** Development of the fire station will be governed by all applicable City codes and standards in the R1 District, as well as any special provisions deemed necessary through the special review process. Based on the need for a fire station in the northwest portion of the city, as identified in the ISO report, staff believes that the annexation and zoning of the property to facilitate the development of a fire station would encourage an appropriate use of the land.

D. Environmental Impacts

1. Loveland Comprehensive Master Plan, Section 4.2

- a. Annexation ANX3.A:** *Whether the annexation will comply with the recommendations contained in the adopted Open Lands Plan and preserves open space or natural areas.*
- b. Annexation ANX3.B:** *Annexation will be allowed for the purpose of preserving or acquiring open space or natural areas.*
- c. Annexation ANX4.A and B:** *If the planning staff and/or the City have determined that significant negative impacts on the environment may occur from development allowed under the proposed zoning, an Environmental Impact Report, including a Wetlands Reconnaissance Report, has been prepared by a qualified specialist.*
- d. Annexation ANX4.B:** *Whether the annexation application includes a Phase I Environmental Report, prepared by a qualified specialist, ensuring that the land to be annexed does not contain hazardous or toxic substances that may pose a danger to the City or that reasonable mitigation measures can be taken in the event that such contamination exists.*
- e. Annexation ANX4.D:** *All development agreements must deal satisfactorily with any environmental impacts upon the property.*

Planning: Staff believes that this finding can be met, based on the following facts:

- D.1.a & b.** The Open Lands Plan does not identify any area of the site as a potential natural area.
- D.1.c** The site is naturally vegetated and has historically been in agricultural use. No environmentally sensitive areas, as defined in the Municipal Code, were noted on the site.
- D.1.d** A Phase I Environmental Site Assessment (ESA) was performed by the CTL Thompson in October of 2012. The ESA concluded that there are no recognized environmental conditions existing on or nearby the site.

E. Miscellaneous

- 1. Loveland Municipal Code, Section 17.04.040.F: Whether the annexation is in the best interest of the citizens of the City of Loveland.**

Planning: Staff believes that this finding can be met, based on the following fact:

- The property proposed for annexation is owned by the City of Loveland and was purchased for the development of a fire station. The annexation and development of the fire station is in the best interest of the citizens and will provide increased response efficiency to the residents in the northwest portion of the City.

F. Mineral Extraction Colorado Revised Statute: The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.

Planning: Staff believes that this finding can be met, due to the following fact:

- A geologic evaluation and mineral extraction assessment was prepared by CTL Thompson for the property. The assessment concluded that based on the review of geologic maps, published reports, satellite and aerial imagery, and the examination of the site, the potential for commercial mineral resources on the site is considered negligible.

IX. RECOMMENDED CONDITIONS

The following annexation condition is recommended by city staff.

Transportation Development Review

1. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).

Chapter 18.12

R1 DISTRICT-DEVELOPING LOW-DENSITY RESIDENTIAL DISTRICT

Sections:

- 18.12.010** **Uses permitted by right.**
- 18.12.020** **Uses permitted by special review.**
- 18.12.030** **Lot area.**
- 18.12.040** **Lot width.**
- 18.12.050** **Front yard.**
- 18.12.060** **Rear yard.**
- 18.12.070** **Side yard.**
- 18.12.075** **Height limitations.**
- 18.12.080** **Off-street parking.**
- 18.12.090** **Special considerations.**

18.12.010 Uses permitted by right.

The following uses are permitted by right in a R1 district:

- A. One-family dwellings;
- B. Essential aboveground pad-mount transformers, electric and gas meters, telephone and electric junction and service locations, and underground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
- C. Open land for the raising of crops, plants and flowers;
- D. Accessory buildings and uses;
- E. Public schools. (Ord. 4246 § 1 (part), 1997; Ord. 3702 § 1 (part), 1990; Ord. 1276 § 4, 1973; Ord. 1004 § 5.1, 1968)
- F. Place of worship or assembly. In addition to standard buffering requirements of the Site Development Performance Standards and Guidelines, parking areas and drive aisles shall be screened from adjacent residential uses and residentially-zoned land by a six-foot high opaque wall, fence, or landscaping which achieves a similar effect, unless such screening would serve no practical purpose, as determined by the Current Planning Manager. (Ord. 5207 § 6, 2007)

18.12.020 Uses permitted by special review.*

The following uses are permitted by special review in a R1 district:

- A. Preschool nurseries;
- B. Parks, recreation areas and golf courses;
- C. Cemeteries;
- D. Estate areas;
- E. Two-family dwellings;
- F. Private schools;
- G. Essential aboveground public utility and public service installations and facilities for the furnishing of gas, electric, water, sewer, telephone and other utility services for the protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;
- H. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such

18.08.060 Rear yard.

The minimum rear yard in a R1e district, being the minimum distance of any building from the rear lot line, shall be as follows:

Principal building, fifteen feet;

Detached accessory building, five feet. (Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1004 § 4.6, 1968)

18.08.070 Side yard.

The minimum side yard in the R1e district, being the minimum distance of any building from each side lot line, shall be one foot for each five feet or fraction thereof of building height; except that no side yard shall be less than five feet for a one-family dwelling or two-family dwelling, nor less than twenty-five feet for any other permitted principal building. Variations to those requirements may be approved by the chief planner for groups of three or more single-family dwellings; however, the minimum spacing between two adjacent structures shall not be less than ten feet. On corner lots the side yard setback adjacent to the street shall be no less than fifteen feet. (Ord. 4246 § 1 (part), 1997; Ord. 3574 § 1, 1989; Ord. 1628 § 1 (part), 1977; Ord. 1117 § 1 (part), 1970; Ord. 1004 § 4.7, 1968)

18.08.075 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54 of this Code. (Ord. 4106 § 4, 1995)

18.08.080 Off-street parking.

The minimum off-street parking in the R1e district shall be as provided in Chapter 18.42. (Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1395 § 1 (part), 1974; Ord. 1004 § 4.8, 1968)

18.08.090 Special considerations.

The following special requirements shall apply for special review uses in the R1e district:

A. Preschool Nurseries.

1. At least fifty square feet of floor area is set aside for school purposes for each child; and,
2. At least two hundred square feet of outdoor fenced play area is available for each child.

B. Noncommercial Recreational Uses, including Swimming Pools, Community Buildings, Tennis Courts and Similar Uses as a Principal Use.

1. Outside lighting must not be located in such a manner or be of such intensity to be distracting to adjacent residential areas or street traffic.
2. All buildings and active play areas shall be located at least twenty-five feet from all lot lines. (Ord. 4246 § 1 (part), 1997; Ord. 2021 § 7 (part), 1981; Ord. 1628 § 2 (part), 1977)

protection and welfare of the surrounding area; provided, business offices, repair, storage and production facilities are not included;

- H. Child care centers licensed according to the statutes of the state and in conformity with the minimum rules and regulations for child care centers adopted in accordance with such statutes;
- I. Governmental or semipublic uses;
- J. Group care facilities;
- K. Housing for elderly;
- L. Receiving foster care homes for up to eight children licensed according to the statutes of the state;
- M. Accessory dwelling units;
- N. Personal wireless service facilities, as defined in § 18.55.020(G), in compliance with Chapter 18.55 of this title. (Ord. 5207 § 5, 2007; Ord. 4246 § 1 (part), 1997; Ord. 4239 § 1 (part), 1997; Ord. 4236 § 1, 1997; Ord. 3764 § 2 (part), 1991; Ord. 3702 § 1 (part), 1990; Ord. 3537 § 1 (part), 1988; Ord. 3210 § 1, 1985; Ord. 2021 § 7 (part), 1981; Ord. 1880 § 2, 1980; Ord. 1628 §§ 1 (part) and 2 (part), 1977; Ord. 1444 § 2 (part), 1975; Ord. 1414 § 1, 1975; Ord. 1391 § 1, 1974; Ord. 1390 § 1, 1975; Ord. 1276 §§ 2, 3, 1973; Ord. 1198 § 1, 1973; Ord. 1117 § 1 (part), 1970; Ord. 1026 § 1, 1969; Ord. 1004 § 4.2, 1968)

*See Ch. 18.40 of this code.

18.08.030 Lot area.

The minimum area of a lot in the R1e district shall be six thousand square feet except as provided below:

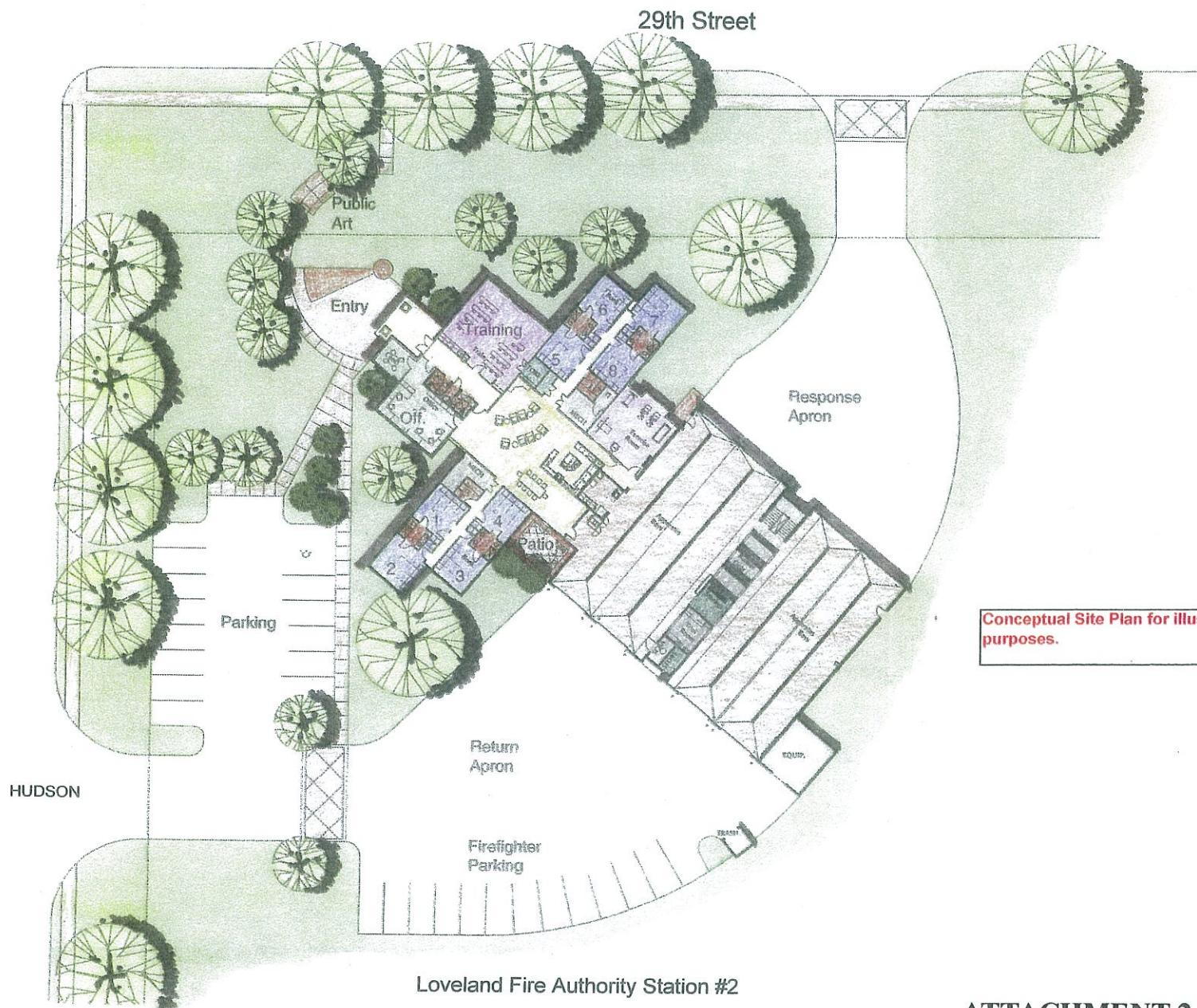
- A. When a group of ten or more single-family dwellings are proposed for development as a unit, the minimum lot area may be varied in order to achieve flexibility and promote creativity in design. However, in no case may the lot area be less than five thousand square feet, the average lot size be less than six thousand square feet, or more than twenty percent of the lots be less than six thousand square feet. When such development procedures are to be followed, the city-approved subdivision plat must be of record in the Larimer County clerk and recorder's office.
- B. The minimum area of the lot for two-family dwellings shall be at least seven thousand square feet in the R1e district.
- C. The minimum lot area for a place of worship or assembly shall be three times the total floor area of the place of worship or assembly building. (Ord. 5207 § 5, 2007; Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1004 § 4.3, 1968)

18.08.040 Lot width.

The minimum lot width in a R1e district shall be fifty feet, except that there shall be no minimum lot width requirement for cul-de-sac lots. Cul-de-sac lots shall be designed so that driveways on adjacent lots will either be contiguous or separated by a minimum of twenty-two feet as measured along the face of curb. (Ord. 4246 § 1 (part), 1997; Ord. 3467 § 2 (part), 1987; Ord. 3096 § 1, 1984; Ord. 2021 § 2, 1981; Ord. 1004 § 4.4, 1968)

18.08.050 Front yard.

The minimum front yard in a R1e district, being the minimum distance of any building from the front lot line, shall be twenty feet. (Ord. 4246 § 1 (part), 1997; Ord. 1628 § 1 (part), 1977; Ord. 1004 § 4.5, 1968)



ATTACHMENT 2



29th Street Elevation



Hudson Drive Elevation

Current Approach

