

- **Motion to reappoint Sherry Anderson and David Eikner to the Housing Authority, each for a full term effective until June 30, 2018.**
- **Motion to reappoint Jim Cox and David Berglund to the Historic Preservation Commission, each for terms effective until June 30, 2016.**
- **Motion to appoint Larry Roos to the Loveland Utilities Commission for a partial term effective until June 30, 2014.**
- **Motion to appoint C. Daniel Greenidge as an Alternate member on the Loveland Utilities Commission for a term effective until June 30, 2014.**

2. **CITY CLERK** (presenter: Terry Andrews)
NOTIFICATION OF PARTICIPATION IN STATEWIDE SPECIAL ELECTION
 A motion to approve and order published on second reading an Ordinance Providing That the City of Loveland's Regular Election to be Held on November 5, 2013, Shall be Conducted as a Coordinated Election With the Larimer County Clerk and Recorder and, to the Extent Necessary to so Conduct That Election as a Coordinated Election, the Colorado Uniform Election Code of 1992 Shall Govern
 This is a legislative action needed to allow the City's regular election on November 5, 2013, to be so conducted on November 5, 2013, as a coordinated election with the Larimer County Clerk and Recorder. The ordinance was approved unanimously by Council at the July 2, 2013 regular meeting.
3. **DEVELOPMENT SERVICES** (presenter: Troy Bliss)
MILLENNIUM SOUTHWEST FIFTH SUBDIVISION PUBLIC RIGHT-OF-WAY VACATION
 A motion to approve and order published on second reading an Ordinance Vacating a Public Right-Of-Way for Oberon Drive and a Portion of a Public Right-Of-Way for Janus Drive Located in the Millennium Southwest Fifth Subdivision, City of Loveland, Larimer County, Colorado
 This is a legislative action for the adoption of an ordinance on second reading to vacate a public right-of-way for Oberon Drive and a portion of a public right-of-way for Janus Drive, located within the Millennium Southwest Fifth Subdivision. The ordinance was approved unanimously by Council at the July 2, 2013 regular meeting.
4. **DEVELOPMENT SERVICES** (presenter: Noreen Smyth)
PUBLIC HEARING
GATEWAY PLANNED UNIT DEVELOPMENT GENERAL DEVELOPMENT PLAN AMENDMENT
 A motion to approve and order published on first reading an Ordinance Amending the Gateway Planned Unit Development General Development Plan, City of Loveland
 This is a quasi-judicial action to adopt an ordinance on first reading amending the Gateway General Development Plan (GDP). This will allow an increase in maximum density on Gateway Parcel A-1 from 16 units/acre to 22 units/acre and will increase the overall maximum number of multifamily residential units allowed in the GDP from 500 to 586.
5. **DEVELOPMENT SERVICES** (presenter: Kerri Burchett)
PUBLIC HEARING
DAKOTA GLEN PUD - FIRST AMENDMENT (#P-98)
 A motion to approve and order published on first reading an Ordinance Amending

Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Dakota Glen PUD - First Amendment (#P-98)", Approving the First Amendment to the Preliminary Development Plan for the Dakota Glen PUD

This is a quasi-judicial action to amend the Dakota Glen PUD Preliminary Development Plan. The amendment would allow the construction of an above ground public utility facility and natural gas pipeline within the PUD boundaries. The property is located north of and adjacent to 14th Street SW and west of South Wilson Avenue. The applicant is Public Service Company of Colorado.

**6. DEVELOPMENT SERVICES (presenter: Troy Bliss)
PUBLIC HEARING**

AIRPARK NORTH ADDITION AMENDMENT

A motion to approve and order published on first reading an Ordinance Amending Ordinances 3380 and 3381 to Modify a Condition Set Forth Therein Pertaining to the Annexation and Zoning of the Airpark North Addition to the City of Loveland, Larimer County, Colorado

This is a legislative action to adopt an ordinance on first reading modifying a condition on the annexation and zoning of the Airpark North Addition.

**7. DEVELOPMENT SERVICES (presenter: Bethany Clark)
PUBLIC HEARING**

SUPPLEMENTAL APPROPRIATION FOR CONSULTING SERVICES FOR HIGHWAY 287 BUSINESS DEVELOPMENT CORRIDOR

A motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Consulting Services to Develop the Highway 287 Business Development Corridor Plan

This is an administrative action to appropriate \$150,000 for consulting services to assist in developing a Highway 287 Business Development Corridor Plan. In January of 2012, City Council held their annual Council Advance to set the priorities for the year. One of the goals the Council set as a priority was to "Develop a Highway 287 Business Development Plan" to guide its development and improve the quality of development along the corridor. This goal was carried through as a priority in the 2013 annual Council Advance. As one of the main corridors into Loveland's downtown, the Highway 287 corridor has great potential for redevelopment and becoming a gateway to Downtown Loveland. The plan will serve as a guide for residents, property owners, developers, City staff, and elected officials in making good land use, design, and development decisions in the corridor. Funding is from reserves, which reduces the flexibility for funding other potential needs.

**8. PUBLIC WORKS (presenter: Ken Cooper)
PUBLIC HEARING**

SUPPLEMENTAL APPROPRIATION FOR PRELIMINARY PROGRAMMING AND DESIGN OF THE PUBLIC SAFETY TRAINING CAMPUS

A motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Preliminary Programming and Design of the Public Safety Training Campus

This is an administrative action to appropriate \$310,000. The ordinance appropriates funding from reserve funds for preliminary program and design of the Police Training Facility. Full design and construction of the facility are programmed in 2016-2019 in three phases in the 2014 Capital Program. The project is funded with reserves in the

Police Capital Expansion Fee Fund that reduce the flexibility for use on other projects.

9. **PUBLIC WORKS** (presenter: Dave Klockeman)
PUBLIC HEARING

SUPPLEMENTAL APPROPRIATION FOR SIGN AND SIGNAL MAINTENANCE

A motion to approve and order published on first reading an Ordinance Enacting a Supplemental Budget And Appropriation to the 2013 City of Loveland Budget for Sign and Signal Maintenance on State Highways

This is an administrative action to appropriate \$36,720. The ordinance appropriates additional revenue from a contract increase with the Colorado Department of Transportation (CDOT) for sign and signal maintenance on State highways within the City. Outside revenue from CDOT increasing the contract by \$36,720 funds the appropriation.

END OF CONSENT AGENDA

CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

CITY COUNCIL

- a. **Citizens' Report** *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
- b. **Business from Council** *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*
- c. **City Manager Report**
- d. **City Attorney Report**

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

10. **CITY CLERK** (presenter: Terry Andrews)
APPROVAL OF CITY COUNCIL MEETING MINUTES

1. **A motion to approve the Council Minutes from the June 25, 2013 Special Meeting.**

This is an administrative action to approve the June 25, 2013 meeting minutes. Mayor Gutierrez was absent.

2. **A motion to approve the Council Minutes from the July 2, 2013 Regular Meeting.**

This is an administrative action to approve the July 2, 2013 meeting minutes. Councilor Clark was absent.

11. **WATER & POWER** (presenter: Steve Adams)

INTERFUND LOAN FROM THE POWER ENTERPRISE TO THE WATER ENTERPRISE

A motion to approve and order published on second reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for an Interfund Loan from the Power Enterprise to the Water Enterprise for Infrastructure Improvements

This is an administrative action. The ordinance implements an interfund loan from the Power Enterprise to the Water Enterprise to fund a portion of the Water Capital Improvement Program to replace aging infrastructure. The loan will provide the resources necessary to begin the replacement of aging infrastructure in the Water Enterprise. The fund balance is available in the Power Enterprise and will not be required for Power Capital improvements until after the annual loan repayments have been made. Budgetary impact is therefore positive for the Water Enterprise, and is not damaging to the Power Enterprise. This ordinance was approved by Council at the July 2, 2013 regular meeting with a vote of 7-1.

**12. ECONOMIC DEVELOPMENT (presenter: Betsey Hale)
MADWIRE MEDIA ECONOMIC DEVELOPMENT INCENTIVE REQUEST**

This is an information only item. City Council policy requires any incentive request over \$20,000 come to council at a study session for consideration, discussion, and direction. Madwire Media is requesting Council consider an incentive package of \$47,600 in use tax and fee waivers and \$250,000 cash for the job retention of 150 jobs and the creation of 100 new jobs by 2016. Council approval of this request would decrease the Council Incentive Fund by \$250,000.

ADJOURN



PROCLAMATION

- WHEREAS** women of vision have helped shape the past, present and future of life in our society; and;
- WHEREAS** women of vision have come from diverse backgrounds and philosophies, from homes, churches, the arts, the medical community, education, athletics, government, and business; and
- WHEREAS** women of vision have applied their training, skills, innovation, creativity and leadership as writers, artists, actors, athletes, doctors, scientists, social and political activists, educators, inventors, wives and mothers to lead, influence and bring about positive change; and
- WHEREAS** the contributions of these women of vision have often been overlooked and undervalued; and;
- WHEREAS** we stand at a time in history when the importance of vision, innovation, creativity and leadership has never been more critical to our society; and
- WHEREAS** we seek to encourage women to continue to provide inspiration, innovation and leadership; and
- WHEREAS** we seek to celebrate female visionaries and leaders and highlight them as role models for our community.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim the 24th day of July, 2013 to be

WOMEN OF VISION DAY

in Loveland and call upon our citizens to recognize the important contributions women of vision have made to improve the quality of life for all.

Signed this 16th day of July, 2013.

Cecil A. Gutierrez,
 Mayor



CITY OF LOVELAND
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 1
MEETING DATE: 7/16/2013
TO: City Council
FROM: City Manager's Office
PRESENTER: Bill Cahill

TITLE:

Appointment of members to Housing Authority, Historic Preservation Commission and Loveland Utilities Commission

RECOMMENDED CITY COUNCIL ACTION:

Motion to reappoint Sherry Anderson and David Eikner to the Housing Authority, each for a full term effective until June 30, 2018.

Motion to reappoint Jim Cox and David Berglund to the Historic Preservation Commission, each for terms effective until June 30, 2016.

Motion to appoint Larry Roos to the Loveland Utilities Commission for a partial term effective until June 30, 2014.

Motion to appoint C. Daniel Greenidge as an Alternate member on the Loveland Utilities Commission for a term effective until June 30, 2014.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action

DESCRIPTION:

This is an administrative action recommending the appointment of members to the Housing Authority, the Historic Preservation Commission and the Loveland Utilities Commission.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

SUMMARY:

The **Housing Authority** had two term vacancies during the Spring recruiting cycle. The two incumbents were the only applications received. At its May 29, 2013 meeting the Housing

Authority approved the recommendation to reappoint Sherry Anderson and David Eikner to the authority, each for five year terms effective until June 30, 2018.

The **Historic Preservation Commission** has two term vacancies. Each incumbent applied to be considered for reappointment. Interviews were conducted and the committee recommends the reappointment of Jim Cox and David Berglund to the commission, each for a term effective until June 30, 2016.

Due to a resignation, the **Loveland Utilities Commission** has a partial term vacancy. Two applicants were interviewed and Larry Roos is recommended for appointment to LUC for a partial term effective until June 30, 2014. Daniel Greenidge is recommended for appointment as an alternate member on LUC for a term effective until June 30, 2014.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

None



CITY OF LOVELAND
CITY CLERKS OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2322 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: 2
MEETING DATE: 7/16/2013
TO: City Council
FROM: Terry Andrews, City Clerk
PRESENTER: Terry Andrews

TITLE:

An Ordinance Providing that the City of Loveland's Regular Election to be Held November 5, 2013, Shall be Conducted as a Coordinated Election with the Larimer County Clerk and Recorder and, to the Extent Necessary to so Conduct that Election as a Coordinated Election, the Colorado Uniform Election Code of 1992 Shall Govern

RECOMMENDED CITY COUNCIL ACTION:

Approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)

DESCRIPTION:

The proposed ordinance is a legislative action needed to allow the City's regular election on November 5, 2013, to be so conducted on November 5, 2013, as a coordinated election with the Larimer County Clerk and Recorder.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

SUMMARY:

In addition to directing that the City's regular election on November 5, 2013, be held as a coordinated election with Larimer County, the proposed ordinance provides that the City's election will be governed by the Colorado Uniform Election Code, but only to the extent necessary to conduct the City's election as a coordinated election with Larimer County, as part of the statewide election. In all other respects, the City's regular election will be governed by the Colorado Municipal Election Code, the City Charter, and applicable City ordinances. The ordinance was approved unanimously by Council at the July 2, 2013 regular meeting.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

Ordinance

FIRST READING: July 2, 2013

SECOND READING: July 16, 2013

ORDINANCE # _____

AN ORDINANCE PROVIDING THAT THE CITY OF LOVELAND'S REGULAR ELECTION TO BE HELD ON NOVEMBER 5, 2013, SHALL BE CONDUCTED AS A COORDINATED ELECTION WITH THE LARIMER COUNTY CLERK AND RECORDER AND, TO THE EXTENT NECESSARY TO SO CONDUCT THAT ELECTION AS A COORDINATED ELECTION, THE COLORADO UNIFORM ELECTION CODE OF 1992 SHALL GOVERN

WHEREAS, on July 2, 2013, the Loveland City Council adopted Resolution #R-50-2013 authorizing the City Clerk to notify the Larimer County Clerk and Recorder ("the County Clerk") of the City of Loveland's intention to participate in the November 5, 2013, statewide election and to coordinate the City's November 5, 2013, regular election in that statewide election with the County Clerk; and

WHEREAS, Loveland Charter Section 6-1 provides that City elections are to be governed by the provisions of the Colorado Municipal Election Code of 1965 (C.R.S. §31-10-101, *et seq*) ("the Municipal Election Code"), except as otherwise provided by the City Charter or by City ordinance; and

WHEREAS, C.R.S. §31-10-102.7 authorizes a municipality to provide by ordinance that it will utilize the requirements and procedures of the Uniform Election Code of 1992, Articles 1 to 13 of Title 1 of the Colorado Revised Statutes, ("the Uniform Election Code") in lieu of the requirements and procedures of the Municipal Election Code for any election; and

WHEREAS, since it is the intent of the City Council that the City's regular election to be held on November 5, 2013, be a coordinated election with the County Clerk as part of the statewide election on November 5, 2013, the purpose of this Ordinance is to provide that such coordinated election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct that election as a coordinated election, and otherwise the City's regular election on November 5, 2013, shall be governed by the Municipal Election Code, the City Charter and applicable City ordinances.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO as follows:

Section 1. That the City's November 5, 2013, regular election shall be governed by the Uniform Election Code, but only to the extent necessary to conduct this election as a coordinated election with the County Clerk, whether conducted as mail-ballot election or not, as part of the statewide election to be held on November 5, 2013. In all other respects, the City's regular election on November 5, 2013, shall be governed by the Municipal Election Code, the City Charter, and applicable City ordinances.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

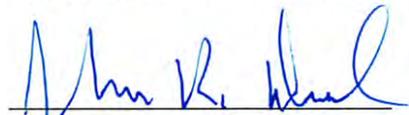
Dated this _____ day of July, 2013.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 3
MEETING DATE: 7/16/2013
TO: City Council
FROM: Troy Bliss, Current Planning
PRESENTER: Troy Bliss

TITLE:

An Ordinance Vacating a Public Right-Of-Way for Oberon Drive and a Portion of a Public Right-Of-Way for Janus Drive Located in the Millennium Southwest Fifth Subdivision, City of Loveland, Larimer County, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

DESCRIPTION:

Consideration of a legislative action for adoption of an ordinance on second reading to vacate a public right-of-way for Oberon Drive and a portion of a public right-of-way for Janus Drive located within the Millennium Southwest Fifth Subdivision.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

SUMMARY:

This is second reading of an ordinance to consider a request for vacating public rights-of-way within the Millennium SW Fifth Subdivision. The rights-of-way to be vacated include Oberon Drive and a portion of Janus Drive. These are public streets that were platted and dedicated with the Millennium SW Fifth Subdivision and depicted on the Falcon Brook Final Development

Plan (FDP). Only the southeastern third of the Millennium SW Fifth Subdivision was actually developed.

In conjunction with the vacation request, the applicant is seeking to re-subdivide the undeveloped portion of the Millennium SW Fifth Subdivision and amend the FDP to include a 75-lot detached single-family residential development referred to as the Millennium SW Sixteenth Subdivision/Tulip Creek. The current locations of Oberon Drive and Janus Drive do not fit within the newly designed subdivision. Consequently, there is the need to vacate these rights-of-way and reestablish them in a different location and alignment with the new plat.

The rights-of way to be vacated contain utilities, but the streets were never paved and no buildings were ever constructed on the lots adjacent to the unpaved streets. A condition of approval would prevent the vacation documents from being recorded until the proposed Millennium SW Sixteenth Subdivision/Tulip Creek plat is recorded. The existing utilities will be relocated to be within the new rights-of-way in the Millennium SW Sixteenth Subdivision/Tulip Creek plat.

The ordinance was approved unanimously by Council on July 2, 2013 at the regular meeting.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance
Staff Memo
Planning Commission Packet
Planning Commission Minutes
Presentation

FIRST READING: July 2, 2013

SECOND READING: July 16, 2013

ORDINANCE NO. _____

AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY FOR OBERON DRIVE AND A PORTION OF A PUBLIC RIGHT-OF-WAY FOR JANUS DRIVE LOCATED IN THE MILLENNIUM SOUTHWEST FIFTH SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of the public right-of-way for Oberon Drive and that portion of the public right-of-way for Janus Drive described below, located in the Millennium Southwest Fifth Subdivision, City of Loveland, Larimer County, Colorado; and

WHEREAS, the City Council finds and determines that, upon satisfaction of the condition set forth below, no land adjoining any right-of way to be vacated will be left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement; and

WHEREAS, the City Council finds and determines that, upon satisfaction of the condition set forth below, that portion of the public right-of-way to be vacated is no longer necessary for the public use and convenience; and

WHEREAS, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the easement to be vacated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council hereby adopts and makes the findings set forth above.

Section 2. That, based on the City Council’s findings described above and subject to the condition precedent set forth in Section 3 below, the following described public rights-of-way be and the same is hereby vacated:

Oberon Drive and a Portion of Janus Drive Right-of-Way Vacation

A strip of land previously dedicated as Right of Way for Oberon Drive and Janus Drive by the Millennium SW Fifth Subdivision plat, recorded June 6, 2004 as Reception No. 2004-0052515 of the Records of Larimer County and being located in the Northwest

Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Seventeen (17) Township Five North (T.5N.), Range Sixty-nine West (R.69W.), Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado, said strip of land herein vacated as Right of Way more particularly described as follows:

COMMENCING at the Center South Sixteenth corner of said Section 17 and assuming the South line of Northwest Quarter of the Southeast Quarter of said Section 17 to bear South 89°38'56" West with all other bearings contained herein relative thereto;

THENCE South 89°38'56" West along the South line of Northwest Quarter of the Southeast Quarter of said Section 17 a distance of 289.10 feet to the intersection of the center line of Janus Drive and the South line of Northwest Quarter of the Southeast Quarter of said Section 17;

THENCE North 00°36'22" East along the center line of said Janus Drive a distance of 69.61 feet to the South line of said Millennium SW Fifth Subdivision;

THENCE North 00°36'22" East continuing along the center line of said Janus Drive a distance of 231.55 feet to a Point of Curvature on said center line;

THENCE along the arc of a curve concave to the Southeast a distance of 92.36 feet, said curve has a Radius of 170.00 feet, a Delta of 31°07'43" and is subtended by a Chord bearing North 16°10'14" East a distance of 91.23 feet to the intersection of the centerlines of Oberon Drive and Janus Drive;

THENCE North 58°15'54" West along the center line of said Oberon Drive a distance of 25.00 feet to the beginning point of a curve non-tangent to this course and to the POINT OF BEGINNING;

THENCE along the arc of a curve concave to the Southeast a distance of 37.37 feet, said curve has a Radius of 195.00 feet, a Delta of 10°58'50" and is subtended by a Chord bearing South 26°14'41" West a distance of 37.31 feet to the cusp of a curve concave to the Southwest, the radius point of said curve concave to the Southwest bears North 69°14'44" West a distance of 15.00 feet;

THENCE along the arc of a curve concave to the Southwest a distance of 20.69 feet, said curve has a Radius of 15.00 feet, a Delta of 79°01'10" and is subtended by a Chord bearing North 18°45'19" West a distance of 19.09 feet to a Point of Tangency;

THENCE North 58°15'54" West a distance of 120.36 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northeast a distance of 193.30 feet, said curve has a Radius of 190.00 feet, a Delta of 58°17'27" and is subtended by a Chord bearing North 29°07'11" West a distance of 185.07 feet to a Point of Tangency;

THENCE North 00°01'33" East a distance of 433.66 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 300.69 feet, said curve has a Radius of 190.00 feet, a Delta of 90°40'33" and is subtended by a Chord bearing North 45°21'50" East a distance of 270.28 feet to a Point of Tangency;

THENCE South 89°17'54" East a distance of 374.92 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 42.97 feet, said curve has a Radius of 167.00 feet, a Delta of 14°44'34" and is subtended by a Chord bearing North 83°19'49" East a distance of 42.85 feet to a Point of Reverse Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 158.49 feet, said curve has a Radius of 76.00 feet, a Delta of 119°29'03" and is subtended by a Chord bearing South 44°17'56" East a distance of 131.29 feet to a Point of Reverse Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 42.97 feet, said curve has a Radius of 167.00 feet, a Delta of 14°44'29" and is subtended by a Chord bearing South 08°04'21" West a distance of 42.85 feet to a Point of Tangency;

THENCE South 00°42'06" West a distance of 204.03 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 150.76 feet, said curve has a Radius of 195.00 feet, a Delta of 44°17'54" and is subtended by a Chord bearing South 22°51'03" West a distance of 147.04 feet to a Point of Tangency;

THENCE South 45°00'00" West a distance of 13.00 feet;

THENCE North 45°00'00" West along a line crossing the Janus Drive Right of Way a distance of 50.00 feet;

THENCE North 45°00'00" East a distance of 13.00 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 112.11 feet, said curve has a Radius of 145.00 feet, a Delta of 44°17'54" and is subtended by a Chord bearing North 22°51'03" East a distance of 109.34 feet to a Point of Tangency;

THENCE North 00°42'06" East a distance of 265.86 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 28.27 feet, said curve has a Radius of 18.00 feet, a Delta of 90°00'00" and is subtended by a Chord bearing North 44°17'54" West a distance of 25.46 feet to a Point of Tangency;

THENCE North 89°17'54" West a distance of 436.76 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 221.56 feet, said curve has a Radius of 140.00 feet, a Delta of 90°40'33" and is subtended by a Chord bearing South 45°21'50" West a distance of 199.15 feet to a Point of Tangency;

THENCE South 00°01'33" West a distance of 433.66 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northeast a distance of 142.43 feet, said curve has a Radius of 140.00 feet, a Delta of 58°17'27" and is subtended by a Chord bearing South 29°07'11" East a distance of 136.37 feet to a Point of Tangency;

THENCE South 58°15'54" East a distance of 120.36 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 20.69 feet, said curve has a Radius of 15.00 feet, a Delta of 79°01'09" and is subtended by a Chord bearing North 82°13'31" East a distance of 19.09 feet to the cusp of a curve concave to the Southeast, the radius point of said curve concave to the Southeast bears South 52°46'28" East a distance of 195.00 feet;

THENCE along the arc of a curve concave to the Southeast a distance of 37.37 feet, said curve has a Radius of 195.00 feet, a Delta of 10°58'50" and is subtended by a Chord bearing South 37°13'32" West a distance of 37.31 feet to the POINT OF BEGINNING .

Said described parcel of land contains 96,865 sq. ft. or 2.224 acres, more or less.

Section 3. That as provided in Section 16.36.060 of the Loveland Municipal Code and in order to preserve and promote the public health, safety and welfare of the inhabitants of the city and the public generally, the vacation of that portion of the public rights-of-way as set forth in

Section 2 above shall not be effective until the following condition precedent (the "Condition") has been satisfied:

- a. The Millennium SW Sixteenth Subdivision Final Plat (being a replat of the Millennium SW Fifth Subdivision) is approved and recorded by the City.

Section 4. That as of the date and time when the Millennium SW Sixteenth Subdivision Final Plat has been approved and recorded by the City, the Condition shall be deemed satisfied and the vacation of that portion of the public rights-of-way set forth in Section 2 above shall be effective.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 6. That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

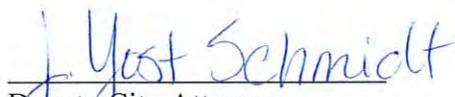
ADOPTED this 16th day of July, 2012.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



Development Services Current Planning

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

TO: City Council

FROM: Troy Bliss, City Planner II, Current Planning Division

DATE: July 2, 2013

SUBJECT: Millennium SW Fifth Subdivision Vacation of Public Right-of-Way

I. EXHIBITS

- A. Planning Commission packet
- B. Planning Commission minutes
- C. Slide presentation

II. KEY ISSUES

Staff believes that all key issues regarding the vacation have been resolved through the staff review process. The Planning Commission unanimously recommends approval of the vacation as proposed.

III. BACKGROUND

The attached ordinance concerns a request to vacate public right-of-way for Oberon Drive and a portion of public right-of-way for Janus Drive located within the Millennium SW Fifth Subdivision. This right-of-way is located within the undeveloped portion of the subdivision which is also requesting to be replatted. The current configuration of the right-of-way does not fit within the proposed design. New right-of-way associated with Oberon Drive and Janus Drive will be dedicated in conjunction with approval of the new subdivision plat.

The subject property was annexed in 2001 as the Millennium Addition zoned Planned Unit Development (P-59). It is located within Parcel D of the Millennium General Development Plan which represents the southernmost boundary of the Millennium Addition. This general area of the Millennium Addition is designated for a variety of residential type uses.

IV. VACATION

The proposal is to vacate Oberon Drive and a portion of Janus Drive within the Millennium SW Fifth Subdivision. These streets to be vacated are illustrated on Attachment 1 of Exhibit A, which is the corresponding legal description and exhibit map to the vacation request. Further, please refer to Attachment 2 of Exhibit A that places these streets into context of the currently platted subdivision. The Millennium SW Fifth Subdivision was predominantly envisioned as a multi-family residential development, approved in conjunction with the Falcon Brook Final Development Plan. Only a portion of this project was constructed.

Loveland Midtown Development, Inc. has acquired the property and is proposing to re-plot approximately 21 acres of the Millennium SW Fifth Subdivision for future development of 75 single family residential lots. (Please take note that this application is under City review and has not received approval at this time.) In order to accommodate this new subdivision design, the current alignment of Oberon Drive and portion of Janus Drive need to be vacated. These streets will however be rededicated for necessary utility installations and public access through the proposed re-platted subdivision. There are also some existing utilities that will need to be removed and relocated. Agencies outside of the City which provide utility services including Century Link, Comcast, and Xcel Energy have all provided responses to this vacation request, indicating that there are no concerns.

V. PLANNING COMMISSION REVIEW

The vacation was reviewed by the Planning Commission at a public hearing on June 10, 2013. The item was placed on the consent agenda. No discussion was held on the matter and the Planning Commission unanimously recommended approval of the vacation subject to the vacation not taking effect until the Millennium SW Sixteenth Subdivision Final Plat (being a re-plot of the Millennium SW Fifth Subdivision) is approved and recorded. The vacation ordinance has been prepared to reflect this condition.

RECOMMENDATION

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council adopt the ordinance on first reading.



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Planning Commission Staff Report

June 10, 2013

Agenda #: Consent Agenda - 1
Title: Millennium SW Fifth Subdivision Vacation (PZ #13-00060)
Applicant: Loveland Midtown Development, Inc.
Request: **Vacation of public rights-of-way**
Location: Northeast corner of E. 5th Street and Sculptor Drive.
Existing Zoning: P-59 - Millennium Addition
Proposed Use: Future single-family residential development
Staff Planner: Troy Bliss

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 VIII of the Planning Commission staff report dated June 10, 2013 and, based on those findings, recommend that City Council approve the requested vacation of public rights-of-way subject to the condition listed in Section IX of the report, as amended on the record.

Summary of Analysis

This is a public hearing to consider a request for vacating public rights-of-way within the Millennium SW Fifth Subdivision. The rights-of-way to be vacated include Oberon Drive and a portion of Janus Drive. These are public streets that were platted and dedicated with the Millennium SW Fifth Subdivision and are also tied to a Final Development Plan known as Falcon Brook. Only the southeastern third of this 36-acre project has been developed. The subject portion of this site has segments of utilities installed within Oberon Drive and Janus Drive but the streets were never paved and no buildings were ever constructed.

In conjunction with the vacation request, the applicant is seeking to re-subdivide the property and amend the final development plan to include a 75-lot detached single-family residential development referred to as the Millennium SW Sixteenth Subdivision/Tulip Creek. The current location of Oberon Drive and Janus Drive do not fit within the newly designed subdivision. Consequently, there is the need to vacate these rights-of-way and reestablish them in a different location and alignment elsewhere on the site. Additionally, a minimal amount of utility removal and relocation will need to occur.

I. SUMMARY

The applicant proposes to vacate Oberon Drive and a portion of Janus Drive within the Millennium SW Fifth Subdivision. These streets to be vacated are illustrated on **Attachment 1**, which is the corresponding legal description and exhibit to the vacation request. Further, please refer to **Attachment 2** that places these streets into context of the currently platted subdivision. The Millennium SW Fifth Subdivision was predominantly envisioned as a multi-family residential development, approved in conjunction with the Falcon Brook Final Development Plan. Only a portion of this project was constructed.

Loveland Midtown Development, Inc. has acquired the property and is proposing to re-plat approximately 21 acres of the Millennium SW Fifth Subdivision for future development of 75 single family residential lots (**Attachment 4**). (Please take note that this application is under City review and has not received approval at this time.) In order to accommodate this new subdivision design, the current alignment of Oberon Drive and portion of Janus Drive need to be vacated. These streets will however be rededicated for necessary utility installations and public access through the proposed re-platted subdivision. There are also some existing utilities that will need to be removed and relocated. Agencies outside of the City which provide utility services including Century Link, Comcast, and Xcel Energy have all provided responses to this vacation request, indicating that there are no concerns (**Attachment 3**).

II. ATTACHMENTS

1. Vacation of Right-of-Way Legal Description and Exhibit
2. Millennium SW Fifth Subdivision
3. Utility response letters
4. Millennium SW Sixteenth Subdivision/Tulip Creek – for reference purposes only

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF SITE: APPROXIMATELY 2.2 ACRES (AREA OF RIGHT-OF-WAY
..... TO BE VACATED)

PROPERTY ZONING / USE P-59 MILLENNIUM ADDITION

EXISTING ZONING / USE - NORTH UNINCORPORATED LARIMER COUNTY / VACANT
UNDEVELOPED PROPERTY

EXISTING ZONING / USE - SOUTH P-59 MILLENNIUM ADDITION / MULTI-FAMILY
RESIDENTIAL (FALCON BROOK)

EXISTING ZONING / USE - EAST UNINCORPORATED LARIMER COUNTY / VACANT
UNDEVELOPED PROPERTY

EXISTING ZONING / USE - WEST P-59 MILLENNIUM ADDITION / VACANT UNDEVELOPED
PORTION OF STONE CREEK – SINGLE FAMILY
RESIDENTIAL

V. KEY ISSUES

There are no key issues regarding this vacation request. All City Divisions and all applicable outside City utility providers have no objection to the vacation of Oberon Drive and a portion of Janus Drive. The City is however requiring that the Millennium SW Sixteenth Subdivision/Tulip Creek re-plat be approved and recorded prior to the vacation taking effect so that new rights-of-way will be dedicated for public use, including the ability to re-route utilities.

VI. BACKGROUND

The subject property was annexed in 2001 as the Millennium Addition zoned Planned Unit Development (P-59). It is located within Parcel D of the Millennium General Development Plan which represents the southernmost boundary of the Millennium Addition. This general area of the Millennium Addition is designated for a variety of residential type uses.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from Chris Messersmith, on behalf of the applicant, certifying that written notice was mailed to all surface owners abutting the right-of-way to be vacated and notices were posted in a prominent location on the perimeter on May 16, 2013. In addition, a notice was published in the Reporter Herald on May 25, 2013.
- B. **Neighborhood Response:** A neighborhood meeting is not required in conjunction with an application to vacate public right-of-way. However, all surface owners and all owners of easements or right-of-way abutting the right-of-way to be vacated are notified of the application. Further, at least 50% of such owners must be party to the application. Given these requirements and the configuration of the property, only 1 owner was notified of the application beyond the applicant. No neighborhood response has been received at the time this staff report was prepared.

VIII. FINDINGS AND ANALYSIS

Chapter 16.36, Section 16.36.010.B

1. *That no land adjoining any right-of-way to be vacated is left without an established public or private right-of-way or easement connecting said land with another reestablished public or private right-of-way:*

In order to comply with this provision of the Municipal Code, the City must require that the vacation not take effect until a corresponding re-plat of the Millennium SW Fifth Subdivision (aka Millennium SW Sixteenth Subdivision) is approved and recorded. This will establish a connecting public right-of-way.

2. *That the right-of-way or easement to be vacated is no longer necessary for the public use and convenience.*

In conjunction with a corresponding application to re-plat the Millennium SW Fifth Subdivision, the current location of Oberon Drive and a portion of Janus Drive are no longer necessary for public use. These streets will be relocated based upon a proposed new subdivision design to provide public use and convenience.

Development Review Team Analysis

Current Planning

The right-of-way to be vacated currently serves no purpose for vehicle and pedestrian accessibility since this portion of the Millennium SW Fifth Subdivision has not been developed. Beyond some limited utilities that exist within the right-of-way which are proposed to be removed and relocated, there is no public benefit keeping Oberon Drive and a portion of Janus Drive in their current configuration.

Transportation Development Review

The proposed right-of-way vacation will not create a negative impact upon the City's public streets. A new and revised plat will dedicate the appropriate rights-of-way for the public streets within this subdivision.

Fire

The proposed right-of-way vacation will not create a negative impact upon the City's ability provide emergency service.

Water/Wastewater

The subject area to be vacated is the City's current service area for both water and wastewater. There are existing water and wastewater utilities within the area to be vacated. The department is in the process of reviewing a concurrent plat (Millennium SW Sixteenth Subdivision) that dedicates right-of-way and easements over these utilities. The Department requests that the vacation ordinance would be contingent to approval of the final plat for the Millennium SW Sixteenth Subdivision. If so, the Department would find that:

*The existing ROW to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development.

*The existing ROW to be vacated is no longer necessary for public use and convenience.

Stormwater

The existing street right-of-way, to be vacated, is no longer used to convey Stormwater and thus is not necessary for the public use and conveyance of Stormwater.

Power

An underground two-phase conductor in conduit is located along the western right-of-way of Janus Drive and crosses Oberon Drive in the right-of-way to be vacated. The right-of-way to be vacated is no longer necessary for the public use and convenience provided that a new right-of-way covering the same area is dedicated at the same time as the vacation of the existing right-of-way.

IX. RECOMMENDED CONDITION

The following conditions are recommended by City Staff.

Current Planning

1. This vacation shall not take effect until the Millennium SW Sixteenth Subdivision Final Plat (being a re-plat of the Millennium SW Fifth Subdivision) is approved and recorded.

PROPERTY DESCRIPTION

Oberon Drive and a Portion of Janus Drive Right-of-Way Vacation

A strip of land previously dedicated as Right of Way for Oberon Drive and Janus Drive by the Millennium SW Fifth Subdivision plat, recorded June 6, 2004 as Reception No. 2004-0052515 of the Records of Larimer County and being located in the Northwest Quarter of the Southeast Quarter (NW1/4SE1/4) of Section Seventeen (17) Township Five North (T.5N.), Range Sixty-nine West (R.69W.), Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado, said strip of land herein vacated as Right of Way more particularly described as follows:

COMMENCING at the Center South Sixteenth corner of said Section 17 and assuming the South line of Northwest Quarter of the Southeast Quarter of said Section 17 to bear North 89°38'56" East with all other bearings contained herein relative thereto;

THENCE North 89°38'56" East along the South line of Northwest Quarter of the Southeast Quarter of said Section 17 a distance of 289.10 feet to the intersection of the center line of Janus Drive and the South line of Northwest Quarter of the Southeast Quarter of said Section 17;

THENCE North 00°36'22" East along the center line of said Janus Drive a distance of 69.61 feet to the South line of said Millennium SW Fifth Subdivision;

THENCE North 00°36'22" East continuing along the center line of said Janus Drive a distance of 231.55 feet to a Point of Curvature on said center line;

THENCE along the arc of a curve concave to the Southeast a distance of 92.36 feet, said curve has a Radius of 170.00 feet, a Delta of 31°07'43" and is subtended by a Chord bearing North 16°10'14" East a distance of 91.23 feet to the intersection of the centerlines of Oberon Drive and Janus Drive;

THENCE North 58°15'54" West along the center line of said Oberon Drive a distance of 25.00 feet to the beginning point of a curve non-tangent to this course and to the **POINT OF BEGINNING**;

THENCE along the arc of a curve concave to the Southeast a distance of 37.37 feet, said curve has a Radius of 195.00 feet, a Delta of 10°58'50" and is subtended by a Chord bearing South 26°14'41" West a distance of 37.31 feet to the cusp of a curve concave to the Southwest, the radius point of said curve concave to the Southwest bears North 69°14'44" West a distance of 15.00 feet;

THENCE along the arc of a curve concave to the Southwest a distance of 20.69 feet, said curve has a Radius of 15.00 feet, a Delta of 79°01'10" and is subtended by a Chord bearing North 18°45'19" West a distance of 19.09 feet to a Point of Tangency;

THENCE North 58°15'54" West a distance of 120.36 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northeast a distance of 193.30 feet, said curve has a Radius of 190.00 feet, a Delta of 58°17'27" and is subtended by a Chord bearing North 29°07'11" West a distance of 185.07 feet to a Point of Tangency;

THENCE North 00°01'33" East a distance of 433.66 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 300.69 feet, said curve has a Radius of 190.00 feet, a Delta of 90°40'33" and is subtended by a Chord bearing North 45°21'50" East a distance of 270.28 feet to a Point of Tangency;

THENCE South 89°17'54" East a distance of 374.92 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 42.97 feet, said curve has a Radius of 167.00 feet, a Delta of 14°44'34" and is subtended by a Chord bearing North 83°19'49" East a distance of 42.85 feet to a Point of Reverse Curvature;

THENCE along the arc of a curve concave to the Southwest a distance of 158.49 feet, said curve has a Radius of 76.00 feet, a Delta of 119°29'03" and is subtended by a Chord bearing South 44°17'56" East a distance of 131.29 feet to a Point of Reverse Curvature;

THENCE along the arc of a curve concave to the Southeast a distance of 42.97 feet, said curve has a Radius of 167.00 feet, a Delta of 14°44'29" and is subtended by a Chord bearing South 08°04'21" West a distance of 42.85 feet to a Point of Tangency;

THENCE South 00°42'06" West a distance of 204.03 feet to a Point of Curvature;

THENCE along the arc of a curve concave to the Northwest a distance of 150.76 feet, said curve has a Radius of 195.00 feet, a Delta of 44°17'54" and is subtended by a Chord bearing South 22°51'03" West a distance of 147.04 feet to a Point of Tangency;

THENCE South 45°00'00" West a distance of 13.00 feet;
 THENCE North 45°00'00" West along a line crossing the Janus Drive Right of Way a distance of 50.00 feet;
 THENCE North 45°00'00" East a distance of 13.00 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Northwest a distance of 112.11 feet, said curve has a Radius of 145.00 feet, a Delta of 44°17'54" and is subtended by a Chord bearing North 22°51'03" East a distance of 109.34 feet to a Point of Tangency;
 THENCE North 00°42'06" East a distance of 265.86 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Southwest a distance of 28.27 feet, said curve has a Radius of 18.00 feet, a Delta of 90°00'00" and is subtended by a Chord bearing North 44°17'54" West a distance of 25.46 feet to a Point of Tangency;
 THENCE North 89°17'54" West a distance of 436.76 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Southeast a distance of 221.56 feet, said curve has a Radius of 140.00 feet, a Delta of 90°40'33" and is subtended by a Chord bearing South 45°21'50" West a distance of 199.15 feet to a Point of Tangency;
 THENCE South 00°01'33" West a distance of 433.66 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Northeast a distance of 142.43 feet, said curve has a Radius of 140.00 feet, a Delta of 58°17'27" and is subtended by a Chord bearing South 29°07'11" East a distance of 136.37 feet to a Point of Tangency;
 THENCE South 58°15'54" East a distance of 120.36 feet to a Point of Curvature;
 THENCE along the arc of a curve concave to the Northwest a distance of 20.69 feet, said curve has a Radius of 15.00 feet, a Delta of 79°01'09" and is subtended by a Chord bearing North 82°13'31" East a distance of 19.09 feet to the cusp of a curve concave to the Southeast, the radius point of said curve concave to the Southeast bears South 52°46'28" East a distance of 195.00 feet;
 THENCE along the arc of a curve concave to the Southeast a distance of 37.37 feet, said curve has a Radius of 195.00 feet, a Delta of 10°58'50" and is subtended by a Chord bearing South 37°13'32" West a distance of 37.31 feet to the **POINT OF BEGINNING** .

Said described parcel of land contains 96,865 sq. ft. or 2.224 acres, more or less.

SURVEYOR'S CERTIFICATE

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor do hereby state that this Property Description was prepared under my personal supervision and checking, and that it is true and correct to the best of my knowledge and belief.



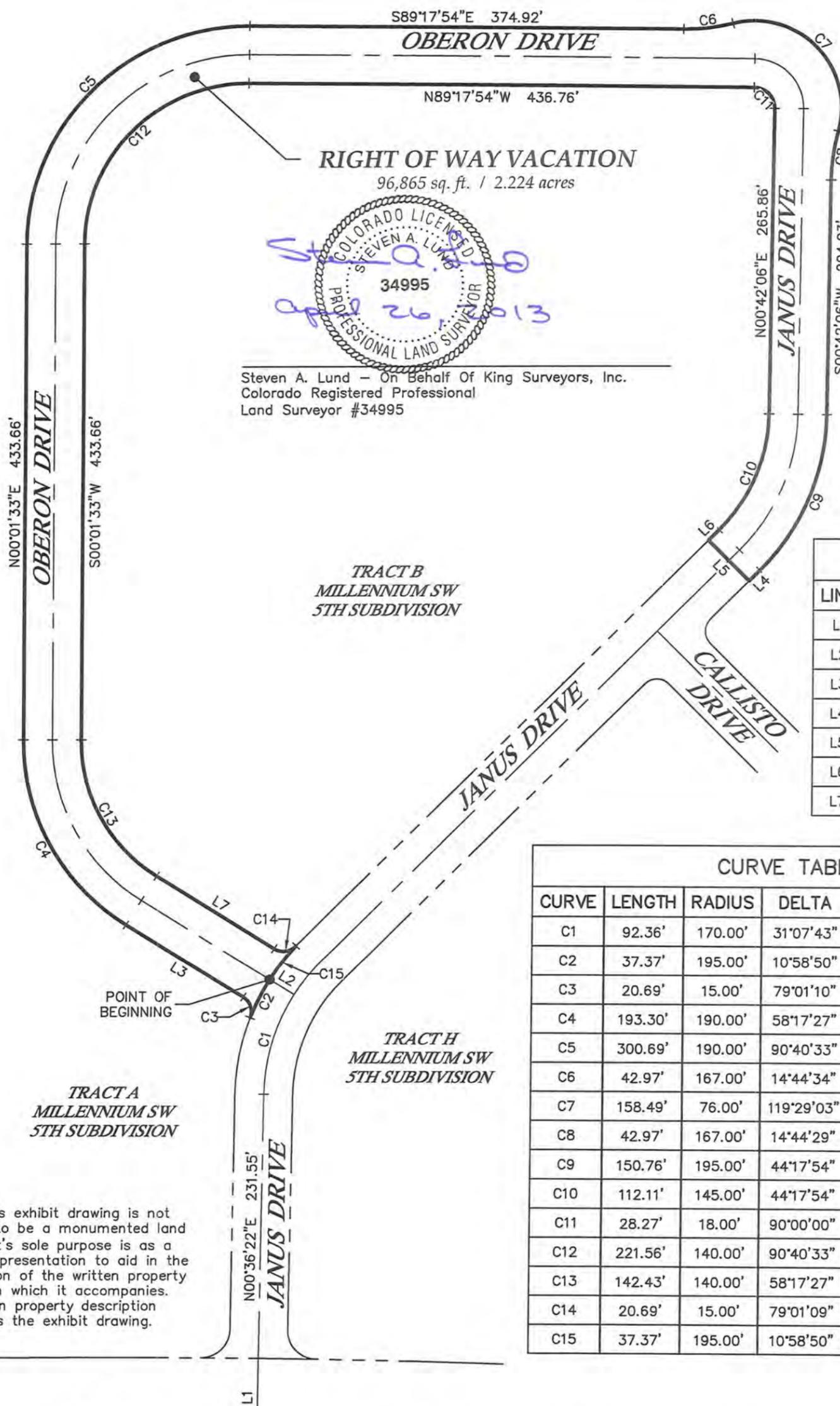
Steven A. Lund – on Behalf of King Surveyors, Inc.
 Colorado Registered Professional
 Land Surveyor #34995

KING SURVEYORS, INC.
 650 Garden Drive
 Windsor, Colorado 80550
 (970) 686-5011

OBERON DRIVE AND A PORTION OF JANUS DRIVE
RIGHT-OF-WAY VACATION

EXHIBIT

MILLENNIUM SW FIFTH SUBDIVISION

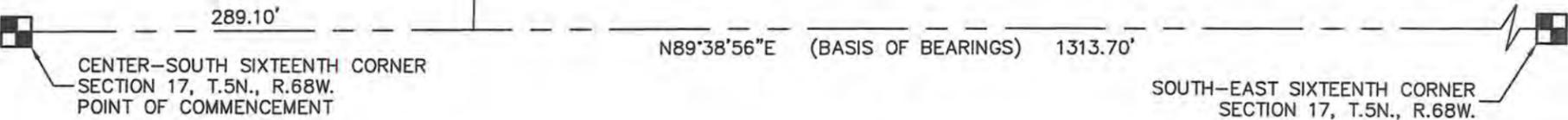


Steven A. Lund - On Behalf Of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995

LINE TABLE		
LINE	BEARING	LENGTH
L1	N00°36'22"E	69.61'
L2	N58°15'54"W	25.00'
L3	N58°15'54"W	120.36'
L4	S45°00'00"W	13.00'
L5	N45°00'00"W	50.00'
L6	N45°00'00"E	13.00'
L7	S58°15'54"E	120.36'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	92.36'	170.00'	31°07'43"	91.23'	N16°10'14"E
C2	37.37'	195.00'	10°58'50"	37.31'	S26°14'41"W
C3	20.69'	15.00'	79°01'10"	19.09'	N18°45'19"W
C4	193.30'	190.00'	58°17'27"	185.07'	N29°07'11"W
C5	300.69'	190.00'	90°40'33"	270.28'	N45°21'50"E
C6	42.97'	167.00'	14°44'34"	42.85'	N83°19'49"E
C7	158.49'	76.00'	119°29'03"	131.29'	S44°17'56"E
C8	42.97'	167.00'	14°44'29"	42.85'	S08°04'21"W
C9	150.76'	195.00'	44°17'54"	147.04'	S22°51'03"W
C10	112.11'	145.00'	44°17'54"	109.34'	N22°51'03"E
C11	28.27'	18.00'	90°00'00"	25.46'	N44°17'54"W
C12	221.56'	140.00'	90°40'33"	199.15'	S45°21'50"W
C13	142.43'	140.00'	58°17'27"	136.37'	S29°07'11"E
C14	20.69'	15.00'	79°01'09"	19.09'	N82°13'31"E
C15	37.37'	195.00'	10°58'50"	37.31'	S37°13'32"W

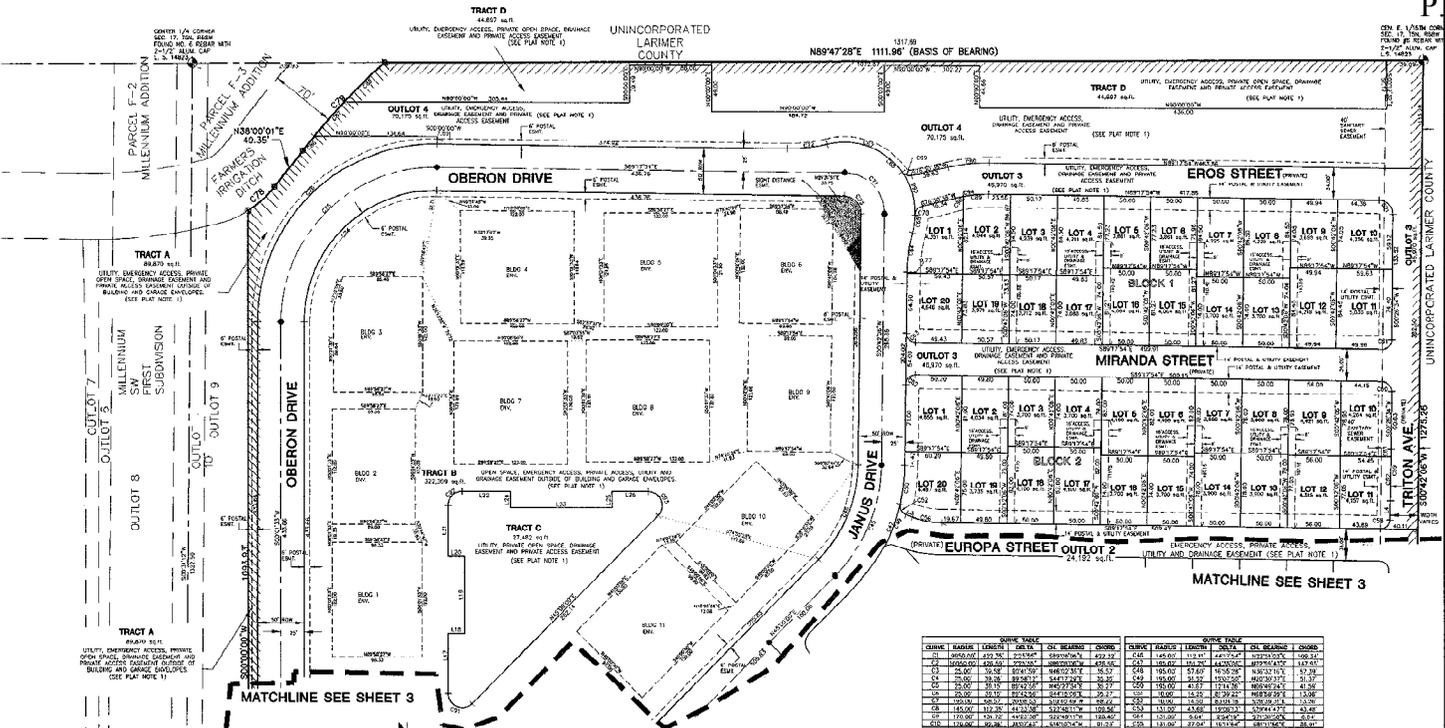
NOTE: This exhibit drawing is not intended to be a monumented land survey. It's sole purpose is as a graphic representation to aid in the visualization of the written property description which it accompanies. The written property description supersedes the exhibit drawing.



KING SURVEYORS, INC.
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phone: (970) 686-5011 | fax: (970) 686-5821
www.kingsurveyors.com

PROJECT NO: 2012664
DATE: 4/2/2013
CLIENT: COLORADO CIVIL GROUP
DWG: 2012664EXH
DRAWN: CSK **CHECKED:** SAL

UNINCORPORATED FARMER COUNTY

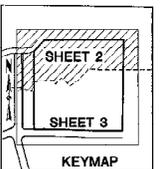


LINE TABLE

LINE	BEARING	LENGTH
1	S 89°00'00"E	6.32
2	S 89°00'00"E	5.77
3	S 89°01'00"E	7.11
4	S 89°01'00"E	6.56
5	S 89°01'00"E	7.90
6	S 89°01'00"E	7.35
7	S 89°01'00"E	8.69
8	S 89°01'00"E	8.14
9	S 89°01'00"E	9.48
10	S 89°01'00"E	8.93
11	S 89°01'00"E	10.27
12	S 89°01'00"E	9.72
13	S 89°01'00"E	11.06
14	S 89°01'00"E	10.51
15	S 89°01'00"E	11.85
16	S 89°01'00"E	11.30
17	S 89°01'00"E	12.64
18	S 89°01'00"E	12.09
19	S 89°01'00"E	13.43
20	S 89°01'00"E	12.88
21	S 89°01'00"E	14.22
22	S 89°01'00"E	13.67
23	S 89°01'00"E	15.01
24	S 89°01'00"E	14.46
25	S 89°01'00"E	15.80
26	S 89°01'00"E	15.25
27	S 89°01'00"E	16.59
28	S 89°01'00"E	16.04
29	S 89°01'00"E	17.38
30	S 89°01'00"E	16.83
31	S 89°01'00"E	18.17
32	S 89°01'00"E	17.62
33	S 89°01'00"E	18.96
34	S 89°01'00"E	18.41
35	S 89°01'00"E	19.75
36	S 89°01'00"E	19.20
37	S 89°01'00"E	20.54
38	S 89°01'00"E	20.00
39	S 89°01'00"E	21.34
40	S 89°01'00"E	20.79
41	S 89°01'00"E	22.13
42	S 89°01'00"E	21.58
43	S 89°01'00"E	22.92
44	S 89°01'00"E	22.37
45	S 89°01'00"E	23.71
46	S 89°01'00"E	23.16
47	S 89°01'00"E	24.50
48	S 89°01'00"E	23.95
49	S 89°01'00"E	25.29
50	S 89°01'00"E	24.74
51	S 89°01'00"E	26.08
52	S 89°01'00"E	25.53
53	S 89°01'00"E	26.87
54	S 89°01'00"E	26.32
55	S 89°01'00"E	27.66
56	S 89°01'00"E	27.11
57	S 89°01'00"E	28.45
58	S 89°01'00"E	27.90
59	S 89°01'00"E	29.24
60	S 89°01'00"E	28.69
61	S 89°01'00"E	30.03
62	S 89°01'00"E	29.48
63	S 89°01'00"E	30.82
64	S 89°01'00"E	30.27
65	S 89°01'00"E	31.61
66	S 89°01'00"E	31.06
67	S 89°01'00"E	32.40
68	S 89°01'00"E	31.85
69	S 89°01'00"E	33.19
70	S 89°01'00"E	32.64
71	S 89°01'00"E	33.98
72	S 89°01'00"E	33.43
73	S 89°01'00"E	34.77
74	S 89°01'00"E	34.22
75	S 89°01'00"E	35.56
76	S 89°01'00"E	35.01
77	S 89°01'00"E	36.35
78	S 89°01'00"E	35.80
79	S 89°01'00"E	37.14
80	S 89°01'00"E	36.59
81	S 89°01'00"E	37.98
82	S 89°01'00"E	37.43
83	S 89°01'00"E	38.77
84	S 89°01'00"E	38.22
85	S 89°01'00"E	39.56
86	S 89°01'00"E	39.01
87	S 89°01'00"E	40.35
88	S 89°01'00"E	39.80
89	S 89°01'00"E	41.14
90	S 89°01'00"E	40.59
91	S 89°01'00"E	41.93
92	S 89°01'00"E	41.38
93	S 89°01'00"E	42.72
94	S 89°01'00"E	42.17
95	S 89°01'00"E	43.51
96	S 89°01'00"E	42.96
97	S 89°01'00"E	44.30
98	S 89°01'00"E	43.75
99	S 89°01'00"E	45.09
100	S 89°01'00"E	44.54

LEGEND

- FOUND TO 4 FEET WITH CAP L.S. 14623
- SET NO. 14 REBAR WITH CAP L.S. 3169 UPON COMPLETION OF #2425
- FOUND INACCURATE AS DESCRIBED
- SET NO. 4 REBAR WITH CAP L.S. 3169



CHUCK	RADIUS	LENGTH	DELTA	CH. BEARING	CHORD	CHUCK	RADIUS	LENGTH	DELTA	CH. BEARING	CHORD
01	1000.00	100.00	0.0000	S 90°00'00"E	100.00	01	1000.00	100.00	0.0000	S 90°00'00"E	100.00
02	1000.00	100.00	0.0000	S 90°00'00"E	100.00	02	1000.00	100.00	0.0000	S 90°00'00"E	100.00
03	1000.00	100.00	0.0000	S 90°00'00"E	100.00	03	1000.00	100.00	0.0000	S 90°00'00"E	100.00
04	1000.00	100.00	0.0000	S 90°00'00"E	100.00	04	1000.00	100.00	0.0000	S 90°00'00"E	100.00
05	1000.00	100.00	0.0000	S 90°00'00"E	100.00	05	1000.00	100.00	0.0000	S 90°00'00"E	100.00
06	1000.00	100.00	0.0000	S 90°00'00"E	100.00	06	1000.00	100.00	0.0000	S 90°00'00"E	100.00
07	1000.00	100.00	0.0000	S 90°00'00"E	100.00	07	1000.00	100.00	0.0000	S 90°00'00"E	100.00
08	1000.00	100.00	0.0000	S 90°00'00"E	100.00	08	1000.00	100.00	0.0000	S 90°00'00"E	100.00
09	1000.00	100.00	0.0000	S 90°00'00"E	100.00	09	1000.00	100.00	0.0000	S 90°00'00"E	100.00
10	1000.00	100.00	0.0000	S 90°00'00"E	100.00	10	1000.00	100.00	0.0000	S 90°00'00"E	100.00
11	1000.00	100.00	0.0000	S 90°00'00"E	100.00	11	1000.00	100.00	0.0000	S 90°00'00"E	100.00
12	1000.00	100.00	0.0000	S 90°00'00"E	100.00	12	1000.00	100.00	0.0000	S 90°00'00"E	100.00
13	1000.00	100.00	0.0000	S 90°00'00"E	100.00	13	1000.00	100.00	0.0000	S 90°00'00"E	100.00
14	1000.00	100.00	0.0000	S 90°00'00"E	100.00	14	1000.00	100.00	0.0000	S 90°00'00"E	100.00
15	1000.00	100.00	0.0000	S 90°00'00"E	100.00	15	1000.00	100.00	0.0000	S 90°00'00"E	100.00
16	1000.00	100.00	0.0000	S 90°00'00"E	100.00	16	1000.00	100.00	0.0000	S 90°00'00"E	100.00
17	1000.00	100.00	0.0000	S 90°00'00"E	100.00	17	1000.00	100.00	0.0000	S 90°00'00"E	100.00
18	1000.00	100.00	0.0000	S 90°00'00"E	100.00	18	1000.00	100.00	0.0000	S 90°00'00"E	100.00
19	1000.00	100.00	0.0000	S 90°00'00"E	100.00	19	1000.00	100.00	0.0000	S 90°00'00"E	100.00
20	1000.00	100.00	0.0000	S 90°00'00"E	100.00	20	1000.00	100.00	0.0000	S 90°00'00"E	100.00
21	1000.00	100.00	0.0000	S 90°00'00"E	100.00	21	1000.00	100.00	0.0000	S 90°00'00"E	100.00
22	1000.00	100.00	0.0000	S 90°00'00"E	100.00	22	1000.00	100.00	0.0000	S 90°00'00"E	100.00
23	1000.00	100.00	0.0000	S 90°00'00"E	100.00	23	1000.00	100.00	0.0000	S 90°00'00"E	100.00
24	1000.00	100.00	0.0000	S 90°00'00"E	100.00	24	1000.00	100.00	0.0000	S 90°00'00"E	100.00
25	1000.00	100.00	0.0000	S 90°00'00"E	100.00	25	1000.00	100.00	0.0000	S 90°00'00"E	100.00
26	1000.00	100.00	0.0000	S 90°00'00"E	100.00	26	1000.00	100.00	0.0000	S 90°00'00"E	100.00
27	1000.00	100.00	0.0000	S 90°00'00"E	100.00	27	1000.00	100.00	0.0000	S 90°00'00"E	100.00
28	1000.00	100.00	0.0000	S 90°00'00"E	100.00	28	1000.00	100.00	0.0000	S 90°00'00"E	100.00
29	1000.00	100.00	0.0000	S 90°00'00"E	100.00	29	1000.00	100.00	0.0000	S 90°00'00"E	100.00
30	1000.00	100.00	0.0000	S 90°00'00"E	100.00	30	1000.00	100.00	0.0000	S 90°00'00"E	100.00
31	1000.00	100.00	0.0000	S 90°00'00"E	100.00	31	1000.00	100.00	0.0000	S 90°00'00"E	100.00
32	1000.00	100.00	0.0000	S 90°00'00"E	100.00	32	1000.00	100.00	0.0000	S 90°00'00"E	100.00
33	1000.00	100.00	0.0000	S 90°00'00"E	100.00	33	1000.00	100.00	0.0000	S 90°00'00"E	100.00
34	1000.00	100.00	0.0000	S 90°00'00"E	100.00	34	1000.00	100.00	0.0000	S 90°00'00"E	100.00
35	1000.00	100.00	0.0000	S 90°00'00"E	100.00	35	1000.00	100.00	0.0000	S 90°00'00"E	100.00
36	1000.00	100.00	0.0000	S 90°00'00"E	100.00	36	1000.00	100.00	0.0000	S 90°00'00"E	100.00
37	1000.00	100.00	0.0000	S 90°00'00"E	100.00	37	1000.00	100.00	0.0000	S 90°00'00"E	100.00
38	1000.00	100.00	0.0000	S 90°00'00"E	100.00	38	1000.00	100.00	0.0000	S 90°00'00"E	100.00
39	1000.00	100.00	0.0000	S 90°00'00"E	100.00	39	1000.00	100.00	0.0000	S 90°00'00"E	100.00
40	1000.00	100.00	0.0000	S 90°00'00"E	100.00	40	1000.00	100.00	0.0000	S 90°00'00"E	100.00
41	1000.00	100.00	0.0000	S 90°00'00"E	100.00	41	1000.00	100.00	0.0000	S 90°00'00"E	100.00
42	1000.00	100.00	0.0000	S 90°00'00"E	100.00	42	1000.00	100.00	0.0000	S 90°00'00"E	100.00
43	1000.00	100.00	0.0000	S 90°00'00"E	100.00	43	1000.00	100.00	0.0000	S 90°00'00"E	100.00
44	1000.00	100.00	0.0000	S 90°00'00"E	100.00	44	1000.00	100.00	0.0000	S 90°00'00"E	100.00
45	1000.00	100.00	0.0000	S 90°00'00"E	100.00	45	1000.00	100.00	0.0000	S 90°00'00"E	100.00
46	1000.00	100.00	0.0000	S 90°00'00"E	100.00	46	1000.00	100.00	0.0000	S 90°00'00"E	100.00
47	1000.00	100.00	0.0000	S 90°00'00"E	100.00	47	1000.00	100.00	0.0000	S 90°00'00"E	100.00
48	1000.00	100.00	0.0000	S 90°00'00"E	100.00	48	1000.00	100.00	0.0000	S 90°00'00"E	100.00
49	1000.00	100.00	0.0000	S 90°00'00"E	100.00	49	1000.00	100.00	0.0000	S 90°00'00"E	100.00
50	1000.00	100.00	0.0000	S 90°00'00"E	100.00	50	1000.00	100.00	0.0000	S 90°00'00"E	100.00
51	1000.00	100.00	0.0000	S 90°00'00"E	100.00	51	1000.00	100.00	0.0000	S 90°00'00"E	100.00
52	1000.00	100.00	0.0000	S 90°00'00"E	100.00	52	1000.00	100.00	0.0000	S 90°00'00"E	100.00
53	1000.00	100.00	0.0000	S 90°00'00"E	100.00	53	1000.00	100.00	0.0000	S 90°00'00"E	100.00
54	1000.00	100.00	0.0000	S 90°00'00"E	100.00	54	1000.00	100.00	0.0000	S 90°00'00"E	100.00
55	1000.00	100.00	0.0000	S 90°00'00"E	100.00	55	1000.00	100.00	0.0000	S 90°00'00"E	100.00
56	1000.00	100.00	0.0000	S 90°00'00"E	100.00	56	1000.00	100.00	0.0000	S 90°00'00"E	100.00
57	1000.00	100.00	0.0000	S 90°00'00"E	100.00	57	1000.00				

C Messersmith

From: Garcia, Jason [Jason.Garcia@CenturyLink.com]
Sent: Tuesday, April 30, 2013 10:47 AM
To: Chris Messersmith
Subject: RE: 0029.0001.00 TCS, City of Loveland Development Project

Chris,
 We have no issues vacating the easement since we have no facilities in the easement.
 Thanks,
 Jason

From: Chris Messersmith [<mailto:cmessersmith@ccginc.us>]
Sent: Tuesday, April 30, 2013 8:28 AM
To: Garcia, Jason; Speer, Terry
Cc: 'Blaine Rappe'
Subject: 0029.0001.00 TCS, City of Loveland Development Project

Hi Terry & Jason,

I wanted to follow up with you from my email on Monday, April 22nd regarding the right-of-way vacation request associated with the Millennium SW 16th Subdivision that is being processed as the Tulip Creek Subdivision. The City has reviewed the submittal package and is ready to move it forward through the process.

The City will place conditions on the vacation requiring that the associated subdivision be approved and recorded prior to the vacation taking affect. This is basically to assure the public rights-of-way (along with utility easements) will be established in-lieu of those being vacated. The plat will have the easements necessary to accommodate your facilities. The City has asked me to follow up with you and see if the vacation is acceptable to you. Could you provide me with a response that you do not have an issue with this right-of-way vacation. If you do have an issue or would like to discuss this further, would you please give me a call.

Thanks for your help,

Chris

CCG

Chris E. Messersmith, P.E.
 Colorado Civil Group, Inc.
 1413 West 29th Street
 Loveland, CO 80538
www.ccginc.us

p: 970.278.0029 x 103
 c: 970.980.5497
cmessersmith@ccginc.us

From: Chris Messersmith [<mailto:cmessersmith@ccginc.us>]
Sent: Monday, April 22, 2013 11:45 AM
To: 'Blair, Bill'; 'steve.roth@xcelenergy.com'; 'Caivano Jr, Rocky'; 'terry.speer@centurylink.com'; 'Garcia, Jason'

Cc: 'Blaine Rappe'

Subject: 0029.0001.00 TCS, City of Loveland Development Project

We have submitted a right-of-way vacation request to the City of Loveland associated with the Millennium SW 16th Subdivision that is being processed as the Tulip Creek Subdivision. The City has asked me to follow up with the following agencies to determine if additional information is required:

- Century Link
- Comcast
- Xcel Energy

I have attached a copy of the Site Plan that was part of the submittal package. Please let me know if you have any questions or need additional information.

Thank you,

Chris

CCG

Chris E. Messersmith, P.E.
Colorado Civil Group, Inc.
1413 West 29th Street
Loveland, CO 80538
www.ccginc.us

p: 970.278.0029 x 103

c: 970.980.5497

cmessersmith@ccginc.us

C Messersmith

From: Blair, Bill [Bill_Blair@cable.comcast.com]
Sent: Tuesday, April 30, 2013 9:56 AM
Cc: brappe@lovelandcommercial.com; Chris Messersmith (cmessersmith@ccginc.us)
Subject: RE: City of Loveland Development Project

Comcast accepts the vacation of Right of Way.

Bill

Bill Blair | Construction Coordinator | Greeley | Larimer Cnty | Loveland | NOMA
Comcast Corporation | 1582 W 1st ST | Loveland | CO | 80537
 Cell# 720 490-3891
Bill_Blair@cable.comcast.com

From: EPlan-Planning [<mailto:eplan-planning@cityofloveland.org>]
Sent: Friday, April 19, 2013 3:54 PM
To: Blair, Bill; Gloria Hice-Idler (Gloria.Hice-Idler@DOT.STATE.CO.US); James Boxrud (James.N.Boxrud@usps.gov); Michael Cook (mtcook@ltd.org); Scott Rowley (rowleys@prpa.org); Skip Armatoski (skip.armatoski@thompsonschoools.org); Steve Roth (steve.roth@xcelenergy.com); Terry Farrill (tfarrill@aol.com); Terry Speer (terry.speer@centurylink.com); Tim Stanton (TStanton@PVREA.com)
Cc: Troy Bliss; brappe@lovelandcommercial.com; Chris Messersmith (cmessersmith@ccginc.us)
Subject: City of Loveland Development Project

Attention: External Agency Reviewer

The following Development Application has been submitted to the City of Loveland for review and approval.

Application Name: Right-of-Way Vacation for Millennium SW 16th Subdivision
 Application Type: Vacation
 Project Number: 13-00060
 Comments Due By: 4/25/13
 Owner's Representative: Blain Rappe
 Owner's Representative Email: brappe@lovelandcommercial.com

Attached to this email are the following PDFs

Application

Vicinity Map

Plat

There may be additional information (plans, reports, construction drawings) with the Applicant's submittal; however this email is limited to the above information due to email file size limitations. The City has notified the Applicant that it is their responsibility to provide specific External Agencies with any additional materials you may require for your project review.

Please review the included information. If you provide service to this application, please email any comments by the Comment Due Date to *the Applicant* indicated above.

Thank you for your cooperation,

**Current Planning
Development Services Department
City of Loveland**



1901 East Horsetooth Road
Fort Collins, Colorado 80525

Tuesday, April 30, 2013

Re: Millennium SW 16th Subdivision – Right of Way Vacation
Project No: 0029.0001.00

Mr. Chris E Messersmith,

Per our conversation and review of the proposed replat Xcel Energy does not have any issues with vacating right-of-ways to include Oberon Drive and portions of Janus Drive that were dedicated with Millennium SW 5th Subdivision plat, recorded June 6, 2004 as Reception No. 2004-0052515.

Sincerely,
Xcel Energy

A handwritten signature in blue ink, appearing to read 'Rocky Caivano Jr.', written in a cursive style.

Rocky Caivano Jr

MILLENNIUM SW SIXTEENTH SUBDIVISION

Being A Replat of Lots 1 through 20, Block 1, Lot 1 through 20, Block 2, Tract A, Tract B, Tract C, Tract D, Outlot 2, Outlot 3 And Outlot 4, All Of The Millennium SW Fifth Subdivision, Together With The Janus Drive And Oberon Drive Rights Of Way Dedicated Within Said Millennium SW Fifth Subdivision, Situate In The Northwest Quarter Of The Southeast Quarter Of Section 17, Township 5 North, Range 68 West Of The 6th P.M., City Of Loveland, County Of Larimer, State Of Colorado

STATEMENT OF OWNERSHIP, SUBDIVISION AND DEDICATION

KNOW ALL PERSONS BY THESE PRESENTS that the undersigned, Falcon Brook, LLC, being all the owners and lienholders of the following described property, except any existing public streets, roads or highways, which property is located in the Northwest Quarter of the Southeast Quarter of Section Seventeen, Township Five North, Range Sixty-eight West of the 6th P.M., being more particularly described as follows:

Lots 1 through 20 inclusive of Block 1, Lot 1 through 20 inclusive of Block 2, Tract A, Tract B, Tract C, Tract D, Outlot 2, Outlot 3 and Outlot 4, all of the Millennium SW Fifth Subdivision recorded June 1, 2004 as Reception No. 20040052515 of the Records of Larimer County, together with the Janus Drive and Oberon Drive Rights of Way as dedicated within said Millennium SW Fifth Subdivision, situate in the Northwest Quarter of the Southeast Quarter of Section Seventeen (17), Township Five North (T.5N.), Range Sixty-eight West (R.68W.) of the Sixth Principal Meridian (6th P.M.), City of Loveland, County of Larimer, State of Colorado.

containing (21.326 acres) (928,939 square feet) more or less(±), and is subject to all easements and right-of-ways on record or existing, do hereby subdivide the same into lots, blocks, tracts, outlots, right-of-ways, and easements, as shown on this plat; and do hereby designate and dedicate: (1) all such rights-of-way and easements, other than utility easements and private easements, to and for public use, except where indicated otherwise on this plat; and (ii) all such utility easements to and for public use for the installation and maintenance of utility, irrigation and drainage facilities; and do hereby designate the same as MILLENNIUM SW SIXTEENTH SUBDIVISION to the City of Loveland, Colorado.

PRIVATE DEDICATION STATEMENT

"The owner hereby grants and dedicates easements for access, ingress and egress, over, upon, through and across all private drives for the benefit and use of the owners, patrons, invitees, and guests of the MILLENNIUM SW SIXTEENTH SUBDIVISION and those of the lands lying adjacent to the MILLENNIUM SW SIXTEENTH SUBDIVISION, for their reciprocal and mutual use and enjoyment. This grant and dedication shall run with the land, and shall be binding and enforceable upon the owner and the owner's successors and assigns and it shall inure to the benefit of all current and future owners, patrons, invitees, and guests of the MILLENNIUM SW SIXTEENTH SUBDIVISION and those of the lands lying adjacent to the MILLENNIUM SW SIXTEENTH SUBDIVISION. The private access easements hereby granted and dedicated shall be maintained by the property owner(s) of the MILLENNIUM SW SIXTEENTH SUBDIVISION."

OWNER: Falcon Brook, LLC

By: _____ As: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____

by _____ as _____

Witness my hand and official seal.

My commission expires _____ (SEAL)

Notary Public _____

LIEN HOLDER

By: _____ As: _____

STATE OF _____)
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20____, by _____ as _____

Witness my hand and official seal.

My commission expires _____ (SEAL)

Notary Public _____

EASEMENT NOTE:

Total area in square feet of easements dedicated to the public or the city by this plat. Total area in square feet 180,485. (Excluding easements dedicated exclusively to outside entities or agencies.)

Total area in square feet of easements dedicated to the public or the city that is being vacated by this plat. Total area in square feet 0.00.

DRAINAGE EASEMENT NOTE:

The side and rear lot drainage easements are public easements to be privately maintained by the individual home owners.

STORMWATER NOTE:

Maintenance and upkeep of Stormwater detention ponds, storm sewer systems, swales, and permanent Stormwater quality improvements are required by the City of Loveland and are a continuing obligation of the Homeowner Association (HOA), Business Owner Association (BOA), or private property owner. The Owner(s) or responsible parties (HOA, BOA) shall provide ongoing maintenance to the private Stormwater improvements as needed to maintain compliance with the approved construction plans and reports.

DIRECTOR OF DEVELOPMENT SERVICES

This plat is approved by the Director of Community Services of the City of Loveland, Larimer County, Colorado, this _____ day of _____, 20____, for filing with the Clerk and Recorder of Larimer County and for conveyance to the City of the public dedications shown hereon, which are accepted; subject to the provisions that approval in no way obligates the City of Loveland, for the financing or constructing of improvements on land, streets or easements dedicated to the public except as specifically agreed to by the Director of Development Services.

Director of Development Services

Witness my hand and seal of the City of Loveland

ATTEST:

City Clerk

ATTORNEY'S CERTIFICATE

I, _____, an attorney licensed to practice law in the State of Colorado, certify that I have examined title to the above described land dedicated to the City of Loveland, Colorado, and that the parties executing the dedication are the owners thereof in fee simple and the dedicated land is free and clear of all liens and encumbrances, except as set forth herein.

So sworn this _____ day of _____, 20____.

Attorney at Law

SURVEYOR'S STATEMENT

I, Steven A. Lund, a Colorado Registered Professional Land Surveyor, do hereby state that MILLENNIUM SW SIXTEENTH SUBDIVISION was prepared from an actual survey under my personal supervision, that the monumentation as indicated hereon were found or set as shown, and that the foregoing plat is an accurate representation thereof, all this to the best of my knowledge, information, belief, and in my professional opinion.

Steven A. Lund - On Behalf Of King Surveyors, Inc.
Colorado Registered Professional
Land Surveyor #34995

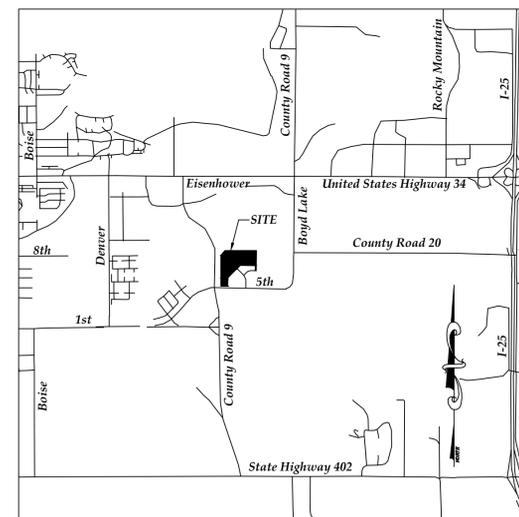
BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Northwest Quarter of the Southeast Quarter of Section 17, T.5N., R.68W., as bearing North 89°47'28" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 1317.89 feet with all other bearings contained herein relative thereto.

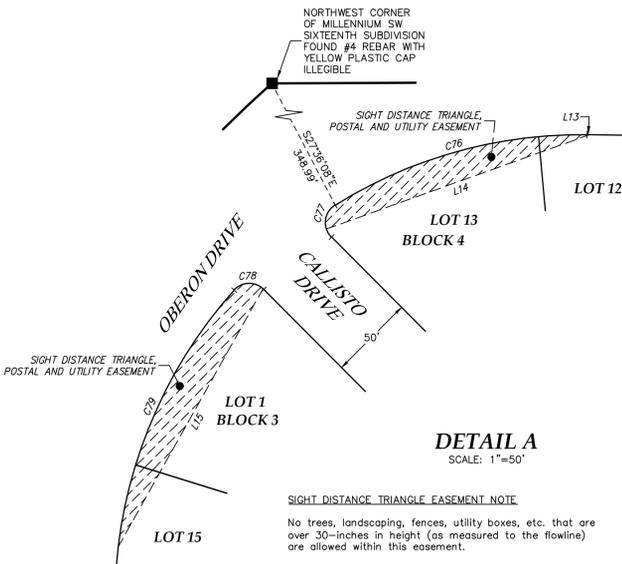
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

NOTES

- This project is subject to a development agreement which has been recorded in the real property records of Larimer County.
- Unless otherwise approved by the City, all unsatisfied conditions of approval for the original subdivision shall continue to apply to this property.
- All expenses involving necessary improvements for water system, sanitary sewer system, storm sewer system, curbs and gutters, sidewalks, street improvements, street signs, traffic control signs, alley grading and surfacing, gas service, electric system, grading and landscaping shall be paid by Falcon Brook, LLC.
- The entire property falls within Zone "X", area determined to be outside the 0.2% annual chance floodplain", as delineated on FEMA FIRM Flood Insurance Rate Map Community Panel #80269 C1194F, Revised December 19, 2006.
- According to Colorado law, you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon. (13-80-105 C.R.S.)
- This survey does not constitute a title search by King Surveyors Inc. to determine ownership or easements of record. For all information regarding easements, rights-of-way and title of records, King Surveyors Inc. relied upon Title Commitment Number FCIF25112765, dated November 16, 2012 as prepared by Land Title Guarantee Company to delineate the aforesaid information.
- The road centerlines are to be set after the construction of the roads are completed, at the expense of the City of Loveland.



VICINITY MAP (NOT TO SCALE)



DETAIL A SCALE: 1"=50'

LEGEND

- EASEMENT LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- PROPERTY LINE
- ST,P&UE SIGHT DISTANCE TRIANGLE, POSTAL AND UTILITY EASEMENT
- P&UE POSTAL AND UTILITY EASEMENT
- U&DE UTILITY AND DRAINAGE EASEMENT
- FOUND ALIQUOT CORNER AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- SET 24" OF #4 REBAR WITH A RED PLASTIC CAP STAMPED KSI, LS 34995
- CALCULATED POSITION
- + STREET CENTERLINE MONUMENTS

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C1	38.13'	110.00'	19°51'40"	37.94'	N47°55'51"E
C2	128.39'	712.08'	1°01'9"50"	128.22'	N43°09'56"E
C3	43.68'	131.00'	19°06'13"	43.48'	N79°44'47"W
C4	14.26'	10.00'	81°43'37"	13.09'	S68°56'31"W
C5	57.59'	195.00'	16°55'17"	57.38'	S36°32'21"W
C6	23.56'	15.00'	90°00'00"	21.21'	S00°00'00"E
C7	23.56'	15.00'	90°00'00"	21.21'	N90°00'00"W
C8	112.35'	145.00'	44°23'38"	109.56'	S22°48'11"W
C9	39.15'	25.00'	89°42'56"	35.27'	S44°15'06"E
C10	217.84'	10087.48'	1°14'14"	217.84'	N89°43'53"W
C11	151.73'	150.00'	57°57'26"	145.34'	S28°58'43"E
C12	474.91'	300.00'	90°42'06"	426.85'	S45°21'03"W
C13	258.56'	300.00'	49°22'50"	250.63'	S24°41'25"W
C14	216.36'	300.00'	41°19'16"	211.70'	S70°02'28"W
C15	53.41'	34.00'	90°00'00"	48.08'	N44°17'54"W
C16	46.29'	170.00'	15°36'04"	46.15'	N37°11'58"E
C17	47.71'	34.00'	80°24'24"	43.89'	S69°36'08"W
C18	37.18'	111.50'	19°06'13"	37.00'	S79°44'47"E
C19	39.15'	25.00'	89°43'31"	35.27'	N45°27'34"E
C20	69.82'	195.00'	20°30'51"	69.45'	S10°51'48"W

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C21	25.50'	195.00'	7°29'31"	25.48'	S04°21'07"W
C22	44.32'	195.00'	13°01'20"	44.22'	S14°36'33"W
C23	20.00'	15.00'	76°23'32"	18.55'	N17°04'33"W
C24	168.82'	175.00'	55°16'19"	162.35'	S27°38'09"E
C25	56.01'	175.00'	18°20'14"	55.77'	S46°06'12"E
C26	51.41'	175.00'	16°49'49"	51.22'	S28°31'10"E
C27	50.94'	175.00'	16°40'37"	50.76'	S11°45'57"E
C28	10.47'	175.00'	3°25'38"	10.47'	S01°42'49"E
C29	116.44'	125.00'	53°22'21"	112.28'	S26°41'10"E
C30	21.86'	15.00'	83°30'23"	19.98'	N84°52'28"E
C31	6.39'	195.00'	1°52'43"	6.39'	S44°03'38"W
C32	23.56'	15.00'	90°00'00"	21.21'	N00°00'00"E
C33	23.56'	15.00'	90°00'00"	21.21'	N90°00'00"E
C34	131.72'	170.00'	44°23'38"	128.45'	S22°48'11"W
C35	93.27'	170.00'	31°26'12"	92.11'	S16°19'28"W
C36	38.44'	170.00'	12°57'26"	38.36'	S38°31'17"W
C37	106.06'	64.00'	94°57'13"	94.34'	S71°53'26"W
C38	4.89'	64.00'	4°22'44"	4.89'	S26°36'11"W
C39	44.50'	64.00'	39°50'17"	43.61'	S48°42'42"W
C40	50.40'	64.00'	45°07'22"	49.11'	N88°48'28"W

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C41	6.27'	64.00'	5°36'49"	6.27'	N63°26'23"W
C42	46.03'	92.00'	28°39'56"	45.55'	S74°57'56"E
C43	23.56'	15.00'	90°00'00"	21.21'	N45°42'06"E
C44	18.85'	12.00'	90°00'00"	16.97'	N44°17'54"W
C45	49.05'	64.00'	43°54'58"	47.86'	N82°18'05"W
C46	13.58'	64.00'	12°09'11"	13.55'	N66°25'12"W
C47	35.48'	64.00'	31°45'46"	35.03'	N88°22'41"W
C48	44.91'	172.00'	14°57'40"	44.78'	N83°13'16"E
C49	28.06'	172.00'	9°20'55"	28.03'	N80°24'54"E
C50	16.85'	172.00'	5°36'45"	16.84'	N87°53'44"E
C51	156.15'	275.00'	32°32'01"	154.06'	S74°26'06"W
C52	28.61'	275.00'	5°57'39"	28.60'	S87°43'16"W
C53	127.54'	275.00'	26°34'21"	126.40'	S71°27'16"W
C54	21.61'	12.00'	103°10'05"	18.80'	S06°35'03"W
C55	19.49'	12.00'	93°04'13"	17.42'	S88°27'54"W
C56	201.25'	275.00'	41°55'47"	196.79'	S20°57'54"W
C57	118.84'	275.00'	24°45'19"	117.92'	S29°32'58"W
C58	82.41'	275.00'	17°10'09"	82.10'	S08°35'04"W
C59	514.49'	325.00'	90°42'06"	462.43'	S45°21'03"W
C60	48.43'	325.00'	8°32'18"	48.39'	S04°16'09"W

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
C61	49.03'	325.00'	8°38'39"	48.99'	S12°51'37"W
C62	56.59'	325.00'	9°58'38"	56.52'	S22°10'16"W
C63	66.06'	325.00'	11°38'43"	65.94'	S32°58'56"W
C64	56.59'	325.00'	9°58'38"	56.52'	S43°47'36"W
C65	15.00'	325.00'	2°38'40"	15.00'	S50°06'15"W
C66	47.16'	325.00'	8°18'49"	47.12'	S55°34'59"W
C67	66.06'	325.00'	11°38'43"	65.94'	S65°33'45"W
C68	47.14'	325.00'	8°18'40"	47.10'	S75°32'27"W
C69	62.43'	325.00'	11°00'20"	62.33'	S85°11'56"W
C70	46.37'	132.00'	20°07'45"	46.14'	N34°28'23"E
C71	49.88'	10087.48'	0°17'00"	49.88'	N89°15'16"W
C72	49.88'	10087.48'	0°17'00"	49.88'	N89°32'16"W
C73	118.09'	10087.48'	0°40'15"	118.09'	S89°59'07"W
C74	15.57'	10.00'	89°12'13"	14.04'	N46°06'00"E
C75	15.85'	10.00'	90°47'47"	14.24'	N43°54'00"W
C76	156.15'	275.00'	32°32'01"	154.06'	S74°26'06"W
C77	16.01'	12.00'	76°26'57"	14.85'	S19°56'37"W
C78	18.92'	12.00'	90°18'46"	17.02'	S87°05'10"W
C79	167.98'	275.00'	34°59'51"	165.38'	S24°25'52"W
C80	10.37'	92.00'	6°27'29"	10.36'	S63°51'43"E

CURVE	LENGTH	RADIUS	DELTA	CHORD	CH BEARING
CB1	35.66'	92.00'	22°12'26"	35.44'	S78°11'41"E

LINE	BEARING	LENGTH
L1	N38°00'01"E	49.35'
L2	N70°11'40"W	7.77'
L3	S45°00'00"W	60.00'
L4	S45°00'00"W	50.00'
L5	S89°38'56"W	50.25'
L6	S57°57'26"E	27.29'
L7	S45°00'00"E	40.00'
L8	N00°42'06"E	7.50'
L9	N90°00'00"E	37.57'
L10	N89°17'54"W	27.52'
L11	N89°17'54"W	42.75'
L12	N89°17'54"W	40.86'
L13	S89°17'54"E	1.47'
L14	S70°21'54"W	164.51'
L15	S29°25'08"W	173.85'

LINE	BEARING	LENGTH
L16	N05°15'33"W	43.64'
L17	S73°19'54"E	47.92'
L18	N25°51'56"W	38.78'
L19	N72°32'34"E	73.67'
L20	N00°42'06"E	201.68'
L21	S00°42'06"W	194.49'

DATE:	1/21/2013
FILE NAME:	2012664SUB
SCALE:	1"=50'
DRAWN BY:	CSK
CHECKED BY:	SAL

KING SURVEYORS, INC.
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821



DATE:	5-14-13
REVISED:	REVISOR: CSK
REVISIONS:	REVISED LOTS PER CLIENT

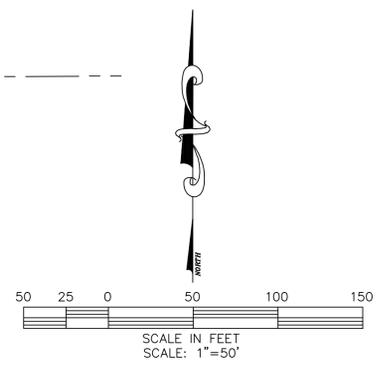
MILLENNIUM SW SIXTEENTH SUBDIVISION
FOR COLORADO CIVIL GROUP, INC
1413 W. 29TH STREET
LOVELAND, CO 80558

PROJECT #: 2012664

1
SHT 1 OF 3

MILLENNIUM SW SIXTEENTH SUBDIVISION

GREAT WESTERN RAILROAD



BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the North line of the Northwest Quarter of the Southeast Quarter of Section 17, T.5N., R.6W., as bearing North 89°47'28" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 1317.89 feet with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

LEGEND

- EASEMENT LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- PROPERTY LINE
- ST,P&UE SIGHT DISTANCE TRIANGLE, POSTAL AND UTILITY EASEMENT
- P&UE POSTAL AND UTILITY EASEMENT
- U&DE UTILITY AND DRAINAGE EASEMENT
- FOUND ALIQUOT CORNER AS DESCRIBED
- FOUND MONUMENT AS DESCRIBED
- SET 24" OF #4 REBAR WITH A RED PLASTIC CAP - STAMPED KSI, LS 34995
- CALCULATED POSITION
- + STREET CENTERLINE MONUMENTS

DATE: 1/21/2013

FILE NAME: 2012664SUB

SCALE: 1"=50'

DRAWN BY: CSK

CHECKED BY: SAL

KING SURVEYORS, INC.
 650 E. Garden Drive | Windsor, Colorado 80550
 phone: (970) 686-5011 | fax: (970) 686-5821

DATE: 5-14-13

REVISED: CSK PER CLIENT

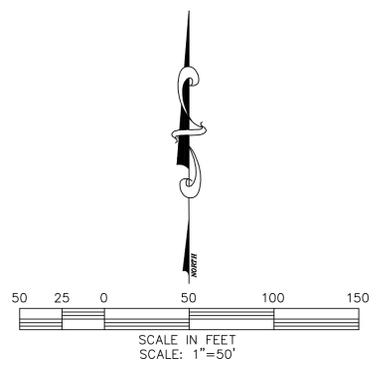
MILLENNIUM SW SIXTEENTH SUBDIVISION
 FOR
 COLORADO CIVIL GROUP, INC
 1413 W. 29TH STREET
 LOVELAND, CO 80538

PROJECT #: 2012664

Steven A. Lund - On Behalf Of King Surveyors, Inc.
 Colorado Registered Professional
 Land Surveyor #34995

MILLENNIUM SW SIXTEENTH SUBDIVISION

DATE: 1/21/2013
 FILE NAME: 2012664SUB
 SCALE: 1"=50'
 DRAWN BY: CSK
 CHECKED BY: SAL



BASIS OF BEARINGS AND LINEAL UNIT DEFINITION
 Assuming the North line of the Northwest Quarter of the Southeast Quarter of Section 17, T.5N., R.68W., as bearing North 89°47'28" East being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2007, a distance of 1317.89 feet with all other bearings contained herein relative thereto.
 The lineal dimensions as contained herein are based upon the "U.S. Survey Foot."

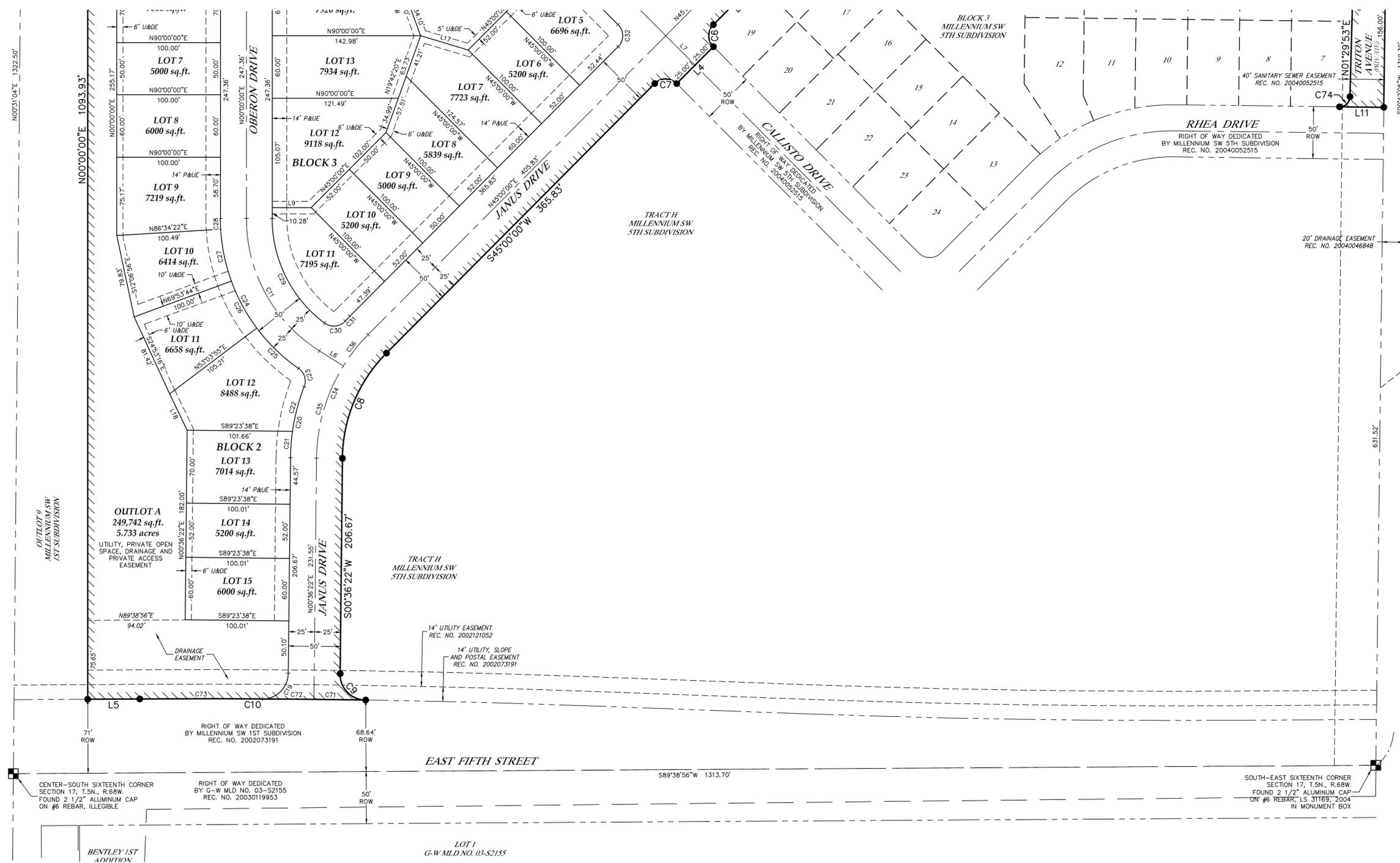
KING SURVEYORS, INC.
 650 E. Garden Drive | Windsor, Colorado 80550
 phone: (970) 686-5011 | fax: (970) 686-5821



DATE:	1/21/13
REVISED:	CSK 5-14-13
REVISIONS:	REVISED LOTS PER CLIENT

LEGEND

- EASEMENT LINE
- SECTION LINE
- RIGHT-OF-WAY LINE
- PROPERTY LINE
- ST,P&UE SIGHT DISTANCE TRIANGLE, POSTAL AND UTILITY EASEMENT
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MILLENNIUM SW SIXTEENTH SUBDIVISION
 FOR
 COLORADO CIVIL GROUP, INC
 1413 W. 29TH STREET
 LOVELAND, CO 80538

PROJECT #:
2012664

3
 SHT 3 OF 3

Steven A. Lund - On Behalf of King Surveyors, Inc.
 Colorado Registered Professional
 Land Surveyor #34995

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
June 10, 2013

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 10, 2013 at 6:30 p.m. Members present: Chairman Meyers; Vice-Chair Middleton, and Commissioners Ray, Massaro, Dowding, Crescibene, Krenning and Prior. Member(s) absent: Commissioner Molloy. City Staff present: Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney; Kimber Kreutzer, Planning Commission Secretary.

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.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Current Planning Manager Mr. Paulsen** introduced Kimber Kreutzer, the new Planning Commission Secretary.
2. The next Planning Commission Meeting scheduled for 6/24/13 will be held only to approve the meeting minutes from the 6/10/13 meeting. Only 5 Commissioners will be needed for a Quorum. **Chair Meyers, Commissioner Krenning, Current Planning Manager Paulsen, and Deputy City Attorney Schmidt** will not be present at the 6/24/13 meeting. **Deputy City Attorney Schmidt** asked the Commission if a representative from the City Attorney's office is needed at the 6/24/13 meeting in her absence. The Commission agreed that no Counsel needs to be present to approve the meeting minutes.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Commissioner Crescibene was not present at the 5/13/13 Planning Commission Meeting when **Chair Meyers** surveyed the Commission about fracking and he asked if he could publicly state his opinion. He stated that he is in support of fracking because he believes it will help the U.S. become independent from foreign oil and doesn't like to use the phrase "ban". He continued that he would like full disclosure from oil and gas companies as to what chemicals they use during fracking to ensure that water supplies are not being polluted.

APPROVAL OF THE MINUTES

Chairman Meyers asked for a motion to approve the minutes from the 5/13/2013 meeting. Commissioner Dowding moved to approve the minutes. Upon a second by **Commissioner Prior** the minutes were approved unanimously.

CONSENT AGENDA

1. **Vacation of Rights-of-Way, Millennium SW 5th Subdivision**

Chair Meyers asked if the Staff wished to remove any of the items listed on the Consent Agenda. **Current Planning Manager Bob Paulsen** asked that item # 2 be removed from the Consent Agenda. **Vice-Chair Middleton** moved to approve the Consent Agenda, with the exception of Item #2. The motion was seconded by Commissioner Prior and the motion was unanimously approved.

REGULAR AGENDA

2. **Extension Request: Anderson First Subdivision Preliminary Plat**

Current Planning Manager Bob Paulsen requested that this item be removed from the Consent Agenda so that the Commission could review the revised motion. This property consists of 89 acres located at the NE quadrant of the intersection of Hwy. 287 and Hwy. 60. The Preliminary Plat was approved in 2010. The Planning Commission has final authority on this matter. **Mr. Paulsen** moved to make a finding that the applicant sought an extension of the Preliminary Plat and the Preliminary Development Plan prior to their expiration, but was unable to complete the request until foreclosure was completed. Based on "good cause", Staff is recommending approval of the request for a two-year extension of the Preliminary Plat of the Anderson First Subdivision to 6/10/15. This item was opened to Public Hearing.

With no citizen comments or Commission comments, **Vice-Chair Middleton** made a motion to approve the request for a two year extension to 6/10/15. Upon a second from **Commissioner Crescibene** the motion was unanimously adopted.

3. **Dakota Glen PUD: Preliminary Development Plan Amendment**

This is the continuation of a public hearing item to consider a proposed amendment to the Preliminary Development Plan (PDP) for the Dakota Glen PUD. The amendment would modify permitted uses in the PUD to allow the construction of an above ground public utility facility and natural gas pipeline proposed by Xcel Energy. Since the May 13th Planning Commission meeting, a consensus has been reached by neighborhood residents and Xcel energy regarding the regulator station and associated landscaping.

Commissioner Dowding asked that she be allowed to continue to recuse herself from this agenda item, but asked to stay on the dais for the discussion.

Principal Planner Kerri Burchett addressed the Commission and gave a general description of the requested amendment. She indicated that a neighborhood meeting had been held on 5/20/13 between Dakota Glen homeowners and PSCo, during which time a discussion was held to determine the color of the facility, fencing options, landscaping and screening. During the meeting a consensus was reached, and the three outstanding concerns were resolved. A slide show with photo simulations of the finished site with neighborhood recommendations was presented. Staff recommends approval of the PUD amendment with conditions listed in the 6/10/13 Staff report.

Ms. Burchett introduced Mr. Dan Tekavec, Project Manager for PSCo. Mr. Tekavec thanked all who participated in the positive neighborhood meeting. 15 members from the Dakota Glen neighborhood, **Mr. Scott Bray, Developer of Dakota Glen,** and **Ms. Burchett** were in attendance at the meeting. Several color, fencing and landscape options and photo simulations were presented for a discussion. The homeowners chose a green color for the control house, no fencing, and suggested landscaping inclusive of shrubs, berms, and coniferous trees. PSCo will fund the installation of plants, berms and landscaping; west, north, and south of the Regulator Station. The Dakota Glen homeowners association will be responsible for the care, maintenance, and irrigation of the landscaping outside of the gasline easement. PSCo agreed to fund the replacement of trees that fail to establish for a period of 4 years after initial planting. In addition, PSCo agreed to replace 14 dead trees along SW 14th St. in the Dakota Glen PUD.

Commissioner Crescibene asked who would pay for the irrigation piping needed for maintenance of the site. **Mr. Tekavec** responded that the irrigation pipes already exist to the north and no new pipes would be required.

Commissioner Krenning thanked PSCo for their outstanding work with the Dakota Glen homeowners and stated that the extra time was to everyone's benefit.

Chair Meyers complimented the homeowners, PSCo, and **Ms. Burchett** for working together for a solution and felt they did an excellent job.

Commissioner Massaro stated that this is an outstanding example of what cooperation can accomplish when people work together to resolve the issues.

Chair Meyers opened the floor to a Public Hearing on the matter. Given that no citizen feedback was offered, **Mr. Meyers** closed the Public Hearing.

Commissioner Middleton complimented to PSCo for working with the public.

After **Mr. Tekavec** accepted the conditions in the amendment on behalf of PSCo, **Commissioner Middleton** moved to recommend that City Council approve the amendment with conditions. Upon a second from **Commissioner Krenning** the amendment with conditions was unanimously approved.

4. **Airpark North Addition: Zoning Ordinance Amendment**

This is a public hearing to consider a request to amend the Airpark North zoning ordinance. This 94-acre property zoned Developing Industrial is located immediately north of the Fort Collins-Loveland Airport. When the property was annexed in 1987, one of the conditions stated the owner would be required to submit a master plan prior to any development. The property owner, Curt Burgener, is seeking to amend this requirement to allow an interim storage use on the property prior to the approval of a master plan and final development.

City Planner II, Troy Bliss stated that this item is a request to amend a zoning ordinance for the Airpark North Addition. It is a 93 acre parcel located on the northeast edge of Loveland. He stated that the property owner would like to use 21 acres of the parcel for outdoor storage. Although the Staff Report specifically uses the phrase "outdoor vehicle storage", **Mr. Bliss**

noted that other equipment such as construction equipment would also be stored at this location. The reference to outdoor vehicle storage should be changed to just outdoor storage. **Mr. Bliss** pointed out that this parcel is zoned industrial and outdoor storage is a permitted use. If the amendment is approved the applicant would still have to follow through with a site plan application for interim use on the 21 acres. Property owners within 1,200 feet were notified of the zoning ordinance amendment indicating that the Planning Commission would hold a public hearing on the issue. Because the long-term use of this property is unknown, and the owner wishes to leave the option of further development on the site open, Staff is recommending the approval of this amendment with the conditions outlined in the Staff Report. The condition generally states that a Master Plan would be required if; 1) plans called for further development of the 93 acres or; 2) after 20 years of interim use of the outdoor storage, whichever comes first.

Commissioner Middleton asked **Mr. Bliss** to clarify the definition of “interim use” **Mr. Bliss** confirmed that 20 years would be the interim timeframe.

Mr. Bliss introduced **Mr. Rich Shannon from Pinnacle Consulting Group**. He stated he is before the Commission to represent the interest of the property owner. He explained that the property owner is not a developer but a resident in Loveland who is eager to help the city meet its long term vision for the future of the airport. Until the long term goals are developed, the owner would like to use his property for outdoor storage in the interim.

Chair Meyers opened the floor to a Public Hearing on the matter.

Mr. Bill Braden, 6230 Aviation Dr., Loveland, CO stated that he is a resident of Centre Point. He is on the Board of Directors of the Centre Point HOA and said he is speaking for himself and said that he has no problem with the property owners plan to use this parcel temporarily as an outdoor storage facility.

Mr. Jim Sampson, 3647 E CR7, Fort Collins, CO shared that he owns 2 properties adjacent to Airpark North and he also said he supports plans for the use as an outdoor storage facility.

Ms. Amy Lundgre, 3825 E CR 3C, Fort Collins, CO stated her support for the interim use of this property.

Since there were no further comments from the public, **Chair Meyers** closed the Public Hearing.

Commissioner Middleton asked what, if any, chemicals will be stored at the site. **Mr. Paulsen** explained that the Planning Commission relies on the City Fire Department to determine what, if any, chemicals are considered hazardous. Items of hazardous nature are only allowed in areas that are zoned for heavy industrial use and by right would not be allowed to be stored at this site.

Commissioner Dowding questioned if a short extension of Rockwell Drive and an extension of a water line for a fire hydrant would be the only public improvements needed at the site. **Mr. Bliss** confirmed they are the only required improvements but he was unsure of the exact length of the improvements and that arrangements are still being worked out. She commented that a 20 year interim seemed like a long time.

Commissioner Krenning asked Staff if this item could have been approved at the Director level. He pointed out that a great deal of time and resources were used for this request. **Ms. Schmidt** responded that the annexation and the zoning ordinances were both a provision requiring a master plan as a condition of approval. It is not within the power of Staff to vary how the conditions are amended. **Mr. Krenning** stated that he had no problem approving this amendment and stated that it appeared it is a good use and a good fit for this parcel.

On behalf of the applicant, **Mr. Shannon** accepted the conditions in the amendment.

Commissioner Krenning moved to recommend that City Council approve the amendment with conditions. Upon a second from **Commissioner Prior** the amendment with conditions was unanimously approved.

5. Gateway PUD: General Development Plan Amendment

This is a public hearing item to consider a proposed amendment to the Gateway General Development Plan requested by McWhinney Real Estate Services to allow a residential density increase from 16 units per acre to 22 units per acre on parcel A-1. This parcel is located on Hahn's Peak road and includes a lot that is vacant and suitable for multi-family development.

Senior Planner, Noreen Smyth stated that the purpose of this amendment request is to allow for the future submittal of Site Development Plan and Building Permit applications for a multi-family residential development aimed at seniors. The maximum number of residential units would increase from 500 to 586, which is a 17% increase. A formal application for a Site Development Plan can only be submitted when and if the amendment is approved. A neighborhood meeting was held on 5/9/2013 with the Developer, and concerns about traffic and parking were addressed by the applicant. Because the Municipal Code Findings relative to a GDP amendment have been met, Planning Staff is recommending the approval of this amendment without conditions.

Ms. Smyth introduced **Kim Perry, VP of Community Design for McWhinney Enterprises**. Ms. Perry stated that this 6.2 acre parcel in the GDP is one of the last undeveloped parcels in the PUD. The amendment would allow the development of an active adult apartment community which would be built next to Park Regency Assisted Living Residence. **Ms. Perry** explained that senior apartment projects typically have a more compact development model and this project will have no 3 bedroom units. Smaller average unit size allows more units in the same size building. Fewer parking spaces allow the same number of units to be built on a smaller site. Comparison to GDP maximum densities in the area revealed that Millennium GDP currently has 20 and 30 units/acre and **Ms. Perry** stated the new project would be comparable to existing developments in the area. The preliminary site plan revealed that surface and garage parking will be included. The program and services

in the project are leaned toward senior services, including a shuttle bus service, and possibly a small fleet of electric cars that residents could share and use.

Ms. Perry shared that the owner of Park Regency is in favor of this project and would like to see the amendment approved. The units will be market rate apartments for seniors.

Chair Meyers opened the meeting up to a Public Hearing. Not seeing any citizens come forward with comments, **Chair Meyers** closed the Public Hearing.

Commissioner Dowding agreed that this project would be a beautiful complement to Park Regency. She asked for clarification on page 3 in her packet. It said there were 583 units versus the 586 discussed earlier. **Ms. Smyth** confirmed that 586 is the correct number however she noted the number of units can be less in the final plan.

Commissioner Massaro asked about the number of dwelling units per acre and felt that 22 per acre were pushing the limit. **Ms. Perry** stated that higher density projects are likely in the future. He questioned the transportation plans for this project. **Ms. Perry** confirmed that the traffic study was done under the assumption that there would be no car sharing and the study confirmed there would be no impact on the traffic in the area.

Commissioner Crescibene asked if the units for this project would be for purchase or rental, and if each apartment would contain kitchens. **Ms. Perry** stated that all the units would be rental apartments and that each one would contain a full use kitchen.

Scott Mickleit, Developer for Asante discussed transportation plans and stated that ideas are being looked at including electric shuttles. He stated that the project would blend in well with the master plan for Centerra. He added that a 14 person passenger van and shared vehicles are alternatives being explored for future residents.

Commissioner Ray stated that a 17% increase is substantial and felt that plans shown for the project mitigated his concerns, but wanted **Ms. Perry** to elaborate. **Ms. Perry** pointed out that Asante knows their customer profile well. Singles and couples are the major clientele allowing for 1-2 bedroom units. She felt like the amount of common space and open space is extremely adequate and well planned out.

Vice-Chair Middleton commented that this is a great location and the best use of land. He continued that Asante is a great company and that he strongly supports this project and suggested that fellow Commissioner's do the same.

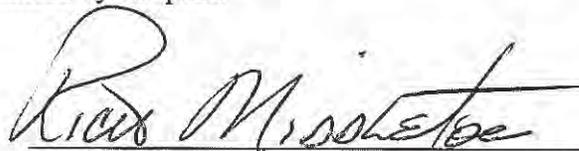
Commissioner Crescibene liked the idea that the units are rental properties and also supported the project.

Vice-Chair Middleton moved to recommend that City Council approve the amendment. Upon a second from **Commissioner Dowding** the amendment without conditions was unanimously approved.

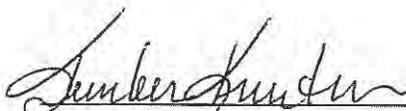
ADJOURNMENT

Chair Meyers, made a motion to adjourn. Upon a second by **Commissioner Dowding**, the motion was unanimously adopted.

Approved by:



Rich Middleton, Planning Commission Vice- Chairman



Kimber Kreutzer, Planning Commission Secretary

MILLENNIUM SW FIFTH SUBDIVISION





CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 4
MEETING DATE: 7/16/2012
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Noreen Smyth, Current Planning

TITLE:

An Ordinance Amending Section 18.04.040 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For “Gateway Pud – Ninth Amendment (#P-98),” And Approving The Ninth Amendment To The General Development Plan For The Gateway Pud

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt the ordinance.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adoption a motion continuing the item to a future Council meeting

DESCRIPTION:

A public hearing to consider a legislative action to adopt an ordinance on first reading amending the Gateway General Development Plan (GDP) to allow an increase in maximum density on Gateway Parcel A-1 from 16 units/acre to 22 units/acre and to increase the overall maximum number of multifamily residential units allowed in the GDP from 500 to 586.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

SUMMARY:

This amendment is being sought because of an interest by a senior housing developer in constructing an independent senior living facility on a vacant parcel of land in Gateway near the intersection of Hahns Peak Drive and McWhinney Boulevard. Under the current limit on

multifamily units in the GDP, 52 additional units could be built. The developer is interested in pursuing construction of an approximate 138-unit building.

The current owner of the property, Centerra Office Partners LLC, in conjunction with McWhinney Real Estate Services, is seeking the GDP amendment in advance on contracting with the senior housing developer, Asante Living LLC, for the property. It should be noted that the GDP amendment only concerns increasing the maximum number of multifamily units and density in the GDP; no specific development is being approved through the amendment. If the amendment is approved, there is no obligation for senior housing to be constructed on Parcel A-1; any development meeting the requirements of the GDP could be pursued on the parcel. A development application for senior housing or any other type of use that may locate on the property will undergo only administrative (staff) review, as no public hearing is required if the standards in the GDP are met.

The Planning Commission unanimously recommended approval of the request at a public hearing on June 10, 2013.

REVIEWED BY CITY MANAGER:



LIST OF EXHIBITS:

1. Ordinance
2. Amended Gateway GDP Sheets 1 & 3
3. Staff memorandum

FIRST READING July 16, 2013

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR “GATEWAY PUD – NINTH AMENDMENT (#P-98),” AND APPROVING THE NINTH AMENDMENT TO THE GENERAL DEVELOPMENT PLAN FOR THE GATEWAY PUD

WHEREAS, McWhinney Real Estate Services (the “Applicant”), as owner of the below-described real property, has filed an application for amendment of the General Development Plan (the “GDP”) pertaining to the Gateway PUD (#93-12) (the “PUD”) to amend the legal description of the property included within the PUD and to increase the overall maximum number of dwelling units from 500 to 586 and to increase the multifamily residential density on Parcel A-1 from 16 dwelling units per acre to 22 dwelling units per acre; and

WHEREAS, the legal description of the property included within the Gateway PUD – Eighth Amendment (#P-12) as described in City of Loveland Ordinance #5067 (recorded on April 3, 2006 at Reception #2006-0024214 in the real property records of the Larimer County Clerk and Recorder) has since been modified by City of Loveland Ordinance #5684 which rezoned a portion of the PUD into the Millennium Addition PUD – 8th amendment (#P-49) and resulted in the real property legally described in Section 1. below remaining in the Gateway PUD; and

WHEREAS, the modified legal description and proposed increases in density are reflected in a proposed Ninth Amendment to the Gateway PUD GDP (the “Ninth Amendment”), a copy of which is on file with the City’s Current Planning Division and is incorporated herein by this reference; and

WHEREAS, after holding a duly-noticed public hearing on June 10, 2013, the City of Loveland Planning Commission made the findings listed in the Planning Commission staff report dated June 10, 2013, and based on those findings recommended that City Council approve the Ninth Amendment; and

WHEREAS, the City desires to approve the Ninth Amendment to confirm the amended legal description and increase the overall maximum number of dwelling units from 500 to 586 and to increase the multifamily residential density on Parcel A-1 from 16 dwelling units per acre to 22 dwelling units per acre.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That all of the real property included within the Gateway PUD (#93-12), City of Loveland, Larimer County, Colorado, described as:

GATEWAY PUD LEGAL DESCRIPTION

Parcels A-1 and A-6

Lots 1, 2, 3, and 4, Block 1, Outlots A and B, Rocky Mountain Village 16th Subdivision, Lots 1, 2, 3, and 4, Block 1, McWhinney 12th Subdivision, and Lot 1, Block 1, McWhinney 9th Subdivision. City of Loveland, County of Larimer, State of Colorado; **and**

Parcel A-2

Tract A, Rocky Mountain Village 5th Subdivision, Tract A, Rocky Mountain Village 15th Subdivision, and Tract A, McWhinney Eleventh Subdivision. City of Loveland, County of Larimer, State of Colorado; **and**

Parcel A-3, A-4, and A-5

Lot 1, Block 1, and Outlots A, B, C, D and E, Rocky Mountain Village 12th Subdivision, Lot 3, Block 1 Amended Plat of Lot 2 and 3, Block 1, Rocky Mountain Village 13th Subdivision, Lots 1 and 2 and Outlot A, Rocky Mountain Village 17th Subdivision, Lot 1, Rocky Mountain Village 8th Subdivision, Lot 1, Amended Plat of Tract A and Lot 2, Rocky Mountain Village 8th Subdivision, Lots 1, 2, 4, 5, and 8, Block 1, Outlots A, B, and C, McWhinney 10th Subdivision, and Lots 1 and 2, Block 1, McWhinney 13th Subdivision. City of Loveland, County of Larimer, State of Colorado; **and**

Parcel B-1

Tract E, McWhinney 11th Subdivision,
Less and except acreage granted by special warranty deed under reception number 20000086380, recorded on December 12th, 2000, and rights of way granted by reception number 2002004341, recorded on January 11, 2002. City of Loveland, County of Larimer, State of Colorado; **and**

Parcel B-2

Lot 1, Block 1 and Outlot A, McWhinney 15th Subdivision and Lot 1, Block 1, McWhinney 16th Subdivision. City of Loveland, County of Larimer, State of Colorado; **and**

Parcel B-3

Lot 6, Block 1, and Lot 1, Block 2, McWhinney 2nd Subdivision, Lot 2, McWhinney 3rd Subdivision, Lots 2 and 3, Block 1, McWhinney 5th Subdivision, Lot 1, Block 1, McWhinney 6th Subdivision, Lots 1 and 2, Block 1, and Outlot A, McWhinney 7th Subdivision, Lots 1 and 2, Block 1, McWhinney 14th Subdivision. City of Loveland, County of Larimer, State of Colorado;

shall be included within the boundaries of the district designated as follows:

GATEWAY PUD – NINTH AMENDMENT (#93-12):**Section 2.** That the City Council hereby finds:

a. that the Ninth Amendment meets the intent and objectives of Chapter 18.41 of the Loveland Municipal Code and the factors set forth in Section 18.41.050D.4.a., b., and c., specifically:

1. the Ninth Amendment conforms to the requirements of Loveland Municipal Code Chapter 18.41, to the City's master plans, and to any applicable area plan;

2. development permitted by the Ninth Amendment will not 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. development permitted by the Ninth Amendment will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:

i. incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;

ii. incorporating site planning techniques that will foster the implementation of the City's master plans, and encourage a land use pattern that will support 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;

iii. incorporating physical design features in the development that will provide a transition between the project 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;

iv. incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design;

v. incorporating elements of community-wide significance as identified in the town image map;

vi. 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

vii. 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.

; and

b. that the Ninth Amendment complies with applicable land use and development regulations in effect at the time the Ninth Amendment was approved by the City Council.

Section 3. That the City Council hereby approves the Ninth Amendment.

Section 4. That the **GATEWAY PUD - NINTH AMENDMENT** shall be subject to the Gateway PUD GDP, as amended by the Ninth Amendment.

Section 5. That the **GATEWAY PUD - NINTH AMENDMENT** remains subject to any applicable Annexation and/or Development Agreement, as the same may be or have been amended from time-to-time.

Section 6. That the **GATEWAY PUD - NINTH AMENDMENT** shall be subject to all applicable zoning regulations for the City of Loveland except where they conflict with the GDP, as amended by the Ninth Amendment, and any Final Development Plan applicable to the property.

Section 7. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this _____ day of August, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney



Development Services Current Planning

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MEMORANDUM

TO: City Council

FROM: Noreen Smyth, Senior Planner, Current Planning Division

DATE: July 16, 2013

SUBJECT: Gateway GDP Amendment

I. EXHIBITS

- A. Planning Commission packet
- B. Planning Commission minutes
- C. Letter of Support from Park Regency
- D. Slide presentation

II. KEY ISSUES

Staff considers all key issues regarding the Gateway GDP amendment to have been resolved through the staff review process. The Planning Commission unanimously recommends approval of the amendment as proposed. Staff is supportive of the amendment and believes the proposed increase in density will not be detrimental to the parcel within Gateway to which it applies and that the increase in allowable multifamily units will have little impact on Gateway overall.

III. BACKGROUND

The attached ordinance concerns a request to amend the Gateway General Development Plan (GDP) to allow an increase in the number of multifamily units and an increase in the multifamily density. The request is prompted by an interest from a developer of senior housing in constructing a senior-targeted multifamily apartment development within Gateway with a greater number of units, and at a greater density, than is currently allowed by the multifamily limits within the Gateway GDP.

The Gateway PUD is a 192-acre McWhinney development that was approved in 1994. It is located on the north side of Eisenhower Boulevard/US 34, south of Equalizer Lake/the Medical Center of the Rockies, east of Hahns Peak Drive and west of the Outlets of Loveland Mall/I-25. It includes the Marketplace shopping center on the north side of Eisenhower Boulevard containing many sizeable retail stores including Target and a number of restaurant outlots. Also within the Gateway development, to the north and east the Marketplace shopping center, are a variety of uses including office buildings, multifamily residential, and the City of Loveland Visitor's Center.

IV. AMENDMENT

The amendment request is a proposal to increase the maximum number of multifamily units, along with a corresponding increase in the maximum multifamily residential density, to allow the submittal of an application to construct an age-targeted multifamily development on undeveloped property located northwest of Hahn's Peak Drive and McWhinney Boulevard in Gateway Parcel A-1. The owner of the property, McWhinney, is pursuing the GDP amendment request. The developer interested in constructing senior housing on the property, Asante Living LLC, would be eligible to apply for site plan and building permit approval if the amendment is approved.

The Gateway GDP limits the total number of multifamily units to 500 and multifamily density to 16 units/acre. Asante is interested in constructing an approximate 138 unit development at a density of 22 units/acre. Given the existing multifamily units in Gateway, this would put the total number of units at 586. To accommodate Asante's proposal, the property owner is requesting:

- To increase the overall maximum number of dwelling units in the Gateway GDP from 500 to 586; and
- To increase the multifamily residential density on Parcel A-1 from 16 DU/acre to 22 DU/acre. (The residential density would remain at 16 du/acre for the rest of Gateway.)

In addition to these amendments, minor changes to the Gateway document, centering on formatting changes and additional information within the GDP tables, are proposed for clarification purposes.

It should be noted that approval of the current request would approve only the GDP amendment to increase the maximum number of units and density, and does not approve any specific development proposal or obligate the applicant to construct senior housing on the property. If the GDP amendment is approved, any developer could submit an application for a multifamily housing development on Parcel A-1, whether age targeted or not, of the size allowed by the amendment. The application would not require review by either the Planning Commission or City Council, and, like all site plan and building permit applications, would undergo only staff review.

V. NEIGHBORHOOD MEETING

A neighborhood meeting was held on May 9, 2013 near Gateway. The meeting was attended by nine neighbors along with City staff, the applicant, and a representative from Asante.

Attendees asked questions about the specific features of the proposed building, whether the development would be age restricted, and whether it would include subsidized units. Concern was expressed about parking, traffic, building height, and building setbacks along Hahn's Peak Drive. In response, the more limited parking needs and transportation impact of senior housing was described by the applicant to attendees. Regarding the building height and setback along Hahn's Peak Drive, the applicant explained that the building would have varied heights rather than a monolithic façade, and that outdoor areas orienting towards Hahn's Peak would be located between the building and the road.

VI. PLANNING COMMISSION REVIEW

The GDP amendment request was reviewed by the Planning Commission at a public hearing on June 10, 2013. At the meeting, Commissioners were presented with a description of the amendment by staff, and a description of the proposed senior housing development by the applicant and a representative from Asante Corporation. Explaining that an application for a development of the size proposed by Asante cannot be submitted before an amendment is approved, staff clarified for the Planning Commission that the request before them does not approve any particular development, and instead only changes the density on Parcel A-1 and the overall allowable number of residential units.

The Commission inquired about details of the development proposed by Asante. In response, the Asante representative described the building and the programs offered for residents. Commissioners echoed concerns raised at the neighborhood meeting about parking and traffic. The representative explained that statistically, senior housing developments rarely attract households with more than one car and even attract a number of residents who are no longer able to drive, so parking and traffic concerns are significantly less than with non-senior housing.

Commissioners commented that development of an independent senior housing facility immediately next to the Park Regency assisted living facility within Gateway is ideal in terms of compatibility, and expressed support for the senior housing development concept as described. Commissioners voted unanimously to recommend approval of the amendment.

RECOMMENDATION

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council adopt the ordinance on first reading.



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Planning Commission Staff Report

June 10, 2013

Agenda #: Regular Agenda- 5
Title: Gateway PUD Ninth Amendment
Applicant: Kim Perry, McWhinney Real Estate Services
Request: **General Development Plan Amendment**
Location: North of Eisenhower Blvd, South of Equalizer Lake, East of the Factory Outlet Mall and West of Hahn's Peak Dr.
Existing Zoning: Planned Unit Development
Staff Planner: Noreen Smyth, Senior Planner

Staff Recommendation:
 APPROVAL of the GDP Amendment

Recommended Motion:

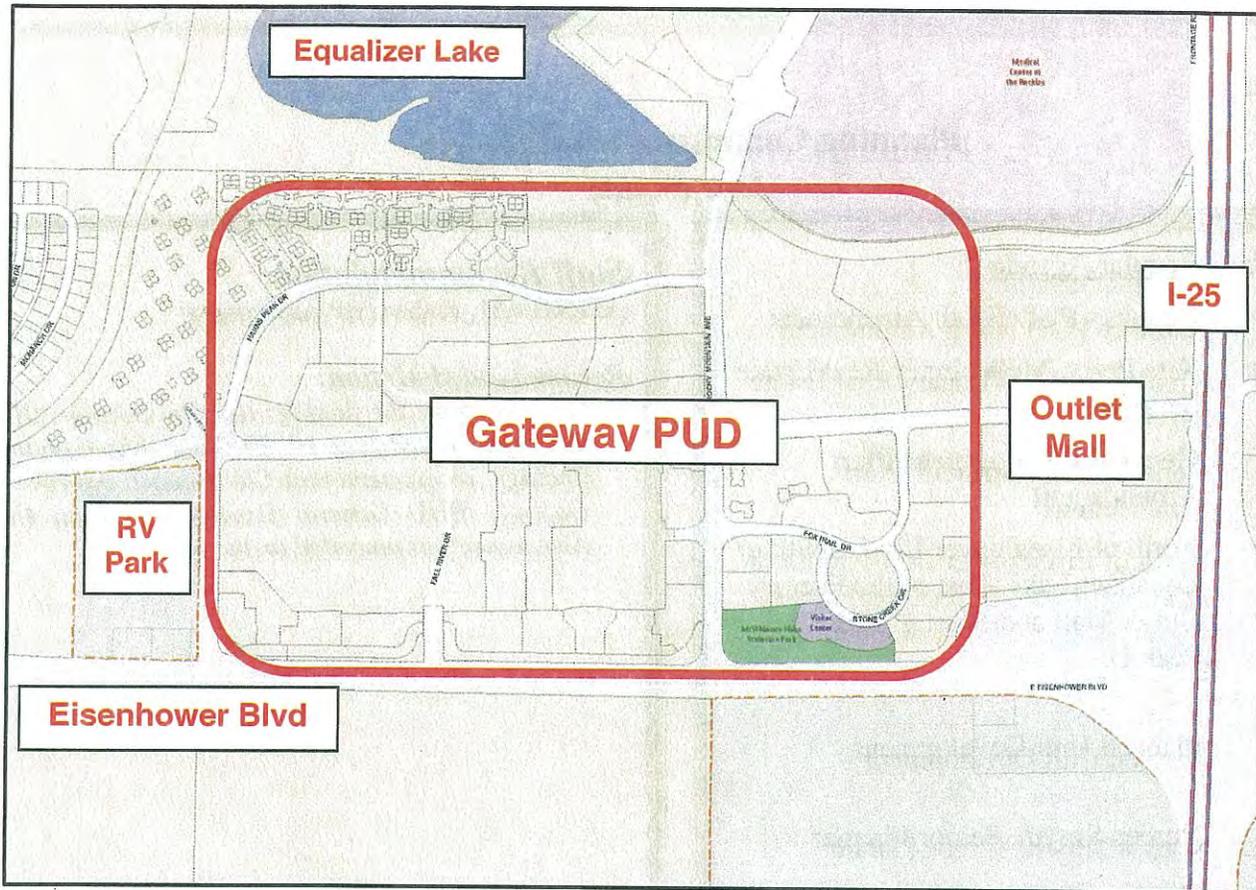
Move to make the findings listed in Section VIII of this report dated June 10, 2013 and, based on those findings, recommend that City Council approve the Gateway PUD General Development Plan Ninth Amendment, as amended on the record.

Summary of Analysis

This is a public hearing to consider an amendment to the General Development Plan of the Gateway Planned Unit Development. The PUD was approved as a mixed use development consisting of multifamily residential, commercial, office, light industrial, and other uses. The amendment seeks to modify the maximum multifamily residential density on one of the Gateway parcels along with the overall maximum number of multifamily residential units in the PUD. The amendment would allow for the future submittal of an application to construct a multifamily development targeted at seniors at a density not currently allowed by the Gateway PUD.

Staff believes that all key issues have been resolved based on City Code and standards. The neighborhood has indicated concerns with the traffic impact of additional residential development in this area.

I. VICINITY MAP



II. ATTACHMENTS

1. General Development Plan Amendment-Sheets 1 & 3
2. Applicant's Narrative
3. Traffic Analysis

III. SUMMARY

This proposal is a General Development Plan (GDP) Amendment for the Gateway Planned Unit Development (PUD). The Gateway PUD is located:

- North of Eisenhower Boulevard/US 34,
- South of Equalizer Lake and the Medical Center of the Rockies,
- East of Hahn's Peak Drive and the Loveland RV Resort, and
- West of the Outlets of Loveland Mall and I-25.

The Gateway PUD is a 1994 McWhinney development, and the undeveloped parcels within Gateway

remain under the control of McWhinney, who is the current applicant. It is adjacent to, but separate from, the Millennium PUD, another McWhinney development. The 192-acre Gateway PUD includes a large shopping center (Marketplace) on the north side of Eisenhower Boulevard that includes many sizeable retail stores including Target and a number of restaurant outlots. Also within the Gateway development, to the north and east the Marketplace shopping center, are a variety of uses including office buildings, multifamily residential, and the City of Loveland Visitor’s Center.

The current GDP Amendment application is a proposal to increase the maximum number of multifamily units, along with a corresponding increase in the maximum multifamily residential density, to allow construction of an age-targeted multifamily development aimed at independent seniors. Because of the number of units sought (approximately 138) for the proposed building, an amendment to the development standards established in the GDP is necessary before development applications (site development plan and building permit) can be submitted to City staff for review. The details of the request are described in the table below.

A neighborhood meeting was held on May 9, 2013. As summarized in Section VII of this report, both the GDP amendment and proposed senior-targeted residential development were described to attendees of the meeting. A number of questions about details of the proposed residential development were asked, including the appropriateness of the amount of parking, building height, and building setback. Concerns were voiced regarding the potential impact on area roads and traffic that may result from the development of a residential building. With the submittal of the traffic analysis, staff has evaluated the neighborhood concerns and believes that the proposed increase in the maximum number of residential units and the corresponding increase in maximum density for Parcel A-1 will not negatively impact area roads over the uses that could currently be built on the property by right. A residential development targeted at seniors will slightly decrease the traffic counts anticipated by the original Gateway traffic impact analysis.

General Development Plan Amendment

The applicant is requesting to amend the General Development Plan to increase the overall maximum number of dwelling units in the Gateway GDP from 500 to 586 and to increase the multifamily residential density on Parcel A-1 from 16 DU/acre to 22 DU/acre. The residential density would remain at 16 du/acre for the rest of Gateway. The following table compares the current GDP with the changes requested with the amendment:

GDP Amendment Comparison

	Existing GDP	Proposed GDP Amendment
Density	16 DU/ acre	22 DU/acre for Parcel A-1, 16 DU/acre for all other parcels and for the overall PUD
Maximum Units	500	583 (a 17% increase)
Clarification	Limited detail in Table 2 on Sheet 5, formatting inconsistencies	Increased detail in Table 2 on Sheet 5, formatting improvements

The General Development Plan is five sheets in length, but the requested amendment concerning the number and density of multifamily residential units affects only two sheets within the document, Sheets 1

and 3. The amendment to the allowable density is reflected in a change to Table 1 on Sheet 1, while the amendment to the overall maximum number of dwelling units is reflected in a change to Table 2 on Sheet 3. While these two changes to the tables constitute the substance of the requested amendment, additional changes to the GDP document included with the amendment are as follows:

- Text on Sheet 1 has been changed to correspond with the change in density reflected in the table on that sheet.
- The text on Sheet 1, the table on Sheet 3, and the map on Sheet 3 have been updated to reflect the earlier removal (rezoning) of a portion of Gateway that had not been reflected in the Gateway GDP at the time of its removal.
- Details related to Gateway developments that have been constructed since the original GDP approval, along with the proposed age-targeted multifamily development, have been added to the table on Sheet 3 for informational purposes.
- Formatting of the tables on both sheets has been improved.
- The current amendment request has been added to the table of amendments on Sheet 1.

Age-Targeted Multifamily Housing Development

The applicant has been working closely with Asante Corporation, a developer and property manager specializing in senior housing, concerning construction of an approximate 138-unit rental multifamily residential building targeted at independent living seniors. The development would locate on vacant land on Parcel A-1. However, the multifamily building itself is not before the Planning Commission for consideration at the June 10 public hearing. The GDP amendment request under consideration at this time would change certain development standards within Gateway that would allow for the submittal of a development application for a multifamily project of the size proposed by Asante. If the amendment is approved and Asante proceeds with a development application, that application would not undergo review by the Planning Commission, as only staff review would be necessary.



Asante has stated that they would pursue an “age targeted” rather than an “age restricted” development because the terms of their financing prevent including age restrictions (age discrimination) in the development. The company’s product is such that features within the units and within the common areas, along with on-site programmed activities, would appeal specifically to seniors. The building itself would be designed and managed in the same manner as age restricted senior housing, and according to the developer, would be unlikely to appeal to anyone under “senior” age except for occasional cases of married couples in which one spouse is under that age.

While Asante has met with staff for a concept review meeting for the proposed building and has expressed strong intent on pursuing their development if the GDP amendment is approved, it should be noted that the amendment request would allow any developer to pursue a multifamily development on Parcel A-1 at the density and number of units allowed by the amendment. It should also be noted that Gateway is already almost at build-out. The multifamily housing development proposed for Parcel A-1 may be the last significant residential project in the PUD, and this request for a raising of the residential density cap is likely the last such amendment request within Gateway.

IV. KEY ISSUES

City staff believes that all key issues have been addressed in the amendment proposal. As described above, the request before the Planning Commission at this time concerns only the amendment to the GDP to allow an increase in the maximum number of multifamily residential units in Gateway from 500 to 586 (a 17% increase) and an increase in the maximum density on Parcel A-1 from 16 DU/acre to 22 DU/acre, while keeping the overall maximum residential density in Gateway at 16 DU/acre.

V. SITE DATA

GENERAL DEVELOPMENT PLAN AMENDMENT

ACREAGE OF GDP-GROSS/NET	192 AC / 179 AC
MASTER PLAN DESIGNATION.....	RAC - REGIONAL ACTIVITY CENTER
EXISTING ZONING.....	GATEWAY PUD
EXISTING USE	MIXED USE MULTIFAMILY RESIDENTIAL, COMMERCIAL, LIGHT INDUSTRIAL, INSTITUTIONAL, PARK & VACANT
OPEN SPACE.....	MINIMUM 20-25% OF EACH OF THE 9 GATEWAY PARCELS
NUMBER OF DWELLING UNITS APPROVED	500 MAXIMUM ALLOWED/448 DEVELOPED
NUMBER OF DWELLING UNITS PROPOSED.....	586 MAXIMUM PROPOSED
GROSS DENSITY (DU/A) APPROVED	16 DU/AC
GROSS DENSITY (DU/A) PROPOSED	16 DU/AC, 22 DU/AC ON PARCEL A-1
EXIST ADJ ZONING & USE - NORTH	MILLENNIUM PUD – MEDICAL CENTER AND EQUALIZER LAKE
EXIST ADJ ZONING & USE - SOUTH.....	MILLENNIUM PUD & UNINCORPORATED - AGRICULTURE
EXIST ADJ ZONING & USE - WEST	ROCKY MOUNTAIN VILLAGE PUD & UNINCORPORATED – RESIDENTIAL & RV PARK

EXIST ADJ ZONING & USE - EAST B DEVELOPING BUSINESS – SHOPPING MALL
 UTILITY SERVICE – WATER, SEWER & ELECTRIC CITY OF LOVELAND

VI. BACKGROUND

The following represents a timeline for the background of the development:

- May 1994 City Council approval of the Gateway PUD. The PUD established zoning for a maximum of 500 multifamily residential units, a maximum residential density of 16 units per acre, and a maximum FAR between 0.18 and 0.72 for nonresidential uses including retail, office, research & development, light industrial, warehouse/storage, hotel/motel, and institutional (assisted/nursing) senior living. The PUD was divided into three use categories (A, B and C), with the allowable uses specified for each. The ten parcels within the original PUD were each assigned one of the use categories, and each parcel was given a maximum number of dwelling units and/or floor area ratio, as appropriate to the allowable uses. The GDP created development standards designed for each permitted use type. Six separate plats of subdivision within the Gateway PUD were subsequently submitted and approved.

- Feb 1995-Jan 2006 Eight amendments to the GDP were pursued addressing a variety of matters including landscaping, signage, transportation design, FAR, setback standards, and the removal and addition of certain lands to the Gateway GDP. Part of Parcel B-1 was rezoned to Millennium GDP during this period, although it was pursued through the approval of the Millennium GDP rather than through an amendment to the Gateway GDP.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from the applicant certifying that written notice was mailed to all property owners within 1,000 feet of the property on April 23, 2013 and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the date of the neighborhood meeting. The mailed and posted notice referenced the date of the neighborhood meeting and the Planning Commission public hearing, along with the anticipated City Council hearing date. In addition, a notice of the public hearing was published in the Reporter Herald on May 25, 2013.

- B. **Neighborhood Response:** A neighborhood meeting was held at 6:00 p.m. on May 9, 2013 near Gateway in the McWhinney offices at 2725 Rocky Mountain Avenue. The meeting was attended by nine neighbors along with City staff, the applicant, and a representative from Asante, the senior housing developer that has been in discussion with the applicant concerning a proposed development. At the meeting, the applicant explained that the current request is to amend the GDP to allow for the future submittal of an application to develop a multifamily residential building targeted at seniors. The senior housing developer described the proposed building, including presenting a model of the structure at the neighborhood meeting.

Attendees asked questions about the specific features of the building, whether the development would be age restricted, whether it would include subsidized units, and expressed concern about parking, traffic, building height, and building setbacks along Hahn's Peak Drive. Regarding traffic, attendees inquired whether the area infrastructure, including streets, could handle a development of this nature. The applicant has submitted a traffic analysis (Attachment 3) demonstrating that the proposed amendment and the development of an age-targeted multifamily residential building will not increase the amount of traffic over what can be constructed on the property by right and that the area roadways can adequately handle the traffic. Regarding parking, some attendees inquired about the provision of adequate parking. The Asante representative described the parking proposed for the development along with the planned provision of shuttle vehicles for residents. Regarding the building height and setback along Hahn's Peak Drive, the applicant explained that the building would have varied heights rather than a monolithic façade, and that outdoor areas orienting towards Hahn's Peak would be located between the building and the road.

VIII. FINDINGS AND ANALYSIS

The Chapters and sections cited below are from the Loveland Municipal Code pertaining to PUD General Development Plans.

A. Land Use

1. Loveland Municipal Code

a. Section 18.41.050.D.4(a): *Whether the general development plan conforms to the requirements of this Chapter 18.41, to the City's master plans and to any applicable area plan.*

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

- The requested GDP amendment is consistent with the Comprehensive Master Plan, which designates the entire site as a Regional Activity Center (RAC). The RAC land use category is a mixed use category that encourages regional shopping, offices, and a wide variety of residential development types. It does not include a target density for residential uses. The gross density in the GDP amendment would remain unchanged at 16 units per acre, although the maximum allowable density within Parcel A-1, the parcel on which there is interest in an age-target multifamily development, would increase to 22 units/acre.
- The GDP amendment is consistent with the intent of the master plan to promote a variety of housing types compatible with RAC character.
- Municipal Code Section 18.41.040 A, which describes permitted uses within PUDs, permits any combination of uses in a PUD so long as it can be determined that the uses are compatible with one another. The applicant is not proposing to change the allowable uses within Gateway as part of this GDP amendment. Multifamily uses, including age-targeted (senior) housing, were determined at the time of the original GDP approval to be compatible with other allowable uses in the GDP.

- Municipal Code Section 18.41.040 B, which describes permitted density and intensity of development within PUDs, permits residential development at a gross density of 16 units per acre, based on the gross land area devoted to each type of use for mixed use PUDs. The Gateway GDP currently limits multifamily residential to that allowed by Code, 16 units per acre. (Single family residential is not a permitted use within use within the Gateway GDP). The amendment proposes to increase the maximum multifamily residential density for Parcel A-1, where the age-targeted housing development would locate, to 22 dwelling units per acre, while not permitting the overall maximum gross residential density of 16 units per acre to be exceeded.

b. Section 18.41.050.D.4(c): *Whether development permitted under the GDP amendment will be complementary to and in harmony with existing development and future development plans for the area in which the GDP is located by:*

- Incorporating natural physical features into the GDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.*
- Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Master Plan.*
- Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*
- Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.*
- Incorporating elements of community-wide significance as identified in the town image map,*
- 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.*

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

- Site planning standards have been incorporated into the approved Gateway GDP to promote the philosophies of the City's master plan. The requested GDP amendment does not propose to change any of the Gateway site planning standards.
- Landscaping and open space is provided throughout the Gateway development. No changes to landscaping or open space requirements are proposed in the GDP amendment.
- Transportation design standards have been incorporated into the approved Gateway GDP. Sidewalk connectivity is provided for pedestrians throughout Gateway.
- The proposed GDP amendment does not relieve any developer from the City's site development plan and building permit application processes. The City's Development Review Team will ensure that appropriate site planning techniques are followed once a detailed development plan is prepared and submitted for review, whether the development plan comes from Asante or any other potential developer.

B. City Utilities and Services

1. Loveland Municipal Code

a. Section 18.41.050.D.4

(i) *Development permitted under the zoning established by the GDP will not have negative impacts on traffic or City utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the GDP or reasonable conditions designed to mitigate the negative impacts.*

(ii) *Whether development permitted under the GDP will be complementary to and in harmony with existing development and future development plans for the area in which the GDP is located by 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.*

Because the current request concerns only a change to the maximum allowable number of residential units and density in the GDP document, and not a specific development proposal, the application did not require review by the City Water/Wastewater, Power, or Stormwater divisions. These divisions will review the multifamily building or any other specific proposal that is submitted for the subject property at the time of site development plan and building permit review.

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

- A Traffic Analysis has been submitted with the Gateway GDP amendment. The proposed use associated with the GDP Amendment will result in a decrease of peak hour traffic when compared to what was previously approved. Therefore the proposed GDP amendment will not create a negative impact on traffic and has demonstrated the ability to comply with the City's ACF Ordinance for traffic.

Fire: 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 (Station 6).
- The proposed development will not negatively impact fire protection for the subject development or surrounding properties.

IX. RECOMMENDED CONDITIONS

Because the requested amendment concerns a relatively small (17%) increase in multifamily residential units in a PUD that is already approved for multifamily units and does not include a detailed development proposal, no conditions are recommended by staff.

The Gateway Planned Unit Development General Development Plan

bha design
 May 12, 1994
 -Revised: July 14, 1997
 - Revised: December 7, 2001
 - Revised: 2013

A. AUTHORITY AND DEFINITIONS

1. Authority of this General Development Plan shall apply to all property contained within the Gateway Planned Unit Development. The Gateway Planned Unit Development shall be governed by the provisions of this document and the provisions of the City of Loveland shall apply where the provisions of this document do not address a specific subject.

2. The conditions of this General Development Plan shall be used for the period of time specified in a development agreement between the City and the developer, which shall remain in effect until the developer, throughout the property, including the rights-of-way and easements.

3. Definitions
 The definitions in the City of Loveland Zoning Code shall be used except as follows:
 a. Light Industrial: Secondary manufacturing, processing, or fabrication of semi-finished products from a primary manufacturing industry provided that the secondary manufacturing facility is completely enclosed. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration or similar pollution standard established by the City of Loveland, the State of Colorado or the United States Government. A maximum of 10% of the lot may be used for outside storage provided it is adequately screened.

3. Requirements for Specific Land Uses

Table 1: Requirements for Specific Land Uses

LAND USE	MIN. % OPEN SPACE REQUIRED	MAX. STORES (HEIGHT)	MAX. UNITS PER ACRE OR COVERAGE FACTOR AREA BY STORES	MAX. LOT TOTAL NET GWP AREA
Multiple Family Residential	25%	4 (50 Feet)	16 DU / acre	15%
Office	20%	4 (50 Feet)	.35	90%
Research & Development	25%	4 (50 Feet)	.30	60%
Warehouse	20%	3 (35 Feet)	.50	5%
Hotel/Meal	25%	5 (60 Feet)	.70	15%
Senior Housing (Non facilities)	20%	3 (45 Feet)	.25	15%
Other	20%	3 (45 Feet)	.25	NA

4. The uses permitted in the A category are:
 a. Multiple family housing;
 b. Retail stores;
 c. Offices and clinics;
 d. Gas stations;
 e. Convenience store;
 f. Motor vehicle sales and service;
 g. Parking lots and parking garages;
 h. Pet stores;
 i. Bank, savings and loan, and finance companies;
 j. Churches;
 k. Parks and inside;
 l. Personal service shops;
 m. Public and private schools;
 n. Underground public and private utility and public service installations and facilities, excluding repair, open storage and production facilities;
 o. Drive-in or fast food restaurants;
 p. Restaurants and other outdoor or indoor eating and drinking places;
 q. Tourist houses;
 r. Accessory buildings and uses;
 s. Boarding or rooming houses;
 t. Nursing home and convalescent care facility;
 u. Government or semipublic uses;
 v. Cemetery;
 w. Any other use which is not prohibited by the City of Loveland Zoning Code and which is not otherwise specifically prohibited by the City of Loveland Zoning Code.

5. The uses permitted in the B category are:
 a. Research and development;
 b. Light industrial;
 c. The same as those listed in the A category except the following prohibited uses:
 1. Nursing home;
 2. Convalescent care facility;
 3. Boarding and rooming houses.

6. The uses permitted in the C category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

7. Land Use Permits
 The 22956 102 acre property has been divided into 9 parcels as shown on the plan map, Sheet 3. Each of the parcels is designated by the land use category (A, B, or C) and a number to differentiate each area. Table 2 summarizes the parcelization.

8. The uses permitted in the D category are:
 a. Research and development;
 b. Light industrial;
 c. The same as those listed in the A category except the following prohibited uses:
 1. Nursing home;
 2. Convalescent care facility;
 3. Boarding and rooming houses.

9. The uses permitted in the E category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

10. The uses permitted in the F category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

11. The uses permitted in the G category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

12. The uses permitted in the H category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

13. The uses permitted in the I category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

14. The uses permitted in the J category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

15. The uses permitted in the K category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

16. The uses permitted in the L category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

17. The uses permitted in the M category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

18. The uses permitted in the N category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

19. The uses permitted in the O category are:
 a. Warehouse and enclosed storage;
 b. Plumbing, electrical, carpenter and other similar trade shops;
 c. The same as those listed in the B category.

Approved: _____
 Center Office Partners, LLC,
 a Colorado Limited Liability Company
 By: _____, Manager
 a Colorado Corporation

By: _____, day of _____, 20____, by the Current Planning Manager of the City of Loveland, Colorado.

Current Planning Manager
 b. Approved this _____ day of _____, 20____, by the City Engineer of the City of Loveland, Colorado.

City Engineer
 c. Approved this _____ day of _____, 20____, by the City Attorney of the City of Loveland, Colorado.

City Attorney
 d. Approved this _____ day of _____, 20____, by the City Planning Commission of the City of Loveland, Colorado.

City Planning Commission
 e. Approved this _____ day of _____, 20____, by the City Council of the City of Loveland, Colorado.

Mayor Attest

 Mayor

Sheet 1 of 5
 PC ATTACHMENT I

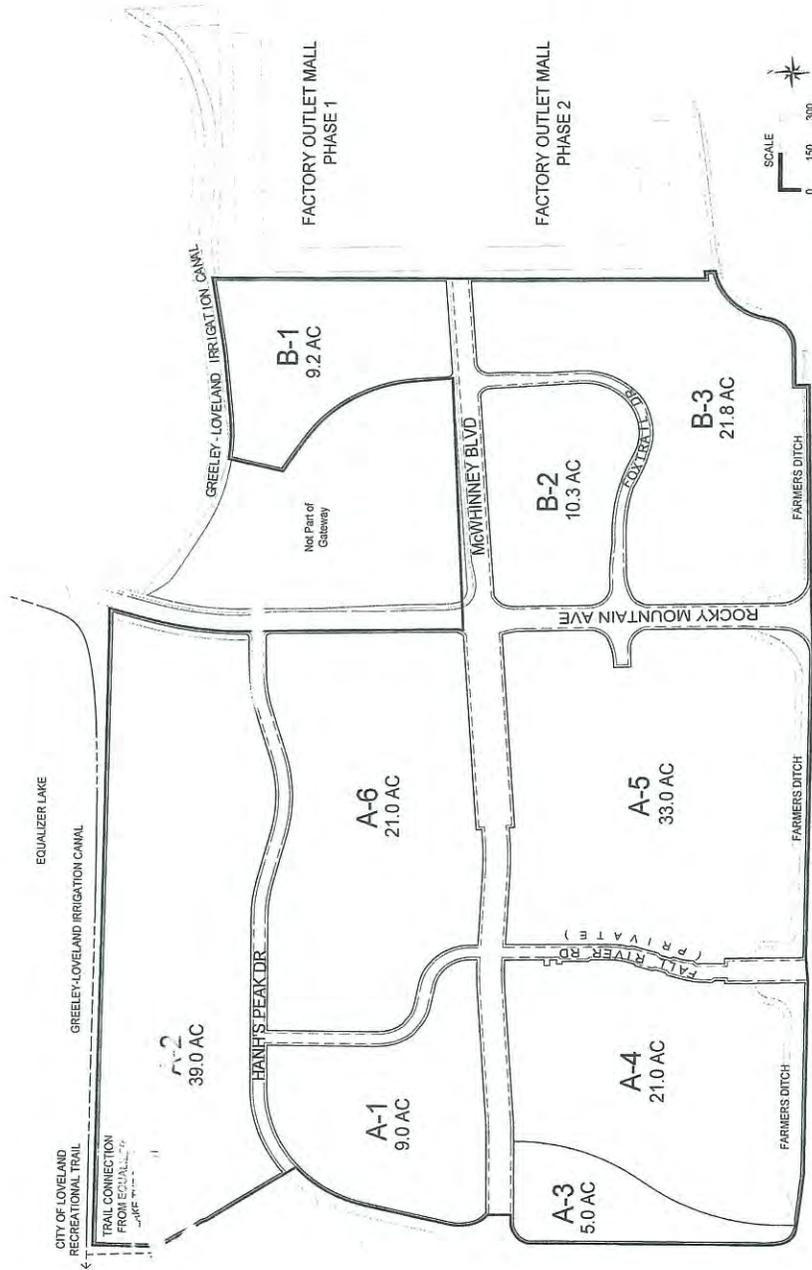
Sheet 1 of 5

The Gateway Planned Unit Development

General Development Plan

MASTER PLAN

EDAW
 May 12, 1994
 -Revised: July 4, 1997
 - Revised: **2013**



THIS INFORMATION AND/OR ILLUSTRATION ALTHOUGH DEEMED RELIABLE, IS CONCEPTUAL IN NATURE AND EDWARDS AND KELCEY ASSUMES NO LIABILITY TO ITS ACCURACY. THE INFORMATION SHOWN HEREIN IS SUBJECT TO CHANGE.

Table 2
 Land Use Table

LAND USE CATEGORY AND PARCEL	ACREAGE	MAXIMUM NUMBER OF DWELLING UNITS	NUMBER OF UNITS (AS DEVELOPED)	DESCRIPTION OF DEVELOPMENT AND YEAR(S) CONSTRUCTED
A-1	199.271	394	21 FAR	202 Beyond Avenue Living SUDP - 2007 Not developed
A-2	39.0	64	48 DU	Fagle Ridge Calstone Units 1999
A-3	5.0	60	21 FAR	Multiplace SUDP 2005-2006
A-4	21.0	36	21 FAR	Multiplace SUDP 2005-2006
A-5	33.0	538	21 FAR	Multiplace SUDP 1999-2005
A-6	21.0	36	20 FAR	2007 New Building Company (located at position to the Millenium GIIP in 2003 - Not developed) 11400 Park SUDP 1999-2005
B-1	9.2	0	NA	Vertical Office Complex, 2006
B-2	10.3	0	0 FAR	Vertical Office Complex, 2006
B-3	21.8	0	0 FAR	Restaurants 2 (Block-C, 2006) The Gateway Mall Food Court (NO 1997-2002)
C-1	124	0	NA	Location for the Millenium GIIP in 2006 Not developed
SUBTOTAL	346.3	500	500	
ARTERIAL & COLLECTOR ROADS RIGHTS-OF-WAY	13.1			
TOTAL	359.4	500	500	

* The total maximum number of multi-family dwelling units for the entire 359.4 acre project is 500 units, which is significantly less than the sum of the maximum allowable units per parcel. The maximum number of units per parcel is based on the entire parcel being developed at 16 DU/acre, except Parcel A-1 which is 21 DU/acre.

Table 1, Sheet 1
Close up for increased legibility

Table 1. Requirements for Specific Land Uses

LAND USE	MIN. % OPEN SPACE RE-QUIRED*	MAX. STORIES (HEIGHT)	MAX. UNITS PER ACRE OR FLOOR AREA RATIO (FAR) **	MAX LOT COVERAGE BY STRUC-TURES	MAX. % OF TOTAL NET GDP AREA
Multiple Family Residential	25%	4 (50 Feet)	16 DU / acre***	35%	15%
Retail	20%	2 (45 Feet)	.35	30%	90%
Office	20%	4 (50 Feet)	.50	30%	60%
Research & Development, Light Industrial	25%	2 (35 Feet)	.30	30%	50%
Warehouse, Storage	20%	2 (35 Feet)	.50	50%	5%
Hotel/Motel	25%	5 (60 Feet)	.50	25%	15%
Senior Housing -Non Residen-tial	20%	3 (45 Feet)	.70	25%	15%
Other	20%	3 (45 Feet)	.25	25%	NA

*In addition to the open space required for specific land uses, five percent (5%) of the net project land area (212.4) (192.4), for a total of ~~10.6~~ 9.62 acres, will be dedicated to common open space for the purposes of Irrigation canals, drainage, landscape buffers, walks and pathways, parks, natural areas, sculpture and other passive recreational uses. The location of common open space will be finalized at the time of preliminary and final development plans. Additional open space as indicated above will be required for all uses, with the amount varying according to the specific use.

** The maximum FAR for the net total land area (212.4 acres) (192.4) is 0.4, however, the FAR on a given parcel may exceed 0.4 as long as the total project FAR is not exceeded.

*** 22 DU/acre for Multi-Family Residential in Parcel A-1 only. The gross density requirements of Section 18.41.040 shall not be exceeded.

Note: The percentages listed may be adjusted administratively up to 5% as long as the intent of the P.U.D. is respected.

Amendment Table, Sheet 1

Close up for increased legibility

Amendment #	Date	Purpose/Revision
1	No Information	No Information
2	2.7.95	Added Landscape and Signage Standards
3	9.5.95	Approved modifications to the sign standards for the food court, Lot 6, Block 1 of McWhinney 2nd Subdivision
4	No Information	No Information
5	9.16.97	<p>Sheet 1: Revised Owners Name in Approvals section and provided this Amendment History Table.</p> <p>Sheet 2: Revised the fourth paragraph under "Vehicular and Bicyclist Circulation" titled Access, to remove the requirement for the raised concrete median in Rocky Mountain Avenue when the traffic signal is installed at the intersection of Rocky Mountain Avenue and McWhinney Boulevard. Also added "unless otherwise approved by the City Engineer" to allow for decreased spacing of intersections along Rocky Mountain Avenue and McWhinney Boulevard provided the City Engineer approves. Paragraph K.1. (Master Association and Design Review Board) - added a sentence which requires a letter of approval from the Design Review Board to accompany all applications for building permit.</p> <p>Sheet 3: Re-aligned McWhinney Boulevard west of Rocky Mountain Avenue and revised the layout of the parcels west of Rocky Mountain Avenue (parcels A-1 through A-6). Revised the Land Use Table to reflect changes in layout. Added note at the southwest corner of parcel A-6 requiring a 200' minimum intersection offset unless otherwise approved by the city engineer.</p>
6	5.20.03	Separated out th area for PLD #83, Twin Peaks Addition
7	2.15.05	Added Two leaves area to the Gateway GDP land area
8	1.17.06	<p>Sheet 1: Changed Max FAR for land use "Other" from .25 to .70</p> <p>Sheet 2: Changed minimum setback from side or back property lines for Retail, Office Parking and Drives from 15 feet to 5 feet</p>
9		<p>Sheet 1: Revise for Specific Land Uses, Amend Multiple Family Residential to reflect 22 DU/acre. Revise Amendments History Table.</p> <p>Sheet 3: Revise Land Use Table to reflect increase in total units to 586 and increase the Maximum Number of Dwelling Units</p> <p>Revised to reflect the rezoning of a portion of Parcel B-1 and Parcel C to the Millennium GDP on July 11, 2006</p>

Table 2, Sheet 3
Close up for increased legibility

Table 2

Land Use Table

LAND USE CATEGORY AND PARCEL	ACREAGE	MAXIMUM NUMBER OF DWELLING UNITS	NUMBER OF UNITS/FAR DEVELOPED	DESCRIPTION OF DEVELOPMENTS AND YEAR(S) CONSTRUCTED
A-1	49.6 2.74	404* 60	.72 FAR	Park Regency Assisted Living NO DU - 2007
	6.26	138*	NA	Not developed
A-2	39.0	624*	448 DU	Eagle Ridge/Lakeshore Units 1999
A-3	5.0	80*	.22 FAR	Marketplace - NO DU 2005-2008
A-4	21.0	336*	.22 FAR	Marketplace - NO DU 2005-2008
A-5	33.0	528	.22 FAR	Marketplace - NO DU 1998-2004
A-6	21.0	336*	.26 FAR	Factual Data Building/Compass Bank/ Hahns Peak-NO DU - 1998-2005
B-1	29.3	0	NA	Rezoned a portion to the Millennium GDP in 2008 - Not developed
	9.2			
B-2	10.3	0	.39 FAR	Foxtrail Office Condos & Residence Inn- NO DU 2007-2008
B-3	21.8	0	.18 FAR	Restaurants/2 Hotels/Chamber/ The Group/Old Food Court - NO DU 1995-2002
B-4	17.1	0	NA	Rezoned to the Millennium GDP in 2008 - Not developed
SUBTOTAL	216.3 179.3	500 586*		
ARTERIAL & COLLECTOR ROADS RIGHTS-OF-WAY	13.1			
TOTAL	229.4 192.4	500 586*		

† The total maximum number of multi-family dwelling units for the entire ~~229.4~~ 192.4 acre project is 500 586, which is significantly less than the sum of the maximum allowable units per parcel. The maximum number of units per parcel is based on the entire parcel being developed at 16 DU/acre, except Parcel A-1 which is 22 DU/acre.

Project Description and Legal Description

Project Description:

Amend the Gateway GDP to modify the "Requirements for Specific Land Uses" table on Sheet 1 to increase the Maximum units per Acre or Floor Area Ratio (FAR) in the Multi-Family land use from 16 dwelling units per acre to 22 dwelling units per acre. With this modification the Land Use Table on Sheet 3 will also need to be amended to reflect the change. The Maximum Number of Dwelling Units subtotal and total will need to be increased to 586 total units.

Legal Description: There are several Subdivision Plats within the Gateway GDP

Rocky Mountain Village 16th Subdivision
McWhinney 12th Subdivision
McWhinney 11th Subdivision
Rocky Mountain Village 15th Subdivision
Rocky Mountain Village 5th Subdivision
Rocky Mountain Village 3rd Subdivision

PROJECT NARRATIVE/OVERVIEW

We are requesting to amend the Gateway GDP to increase the allowed dwelling units per acre from 16 du per acre to 22 du per acre for age restricted senior apartments (subset of the multifamily land use category). With this amendment we plan to amend Sheet 1 and Sheet 3. On Sheet 1 the Requirement for Specific Land Uses would be amended in the Multi-Family Residential section by adding a footnote that would allow up to 22 dwelling units per acre for only age restricted senior apartments. The Land Use Table on Sheet 3 would be amended to increase the subtotal and total Maximum Number of Dwelling Units from 500 dwelling units to 586 dwelling units.

The City of Loveland Municipal Code, Section 18.41.040.B of the ("Planned") Unit Development Zone District Requirements and Procedures is referenced below. The intent of this amendment is to increase the density for a specific use that will be an infill lot to the Gateway GDP. Presently there are three vacant parcels of land in the GDP; two have been slated for commercial building while the third is planned to be utilized for senior housing, thus the need to increase the density.

18.41.040.B. The density and/or intensity of development shall be based on the capacity of the land proposed for development to support the planned unit development as well as the impact of the proposed development on city services and facilities and on neighboring property that reasonably could be impacted by the proposed development. Capacity of the land shall be determined based on the size, topography, and geological and environmental limitations of the land proposed for development. Notwithstanding the foregoing, residential development shall not exceed a gross density of sixteen units per acre; commercial development shall not exceed a floor area ratio of 0.5; office development shall not exceed a floor area ratio of 4.0; industrial development shall not exceed a floor area ratio of 1.0. In a mixed use planned unit development, the gross density shall be calculated based on the gross land area devoted to each type of use. (Ord. 4239 § 1 (part), 1997; Ord. 3896 § 1 (part), 1993)

VACANT PROPERTIES WITH IN THE GATEWAY GDP

Rocky Mountain Village 16th Subdivision

Current Vacant Properties:

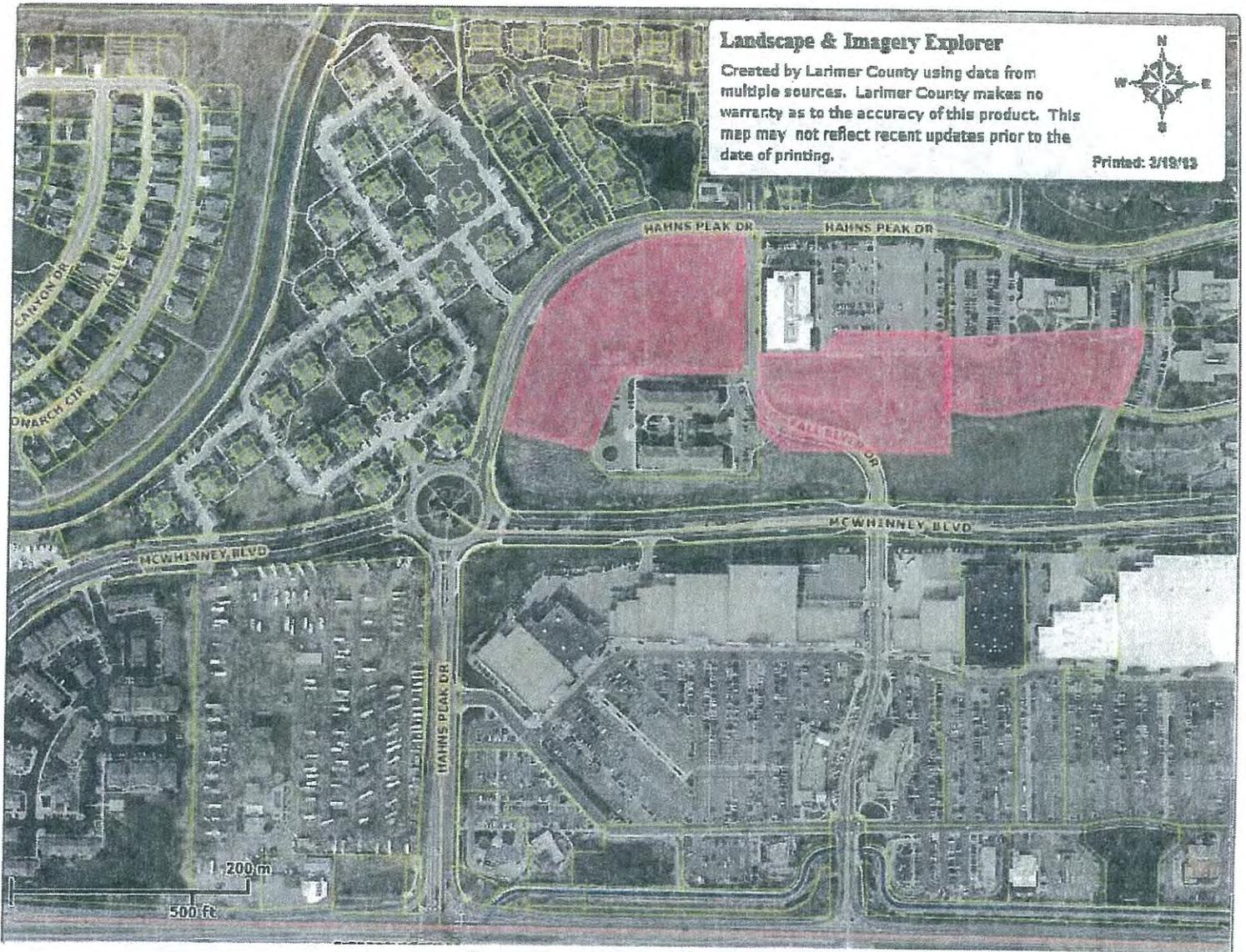
1. Block 1, Lot 3 and Outlot B – proposed use will be the senior apartments that the amended GDP will be addressing
2. Block 1, Lot 2 – intent for this will be another Hahn's Peak office building which will be for commercial uses. There currently is an approved FDP dated 5.1.06 for this parcel. It includes no residential

McWhinney 12th Subdivision:

Current Vacant Properties:

1. Block 1, Lot 3 – intent for this is FDC IV which will be another office building for commercial use. This currently has an approved FDP with a revised date of 8.23.00. It includes no residential

The map below indicates the location of the three vacant parcels.



List and description of developments in Centerra and the Millennium GDP with comparable densities

Below are photos that include a brief summary with regards to the individual developments.



Eagle Ridge Apartments has 168 Total Units. The total acreage excluding the adjacent regional detention pond is 8.65 ac. The density is 19.4 du/ac (168/8.65).



The Reserve Apartments has 153 Total Units. The total acreage excluding the adjacent regional detention pond is 9.08 ac. The density is 16.8 du/ac (153/9.08).



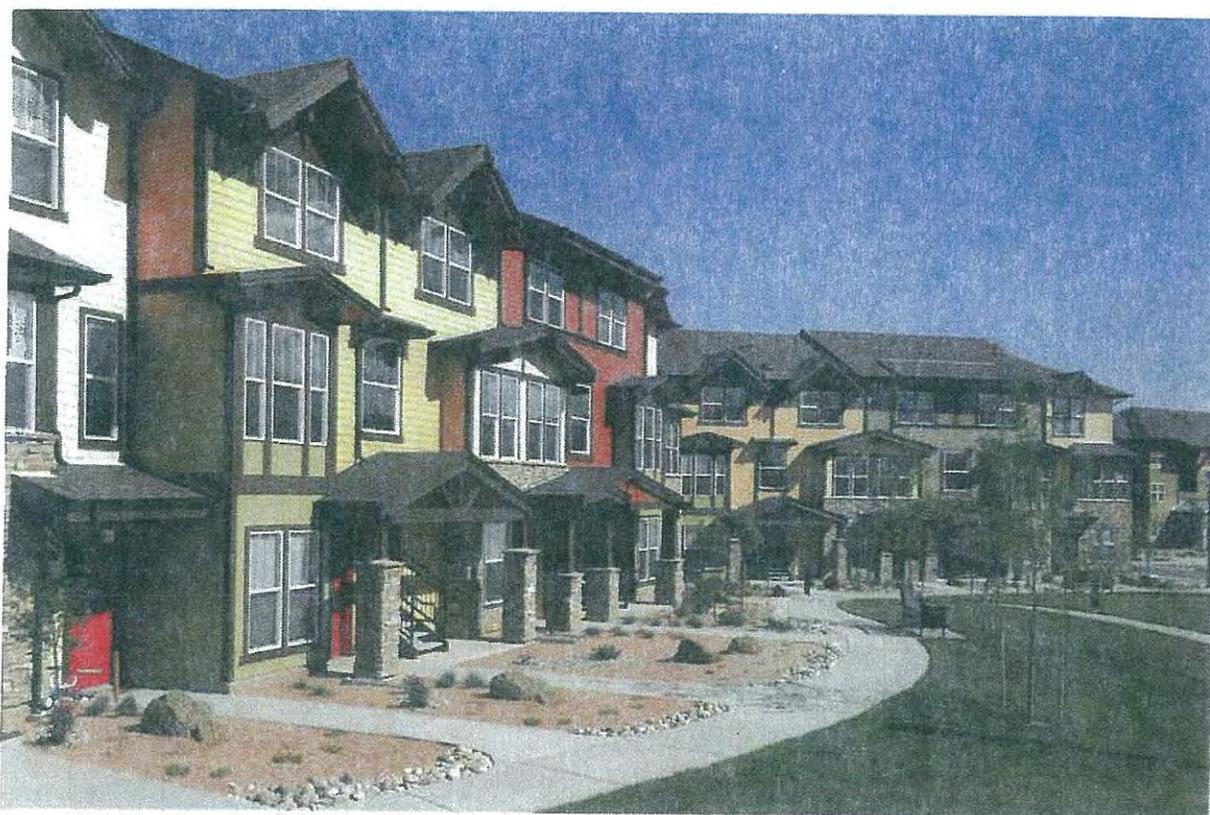
The McStain Condos has 208 Total Units. The total acreage excluding the adjacent regional detention pond is 16.68 ac. The density is 12.5 du/ac (208/16.68).



The Lakeshore Condos has 280 Total Units. The total acreage excluding the adjacent regional detention pond is 17.15 ac. The density is 16.3 du/ac (280/17.15).



Park Regency Assisted Living has a total of 104 suites. The total acreage excluding the adjacent regional detention pond is 2.93. Because the suites do not have kitchens they are not considered a residential use. If the suites were considered on the equivalent as residential units then the density would be 35.5 du/ac (104/2.93).



Lake Vista has 303 Total Units. The total acreage excluding the adjacent regional detention pond is 14.92 ac. The density is 20.3 du/ac (303/14.92).



The Greens at Van de Water has 252 Total Units. The total acreage excluding the adjacent regional detention pond is 14.54 ac. The density is 17.3 du/ac (252/14.54).

VARIOUS GDP COMPARISONS OF ALLOWED DENSITIES AND BUILDING HEIGHTS

GDP	DENSITY	HEIGHT
Millennium	30 du/acre	60 feet
Gateway	16 du/acre	50 feet
Rocky Mountain Village	16 du/acre	50 feet

OPEN SPACE COMPARISONS

RES. PROPERTIES	ACRES OF OPEN SPACE	TOTAL ACRES	% OPEN SPACE
Lakeshore	1.63	18.78	9
Eagle Ridge	3.25	11.90	27
Reserve	3.92	13.00	30
McStain	5.13	21.81	23
Proposed Senior Living Campus (Park Regency and new project)	3.40	9.19	37

These numbers were taken directly from the parcel map and tie to the density and photos above.

FINDINGS REPORT

- A. The GDP/PDP conforms to the requirements of Chapter 18.41 of the LMC (PUD Chapter), to the City's master plans and to any applicable area plan

This GDP amendment does conform to the requirements of Chapter 18.41 as it is an innovative design of a residential need. This provides necessary housing conveniently located to commercial and recreational facilities. This housing type provides a perfect transition from the higher density senior units at Park Regency to the lower density units at Lakeshore and Eagle Ridge. This amendment will encourage innovation in residential so the growing demands of the population may be met by a greater variety in type of buildings. This proposed amendment will allow for a use that will lessen the burden of traffic in the area as seniors are typically retired and do not require as many trips per day. With this amendment being specific to an infill need we feel as though it meets the intent of this chapter.

- B. The proposed development will not 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.

The proposed amendment to the GDP will in fact create a use that will lessen the burden of traffic in the area and will not negatively impact the city utilities in any way. There will be no detrimental impact as this will create a use that nestles into the area perfectly.

- C. 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.

This amendment will create a use that is in perfect harmony with the existing development in the area. The area impacted by this amendment is surrounded by residential to the north and west with commercial conveniently located within walking distance to the south and east. This amendment affects what is essentially an infill lot to the Gateway GDP.

- i. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use:

Currently there is open space that is in abundance of the required % of open space for the area. The percentages are included in the information above. There are currently detention areas providing quality wildlife habitat in existence for the entire area.

- ii. Incorporating site planning techniques that will foster the implementation of the City's mater plans, an encourage a land use pattern that will support 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.

A majority of this already exists in the area. The infrastructure is in place along with the bike and pedestrian sidewalks. There are two bus stops within ¼ mile of the parcels this amendment will affect. Currently all utilities are in place and there will be no additional fees.

- iii. Incorporating physical design features in the development that will provide a transition between the project 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.

There will be physical features built into the development that will enhance connectivity between the adjacent land uses. Presently sidewalks are installed.

- iv. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design

Wetlands are existing, established and being maintained by HPEC.

- v. Incorporating elements of community-wide significance as identified in the town image map

N/A

- vi. 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

The amendment will not negatively impact the level of services of the City's utilities.

- vii. 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 streets furniture

Currently a majority of the amenities are in place, bike and pedestrian circulation, streetscape. The proposal for senior housing will address the needed designs internal to the site.

- D. A description and discussion of all aspects of the GDP that do not comply with the regulations for the comparable zone district in the Municipal Code.

We do not believe there are any aspects that do not comply with regulations as proposed.

LAND USE INFORMATION TABLE

The land use table is modified on Sheet 3 of the GDP submitted documents.



McWHINNEY

March 21, 2013

RE: REQUEST A WAIVER TO THE PUD DENSITY STANDARDS
City of Loveland Municipal Code Section 18.41.040.B

TO: Noreen Smyth
City of Loveland Senior Planner

McWhinney, Manager for the owner of Lot 3 and Outlot B of the Rocky Mountain Village 16th Subdivision is making application to the City for an amendment to the Gateway GDP related to a proposed Senior Apartment project. As part of the application McWhinney is also submitting this request for a waiver to Section 18.41.040.B of the municipal code specifically addressing the density per unit calculation. Lot 3 and Outlot B comprise the last parcel of ground that is intended to be developed with residential uses within the Gateway GDP. There are two other undeveloped parcels within the GDP and those have been platted and approved for office developments. (Phase 2 of the Hahn's Peak Office campus and FDC 3 of the Factual Data Office campus).

The request for the waiver is to allow up to 22 du/acre for age restricted Senior Apartments. The design of Senior Apartment projects differs from standard multifamily apartments targeting families in that the unit mix typically does not include the larger three bedroom units. The unit mix instead is dominated with one and two bedroom units resulting in a much smaller average square foot size per unit. This means that given a building of the same size, there will be more Senior Apartment units that can fit in it versus traditional apartment units. Senior Apartments also require fewer parking spaces with fewer residents driving and owning cars. This also means that compared to a traditional apartment project, the Senior Apartments can fit the same number of units on a smaller site since less space is required for parking lots. Both the unit mix/average size and the reduced requirement for parking spaces mean a more compact development resulting in a higher density project. The increased density is necessary to make a Senior Apartment project viable.

Other Supporting Documentation

- The waiver would only apply to age restricted Senior Apartments and would not apply to other multifamily apartments or condominiums. Most of the land within the Gateway GDP and surrounding area is already developed with multifamily (apartments and condominiums), office, retail and senior assisted living facilities. Allowing for Senior Apartments to be developed would broaden the residential options available to seniors in the area and create a greater senior living campus.

Bring Your Dream

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

PC ATTACHMENT 2

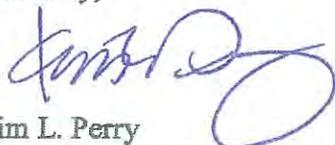
Exhibit A

The size and scale of the development would be in keeping with the existing and future allowed commercial development on the adjacent property.

- Existing multifamily developments in the Gateway GDP and in surrounding GDP's on similar sites (net of regional detention ponds) have similar densities to the proposed 22 du/ac. (See detailed summary in the application for the GDP amendment).
- The Millennium GDP which covers thousands of acres in the Centerra and Van de Water developments already allows multifamily densities of up to 30 du/ac.
- The proposed Senior Apartment project, when taken into context with the existing senior living facility as a campus and the adjacent regional detention pond/wetlands within the block will provide a higher percentage of open space than the existing surrounding multifamily developments. 39% of the property is comprised of high quality wetlands and wildlife habitat. (See detailed open space comparison in the application for the GDP amendment).

Based on the above information, we respectfully request approval of the waiver. Thank you for your consideration.

Sincerely,



Kim L. Perry
VP Community Design
McWhinney



March 21, 2013

Mr. Jim Niemczyk
McWhinney Enterprises
2715 Rocky Mountain Avenue, Suite 200
Loveland, CO 80538

RE: Land Use Modification Traffic Analysis for the Parcel 102 Project - Centerra

Dear Jim:

This letter summarizes the traffic characteristics of the currently proposed senior residential plan for two of the remaining vacant parcels within the Centerra Parcel 102 area. The currently proposed residential land use traffic characteristics are compared to those contained in a 2005 traffic impact study (TIS)¹ prepared for the site. This traffic analysis reviews prior and currently proposed land use traffic characteristics for the parcels and identifies any site specific traffic impacts to the adjacent street network.

The site is generally located on the northeast quadrant of the McWhinney Boulevard / Hahns Peak Drive intersection in the City of Loveland. The two parcels within the Parcel 102 site are currently vacant, but have been planned for a future nursing home and congregate care retirement residential uses. The project involves a change in land use for these two parcels for up to 138 senior apartment residential units. Access to the site is planned from the adjacent street network via existing driveway connections.

Transportation and Access Conditions

The site is located within the Centerra development area on the northeast quadrant of the McWhinney Boulevard and Hahns Peak Drive intersection. The adjacent street network has been constructed and access points to the site are in place. The site plan (prior study Figure 2) from the Parcel 102 TIS is attached for reference. The internal north-south site drive is in place. The assisted living building and northern office building have been constructed. The Alzheimer Care Center and Outlot A (Future Nursing Home) on the study site plan are the parcels included in this analysis for land use modification. The two sites encompass a total of 6 acres in the Parcel 102 area.

¹ Centerra Parcel 102 (Rocky Mountain Village 16th Subdivision) Project Traffic Impact Study, Fox Higgins Transportation Group, November 10, 2005.

Comparison of Site Traffic Characteristics

The traffic study prepared in 2005 for the site assumed the two internal site parcels would be developed with the following land use compositions:

Prior Site Land Uses:

- Alzheimer Care Center – 66 beds
- Nursing Home – 45,000 square feet

The current land use plan calls for the construction of up to 138 senior residential apartment units. A comparison between the prior and current land use traffic was made based on trip generation data for similar land uses contained in the Institute of Transportation Engineers (ITE) Trip Generation manual. The ITE 7th Edition (2003) manual was applied in 2005 to the prior land uses. The most current ITE manual was used to determine traffic characteristics of the proposed land uses². The trip rates are for an average weekday, as well as morning and evening peak hour periods of the adjacent street network.

Based on the data presented above, trip generation for the current and prior proposed site uses was estimated and is shown in Table 1 attached and summarized below.

Prior Land Use Traffic Characteristics:

- 460 average daily trips
- 29 A.M. peak hour one-way trips
- 38 P.M. peak hour one-way trips

Currently Proposed Senior Apartment Land Use Traffic Characteristics:

- 475 average daily trips
- 28 A.M. peak hour one-way trips
- 35 P.M. peak hour one-way trips

As shown in the table, the currently proposed senior apartment land use will generate relatively the same amount of traffic as the prior uses. The current land use plan will generate less peak hour traffic than the prior uses in both the morning and evening peak hour periods when the adjacent street network is experiencing its highest traffic volumes. The adjacent and planned internal street network will be more than adequate to serve the senior residential use traffic.

² Trip Generation 9th Edition, Institute of Transportation Engineers, 2012.

Mr. Jim Niemczyk, McWhinney Enterprises
RE: Parcel 102 Land Use Modification Traffic Analysis
Issued: March 21, 2013

Conclusions

In summary, this traffic analysis reviewed site generated traffic and area conditions of the adjacent transportation network for the proposed Parcel 102 Project in Centerra. A comparison between the prior land uses planned in 2005 when the site traffic study was prepared and the currently proposed land uses was made. It is estimated that the current proposed senior apartment units will generate similar traffic to that of the prior land uses proposed on the site. The senior residential use is estimated to generate 475 average daily weekday trips with 28 of these trips occurring during the morning peak hour and 35 of these trips occurring during the evening peak hour period of the adjacent street network.

It was determined that the site traffic will be equal to or less than that of the approved uses planned on the site parcels in the past. The senior residential traffic can be served by the existing adjacent roadway and pedestrian networks. This concludes our traffic analysis for the Parcel 102 land use modification project.

Please feel free to contact me if you have any questions regarding this traffic analysis or you need additional information.

Sincerely,
PERMONTES GROUP, INC.

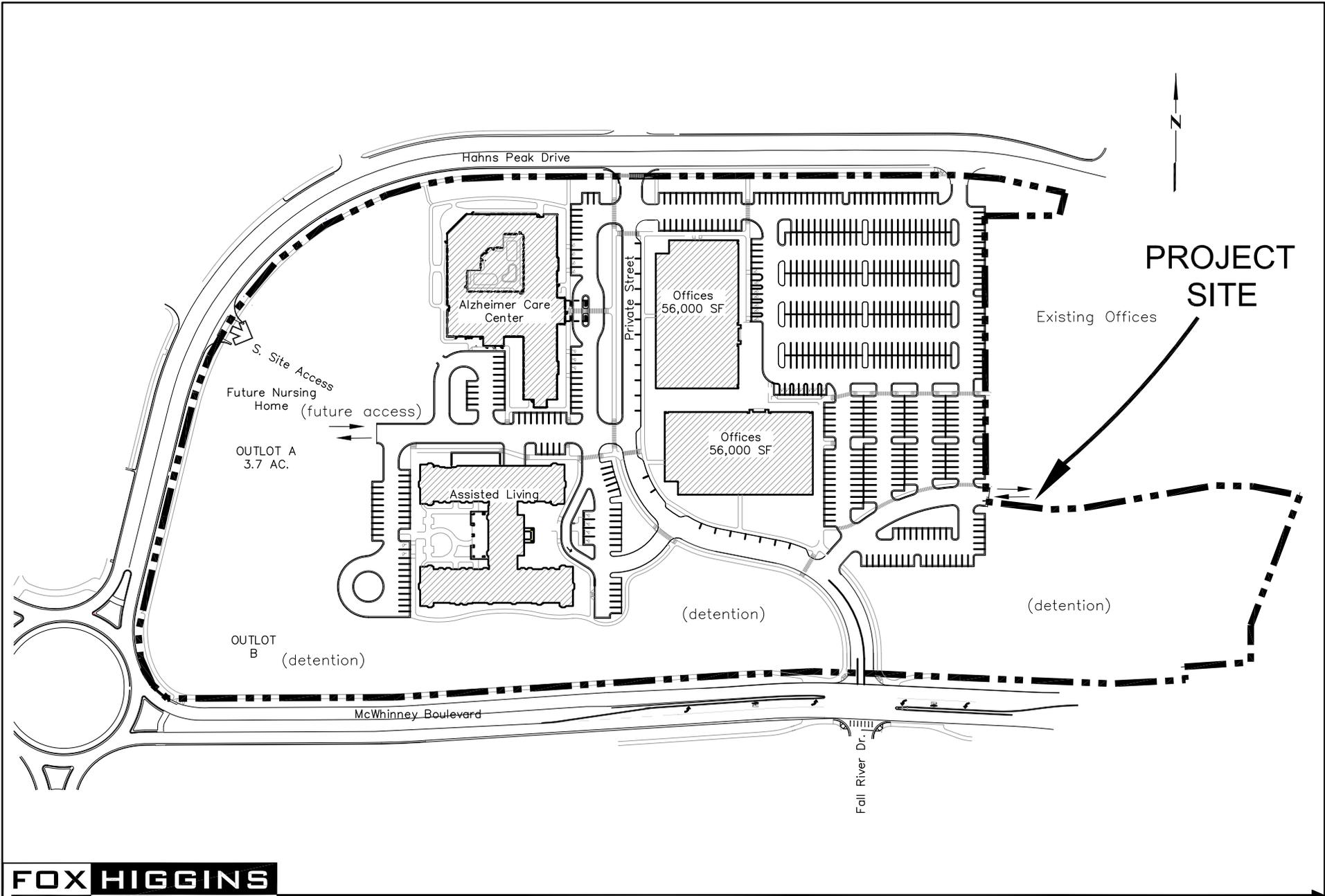


Jo Ann Higgins
Project Planner



Chadwin F. Cox, P.E.
Registered Professional Engineer

Attachments: Parcel 102 TIS Figure 2 – Site Plan
Table 1 – Trip Generation Comparison



FOX HIGGINS

TRANSPORTATION GROUP

CENTERRA PARCEL 102 PROJECT TRAFFIC IMPACT STUDY

SITE PLAN

FH Project #	05038	Original Scale	1"=200'	Date	11/09/05	Drawn by	JAH	Figure #	2
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Exhibit A



Table 1 - Trip Generation Comparison

ITE Code	Land Use	Size	Unit	Average Daily Trips				A.M. Peak Hour Trips				P.M. Peak Hour Trips			
				Rate	Total	In	Out	Rate	Total	In	Out	Rate	Total	In	Out
<u>Prior (Nov. 2005 TIS) Centerra Parcel 102 Traffic Estimates:</u>															
255	Continuing Care Retirement Comm.	66	Beds	2.81	185	92	93	0.18	12	8	4	0.29	19	9	10
620	Nursing Home	45.00	1,000 S.F.	6.10	275	138	137	0.38	17	11	6	0.42	19	9	10
<i>Total Prior Parcel Trips:</i>					460	230	230		29	19	10		38	18	20
<u>Currently Proposed Senior Apartment Traffic Estimates:</u>															
252	Sr. Adult Housing	138	Dwelling Units	3.44	475	237	238	0.20	28	10	18	0.25	35	19	16
<i>Total Currently Planned Land Use Trips:</i>					475	237	238		28	10	18		35	19	16
Net Traffic Difference between Prior and Current:					15	7	8		-1	-9	8		-3	1	-4
<i>Percent Trip Differential (Current to Prior):</i>					3%				-3%				-8%		

Note: Current trip generation rates based on ITE trip gen manual dated 2012.

CITY OF LOVELAND
PLANNING COMMISSION MINUTES- *Excerpt*
June 10, 2013

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 10, 2013 at 6:30 p.m. Members present: Chairman Meyers; Vice-Chair Middleton, and Commissioners Ray, Massaro, Dowding, Crescibene, Krenning and Prior. Member(s) absent: Commissioner Molloy. City Staff present: Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney; Kimber Kreutzer, Planning Commission Secretary.

3. **Gateway PUD: General Development Plan Amendment**

This is a public hearing item to consider a proposed amendment to the Gateway General Development Plan requested by McWhinney Real Estate Services to allow a residential density increase from 16 units per acre to 22 units per acre on parcel A-1. This parcel is located on Hahn's Peak road and includes a lot that is vacant and suitable for multi-family development.

Senior Planner, Noreen Smyth stated that the purpose of this amendment request is to allow for the future submittal of Site Development Plan and Building Permit applications for a multi-family residential development aimed at seniors. The maximum number of residential units would increase from 500 to 586, which is a 17% increase. A formal application for a Site Development Plan can only be submitted when and if the amendment is approved. A neighborhood meeting was held on 5/9/2013 with the Developer, and concerns about traffic and parking were addressed by the applicant. Because the Municipal Code Findings relative to a GDP amendment have been met, Planning Staff is recommending the approval of this amendment without conditions.

Ms. Smyth introduced **Kim Perry, VP of Community Design for McWhinney Enterprises**. Ms. Perry stated that this 6.2 acre parcel in the GDP is one of the last undeveloped parcels in the PUD. The amendment would allow the development of an active adult apartment community which would be built next to Park Regency Assisted Living Residence. **Ms. Perry** explained that senior apartment projects typically have a more compact development model and this project will have no 3 bedroom units. Smaller average unit size allows more units in the same size building. Fewer parking spaces allow the same number of units to be built on a smaller site. Comparison to GDP maximum densities in the area revealed that Millennium GDP currently has 20 and 30 units/acre and **Ms. Perry** stated the new project would be comparable to existing developments in the area. The preliminary site plan revealed that surface and garage parking will be included. The program and services in the project are leaned toward senior services, including a shuttle bus service, and possibly a small fleet of electric cars that residents could share and use.

Ms. Perry shared that the owner of Park Regency is in favor of this project and would like to see the amendment approved. The units will be market rate apartments for seniors.

Chair Meyers opened the meeting up to a Public Hearing. Not seeing any citizens come forward with comments, **Chair Meyers** closed the Public Hearing.

Commissioner Dowding agreed that this project would be a beautiful complement to Park Regency. She asked for clarification on page 3 in her packet. It said there were 583 units versus the 586 discussed earlier. **Ms. Smyth** confirmed that 586 is the correct number however she noted the number of units can be less in the final plan.

Commissioner Massaro asked about the number of dwelling units per acre and felt that 22 per acre were pushing the limit. **Ms. Perry** stated that higher density projects are likely in the future. He questioned the transportation plans for this project. **Ms. Perry** confirmed that the traffic study was done under the assumption that there would be no car sharing and the study confirmed there would be no impact on the traffic in the area.

Commissioner Crescibene asked if the units for this project would be for purchase or rental, and if each apartment would contain kitchens. **Ms. Perry** stated that all the units would be rental apartments and that each one would contain a full use kitchen.

Scott Mickleit, Developer for Asante discussed transportation plans and stated that ideas are being looked at including electric shuttles. He stated that the project would blend in well with the master plan for Centerra. He added that a 14 person passenger van and shared vehicles are alternatives being explored for future residents.

Commissioner Ray stated that a 17% increase is substantial and felt that plans shown for the project mitigated his concerns, but wanted **Ms. Perry** to elaborate. **Ms. Perry** pointed out that Asante knows their customer profile well. Singles and couples are the major clientele allowing for 1-2 bedroom units. She felt like the amount of common space and open space is extremely adequate and well planned out.

Vice-Chair Middleton commented that this is a great location and the best use of land. He continued that Asante is a great company and that he strongly supports this project and suggested that fellow Commissioner's do the same.

Commissioner Crescibene liked the idea that the units are rental properties and also supported the project.

Vice-Chair Middleton moved to recommend that City Council approve the amendment. Upon a second from **Commissioner Dowding** the amendment without conditions was unanimously approved.



June 25, 2013

To Whom It May Concern

Re: Senior Housing Development by Asante Living, LLC, Centerra, Loveland, Colorado.

Park Regency Assisted Living Apartments is aware and supportive of the senior housing project being proposed North and West of our property located at 1875 Fall River Drive, Loveland, Colorado 80538 by Asante Living, LLC.

This project which has been presented to us as a senior housing apartment complex is not seen as a business threat but one that enhances our ability to serve the Loveland and surrounding area senior assisted living community. The opportunities for our ability to offer an enhanced variety of services provides synergies when two projects like ours can work closely together offering a great piece of the continuum of care for our seniors. One spouse might be living independent in the Asante project while the other who needs assistance can live right next door at Park Regency. Park Regency activities and social programs can include residents of the Asante project, enhancing their life experiences and choices.

The Asante Living Project is a perfect neighbor for Park Regency and we hope the rest of the community will agree with us.

A handwritten signature in black ink that reads 'Jerry Bootzin'.

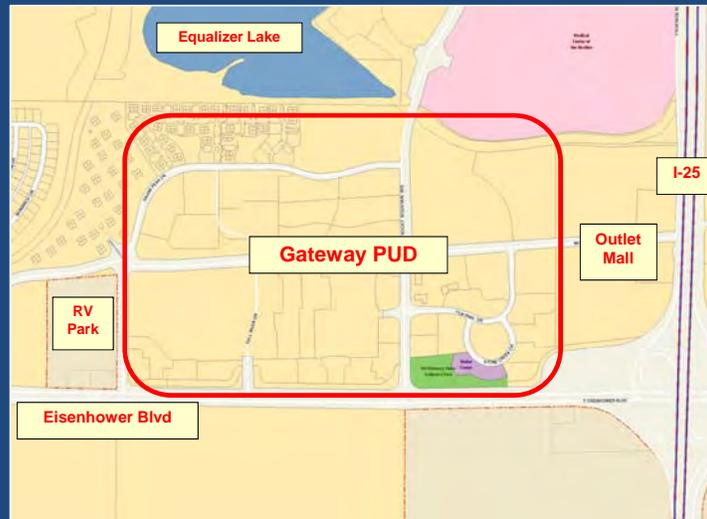
Jerry Bootzin, MSW
Park Regency Manager





Gateway GDP Amendment

City Council Public Hearing
July 16, 2013





Gateway GDP Amendment

Request:

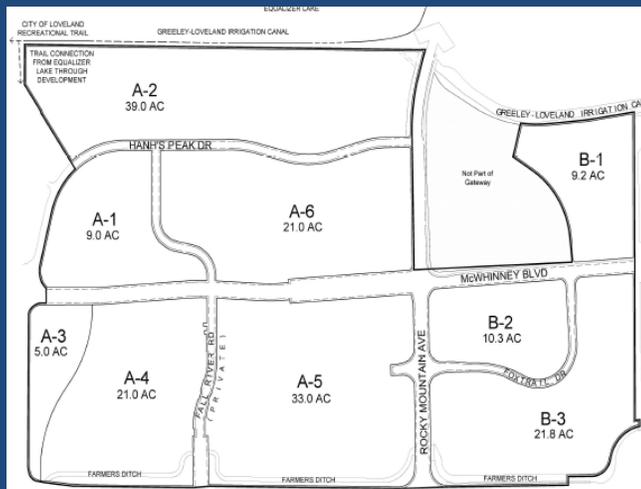
- Amend the Gateway PUD General Development Plan to:
 - Increase the maximum number of multifamily residential units in the PUD
 - Increase the maximum multifamily residential density on Parcel A-1 within Gateway

Purpose:

- Allow for the future submittal of a Site Development Plan & Building Permit application for a multifamily residential development aimed at seniors
- Use is already allowed in the Gateway PUD; the amendment is to allow a greater number of units than is currently allowed



Gateway GDP






Amendment

- **Maximum Residential Density on Parcel A-1** – To allow 22 units/acre, while keeping the overall Gateway residential density at 16 units/acre
- **Maximum Number of Residential Units** – From 500 to 583 (17% increase)
- **Clarification** – Added details in tables & formatting improvements



Amendment Process

- **Staff Review**- GDP Amendment only at this time; any specific development proposal will be reviewed at the time the site development plan and building permit applications are submitted
- **Neighborhood Meeting**- Held on May 9, 2013. Attendees inquired about specifics of the Asante building, expressed concern about adequacy of parking and whether area roadways could handle the traffic from a development at this location
- **Planning Commission Review**- Public hearing for GDP Amendment
- **City Council**- Public hearing & final action for GDP Amendment



Amendment

- **Municipal Code Findings relative to a GDP Amendment are met**
- **Proposed use will result in a decrease in traffic over uses that can be built by right**
- **On-site parking and other transportation options (shuttle buses) available for residents**



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 5
MEETING DATE: 7/16/2013
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Kerri Burchett, Current Planning

TITLE:

An Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Dakota Glen PUD - First Amendment (#P-98)", Approving the First Amendment to the Preliminary Development Plan for the Dakota Glen PUD

RECOMMENDED CITY COUNCIL ACTION:

Move to conduct a public hearing and adopt the ordinance on first reading.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

DESCRIPTION:

This is a quasi-judicial action to amend the Dakota Glen PUD Preliminary Development Plan. The amendment would allow the construction of an aboveground public utility facility and natural gas pipeline within the PUD boundaries. The property is located north of and adjacent to 14th Street SW and west of South Wilson Avenue. The applicant is Public Service Company of Colorado.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

SUMMARY:

Public Service Company of Colorado (PSCo) is proposing to construct a new regulator station on 14th Street SW in the Dakota Glen PUD and a 16-inch high pressure gas pipeline through the PUD's private open space. The regulator station would consist of a 528 square foot structure that would house controls for the flow of gas from higher to lower pressures and two

areas with aboveground pipelines. The PUD amendment is part of a larger statewide Xcel Energy project to modernize its natural gas infrastructure. The complete project would replace approximately 77 miles of transmission pipeline between Westminster, Colorado, and the Wyoming border with a 16 inch high pressure gas line.

The Planning Commission held a public hearing to consider the PUD amendment on May 13, 2013. At the hearing, residents of the Dakota Glen Subdivision voiced opposition with the regulator station, citing concerns with the views and aesthetics of the facility, declining property values and location. The Planning Commission continued the hearing to June 10, 2013, to allow PSCo an opportunity to meet with the residents of the neighborhood and attempt to reach a consensus on screening the facility. A neighborhood meeting was held on May 20, 2013, and a consensus was reached on all unresolved items, including the color of the control house, fencing and landscaping, and berming around the facility. At the June 10, 2013, Planning Commission public hearing no opposition to the request was voiced by the neighborhood, and the Planning Commission unanimously recommended approval of the PUD amendment.

The PSCO gas line and associated facilities (such as this regulator station) constitute a “major natural gas facility” under the Local Government Land Use Control Enabling Act (C.R.S. §29-20-101 et. seq.). Under the Act, denial of this application or the imposition of conditions by the City may be appealed to the courts or, alternatively, to the Public Utilities Commission (“PUC”). An appeal requires that the PUC balance the City’s local interests against the statewide interest in the facility, considering certain specified factors. Any decision by the PUC is subject to further appeal by either party to the courts.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

Staff Memorandum (listed as Exhibit 1)

Planning Commission Staff Reports and Minutes (listed as Exhibits A through D)

FIRST READING July 16, 2013

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR “DAKOTA GLEN PUD – FIRST AMENDMENT (#P-98),” AND APPROVING THE FIRST AMENDMENT TO THE PRELIMINARY DEVELOPMENT PLAN FOR THE DAKOTA GLEN PUD

WHEREAS, on October 3, 2006, the Loveland City Council adopted on second reading Ordinance #5139 annexing and Ordinance #5140 zoning that real property described below designated as Dakota Glen PUD (#P-98) (the “PUD”); and

WHEREAS, Public Service Company of Colorado (the “Applicant”), in cooperation with the developer of the PUD, filed an application for amendment of the Dakota Glen PUD Preliminary Development Plan (the “PDP”) to allow construction of an above ground public utility facility and natural gas pipeline (the “Pipeline Facility”) in Dakota Glen common area in connection with its installation of a 16-inch high pressure gas pipeline; and

WHEREAS, after holding duly noticed public hearings on May 13, 2013 and June 10, 2013, the City of Loveland Planning Commission made the findings listed in the Planning Commission staff report dated May 13, 2013, and based on those findings recommended that City Council approve the Dakota Glen PUD – First Amendment, subject to conditions listed in Section III of the staff memorandum to City Council dated July 16, 2013, which conditions were agreed to by the Applicant; and

WHEREAS, the modifications to the PDP to permit the Pipeline Facility as a use within the PUD, including the conditions recommended by Planning Commission, are reflected in the First Amendment to the PDP, a copy of which is on file with the City’s Current Planning Division and is incorporated herein by this reference (the “First Amendment”); and

WHEREAS, the City desires to approve the First Amendment to allow the Pipeline Facility as a permitted use within the PUD.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the territory included within the Dakota Glen PUD (#P-98), City of Loveland, Larimer County, Colorado, described as:

THAT PORTION OF THE SOUTH ONE-HALF OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, EXCEPT ANY EXISTING PUBLIC STREETS, ROADS OR HIGHWAYS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

CONSIDERING THE SOUTH LINE OF SECTION 21 AS BEARING NORTH 89°46'02" WEST AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 21;
 THENCE ALONG SAID SOUTH LINE, NORTH 89°46'02" WEST, 1134.99 FEET;
 THENCE NORTH 00°10'20" EAST, 39.89 FEET TO THE POINT OF BEGINNING;
 THENCE NORTH 89°47'17" WEST, 2458.32 FEET;
 THENCE NORTH 00°55'16" EAST, 1479.97 FEET;
 THENCE SOUTH 70°38'45" WEST, 83.13 FEET;
 THENCE NORTH 89°46'08" WEST, 303.98 FEET;
 THENCE NORTH 68°15'02" WEST, 77.70 FEET;
 THENCE NORTH 54°57'34" WEST, 191.77 FEET;
 THENCE NORTH 27°13'04" WEST, 105.61 FEET TO
 THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF LARIMER COUNTY ROAD NO. 21;
 THENCE ON SAID NORTHWESTERLY RIGHT-OF-WAY LINE FOLLOWING TWO (2)
 COURSES AND DISTANCES:
 1.) ALONG A CURVE CONCAVE TO THE NORTHWEST, HAVING A CENTRAL
 ANGLE OF 43°05'34", WITH A RADIUS OF 432.69 FEET, AN ARC LENGTH OF 325.43
 FEET AND THE CHORD OF WHICH BEARS NORTH 40°52'47" EAST, 317.82 FEET;
 ALONG A NON-TANGENT LINE;
 2.) THENCE NORTH 19°43'12" EAST, 209.03 FEET;
 THENCE SOUTH 84°27'48" EAST, 1661.76 FEET;
 THENCE SOUTH 63°54'18" EAST, 1363.49 FEET;
 THENCE NORTH 01°23'39" WEST, 115.56 FEET;
 THENCE SOUTH 60°00'00" EAST, 278.53 FEET;
 THENCE SOUTH 82°46'58" EAST, 180.10 FEET TO A POINT ON THE
 SOUTH LINE OF MEADOWBROOK FARMS FIRST SUBDIVISION AND MARIANNA
 FARMS FIRST SUBDIVISION, THENCE CONTINUING ON SAID LINE, SOUTH 82°46'58"
 EAST, 128.37 FEET TO THE NORTHWESTERLY CORNER OF TRACT A, THE PONDS
 ADDITION TO THE CITY OF LOVELAND;
 THENCE ON THE WESTERLY, SOUTHWESTERLY, AND NORTHWESTERLY LINE OF
 SAID ADDITION, THE FOLLOWING ELEVEN (11) COURSES AND DISTANCES;
 1.) SOUTH 24°52'00" WEST, 239.12 FEET;
 2.) SOUTH 57°30'23" EAST, 307.12 FEET;
 3.) SOUTH 32°28'08" WEST, 99.99 FEET;
 4.) SOUTH 00°57'10" WEST, 181.05 FEET;
 5.) SOUTH 58°21'47" WEST, 76.65 FEET;
 6.) SOUTH 75°05'24" WEST, 134.07 FEET;

- 7.) SOUTH 55°19'39" WEST, 167.37 FEET;
 - 8.) SOUTH 35°07'06" WEST, 118.54 FEET;
 - 9.) SOUTH 00°53'21" WEST, 142.68 FEET;
 - 10.) SOUTH 65°42'02" WEST, 261.92 FEET;
 - 11.) SOUTH 24°51'50" WEST, 160.03 FEET;
- TO THE POINT OF BEGINNING.

Containing 127.678 acres (5,561,659 square feet), more or less, and being subject to all existing easements and/or rights-of-way of record,

shall be included within the boundaries of the district designated as follows:

DAKOTA GLEN PUD – FIRST AMENDMENT (#P - 98):

Section 2. That the City Council hereby finds:

a. that the First Amendment meets the intent and objectives of Chapter 18.41 of the Loveland Municipal Code and the factors set forth in Section 18.41.050D.4.b. and c., specifically:

- 1. development permitted by the First Amendment will not 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, provided the conditions designed to mitigate the negative impacts as set forth in Section 3 of this Ordinance are met; and
- 2. development permitted by the First Amendment will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:
 - i. incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;
 - ii. incorporating site planning techniques that will foster the implementation of the City’s master plans, and encourage a land use pattern that will support 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;
 - iii. incorporating physical design features in the development that will provide a transition between the project 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;
 - iv. incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design;
 - v. incorporating elements of community-wide significance as identified in the town image map;
 - vi. 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

vii. 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.

; and

b. that the First Amendment complies with applicable land use and development regulations in effect at the time the First Amendment was conditionally approved by the Planning Commission.

Section 3. That the City Council hereby approves the First Amendment, subject to the following conditions:

a. All wetlands located adjacent to the permanent and temporary easements for the regulator station and associated pipelines shall be flagged or marked by a qualified biologist prior to the occurrence of any construction activities on the site to ensure that these features will not be disturbed during construction activities.

b. No construction shall occur in areas located outside of the project easements secured by the Applicant as designated in the First Amendment.

c. The Applicant shall implement and comply with the Weed Management and Revegetation Plan included as Attachment 6 to the Environmentally Sensitive Areas Report dated March, 2013. All areas associated with the construction of the underground pipeline shall be revegetated and shall be monitored by the Applicant to ensure revegetation is successful.

d. During construction, the Applicant shall implement dust control measures such as water application to disturbed areas, erosion control techniques, and revegetation of ground disturbance following construction with a drought-tolerant seed mixture. Water shall be used daily, or as needed, for dust suppression and soil compaction.

e. Prior to any construction activities occurring on the site, a raptor nest survey shall be completed and submitted to the Current Planning Division. The Applicant shall observe all applicable Colorado Division of Wildlife buffers and timing restrictions based on the results of the raptor nest survey.

f. Prior to any construction activities occurring on the site, all plantings and berms within the Applicant landscape boundary, as identified on page 16 of the First Amendment, shall be either installed or financially secured with the City in the amount of one hundred ten percent (110%) of the costs for installation.

g. All coniferous trees shown within the Applicant landscape boundary, as identified on page 16 of the First Amendment, shall be a minimum of eight feet (8') in height at the time of planting. All other plantings shall comply with the minimal planting size in the City's Site Development Performance Standards and Guidelines.

h. Prior to approval of the final development plan, a letter of approval from the Dakota Glen PUD Home Owners Association approving all landscaping, screening, and berming around the facility shall be submitted to the Current Planning Division.

i. All dead or dying plant material within the Applicant landscape boundary, as identified on page 16 of the First Amendment, shall be the responsibility of the Applicant to replace for a time period of four (4) years after the date of initial installation.

j. During project construction, the project manager or designee shall inform Loveland Fire Rescue Authority of any anticipated interruption of fire hydrant service or emergency vehicle access to properties at least forty-eight (48) hours in advance of the anticipated interruption of service or access.

Section 4. That the **DAKOTA GLEN PUD – FIRST AMENDMENT** shall be subject to the Dakota Glen PUD PDP, as amended by the First Amendment.

Section 5. That the **DAKOTA GLEN PUD – FIRST AMENDMENT** remains subject to any applicable General Development Plan, Annexation, and/or Development Agreement, as the same may be or have been amended from time-to-time.

Section 6. That the **DAKOTA GLEN PUD – FIRST AMENDMENT** shall be subject to all applicable zoning regulations for the City of Loveland except where they conflict with the PDP, as amended by the First Amendment, and any Final Development Plan applicable to the property.

Section 7. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

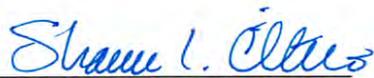
ADOPTED this ____ day of August, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

Development Services Current Planning

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Planning Commission Staff Report

June 10, 2013

Agenda #: Regular Agenda - 3
Title: Dakota Glen PUD First Amendment
Applicant: Public Service Company of Colorado, Dan Tekavec
Request: **Preliminary Development Plan Amendment**
Location: North of 14th Street SW and west of South Wilson Avenue.
Existing Zoning: Planned Unit Development
Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the PUD Amendment.

Recommended Motion:

Move to make the findings listed in Section VIII of the Planning Commission staff report dated May 13, 2013 and, based on those findings, recommend that City Council approve the Dakota Glen PUD First Amendment, subject to the conditions listed in Section III of the staff report dated June 10, 2013, as amended on the record.

Summary of Analysis

This is a continuation of a public hearing from May 13, 2013 to consider an amendment to the Dakota Glen PUD Preliminary Development Plan (PDP). The amendment would modify the permitted uses in the PUD to allow the construction of an aboveground public utility facility and natural gas pipeline within the PUD boundaries. The applicant, Public Service Company of Colorado (PSCo), is proposing to construct a new regulator station on 14th Street SW and install a 16-inch high pressure gas pipeline through the PUD's private open space. The regulator station would consist of a 528 square foot structure that would house controls for the flow of gas from higher to lower pressures; the facilities would also include two adjacent areas with aboveground pipelines.

At the May 13, 2013 public hearing, the Planning Commission continued the request to allow PSCo an opportunity to meet with the residents of the Dakota Glen neighborhood and attempt to reach a consensus on the screening of the facility. A neighborhood meeting was held on May 20th and a consensus was reached on all previously unresolved items including the color of the control house, fencing and landscaping/berming around the facility.

Staff believes that with the imposition of the revised conditions of approval in Section III of this report, all key issues have been resolved.

I. ATTACHMENTS

1. Dakota Glen PUD Amendment Preliminary Development Plan
2. Weed Management and Revegetation Plan (Attachment 6 to the ESAR). The full report is available online on the City's Current Planning homepage at www.cityofloveland.org
3. Letters from surrounding property owners (previously handed out at the May 13, 2013 Planning Commission hearing)

II. SUMMARY

This item is a continuation of a public hearing held on May 13, 2013 for the consideration of an amendment to the Dakota Glen PUD Preliminary Development Plan (PDP). The amendment would modify the permitted uses in the PUD to allow the construction of an aboveground public utility facility and natural gas pipeline. The applicant, Public Service Company of Colorado (PSCo), is proposing to construct a new regulator station on 14th Street SW and install a 16-inch high pressure gas pipeline through the PUD's private open space. The regulator station would consist of a 528 square foot structure that would house controls for the flow of gas from higher to lower pressures; two adjacent areas with aboveground pipelines would also be included with the regulator station.

At the Planning Commission hearing on May 13, 2013, residents of the Dakota Glen PUD voiced opposition to the facility, citing concerns with the views and aesthetics of the facility, declining property values and a belief that there were better options for the location of the facility. At the hearing, the Planning Commission indicated that the location of the facility seemed appropriate based on the constraints of the surrounding area and continued the hearing to June 10, 2013 to allow PSCo and the residents an opportunity to meet and resolve concerns with the aesthetics and screening of the facility.

A neighborhood meeting was held on May 20, 2013 at 2:00 p.m. in the City's Service Center. 15 residents along with city staff, the applicant and their consultant team attended the meeting. The intent of the meeting was to reach a consensus on the following items:

- Color of the Control House
- Fencing of the Facility
- Landscape Screening and Berming

At the meeting, PSCo presented different options for the above items along with a photo simulation showing the view of the facility from inside the Dakota Glen Subdivision. At the conclusion of the meeting, a consensus with the neighborhood was reached in regards to the color, fencing and landscaping and berming. The following details the resolution for each item discussed. Revised PDP drawings are included as Attachment 1 to this report.

A. Color of the Control House

The control house, as presented at the May 13, 2013 Planning Commission hearing, was to be painted teal blue with cream trim to match the existing pump house in the subdivision. PSCo presented an alternative beige color to the neighborhood to blend the facility with the surrounding homes and natural environment. Given the option, those present at the neighborhood meeting preferred the color of the facility to match the color of the pump house. The color of the control house in the revised PDP drawings has therefore remained the same to reflect a blue teal with cream trim.

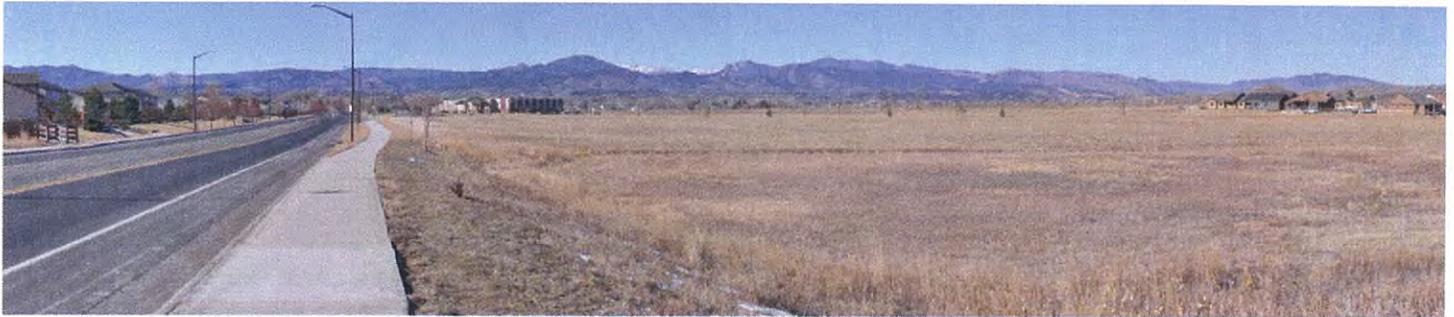
Consensus Reached: blue teal with cream trim to match the existing pump house

B. Fencing of the Aboveground Pipes

Two photo simulations were presented to the neighborhood: one showing a 6 foot decorative fence surrounding the aboveground pipes, as provided at the May 13, 2013 Planning Commission hearing, and one without fencing. With the inclusion of additional landscaping and berming to aid in screening the facility, the neighborhood preferred no fencing on the site. The revised PDP reflects no fencing of the facility, as shown in Figure 1, below.

Consensus Reached: no fencing of the aboveground pipes

Figure 1. Photo Simulation of Regulator Station



Existing Environment

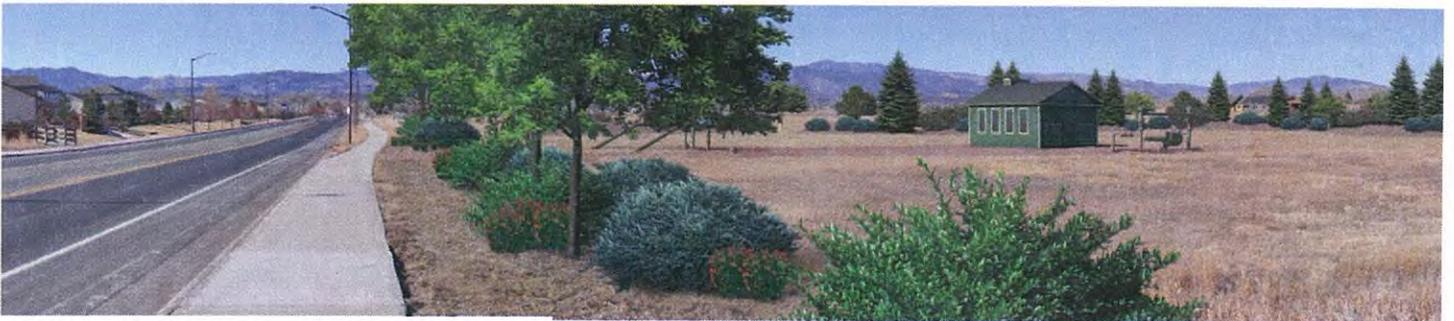


Photo Simulation of Proposed Environment

C. Landscape Screening & Berming

The majority of the discussion at the neighborhood meeting centered around the use of berms and landscaping to screen the regulator station. A landscape plan was displayed that showed a 2 to 3 foot meandering berm with a variety of coniferous trees and shrub plantings. The berm was located northwest of the facility, in the HOA open space. The residents asked for the berm to extend further to the east, approximately 15 feet from the underground pipeline, and be planted with 8 foot evergreens and spruces. PSCo agreed to both the extension of the berm, as reflected in Figure 2, below, and the 8-foot planting size.

As the berm and plantings were located outside of PSCo's lease area for the facility, the residents expressed concerns over the replacement of the plantings should they not live. The warranty period with the landscape nursery extends 1 year from time of planting. At the meeting, PSCo agreed to replace any dying or dead plant material for a period of 4 years from the time of the installation, which satisfied the neighborhood's concerns (see Condition 9). PSCo also agreed to replace the dead trees on 14th Street SW and add coniferous shrubs to add in screening along the road. A revised landscape plan is shown in Figure 2, below, and included on Sheet 16 in Attachment 1.

Consensus Reached: berms and coniferous plantings to the north and west of the facility, 8-foot planting size for trees, replacement of dead plant material and additional shrubs on 14th Street SW, PSCo to guarantee plant materials for a 4 year period.

Figure 2. Planting Plan



III. RECOMMENDED CONDITIONS

New conditions resulting from the neighborhood meeting are shown in **Bold** text.

Current Planning

1. All wetlands located adjacent to the permanent and temporary easements for the regulator station and associated pipelines shall be flagged or marked by a qualified biologist prior to the occurrence of any construction activities on the site to ensure that these features will not be disturbed during construction activities.
2. No construction shall occur in areas located outside of the project easements secured by Public Service as designated in the PDP Amendment.
3. Public Service shall implement and comply with the Weed Management and Revegetation Plan included as Attachment 6 to the Environmentally Sensitive Areas Report dated March, 2013. All areas associated with the construction of the underground pipeline shall be revegetated and shall be monitored by Public Service to ensure revegetation is successful.
4. During construction, Public Service shall implement dust control measures such as water application to disturbed areas, erosion control techniques and revegetation of ground disturbance following construction with a drought-tolerant seed mixture. Water shall be used daily, or as needed, for dust suppression and soil compaction.
5. Prior to any construction activities occurring on the site, a raptor nest survey shall be completed and submitted to the Current Planning Division. Public Service shall observe all applicable Colorado Division of Wildlife buffers and timing restrictions based on the results of the raptor nest survey.
6. **Prior to any construction activities occurring on the site, all plantings and berms within the PSCo landscape boundary, as identified on page 16 of the PDP, shall be either installed or financially secured with the City in the amount of 110% of the costs for installation.**
7. **All coniferous trees shown within the PSCo landscape boundary, as identified on page 16 of the PDP, shall be a minimum of 8 feet in height at the time of planting. All other plantings shall comply with the minimize planting size in the City's Site Development Performance Standards.**
8. **Prior to approval of the final development plan, a letter of approval from the Dakota Glen PUD Home Owners Association approving all landscaping, screening and berming around the facility, shall be submitted to the Current Planning Division.**
9. **All dead or dying plant material within the PSCo landscape boundary, as identified on page 16 of the PDP, shall be the responsibility of Public Service of Colorado to replace for a time period of 4 years after the date of initial installation.**

Fire

10. During project construction, the project manager or designee shall inform Loveland Fire Rescue Authority of any anticipated interruption of fire hydrant service or emergency vehicle access to properties, at least 48 hours in advance of the anticipated interruption of service or access.

Dakota Glen PUD First Amendment to the PUD Preliminary Development Plan PRELIMINARY DEVELOPMENT PLAN NARRATIVE

Purpose of the Project

The following development standards apply to the Dakota Glen Planned Unit Development. The purpose of this Final Development Plan (PDP) is to provide for flexibility and innovative design for this very unique area of the City. The objective of the plan is to meet the growing demands of its residents by providing variety in the style, design, and layout of buildings.

Land Use

Overall Concept: Residential neighborhoods will be designed in a cohesive manner to accommodate the varied design requirements of the types of dwellings they will contain. The home types and densities will be designed to be appropriate to surrounding considerations, such as street patterns, adjacent uses, and location of project amenity areas. The development plan provides for a mix of varied housing types, including conventional single-family detached homes on standard lots, single family detached homes on patio lots, and single family attached. The gross density of the plan is 2.07 du / acre.

Land Use Categories: It is the intent of this plan to provide a mechanism by which land can be developed such that flexibility and innovative design are encouraged, in accordance with Chapter 18.41 of the Loveland Municipal Code and in compliance with other applicable land use and development regulations.

Permitted Uses

Residential Areas: Permitted uses within the residential areas include the following:

- Residential - Conventional single family dwellings on standard lots, single-family dwellings on patio lots, and single family attached dwellings.
- Other - Recreational facilities.
- Tracts - Permitted uses within tracts include the following:
 - Open space.
 - Private park area (see parks and open space definition below).
 - Trails.
 - Utilities and drainage improvements, including irrigation pumps.
- Open Space Preservation Tracts - permitted uses include open space, trails (locations shown on the FDP plan), utilities and drainage improvements (including irrigation controllers), and recreational access to Cattail Reservoir.
- Temporary Parking - temporary parking will be permitted on vacant lots for model home visitors.
- Pump house - A pump house will be constructed to use cattail reservoir for raw water irrigation. Refer to sheet 10 of 10 for elevations.
- Essential above-ground public utility and public service installations and facilities - A permanent easement of 2.84 acres for a natural gas regulator station and 16 inch natural gas pipeline within the Dakota Glen PUD (see Sheets 11 through 15).

Definitions: The following definitions apply to residential uses with this PUD:
(Refer to Loveland Municipal Code section 18 for land use definitions not provided in this FDP)

- Single Family Detached-standard lot** - A one-family dwelling that is not attached to any other dwelling by any means, located on individual fee simple lots. Minimum lot size shall be 7,150 s.f. These Units will be either one or two story with three options for garage location.
- Single Family Detached-patio lot** - A one-family dwelling that is not attached to any other dwelling by any means, located on individual fee simple lots. Minimum lot size shall be 6,500 s.f. These units will be one story with a three car garage located on the front of the house.
- Single Family Attached Dwelling Unit** - A one-family dwelling attached to a one-family dwelling by a common vertical wall in which each unit has its own front and rear entrance and in which no unit is located over another unit. Minimum lot size shall be 3,800 s.f.

Setbacks: Staggered setbacks shall be provided so as to create a visually interesting streetscape. This will be achieved by prohibiting identical minimum front setbacks on adjacent lots that face the same street through the enforcement of varying minimum setback widths of a two feet minimum. Refer setback table this sheet for setback information, and typical lot layout on sheet 9 and 10 of 10.

Building Height: The maximum height for structures is 35 feet. Refer to the Loveland Municipal Code section 18.54 for information on calculating building height.

Neighborhood Structure: Arterial/collector streets and open space generally border neighborhoods. Neighborhoods will be designed in accordance with the development standards set forth in this development plan. Primary areas providing structure to the neighborhoods include private open space multipurpose play areas, a neighborhood wide trail system, and open space areas around Cattail Reservoir.

Circulation

Overall Concept: Primary access to the site will be from SW 14th Street, and County Road 21. Which are classified as a two-lane arterial and a major collector street respectively. An internal collector street and local streets will distribute traffic throughout the site. An interparcel connection is provided in the north-south direction on the property.

Components

- Vehicular:** Local streets will provide access within the neighborhoods. Local streets may vary in width, according to the amount of traffic to be accommodated and the specific design requirements of each neighborhood.
- Pedestrian:** An overall system of pedestrian access is provided along streets and through open space areas. Meandering walks are provided along perimeter streets, and the minor collector street through the site will have detached sidewalks, while all of the local residential streets will have attached sidewalks. Proposed trails are shown throughout the sites open space.
- Performance Standards:** Street improvements and new streets will be constructed in accordance with the street-cross sections shown in the engineering drawings. The associated plat provides for dedication of necessary Right of Way to accommodate the arterial roadway's ultimate development.

Public Facilities

Overall Concept: Public facilities and services are readily available to the site, and will be provided for as described below.

Water and Sewer: The City of Loveland will provide water and sewer service. Domestic water will be delivered by extension of existing water mains as a loop through the site. Sanitary sewer service will be provided by use of the existing 8" sewer on site in accordance with the City's master plan. The trunk sewers will be extended to maximize the benefits of gravity flow from the majority of the PUD. Details of services have been provided on the preliminary development plan.

Storm Drainage: Storm drainage shall be collected and carried on the surface through the designed street pattern. As necessary to provide capacity, catch basins and storm sewers will be installed to transport storm flows to points of discharge. Most of the storm water will be discharged into cattail reservoir. A small portion of the storm water will be discharged directly into the Mariano exchange ditch. All points of discharge will be adequately designed to minimize erosion and to protect the environmental integrity of the lake in accordance with City standards.

Electric: The City of Loveland Water and Power Department will provide service.

Gas: Public Service Company of Colorado.

Cable: Comcast.

Phone: Qwest.

Private Parks and Open Space: The development will incorporate a large open space private park area including: open turf areas, a lake, trails, boardwalks, natural areas, and recreational amenities may include any or all of the following: Clubhouse, pool, hot tub, tennis court(s), basketball court(s), trails, playground structures, sand valley ball court(s), and a sand beach. In addition to the large private park area, numerous green belts with trail systems will loop through the neighborhoods providing connection to the park for residents.

Landscape Concept: The design intent for the Dakota Glen PUD is to create a comprehensively planned community through the careful integration of the natural features of the site. The creation of a well conceived overall landscape program for the development would serve to provide for a unique identity as well as an overall sense of continuity amongst the various neighborhoods. Several design elements will be used to reinforce the image of this

community. The elements include: consistent perimeter treatments, continuity of the man made site amenities (signage, fencing, play areas and other architectural site features), provision of a comprehensive landscape treatment, and architectural treatments of the various housing types.

Edge Treatment

- Architecture:** One of the most important aspects of the development's overall appearance, as viewed from its edge, is the appearance of the residential structures. Rear and side elevations of structures will be detailed to provide visual interest from adjoining streets. Appropriate setbacks and detached sidewalks with street trees have been provided along the site's perimeter and proper buffering will be incorporated.
- Landscaping:** Perimeter landscape treatment will receive careful attention due to a portion of the site's edge that faces an arterial roadway. Arterial streets will feature landscaped areas outside of the right-of-way, tree lawns, berms, and detached sidewalks. 14th Street will have a thirty-five foot landscape buffer and County road 21 will have a twenty-six foot minimum landscape buffer. Landscape buffers will provide ample buffering from adjacent development and to create a park-like environment.
- Access:** Entry points are proposed from the site's abutting roadways. Each entry point will be designed as a part of the development's overall theme in terms of landscape and architectural treatment.
- Fencing:** The use of fencing as a part of the development's edge treatment will be minimized, and the dominant form of edge treatment for screening and buffering will be landscape. Fencing is not required in this development, however if a property owner is so inclined the following fencing options will be allowed:
 - Single Family Detached - standard lot - will allow cedar fencing at a 48 inch maximum height to the property line (see sheet 9 of 10 for typical fence details).
 - Single Family detached - Patio lots - will allow steel picket fence at 36 inch maximum height to the property line
 - Single family attached will allow steel picket fencing at 36 inch maximum height in designated areas, fencing will not be allowed to the property lines (see typical floor plan sheet 10 of 10).

Streetscape: Landscaping will be designed with a comprehensive theme for the entire development. The overall concept will include the treatment of the roadways as tree-lined lanes reflective of early, established communities typical of northern Colorado. One 2-inch caliper tree shall be planted in each single-family lot, with two, 2-inch caliper street trees planted on corner lots (one per street frontage). Single-family attached homes shall have two, 2-inch caliper trees per street frontage while corner lots shall have 3.

Open Space Areas: Lake edges will be enhanced with additional trees, grasses and shrubs as recommended in the Environmentally Sensitive Areas Report, (ESAR) dated June 1, 2006. The open space within the buffer will be used for passive uses only. The private neighborhood park and the multipurpose play areas are intended to provide for active and passive play, large open irrigated turf areas will support this type of activity.

The large open space area near the lake has been designed to allow humans and wildlife to coexist in harmony. It is envisioned that the design of this area will enhance and protect the vitality and environmental quality of this beautiful area. Less than .1 acres of the wetlands will be filled in. Cedar Creek Associates has reviewed the open space plan and has confirmed that it is in compliance with the environmentally sensitive areas report.

High quality wetlands in the southeastern area of the property shall be left undisturbed in their current location, with no disturbance, removal, replacement or mitigation during construction or thereafter, except as otherwise provided for under condition 3, below. These include the wetland where Cattail Reservoir No. 1 was previously located, and wetlands along the southern shore of Cattail Reservoir No. 2. These high-quality wetlands shall also be protected with an approximate 75-foot buffer. Within this buffer, no development shall take place. Passive, non-intrusive use shall be allowed (e.g., bird-watching from a distance).

Prior to approval of the FDP, the developer may, at his discretion, submit a natural area modification plan prepared by a qualified environmental consultant. Said plan shall be subject to approval by the Current Planning Manager.

Signage will be included at the edge of high quality wetlands, to be shown on FDP. Interpretive and educational signage should be placed along the edge of high quality wetlands (approximately 5 signs). The signs should stress the need for no wildlife harassment or human intrusion into important habitat areas. Text for signage follows the recommendations in the ESAR report.

Maintenance: The landscaped areas of the development, including perimeter areas, common open space, entry features, patio home lots, and single family attached lots will be maintained by a Home Owners Association. Maintenance of landscaping within each standard home lot will be the responsibility of homeowner.

Architecture and Site Requirements

Overall Concept: These performance standards are intended to insure that each neighborhood or development area within Dakota Glen incorporates the use of unifying architectural elements to create an overall, cohesive theme. The intent of these guidelines is to provide direction to builders and designers in the planning, design, and construction of dwellings to insure that they are compatible with the overall design intent for the PUD. These guidelines are intended to provide flexibility in terms of design style, within a coordinated architectural concept or theme for each neighborhood area as defined by common architectural elements.

Supplemental Requirements for Single Family:

One of the most important aspects to a detached large lot single family neighborhood is its streetscape and the over all appearance and feelings generated as it is viewed by surrounding residents, neighbors, and general public. Recognizing this, the following standards are required (refer to PDP sheets 9 and 10 of 10 for typical plans and elevations):

- Porches:** All homes must incorporate a covered front porch for homes that use the front porch to recess the garage. The narrowest dimension of which shall be six feet deep and eight feet wide.
- Garages:** Garages shall have front elevations that compliment, rather than dominate, the architectural details of the living portion of the dwelling. The front elevation of side-load garages shall incorporate the use of windows, wall breaks, and or building material changes to more aesthetically enhance the front wall elevation. Garages that have doors for more than two vehicles must have one door recessed a minimum of two feet from the others. Garage doors, visible as part of the front building elevation, shall not comprise more than forty percent (40%) of the ground floor street facing linear building frontage on single family lots. Garage doors, visible as part of the front building elevation, shall not comprise more than fifty percent (50%) of the ground floor street facing linear building frontage on patio home lots. Corner lots are exempt from this condition.
- Varying Streetscape:** Single family detached lots (standard and patio) will have enough variety in building elevations and model type such that no identical front elevation is adjacent to or across a common street from one another. Significant changes to the front elevation will be determined by the architectural review committee.
- Architectural Review Committee:** The architectural review committee will be the reviewing authority for architectural character within the development. Architectural features such as colors, materials, roofs, windows, doorways, balconies, and changes in plane will all be reviewed under the authority of the architectural review committee.
- Materials:** Roofing materials, windows, building materials and finish, will all be carefully coordinated to achieve a cohesive appearance. Exterior wall materials must incorporate brick, natural or synthetic stone, or stucco. Permitted building materials will be established with the design of each neighborhood or development area, and must be consistent within the neighborhood to present an overall design.
- Colors:** Exterior wall colors shall be compatible with surrounding buildings, with natural (earth tones) encouraged. Primary or other bright colors are only to be used as accents.
- Garage Setbacks:** Garages that have more than two vehicle doors shall have one door recessed a minimum of 2 feet from the other doors.
- Accessory Structures:** Accessory structures on residential lots are not allowed within this development.
- Pump House:** The pumphouse will be developed using the same materials as much of the residential architecture. The character of the building will be that of a residential building in an effort to blend in with the development. The pump house will be allowed within the 75 foot lake buffer. See typical elevation on sheet 10 of 10.

Landform Modification

The Dakota Glen site is relatively flat with approximately 2 percent slope through out most of the site. Some landform modification will occur in order to create visual interest throughout the site, and to provide management of drainage.

Implementation Procedures: Proposed development within the Planned Unit Development will be processed in accordance with the procedures contained in Chapter 18.41 of the Loveland Municipal Code dated 3-97, Section 18.41.50, Procedures for approval of a Planned Unit Development, and shall require approval of Final Development Plans in accordance with the requirements thereof.

CONDITIONS OF PRELIMINARY APPROVAL

Current Planning Conditions

- The PDP, "Supplemental Requirements for Single Family", notes be revised to read:
 - Garage doors, visible as part of the front building elevation, shall not comprise more than forty percent (40%) of the ground floor street facing linear building frontage on single-family standard lots.
 - Garage doors, visible as part of the front building elevation, shall not comprise more than fifty percent (50%) of the ground floor street facing linear building frontage on single-family patio lots.

Parks and Recreation Conditions

- As a condition of FDP approval, if the developer wishes to conduct clean-up activities in the natural area, the management techniques described in a letter from Cedar Creek Associates dated October 4, 2006 shall be followed. These management techniques shall be carried out according to the map accompanying Cedar Creek's letter, which depicts the locations on the site where seven of the techniques identified shall be applied. According to Cedar Creek's letter, three of the techniques may be applied site-wide, and one of the techniques identified in a previous letter has been removed from consideration as a site management technique at this time. If any of the eleven management techniques identified by Cedar Creek are implemented, an annual monitoring report shall be submitted to the Current Planning Manager and Natural Areas Manager on November 1st of each year. The monitoring report shall describe the management techniques employed, the results of those techniques, and the current status of any restoration or revegetation efforts. If clean-up activities are not pursued, the natural area shall be left in its natural state.

Engineering Conditions

- Notwithstanding any information presented in the PDP or accompanying preliminary plat and preliminary construction plan documents (text or graphical depictions), all public improvements shall conform to the Larimer County Urban Area Street Standards adopted on October 2002, as amended, unless specific variances are requested and approved in writing.
- The following public improvements shall be designed and constructed by the developer unless designed & constructed by others. All improvements shall be completed prior to the issuance of any building permits, unless otherwise approved pursuant to the provisions in Section 16.40 of the Loveland Municipal Code.
 - 14th Street SW to 2-lane arterial standards adjacent to the property including detached sidewalk.
 - CR 21 to major collector standards adjacent to the property including detached sidewalk. A cash-in-lieu payment, or other form of security acceptable to the City, for all or part of these improvements may be accepted by the City if approved by the City Engineer.
 - Angora Drive to minor collector standards within the property.
 - Westbound right-turn lane on 14th Street SW into Angora Drive.

Fire Prevention Conditions

- Prior to approval of the Final Plat, the design for the emergency access roadway serving the proposed phases I and II shall be approved by the Fire Department.
- Prior to approval of any building permits within the Property all courts shall be provided with a "Fire Lane - No Parking" signs approved by the Fire Department.

Power Conditions

- When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on electrical energy as defined in 40-915-204, CRS, and the City of Loveland Municipal Code 13.12.180. This surcharge applies to any subsequent subdivisions of property annexed after January 31, 1987 within the REA certified service territory. In this case a note will be added to the final plat that reads as follows:
 - A surcharge of 5% will be added to all bills for the sale of electric power to additional services which came into the existence after January 31, 1987, within the territory herein annexed which surcharge will expire ten years after effective date of this annexation.
- A letter of approval from Western Area Power Authority for landscape plans proposing landscaping within a WAPA easement or under WAPA power lines must be submitted with the Final Plat and Final Construction Drawings submitted.
- All multifamily, condominium, apartment and town home units will have meters centrally located on or near the unit's exterior building wall. Town homes will not be individually metered.

VESTING

Vesting was granted for this development plan OCTOBER 14, 2006 for a period of 3 years.

SETBACK TABLE (all numbers refer to minimum condition)

UNIT TYPE	FRONT SETBACK, EVEN # LOTS	COMMON WALL SETBACK	FRONT SETBACK, ODD # LOTS	REAR SETBACK	SIDE SETBACK**	CORNER LOT SIDE SETBACKS
SINGLE FAMILY - STANDARD LOT *	24'	N/A	28'	15'	5'	15'
SINGLE FAMILY- PATIO LOT *	22'	N/A	25'	10'	5'	15'
ATTACHED SINGLE FAMILY LOT *	15'	N/A	15'	N/A	5'	15'

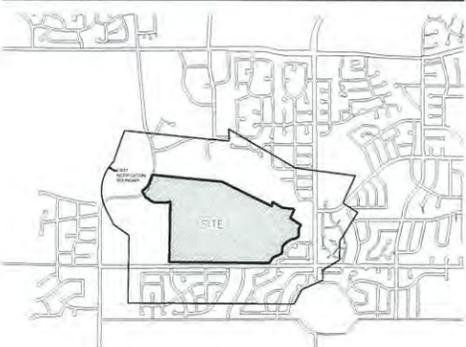
- * Setbacks measured from the back of sidewalk.
- ** The 1:3 ratio shall apply with 5 feet being the minimum.

PDP LANDUSE TABLE

LAND USE	AREA	NUMBER OF UNITS	DENSITY	PERCENTAGE OF SITE
SINGLE FAMILY - STANDARD LOT	26.48 ac.	93	1.09 du/ac. (net)	20.9%
SINGLE FAMILY - PATIO LOT	12.22 ac.	70	.83 du/ac. (net)	9.6%
SINGLE FAMILY ATTACHED	8.39 ac.	42	.50 du/ac. (net)	6.6%
OPEN SPACE	34.75 ac.	N/A	N/A	27.4%
TOTAL DEVELOPED AREA	81.84 ac.	205	2.42 du/ac. (net)	64.4%
RESERVOIR	21.6 ac.	N/A	N/A	17%
WETLANDS	5.9 ac.	N/A	N/A	4.6%
R.O.W.	14.82 ac.	N/A	N/A	11.7%
PUBLIC UTILITY EASEMENT	2.84 ac.	N/A	N/A	2.2%
TOTAL	127 ac.			100%

VICINITY MAP

Scale: 1" = 200'



DAKOTA GLEN

Approvals

1. Approved this _____ day of _____, year _____ by the Current Planning Manager of the City of Loveland, Colorado.

Current Planning Manager

2. Approved this _____ day of _____, year _____ by the City Engineer of the City of Loveland, Colorado.

City Engineer

3. Approved this _____ day of _____, year _____ by the City Attorney of the City of Loveland, Colorado.

City Attorney

4. Approved this _____ day of _____, year _____ by the City Planning Commission of the City of Loveland, Colorado.

Chairperson

5. Approved this _____ day of _____, year _____ by the City Council of the City of Loveland, Colorado.

Mayor

Aldert

Ownership Certification

KNOW ALL MEN BY THESE PRESENTS THAT,

STATE OF COLORADO)

COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008 by _____

Witness my hand and official seal.

My commission expires _____

NOTARY PUBLIC

address

Developer:
Glen Development LLC
P.O. Box 118
Loveland, CO 80539
970.663.1897

SHEET INDEX

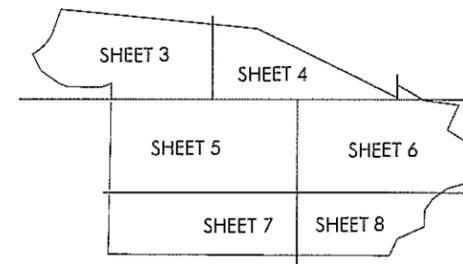
- SHEET 1 PDP NARRATIVE
- SHEET 2 OVERALL PLAN
- SHEET 3 SITE / LANDSCAPE PLAN
- SHEET 4 SITE / LANDSCAPE PLAN
- SHEET 5 SITE / LANDSCAPE PLAN
- SHEET 6 SITE / LANDSCAPE PLAN
- SHEET 7 SITE / LANDSCAPE PLAN
- SHEET 8 SITE / LANDSCAPE PLAN
- SHEET 9 ARCHITECTURE
- SHEET 10 ARCHITECTURE
- SHEET 11 XCEL PLANNED UNIT DEVELOPMENT (1 OF 5)
- SHEET 12 XCEL PLANNED UNIT DEVELOPMENT (2 OF 5)
- SHEET 13 XCEL PLANNED UNIT DEVELOPMENT (3 OF 5)
- SHEET 14 XCEL PLANNED UNIT DEVELOPMENT (4 OF 5)
- SHEET 15 XCEL PLANNED UNIT DEVELOPMENT (5 OF 5)

PDP NARRATIVE

DAKOTA GLEN 1 ST. SUBDIVISION LOVELAND, COLORADO

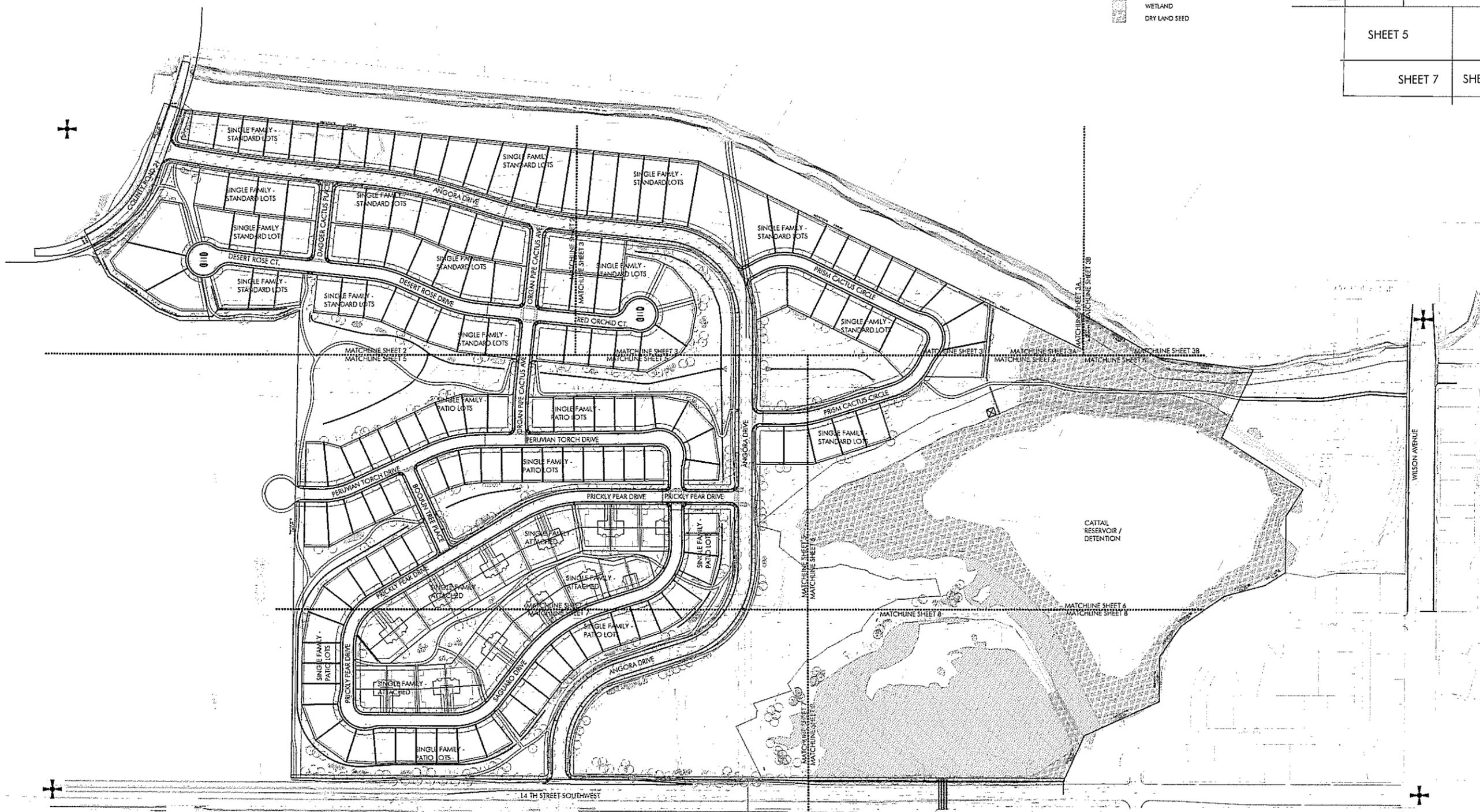
BHA DESIGN, INC. • 1603 OAKRIDGE DRIVE bha FT. COLLINS, CO

VICINITY MAP



LEGEND

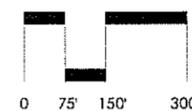
- DECIDUOUS CANOPY TREE
- ORNAMENTAL TREE
- CONIFEROUS TREE
- SHRUB BED
- IRRIGATED TURF
- WETLAND
- DRY LAND SEED



OVERALL PLAN

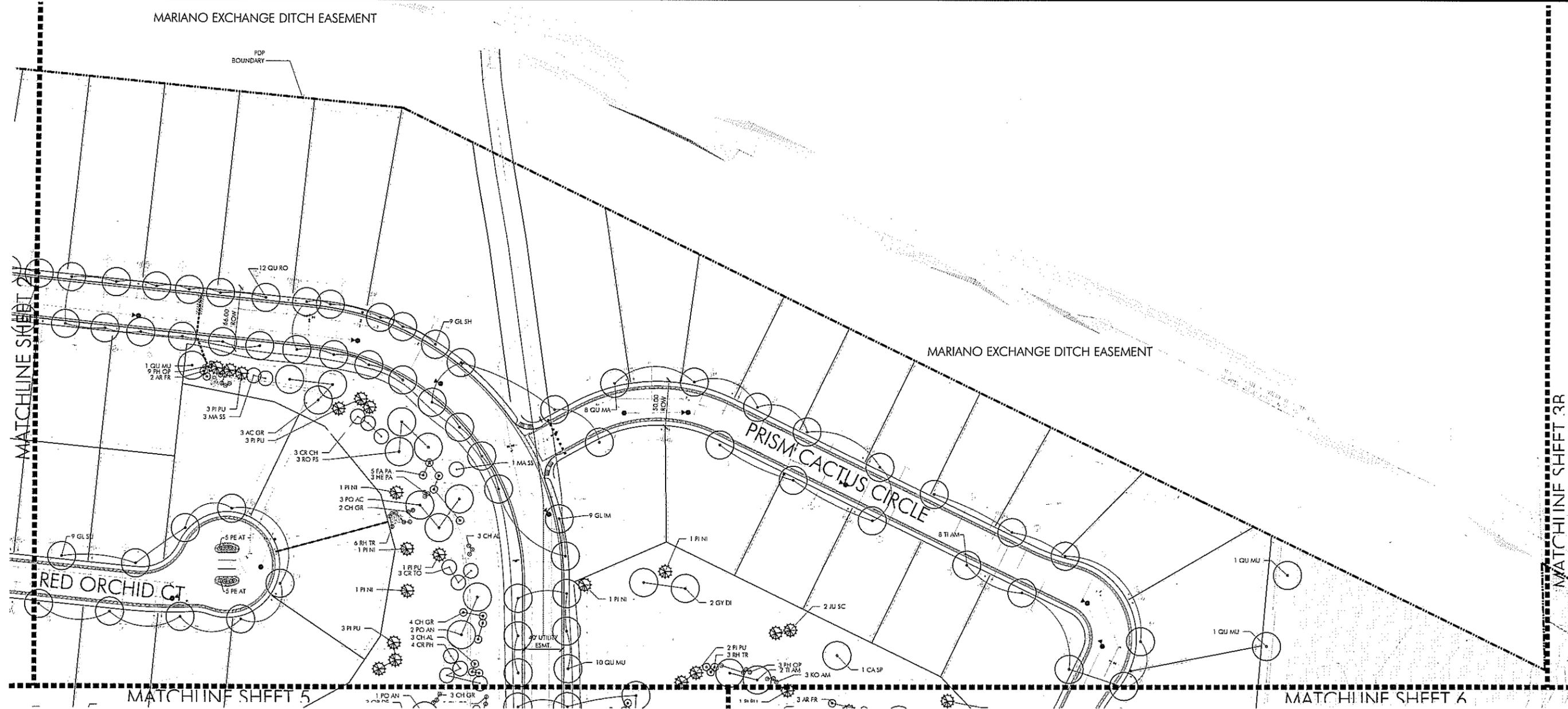
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

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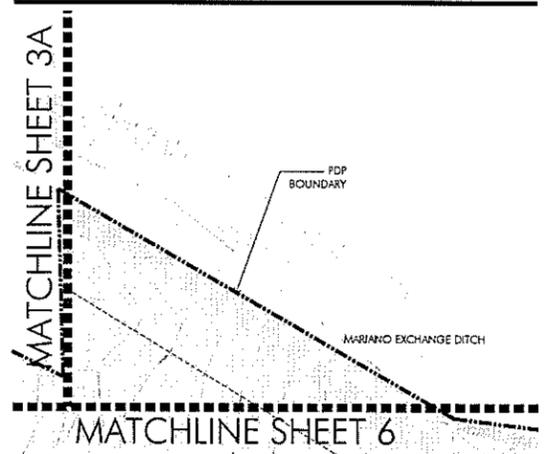


SHEET 2 OF 1.
APRIL 3, 2013 PC ATTACHMENT 1

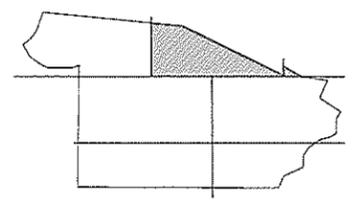
SHEET 3A



SHEET 3B



KEY MAP



LEGEND

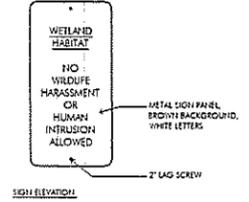
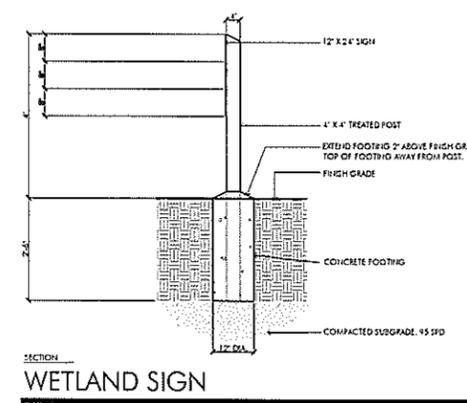
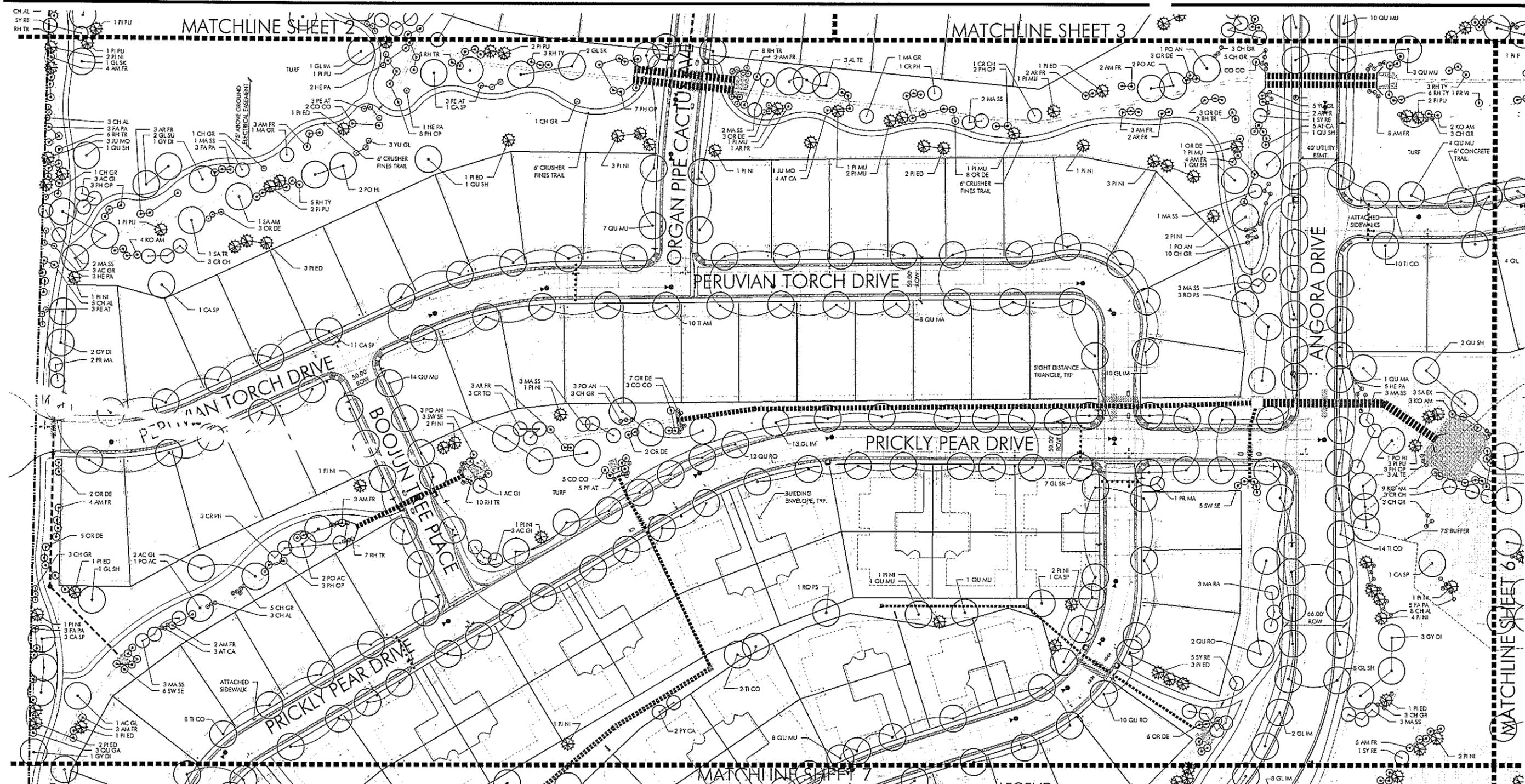
- DECIDUOUS CANOPY TREE
- ORNAMENTAL TREE
- CONIFEROUS TREE
- SHRUB BED
- IRRIGATED TURF
- NATIVE MIX
- TRANSITION SEED
- DRY LAND SEED



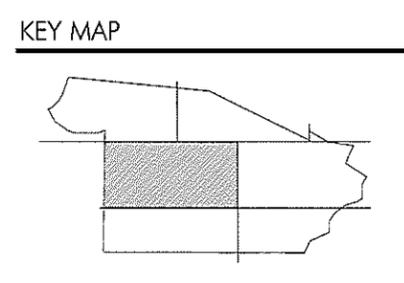
SITE / LANDSCAPE PLAN

DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

BHA DESIGN, INC. • 1603 OAKRIDGE DRIVE • bha • FT. COLLINS, CO 80525 • TEL: 970-233-7477



Note:
Development other than trails are prohibited within the 75 foot buffer



- LEGEND
- DECIDUOUS CANOPY TREE
 - ORNAMENTAL TREE
 - CONIFEROUS TREE
 - SHRUB BED
 - IRRIGATED TURF
 - NATIVE MIX
 - TRANSITION SEED
 - DRY LAND SEED

NORTH 0 25° 50' 100'

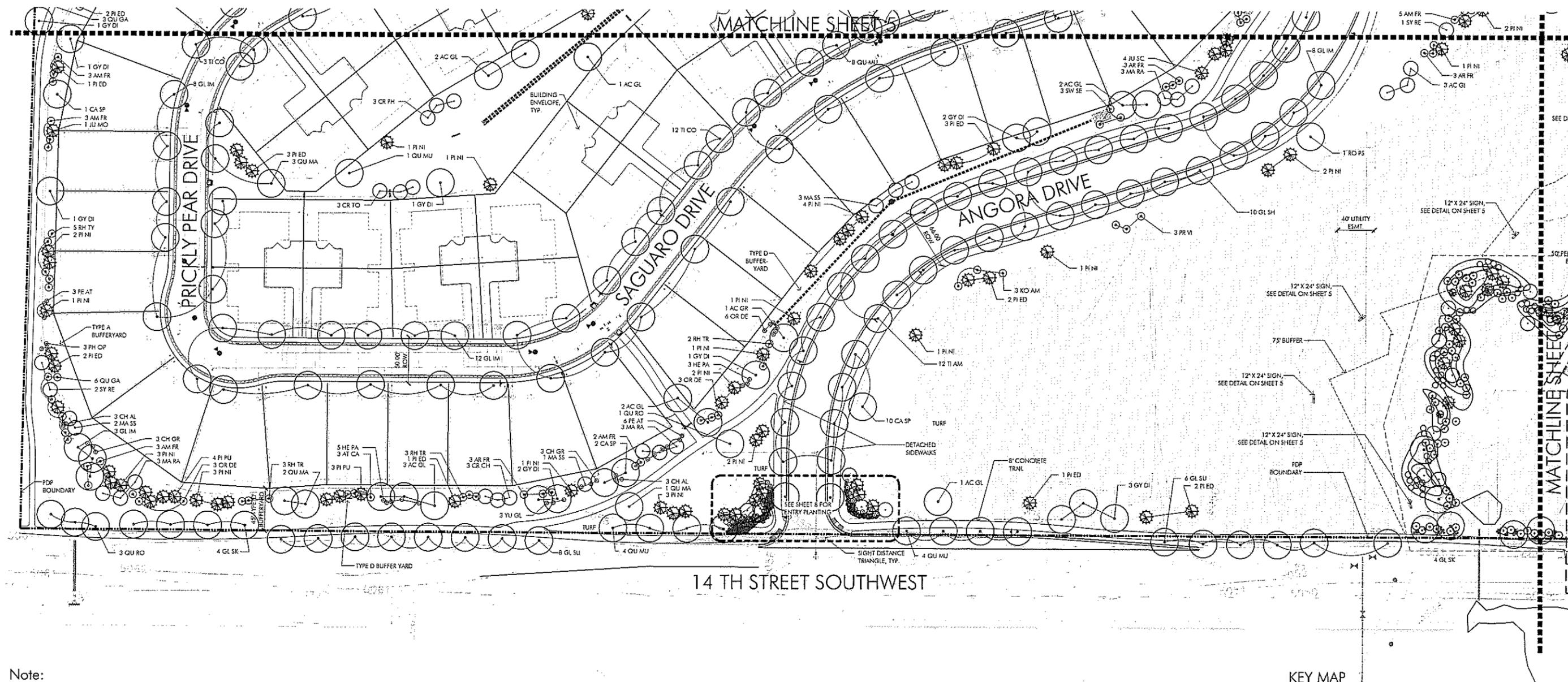
SITE / LANDSCAPE PLAN

DAKOTA GLEN 1 ST. SUBDIVISION

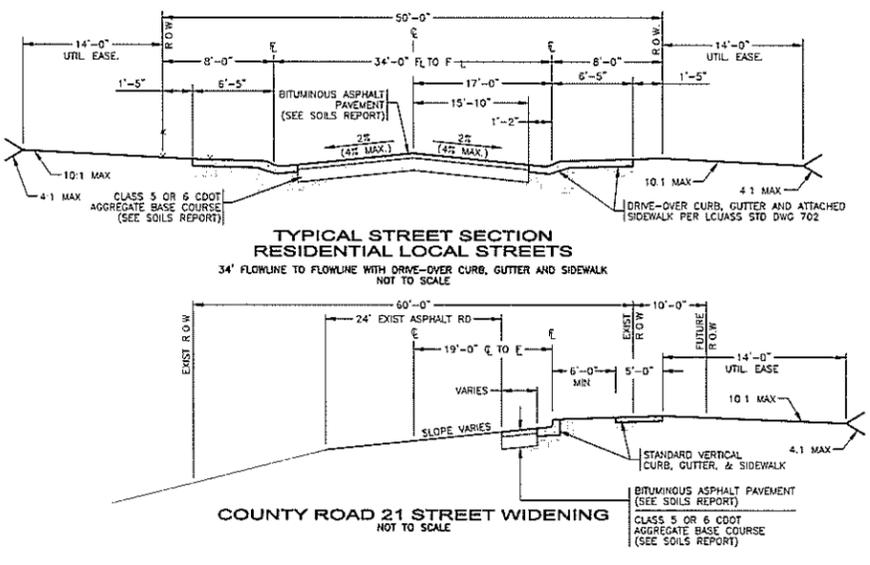
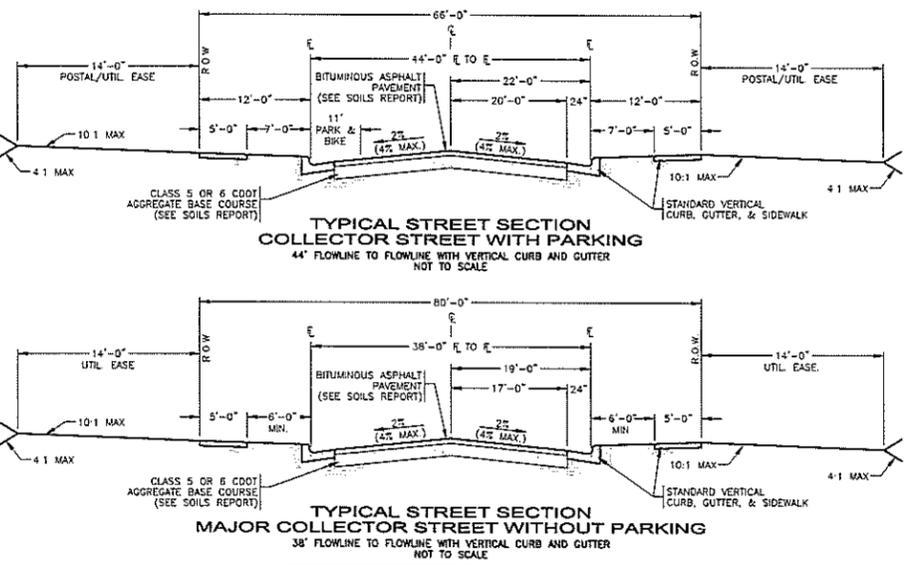
LOVELAND, COLORADO

BHA DESIGN, INC. • 1603 OAKRIDGE DRIVE bha FT. COLLINS,

SHEET 5 OF 1
APRIL 3, 2011 PC ATTACHMENT 1

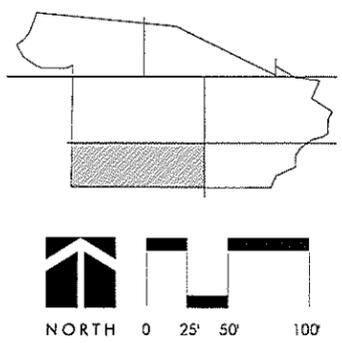


Note:
Development other than trails are prohibited within the 75 foot buffer



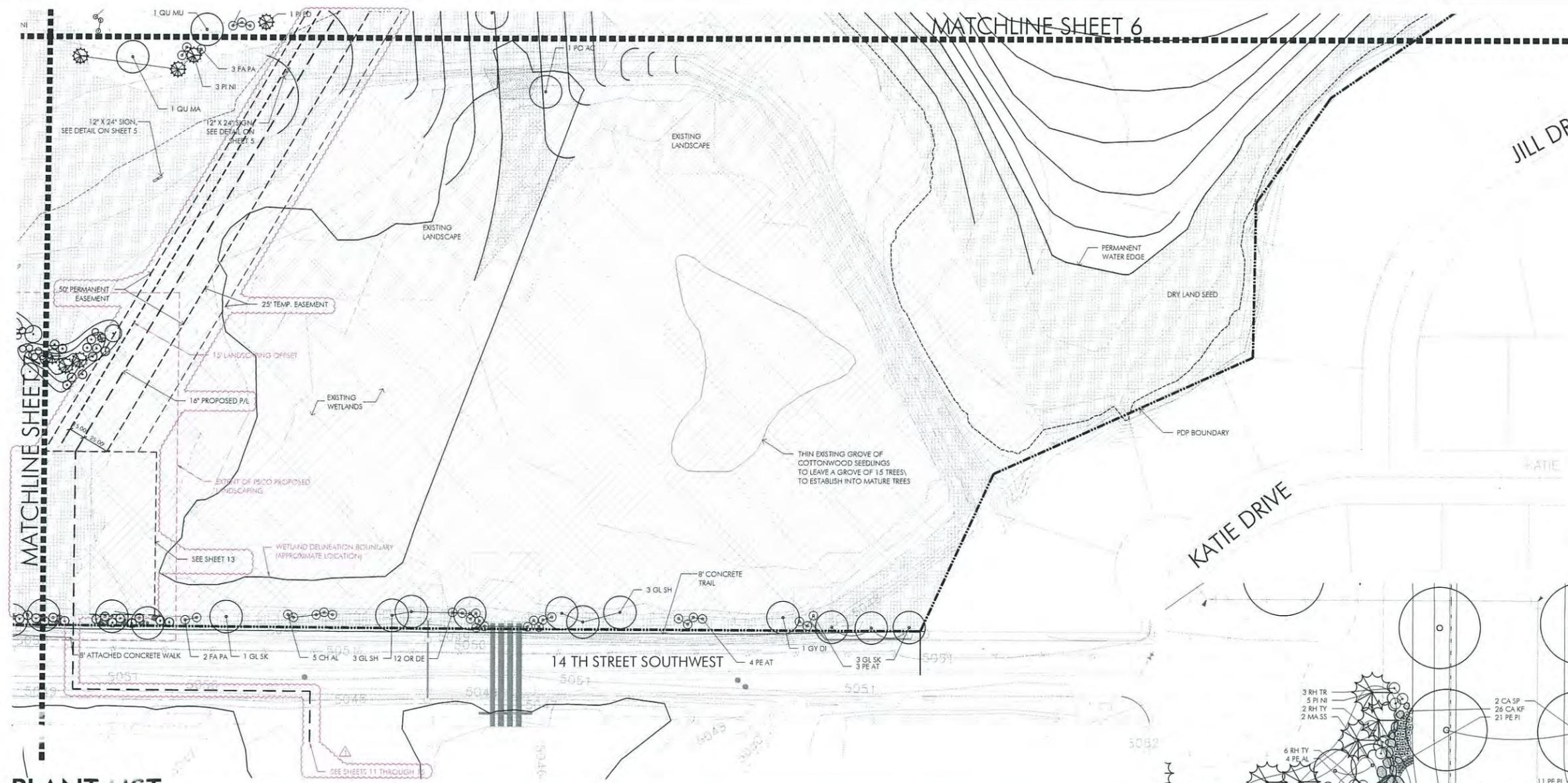
- LEGEND**
- DECIDUOUS CANOPY TREE
 - ORNAMENTAL TREE
 - CONIFEROUS TREE
 - SHRUB BED
 - IRRIGATED TURF
 - NATIVE MIX
 - TRANSITION SEED
 - DRY LAND SEED

KEY MAP

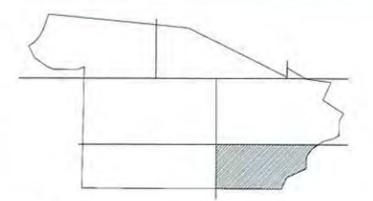


SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO
BHA DESIGN, INC. • 1603 OAKRIDGE DRIVE bha FT. COLLINS, CO

MATCHLINE SHEET 6



KEY MAP



LEGEND

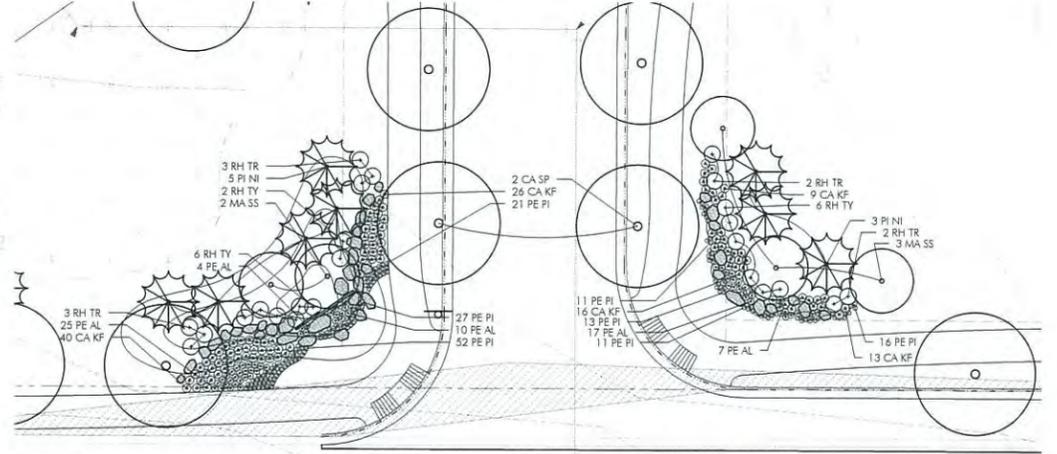
- DECIDUOUS CANOPY TREE
- ORNAMENTAL TREE
- CONIFEROUS TREE
- SHRUB BED
- IRRIGATED TURF
- NATIVE MIX
- TRANSITION SEED
- DRY LAND SEED

Note:
Development other than trails are prohibited within the 75 foot buffer

PLANT LIST

Key	Botanical Name	Common Name	Size	Root	Spacing	Phase 1
DECIDUOUS CANOPY TREES						
AC GR	Acer ginnale	Big Tooth Maple	2' Cal.	BB	See Plan	10
AL TE	Ailanthus	Tree-of-heaven	2' Cal.	BB	See Plan	6
CA SP	Catalpa speciosa	Western Catalpa	2' Cal.	BB	See Plan	53
GL IM	Gleditsia triacanthos inermis 'Imperial'	Imperial Honeylocust	2' Cal.	BB	See Plan	66
GL SH	Gleditsia triacanthos inermis 'Shade Master'	Shade Master Honeylocust	2' Cal.	BB	See Plan	44
GL SK	Gleditsia triacanthos inermis 'Skyline'	Skyline Honeylocust	2' Cal.	BB	See Plan	30
GL SU	Gleditsia triacanthos inermis 'Sunburst'	Sunburst Honeylocust	2' Cal.	BB	See Plan	25
GY DI	Gymnocladia dioica	Kentucky Coffeetree	2' Cal.	BB	See Plan	30
PO AC	Populus alamosa	Kentucky Cottonwood	2' Cal.	BB	See Plan	16
PO AN	Populus angustifolia	Narrowleaf Cottonwood	2' Cal.	BB	See Plan	16
PO HI	Populus 'Highland'	Highland Cottonwood	2' Cal.	BB	See Plan	8
QU MA	Quercus macrocarpa	Burr Oak	2' Cal.	BB	See Plan	24
QU MU	Quercus muehlenbergii	Chinkapin Oak	2' Cal.	BB	See Plan	93
QU RO	Quercus robur	English Oak	2' Cal.	BB	See Plan	9
QU SH	Quercus shumardii	Shumard Oak	2' Cal.	BB	See Plan	9
RO PS	Rubus psudoadacis	Purple Rubus	2' Cal.	BB	See Plan	9
SA TR	Salix alba 'Tristis'	Golden Weeping Willow	2-1/2' Cal.	BB	See Plan	4
SA AM	Salix amygdaloides	Peach Leaf Willow	2' Cal.	BB	See Plan	31
TI AM	Tilia cordata 'Redmond'	Redmond Linden	2' Cal.	BB	See Plan	38
TI CO	Tilia cordata 'Greenspire'	Greenspire Linden	2' Cal.	BB	See Plan	88
DECIDUOUS ORNAMENTAL TREES						
AC GI	Acer ginnale 'Flame'	Flame Amur Maple	1-1/2' Cal.	BB	See Plan	32
CR CH	Cornus chinensis	Chinese Hawthorn	1-1/2' Cal.	BB	See Plan	13
CR CR	Cornus coccinea	Scarlet Hawthorn	1-1/2' Cal.	BB	See Plan	13
CR PH	Cornus phoenicifolia	Washington Hawthorn	2' Cal.	BB	See Plan	14
CR TO	Cornus Tobia	Tobia Hawthorn	1-3/4' Cal.	BB	See Plan	16
MA RA	Malus 'Radiant'	Radiant Crabapple	2-1/2' Cal.	BB	See Plan	15
MA GR	Malus 'Golden Raindrops'	Golden Raindrops Crabapple	2' Cal.	BB	See Plan	13
MA SP	Malus 'Spring Snow'	Spring Snow Crabapple	1-3/4' Cal.	BB	See Plan	56
PR MA	Prunus 'Mascot'	Amur Chokecherry	2-1/2' Cal.	BB	See Plan	5
PY CA	Pyracantha coccinea	Scarlet Pear	2' Cal.	BB	See Plan	2
SY RE	Syringa reticulata	Japanese Tree Lilac	1-1/2' Cal.	BB	See Plan	13
CONIFEROUS TREES						
JU MO	Juniperus monosperma	One Seed Juniper	6' Ht.	BB	See Plan	8
JU SC	Juniperus scopulorum	Rocky Mountain Juniper	6' Ht.	BB	See Plan	10
PI FA	Picea pungens 'Fat Albert'	Fat Albert Spruce	6' Ht.	BB	See Plan	10
PI HO	Picea pungens 'Hoopsii'	Hoopsii Spruce	6' Ht.	BB	See Plan	43
PI PU	Picea pungens	Colorado Spruce	6' Ht.	BB	See Plan	46
PI ED	Pinus edulis	Pinon Pine	8' Ht.	BB	See Plan	90
PI NI	Pinus nigra	Austrian Pine	6' Ht.	BB	See Plan	90
PI MU	Pinus mugo 'Tannebaum'	Tannebaum Mugo Pine	6' Ht.	BB	See Plan	8

Key	Botanical Name	Common Name	Quantity	Container	See Plan
CONIFEROUS/EVERGREEN SHRUBS					
JU HO	Juniperus squamata 'Holger'	Holger Juniper	5 GAL	Container	See Plan 60
JU SA	Juniperus x media 'Savbrook Gold'	Savbrook Gold Juniper	5 GAL	Container	See Plan 21
JU TA	Juniperus sabina 'Tamariscifolia'	Tammy Juniper	5 GAL	Container	See Plan 41
PI CO	Picea pungens 'Compacta'	Compact Colorado Spruce	5 GAL	Container	See Plan 22
PI ME	Picea pungens 'Mesa Verde'	Mesa Verde Spruce	5 GAL	Container	See Plan 43
PI VA	Pinus mugo 'Valley Cushion'	Valley Cushion Mugo Pine	5 GAL	Container	See Plan 22
DECIDUOUS SHRUBS					
AM FR	Amorpha fruticosa var. angustifolia	Indigobush Amorpha	5 GAL	Container	See Plan 60
AT CA	Artemisia canescens	Four-Wing Saltbush	5 GAL	Container	See Plan 21
AR FR	Artemisia frigida	Fringed Sage	5 GAL	Container	See Plan 41
CH AL	Chrysothamnus nauseosus albicaulis	Tall Blue Rabbitbrush	5 GAL	Container	See Plan 62
CH GR	Chrysothamnus nauseosus graveolens	Tall Green Rabbitbrush	5 GAL	Container	See Plan 73
CO CO	Cotinus coggygria 'Royal Purple'	Royal Purple Smoke Tree	5 GAL	Container	See Plan 22
FA PA	Fallugia paradoxa	Apache Plume	5 GAL	Container	See Plan 43
FO NE	Forestiera neomexicana	New Mexico Privet	5 GAL	Container	See Plan 22
HE PA	Hesperaloe parviflora	Red Fata Yucca	5 GAL	Container	See Plan 28
KALA	Kalanchoe laetifolia	Maui Pineapple	5 GAL	Container	See Plan 22
KO-AM	Kolkwitzia amabilis	Beauty Bush	5 GAL	Container	See Plan 41
OR-DE	Oreobates deltoideus	Boulder Raspberry	5 GAL	Container	See Plan 78
PE AT	Perovskia atriplicifolia	Russian Sage	5 GAL	Container	See Plan 64
PH OP	Physocarpus monogynus	Native Ninebark	5 GAL	Container	See Plan 55
PR VI	Prunus virginiana melanocarpa	Native Ninebark	5 GAL	Container	See Plan 21
QU GA	Quercus gambelii	Gambel Oak	5 GAL	Container	See Plan 6
RH TR	Rhus trilobata	Three-Leaf Sumac	5 GAL	Container	See Plan 76
RH TY	Rhus typhina	Staghorn Sumac	5 GAL	Container	See Plan 36
SA EX	Salix exigua	Coyote Willow	5 GAL	Container	See Plan 44
SW SE	Swida stolonifera	Redstart Dogwood	5 GAL	Container	See Plan 17
YU GL	Yucca glauca	Great Plains Yucca	5 GAL	Container	See Plan 8
GRASSES AND PERENNIALS					
CA KF	Calamagrostis acutiflora 'Karl Foerster'	Feather Reed Grass	1 GAL	Container	See Plan 104
PE AL	Pennisetum alopecuroides 'Hameln'	Dwarf Fountain Grass	1 GAL	Container	See Plan 63
PE ME	Peristemon Mensae Yellow	Yellow Pineleaf Penstemon	1 GAL	Container	See Plan 151
PE PI	Peristemon pinifolius	Pineleaf Penstemon	1 GAL	Container	See Plan 151



ENTRY PLANTING

SCALE: 1" = 20'

Common Name	Scientific Name	FLS/Acre
IRRIGATED TURF		
Kentucky Bluegrass 3 Elite Varieties		
DRY LAND SEED MIX		
Blue Grama	Bouteloua gracilis	0.75
Buffalograss	Buchloea dactyloides	1.60
Green Needlegrass	Hastella viridula	2.00
Sideoats Grama	Bouteloua curtipendula	1.80
Western Wheatgrass	Pascopyrum smithii	4.00
		10.15 Drilled
		20.3 Broadcast
		40.6 Small Areas

Common Name	Scientific Name	FLS/Acre
TRANSITION SEED MIX		
Arkansas Valley Seed: Nature's Choice Lawn Mixture or approved equivalent		
70% Euphorbia Crested Wheatgrass		
15% Sheep Fescue		
10% Vibrant Perennial Ryegrass		
5% Rando Kentucky Bluegrass		
175-220 lbs/acre		
NATIVE SEED MIX		
Arkansas Valley Seed: Low Grow Mix or approved equivalent		
30% Euphorbia Crested Wheatgrass		
25% Sheep Fescue		
20% Perennial Rye		
15% Cheating Fescue		
10% Kentucky Bluegrass		
20-25 lbs/acre		

NORTH 0 25' 50' 100'

SITE / LANDSCAPE PLAN

DAKOTA GLEN 1 ST. SUBDIVISION

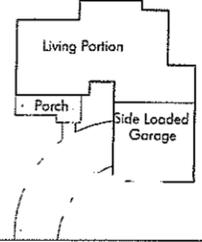
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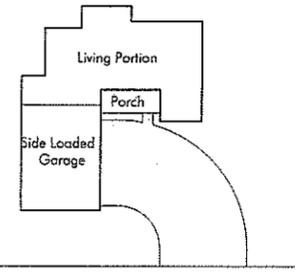
SHEET 8 OF 16
APRIL 3, 2013

TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE A (side loaded garage)

Single Story (N.T.S.)

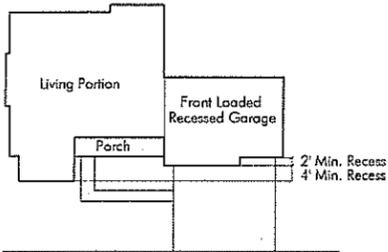



Two Story (N.T.S.)

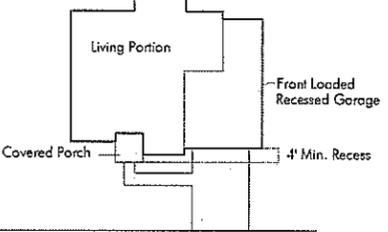



TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE B (recessed garage)

Single Story (N.T.S.)

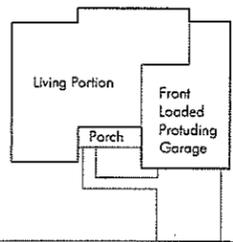



Two Story (N.T.S.)

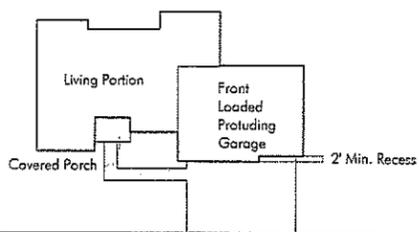



TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE C (protruding garage)

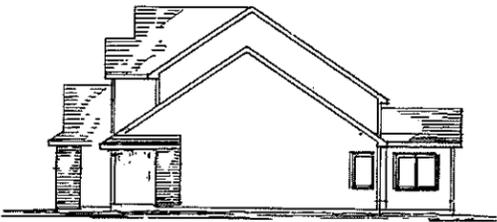
Two Story (N.T.S.)

Single Story (N.T.S.)

TYPICAL STEEL FENCE
scale: N.T.S.

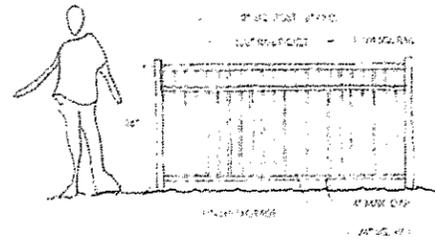
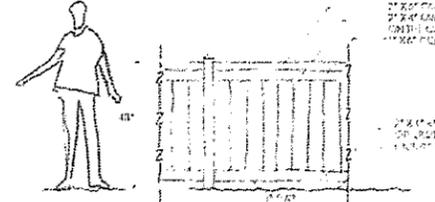


Typical Side Elevation (N.T.S.)



Typical Rear Elevation (N.T.S.)

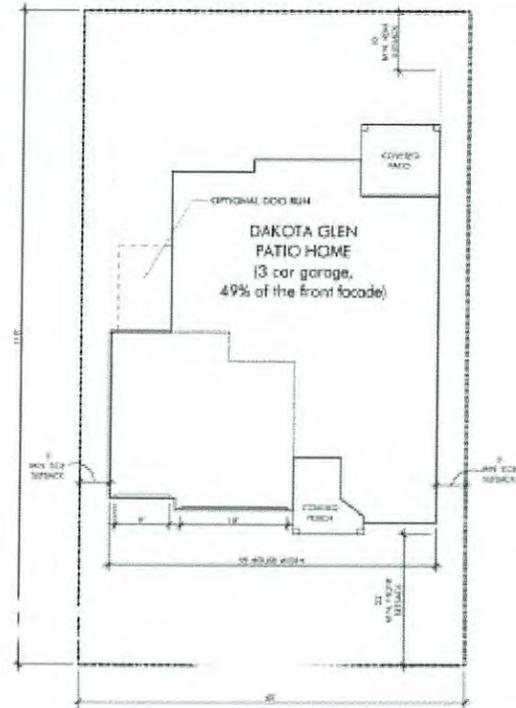
TYPICAL CEDAR FENCE
scale: N.T.S.

Note: These elevations are prototypical. Some variation will occur with the development of each property.

ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
FIRST AMENDMENT
LOVELAND, COLORADO
BHA DESIGN, INC. • 1603 OAKRIDGE DR

TYPICAL SINGLE FAMILY DETACHED - PATIO HOME



TYPICAL SINGLE FAMILY ATTACHED

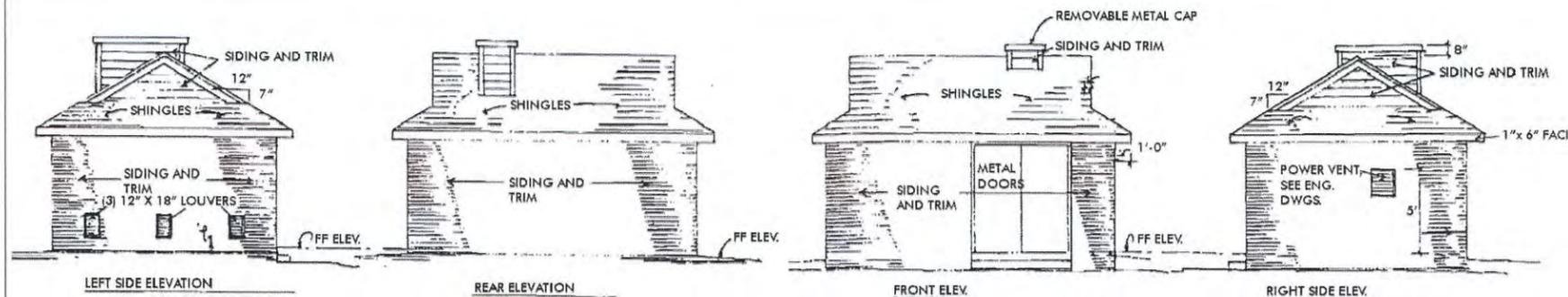


PLAN



ELEVATION

TYPICAL PUMPHOUSE



Note:
These elevations are prototypical. Some variation will occur with the development of each property.

ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO

BHA DESIGN, INC. • 1603 OAKRIDGE DRIVE bha FT. COLLINS

PLANNED UNIT DEVELOPMENT LARIMER 2013 - 16" WEST MAIN NATURAL GAS PIPELINE REPLACEMENT (ESTES PARK REGULATOR STATION & UNDERGROUND PIPELINE IN DAKOTA GLEN PUD) CITY OF LOVELAND FEBRUARY 2013

Zoning	P-68
Site Acreage	7.48 acres
Land Use	Natural gas pipeline and public utility facility
Square Footage	1. Total - 300 sq. ft.
	2. Floors - 300 sq. ft.
	3. Natural Gas Regulation - 300 sq. ft.
Building Occupancy	U-Utility
Type of Construction	1. Construction Type - Type 2A
	2. Fire Sprinkler - None
Parking Spaces	N/A - This is an unmanned utility
Landscaping	N/A - See Note 5 on Sheet 4, regarding seed mix
Open Space	N/A - The Estes Park Regulator Station is a public utility facility. The pipeline will be buried and revegetated upon completion of construction, and no impacts to open space.
FEMA	portion of the site is within a FEMA floodplain



Standard Site Plan Notes:

1. Unless otherwise noted all land and utilities will be unchanged or restored to their original condition.
2. Legal descriptions of all Public Service company easements are included in the legal description page.
3. Regulator stations do not yet have an address assigned by the City of Loveland.
4. Final architectural design of regulator stations will be completed after final input from the City of Loveland.
5. The construction of the valve stations or pipeline in this plan shall be completed in one phase.
6. There will be no paved parking or bicycle racks installed and no servicing of vehicles on site.
7. All trash shall be hauled away by Public Service Company employees. There will be no permanent refuse collection areas.
8. No area of the easements in this plan is within fifty feet (50') of the property that is within a 100-year floodplain, is classified by the Army Corps of Engineers as wetlands or is land classified as having severe soil limitations by the Soil Conservation Service.
9. No area of the easements in this plan is within the Airport Influence area.
10. The only high wildlife value for an easement of these plans by the Colorado Division of Wildlife is all easements fall within the snow goose winter foraging range. This development will have little to no impact on this species.

DRAWING INDEX			
REVISION	SHEET NO.	DRAWING NO.	DRAWING TITLE
A	1	2300	COVER SHEET
A	2	2301	LEGAL DESCRIPTION
A	3	2302	OVERALL PLAN
A	4	2303	GRADING PLAN
A	5	2304	BUILDING PLAN & DETAILS



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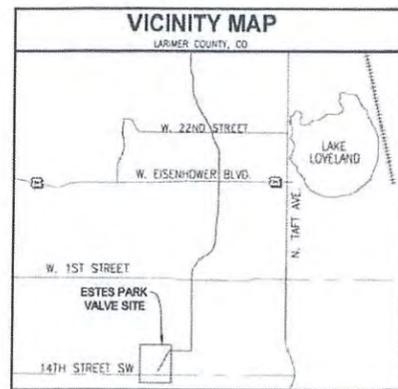
12405 Airport Way, Ste. 145
Beverly Hills, CO 80021

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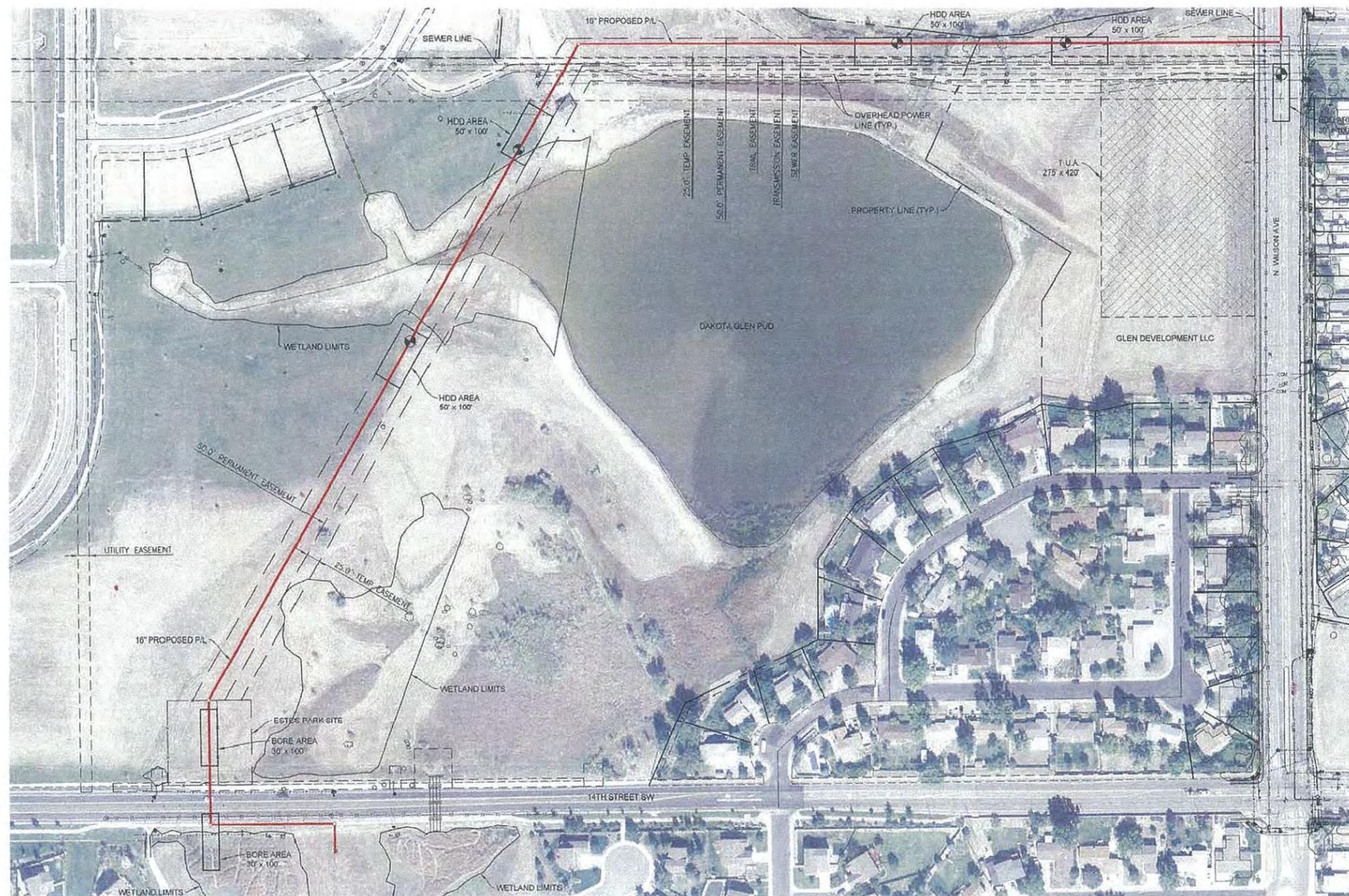
XCEL PLANNED UNIT DEVELOPMENT (1 OF 5)

**DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO**

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Section 21, Township 5N, Range 69W
LOVELAND, COLORADO



OVERALL PLAN VIEW
SCALE 1" = 100'



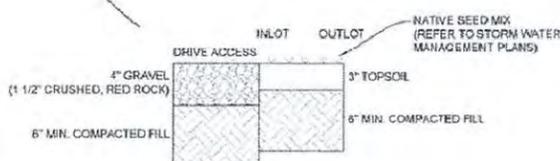
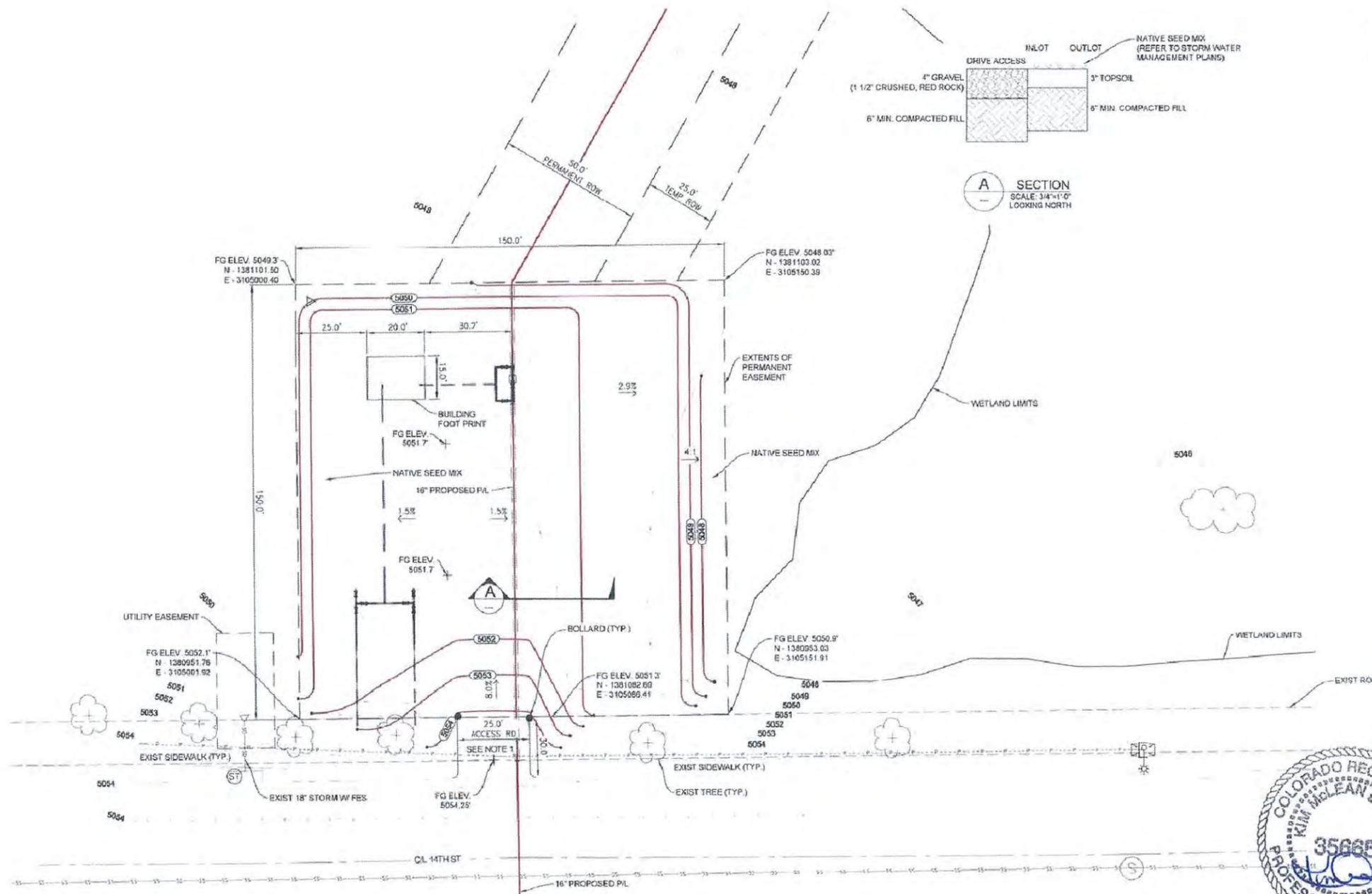
XCEL PLANNED UNIT DEVELOPMENT (2 OF 5)

DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

BHA DESIGN, INC. • 1603 OAKRIDGE DRIVE bha FT. COLLINS, CO



Section 21, Township 5N, Range 69W
LOVELAND, COLORADO



A SECTION
SCALE: 3/4"=1'-0"
LOOKING NORTH

LEGEND

- LIGHT POLE
- ⊙ STORM DRAIN
- ⊙ SANITARY SEWER
- - - ABOVE GROUND PIPING
- BELOW GROUND PIPING
- △ RADIO TRANSMISSION UNIT

GRADING LEGEND

	EXISTING CONTOUR
	FINISHED CONTOUR
	DRAINAGE FLOW DIRECTION
	INTERSECTING POINT BETWEEN FINISHED CONTOUR AND EXISTING CONTOUR
	FINISHED GRADE

NOTES:

1. FOR DRIVE ACCESS DETAIL REFERENCE LARIMER COUNTY URBAN AREA STREET STANDARD DRAWING 708-STANDARD DRIVEWAY APPROACH.
2. COMPACT ALL NON STRUCTURAL FILL AREAS TO 90% OF THE MAXIMUM DRY DENSITY WITH STRUCTURAL FILL AREAS @ 95%.
3. REFERENCE PROJECT STORM WATER MANAGEMENT PLAN FOR ALL EROSION CONTROL MEASURES.
4. CONTRACTOR IS RESPONSIBLE WITH IDENTIFYING, LOCATING, AND POTHOLES ALL FOREIGN LINE CONFLICTS. CONTRACTOR IS REQUIRED BY STATUTE TO UTILIZE THE STATE ONE CALL SYSTEM (811) FOR UTILITY LOCATE REQUESTS.
5. A NATIVE SEED MIX THAT MEETS CITY OF LOVELAND STORM WATER STANDARDS SHALL BE SUBMITTED AND APPROVED PRIOR TO INSTALL.

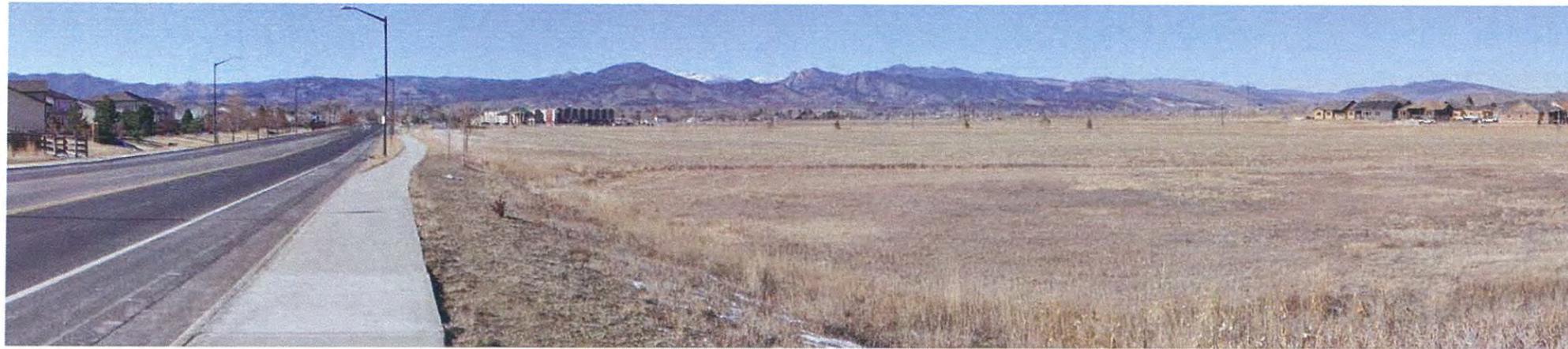
PLAN VIEW
SCALE 1"=20'



XCEL PLANNED UNIT DEVELOPMENT (3 OF 5)

DAKOTA GLEN 1 ST. SUBDIVISION
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Existing Environment



Photographic Simulation

Disclaimer: Detailed design drawings to be submitted with building permit applications. Design drawings will substantially comply with the details included on this drawing. See Sheet 7 and 8 for Landscape Plan.

Parameter	Control House	Aboveground Pipeline	Bollard
Use	Controls the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines	Transmission of natural gas	Entrance Gate
Quantity	1	2	2
Height	-12 ft (similar roof pitch to existing pump house)	Highest point of aboveground pipe structures are 7 ft 1 in and 7 ft 3 in. Pipe heights are 6 ft 2 in and 4 ft 4 in.	3.5 ft
Length	24 ft	17 ft; 11 ft	N/A
Width	22 ft	18 ft; 6.5 ft	N/A
Size	528 sq ft	6.5-inch-diameter pipeline; footprints are 306 square ft; 71.5 (377.5 sq ft total)	6.5 in diameter
Architectural Design	Similar in character to existing pump house located north of the gas regulator station site	Painted steel	N/A
Exterior Materials	Walls: Split face concrete block Windows/Openings: Glass block/metal louvers Roof: Metal shingles	Painted steel	Painted steel
Color	Walls: Teal blue, or similar to match hue of existing pump house Trim: Cream, to match hue of existing pump house Roof: Warm gray, to match hue of existing pump house	Medium/light tan	Medium/light tan

XCEL PLANNED UNIT DEVELOPMENT (4 OF 5)

DAKOTA GLEN 1 ST. SUBDIVISION
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2013 - 16" West Main Natural Gas Pipeline Replacement Project - Dakota Glen PUD First Amendment

PROJECT AND LEGAL DESCRIPTION

Introduction

Public Service Company of Colorado (PSCo), an Xcel Energy company, is requesting a Planned Unit Development (PUD) Amendment as described in the City of Loveland Land Use Code Chapter 18.41. The Larimer 2013--16" West Main Natural Gas Pipeline Replacement Project (proposed Project) involves the construction, operation, and maintenance of a 16-inch high-pressure replacement natural gas transmission pipeline. The proposed Project encompasses Larimer, Weld, and Boulder counties and several incorporated communities and is approximately 77 miles long. An overview map showing all portions of the West Main Natural Gas Pipeline Replacement Project throughout Larimer County is included on the Project website:

<http://www.xcelenergywestmainpipeline.com/west_main/route-maps/route-maps.html>. The existing 84 year old natural gas pipelines have reached the ends of their service lives, require safety upgrades, and cannot reliably keep up with growing system demand to deliver natural gas. The proposed Project would provide high-pressure transmission of natural gas with limited distribution systems taps as needed. It would provide an important link to future system upgrades for northern Colorado Front Range communities and would ensure more reliable natural gas delivery to customers in light of growing natural gas demand.

The proposed Project includes necessary pipeline and above-ground facilities located on private property within the Dakota Glen PUD in the city of Loveland. As part of its West Main Natural Gas Pipeline Replacement Project, PSCo is proposing to construct, operate, and maintain one new regulator station, referred to as the Estes Park Regulator Station, in the Dakota Glen PUD. Regulator stations control the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines that serve the local community.

The preferred pipeline route enters the Dakota Glen PUD in the city of Loveland near the intersection of 14th Street Southwest (SW) and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) at the Estes Park Regulator Station (see Sheet 12). The pipeline exits the Estes Park Regulator Station and heads to the northeast through undeveloped open land within the Dakota Glen PUD. North of the cattail reservoir/detention pond, the pipeline turns due east toward Wilson Avenue leaving the PUD boundary and continues north on Wilson Avenue.

PSCo explored various design alternatives for the Estes Park Regulator Station (facility) in an effort to integrate the facility into the surrounding Dakota Glen PUD environment. The regulator station building was designed to complement the existing pumphouse associated with the Dakota Glen PUD, using similar structural elements (i.e., roofline and chimney) and colors for the building and trim. Neutral beige earth tone colors were selected for the above ground natural gas pipes adjacent to the regulator station building to blend with the surrounding landscape.

Landscaping and earthen berms will be introduced to the west and north of the facility to provide a natural screening effect for residences in the Dakota Glen PUD. Broadleaf deciduous trees will be planted along the west side of the Estes Park Regulator Station easement on a 2 to 3 foot-high berm providing intermittent screening from the west. Landscaping and berms will also be extended north around the facility. In this area, evergreen trees and a variety of shrubs will be planted along and on top of the berms in order to provide a dense, year-round screening of the facility from residents to the north-northwest. Screening is also proposed along 14th Street SW in front of the facility and will include broadleaf deciduous trees and a variety of deciduous and evergreen shrubs. The landscaping along 14th Street SW will be arranged in a similar pattern as proposed in the Dakota Glen PUD landscaping plan. A photographic simulation of the proposed Estes Park Regulator Station is provided in Sheet 14 and proposed landscaping is shown on Sheets 7 and 8 of the Dakota Glen PUD First Amendment. Sheet 16 contains the proposed landscaping plan.

This application requests approval specifically for the proposed Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary associated with the proposed Project. The proposed Project is an important part of PSCo's service plan to upgrade the existing natural gas transmission system along the northern Colorado Front Range with new natural gas pipelines that meet current safety, service, capacity, and reliability requirements while also meeting the increasing demand for natural gas in Larimer County, including the city of Loveland. The upgrade would involve replacing the existing 84-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch pipeline to continue providing reliable, safe natural gas service.

Applicant Information

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Location and Legal Description

The Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary is located in Larimer County within the municipal limits of the city of Loveland. The Project area subject to this PUD is located in the Dakota Glen Subdivision near the intersection of 14th Street SW and Angora Drive, approximately

2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) and the undeveloped open land near the cattail reservoir/detention pond. PSCo has obtained a permanent easement on 0.516 acres of land for this regulator station, and 2.323 acres of permanent easement and 1.114 acres of temporary easement for the pipeline alignment within the Dakota Glen PUD.

Purpose and Need

PSCo currently operates the natural gas supply for most of Larimer County including the city of Loveland. The purpose of the proposed Project is to reliably maintain delivery of natural gas to area customers. The proposed Project is an important part of PSCo's service plan to meet growing natural gas demand in the area because the existing natural gas pipeline cannot meet load requirements at peak demand. The proposed natural gas pipeline upgrade would address safety, service reliability, and capacity concerns for the benefit of commercial and residential customers along the northern Colorado Front Range. Regulator stations are required to control the rate of gas flow and/or pressure through the station and maintain the desired pressure or flow level in the distribution system.

Project Construction Activities

The permanent ROW for operation and maintenance of the Project would be 50 feet. An additional temporary ROW needed for construction activities would be 25 feet.

Construction activities for the West Main Natural Gas Pipeline Replacement Project are proposed to begin approximately May 1, 2013, and operation of the replacement facility would begin during the fall/winter season of 2013.

In open trench areas, major activities involved in Project construction would include surveying, best management practice (BMP) installation, vegetation clearing, staging materials, pipeline trenching, pipeline installation and welding, pressure-testing, backfilling the pipeline trench, cleanup, re-grading the surface, revegetation, and revegetation monitoring. Surface disturbance would be limited to the permanent ROW and the temporary construction ROW and would include boring locations and modifications to regulator stations. Construction activities would be sequenced and likely would occur simultaneously in multiple locations. The pipeline trench would be approximately 72 inches deep with a width of approximately 24 to 36 inches. The new pipeline would sit approximately 48 inches below the final grade. Site restoration would occur according to the provisions of the Stormwater Management Plan (SWMP), which was provided to the City of Loveland on March 22, 2013. Temporary fencing would be utilized around the bore pits and trenches as needed to prevent public access and maximize safety.

Regulator station construction could run concurrently with natural gas pipeline construction. Surface disturbance associated with the Estes Park Regulator Station would be limited to the 0.516 acre permanent easement of the regulator station.

PSCo proposes to use boring techniques, as feasible, to avoid surface disturbance to wetlands, trails, and driveways. Boring techniques would involve drilling construction of the pipeline under these surface features. In wet areas, the natural gas pipeline would be weighted for stability to ensure that the pipeline remained securely in place during periods when soil might be saturated. All wetlands associated with the Dakota Glen PUD will be bored. As described in the Environmentally Sensitive Areas Report (ESAR) submitted under separate cover, the proposed Project would not affect mature stands of vegetation. A wetland delineation report was prepared for the proposed Project located within the PUD, and is provided in Attachment 2 of the ESAR. The proposed regulator station is located in an area that is higher than the surrounding wetlands primarily located to the east and would therefore not impact wetlands. The proposed pipeline crosses one wetland located along the western portion of the lake. The proposed pipeline would avoid effects to this wetland through the use of boring techniques. The locations of the boring entry/exit locations are shown in Sheet 12. As documented in the agency correspondence included in Attachment 3 of the ESAR, the U.S. Army Corps of Engineers has indicated that a wetland permit (per the Clean Water Act) would not be required. The construction BMPs and site mitigation measures would protect potential impacts to adjacent wetlands during construction and operation of the Project as described in Section IV of the ESAR. As discussed in Section IV.2 of the ESAR, BMPs would be implemented as described in Attachment 6 of the ESAR to minimize or mitigate soil erosion and to revegetate any areas disturbed during construction of the proposed Project. PSCo also would follow the Weed Management and Revegetation Plan provided in Attachment 7 of the ESAR. The Plan includes a preconstruction survey for noxious weeds and follow-up monitoring to ensure revegetation is successful.

PSCo plans to off-load and string pipeline as it is delivered along the ROW. Any stockpiling of pipeline would take place at the proposed Project ROW (including the temporary and permanent easement areas) or at existing PSCo yards. Miscellaneous materials (such as valves, fittings, and other construction materials) would be stored and delivered to the pipeline construction area from PSCo's Fort Collins and Campion Service Centers.

PSCo would install signs (pipeline markers) in the permanent 50-foot easement to identify that a natural gas pipeline is buried nearby. These markers are required by federal regulations for pipeline safety (49 CFR 192). A typical pipeline marker is shown in Attachment 2. These markers provide adequate warning and location of the natural gas pipeline to local residents and future construction contractors performing work in the area. Markers identify the product carried in the pipeline (such as natural gas), the name of the pipeline operator, the operator's 24-hour emergency contact number, and the area's one-call center number. These markers are approximately 4 feet above ground and occur approximately every 500 feet or in-line of sight, on both sides of road, water, and railroad crossings, and at all changes in direction. There would be approximately 4 pipeline markers within the Dakota Glen PUD; one at the Estes Park Regulator Station, one at the angle point near the existing pump house, one at the east end of Dakota Glen near Wilson Avenue, and one on the straight line pipeline alignment within the PUD.

Noise from heavy machinery would be of short duration during construction of the proposed natural gas pipeline. Construction would be limited daily hours between 7 a.m. and 7 p.m. per City of Loveland Municipal Code Chapter 7.32 Sound Limitations, and would occur Monday through Friday. Construction may occur on weekends and other hours outside the 7 a.m. to 7 p.m. timeframe on an as-required basis, with prior approval from the City Manager. Noise levels from equipment would be controlled through the use of standard maintenance procedures and the use of appropriate mufflers.

Construction of the natural gas pipeline and related facilities may generate a temporary increase in fugitive dust. PSCo would comply with state and Larimer County requirements for controlling dust emissions during the construction of the proposed Project. PSCo would employ BMPs for dust suppression, as described in the SWMP. During construction, water trucks would patrol work areas to control dust as necessary depending on weather and dust suppression, weed control, and soil conditioning.

Minimal odors from the proposed Project are expected, with the highest likelihood occurring during construction from vehicle exhaust, and during periods of maintenance activities when mercaptan may be noticeable. Mercaptan is a chemical injected into the natural gas product, as required by federal regulation, to produce a sulfurous odor ("rotten egg" odor) as a safety measure. It is not anticipated that maintenance activities beyond those already experienced by area residents would be required for the proposed Project.

Glare would potentially be visible from construction vehicles and equipment. Any glare experienced would be temporary in nature and would be similar to other sources of glare that exist in the environment (such as from vehicle on Wilson Avenue and residential streets, and glare from residential building materials).

PSCo has obtained a Storm Water Permit for Construction Activities from the Colorado Department of Public Health and Environment. The drainage plan for the proposed Project would consist of a SWMP and BMPs for the control of stormwater runoff during the construction period. Post-construction, the areas disturbed by trenching and boring activities for the natural gas pipeline would be recontoured to preconstruction conditions and revegetated as described in the SWMP.

PSCo adheres to the pipeline safety regulations established in the Code of Federal Regulations (CFR) at 49 CFR Part 192 by the U.S. Department of Transportation (DOT) to ensure public protection and to prevent accidents and failures. Specifically, the DOT Pipeline and Hazardous Materials Safety Administration is the federal authority for ensuring the safe, reliable, and environmentally sound operation of pipeline transmission systems under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act).

Property Owners, Property, and Right-of-Way Acquisition

PSCo's land services representatives have worked with the landowner of the PUD to explain Project construction, operation, and maintenance activities and to negotiate the purchase of easements based on fair market value. The easement for the Estes Park Regulator Station would grant PSCo a permanent easement of 22,500 square feet (0.516 acres) to construct, operate, and maintain the regulator station. The permanent pipeline easements of 2.323 acres and temporary pipeline easements of 1.114 acres would grant PSCo a permanent 50-foot corridor and temporary 25-foot construction ROW to construct, operate, and maintain the natural gas pipeline within the Dakota Glen PUD. The landowner would maintain fee title to the land acquired under the easement. The land within the pipeline permanent and temporary easements granted to PSCo within the Dakota Glen PUD would be restored and revegetated and available for other uses upon completion of the construction period.

The Project includes the proposed landscaping as described in the introduction section of this document and shown on Sheets 7 and 8 of the Dakota Glen PUD First Amendment. PSCo will provide funds to the Homeowners Association President of the Dakota Glen Planned Unit Development for purchase of the landscaping materials and installation of the landscaping. Installation and maintenance of the landscaping will be the responsibility of the Dakota Glen PUD Homeowners Association.

XCEL PLANNED UNIT DEVELOPMENT (5 OF 5)

DAKOTA GLEN 1 ST. SUBDIVISION
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SHEET 15 OF 16
May 2013

PC ATTACHMENT 1



ESTES PARK REGULATOR STATION PROPOSED PLANTING PLAN



WEST MAIN NATURAL GAS PIPELINE REPLACEMENT PROJECT

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Larimer 2013—16" West Main Natural Gas Pipeline Replacement Project

Weed Management and Revegetation Plan

Draft

August 2012

Prepared for:



Public Service Company of Colorado
1123 West 3rd Avenue, Denver, Colorado 80223

Prepared by:



Tetra Tech EC, Inc.
1099 18th Street, Suite 580, Denver, Colorado 80202

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Appendix A: Noxious Weed Profiles

Larimer 2013 Project
16" West Main Natural Gas Pipeline Replacement Project

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1. Introduction

As part of its West Main Natural Gas Pipeline Replacement Project, PSCo is proposing to construct, operate, and maintain approximately 5.1 miles of replacement 16-inch high-pressure natural gas pipeline in unincorporated Larimer County, Colorado. The 16-inch high-pressure replacement natural gas pipeline project is referred to as the Larimer 2013 Project (Project) and is located in Larimer County, Colorado.

The proposed Project is a system upgrade that would replace the existing 83-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch natural gas pipeline to continue providing reliable, safe natural gas service for PSCo's current and new customers along the Colorado Front Range. The overall West Main Natural Gas Pipeline Replacement Project includes several counties and several incorporated communities, replacing approximately 77 miles of 95 miles of high pressure natural gas transmission pipeline between Westminster, Colorado, and the Colorado–Wyoming border.

The existing pipeline cannot reliably keep up with growing system demand to deliver natural gas and would be decommissioned in place as the new replacement pipeline is put into service. Like the existing 8-inch natural gas pipeline, the new 16-inch natural gas pipeline would be buried underground. The natural gas pipeline is proposed to be located in private rights-of-way (ROWs); county, state, and city roadway ROWs; and city and county public lands using a combination of existing and new easements. The final alignment of the natural gas pipeline is subject to negotiation with individual landowners.

Figure 1 shows the proposed and alternative routes, as well as the Project area in Larimer County, as of August 2012. It is assumed that weed management and revegetation will occur on all lands directly disturbed by the construction of this Project. This Weed Management and Revegetation Plan is intended as a guide for integrated weed management for the pre- and post-construction periods of this Project.

1.1 Weed Management

Noxious weeds are defined in the Colorado Revised Statutes (CRS 35-5.5):

"Noxious weed" means an alien plant or parts of an alien plant that have been designated by rule as being noxious or has been declared a noxious weed by a local advisory board, and meets one or more of the following criteria:

- (a) Aggressively invades or is detrimental to economic crops or native plant communities;*
- (b) Is poisonous to livestock;*
- (c) Is a carrier of detrimental insects, diseases, or parasites;*

(d) The direct or indirect effect of the presence of this plant is detrimental to the environmentally sound management of natural or agricultural ecosystems.

Noxious weeds have become one of the most important issues for owners and managers of agricultural and open space lands. Weeds can cause economic losses to agriculture in both croplands and rangelands. They can also crowd out native vegetation and generally provide lower quality wildlife habitats than native vegetation.

In recognition of the economic and ecological effects of noxious weeds, the General Assembly of the State of Colorado passed the Colorado Noxious Weed Act in 2003 (35-5.5 CRS). This act requires landowners to control noxious weeds on their properties. The act also requires each county to develop a noxious weed management plan and list of noxious weeds that must be managed on all lands in the county.

The following basic actions will be taken by PSCo to comply with the Colorado Noxious Weed Act and are described in further detail in this management plan:

- Survey for weed infestations before and after ground-disturbing activities are undertaken
- Use of appropriate construction practices to minimize noxious weed infestations
- Revegetation of disturbed areas
- Monitoring of disturbed areas
- Treatment of new infestations

1.2 Site Description

1.2.1 Ecoregional Setting

The Project area is completely situated in the High Plains Level III Ecoregion. The High Plains Ecoregion includes four Level IV ecoregions. The Project area lies within two of the Level IV ecoregions, the Flat to Rolling Plains (25d) and the Front Range Fans (25i). The following subsections describe the ecoregional setting as provided in *Ecoregions of Colorado* (Chapman et al. 2006).

1.2.1.1 Front Range Fans

The Front Range Fans (25L) Ecoregion covers the entirety of the Project area. The Front Range Fans ecoregion flanks the northern Front Range of the Southern Rockies in Colorado. Streams tend to be cooler than in other High Plains (25) regions and contain many Front Range aquatic species. The soils of the region have more outwash gravels than regions farther east, and they occupy old terraces, benches, and alluvial fans. The soils are formed from materials weathered from arkosic sedimentary rock, gravelly alluvium, and redbed shales and sandstone. Some soils have a high shrink-swell potential. Annual precipitation ranges from approximately 14 to 18 inches.

Typical plants include shortgrass and mixed grass prairie: blue grama (*Chondrosum gracile*), needle-and-thread (*Hesperostipa comata*), western wheatgrass (*Pascopyrum smithii*), buffalograss (*Buchloë dactyloides*), junegrass (*Koeleria macrantha*), and little bluestem (*Schizachyrium scoparium*). Big bluestem (*Andropogon gerardii*) is scattered in low concentrations throughout the region. Riparian areas contain cottonwood/shrub/herbaceous species. Land use is changing from mostly cropland and rangeland to more extensive urban development. Development has led to an increase in man-made lakes and gravel pits dotting the region.

1.2.2 Vegetation and Noxious Weeds

Six basic vegetation types were observed during the field review: shortgrass/mixed grass prairie, agricultural lands, riparian, palustrine emergent wetlands, disturbed/developed, and noxious weeds. These vegetation types, and common plant species observed within them, are described below.

1.2.2.1 Shortgrass/Mixed Grass Prairie

A mosaic of shortgrass and mixed grass prairie would be the dominant native ecosystem type in the Project area under natural conditions. Shortgrass and mixed grass prairie species were observed in only a few low-quality patches, often interspersed with, or surrounded by, development. No areas of high-quality unfragmented shortgrass/mixed grass prairie were observed within the Project area.

Typical shortgrass/mixed grass prairie species observed during the field review included buffalograss, blue grama, western wheatgrass, sand dropseed (*Sporobolus cryptandrus*), alkali sacaton (*Sporobolus airoides*), little bluestem, and sideoats grama (*Bouteloua curtipendula*).

1.2.2.2 Agricultural Lands

Agricultural lands, one of the most common land uses observed in the Project area, included row crops, corn, winter wheat, hay/alfalfa, and grazing lands. Agricultural lands in the Project area are located mostly peripheral to the metropolitan areas of Fort Collins, Loveland, Berthoud, Longmont, Boulder, and Louisville. Non-native grass species, originally planted for grazing or landscaping, were observed throughout the Project area and were dominated by smooth brome (*Bromopsis inermis*).

1.2.2.3 Riparian

Riparian zones are defined as the interface between a running water feature, such as a stream or river, and the surrounding landscape. Riparian vegetation types occur in the study area adjacent to the Cache la Poudre River, Big Thompson River, Little Thompson River, St. Vrain Creek, Dry Creek, Left Hand Creek, Boulder Creek, and, to a lesser extent, some of the ditches, especially the Highland ditch, Rough and Ready ditch, and the Boulder and Whiterock ditch. Native tree and shrub vegetation observed in riparian areas included plains cottonwood (*Populus deltoides*), peach-leaved willow (*Salix amygdaloides*), and coyote

willow (*Salix exigua*). Non-native tree and shrub species observed in riparian areas included Russian-olive (*Elaeagnus angustifolia*), crack willow (*Salix fragilis*), and Siberian elm (*Ulmus pumila*). Common herbaceous plants observed in riparian areas included reed canarygrass (*Phalaris arundinacea*), smartweed (*Polygonum* spp.), rushes (*Juncus* spp.), spikerushes (*Eleocharis* spp.), broad-leaved cattail (*Typha latifolia*), narrow leaved cattail (*Typha angustifolia*), softstem bulrush (*Schoenoplectus acutus*), three-square (*Schoenoplectus pungens*), cockle-bur (*Xanthium strumarium*), and barnyard grass (*Echinochloa crus-galli*).

1.2.2.4 Palustrine Emergent Wetlands

Palustrine emergent wetlands (PEM) are scattered throughout the Project area, either adjacent to streams or ditches or as isolated bodies such as ponds or stormwater retention basins. PEM sometimes overlaps with riparian areas. Wetlands in the Project area are dominated by broad-leaved cattail, narrow-leaved cattail, barnyard grass, reed canarygrass, softstem bulrush, three-square, coyote willow, arctic rush (*Juncus arcticus*), alkali bulrush (*Bolboschoenus maritimus*), and creeping spikerush (*Eleocharis palustris*). Russian olive, peach-leaved willow, and plains cottonwood also occur in some wetlands. Weed species are not abundant, but Canada thistle (*Breca arvensis*) and teasel (*Dipsacus sylvestris*) were noted in or around some of the observed wetlands.

1.2.2.5 Disturbed/Developed

Disturbed/developed lands are one of the most common land uses in the Project area. Disturbed or developed areas include roadside ROWs, "old fields" where active agriculture is no longer occurring, as well as residential, commercial, and industrial settings. Most disturbed/developed areas are not excessively weedy and are dominated by common reclamation grasses such as smooth brome, intermediate wheatgrass (*Thinopyrum intermedium*), crested wheatgrass (*Agropyron desertorum*), orchard grass (*Dactylis glomerata*), and Kentucky bluegrass (*Poa pratensis*), as well as the common pasture forb, alfalfa (*Medicago sativa*).

Weeds are often a small to moderate component in the vegetation of disturbed areas. Recently disturbed roadsides are the most common areas with weedy vegetation. Weedy species include dandelion (*Taraxacum officinale*), kochia (*Kochia scoparia*), whitetop (*Cardaria* spp.), diffuse knapweed (*Acosta diffusa*), mullein (*Verbascum thapsus*), chickory (*Cichorium intybus*), and filaree (*Erodium cicutarium*).

1.2.2.6 Noxious Weeds

Noxious weeds in the Project area were identified during the field reconnaissance that was performed in accordance with the requirements in the Colorado Noxious Weed Act from March 25 to April 2, 2012 (Tetra Tech 2012). Noxious weed species are present, but not abundant, throughout the Project area, particularly in recently disturbed areas, such as near roadways or disturbed riparian areas. Observations are further discussed in Section 2.1.

1.3 Colorado Noxious Weed List

The state of Colorado has designated three types of noxious weeds that require management actions (CDOA 2011b):

- *Colorado List A species are designated by the Commissioner for eradication.*
- *List B weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, develops and implements state noxious weed management plans designed to stop the continued spread of these species.*
- *List C weed species are species for which the Commissioner, in consultation with the state noxious weed advisory committee, local governments, and other interested parties, will develop and implement state noxious weed management plans designed to support the efforts of local governing bodies to facilitate more effective integrated weed management on private and public lands. The goal of such plans will not be to stop the continued spread of these species but to provide additional education, research, and biological control resources to jurisdictions that choose to require management of List C species.*

The state listed noxious weed species are summarized in Table 1.

Table 1:
Colorado Noxious Weed List

List	Common Name	Scientific Name
Colorado List A	African rue	<i>Peganum harmala</i>
	Camelthorn	<i>Alhagi pseudalhagi</i>
	Common crupina	<i>Crupina vulgaris</i>
	Cypress spurge	<i>Euphorbia cyparissias</i>
	Dyer's woad	<i>Isatis tinctoria</i>
	Giant salvinia	<i>Salvinia molesta</i>
	Hydrilla	<i>Hydrilla verticillata</i>
	Meadow knapweed	<i>Centaurea pratensis</i>
	Mediterranean sage	<i>Salvia aethiopis</i>
	Medusahead	<i>Taeniatherum caput-medusae</i>
	Myrtle spurge	<i>Euphorbia myrsinites</i>
	Orange hawkweed	<i>Hieracium aurantiacum</i>
	Purple loosestrife	<i>Lythrum salicaria</i>
	Rush skeletonweed	<i>Chondrilla juncea</i>
	Sericea lespedeza	<i>Lespedeza cuneata</i>
	Squarrose knapweed	<i>Centaurea virgata</i>
Tansy ragwort	<i>Senecio jacobaea</i>	
Yellow starthistle	<i>Centaurea solstitialis</i>	
Colorado List B	Absinth wormwood	<i>Artemisia absinthium</i>
	Black henbane	<i>Hyoscyamus niger</i>
	Bouncingbet	<i>Saponaria officinalis</i>
	Bull thistle	<i>Cirsium vulgare</i>

Larimer 2013 Project
 16" West Main Natural Gas Pipeline Replacement Project

Table 1:
 Colorado Noxious Weed List

List	Common Name	Scientific Name
	Canada thistle	<i>Breea arvensis (Cirsium arvense)</i>
	Chinese clematis	<i>Clematis orientalis</i>
	Common tansy	<i>Tanacetum vulgare</i>
	Common teasel	<i>Dipsacus fullonum</i>
	Corn chamomile	<i>Anthemis arvensis</i>
	Cutleaf teasel	<i>Dipsacus laciniatus</i>
	Dalmatian toadflax	<i>Linaria genistifolia ssp. damatica (L. dalmatica)</i>
	Dame's rocket	<i>Hesperis matronalis</i>
	Diffuse knapweed	<i>Acosta diffusa (Centaurea diffusa)</i>
	Eurasian watermilfoil	<i>Myriophyllum spicatum</i>
	Hoary cress	<i>Cardaria draba</i>
	Houndstongue	<i>Cynoglossum officinale</i>
	Leafy spurge	<i>Euphorbia esula</i>
	Mayweed chamomile	<i>Anthemis cotula</i>
	Moth mullein	<i>Verbascum blattaria</i>
	Musk thistle	<i>Carduus nutans</i>
	Oxeye daisy	<i>Chrysanthemum leucanthemum</i>
	Perennial pepperweed	<i>Lepidium latifolium</i>
	Plumeless thistle	<i>Carduus acanthoides</i>
	Quackgrass	<i>Elytrigia repens</i>
	Redstem filaree	<i>Erodium cicutarium</i>
	Russian knapweed	<i>Acroptilon repens</i>
	Russian-olive	<i>Elaeagnus angustifolia</i>
	Salt cedar	<i>Tamarix chinensis, T. parviflora, and T. ramosissima</i>
	Scentless chamomile	<i>Matricaria perforata</i>
	Scotch thistle	<i>Onopordum acanthium, and O. tauricum</i>
	Spotted knapweed	<i>Centaurea maculosa</i>
	Spurred anoda	<i>Anoda cristata</i>
	Sulfur cinquefoil	<i>Potentilla recta</i>
	Venice mallow	<i>Hibiscus trionum</i>
	Wild caraway	<i>Carum carvi</i>
	Yellow nutsedge	<i>Cyperus esculentus</i>
	Yellow toadflax	<i>Linaria vulgaris</i>
Colorado List C	Chicory	<i>Cichorium intybus</i>
	Common burdock	<i>Arctium minus</i>
	Common mullein	<i>Verbascum thapsus</i>
	Common St. Johnswort	<i>Hypericum perforatum</i>
	Downy brome	<i>Bromus tectorum</i>
	Field bindweed	<i>Convolvulus arvensis</i>
	Halogeton	<i>Halogeton glomeratus</i>
	Johnsongrass	<i>Sorghum halepense</i>

Table 1:
Colorado Noxious Weed List

List	Common Name	Scientific Name
	Jointed goatgrass	<i>Aegilops cylindrica</i>
	Perennial sowthistle	<i>Sonchus arvensis</i>
	Poison hemlock	<i>Conium maculatum</i>
	Puncturevine	<i>Tribulus terrestris</i>
	Velvetleaf	<i>Abutilon theophrasti</i>
	Wild proso millet	<i>Panicum miliaceum</i>

Source: Colorado Department of Agriculture (2011a)

1.4 Larimer County Weed List

The Larimer County Code (Chapter 30, Article III) provides guidance for managing noxious weeds and identifies the county list of noxious weeds. Noxious weeds and "watch list" weeds identified by Larimer County are listed in Table 2.

Table 2:
Noxious and Troublesome Weeds Regulated by Larimer County

Regulated Name	Scientific Name
Bull thistle	<i>(Cirsium vulgare)</i>
Canada Thistle	<i>(Cirsium arvense)</i>
Common Teasel	<i>(Dipsacus fullonum)</i>
Dalmatian Toadflax	<i>(Linaria genistifolia)</i>
Diffuse Knapweed	<i>(Centaurea diffusa)</i>
Hoary Allysum	<i>(Berteroa incana)</i>
Hoary Cress	<i>(Cardaria draba)</i>
Houndstongue	<i>(Cynoglossum officinale)</i>
Leafy Spurge	<i>(Euphorbia esula)</i>
Musk Thistle	<i>(Carduus nutans)</i>
Perennial Pepperweed or Tall Whitetop	<i>(Lepidium latifolium)</i>
Russian Knapweed	<i>(Acroptilon repens)</i>
Scotch Thistle	<i>(Onopordum acanthium)</i>
Spotted Knapweed	<i>Centaurea maculosa</i>
Tamarisk	<i>(Tamarix ramosissima, parviflora)</i>
Yellow Toadflax	<i>(Linaria vulgaris)</i>

Source: Larimer County (2012)

2. Weed Management Guidelines

The following guidelines were developed to limit the extent of effects and potential for dispersal and establishment of noxious weeds. The guidelines should be implemented as part of construction and maintenance activities associated with the Project.

2.1 Field Reconnaissance Weed Identification

During the field reconnaissance (Tetra Tech 2012), the survey team identified several state listed and non-listed weed species. Table 3 lists the noxious weeds identified during the field review in Larimer County. The noxious weeds were identified based on the Colorado Noxious Weed Act. Noxious weed species are present but not abundant throughout the Project area, particularly in recently disturbed areas, such as near roadways or disturbed riparian areas.

Table 3:
Noxious Weeds Identified during the Field Reconnaissance

Weed List (A, B, or C)	Common Name	Scientific Name	Observed in Larimer County
List B Weeds	Canada Thistle	<i>Breea arvensis</i>	X
	Diffuse Knapweed	<i>Acosta diffusa</i>	X
	Musk Thistle	<i>Carduus nutans</i>	X
	Russian-Olive	<i>Elaeagnus angustifolia</i>	X
	Whitetop, Hoary Cress	<i>Cardaria draba</i>	X
List C Weeds	Chickory	<i>Cichorium intybus</i>	X
	Common Mullein	<i>Verbascum thapsus</i>	X
	Downy Brome—Cheatgrass	<i>Bromus tectorum</i>	X
	Field Bindweed	<i>Convolvulus arvensis</i>	X
	Puncturevine (Goatheads)	<i>Tribulus terrestris</i>	X
	Redstem Filaree	<i>Erodium cicutarium</i>	X
Not Listed	Kochia	<i>Kochia scoparia</i>	X

2.2 Pre-Construction Survey Goals and Protocol

Most of the Project consists of constructing a 16-inch natural gas pipeline. The Project would need to make several crossings of surface water bodies, including the Cache la Poudre River, Dry Creek, and the Little Thompson River. Numerous other streams, irrigation ditches/canals, and wetlands would also need to be crossed. At this time, it is planned that the crossings would involve boring underneath the waterways or wetlands and avoiding trenching through them. In non-wetland areas or waterways, construction of the pipeline route would involve open trenching. The goals of a pre-construction survey would be to identify and map the presence of state and county listed noxious weeds, delineate the extent of infestations, and identify potential noxious weed sources adjacent to the Project ROW. Survey protocol would involve use of a Trimble GeoXT GPS receiver with accuracy of 1 to

5 meters to map the locations of weed infestations along the ROW. The survey would be conducted by a biologist with experience in mapping Colorado listed noxious weeds. Data would be collected in two ways: in situations where fewer than 25 stems of a given species are documented to be present in an area, only point data would be recorded with the GPS unit. In situations where more than 25 stems of a given species are documented to be present in an area, a polygon would be mapped with the GPS and the acreage for that species should be derived.

2.3 Pre-/Post-Disturbance Weed Treatment

Appendix A (Noxious Weed Profiles) provides species-specific biology and general control methods for species that must be managed in accordance with Colorado state weed law. Actual control methods would be selected by the individuals conducting the treatments based on the species to be controlled, the location of the infestations (for example, near a riparian area), and the individuals' experience with the types of treatments that are most effective in the local area.

2.4 Construction Practices

Bare ground represents an open ecological niche that allows for the establishment of undesirable species such as noxious weeds. It is important to limit disturbance footprints associated with construction activities to the extent possible to minimize opportunities for noxious weed invasion.

Clearing or blading should only occur in the minimum area needed for safe and efficient construction. Construction activities should avoid areas where noxious weeds are established to the extent possible.

All heavy equipment used during construction should be washed prior to use in the site area to ensure that weed seed from a different region is not transported into the Project area.

Washing of equipment within the Project area is not recommended. Onsite washing of equipment increases the chance of weed seed dispersal by drainage of water across and potentially offsite. Instead, accumulations of mud should be knocked off equipment. This method promotes containment of weed seeds on the work site, where it can be monitored and treated, if necessary.

2.5 Post-Construction Monitoring

The post-construction pipeline route should be monitored for noxious weeds during the first growing season following the construction process. The goal of monitoring will be to detect any infestations as soon as possible while they are still small to make recommendations for effective treatment. Monitoring should take place for at least one growing season following construction. A weed monitoring report should be written at the end of this first full growing season after completion of construction to help collect results and refocus strategy for any further weed control that may be necessary. This report should be shared with the Larimer and Boulder County weed management programs to ensure proper coordination of weed control efforts.

3. Weed Control

A number of management strategies are available for control of noxious weeds. The methods described in this weed management plan include mechanical, biological, chemical, and cultural control methods. Mechanical methods typically include means such as hand-pulling, digging, and mowing. Biological controls may include application of select insects into an infestation, and grazing by livestock. Chemical control methods typically rely on selective and non-selective herbicides. The type of herbicides would vary depending on the weed species to be controlled. Cultural control methods include establishment of competitive vegetation. Selection of a control method or combination of methods should consider the life history of the species, the extent of infestation, and potential environmental effects from the treatment.

Attempts to eradicate noxious weeds will likely be unsuccessful if the initial disturbance that allowed the species to become established is still occurring in the area. Treatments will also be unsuccessful if other locally established populations of noxious weeds are not controlled. Attempts to control noxious species may also be unsuccessful if there is not an active revegetation program or if there are not viable populations of native species to recolonize the area. Treatment of one noxious species may open up new habitat for other noxious species if native species are not reestablished. For these reasons, successful, complete, and timely implementation of the revegetation program will be a critical element to successful management of noxious weeds within the Project ROW and adjacent lands.

Any treatments to noxious weeds should be carefully documented at the time of the treatment. Detailed notes should be collected to map areas sprayed, log spray dates, and document time and money spent on the weed management program. Species-specific control methods for noxious weeds identified in the initial site reconnaissance are provided as Appendix A to this document.

4. Revegetation

The purpose of revegetation should include the re-establishment of existing soil contours to the extent possible and to reestablish vegetation that is removed during construction. By reestablishing native vegetation, the potential for soil erosion will be reduced and wildlife habitats will be repaired/re-created.

Disturbed areas should be recontoured and revegetated as soon as practical, using approved seed mixtures and techniques. Disturbance areas would be re-seeded using approved, certified weed-free seed. Other materials used as part of revegetation, such as hay mulch, manure, or fill material, should also come from certified weed-free sources. Additional details on revegetation are provided in the following subsections.

4.1 Principles for Successful Revegetation

The following principles should be applied to all sites where revegetation would be undertaken:

- Minimize disturbed areas. The larger the disturbed area, the more effort is required to reclaim, monitor, and maintain it. More disturbance means a greater area is primed for noxious weed invasion.
- Salvage and stabilize existing topsoil to use in reclamation. Plant reestablishment can be difficult without the use of expensive soil amendments if topsoil has not been salvaged.
- Use plant species that can be established and survive in the reclaimed environment. Native plant species currently established onsite are often the best plant choices, although availability of seed or nursery stock can be challenging.
- Control noxious weeds and other undesirable species. These plants can out-compete the desired species if not properly controlled, especially if they are already established on site.
- Monitor the site. Monitoring is needed to determine whether reclamation has been successful and whether noxious weed invasions require additional reclamation activities.
- Maintain the site. Maintenance is simply acting on any problems or concerns noted during monitoring. For example, controlling weeds, maintaining erosion control structures, planting additional container stock, or applying more native seed could be maintenance activities.

4.2 Pre-Construction Vegetation Survey

The sole purpose of a pre-construction vegetation survey would be to establish a baseline understanding of species diversity and percent ground cover in areas likely to be disturbed by pipeline construction or other ancillary infrastructure. The results of the survey will allow for the creation of legitimate revegetation goals at the conclusion of the Project in terms of the reestablishment of disturbed areas with appropriate species diversity, abundance, and ground cover percentage.

An average goal for revegetation is 80 percent ground cover on all disturbed areas within 2 years of the end of construction. This percentage may have to be adjusted after an evaluation of data from the pre-construction monitoring. If monitoring identifies any situations that are preventing attainment of the cover goal, such as weed infestations, poor plant vigor and survival, or other factors, corrective actions would be developed and implemented.

4.3 Conservation of Topsoil

Some areas that would be disturbed by this Project may not currently have topsoil in place (for example, around the perimeter of existing parking areas and road shoulders). Other areas that would be disturbed currently do have topsoil in place. In those areas where topsoil would otherwise be lost, it should be stripped and stockpiled for reclamation. If the topsoil stockpiles would not be replaced within 6 months, a cover crop of upland grasses should be planted on the stockpiled soils for stabilization purposes.

In those areas where topsoil is currently at approximately its post-construction final contours, construction crews should minimize the amount of disturbance. An example of such an area includes portions of the ROW that should be returned to native vegetation after construction. Of particular concern is mixing of topsoil with subsoil through unnecessary grading or other soil disturbance.

4.4 Best Management Practices

Best management practices (BMPs) have been developed for use during grading and construction to minimize erosion. These BMPs would be implemented and maintained to the extent that they are applicable during the reclamation phase of the Project. The BMPs include:

- Stabilize exposed soil surfaces and reduce flow velocities.
- Use silt fences and hay bales to stabilize streams and ditches in or adjacent to the ROW. The silt fence would be staked and placed on the downgradient side of the hay bales.
- Following completion of construction, stabilize and revegetate exposed areas and remove the silt fencing.
- Inspect soil erosion control measures (rip-rap stones, silt fence, or hay bales, etc.) after each rain event for damage from washouts or siltation and implement corrective measures to ensure adequate function is maintained.
- Clean sediment traps and basins and remove sediment as necessary from silt fences, stone outlet structures, and hay bales when material accumulates.
- Place soil stockpiles in well-drained areas with adequate temporary soil erosion and sediment control measures and at least 50 feet from wetlands and watercourses.
- Following completion of work, loosen and level compacted soils by scarifying, harrowing, disking, or other approved methods.
- Re-grade all disturbed areas and, where appropriate, re-seed with approved native vegetation to provide proper drainage, stabilize soils, and reduce erosion. During dry weather conditions, spray water over construction access roads to minimize creation of dust.

4.5 Soil Preparation

Disturbed soil should be re-contoured as close as possible to pre-construction contours. Where topsoil has been removed and stockpiled, it should be redistributed over the re-contoured subsoil. Areas that have been compacted by repeated equipment traffic should be ripped to allow water penetration and successful plant regrowth. If suitable topsoil is not available, or if it is poor quality, additional topsoil or other soil amendments may need to be brought on to the site. BMPs, as specified in Section 4.4, would be maintained or reinstalled as needed to ensure they remain functional through the reclamation phase of the Project.

4.6 Plant Material Selection

This Project lies within the High Plains Level III ecoregion, so grasses, forbs, and shrubs adapted to shortgrass prairie environments are recommended for the revegetation efforts. Grasses are likely to make up a significant proportion of the overall plant material for the revegetation process. Grasses should preferably be drill seeded, but they may be broadcast-seeded as necessary. A recommended reclamation seed mixture for high plains/shortgrass prairie environments is provided in Table 4. This seed mix was adapted from a high plains/shortgrass prairie seed mix suggested by Pawnee Butte Seed (Pawnee Butte Seed 2011) and using the reference Plants for Western Land Reclamation (DeAguero 1994). All seed must be certified weed free.

Table 4:
Recommended Seed Mix for Project Revegetation in the High Plains/Shortgrass Prairie Environment

Seed Mix	Common Name	Scientific Name	Percent of Mix ¹
Grass Seed	Blue grama	<i>Chondrosum gracile</i>	23
	Buffalograss	<i>Buchloë dactyloides</i>	10
	Green needlegrass	<i>Stipa viridula</i>	20
	Sideoats grama(W)	<i>Bouteloua curtipendula</i>	20
	Western wheatgrass	<i>Pascopyrum smithii</i>	25
	Sand dropseed	<i>Sporobolus cryptandrus</i>	25
Forb-Shrub Mix	Perennial gaillardia	<i>Gaillardia aristata</i>	5
	Gayfeather	<i>Liatris punctata</i>	10
	Plains coreopsis	<i>Coreopsis tinctoria</i>	5
	Purple prairie clover	<i>Dalea purpurea</i>	10
	Prairie sunflower	<i>Helianthus petiolaris</i>	10
	Scarlet globemallow	<i>Sphaeralcea coccinea</i>	5
	Northern sweetvetch	<i>Hedysarum boreale</i>	5
	Greenthread	<i>Thelesperma filifolium</i>	5
	Prairie coneflower	<i>Ratibida columnifera</i>	10
	Rubber rabbitbrush	<i>Chrysothamnus nauseosus</i>	15
	Winterfat	<i>Krascheninnikovia lanata</i>	10
	Fringed sage	<i>Artemisia frigida</i>	10

¹ Application rates would be determined following verification of seed purity and germination rates as published by the selected seed supplier.

In addition to a mix of warm and cool season grasses, the recommended species includes a mix of native forbs and shrubs for improved habitat and aesthetic qualities, increased biodiversity, enhanced soil stability and survivability in the reclaimed plant community. The grass and shrub species recommended in Table 4 were all observed in the Project area during site reconnaissance. These species are all native to the eastern high plains of Colorado. The average period of time for these shrubs to establish, mature, and flower may be as much as 3 to 4 years from planting (Monsen et al. 2004). Restriction of grazing in revegetated areas will increase the chance of successful plantings.

The recommended overall proportions for the revegetation seed mix would be approximately 75 percent of the volume in grasses, 15 percent in forbs, and 10 percent in shrubs. All of the species listed in Table 4 should be commercially available from seed supply companies in northeastern Colorado.

4.7 Planting Seed

The preferred seed planting times are spring and fall. Actual seeding dates will depend on soil conditions. Planting should not occur when equipment would significantly compact or otherwise disturb the soil because of excessive soil moisture. Although spring and fall are the recommended times for seeding, it is important to establish a desirable vegetation cover as soon as possible after construction is complete to prevent establishment and spread of noxious weeds. In such instances, seed may be planted in the summer months.

Drill seeding is the recommended seeding method. Any seed drill used should be fitted with seed boxes that can accommodate the chosen species. A good fit is particularly important for fluffy or irregular seed shapes, or when a wide variety of seed sizes is included in the seed mix. To the extent possible, drill seeding will be along the contour.

Broadcast seeding may also be used, although the seeding rate would need to be doubled to account for seed loss and poorer soil-seed contact. Broadcast seeding may be accomplished with hand-held or vehicle-mounted equipment. Any site where broadcast seeding is used should be dragged or raked to improve contact between seed and soil.

Various types of mulch may be used to improve retention of soil moisture and plant establishment, especially where seed is broadcast. Certified weed-free straw is the preferred mulch material. Hydro-mulching may also be appropriate on steeper cut-and-fill slopes. The need for mulch should be determined during reclamation, based on slope, soil moisture availability, and other site conditions.

The use of fertilizer before, during, or after planting and seeding is not recommended, except in cases where little or no topsoil is available as a planting medium. The use of fertilizer tends to favor growth and spread of non-native plant species and noxious weeds over native species. The native plant species recommended for use in reclamation are adapted to natural levels of soil nutrients. Even when topsoil is sparse or lacking, the preferred action should be to import topsoil, rather than trying to amend the soil on site with fertilizers.

Irrigation would generally not be used on sites that are seeded. The native plant species selected for use on this Project are adapted to the natural precipitation regime of northeastern Colorado. In the event of a prolonged drought, PSCo may consider the use of supplemental irrigation to aid plant establishment and survival in seeded areas. The source of irrigation water is yet to be determined.

5. Implementation Schedule

The recommended weed management and revegetation implementation schedule is provided in Table 5. It is important to understand that weed management should continue throughout the construction process and beyond to obtain the very best results possible. Revegetation should be accomplished as soon after completion of construction as possible and should be monitored for success.

Table 5:
Weed Management and Revegetation Implementation Schedule

Task	Timing
Pre-Construction Weed Survey and Mapping	During the growing season prior to construction. Timeframe: August 2012, (depending on the final project layout being available)
Top Soil Stockpiling	Stockpile topsoil in areas that would only be temporarily disturbed during construction. Timeframe: throughout 2013.
Cover Crop on Topsoil Stockpile	Not necessary assuming rapid replacement of topsoils over trenched areas/disturbed areas.
Recontouring and Replacement of Topsoils	As soon as possible following completion of construction. Timeframe: summer 2013.
Drill and Broadcast Seeding	As soon as possible following completion of construction, recontouring, and topsoil replacement. Timeframe: fall 2013, spring 2014.
Post-Construction Weed Monitoring	The first growing season following completion of construction. Timeframe: late summer 2013.
Revegetation Monitoring	The first growing season following completion of construction. Timeframe: spring 2014.

6. References

- CDOA (Colorado Department of Agriculture). 2011a. Noxious Weed Management Program. Colorado Noxious Weed List. <http://www.colorado.gov/cs/Satellite?c=Page&cid=1174084048733&pagename=Agriculture-Main%2FCDAGLayout>. Accessed January 14, 2011.
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Larimer 2013 Project
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May 8, 2013

05-13-13P02:40 RCVD

Fran & Bettie Boruff
3430 Red Orchid Court
Loveland, CO 80537

05-13-13P02:40 RCVD

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

We appreciate and thank you for the opportunity to address the Xcel Energy Estes Park Regulator Station proposal to be constructed and operated on the South Entrance to The Dakota Glen Subdivision.

We have lived in Colorado for over 35 years and have gained an appreciation for a good neighborhood, openness, natural habitat and wildlife. We looked for over three years in the Loveland area and in several sub-divisions before finding Dakota Glen. In addition to the type of homes and size of lots, we were so impressed with the open space along 14th St. and the beautiful entrance with excellent landscaping.

We just recently purchased our home here and were completely unaware that Excel Energy has proposed to construct an industrial complex near the entrance to our subdivision. This will not only obstruct our southern views, affect negatively our landscape on the south, but also devalue our property.

Michael Carroll, Dakota Glen Subdivision home owner, sent a letter to the Commissioners dated April 30 with several excellent and well thought out ideas and recommendations. We have read through all his information and greatly appreciate the hours he has spent in his investigation and research. We feel totally confident in his recommendations.

We strongly object to constructing this industrial complex on the south entrance to The Dakota Glen Subdivision. Thank you for your time and would appreciate your support in protecting the Dakota Glen Homeowners.

Sincerely,
Fran and Bettie Boruff



Kerri Burchett

From: Erick Prohs <eprohs@gmail.com>
Sent: Monday, May 13, 2013 2:52 PM
To: Kerri Burchett
Subject: Proposed Xcel Energy Regulator Station along 14th Street

Hello Kerri,

We recently purchased a home in the Dakota Glen subdivision and it has come to our attention that there are plans to allow Xcel Energy to construct the Estes Park Regulator Station in our neighborhood. It is my understanding that there is a meeting tonight to vote on the final approval. We were told that we could email you comments on this proposal that you would share with the planning commissioners. Please find our comments below:

Dear Commissioners:

We appreciate the opportunity to comment on Xcel Energy's proposal to construct, operate, and maintain the Estes Park Regulator Station in the Dakota Glen neighborhood.

Ironically enough, we recently moved from Estes Park to the City of Loveland. We looked at homes in many neighborhoods in town before deciding on having a home built in the Dakota Glen subdivision. One of our main requirements was finding an area with open space and preserved natural areas. At no point in time did the developer's realtor ever mention the fact that the developer was negotiating with Xcel Energy to sell land that would be used to construct an unsightly industrial facility at the entrance of the subdivision. Had we known this was the case, there is a strong likelihood that we would have chosen to buy or build elsewhere.

It is almost certain that this project will negatively impact the property values in the area. I for one would not and do not want to look at an unsightly industrial building in my backyard. Would you?

We along with all the other residents of the Dakota Glen subdivision ask that you please support us in moving this facility to a more appropriate location.

Kind regards,

Erick and Jeanice Prohs
3411 Angora Drive, Loveland, CO 80537

Kerri Burchett

From: Barb <barbarabrekke@comcast.net>
Sent: Monday, May 13, 2013 12:26 PM
To: Kerri Burchett
Subject: Excel proposal: Estes Park Regulator Station

942 Prism Cactus Circle
Loveland, CO. 80537
May 13, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO. 80537

Dear Commissioners:

I am writing to you in regards to Excel Energy's proposal to "construct, operate, and maintain the Estes Park Regulator Station" in Dakota Glen's open space area.

I strongly believe that this proposal must be denied. I also totally agree with the objections and reasons which Mr. Michael Carroll spoke of in his letter to you which was dated May 3, 2013. I will not be redundant in siting all of that to you.

Please, please seriously consider the negative impact this station would have on the beautiful subdivision which I live in. Please deny this zoning change and proposal. Thank you.

Respectfully Yours,
Barbara Brekke

Kerri Burchett

From: Shirley Eubanks <sjeubanks09@yahoo.com>
Sent: Monday, May 13, 2013 1:48 PM
To: Kerri Burchett
Subject: Dakota Glen Subdivision

Kerri:

If you would be as kind as to include my letter with all other letters being presented to the City of Loveland meeting on May 13, 2013 pertaining to the above mentioned subdivision in Loveland.

My husband and I will not be able to attend the meeting as he is fighting cancer and I am his full-time caregiver. But we wanted to submit our concern for the proposal by Xcel Energy for a 'regulator station' just outside our 'door'. We have lived in Loveland since 1992, leaving for a short time to enjoy full-time RVing. We decided to return to Loveland for our duration of life. Knowing the area very well, we decided on Dakota Glen for a variety of reasons. Being our last home to purchase, we were confident in the value of the home and resale. With such a structure as Xcel is proposing, it will affect the value of all the homes. It was important for us to have a place that was peaceful with a view for my husband to enjoy with his illness....that will definitely be affected with such a structure. We have a lot of wild life in the area that use the open space and aspen tree area...that will be affected. These sound like minor things to the 'average' person, but trust me, when your days of life are limited and you make a big decision for all the right reasons at this stage of life and something such as what Xcel is proposing occurs, one feels sure the wrong decision was made, but cannot be redone. Please consider all input that has been shared.

Sincerely,
Shirley Eubanks

Development Services Current Planning

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Planning Commission Staff Report

May 13, 2013

Agenda #: Regular Agenda - 1
Title: Dakota Glen PUD First Amendment
Applicant: Public Service Company of Colorado, Dan Tekavec
Request: **Preliminary Development Plan Amendment**
Location: North of 14th Street SW and west of South Wilson Avenue.
Existing Zoning: Planned Unit Development
Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the PUD Amendment.

Recommended Motion:

Move to make the findings listed in Section VIII of the Planning Commission staff report dated May 13, 2013 and, based on those findings, recommend that City Council approve the Dakota Glen PUD First Amendment, subject to the conditions listed in Section IX, as amended on the record.

Summary of Analysis

This is a public hearing to consider an amendment to the Dakota Glen PUD Preliminary Development Plan (PDP). The amendment would modify the permitted uses in the PUD to allow the construction of an aboveground public utility facility and natural gas pipeline within the PUD boundaries. The applicant, Public Service Company of Colorado (PSCo), is proposing to construct a new regulator station on 14th Street SW and a 16-inch high pressure gas pipeline through the PUD's private open space. The regulator station would consist of a 528 square foot structure that would house controls for the flow of gas from higher to lower pressures and two areas with aboveground pipelines.

The PUD Amendment is part of a larger statewide Xcel Energy project to modernize its natural gas infrastructure. The complete project would replace approximately 77 miles of transmission pipeline between Westminster, Colorado and the Wyoming border with a 16 inch high pressure gas line. PSCo has indicated that the replacement project is necessary to improve service reliability, maintain safety of the system and meet future needs for natural gas.

Staff believes that all key issues have been resolved based on City Code and standards. At the neighborhood meeting, concerns were voiced regarding impacts of the facility on the wetlands and wildlife, aesthetics of the regulator station, location of the underground pipelines, impacts on property values, and construction timing. PSCo representatives provided responses to the concerns at the meeting (see Section VII.B in the staff report) and conditions of approval have been added by staff to address neighborhood concerns.

I. SUMMARY

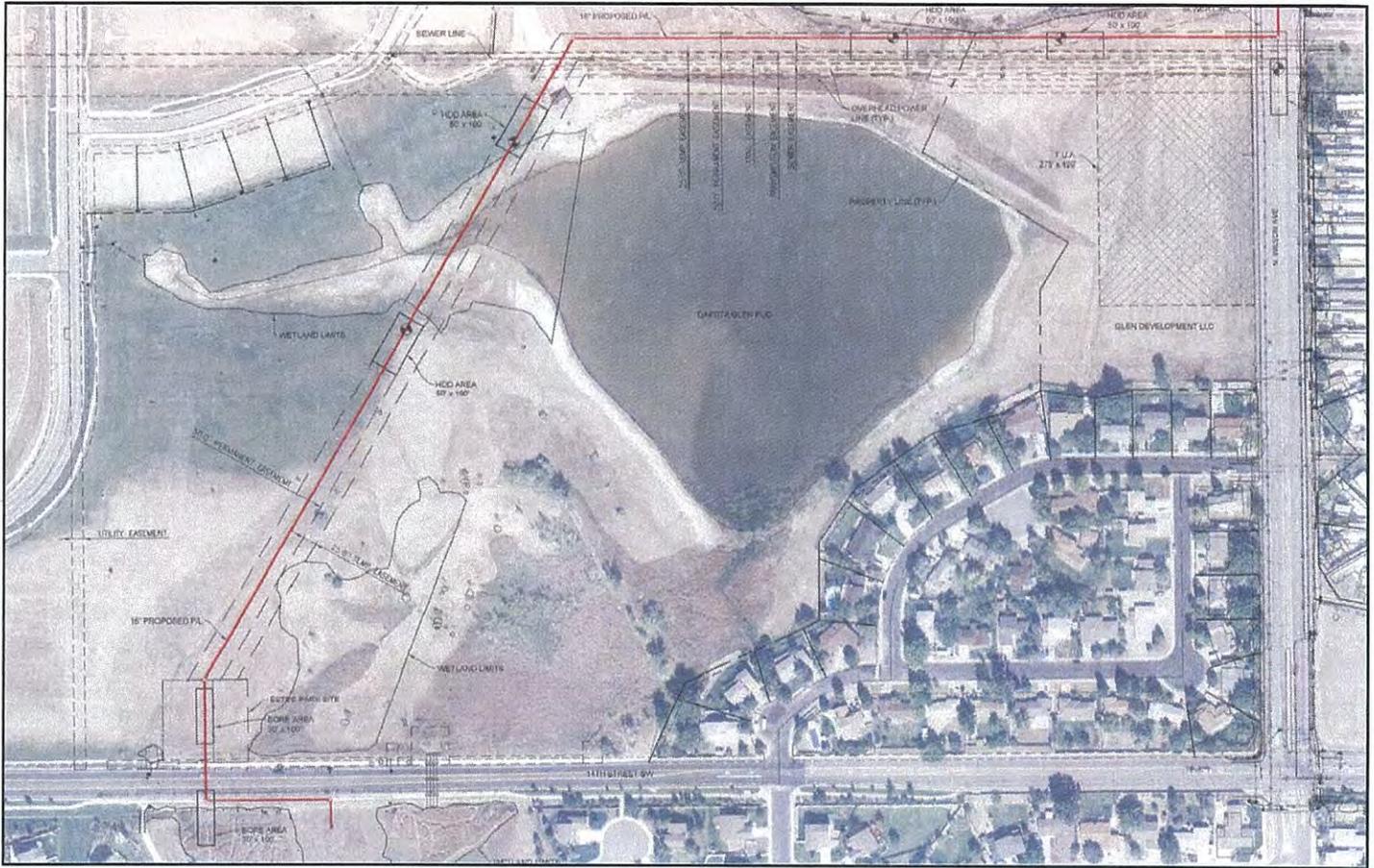
The application is for an amendment to the Dakota Glen PUD Preliminary Development Plan (PDP). The PUD is approximately 85 acres in size and is located north of 14th Street SW and west of South Wilson Avenue (see vicinity map on page 4). The PUD was designed as a low density residential development consisting of 205 single family attached and detached units. The applicant, Public Service of Colorado (PSCo), is requesting to modify the permitted uses established in the PUD and construct an aboveground public utility facility on 14th Street SW and a natural gas pipeline within the PUD's private open space area (see Figure 1 below).

The PUD Amendment is part of a larger statewide Xcel Energy project referred to as the West Main Natural Gas Pipeline Replacement Project. In an effort to modernize its natural gas infrastructure, PSCo is replacing approximately 77 miles of transmission pipeline between Westminster, Colorado and the Wyoming border. PSCo has indicated that the replacement project is necessary to improve service reliability, maintain safety of the system and meet future needs for natural gas. In Loveland, the complete project includes the construction of 2 regulator stations and a new 16 inch high pressure natural gas line located primarily along Wilson Avenue and West 29th Street. The new line would replace the existing natural gas line in Taft Avenue. The majority of the pipeline would be located within the Wilson Avenue and 29th Street rights-of-way or in adjacent public utility easements. PSCo has a franchise agreement with the City that permits the installation of pipelines in City rights-of-way and public utility easements without public preview. The construction drawings for those portions of the pipeline are being reviewed and approved at an administrative level.

There are three components of the natural gas pipeline replacement project that require public review. The first component is the aboveground regulator station within the Dakota Glen PUD. The regulator station requires an amendment to the PUD as the use of an aboveground public utility facility was not identified as a permitted use. This is a major amendment to the PUD and therefore requires City Council approval. The other two public review components of the project are being processed as special reviews. This includes a second regulator station located on Wilson Avenue, south of Eisenhower Boulevard, on property that is zoned B Developing Business and a small area of underground pipeline and a temporary staging area located in a DR Developing Resource zone district, adjacent to the Dakota Glen PUD. Both the aboveground regulator station and the underground pipeline are listed as special reviews in their applicable zone districts

The proposed regulator station in the Dakota Glen PUD is referred to as the Estes Park Regulator Station. The regulator station is necessary to control the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines. The pipeline route enters the PUD near the intersection of 14th Street SW and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue. The pipeline then exits the regulator station and heads to the northeast through the open space within the Dakota Glen PUD. North of the cattail reservoir/detention pond, the pipeline turns due east toward Wilson Avenue leaving the PUD boundary and would continue north on Wilson Avenue.

Figure 1: Dakota Glen Pipeline location



The proposed regulator station would consist of a 528 square foot concrete block structure and two less than 380 square foot areas with aboveground pipelines. The appearance of the control house has been designed to be similar to architectural characteristics of the existing pumphouse on the northwest side of the cattail reservoir/detention pond within the Dakota Glen PUD. The control house would be painted a teal blue with cream trim to match the existing pumphouse and a 6 foot desert tan decorative steel fencing will be used to screen the aboveground pipelines from view on 14th Street SW. PSCo has worked with the Dakota Glen Homeowners Association on the aesthetics of the site and are in agreement with the proposal. A before and after photographic simulation of the proposed regulator station site as viewed from 14th Street SW is provided in Figure 2 on page 3.

Figure 2: Photographic Simulation of Regulator Station

Existing Environment



Photo Simulation

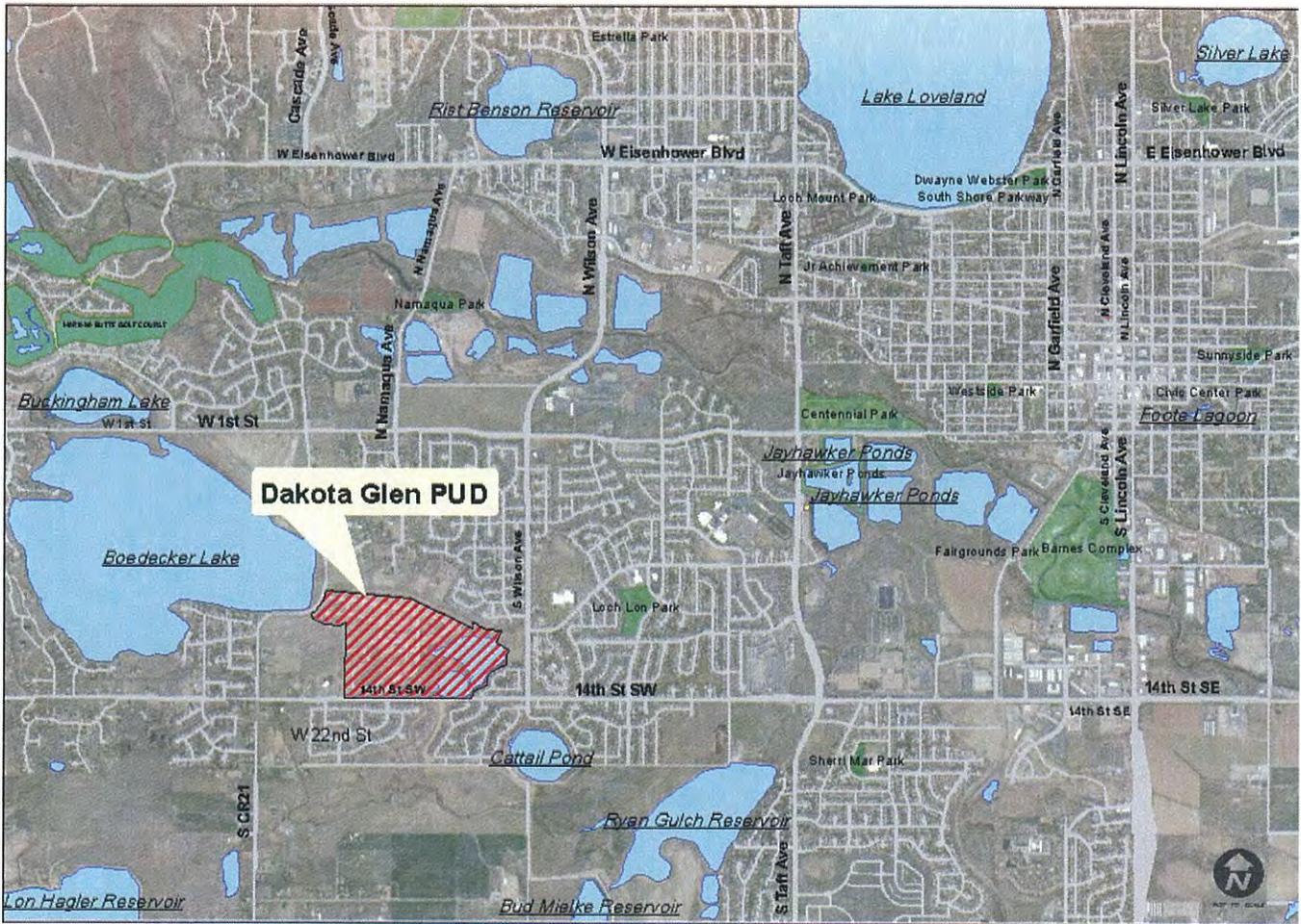
II. KEY ISSUES

City staff believes that all key issues have been addressed in the development proposal and through the recommended conditions of approval. At the neighborhood meeting, concerns were voiced regarding environmental and wildlife impacts, aesthetics of the regulator station, location of the underground pipelines, impacts on property values, and construction timing. PSCo representatives provided responses to the concerns at the meeting (see Section VII.B in the staff report). They indicated that there will be no impacts on the adjacent wetlands and that the Army Corps has reviewed and approved their proposed pipeline location (see Attachment 3). In terms of the aesthetics of the regulator station, after the neighborhood meeting, PSCo met with Scott Bray, developer of Dakota Glen and the President of the Dakota Glen Homeowners Association, and agreed to add decorative fencing around the aboveground pipelines, matching the style of the fencing permitted in the PUD, and modify the colors of the control house to mimic the existing pumphouse in the subdivision. A letter of approval from the Dakota Glen Homeowners Association, is included as Attachment 4. City staff has evaluated the proposal in context with the comments received at the neighborhood meeting and believes that the regulator station and pipeline location will be compatible with the neighborhood.

III. ATTACHMENTS

1. Project Narrative provided by Applicant
2. Excerpts from the Environmentally Sensitive Areas Report. The full report is available online on the City's Current Planning homepage at www.cityofloveland.org.
3. Letter from Army Corps of Engineers
4. Letter of Approval from Dakota Glen Homeowners Association
5. Letters from surrounding property owners

6. Dakota Glen PUD Amendment Preliminary Development Plan
IV. VICINITY MAP



V. SITE DATA

ACREAGE OF SITE GROSS	84.6 AC
MASTER PLAN DESIGNATION	LOW DENSITY RESIDENTIAL
EXISTING ZONING	PLANNED UNIT DEVELOPMENT
EXISTING USE	LOW DENSITY RESIDENTIAL
EXIST ADJ ZONING & USE - NORTH.....	COUNTY FA / SINGLE FAMILY RESIDENTIAL
EXIST ADJ ZONING & USE - SOUTH	R1 / SINGLE FAMILY RESIDENTIAL
EXIST ADJ ZONING & USE - WEST.....	B BUSINESS / CHARTER SCHOOL & COUNTY FA / VACANT
EXIST ADJ ZONING & USE - EAST.....	R2 TWO FAMILY RESIDENTIAL / RESIDENTIAL
UTILITY SERVICE	CITY OF LOVELAND

VI. BACKGROUND

The Dakota Glen Addition was annexed into the City in October 2006. A final subdivision plat was approved for the property in June of 2008 and was subsequently amended in August of 2010. The plat created 205 residential lots and approximately 65 acres of open space/natural areas. The property is currently being developed as single family residences.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** An affidavit was received from Phil Mazur with Western States Land Services certifying that written notice was mailed to all property owners within 1,000 feet of the property on April 9, 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 April 27, 2013.
- B. Neighborhood Response:** A neighborhood meeting was held at 5:30 p.m. on April 24, 2013 in the Gertrude Scott meeting room at the City library. The meeting was attended by 15 neighbors and interested parties along with City staff, the applicant and the applicant's consulting team. The following question/concerns were raised at the meeting. The response provided by Public Service representatives is shown in italics. After the neighborhood meeting, staff has received 2 letters of objections from surrounding property owners (see Attachment 5).
- Location of the Regulator Station: Why is the regulator station proposed in Dakota Glen?
A regulator station needs to generally be located in the area around Wilson and 14th Street SW. There is a 6-inch high pressure line existing in 14th Street SW that will tie into the proposed 16-inch line. The regulator station is needed to regulate (lower) the pressure between the two lines. The station was originally proposed at the northeast corner of Wilson and 14th Street SW however due to public comments, PSCo decided to move the station to the west. On the south side of 14th Street SW, in the Blackbird Knolls Subdivision, the area available for the station was encumbered by wetlands. The current location in Dakota Glen is outside of the wetlands and was selected for the station. PSCo has secured easements for the station from the Dakota Glen Homeowners Association.
 - Environmental Impacts: The line is proposed to go through wetlands and under the lake. How will this affect the environment and wildlife in the area? How will dust associated with the construction be controlled?
The underground pipeline will be bored underneath the wetlands and lake. No disturbance to the wetlands or lake will occur. PSCo has completed geotechnical borings to guarantee that the line will be outside of the wetlands. The line will be bored at least 15 feet underneath the sensitive areas. The pipeline location has been reviewed and approved by the Army Corps of Engineers.

Wildlife in the area is being monitored to ensure minimal disruption. The pipeline construction along the ditch will take approximately 1 week to complete. In terms of dust mitigation, water trucks will be on site to make sure dust control is implemented.

Excerpts from the Environmentally Sensitive Areas Report (ESAR) including the letter from the Army Corps has been included as Attachments 2 and 3 to this report. The complete ESAR is available on the City's Current Planning homepage at www.cityofloveland.org.

- Aesthetics of the Control House and Aboveground Pipes. Can the aboveground pipes be contained in a building or placed underground? Can the building be made more attractive?
There are certain regulations by CDOT that require the aboveground pipes to be accessible and therefore the pipelines cannot be placed inside a building. PSCo is committed to working with the neighborhood to enhance or screen the facility. PSCo would be willing to agree to a condition of approval with regards to working with the neighborhood on the design and screening if a resolution on the aesthetics cannot be achieved before the Planning Commission hearing.
- Safety Measures of the Facility
PSCo has taken every reasonable measure to protect aboveground piping from hazards. There will be two 6-inch barriers (bollards) installed at the access off of 14th Street SW and a chain gate for access control. Heavy piping will be used above ground for additional integrity.
- Construction Timing: How long with the project take?
The construction timing for the underground pipeline in Dakota Glen is estimated at approximately 2 weeks. The regulator station will be constructed separately at a different time. The entire project including the regulator station is estimated to be around 4-6 weeks.
- Declining Property Values
Several members of the neighborhood voiced concerns that their property values would decline based on the location of the regulator station. PSCo did not provide a response, however Scott Bray, the developer of Dakota Glen, stated that based on his experience, he did not believe that property values would be affected by the station.

VIII. FINDINGS AND ANALYSIS

In this section of the report, the applicable findings contained in the Municipal Code and the Comprehensive Master Plan are specified in italic print followed by the staff analysis as to whether the findings are met by the submitted application.

A. City Utilities and Services

1. **Loveland Municipal Code**
 - a. **Section 18.41.050.E.2:**

(i) *Development permitted by the PDP will not have negative impacts on City utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*

(ii) *Whether development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by 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.*

- b. **Chapter 16.41:** *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made in accordance with Section 16.41.100 for fire protection and emergency rescue services, Section 16.41.120 for water facilities and services, Section 16.41.130 for wastewater facilities and services, Section 16.41.140 for storm drainage facilities, and Section 16.41.150 for power.*

Fire Protection and Emergency Rescue Services (Section 16.41.100)

Fire protection and emergency rescue service (ERS) shall be deemed to be adequate and available for a proposed development if such services for the development meet or exceed the applicable adopted level of service provided in Appendix A, and: (1) Adequate fire protection services and ERS are currently in place or will be in place prior to issuance of a building permit for the development; or (2) Provision of adequate fire protection service and ERS are a condition of the development application approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; or (3) Facilities necessary for providing adequate fire protection services and ERS are under construction and will be available at the time that the impacts of the proposed development will occur, or (4) Provision of fire protection service and ERS are guaranteed by an executed and enforceable development agreement which ensures that such service will be in place at the time that the impacts of the proposed development will occur.

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

- The project will comply with the requirements in the ACF Ordinance for response distance requirements for Loveland Fire Rescue Authority jurisdiction. (The first-due responding engine company varies with location.)
- The proposed development will not negatively impact fire protection for the subject development or surrounding properties.

Water Facilities and Services (Section 16.41.120)

Water facilities and services shall be deemed to be adequate and available for a proposed development if such facilities and services for the development meet or exceed the applicable adopted level of service provided in Appendix A, at the end of this Chapter, and: (1) A supply of raw water adequate to serve the projected needs of the proposed development is owned or controlled by the city and such water supply is or will be available for use by the proposed development prior to the issuance of the first building permit within the proposed development;

and (2) Sufficient raw water storage capacity, including on-site and off-site capacity, is available to serve the proposed development and such capacity is or will be available for use by the proposed development prior to the issuance of the first building permit within the proposed development; and (3) Sufficient water treatment capacity is available or, through new capacity improvements will be made available, to ensure a supply of potable water to the proposed development ; and (4) Sufficient water main capacity will be available or, through new capacity improvements will be made available, to serve the proposed development prior to the issuance of the first building permit within the proposed development.

Wastewater Facilities and Services (Section 16.41.130)

Wastewater facilities and services shall be deemed to be adequate and available for a proposed development if such facilities and service meet or exceed the applicable adopted level of service provided in Appendix A, at the end of this chapter, and: (1) The city of Loveland's central wastewater system or the central wastewater system of a sanitary sewer district is capable of connection to the proposed development; and (2) Sufficient wastewater treatment capacity is available or, through construction of new capacity improvements will be made available, to treat wastes generated by the proposed development prior to the issuance of the first building permit within the proposed development; and (3) Sufficient wastewater trunk line capacity is available and, where required, lift station capacity is available to serve the proposed development prior to the issuance of the first building permit within the proposed development.

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

- This development is situated within the boundaries of, and accommodated by, the City's water and wastewater master plans. It is also located within the City's current service areas for Water and Wastewater.
- The proposed development will not negatively impact City water and wastewater facilities.

Stormwater Facilities (Section 16.41.140)

Stormwater facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Appendix A, at the end of this chapter, and: (1) The proposed development meets all applicable requirements contained in the stormwater master plan, including the stormwater criteria manual; and (2) The proposed development provides for adequate major drainageways to convey stormwater flows from a one hundred year storm event which will minimize property damage; and (3) The proposed development meets all applicable drainage requirements of the city of Loveland.

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

- The development will not negatively impact City storm drainage utilities and will comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140.
- No irrigation ditches traverse the site.
- No natural drainage courses/open channels traverse the site.

Power (Section 16.41.150)

Power facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Appendix A, at the end of this chapter, and the proposed development will obtain utility services from the city through a system meeting all engineering and design standards applicable to the utility.

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

- Three-phase underground power is available in a vault located along the south side of 14th Street SW.
- The existing underground feeder is an available and adequate source for electric distribution for the proposed development. No negative impacts on the City's electric system are foreseen. The proposed development meets the criteria for level of service outlined in the ACF ordinance.

B. Transportation**1. Section 18.41.050.E.2:**

- a. *Development permitted by the PDP will not have negative impacts on traffic in the area. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*
- b. *Whether development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by 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.*

2. Section 16.41.110: *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made for transportation facilities in accordance with Chapter 16.41 of the Loveland Municipal Code.*

Transportation Engineering Division: Section 16.41.110 of the Municipal Code (the ACF ordinance) requires a proposed PDP to comply with **one** of the following five standards in order for a positive determination of adequacy to be made:

Transportation facilities shall be deemed to be adequate and available for a proposed development if the development meets or exceeds the applicable adopted level of service provided in Section 4.5 of the Larimer County Urban Area Street Standards, which may be amended by resolution, and: (1) All transportation facilities are currently in place or will be in place prior to issuance of a building permit for the development; or (2) Provision of transportation facilities are a condition of the development approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; or (3) Transportation facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or (4) Provision of transportation facilities needed to achieve the adopted

level of service are guaranteed by an executed and enforceable development agreement which ensures that such facilities will be in place at the time that the impacts of the proposed development will occur; or (5) Transportation facilities needed to achieve the adopted level of service are included in the capital improvements program (CIP): and (a.) The CIP contains a financially feasible funding system from available revenue sources which are adequate to fund the streets required to serve the proposed development, and (b.) The transportation facilities are likely to be constructed and available at the time that the impacts of the proposed development will occur, or at the time the city extends the transportation facilities to provided a logical link to the project.

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

- The 16-inch natural gas pipeline replacement project falls under the “Insignificant Traffic Impact Development” definition within the Larimer County Urban Area Street Standards (LCUASS) and complies with the criteria set forth in the LCUASS and the ACF Ordinance for traffic.
- The proposal will not adversely impact any existing City infrastructure. A positive determination of adequacy for transportation facilities for the proposed PDP Amendment has been made under the provisions of item 1, above.

C. Land Use

1. Loveland Comprehensive Master Plan

Section 4.1 -Growth Management Plan

(iii) *Whether the PDP discourages leapfrog, scattered-site, and flagpole development.*

(iv) *Whether the PDP encourages infill development.*

(vi) *Whether the PDP is contiguous to other land that is already receiving public services.*

(vii) *Whether the PDP is at least 1/6 contiguous with existing development, as defined in Section 4.1 GM:3(D-1) of the Comprehensive Master Plan.*

2. Section 18.41.050.E.2:

The PDP conforms to the intent and objectives of Title 18 with regard to Planned Unit Developments and any applicable area plan.

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

- C.1 The property has received approval of a preliminary and final development plan for single family residential uses. This application is for an amendment to the PDP to permit an aboveground public utility facility within the open space on 14th Street SW. Findings related to growth management policies are not applicable to the amendment request.
- C.2 An objective of a planned unit development as provided in Section 18.41.020.E is to: *Encourage a more efficient use of lands and of public services or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may inure to the benefit of those who need homes.* Public Service has indicated that the pipeline replacement project is necessary to improve service reliability, maintain

safety of the system and meet future needs for natural gas. PSCo will also be modernizing the natural gas infrastructure that is currently 84 years old.

3. **Section 18.41.050.E.2:** *Development permitted in the PDP Amendment will not have detrimental impacts on property that is in sufficient proximity to the PDP to be affected by it. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*

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

- The proposed development of the regulator station will not negatively impact traffic in the area or city utilities, as indicated in the analysis in Finding A.1, above.
 - The location of the proposed regulator station is situated in the PUD private open space along 14th Street SW. The nearest residential property is approximately 200 feet from the station, on the south side of 14th Street SW. Based on the location, the Division believes that the construction of the regulator station will not have detrimental impacts on the surrounding neighborhood.
 - The proposed building materials and colors will be compatible with the surrounding neighborhood and match the colors on the existing pumphouse. PSCo has worked with the Scott Bray, the developer and president of the Dakota Glen Homeowners Association, to reach an agreement on the site improvements, including the installation of a decorative fence around the south, east and west sides of the pipelines (see photo simulation in Figure 2). PSCo and the Homeowners Association explored options to provide landscape screening around the facility, but due to the difficulties that the Association has experienced with keeping landscaping healthy and alive in the very dry environment along 14th Street SW, a 5 foot decorative fence was selected as the desired screening option.
4. **Section 18.41.050.E.2:** *Development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by:*
- a. *Incorporating natural physical features into the PDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.*
 - b. *Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Master Plan.*
 - c. *Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*
 - d. *Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

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

- 4.a. The regulator station would be placed in the PUD open space on 14th Street SW, outside and to the west of the delineated wetland boundaries. PSCo has secured a permanent easement on 0.52 acres of land for the regulator station along with 2.3 acres of permanent easement and 1.11 acres of temporary easement for the pipeline alignment. The regulator station site consists of a two areas of less than 380 square feet each of aboveground pipes and a 528 square foot control house structure. The finding for providing sufficient open space is not applicable to the development of the station requested in the PDP amendment.
 - 4.b. The Comprehensive Master Plan does not address the provision of non-city utilities in the community. Therefore, the finding regarding site planning techniques in reference to the City's Comprehensive Plan is not applicable to the PDP Amendment request.
 - 4.c. The design standards proposed for the control house, including building materials, roof pitch and colors are designed to match the existing pumphouse in the subdivision and be compatible with residential structures in the neighborhood.
 - 4.d. Vehicular access to the site will be from 14th Street SW. Auto and bicycle parking, pedestrian circulation and street furniture is not applicable to the request. The architecture of the control house was designed to be compatible with the existing pumphouse and has been approved by the Dakota Glen Homeowners Association (see Attachment 4).
- 5. Section 18.41.050.E.2:** *The PDP complies with applicable land use and development regulations in effect as of the date that the GDP was approved and any land use and development regulations adopted by the City after that date if the Planning Division and Planning Commission expressly find that compliance with such regulations is necessary to protect public health, safety, and welfare.*

Current Planning: Staff believes that this finding is not applicable to the proposal:

- The Dakota Glen PUD was approved as a non-phased PDP, which means that the PDP was approved as the zoning document and there was not a general development plan (GDP) established. The finding that the PDP complies with the GDP on file is not applicable to this proposal. The PDP amendment was reviewed based on current standards and regulations.

D. Environmental Impacts:

1. **Section 18.41.050.E.2:** *The PDP incorporates environmentally sensitive areas, including but not limited to wetlands and wildlife corridors, into the project design. "Environmentally sensitive areas" are defined in Section 18.41.110 as: slopes in excess of 20%; floodplain; soils classified as having high water table; soils classified as highly erodible, subject to erosion or highly acidic; land incapable of meeting percolation requirements, land formerly used for land fill operations or hazardous industrial use; fault areas; stream corridors; estuaries; mature stands of vegetation; aquifer recharge and discharge areas; habitat for wildlife; and other areas possessing environmental characteristics similar to those listed above.*

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

- An environmentally sensitive areas report (ESAR) was submitted and reviewed with the PDP Amendment. Excerpts of the ESAR are included as Attachment 2 to this report. The entire ESAR is available on the City's Current Planning Division homepage at www.cityofloveland.org.

The project site is located adjacent to and partially within the City's designated Site 51 natural areas. The ratings table for this area lists a medium enhancement potential. The ESAR evaluated the site based on the City's established criteria. The following is an excerpt from the ESAR concerning the assessment of potential impacts of the proposed development.

The Study Area has been partially developed for residential use. Open areas surrounding the lake and wetlands have been landscaped. The proposed Project would avoid impacts to wetlands and potential sensitive or T&E animal and plant species. Prairie dogs are not present in the Study Area, and other wildlife was not observed during site biological reconnaissance, or field surveys. The role of the area as a north/south wildlife linkage would not be affected. Mature vegetation would not be disturbed and therefore, adverse effects to songbirds are not expected. No adverse effects to water birds are indicated because the lake and wetlands would not be disturbed by the proposed Project.

- The entire West Main Natural Gas Pipeline Replacement Project has been reviewed by the Army Corps of Engineers, who determined that based on the proposed pipeline location, a Department of Army Permit was not required (see Attachment 3).
- Conditions of approval are recommended by City staff to address environmental concerns voiced by the neighborhood. These conditions are also recommended in the ESAR to mitigate impacts resulting from the pipeline construction.

IX. RECOMMENDED CONDITIONS

Current Planning

1. All wetlands located adjacent to the permanent and temporary easements for the regulator station and associated pipelines shall be flagged or marked by a qualified biologist prior to the occurrence of any construction activities on the site to ensure that these features will not be disturbed during construction activities.
2. No construction shall occur in areas located outside of the project easements secured by Public Service as designated in the PDP Amendment.
3. Public Service shall implement and comply with the Weed Management and Revegetation Plan included as Attachment 7 to the Environmentally Sensitive Areas Report dated March, 2013. All

areas associated with the construction of the underground pipeline shall be revegetated and shall be monitored by Public Service to ensure revegetation is successful.

4. During construction, Public Service shall implement dust control measures such as water application to disturbed areas, erosion control techniques and revegetation of ground disturbance following construction with a drought-tolerant seed mixture. Water shall be used daily, or as needed, for dust suppression and soil compaction.
5. Prior to any construction activities occurring on the site, a raptor nest survey shall be completed and submitted to the Current Planning Division. Public Service shall observe all applicable Colorado Division of Wildlife buffers and timing restrictions based on the results of the raptor nest survey.

Fire

6. During project construction, the project manager or designee shall inform Loveland Fire Rescue Authority of any anticipated interruption of fire hydrant service or emergency vehicle access to properties, at least 48 hours in advance of the anticipated interruption of service or access.

2013—16” West Main Natural Gas Pipeline Replacement Project— Dakota Glen PUD First Amendment

Project and Legal Description

Prepared for the City of Loveland

Revised April 2013

Prepared for:



Public Service Company of Colorado 1123 West 3rd Ave., Denver, CO 80223

Prepared by:



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Introduction

Public Service Company of Colorado (PSCo), an Xcel Energy company, is requesting a Planned Unit Development (PUD) Amendment as described in the City of Loveland Land Use Code Chapter 18.41. The Larimer 2013—16" West Main Natural Gas Pipeline Replacement Project (proposed Project) involves the construction, operation, and maintenance of a 16-inch high-pressure replacement natural gas transmission pipeline. The proposed Project encompasses Larimer, Weld, and Boulder counties and several incorporated communities and is approximately 77 miles long. An overview map showing all portions of the West Main Natural Gas Pipeline Replacement Project throughout Larimer County is included on the Project website: <http://www.xcelenergywestmainpipeline.com/west_main/route-maps/route-maps.html>. The existing 84 year old natural gas pipelines have reached the ends of their service lives, require safety upgrades, and cannot reliably keep up with growing system demand to deliver natural gas. The proposed Project would provide high-pressure transmission of natural gas with limited distribution systems taps as needed. It would provide an important link to future system upgrades for northern Colorado Front Range communities and would ensure more reliable natural gas delivery to customers in light of growing natural gas demand.

The proposed Project includes necessary pipeline and above-ground facilities located on private property within the Dakota Glen PUD in the city of Loveland. As part of its West Main Natural Gas Pipeline Replacement Project, PSCo is proposing to construct, operate, and maintain one new regulator station, referred to as the Estes Park Regulator Station, in the Dakota Glen PUD. Regulator stations control the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines that serve the local community.

The preferred pipeline route enters the Dakota Glen PUD in the city of Loveland near the intersection of 14th Street Southwest (SW) and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) at the Estes Park Regulator Station (see Sheet 12). The pipeline exits the Estes Park Regulator Station and heads to the northeast through undeveloped open land within the Dakota Glen PUD. North of the cattail reservoir/detention pond, the pipeline turns due east toward Wilson Avenue leaving the PUD boundary and continues north on Wilson Avenue.

A photographic simulation of the proposed Estes Park Regulator Station is provided in Sheet 14. The appearance of the control house has been designed to be similar to architectural characteristics of the existing pumphouse on the northwest side of the cattail reservoir/detention pond within the Dakota Glen PUD. The control house and aboveground piping would be painted beige to blend with the surrounding landscape.

This application requests approval specifically for the proposed Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary associated with the proposed Project. The proposed Project is an important part of PSCo's service plan to upgrade the existing natural gas transmission system along the northern Colorado Front Range with new natural gas pipelines that meet current safety, service, capacity, and reliability requirements while also meeting the increasing demand for natural gas in Larimer County, including the city of Loveland. The upgrade would involve replacing the existing 84-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch pipeline to continue providing reliable, safe natural gas service.

Applicant Information

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Location and Legal Description

The Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary is located in Larimer County within the municipal limits of the city of Loveland. The Project area subject to this PUD is located in the Dakota Glen Subdivision near the intersection of 14th Street SW and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) and the undeveloped open land near the cattail reservoir/detention pond. PSCo has obtained a permanent easement on 0.516 acres of land for this regulator station, and 2.323 acres of permanent easement and 1.114 acres of temporary easement for the pipeline alignment within the Dakota Glen PUD.

Purpose and Need

PSCo currently operates the natural gas supply for most of Larimer County including the city of Loveland. The purpose of the proposed Project is to reliably maintain delivery of natural gas to area customers. The proposed Project is an important part of PSCo's service plan to

meet growing natural gas demand in the area because the existing natural gas pipeline cannot meet load requirements at peak demand. The proposed natural gas pipeline upgrade would address safety, service reliability, and capacity concerns for the benefit of commercial and residential customers along the northern Colorado Front Range. Regulator stations are required to control the rate of gas flow and/or pressure through the station and maintain the desired pressure or flow level in the distribution system.

Project Construction Activities

The permanent ROW for operation and maintenance of the Project would be 50 feet. An additional temporary ROW needed for construction activities would be 25 feet.

Construction activities for the West Main Natural Gas Pipeline Replacement Project are proposed to begin approximately May 1, 2013, and operation of the replacement facility would begin during the fall/winter season of 2013.

In open trench areas, major activities involved in Project construction would include surveying, best management practice (BMP) installation, vegetation clearing, staging materials, pipeline trenching, pipeline installation and welding, pressure-testing, backfilling the pipeline trench, cleanup, re-grading the surface, revegetation, and revegetation monitoring. Surface disturbance would be limited to the permanent ROW and the temporary construction ROW and would include boring locations and modifications to regulator stations. Construction activities would be sequenced and likely would occur simultaneously in multiple locations. The pipeline trench would be approximately 72 inches deep with a width of approximately 24 to 36 inches. The new pipeline would sit approximately 48 inches below the final grade. Site restoration would occur according to the provisions of the Stormwater Management Plan (SWMP), which was provided to the City of Loveland on March 22, 2013. Temporary fencing would be utilized around the bore pits and trenches as needed to prevent public access and maximize safety.

Regulator station construction could run concurrently with natural gas pipeline construction. Surface disturbance associated with the Estes Park Regulator Station would be limited to the 0.516 acre permanent easement of the regulator station.

PSCo proposes to use boring techniques, as feasible, to avoid surface disturbance to wetlands, trails, and driveways. Boring techniques would involve drilling construction of the pipeline under these surface features. In wet areas, the natural gas pipeline would be weighted for stability to ensure that the pipeline remained securely in place during periods when soil might be saturated. All wetlands associated with the Dakota Glen PUD will be bored. As described in the Environmentally Sensitive Areas Report (ESAR) submitted under separate cover, the proposed Project would not affect mature stands of vegetation. A wetland delineation report was prepared for the proposed Project located within the PUD, and is

provided in Attachment 2 of the ESAR. The proposed regulator station is located in an area that is higher than the surrounding wetlands primarily located to the east and would therefore not impact wetlands. The proposed pipeline crosses one wetland located along the western portion of the lake. The proposed pipeline would avoid effects to this wetland through the use of boring techniques. The locations of the boring entry/exit locations are shown in Sheet 12. As documented in the agency correspondence included in Attachment 3 of the ESAR, the U.S. Army Corps of Engineers has indicated that a wetland permit (per the Clean Water Act) would not be required. The construction BMPs and site mitigation measures would protect potential impacts to adjacent wetlands during construction and operation of the Project as described in Section IV of the ESAR. As discussed in Section IV.2 of the ESAR, BMPs would be implemented as described in Attachment 6 of the ESAR to minimize or mitigate soil erosion and to revegetate any areas disturbed during construction of the proposed Project. PSCo also would follow the Weed Management and Revegetation Plan provided in Attachment 7 of the ESAR. The Plan includes a preconstruction survey for noxious weeds and follow-up monitoring to ensure revegetation is successful.

PSCo plans to off-load and string pipeline as it is delivered along the ROW. Any stockpiling of pipeline would take place at the proposed Project ROW (including the temporary and permanent easement areas) or at existing PSCo yards. Miscellaneous materials (such as valves, fittings, and other construction materials) would be stored and delivered to the pipeline construction area from PSCo's Fort Collins and Campion Service Centers.

PSCo would install signs (pipeline markers) in the permanent 50-foot easement to identify that a natural gas pipeline is buried nearby. These markers are required by federal regulations for pipeline safety (49 CFR 192). A typical pipeline marker is shown in Attachment 2. These markers provide adequate warning and location of the natural gas pipeline to local residents and future construction contractors performing work in the area. Markers identify the product carried in the pipeline (such as natural gas), the name of the pipeline operator, the operator's 24-hour emergency contact number, and the area's one-call center number. These markers are approximately 4 feet above ground and occur approximately every 500 feet or in-line of sight, on both sides of road, water, and railroad crossings, and at all changes in direction. There would be approximately 4 pipeline markers within the Dakota Glen PUD; one at the Estes Park Regulator Station, one at the angle point near the existing pump house, one at the east end of Dakota Glen near Wilson Avenue, and one on the straight line pipeline alignment within the PUD.

Noise from heavy machinery would be of short duration during construction of the proposed natural gas pipeline. Construction would be limited daily hours between 7 a.m. and 7 p.m. per City of Loveland Municipal Code Chapter 7.32 Sound Limitations, and would occur Monday through Friday. Construction may occur on weekends and other hours outside the 7 a.m. to 7 p.m. timeframe on an as-required basis, with prior approval from the City Manager. Noise

levels from equipment would be controlled through the use of standard maintenance procedures and the use of appropriate mufflers.

Construction of the natural gas pipeline and related facilities may generate a temporary increase in fugitive dust. PSCo would comply with state and Larimer County requirements for controlling dust emissions during the construction of the proposed Project. PSCo would employ BMPs for dust suppression, as described in the SWMP. During construction, water trucks would patrol work areas to control dust as necessary depending on weather and dust suppression, weed control, and soil conditioning.

Minimal odors from the proposed Project are expected, with the highest likelihood occurring during construction from vehicle exhaust, and during periods of maintenance activities when mercaptan may be noticeable. Mercaptan is a chemical injected into the natural gas product, as required by federal regulation, to produce a sulfurous odor (“rotten egg” odor) as a safety measure. It is not anticipated that maintenance activities beyond those already experienced by area residents would be required for the proposed Project.

Glare would potentially be visible from construction vehicles and equipment. Any glare experienced would be temporary in nature and would be similar to other sources of glare that exist in the environment (such as from vehicle on Wilson Avenue and residential streets, and glare from residential building materials).

PSCo has obtained a Storm Water Permit for Construction Activities from the Colorado Department of Public Health and Environment. The drainage plan for the proposed Project would consist of a SWMP and BMPs for the control of stormwater runoff during the construction period. Post-construction, the areas disturbed by trenching and boring activities for the natural gas pipeline would be recontoured to preconstruction conditions and revegetated as described in the SWMP.

PSCo adheres to the pipeline safety regulations established in the Code of Federal Regulations (CFR) at 49 CFR Part 192 by the U.S. Department of Transportation (DOT) to ensure public protection and to prevent accidents and failures. Specifically, the DOT Pipeline and Hazardous Materials Safety Administration is the federal authority for ensuring the safe, reliable, and environmentally sound operation of pipeline transmission systems under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act).

Property Owners, Property, and Right-of-Way Acquisition

PSCo’s land services representatives have worked with the landowner of the PUD to explain Project construction, operation, and maintenance activities and to negotiate the purchase of easements based on fair market value. The easement for the Estes Park Regulator Station

would grant PSCo a permanent easement of 22,500 square feet (0.516 acres) to construct, operate, and maintain the regulator station. The permanent pipeline easements of 2.323 acres and temporary pipeline easements of 1.114 acres would grant PSCo a permanent 50-foot corridor and temporary 25-foot construction ROW to construct, operate, and maintain the natural gas pipeline within the Dakota Glen PUD. The landowner would maintain fee title to the land acquired under the easement. The land within the pipeline permanent and temporary easements granted to PSCo within the Dakota Glen PUD would be restored and revegetated and available for other uses upon completion of the construction period.

2013—16" West Main Natural Gas Pipeline Replacement Project— Dakota Glen PUD First Amendment

Environmentally Sensitive Areas Report

Prepared for the City of Loveland

March 2013

Prepared for:



Public Service Company of Colorado, 1123 West 3rd Ave., Denver, CO 80223

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- Attachment 2: Dakota Glen Wetland Report
- Attachment 3: Biological Site Reconnaissance Report
- Attachment 4: USFWS Concurrence Letter
- Attachment 5: Geotechnical Engineering Study
- Attachment 6: Best Management Practices
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I. Project Study Area

Public Service Company of Colorado (PSCo), an Xcel Energy company, is requesting a Planned Unit Development (PUD) Amendment as described in the City of Loveland Land Use Code Chapter 18.41. The overall Larimer 2013—16” West Main Natural Gas Pipeline Replacement Project (West Main Project) involves the construction, operation, and maintenance of a 16-inch high-pressure replacement natural gas transmission pipeline. The West Main project encompasses Larimer, Weld, and Boulder counties and several incorporated communities and is approximately 77 miles long. The existing 83-year-old natural gas pipelines have reached the ends of their service lives, require safety upgrades, and cannot reliably keep up with growing system demand to deliver natural gas. The overall West Main project would provide high-pressure transmission of natural gas with limited distribution systems taps as needed. It would provide an important link to future system upgrades for northern Colorado Front Range communities and would ensure more reliable natural gas delivery to customers in light of growing natural gas demand.

The proposed Project includes necessary pipeline and aboveground facilities located on private property within the Dakota Glen PUD in the city of Loveland. Figure 1 is the vicinity map of the proposed Project area and Figure 2 is the overall plan view of the proposed Project area. The proposed Project also includes temporary use areas for staging of construction materials; these areas would be used during the construction period and would be completely restored upon completion of construction. A temporary staging area would be located along Wilson Avenue within the Dakota Glen PUD as indicated in the legal description (Attachment 1). As part of its West Main project, PSCo is proposing to construct, operate, and maintain one new regulator station, referred to as the Estes Park Regulator Station and a natural gas pipeline, in the Dakota Glen PUD. Regulator stations control the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines that serve the local community.

The preferred pipeline route enters the Dakota Glen PUD in the city of Loveland near the intersection of 14th Street Southwest (SW) and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) at the Estes Park Regulator Station (Figure 1). The pipeline exits the Estes Park Regulator Station and heads to the northeast through undeveloped open land within the Dakota Glen PUD. North of the cattail reservoir/detention pond, the pipeline turns due east to Wilson Avenue and continues north on Wilson Avenue. PSCo has obtained a permanent easement of 0.516 acres for this regulator station, and 2.899 acres of permanent easement and 1.412 acres of temporary easement for the pipeline alignment within the Dakota Glen PUD. PSCo has also acquired a temporary easement of 3.510 acres for a temporary use area on the east side of the Dakota Glen PUD adjacent to Wilson Avenue. The plan view of the proposed Project area is provided in Figure 2 and the conceptual site plan for the Estes Park Regulator Station in Figure 3.

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The temporary use area within the Dakota Glen PUD would be used as a staging area in which to store pipe, construction trailers, storage trailers, and sanitary facilities for workers. Temporary fencing would be installed around the temporary use area. PSCo would access the temporary use area via an existing two-track road/trail with an existing curb cut along Wilson. The site would be used from mid-April 2013 through March 2014, with heaviest use anticipated in 2013. During active construction, a maximum of up to 50 daily trips (in and out) of the construction area are estimated. No grading is proposed. Any vegetation would be conserved to the maximum extent practicable. After the period of use is done, the temporary fencing would be removed, and site restoration would occur according to the provisions of the Stormwater Management Plan (SWMP) currently being prepared for the proposed Project. The SWMP will be provided to the City of Loveland prior to construction.

The fencing around the temporary use area would temporarily block public access to a portion of a social trail from Wilson Avenue to approximately 280 feet west of Wilson Avenue. The trail (through the DR Zone District) is not a designated trail according to the City of Loveland's current Recreational Trail and Bikeways Map, and is located on private land connecting the Dakota Glen development to the Wilson Avenue area sidewalks.

This application requests approval specifically for the proposed Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary associated with the proposed Project. The proposed Project is an important part of PSCo's service plan to upgrade the existing natural gas transmission system along the northern Colorado Front Range with new natural gas pipelines that meet current safety, service, capacity, and reliability requirements while also meeting the increasing demand for natural gas in Larimer County, including the city of Loveland. The upgrade would involve replacing the existing 83-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch pipeline to continue providing reliable, safe natural gas service.

The Study Area for this Environmentally Sensitive Areas Report (ESAR) includes the proposed Project and the immediate surrounding area as is relevant for each resource or issue of potential concern described in Section II. In general the Study Area includes the proposed Project and the surrounding Dakota Glen PUD.

II. Site Inventory

II.1 Mature Stands of Vegetation

The Study Area for vegetation includes the proposed Project and immediate surrounding landscape. According to a survey conducted for the entire proposed Project including the Dakota Glen PUD in August 2012 (Attachment 1), the plant communities at Dakota Glen wetlands and lake site in the vicinity of the proposed Project consist of a mosaic of palustrine emergent wetlands dominated by stands of reed canarygrass (*Phalaroides arundinacea*) and narrow-leaved cattails (*Typha angustifolia*), hardstem bulrush (*Schoenoplectus tabernaemontii*), alkali bulrush (*Bolboschoenus maritimus*), clustered field sedge (*Carex*

praegracilis), a variety of rush species (*Juncus* spp.), spikerush species (*Eleocharis* spp.), and wetland grasses. There are minor amounts of peach-leaved willow (*Salix amygdaloides*) at sapling size. There is also an overstory layer dominated by plains cottonwood (*Populus deltoides* ssp. *monilifera*) to the east of the wetland on the eastern side of the proposed regulator station site and proposed pipeline route. However, most of the Study Area is generally open with very little shade (see Photo 1).



Photo 1: Looking North across the PUD Area

There are a number of Russian olives (*Elaeagnus angustifolia*), Siberian elms (*Ulmus pumila*), and salt cedar (*Tamarix ramosissima*) saplings in the open area of the Dakota Glen PUD. However, these tree species would be avoided during construction of the proposed Project. The ecotone or transition area between the wetlands and the surrounding uplands within the PUD are dominated by many weedy herbaceous species such as Canada thistle (*Breca arvensis*), field bindweed (*Convolvulus arvensis*), and prickly lettuce (*Lactuca serriola*).

The proposed Project would not affect mature stands of vegetation. The proposed Project site is part of the landscaped PUD and is vegetated by planted grasses including western

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wheatgrass (*Pascopyrum smithii*), perennial rye (*Lolium perenne*), crested wheatgrass (*Agropyron cristatum*), and smooth brome (*Bromopsis inermis*).

II.2 Legal or Jurisdictional Wetlands—U.S. Army Corps of Engineers (CWA)

Jurisdictional wetlands and other waters of the U.S. (WoUS) are subject to regulation under the federal Clean Water Act (CWA). A wetland delineation report was prepared for the proposed Project located within the PUD, and is provided in Attachment 2. The mapped wetlands, as well as the proposed Project site are shown in Attachment 2 (Figure 1 in Attachment 2). The proposed regulator station is located in an area that is higher than the surrounding wetlands primarily located to the east and would therefore, not impact wetlands. The proposed pipeline crosses wetland #1 (see Figure 1 in Attachment 2) located along the western portion of the lake. The proposed pipeline would avoid effects to this wetland through the use of boring techniques. The locations of the boring entry/exit locations are shown in Figure 2. As documented in the agency correspondence included in Attachment 3, the U.S. Army Corps of Engineers has indicated that a wetland permit (per the CWA) would not be required. The construction best management practices (BMPs) and site mitigation measures would protect potential impacts to adjacent wetlands during construction and operation of the Project as described in Section IV.

II.3 Wildlife Habitat Areas and Corridors

Wildlife information for the proposed Project Study Area (the proposed Project and immediate surrounding area) is based on field reconnaissance, several field surveys, desktop evaluation, and evaluation of GIS data. The Study Area is within a PUD and no prairie dog colonies exist at the site. No wildlife species were observed during the site visits as discussed below.

Biological Reconnaissance Survey

An initial evaluation of biological resources was performed for the overall West Main project (including the proposed Project) from March 22 to April 1, 2012 (see Attachment 3), through a combination of windshield reconnaissance and pedestrian surveys of publicly accessible land. A one-day follow-up survey was completed April 13, 2012. The objective of the initial evaluation was to provide an understanding of whether suitable habitat exists for sensitive species, including federal and state listed species, bald and golden eagles, and migratory birds, within the overall West Main Project area, defined as a 1,000-foot corridor (500 feet on either side) around the proposed pipeline route. Specifically, the initial evaluation involved identifying and mapping vegetation communities that exist within the West Main Project area, including native and introduced vegetation, and state and county listed noxious weeds; identifying birds (especially raptors/raptor nest sites, burrowing owls, and mountain plovers); identifying reptiles, amphibians, and mammals, with special attention to prairie dog colonies; and identifying other natural and physical features of the landscape, including lakes, streams, riparian areas, wetlands, agricultural lands, and native prairie ecosystems. The

reconnaissance survey indicated that the Dakota Glen PUD area had wetlands and potential habitat for several federally Threatened and Endangered (T&E) Species.

Threatened and Endangered Species Habitat Study

A follow-up survey was performed during August 2012 to further evaluate the T&E species habitat, resulting in a Threatened and Endangered Species Habitat Suitability Assessment and Survey Report for the Ute ladies'-tresses orchid (*Spiranthes diluvialis* Sheviak), the Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*), and the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (PMJM) (see Attachment 1). This report was prepared in connection with the overall West Main Project. The report details habitat suitability for each species at a number of surface water/wetland locations. Potential species identified for the Study Area included Ute Ladies'-Tresses Orchid (ULTO), the Colorado Butterfly Plant (COBP), and the PMJM.

The Colorado butterfly plant is a short-lived perennial herb that is listed as threatened under the federal Endangered Species Act. The plant is only found within a small area of southeastern Wyoming, western Nebraska, north-central Colorado (Larimer County near the Wyoming state line), and in a new site in Westminster, Colorado. Habitat for the Colorado butterfly plant is typified by sub-irrigated alluvial soils on relatively level floodplains and drainage bottoms, often in bends in wide, actively meandering stream channels.

The Ute ladies'-tresses orchid is typically found in sub-irrigated alluvial soils along streams, and in open wet meadows in floodplains. The preferred habitat is open and moist without dense surrounding vegetative cover. The normal flowering period is July 20 to August 31. Potential habitats in the Project area include palustrine emergent wetlands (PEM) and stream banks. The species is not tolerant of long-term standing water and would not successfully compete with species that form dense monocultures, such as cattails (*Typha* spp.) and reed canarygrass (*Phalaroides arundinacea*). It prefers well-drained soils with a high moisture content that may contain some gleying or mottling but that are not continuously anaerobic or permanently saturated. The orchid occurs with grasses, sedges, rushes, and shrubs or riparian trees, such as willows. It rarely occurs in deep shade, preferring open glades or pastures and meadows in full sunlight.

The survey within the Dakota Glen wetlands and the nearby lake did not result in documented observance of ULTO or COBP. However, the site did exhibit some elements of habitat suitability for each of these species, including:

- Presence of several species generally associated with ULTO and COBP habitat
- Site was open and sunny in general
- There is a perennial lake (reservoir) with shoreline habitat

Based on the presence of surface water (i.e., lake site and probable seasonally saturated or inundated wetlands), this site may represent suitable habitat for both ULTO and COBP. Construction of the natural gas pipeline would be placed using boring techniques to avoid

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disturbance to the wetland and lacustrine (lake) ecosystems and associated potential ULTO and COBP habitat.

The PMJM is a federally threatened species that occurs only in a band along the Front Range from Wyoming to Colorado Springs, including known occurrences in Larimer County. PMJM trappings are reported by CNHP (2011) in quadrangles that cross the overall West Main Project area, including the Fort Collins and Loveland quadrangles in Larimer County. Distribution of PMJM is typically within 100 meters of 100-year flood plains. Typical PMJM habitat consists of multi-storied riparian vegetation with an understory of grasses and forbs and a canopy of *Salix* spp. or other species. Suitable habitat is typically found adjacent to relatively undisturbed grassland communities (native shortgrass prairie) and a permanent water source. Habitat for the PMJM was judged to be marginal in the area of the proposed Project considering the poor development of a consistent shrub layer at this crossing site, and poor quality native grassland for dispersal.

The proposed Project is located and designed to entirely avoid effects to potential habitat for ULTO, COBP, and PMJM. The U.S. Fish and Wildlife Service provided concurrence that effects to these species can be avoided in a letter dated November 13, 2012 (Attachment 4).

Bald Eagle

Larimer County GIS data document the occurrence of winter and summer range for the bald eagle. Bald eagle habitat is located north of the Study Area within the Big Thompson River corridor and is also associated with lakes and reservoirs near the Study Area (Figure 4). Winter forage areas are located approximately 0.5 mile northwest (Boedecker Reservoir) and approximately 1.25 mile north (Big Thompson River corridor) of the proposed Project. The nearest mapped nest is located approximately one mile southeast of the Study Area.

The bald eagle is no longer federally listed; however, it is a state species of special concern in Colorado, and is protected under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). Colorado Parks and Wildlife (CPW) recommends no surface occupancy within 1,320 feet (0.25 mile) of an active bald eagle nest site, and the recommended buffer for human encroachment is 2,640 feet (0.5 mile) from a bald eagle nest. The proposed Project would not impact any known bald eagle habitat or nest sites.

Migratory Bird Treaty Act

The MBTA (16 United States Code 703-712) makes it unlawful to take any migratory bird, or any part, nest, or eggs of a migratory bird. The list of migratory birds is long and covers virtually all birds in Colorado. The USFWS is responsible for implementing the MBTA.

No birds were observed during the site reconnaissance conducted in March and April of 2012, or the T&E survey performed during August 2012. Larimer County GIS data document the occurrence of foraging areas for the great blue heron and osprey (Figures 5 and 6, respectively). Foraging areas are located approximately 0.5 mile northwest (Boedecker Reservoir), approximately 0.5 southeast (Ryan Gulch Reservoir), and approximately 1.25

mile north (Big Thompson River corridor) of the Study Area. The nearest osprey foraging area is located more than a mile to the southwest at Lon Hagler Reservoir. Larimer County GIS data document the occurrence of habitat areas for snow geese and white pelican (Figures 7 and 8, respectively). The Study Area is located in a winter range and foraging area for snow geese. The nearest foraging areas and overall range for the white pelican are located approximately 0.5 mile northwest (Boedecker Reservoir) and approximately 0.25 southeast (Cattail Ponds). An overall range area for the white pelican is also located approximately 1.25 mile north (Big Thompson River corridor) of the Study Area.

Construction activities for the West Main project are proposed to begin on approximately May 1, 2013, and operation of the replacement facility would begin during the fall/winter season of 2013. The regulator station construction could run concurrently with natural gas pipeline construction. Long-term surface disturbance associated with the Estes Park Regulator Station includes the 0.516 acre permanent easement. The 2.899 acre of permanent easement and 1.412 acre of temporary easement for the pipeline within the Dakota Glen PUD would also incur surface disturbance during construction activities in trenched areas, as well as at boring entry/exit locations. The temporary use area for Project construction would cause temporary surface disturbance to 3.510 acres of the PUD.

Construction effects would include construction noise and removal of vegetation (much of which is non-native based on field reconnaissance). No exterior lighting would be used during construction or operation of the proposed Project. Construction likely would affect wildlife movement patterns only temporarily, and no permanent effects to wildlife life cycle functions would occur. A raptor nest survey will be performed in spring 2013 prior to the initiation of construction activities, and construction crews would observe applicable CPW buffers and timing restrictions.

II.4 Natural Areas Identified in the City of Loveland Natural Areas Inventory Study

The July 2008 Update: City of Loveland Natural Areas Sites was reviewed to determine if the proposed Project would affect designated natural areas. Natural areas are defined as undeveloped lands containing potential natural values such as wildlife habitat, plant diversity, and wetlands. According to the July 2008 Update map, the proposed Project is located adjacent and partially within Site 51 as listed in the July 2008 update. This site is described as follows in the Update:

SITE 51—LAKES NW OF WILSON AVE. AND 14TH ST. SW. Site 51 is the upper portion of a large wetland drainage. The site contains two lakes with residential development to the east. Portions of the shorelines contain narrow fringes of cattails. The western lake appears turbid and has several patches of algae. The poor water quality in this lake may be due to runoff from adjacent agricultural lands. The narrow fringe of cattails will contribute to water quality improvement, however, it's likely that the amount of

Environmentally Sensitive Areas Report

wetlands present in the lakes is too small to make a significant difference. Areas of wetlands should be expanded where possible. Existing cattails should be thinned to prevent overgrowth, which would create mosquito habitat. Native trees and shrubs should be established along the shorelines to improve songbird habitat. Runoff from adjacent fields and residential areas should be monitored to determine long-term effects to the aquatic environment. The DOW notes that these lakes are frequently used by pelicans and a variety of ducks. Raptors also perch in the cottonwoods west of the site. (City of Loveland Natural Areas Sites, July 2008 Update).

The Update ratings table classifies Site 51 with a medium enhancement potential and notes that the site is inactive due to development and preservation. Numerical ratings are further discussed in Section III.

The proposed Project would be constructed entirely outside the delineated wetland areas as discussed further in Section II.2. Construction of the proposed Project would not impact wetlands or other identified natural amenities including wildlife and vegetation as described in Sections II.1 and II.3. The identified amenities associated with Site 51 would be supported with the BMPs and proposed mitigation described in Section IV.

II.5 Physical Linkages to Other Natural Areas or Open Spaces

The proposed Project is located near wetlands, a lake, and surrounding open areas that provide a link with the Home Supply Ditch located along the northern edge of the PUD property. The irrigation ditch links Boedecker Lake with the Cottonwood Natural Area and the Big Thompson floodplain corridor to the north. The wetland, lake, and surrounding open area provide a link with an adjoining drainage area to the south which also adjoins a rural area of Larimer County including a city and county open space (Lon Hagler SWA) and a county conservation easement (Lazy J Bar S CE).

The proposed regulator station would be constructed entirely within a small portion (0.516 acre) of the linkage area and would not impact the ability of the overall area to function as a physical linkage. The regulator station facility would not be fenced, and would not cut-off the greater open area that includes the wetlands, trees, and lake. The pipeline would be constructed entirely underground and would not impact the physical linkage during operation of the Project. Construction BMPs and mitigation are described in Section IV.

II.6 Existing Drainage Patterns and Floodway and Flood Fringe Boundaries

There are no floodplains or floodways in the Study Area and the Study Area does not have a perennial flowing stream system. The existing Study Area wetland and lake system has been reworked as part of the development of the Dakota Glen PUD. The general landscape slopes very shallowly to the northeast and includes a regional northeast-trending drainage and a more local east-trending drainage inlet to the lake. The regional drainage is associated with

the wetland and lake that are a continuation of drainage features located across SW 14th Street SW to the south/southwest. The wetland (Wetland #4 on Figure 1, Attachment 2) associated with the regional drainage is a depressional wetland in an area that was formerly inundated by a man-made lake. The wetland appears to be supported by seasonal inundation and/or near-surface groundwater. During the wetland survey date (August 20, 2012), no standing surface water was evident in the Study Area wetlands. Surface water was present in the lake and in Home Supply Ditch further to the north, outside the PUD boundary.

The drainage inlet to the lake is also associated with a wetland (Wetland #1, on Figure 1 Attachment 2) located along the west side of the lake. The lake outlet drains to the north into the Home Supply Ditch. Drainages outside the Study Area trend northeast toward an eventual junction with the Big Thompson River northeast of the Study Area. The natural gas pipeline would be bored under: a wetland along the western edge of the lake associated with the drainage inlet to the lake, and a storm drain along the northern PUD boundary (see Figure 2).

II.7 Irrigation Canals and Ditches

The proposed Project would not impact irrigation canals or ditches. A regional drainage that trends northeast is located immediately east of the proposed regulator station site as discussed in Section II.6. The proposed natural gas pipeline would be bored under the local drainage inlet to the lake as shown in Figure 2. The George Rist Ditch is located approximately 0.4 mile south of the site, and the Home Supply Ditch that originates at Boedecker Reservoir is located just north of the PUD northern boundary. The Home Supply Ditch would be crossed by the natural gas pipeline outside the PUD within the Wilson Avenue right-of-way.

II.8 Water Courses

The proposed Project is not located in the immediate vicinity of any significant natural water courses. Drainage and surface water features in the Study Area are discussed in Section II.6.

II.9 Existing Slopes over 20%

Slopes in the general Study Area are shown on Figure 9. None of the existing slopes in the Study Area or immediate surrounding area is greater than 20 percent.

II.10 Soils Having a High Water Table or Being Highly Erodible

Soil erodibility in the Study Area is shown on Figure 10. No highly erodible soils occur in the Study Area or the surrounding area. A high water table is not indicated according to the wetland delineation. The proposed regulator station is adjacent to delineated wetlands as further discussed in Section II.2. The proposed natural gas pipeline would be bored under wetlands and the drainage inlet area to the lake.

II.11 Land Formerly Used for Landfill Operations or Hazardous Industrial Use

The proposed Project is located within the Dakota Glen PUD. There is no available information to suggest that a landfill or industrial activities occurred in the Study Area. Any requirement for additional information regarding potential landfill operations or hazardous industrial use was waived by the City of Loveland during a meeting held between PSCo and city representatives on January 31, 2013.

II.12 Fault Areas

As shown on Figure 11, the proposed Project is located in an area of low geologic hazard. A geotechnical study was performed during December 2012 and included a boring at the proposed regulator station site (see Attachment 5). According to the site boring, shale bedrock is present approximately 12 feet below ground surface, and is overlain by clay and clayey sand. The geotechnical study provides specific recommendations for design of the facility in relation to the site soil and bedrock information. The geotechnical study does not indicate the presence of soil or geologic conditions that would prevent or seriously affect construction or operation of the regulator station facility or pipeline.

II.13 Aquifer Recharge and Discharge Areas

The Study Area is not located within or adjacent to an important aquifer recharge or discharge area. Site drainage is discussed in Section II.6. The area shallow aquifer likely is affected primarily by local topographic features as well as the characteristics of the uppermost unconsolidated soil and geologic strata as described in Attachment 5. Groundwater was encountered in the Study Area in December 2012 at approximately 8 feet below ground surface at an interface with a clayey sand layer.

II.14 Operating High Water Line (as defined in Loveland's Open Lands Plan, pg. 25)

As discussed in Section II.6, the Study Area is not in the vicinity of floodplains or floodways. In addition, the proposed Project would not require water or water facilities for its operation.

III. Assessment of Potential Impacts of Proposed Development

As discussed in Section II, the proposed Project would not adversely affect any environmentally sensitive resources. Protection and mitigation measures that will be implemented during construction and operation of the proposed Project are described in Section IV.

The Study Area is located adjacent to and partially within the Site 51 natural area. The Update ratings table classifies Site 51 with a medium enhancement potential and notes that the site is inactive due to development and preservation. Numerical ratings range from low (1) to high (10). In general, the ratings indicate that Site 51 is characterized by medium quality plant and wildlife habitat. The potential for occurrence of raptors is lowest with a rating of 3, while the potential for waterbirds is highest with a rating of 6.

The ratings for Site 51 are as follows:

- Overall Habitat: 5
- Wetland: 4
- Animal Diversity: 4
- Plant Diversity: 4
- Songbird: 4
- Raptor: 3
- Waterbird: 6
- Mammal: 4
- Herptile: 4

As previously discussed, the Study Area has been partially developed for residential use. Open areas surrounding the lake and wetlands have been landscaped. The proposed Project would avoid impacts to wetlands and potential sensitive or T&E animal and plant species. Prairie dogs are not present in the Study Area, and other wildlife was not observed during site biological reconnaissance, or field surveys. The role of the area as a north/south wildlife linkage would not be affected. Mature vegetation would not be disturbed and therefore, adverse effects to songbirds are not expected. No adverse effects to water birds are indicated because the lake and wetlands would not be disturbed by the proposed Project.

IV. Recommendation: Protection Measures, Mitigation, Enhancement

Major activities involved in Project construction would include surveying, BMP installation, vegetation clearing, staging materials, grading, installation of the regulator station and natural gas pipeline facilities including the building and gravel maintenance parking area, pressure-testing, site cleanup, revegetation, and revegetation monitoring.

IV.1 Water Quality and Hydrology

PSCo would obtain a Storm Water Permit for Construction Activities from the Colorado Department of Health and Environment (CDPHE) prior to construction. The drainage plan for the proposed Project would consist of a SWMP and BMPs for the control of stormwater runoff during the construction period. Measures that would be employed to protect surface water and control erosion are provided in Attachment 6.

All wetlands adjacent to the proposed Project easements would be flagged/marked prior to the initiation of construction activities to ensure that these features are not disturbed during construction activities. Construction BMPs would be implemented to avoid altering wetland hydrology, existing natural vegetation, and wetland functions. Waterways and drainages would be protected with BMPs described in Attachment 6.

IV.2 Vegetation

Effects to vegetation from the proposed Project would be permanent for the regulator station facility area (gravel area and aboveground facilities and building) as shown in Figure 3. There would also be temporary effects associated with construction in the easement area of the regulator station and pipeline as shown in Figure 2. The proposed Project would not permanently or adversely affect native vegetation communities, and no unique or high-quality vegetation or riparian communities have been identified within the easements that would be used for the proposed Project. Construction equipment would disturb existing vegetation within the proposed Project easements. BMPs would be implemented as described in Attachment 6 to minimize or mitigate soil erosion and to revegetate any areas disturbed during construction of the proposed Project. PSCo also would follow the Weed Management and Revegetation Plan provided in Attachment 7. The Plan includes a preconstruction survey for noxious weeds and follow-up monitoring to ensure revegetation is successful. A seed mix consisting of drought-tolerant native grasses would be included in the SWMP for the revegetation of disturbed areas surrounding the graveled area and aboveground facilities and building, as well as the underground natural gas pipeline as shown in Figure 2. Construction activities would not take place on any areas outside the proposed Project easements and the temporary staging area as shown in Figure 2.

The proposed regulator station building would be designed and constructed to match the existing Dakota Glen PUD pump station.

IV.3 Air Quality

PSCo would comply with state requirements for controlling dust emissions during the construction of the overall West Main project. Because the size of the construction area for the overall West Main project is greater than 25 acres, PSCo would be required to obtain a General Construction Permit from CDPHE and prepare a Fugitive Dust Plan and Air Pollution Emission Notice (APEN). The Fugitive Dust Plan would be completed and the APEN would be obtained prior to the initiation of construction activities.

Construction activities, such as vehicles driven over unprotected ground, general disturbance to vegetated areas, or soil stockpiles susceptible to winds, can cause fugitive dust. During construction, PSCo would implement dust control measures such as speed limits for construction vehicles; water application to disturbed areas, dirt access roads, and stockpiles; erosion control techniques; and revegetation of ground disturbance following construction with a drought-tolerant seed mixture. Water would be used daily, or as needed, for dust suppression and soil compaction.

IV.4 Waste Management

Construction, operation, and maintenance activities involving PSCo or its construction contractor bringing any hazardous materials onto the Project site would comply with applicable federal, state, and local laws and regulations regarding the use of hazardous substances. In its contract with the construction contractor, PSCo would require that the contractor comply with applicable laws.

Fueling requirements would be met prior to arrival at the construction site. No bulk fuel storage would occur on site. Fueling vehicles would be equipped with spill kits and fire extinguishers and personnel would be properly trained in spill prevention, control, and countermeasures. No vehicle maintenance would occur on site, and appropriate BMPs would be utilized and documented if on-site maintenance becomes necessary.

Construction and operation and maintenance activities would follow BMPs for the management of wastes to avoid and minimize impacts from potential spills or other releases to the environment. A summary of BMPs to protect water resources from potential contamination is provided in Attachment 6. Adverse impacts from the release of construction or operations wastes are not expected.

IV.5 Emergency Procedures

PSCo owns and operates an extensive network of natural gas pipelines that delivers natural gas to customers in residential and business areas and to local gas distribution companies. Providing safe and reliable natural gas requires PSCo to have quick access to maintain or repair pipelines, related facilities, and ROWs.

Environmentally Sensitive Areas Report

In addition, PSCo adheres to the pipeline safety regulations established in 49 CFR Part 192 by the DOT (U.S. Department of Transportation) to ensure public protection and to prevent accidents and failures. Specifically, PHMSA (Pipeline and Hazardous Materials Safety Administration) is the federal authority for ensuring the safe, reliable, and environmentally sound operation of pipeline transmission systems under the PIPES Act (Pipeline Inspection, Protection, Enforcement and Safety Act of 2006).

The proposed Project is located in Loveland's Fire Protection District. The fire district would be notified of construction activities when they commenced, and on-site personnel would not be required during construction or operation of the pipeline.

IV.6 Wildlife

A raptor nest survey will be performed during the spring of 2013 prior to the initiation of construction activities. All wetlands and other sensitive wildlife habitat adjacent to the proposed Project easements will be flagged/marked prior to the initiation of construction activities in order to ensure that these features are not disturbed during construction activities.

V. References

- CNHP (Colorado Natural Heritage Program). 2011. ArcMap Geodatabase., Statewide Elements by Quad, Preble's Meadow Jumping Mouse.
 <<http://www.cnhp.colostate.edu/download/gis.asp#element>>. Accessed March and April 2012.
- City of Loveland 2008. City of Loveland Natural Areas Sites—July 2008 Update. Prepared by Cedar Creek Associates for the City of Loveland. July 2008.



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 S. WADSWORTH BLVD
LITTLETON, COLORADO 80128-6901

May 22, 2012

Mr. Patrick Murphy
Tetra Tech
1099 18th Street
Suite 580
Denver, CO 80202

RE: Xcel West Main 2012 Natural Gas Project
Corps File No. NWO-2012-1293-DEN

Dear Mr. Murphy:

Reference is made to the above-mentioned project on behalf of Public Service Company of Colorado to directional bore 76 aquatic sites consisting of streams, wetlands and ditches. This work is located in Larimer and Weld Counties as identified in your May 18, 2012 report to Mr. Terry McKee of my office.

This project has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activity associated with a dredge and fill project in waters of the United States.

Based on the information provided, a Department of the Army (DA) Permit will not be required for work on this project. Although a DA Permit will not be required for the project, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

If there are any questions call **Mr. Terry McKee** of my office at **(303) 979-4120** and reference **Corps File No. NWO-2012-1293-DEN**.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

tm



May 6, 2013

Kerri Burchett
 City of Loveland Development Services Department
 Current Planning Division
 500 E. 3rd Street, Suite 310
 Loveland, CO 80537

Re: Dakota Glen PUD Amendment—Condition of Approval, Item 1

Dear Ms. Burchett:

I have met with the Public Service of Colorado (PSCo) project team to address one of your recommended conditions of approval for the Dakota Glen First Amendment application and discussions held at the neighborhood meeting on April 24, 2013. The proposed condition states:

1. *Prior to approval of the Final Development Plan Amendment, a letter of approval from the Dakota Glen Homeowner's Association shall be submitted to the Current Planning Division approving the building materials, colors, and site improvements. The Final Development Plan shall reflect all changes agreed to by Public Service.*

As the managing member of Glen Development, LLC and President of the Dakota Glen PUD Homeowners Association, I have successfully negotiated the Estes Park Regulator Station building design and screening of aboveground gas piping with PSCo. The details of the building and screening materials are identified in Table 1, and a revised photo simulation of the Estes Park Regulator Station is attached.

Table 1: Estes Park Regulator Station Facility Details

Parameter	Control House	Aboveground Pipeline	Fence	Bollard
Use	Controls the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines	Transmission of natural gas	Screening of aboveground gas piping	Entrance Gate
Quantity	1	2	2 locations	2
Height	~12 feet (similar roof pitch to existing pump house)	6.1 feet; 6.5 feet	6-feet	3.5 feet
Length	24 feet	17 feet; 11 feet	South Fence: 108-feet East Fence: 56-feet	N/A
Width	22 feet	18 feet; 6.5 feet	South face: 32-feet East face: 24-feet	N/A



Kerri Burchett
 City of Loveland Planning Department
 Page 2 of 3

Table 1: Estes Park Regulator Station Facility Details

Parameter	Control House	Aboveground Pipeline	Fence	Bollard
Size	528 square feet	6.5-inch-diameter pipeline; footprints are 306 square feet; 71.5 (377.5 square feet total)		6.5 inch diameter
Architectural Design	Similar in character to existing pump house located north of the gas regulator station site	Painted steel fence, 6 feet	Similar in character to Dakota Glen subdivision fence guidelines	N/A
Exterior Materials	Walls: Split face concrete block Windows/Openings: Glass block/metal louvers Roof: Metal shingles	Painted steel	Ornamental Steel	Painted steel
Color	Walls: Teal blue, or similar to match hue of existing pump house Trim: Cream, to match hue of existing pump house Roof: Warm gray, to match hue of existing pump house	Medium/light tan	Medium/light tan	Medium/light tan

I accept the Estes Park Regulator Station building and fence design, materials, colors, and site improvements as set forth in Table 1 and attached photo simulation, and I consent to the recordation of any information pertaining thereto.

In addition, PSCo and I will negotiate funding for landscaping improvements within the Dakota Glen PUD near the Estes Park Regulator Station. PSCo will provide funding for a portion of the landscaping improvements along 14th Street Southwest and along the west side of the proposed Estes Park Regulator Station and pipeline easement as conceptually shown on Sheets 7 and 8 of the Dakota Glen PUD First Amendment. Selection of plant species has not been finalized due to recent experience with the poor quality of soils and the introduction of the PSCo gas facility since the original PUD was prepared. A qualified arborist will be used to select species best suited for the soil conditions and installation. Dakota Glen PUD would be responsible for installation and maintenance of all landscaping improvements. PSCo would be responsible for construction and operation and maintenance of all facilities within the Estes Park Regulator Station site and pipeline easement. I approve this agreement on behalf of the homeowners within the Dakota Glen PUD.

970.663.1897 WWW.GLENCOMPANIES.COM
 2407 W. EISENHOWER, #106 LOVELAND, CO 80537



Kerri Burchett
City of Loveland Planning Department
Page 3 of 3

Sincerely,

Glen Development, LLC

A handwritten signature in blue ink, appearing to read "Scott Bray".

Scott Bray
Homeowners Association President, Dakota Glen Planned Unit Development
Office: (970) 663-1897

Attachment:

1. Photo simulation of Estes Park Regulator Station

970.663.1897 • WWW.GLENCOMPANIES.COM
2707 W. EISENHOWER, #106 LOVELAND, CO. 80537





Existing Environment



Photographic Simulation

Disclaimer: Detailed design drawings to be submitted with building permit applications. Design drawings will substantially comply with the details included on this drawing.

Parameter	Control House	Aboveground Pipeline	Fence	Bollard
Use	Controls the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines	Transmission of natural gas	Screening of aboveground gas piping	Entrance Gate
Quantity	1	2	2 locations	2
Height	~12 feet (similar roof pitch to existing pump house)	6.1 feet; 6.5 feet	6-feet	3.5 feet
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927 Prism Cactus Circle
Loveland, CO 80537
May 7, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

I thank you for the opportunity to comment on Xcel Energy's proposal to construct, operate, and maintain the Estes Park Regulator Station in the Dakota Glen neighborhood.

Dakota Glen is a new housing development composed of approximately 50% open space and with homes designed to enjoy the views of the HOA's natural areas and of the wildlife that routinely lives and is found traveling through the area.

Xcel Energy has proposed to destroy the views and habitat by creating an industrial complex right in the middle of our southern view and at the entrance to our community. This industrial area is absolutely inconsistent with the neighborhood, seriously damages the value of existing homes and destroys the very concept of a natural open space upon which homeowners relied upon when investing \$400,000 to \$500,000 in Dakota Glen homes.

Let us examine why Xcel Energy finds it necessary to create such a blight on a high value Loveland neighborhood. Xcel contends that it must build a regulator station in the area because they choose to install a pipeline serving Estes Park, not Loveland, with equipment incapable of safely handling the pressure in the Loveland line. Now Xcel contends that Loveland residents must endure an industrial complex in a residential neighborhood because they saved money installing equipment of lesser capability. I ask the Commission, Is it right for Dakota Glen residents to suffer the consequences of Xcel's money saving initiatives? Of course not; however, that is the proposal you have before you today.

Because of Xcel's choices, it may be necessary to have a regulator station in the proximity of the pipeline that now ends on the south side of 14th St. SW. (see photo) in the Blackbird Knolls neighborhood. Now I'm sure the residents of Blackbird Knolls don't want an industrial regulator station in their neighborhood any more that the residents of Dakota Glen. However, playing favorites by allowing Xcel to blight Dakota Glen in favor of Blackbird Knolls is unacceptable. It is also unacceptable to force the blight at the entrance to Dakota Glen when the prior planned location of the regulator station at the corner of 14th St SW and Wilson was rejected because the residents objected.

What is the answer to this problem created by Xcel? First and foremost, the answer is to move the industrial facility out of a residential neighborhood or at a minimum to the very outskirts of a residential area. Here we have a number of choices. The regulator station could be

co-located at the corner of 14th and Taft with Xcel's existing facility. (see photos) Yes, this will require Xcel to lay some additional pipe, but this is far more appropriate solution to Xcel's choosing undersized, less expensive equipment than is requiring any neighborhood to assume the cost through reduced home values. This option would also allow the line to run straight down Wilson, as it does throughout the remainder of its journey through Loveland, rather than taking a jog through Dakota Glen.

Further west of 14th lies the Calvary United Reform Church property located at 3901 14th St. SW. (see photo 3) This non-residential property is closer to the proposed location, does not rely on open space to support views or property value, and would not suffer a significant negative impact from the regulator station. In fact, I wouldn't be the least bit surprised if the church wasn't interested in leasing a portion of its land to Xcel to help fund its operations.

A much less desirable option is to move the regulator station to the edge of the subdivision and away from our entrance, open space, wildlife area and natural area views. There are several options, but I believe the best is at the southwest corner or the northeast corner of the development. Either of these choices will reduce, but not eliminate the very negative impact of an industrial zone at the entrance to a high dollar residential neighborhood.

There are many other options. I only sight the above options as examples where respecting the rights of Loveland citizens over Xcel profits can easily lead to an acceptable, if not perfect solution.

I ask the commission to once again look at the photos of the existing Xcel facility similar to that proposed for Dakota Glen. Now envision a facility approximately twice this size¹ and ask yourself if this is what we want at the entrance to our Loveland neighborhoods. Please ask yourself if this is how we want to treat open space within the city. Please ask yourself if this is an appropriate use of residential space. Please ask yourself if Loveland residents should suffer the consequences of such an eye sore simply so Xcel can profit. Obviously you must answer no to each question and deny Xcel's request. However, if you feel compelled to bring this blight upon the citizens of Loveland, then I must ask that you require significant camouflage to mitigate the damage.

Xcel acknowledged at the neighborhood meeting that they have existing stations located completely underground. They stated that they didn't want to install the proposed Dakota Glen station underground because they have problems with vault corrosion and perhaps the accumulation of natural gas. Neither of these concerns is close to a valid reason for not hiding the proposed industrial complex underground. Why, because Xcel can easily overcome the stated concerns by using proper materials (my basement doesn't corrode) and by eliminating gas leaks - something we don't want regardless of where the station is located, and by including proper ventilation.

Another option is to install the equipment within a structure in conformance with those existing within the neighborhood. Again Xcel objected to this option because once every seven

¹ The facility size was estimated by counting 8 foot sections of fence. It is approximately 64' X 30' using this method. The proposed Dakota Glen site is 100' x 150'.

years they need to run an “inspection pig” through the line to verify its condition. They “need” this pig to exit the pipe 4 feet above ground so they can have easy access with a boom truck. Again, this is an unsupported objection since the end of the pipe could protrude a very short distance through the wall of the structure much like a fire hose connection point or stylish access doors could easily be installed to allow the necessary access 1 day every seven years. It is noted that the citizens of Loveland and Dakota Glen will see this industrial, above ground regulator station every minute of every day if the current plan is approved. You cannot let that happen.

During the neighborhood meeting attempting to camouflage the industrial complex with a fence, foliage and/or a berm was discussed. These options are simply unrealistic because of the proposed location of the station. Xcel’s proposal is to locate the station in an area approximately 5 feet below the surface of the road. Add to this the four plus feet the pipes are proposed above ground and the height of a person walking, biking, or driving along 14th St. SW and it is easy to see any camouflage would need to be a minimum of 12 feet high. Since privacy fences are not allowed in the development to protect the views of our open space and since 12 foot high berms are totally out of place in the area and since 12 foot high hedges simply don’t exist in the area no proposed method of camouflage even comes close to hiding the industrial complex proposed by Xcel. Additionally, Xcel proposed an open to 14th St. SW entrance blocked from view by bollards and a chain. In other words, no proposal to block the view from the street within approximately 50 yards of the community’s entrance is even proposed. Obviously, property values will fall with Xcel’s industrial complex in full view of any property buyer entering the neighborhood.

Camouflaging brings to light another concern and that is vandalism. Please note that Xcel has found it necessary to surround their existing facility at 14th and Taft with a very tall chain length fence topped with barbed wire. While these fences are prohibited in the community, I must wonder what security concerns Xcel had when determining that this expensive enclosure was warranted and what security concerns will Dakota Glen be subjected to if this complex is installed.

The second issue is with tunneling under Dakota Glen open space rather than following Wilson Street as the rest of the pipeline does. Xcel stated that their engineers studied the area and are sure that there will be no negative impact to the surface area, wetland, pond or dam. If Xcel is allowed to deviate through Dakota Glen then I suggest that Xcel be required to post a bond sufficient to cover the expected future costs of repairing any damage occurring as a result of the pipeline. This bond should run concurrent with the life expectancy of the pipe and 20 years beyond to account for the eventual collapse of the pipe.

Finally, there were comments at the public meeting that insinuated that the developer owned the area and could approve whatever he chooses. This is simply not the case. The developer owns an ever diminishing percentage of the development and as the developer he rightly has the opportunity to maximize his profit. However, until the Dakota Glen is completed the developer is also in control of the HOA, which actually owns the open space. The HOA Board has a fiduciary duty to all homeowners to protect and where possible improve the value of the community. This fiduciary duty supersedes the developer’s right to maximize short term

profits if maximizing developer profits has a detrimental impact on the long term value of the community. In this case, the developer must act to protect the long term value of the community.

Additionally, this issue before the Commission is one of zoning. The developer has a right to express his opinion regarding zoning proposals; however, the Commission's duty is to protect the community and in doing so must weigh the concerns of the citizens it represents much more heavily than the profit motive of a business interest.

I thank you for your time and ask that you choose to protect Dakota Glen homeowners from the blight proposed by Xcel Energy.

Sincerely,

Rick & Tammy Mathis
927 Prism Cactus Circle
Loveland, CO 80537

Note:

This letter was original written by Michael J. Carroll and was so well done and which expressed our views so well that we chose not to write our own letter. Please consider this copy of Mr. Carroll's letter as our opinions and objections to this project for the record as well.

Kerri Burchett

From: Michael Carroll <mandjcarroll@msn.com>
Sent: Monday, May 06, 2013 12:22 PM
To: Kerri Burchett
Subject: Re: Dakota Glen Proposed Zoning Change Objection
Attachments: Regulator Stations Objection Followup, May 6, 2013.docx



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Thank you Ms. Burchett:

I have attached a follow-up letter to the Commission addressing the conceptual drawing of a fence surrounding the Xcel industrial complex that I was shown this weekend by the Developer's on-site realtor.

Sincerely,

Michael Carroll



photo 1, Fence from road elevation



Fence example 2



Fence Example 3



Fence Example 4

----- Original Message -----

From: [Kerri Burchett](#)

To: 'Michael Carroll'

Sent: Monday, May 06, 2013 8:39 AM

Subject: RE: Dakota Glen Proposed Zoning Change Objection

Good morning, Michael.

I received your letter of objection to the Dakota Glen PUD Amendment and will include it as an attachment to the Planning Commission staff report.

Please let me know if you have any questions.

Kerri Burchett, AICP
Principal Planner
City of Loveland
(970) 962-2566

Kerri.Burchett@cityofloveland.org

These photos will be available on SkyDrive for 30 days. To learn more about SkyDrive, click [here](#).
To share high quality pictures with your friends and family using MSN Photo E-mail, [join MSN](#).

3402 Red Orchid Ct.
Loveland, CO 80537
May 6, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

I am writing as a follow-up to my letter of May 3, 2013, objecting to the installation of the proposed Xcel Estes Park Regulator Station at the entrance to the Dakota Glen residential neighborhood. Since that time the developer's representative has shown me and others in the neighborhood an artist's conception of the proposed Regulator Station obscured by a steel fence.

While I applaud the artist, the picture does not match the reality of a steel fences ability to obscure anything or the location of the above ground 8" and or 16" gas piping. Steel fences are the allowable type of fencing in Dakota Glen. These fences, according to the "Design Guidelines for Dakota Glen," paragraph 5.5 is limited to 60" in height. Residents choosing these fences as well as those who have successfully lobbied to eliminate the acceptability of cedar fences have done so because they do not obscure the view – either from the home out or from outside in.

As noted in my earlier letter, the proposed site for the Xcel industrial complex is approximately 5 feet below the grade of both roads next to the proposed site. As you can see from the attached picture 1 of a lovely Dakota Glen home with an approved steel fence, when the area surrounded by the fence is below grade, nothing is obstructed. Photos, 2-4 are also of approved Dakota Glen steel fences taken from ground level. Please note that contrary to the artist conceptual drawing; these fences do nothing to obstruct the content of the yard.

Commissioners, I ask that you not be deceived by the drawings and that your decision is based on the facts presented in the attached actual photographs.

If for some reason you choose Xcel and the developer over the citizen of Dakota Glen and if you choose their proposed steel fence, I implore you to, at the very least, specify exactly what is required and who is liable for the initial construction costs and ongoing cost of maintaining the 100' x 150' proposed complex, the fence, equipment and grounds within. For example, the fences depicted in the attached photographs appear to have a 4" gap between the spindles in accordance with the Design Guidelines that designate a maximum 4" gap. Because this gap clearly obscures nothing, a much tighter gap, perhaps 1 inch, must be mandated to match the artist's conceptual representation.

Initial and ongoing costs are another significant concern from Dakota Glen residents. At the neighborhood meeting hosted by Ms. Burchett for the City of Loveland, the developer

insisted that he be responsible for the ongoing maintenance. Unfortunately, the developer is also the HOA President so it is impossible to know who will be responsible for the ongoing maintenance of the grounds and fence. If it is Xcel, as it should be, their responsibilities must be clearly laid out in any approval. If it is the developer, his responsibilities must be clearly defined as well as the length of his obligation since his relationship with the community will be relatively short lived. If it is the homeowners who will suffer a reduction in property values while Xcel and the developer profit, I can only ask why.

In conclusion, I ask the commission to carefully consider any conceptual renderings of the proposed site, the accuracy and completeness of the renderings and the motivation of the individuals supporting the degradation of a once beautiful open space and neighborhood before granting approval of the Estes Park Regulator Station.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Carroll".

Michael J. Carroll

Attachment:
Photos of the approved fences in Dakota Glen

Kerri Burchett

From: Michael Carroll <mandjcarroll@msn.com>
Sent: Friday, May 03, 2013 12:22 PM
To: Kerri Burchett
Cc: Mike and Judy Carroll
Subject: Dakota Glen Proposed Zoning Change Objection
Attachments: Regulator Station Objection.docx



[View slideshow](#) | [Download images](#)

Dear Ms. Burchett:

Thank you for conducting the public meeting to discuss the Xcel proposal to install a massive Regulator Station within the residential Dakota Glen PUD. I have attached my written objection to the proposal and request that you provide my objection to the Planning Commission for consideration during their May 13, 2013 meeting. If you have any questions or if I can provide additional information, please feel free to telephone me at 970-776-9258.

Please confirm receipt of this email and attachments via return email.



Current termination point of gas line



Calvary Church site 1



Calvary Church Site 2



Xcel site @ 14th & Taft, photo 1



Xcel site @ 14th & Taft photo 2



Xcel site @ 14th & Taft photo 3



proposed station site looking north



Dakota Glen open space



Dakota Glen entrance



Dakota Glen entrance from proposed site

Sincerely,

Michael J. Carroll

These photos will be available on SkyDrive for 30 days. To learn more about SkyDrive, click [here](#). To share high quality pictures with your friends and family using MSN Photo E-mail, [join MSN](#).

3402 Red Orchid Ct.
Loveland, CO 80537
May 3, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

I thank you for the opportunity to comment on Xcel Energy's proposal to construct, operate, and maintain the Estes Park Regulator Station in the Dakota Glen neighborhood.

Dakota Glen is a new housing development composed of approximately 50% open space and with homes designed to enjoy the views of the HOA's natural areas and of the wildlife that routinely lives and is found traveling through the area.

Xcel Energy has proposed to destroy the views and habitat by creating an industrial complex right in the middle of our southern view and at the entrance to our community. This industrial area is absolutely inconsistent with the neighborhood, seriously damages the value of existing homes and destroys the very concept of a natural open space upon which homeowners relied upon when investing \$400,000 to \$500,000 in Dakota Glen homes.

Let us examine why Xcel Energy finds it necessary to create such a blight on a high value Loveland neighborhood. Xcel contends that it must build a regulator station in the area because they choose to install a pipeline serving Estes Park, not Loveland, with equipment incapable of safely handling the pressure in the Loveland line. Now Xcel contends that Loveland residents must endure an industrial complex in a residential neighborhood because they saved money installing equipment of lesser capability. I ask the Commission, Is it right for Dakota Glen residents to suffer the consequences of Xcel's money saving initiatives? Of course not; however, that is the proposal you have before you today.

Because of Xcel's choices, it may be necessary to have a regulator station in the proximity of the pipeline that now ends on the south side of 14th St. SW. (see photo) in the Blackbird Knolls neighborhood. Now I'm sure the residents of Blackbird Knolls don't want an industrial regulator station in their neighborhood any more that the residents of Dakota Glen. However, playing favorites by allowing Xcel to blight Dakota Glen in favor of Blackbird Knolls is unacceptable. It is also unacceptable to force the blight at the entrance to Dakota Glen when the prior planned location of the regulator station at the corner of 14th St SW and Wilson was rejected because the residents objected.

What is the answer to this problem created by Xcel? First and foremost, the answer is to move the industrial facility out of a residential neighborhood or at a minimum to the very outskirts of a residential area. Here we have a number of choices. The regulator station could be

co-located at the corner of 14th and Taft with Xcel's existing facility. (see photos) Yes, this will require Xcel to lay some additional pipe, but this is far more appropriate solution to Xcel's choosing undersized, less expensive equipment than is requiring any neighborhood to assume the cost through reduced home values. This option would also allow the line to run straight down Wilson, as it does throughout the remainder of its journey through Loveland, rather than taking a jog through Dakota Glen.

Further west of 14th lies the Calvary United Reform Church property located at 3901 14th St. SW. (see photo 3) This non-residential property is closer to the proposed location, does not rely on open space to support views or property value, and would not suffer a significant negative impact from the regulator station. In fact, I wouldn't be the least bit surprised if the church wasn't interested in leasing a portion of its land to Xcel to help fund its operations.

A much less desirable option is to move the regulator station to the edge of the subdivision and away from our entrance, open space, wildlife area and natural area views. There are several options, but I believe the best is at the southwest corner or the northeast corner of the development. Either of these choices will reduce, but not eliminate the very negative impact of an industrial zone at the entrance to a high dollar residential neighborhood.

There are many other options. I only sight the above options as examples where respecting the rights of Loveland citizens over Xcel profits can easily lead to an acceptable, if not perfect solution.

I ask the commission to once again look at the photos of the existing Xcel facility similar to that proposed for Dakota Glen. Now envision a facility approximately twice this size¹ and ask yourself if this is what we want at the entrance to our Loveland neighborhoods. Please ask yourself if this is how we want to treat open space within the city. Please ask yourself if this is an appropriate use of residential space. Please ask yourself if Loveland residents should suffer the consequences of such an eye sore simply so Xcel can profit. Obviously you must answer no to each question and deny Xcel's request. However, if you feel compelled to bring this blight upon the citizens of Loveland, then I must ask that you require significant camouflage to mitigate the damage.

Xcel acknowledged at the neighborhood meeting that they have existing stations located completely underground. They stated that they didn't want to install the proposed Dakota Glen station underground because they have problems with vault corrosion and perhaps the accumulation of natural gas. Neither of these concerns is close to a valid reason for not hiding the proposed industrial complex underground. Why, because Xcel can easily overcome the stated concerns by using proper materials (my basement doesn't corrode) and by eliminating gas leaks - something we don't want regardless of where the station is located, and by including proper ventilation.

Another option is to install the equipment within a structure in conformance with those existing within the neighborhood. Again Xcel objected to this option because once every seven

¹ The facility size was estimated by counting 8 foot sections of fence. It is approximately 64' X 30' using this method. The proposed Dakota Glen site is 100' x 150'.

years they need to run an “inspection pig” through the line to verify its condition. They “need” this pig to exit the pipe 4 feet above ground so they can have easy access with a boom truck. Again, this is an unsupported objection since the end of the pipe could protrude a very short distance through the wall of the structure much like a fire hose connection point or stylish access doors could easily be installed to allow the necessary access 1 day every seven years. It is noted that the citizens of Loveland and Dakota Glen will see this industrial, above ground regulator station every minute of every day if the current plan is approved. You cannot let that happen.

During the neighborhood meeting attempting to camouflage the industrial complex with a fence, foliage and/or a berm was discussed. These options are simply unrealistic because of the proposed location of the station. Xcel’s proposal is to locate the station in an area approximately 5 feet below the surface of the road. Add to this the four plus feet the pipes are proposed above ground and the height of a person walking, biking, or driving along 14th St. SW and it is easy to see any camouflage would need to be a minimum of 12 feet high. Since privacy fences are not allowed in the development to protect the views of our open space and since 12 foot high berms are totally out of place in the area and since 12 foot high hedges simply don’t exist in the area no proposed method of camouflage even comes close to hiding the industrial complex proposed by Xcel. Additionally, Xcel proposed an open to 14th St. SW entrance blocked from view by bollards and a chain. In other words, no proposal to block the view from the street within approximately 50 yards of the community’s entrance is even proposed. Obviously, property values will fall with Xcel’s industrial complex in full view of any property buyer entering the neighborhood.

Camouflaging brings to light another concern and that is vandalism. Please note that Xcel has found it necessary to surround their existing facility at 14th and Taft with a very tall chain length fence topped with barbed wire. While these fences are prohibited in the community, I must wonder what security concerns Xcel had when determining that this expensive enclosure was warranted and what security concerns will Dakota Glen be subjected to if this complex is installed.

The second issue is with tunneling under Dakota Glen open space rather than following Wilson Street as the rest of the pipeline does. Xcel stated that their engineers studied the area and are sure that there will be no negative impact to the surface area, wetland, pond or dam. If Xcel is allowed to deviate through Dakota Glen then I suggest that Xcel be required to post a bond sufficient to cover the expected future costs of repairing any damage occurring as a result of the pipeline. This bond should run concurrent with the life expectancy of the pipe and 20 years beyond to account for the eventual collapse of the pipe.

Finally, there were comments at the public meeting that insinuated that the developer owned the area and could approve whatever he chooses. This is simply not the case. The developer owns an ever diminishing percentage of the development and as the developer he rightly has the opportunity to maximize his profit. However, until the Dakota Glen is completed the developer is also in control of the HOA, which actually owns the open space. The HOA Board has a fiduciary duty to all homeowners to protect and where possible improve the value of the community. This fiduciary duty supersedes the developer’s right to maximize short term

profits if maximizing developer profits has a detrimental impact on the long term value of the community. In this case, the developer must act to protect the long term value of the community.

Additionally, this issue before the Commission is one of zoning. The developer has a right to express his opinion regarding zoning proposals; however, the Commission's duty is to protect the community and in doing so must weigh the concerns of the citizens it represents much more heavily than the profit motive of a business interest.

I thank you for your time and ask that you choose to protect Dakota Glen homeowners from the blight proposed by Xcel Energy.

Sincerely,

/signed/

Michael J. Carroll

Attachments:
Area photos

3499 Angora Drive
Loveland, CO 80537
May 3, 2013

City of Loveland Planning Commission
500 East Third Street
Loveland, CO 80537

Dear Commissioners:

Thank you for the opportunity to comment on Xcel Energy's proposal to construct, operate, and maintain the Estes Park Regulator Station in the Dakota Glen neighborhood.

We recently moved to the area and specifically chose the city of Loveland and the Dakota Glen subdivision due to its promise of open space and commitment to maintaining natural areas. The proposal to construct an unsightly industrial facility at our entrance is distressing, and we strongly object to building this facility in our neighborhood.

In his letter to you, Michael Carroll has clearly outlined the objections we have as residents. He has also offered a number of alternatives that are available and more appropriate. We will not reiterate those items here. Suffice it to say that the station is not appropriate within a residential neighborhood.

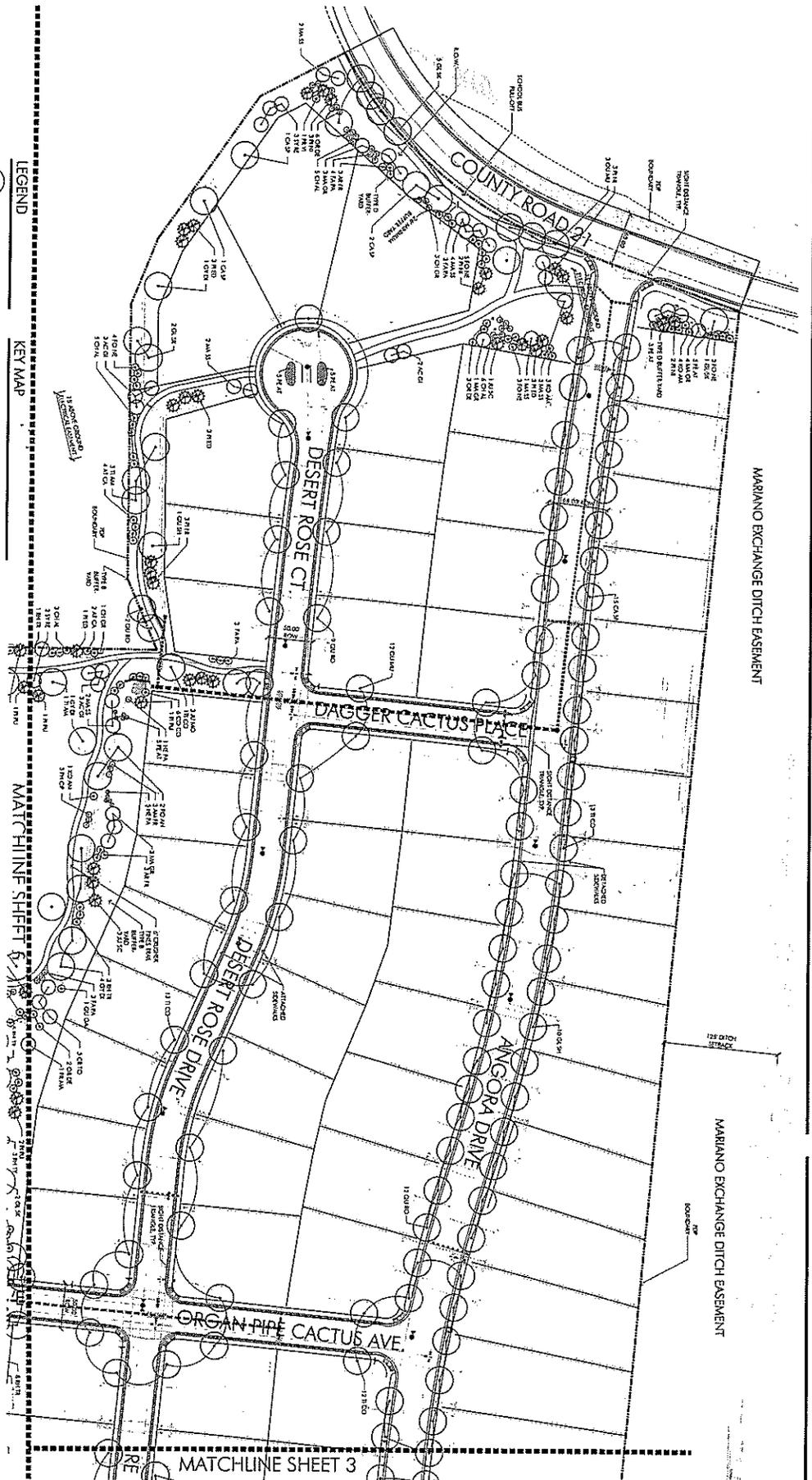
It appears that this project was misrepresented to the residents of Dakota Glen by the developer. As Michael Carroll mentioned, the developer and the HOA have an obligation to do what is best for the neighborhood. Clearly, the proposed regulator station will not enhance the community and is not in the best interest of the residents. The business interests should not be allowed to overrule the interests of the community members who will have to look at this monstrosity on a daily basis, when other more appropriate alternatives are readily available. Additionally, this development is just starting to grow. It is going to be filled with homes that range from the low \$400's and up to over \$500,000 each. This regulator station, if approved, will devalue those properties, and make it much more difficult for prospective buyers to invest in this development, which as you know, has an impact on property taxes going forward. I would think that would be a consideration for the future of Loveland?

This proposal is disturbing on several levels. Economically, it has a negative impact on our property values. The residents here have invested a significant amount on the promise of open space and preserved natural areas. Aesthetically, it is unsightly and detracts from the views and image of our neighborhood. We all chose this area for its natural beauty without industrial obstructions. Finally, there is an inherent and fragile trust that the citizens can appeal to their government representatives to listen to them and respect their opinions and interests, and act responsibly. We ask you – would you want this is your “front yard”?

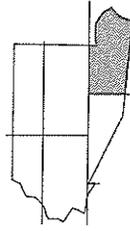
Please support us in moving this industrial facility to another more appropriate location.

Respectfully,

David and Beth Anderson



- LEGEND**
- DECIDUOUS CANOPY TREE
 - ORNAMENTAL TREE
 - ⊗ CONFERIOUS TREE
 - SHRUB BED
 - IRRIGATED TURF
 - MATURE PAV.
 - TRANSITION SEED
 - OPEN LAND SEED



SITE / LANDSCAPE PLAN
DAKOTA GLEN 1ST. SUBDIVISION
 LOVELAND, COLORADO

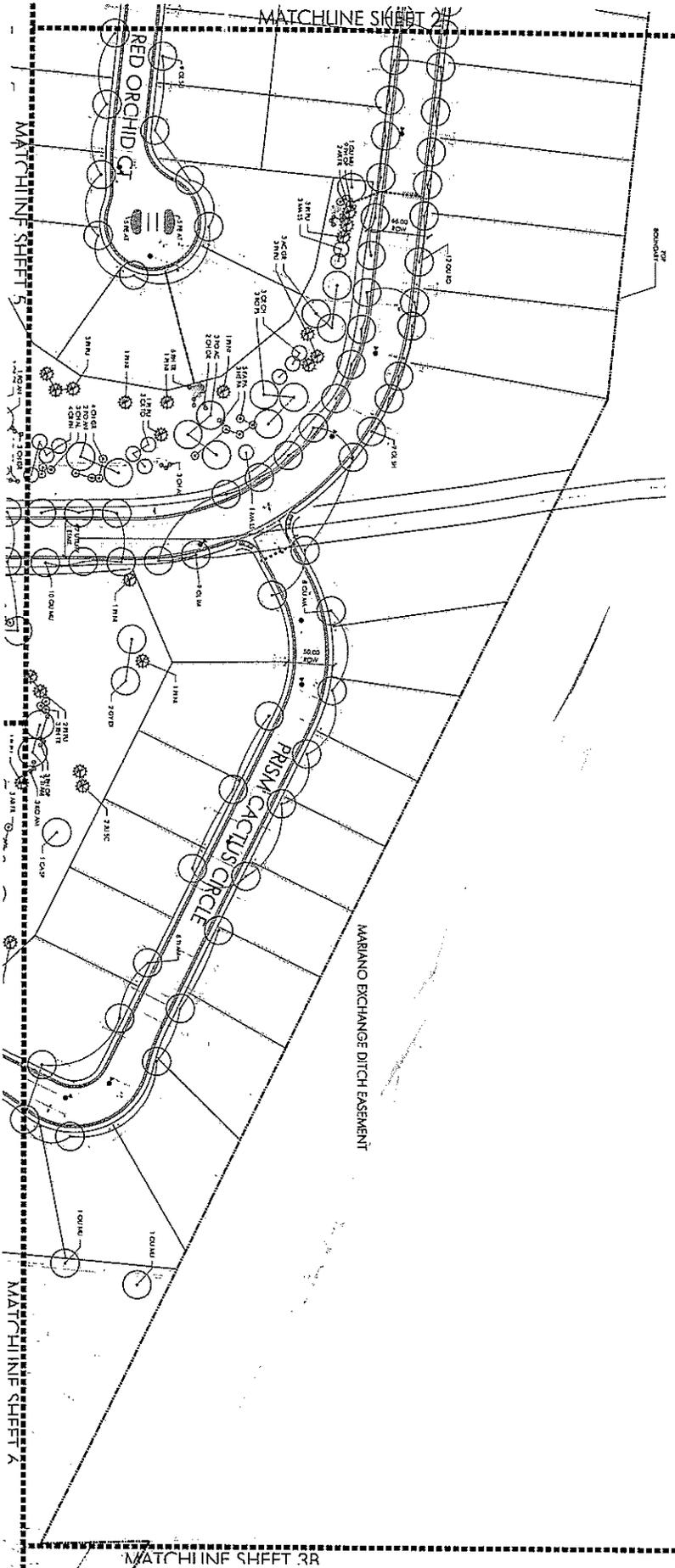
SHE APRI PC ATTACHMENT 6



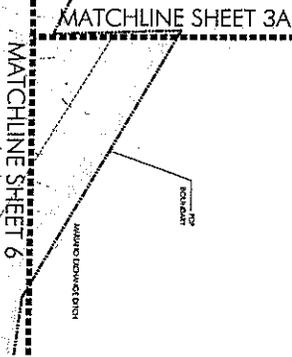
DATE: 08/20/2013 11:00 AM

SHEET 3A

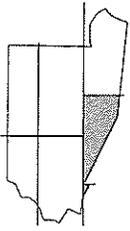
MARIANO EXCHANGE DITCH EASEMENT



SHEET 3B



KEY MAP



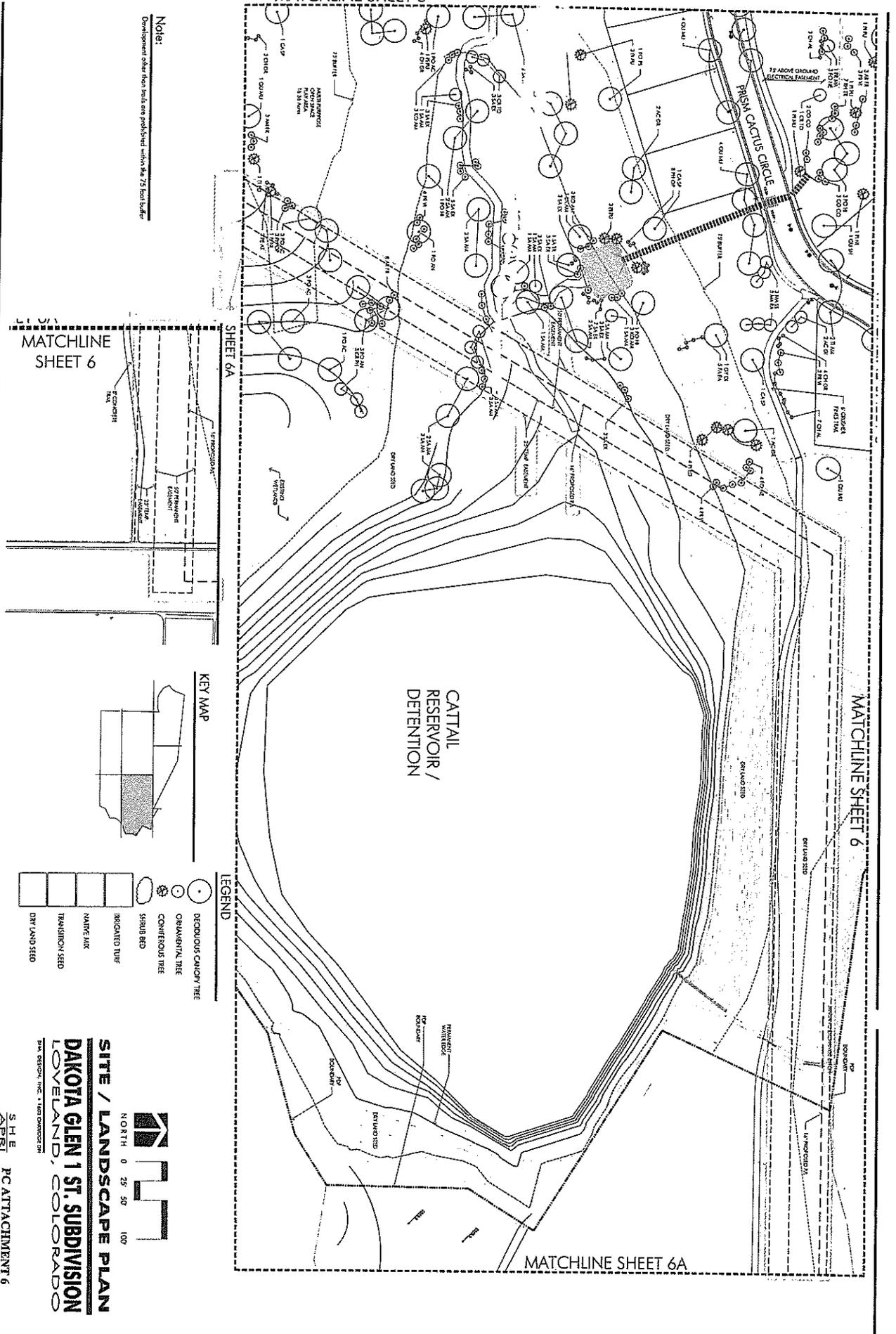
LEGEND

- DECIDUOUS CANOPY TREE
- ORNAMENTAL TREE
- CONIFEROUS TREE
- SHRUB BED
- IRRIGATED TURF
- NATIVE MIX
- TRANSITION SEED
- DRYLAND SEED



SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO
 BAK GRIFFIN, INC. 11520 QUAKER DRIVE
 11520 QUAKER DRIVE, DENVER, CO 80231

SHE
 APR1
 PC ATTACHMENT 6



Note:
Development other than that shown on published information is 75 feet buffer.

MATCHLINE SHEET 6

SHEET 6A

MATCHLINE SHEET 6

CATTAIL RESERVOIR / DETENTION

KEY MAP

- LEGEND
- DECIDUOUS CANOPY TREE
 - ORNAMENTAL TREE
 - CONTIGUOUS TREE
 - SHRUB BED
 - IRRIGATED TURF
 - NATIVE MIX
 - TRANSITION SEED
 - DRYLAND SEED

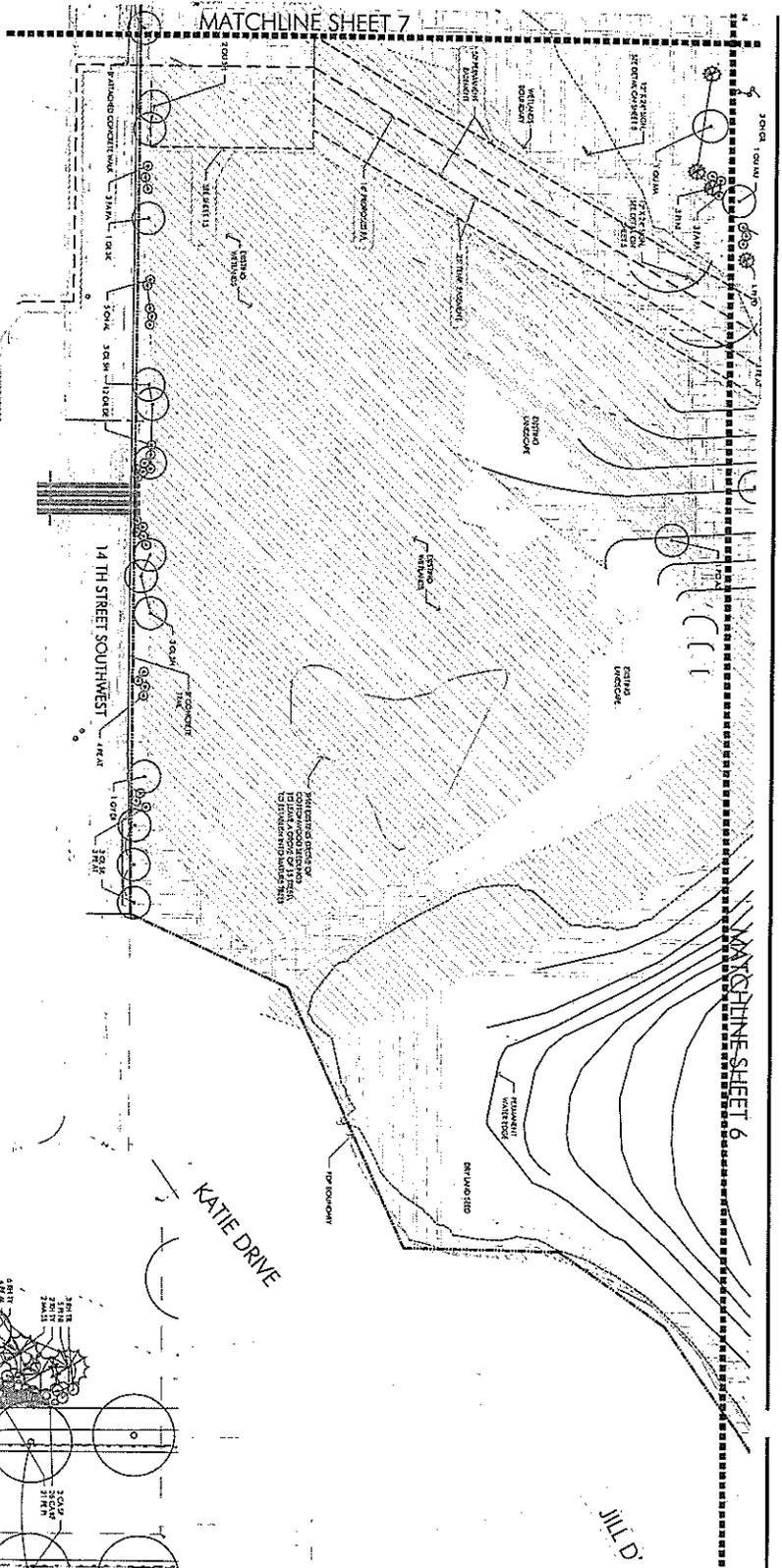
SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

94% DESIGN, INC. • 1100 DIRECTOR DR



NORTH 0 25 50 100'

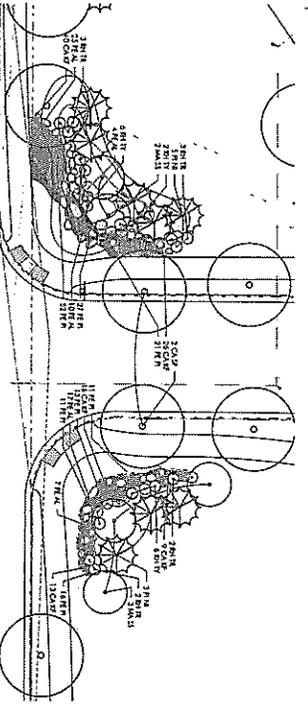
SHEAFFER PARTNERS PC ATTACHMENT 6



PLANT LIST

NO.	Plant Name	Quantity	Size	Notes
DECIDUOUS CANOPY TREES				
61-63	Redbud	2	2.00	12' H
64-66	White Birch	2	2.00	12' H
67-69	Green Ash	2	2.00	12' H
70-72	Black Walnut	2	2.00	12' H
73-75	Red Oak	2	2.00	12' H
76-78	White Oak	2	2.00	12' H
79-81	Yellow Birch	2	2.00	12' H
82-84	Black Cherry	2	2.00	12' H
85-87	Red Maple	2	2.00	12' H
88-90	White Maple	2	2.00	12' H
91-93	Black Maple	2	2.00	12' H
94-96	Red Maple	2	2.00	12' H
97-99	White Maple	2	2.00	12' H
100-102	Black Maple	2	2.00	12' H
103-105	Red Maple	2	2.00	12' H
106-108	White Maple	2	2.00	12' H
109-111	Black Maple	2	2.00	12' H
112-114	Red Maple	2	2.00	12' H
115-117	White Maple	2	2.00	12' H
118-120	Black Maple	2	2.00	12' H
121-123	Red Maple	2	2.00	12' H
124-126	White Maple	2	2.00	12' H
127-129	Black Maple	2	2.00	12' H
130-132	Red Maple	2	2.00	12' H
133-135	White Maple	2	2.00	12' H
136-138	Black Maple	2	2.00	12' H
139-141	Red Maple	2	2.00	12' H
142-144	White Maple	2	2.00	12' H
145-147	Black Maple	2	2.00	12' H
148-150	Red Maple	2	2.00	12' H
151-153	White Maple	2	2.00	12' H
154-156	Black Maple	2	2.00	12' H
157-159	Red Maple	2	2.00	12' H
160-162	White Maple	2	2.00	12' H
163-165	Black Maple	2	2.00	12' H
166-168	Red Maple	2	2.00	12' H
169-171	White Maple	2	2.00	12' H
172-174	Black Maple	2	2.00	12' H
175-177	Red Maple	2	2.00	12' H
178-180	White Maple	2	2.00	12' H
181-183	Black Maple	2	2.00	12' H
184-186	Red Maple	2	2.00	12' H
187-189	White Maple	2	2.00	12' H
190-192	Black Maple	2	2.00	12' H
193-195	Red Maple	2	2.00	12' H
196-198	White Maple	2	2.00	12' H
199-201	Black Maple	2	2.00	12' H
202-204	Red Maple	2	2.00	12' H
205-207	White Maple	2	2.00	12' H
208-210	Black Maple	2	2.00	12' H
211-213	Red Maple	2	2.00	12' H
214-216	White Maple	2	2.00	12' H
217-219	Black Maple	2	2.00	12' H
220-222	Red Maple	2	2.00	12' H
223-225	White Maple	2	2.00	12' H
226-228	Black Maple	2	2.00	12' H
229-231	Red Maple	2	2.00	12' H
232-234	White Maple	2	2.00	12' H
235-237	Black Maple	2	2.00	12' H
238-240	Red Maple	2	2.00	12' H
241-243	White Maple	2	2.00	12' H
244-246	Black Maple	2	2.00	12' H
247-249	Red Maple	2	2.00	12' H
250-252	White Maple	2	2.00	12' H
253-255	Black Maple	2	2.00	12' H
256-258	Red Maple	2	2.00	12' H
259-261	White Maple	2	2.00	12' H
262-264	Black Maple	2	2.00	12' H
265-267	Red Maple	2	2.00	12' H
268-270	White Maple	2	2.00	12' H
271-273	Black Maple	2	2.00	12' H
274-276	Red Maple	2	2.00	12' H
277-279	White Maple	2	2.00	12' H
280-282	Black Maple	2	2.00	12' H
283-285	Red Maple	2	2.00	12' H
286-288	White Maple	2	2.00	12' H
289-291	Black Maple	2	2.00	12' H
292-294	Red Maple	2	2.00	12' H
295-297	White Maple	2	2.00	12' H
298-300	Black Maple	2	2.00	12' H
301-303	Red Maple	2	2.00	12' H
304-306	White Maple	2	2.00	12' H
307-309	Black Maple	2	2.00	12' H
310-312	Red Maple	2	2.00	12' H
313-315	White Maple	2	2.00	12' H
316-318	Black Maple	2	2.00	12' H
319-321	Red Maple	2	2.00	12' H
322-324	White Maple	2	2.00	12' H
325-327	Black Maple	2	2.00	12' H
328-330	Red Maple	2	2.00	12' H
331-333	White Maple	2	2.00	12' H
334-336	Black Maple	2	2.00	12' H
337-339	Red Maple	2	2.00	12' H
340-342	White Maple	2	2.00	12' H
343-345	Black Maple	2	2.00	12' H
346-348	Red Maple	2	2.00	12' H
349-351	White Maple	2	2.00	12' H
352-354	Black Maple	2	2.00	12' H
355-357	Red Maple	2	2.00	12' H
358-360	White Maple	2	2.00	12' H
361-363	Black Maple	2	2.00	12' H
364-366	Red Maple	2	2.00	12' H
367-369	White Maple	2	2.00	12' H
370-372	Black Maple	2	2.00	12' H
373-375	Red Maple	2	2.00	12' H
376-378	White Maple	2	2.00	12' H
379-381	Black Maple	2	2.00	12' H
382-384	Red Maple	2	2.00	12' H
385-387	White Maple	2	2.00	12' H
388-390	Black Maple	2	2.00	12' H
391-393	Red Maple	2	2.00	12' H
394-396	White Maple	2	2.00	12' H
397-399	Black Maple	2	2.00	12' H
400-402	Red Maple	2	2.00	12' H
403-405	White Maple	2	2.00	12' H
406-408	Black Maple	2	2.00	12' H
409-411	Red Maple	2	2.00	12' H
412-414	White Maple	2	2.00	12' H
415-417	Black Maple	2	2.00	12' H
418-420	Red Maple	2	2.00	12' H
421-423	White Maple	2	2.00	12' H
424-426	Black Maple	2	2.00	12' H
427-429	Red Maple	2	2.00	12' H
430-432	White Maple	2	2.00	12' H
433-435	Black Maple	2	2.00	12' H
436-438	Red Maple	2	2.00	12' H
439-441	White Maple	2	2.00	12' H
442-444	Black Maple	2	2.00	12' H
445-447	Red Maple	2	2.00	12' H
448-450	White Maple	2	2.00	12' H
451-453	Black Maple	2	2.00	12' H
454-456	Red Maple	2	2.00	12' H
457-459	White Maple	2	2.00	12' H
460-462	Black Maple	2	2.00	12' H
463-465	Red Maple	2	2.00	12' H
466-468	White Maple	2	2.00	12' H
469-471	Black Maple	2	2.00	12' H
472-474	Red Maple	2	2.00	12' H
475-477	White Maple	2	2.00	12' H
478-480	Black Maple	2	2.00	12' H
481-483	Red Maple	2	2.00	12' H
484-486	White Maple	2	2.00	12' H
487-489	Black Maple	2	2.00	12' H
490-492	Red Maple	2	2.00	12' H
493-495	White Maple	2	2.00	12' H
496-498	Black Maple	2	2.00	12' H
499-501	Red Maple	2	2.00	12' H
502-504	White Maple	2	2.00	12' H
505-507	Black Maple	2	2.00	12' H
508-510	Red Maple	2	2.00	12' H
511-513	White Maple	2	2.00	12' H
514-516	Black Maple	2	2.00	12' H
517-519	Red Maple	2	2.00	12' H
520-522	White Maple	2	2.00	12' H
523-525	Black Maple	2	2.00	12' H
526-528	Red Maple	2	2.00	12' H
529-531	White Maple	2	2.00	12' H
532-534	Black Maple	2	2.00	12' H
535-537	Red Maple	2	2.00	12' H
538-540	White Maple	2	2.00	12' H
541-543	Black Maple	2	2.00	12' H
544-546	Red Maple	2	2.00	12' H
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562-564	Red Maple	2	2.00	12' H
565-567	White Maple	2	2.00	12' H
568-570	Black Maple	2	2.00	12' H
571-573	Red Maple	2	2.00	12' H
574-576	White Maple	2	2.00	12' H
577-579	Black Maple	2	2.00	12' H
580-582	Red Maple	2	2.00	12' H
583-585	White Maple	2	2.00	12' H
586-588	Black Maple	2	2.00	12' H
589-591	Red Maple	2	2.00	12' H
592-594	White Maple	2	2.00	12' H
595-597	Black Maple	2	2.00	12' H
598-600	Red Maple	2	2.00	12' H

ENTRY PLANTING



SITE / LANDSCAPE PLAN

DAKOTA GLEN 1 ST. SUBDIVISION

LOVELAND, COLORADO

SH&E APRIIL

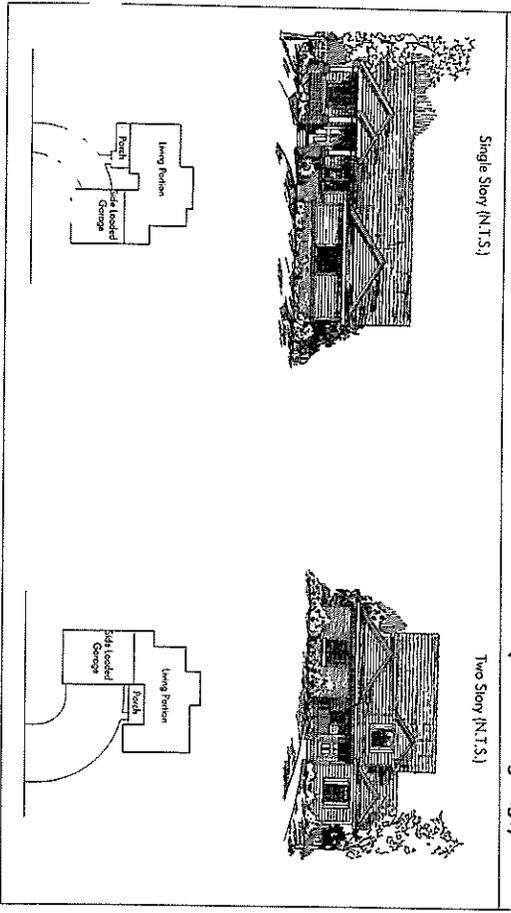
PC ATTACHMENT 6

SCALE 1" = 20'

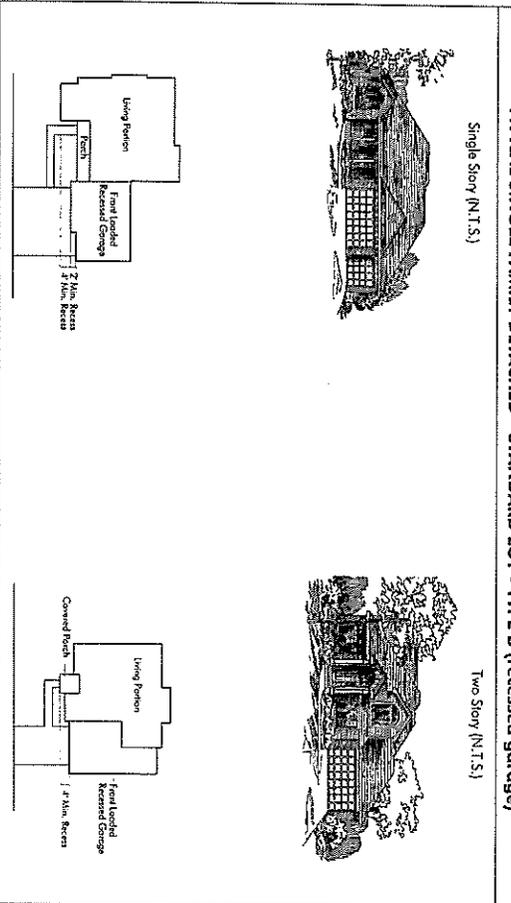
NORTH 0 25 50 100

Note: Developed either from seeds or published within the 25 East Slope.

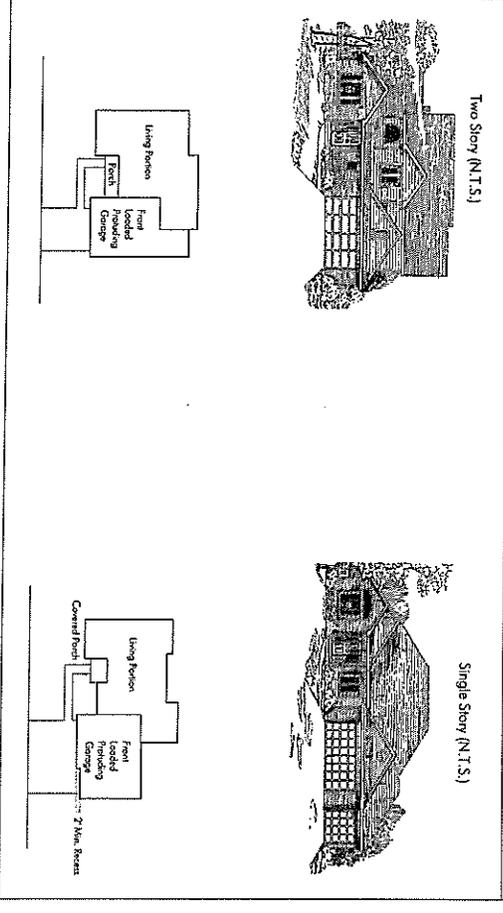
TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE A (side loaded garage)



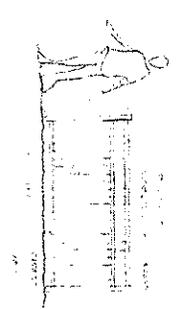
TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE B (recessed garage)



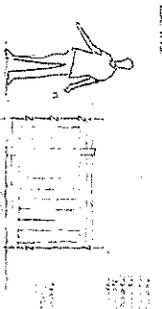
TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE C (protruding garage)



TYPICAL STEEL FENCE

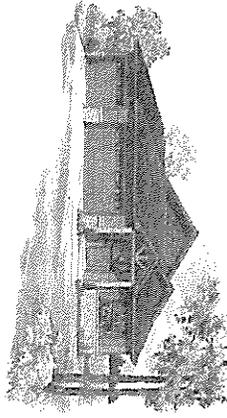
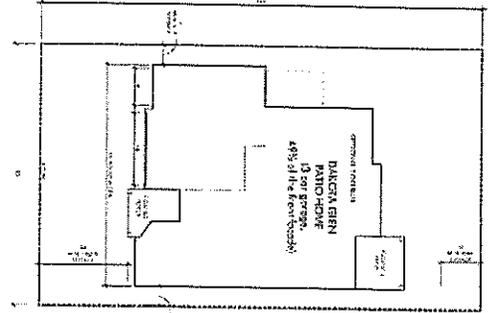


TYPICAL CEDAR FENCE

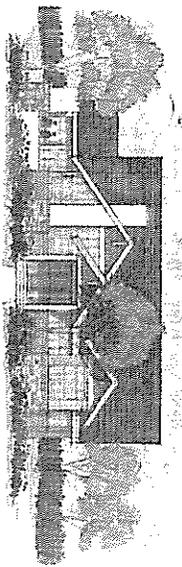
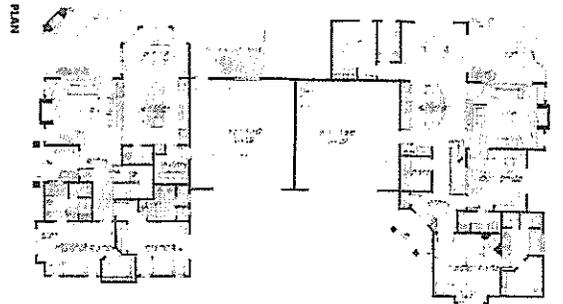


ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
FIRST AMENDMENT
 LOVELAND, COLORADO
 SH&P ARCHITECTS, INC. • 1103 COMMERCE DR.

TYPICAL SINGLE FAMILY DETACHED - PATIO HOME

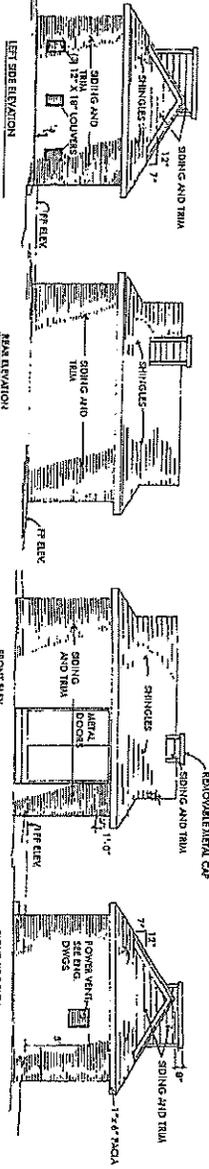


TYPICAL SINGLE FAMILY ATTACHED



ELEVATION

TYPICAL PUMPHOUSE



Note: These elevations are preliminary. Some revisions will occur with the development of each project.

ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
 BRYN OUSTON, INC. • 1123 OUSTON

SHI
 PC ATTACHMENT 6

**PLANNED UNIT DEVELOPMENT
LARIMER 2013 - 16" WEST MAIN NATURAL GAS PIPELINE REPLACEMENT
(ESTES PARK REGULATOR STATION & UNDERGROUND PIPELINE IN DAKOTA GLEN PUD)
CITY OF LOVELAND
FEBRUARY 2013**

Zoning	F-48
Site Area	7.48 acres
Land Use	Natural gas pipeline and public utility facility
Setback	1. 7' Sid. 200' R.O. 2. Front - 300' R.O. 3. Natural Gas Regulation - 200' R.O.
Building Occupancy	1. Construction type - Type 2A 2. Construction type - Type 2A 3. Construction type - Type 2A
Typical Construction	1. Construction type - Type 2A 2. Construction type - Type 2A 3. Construction type - Type 2A
Cracking Source	1. Construction type - Type 2A 2. Construction type - Type 2A 3. Construction type - Type 2A
Landscaping	1. Construction type - Type 2A 2. Construction type - Type 2A 3. Construction type - Type 2A
Open Space	1. Construction type - Type 2A 2. Construction type - Type 2A 3. Construction type - Type 2A
FEMA Floodplain	1. Construction type - Type 2A 2. Construction type - Type 2A 3. Construction type - Type 2A

Standard Site Plan Notes:

1. Unless otherwise noted, all land and address will be unchanged or related to their original condition.
2. Legal descriptions of all Public Service Company easements are included in the legal description page.
3. Regulator stations do not yet have an address assigned by the City of Loveland.
4. Final architectural design of regulator stations will be completed after final input from the City of Loveland.
5. The construction of two valve stations or pipelines in this plan shall be completed in one phase.
6. There will be no paved parking or bicycle racks provided and no signage of vehicles on site.
7. All signs shall be installed and maintained by Public Service Company employees. There will be no permanent other construction signs.
8. The date of the statements in this plan is within fifty (50) days of the date of the final plan and resolution as established by the Army Corps of Engineers as wetlands or as land designated as having special flood hazard by the State Conservation Service.
9. No area of the easements in this plan is within the flood hazard area.
10. The area depicted on this plan is an abstract of the record plan by the Colorado Division of Mines as an easement for the purpose of the gas pipeline. This drawing is not intended to be a legal description of the property.



DRAWING INDEX

REVISION	SHEET NO.	DRAWING NO.	DRAWING TITLE
A	1	2000	COVER SHEET
A	2	2001	LEGAL DESCRIPTION
A	3	2002	GENERAL NOTES
A	4	2003	GRADING PLAN
A	5	2004	BUILDING PLAN & DETAILS



**XCEL PLANNED UNIT DEVELOPMENT (1 OF 5)
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO**

BAM DESIGN, INC. • 1430 CHERRY ST.
LOVELAND, CO 80538



OVERALL PLAN VIEW
SCALE 1" = 100'



XCEL PLANNED UNIT DEVELOPMENT (2 OF 5)
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
 BVA DESIGN, INC. • 1/18/2008/002E
 SHE PC ATTACHMENT 6



Existing Environment



Photographic Simulation

Disclaimer: Detailed design drawings to be submitted with building permit applications. Design drawings will substantially comply with the details included on this drawing.

Parameter	Control House	Aboveground Pipeline	Price	Billboard
Use	Control house for gas from higher to lower pressure as the gas would flow from the 48 inch transmission pipeline to the 36 inch distribution pipeline.	Transmission natural gas	Something of aboveground gas piping	Extensive Sign
Quantity	1	2	21,000.00	2
Height	10 feet	6 feet 6.5 feet	11 feet 11 feet 4	20 feet
Length	30 feet	11 feet 11 feet 4	5 feet 6 feet 8 feet 4	10 feet
Width	20 feet	6 feet 6 feet 4	5 feet 6 feet 20 feet 20 feet	10 feet
Area	2,000 square feet	66 square feet 66 square feet 66 square feet 21,507 square feet 142,000	2,000 square feet 2,000 square feet 2,000 square feet 2,000 square feet 2,000	105,000 square feet
Additional Design	Specify and design based upon review conducted this year for the control house.	Based on design of the gas pipeline.	Based on design of the gas pipeline.	Based on design of the gas pipeline.
Form Message	None	None	None	None
Material	Galvanized steel	Galvanized steel	Galvanized steel	Galvanized steel
Notes	Control house for gas from higher to lower pressure as the gas would flow from the 48 inch transmission pipeline to the 36 inch distribution pipeline.	Transmission natural gas	Something of aboveground gas piping	Extensive Sign

XCEL PLANNED UNIT DEVELOPMENT (4 OF 5)
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
 BROWN DESIGN, INC. • 1630 GAMMA DRIVE • DENVER, CO 80202 • TEL: 727-9331

S H E
 M A N
 PC ATTACHMENT 6

LEGISLATIVE COUNCIL'S FIRST AMENDMENT TO THE PUD PRELIMINARY DEVELOPMENT PLAN NARRATIVE

PRELIMINARY DEVELOPMENT PLAN NARRATIVE

Background and Purpose

The purpose of this preliminary development plan is to provide a framework for the development of the project area...

General Objectives

- 1. Provide a framework for the development of the project area...
2. Establish a clear and concise set of guidelines...

Guidelines

- 1. Land Use: The land use shall be consistent with the...
2. Building Height: The maximum height shall be...

Standards

- 1. All buildings shall be constructed in accordance with...
2. The minimum lot size shall be...

Other Provisions

- 1. The applicant shall provide a site plan showing...
2. The applicant shall provide a landscape plan...

Conclusion

This preliminary development plan is intended to provide a clear and concise set of guidelines for the development of the project area...

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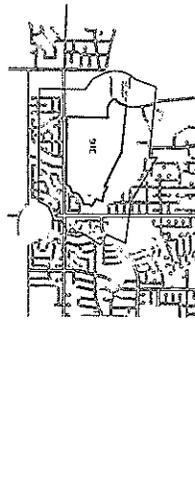
Conclusion

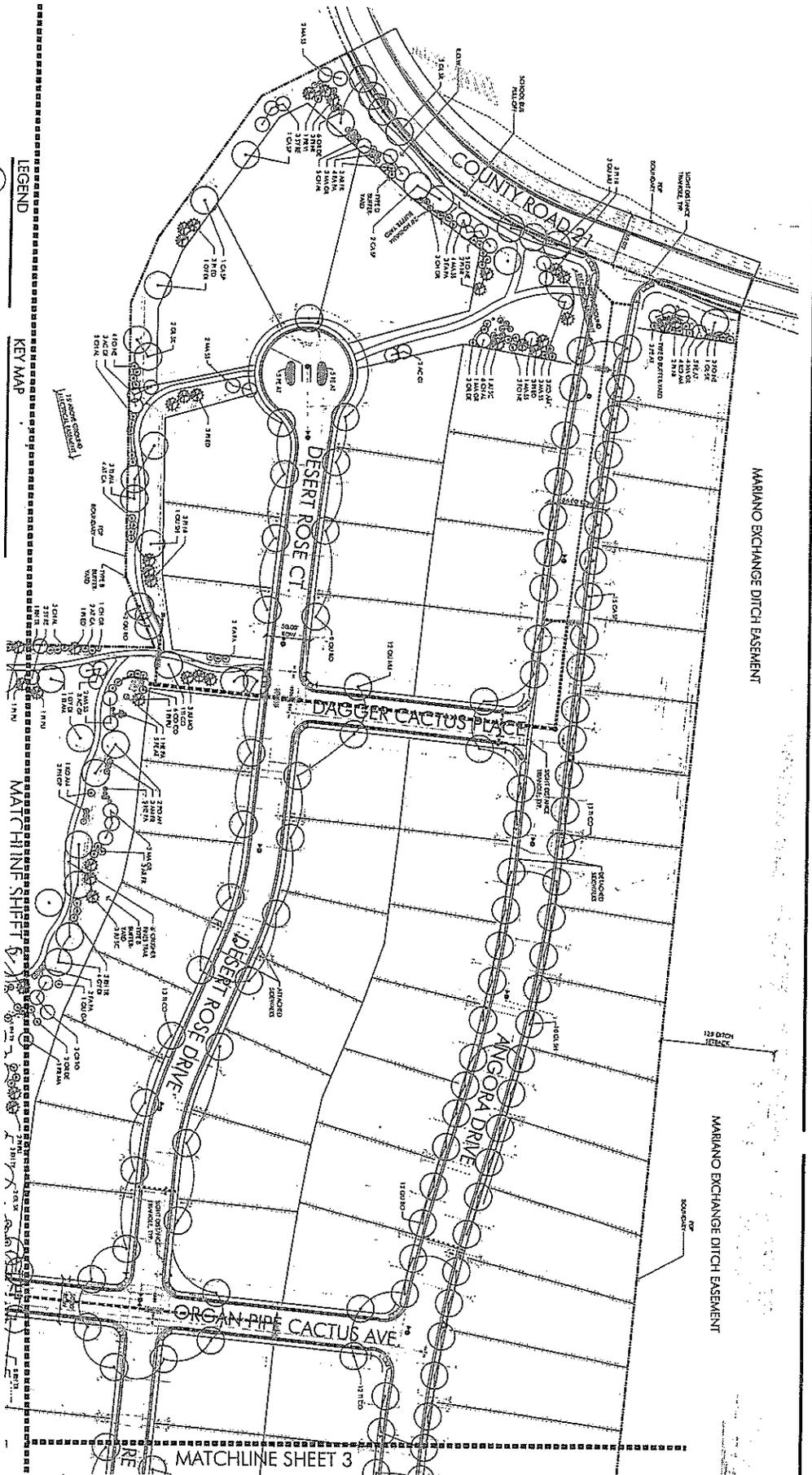
This preliminary development plan is intended to provide a clear and concise set of guidelines for the development of the project area...

DAKOTA GLEN 1ST SUBDIVISION
LOVELAND, COLORADO
PDP NARRATIVE
SHE 1
PC ATTACHMENT 6

Table with 4 columns: UNIT TYPE, MINIMUM AREA, MINIMUM LOT AREA, MINIMUM LOT AREA. Rows include Single-Family Detached, Single-Family Attached, etc.

VICINITY MAP showing the location of the project area within the Loveland area.





- LEGEND**
- DECIDUOUS CANOPY TREE
 - ORNAMENTAL TREE
 - CONIFEROUS TREE
 - SHRUB BED
 - BORDOARD TUBE
 - NATIVE MAT
 - TRANSITION SEED
 - DRY LAND SEED



SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO

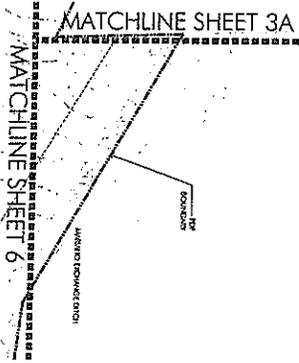
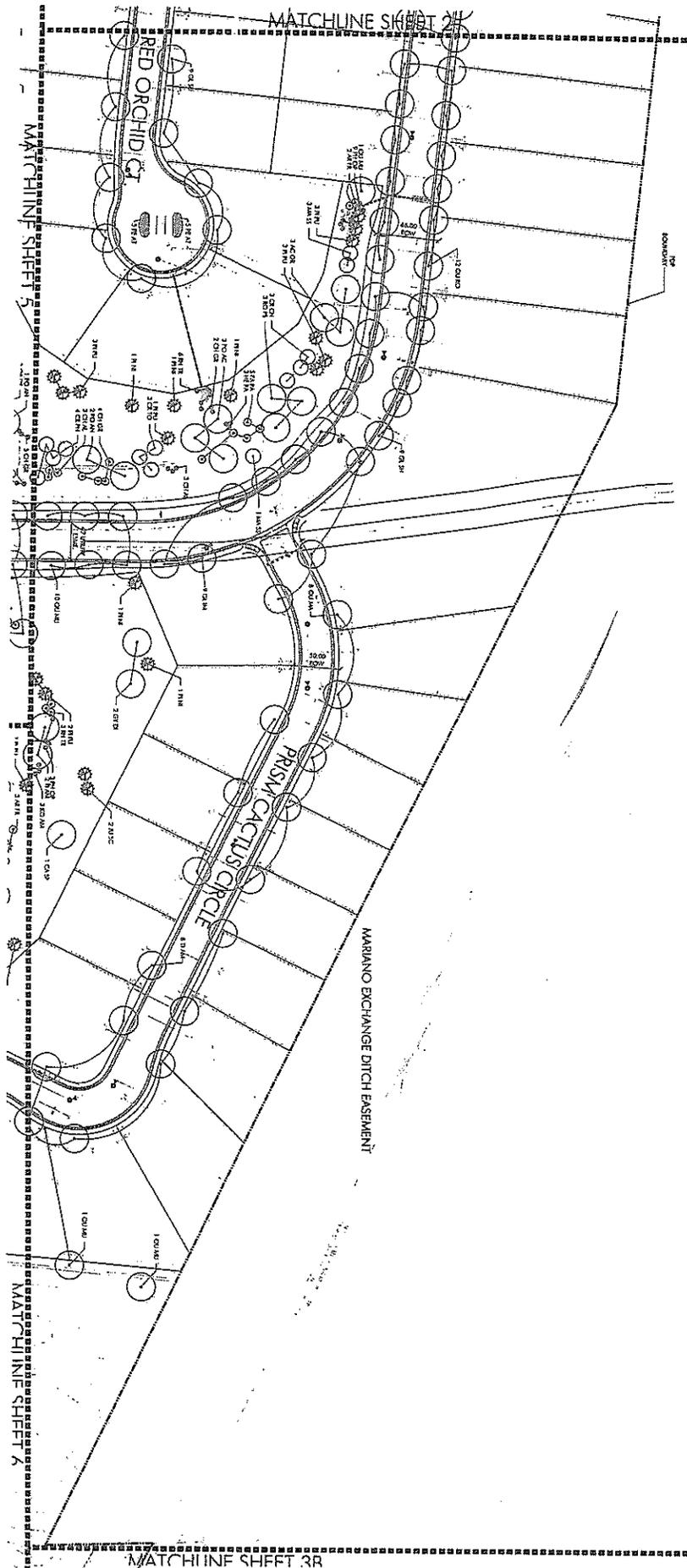
S.H.E.
 APR 11
 PC ATTACHMENT 6



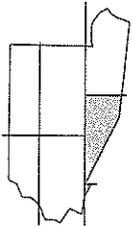
MATCHLINE SHEET 3

SHEET 3A

MARIANO EXCHANGE DITCH EASEMENT



KEY MAP



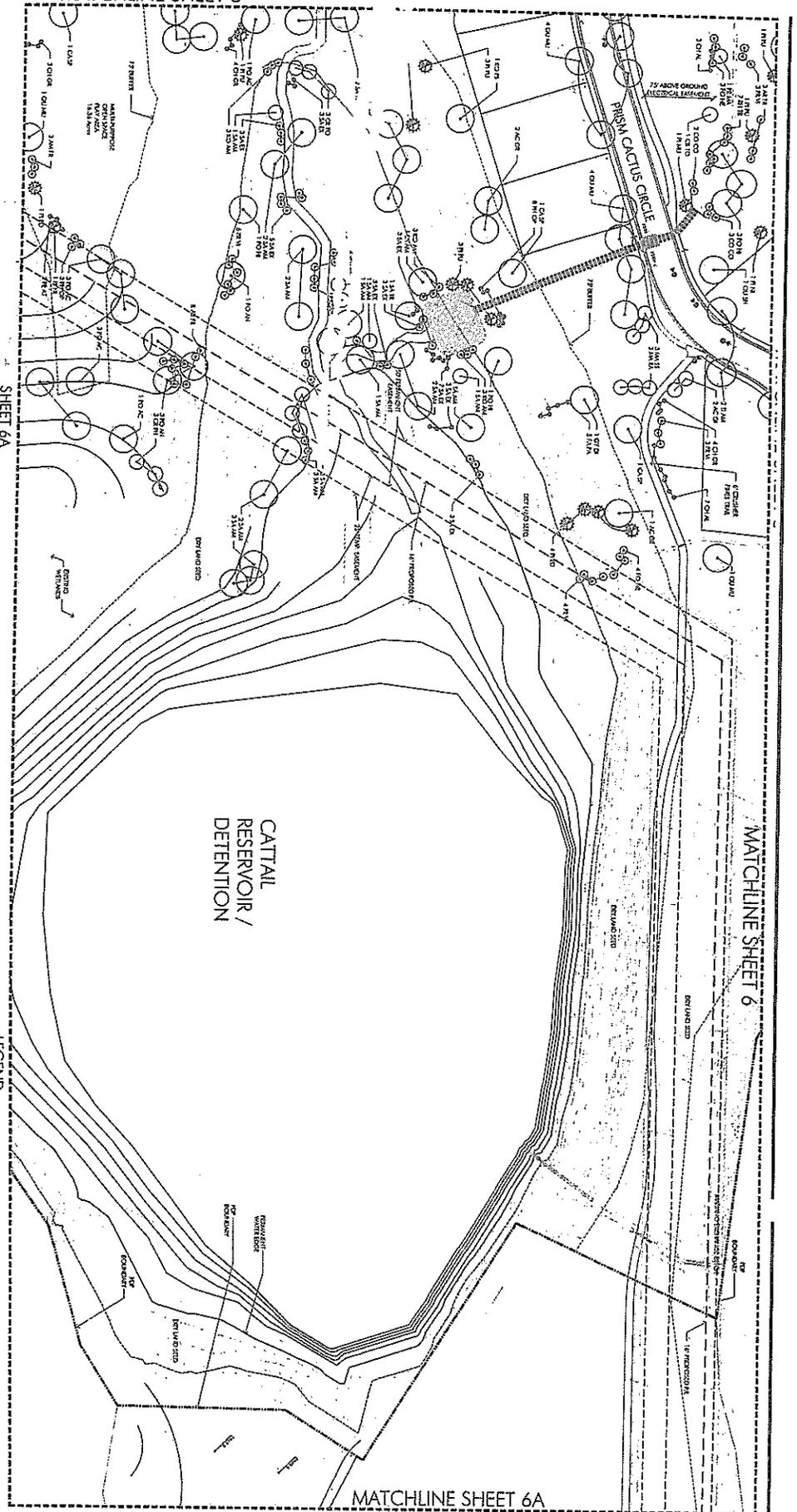
LEGEND

- DECIDUOUS CANOPY TREE
- ORNAMENTAL TREE
- CONIFEROUS TREE
- SHRUB BED
- IRRIGATED TURF
- NATIVE MIX
- TRANSITION SEED
- DRY LAND SEED



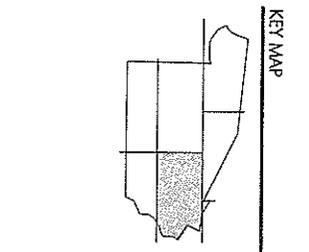
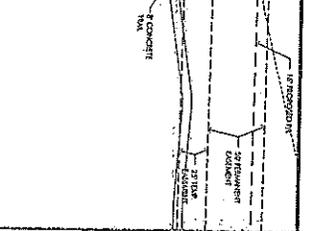
SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO

SHE
 APPR
 PC ATTACHMENT 6



Note:
Development other than roads are prohibited within the 75 foot buffer

MATCHLINE SHEET 6

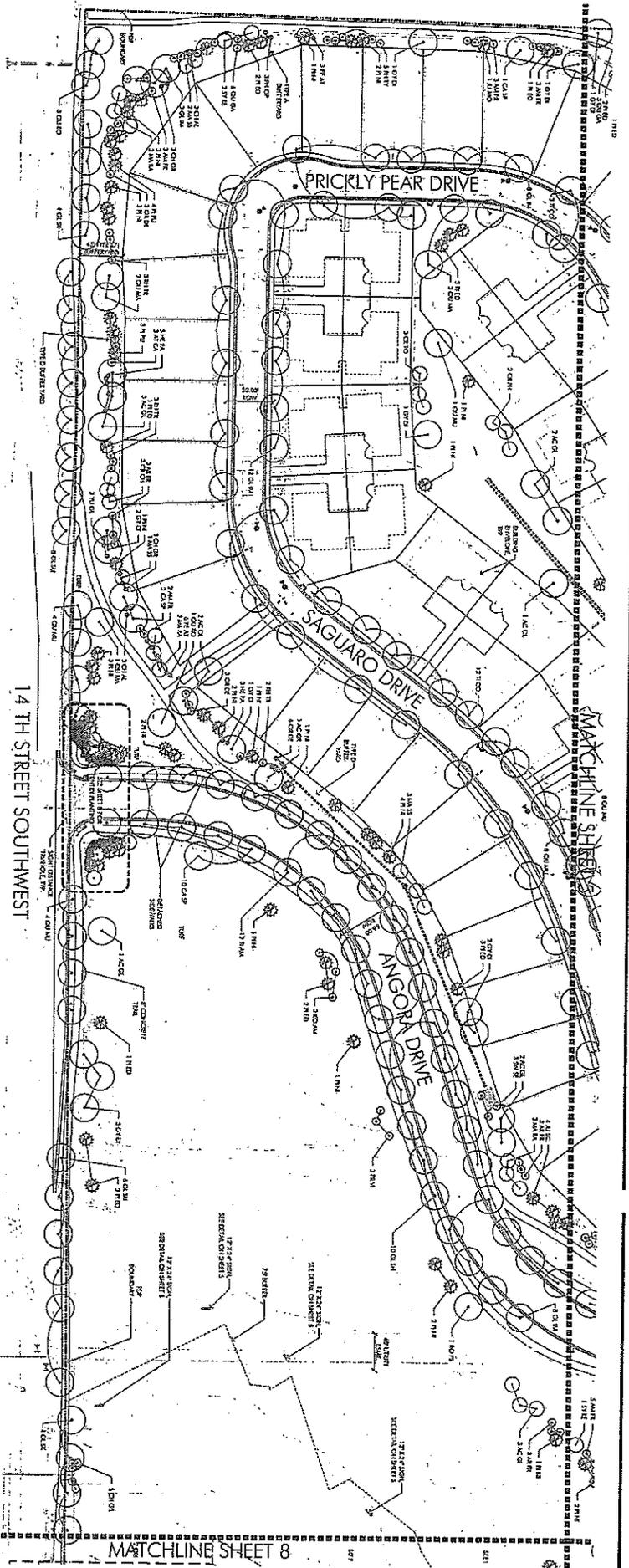


LEGEND

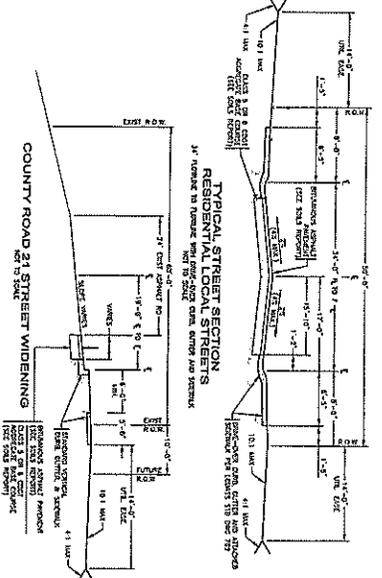
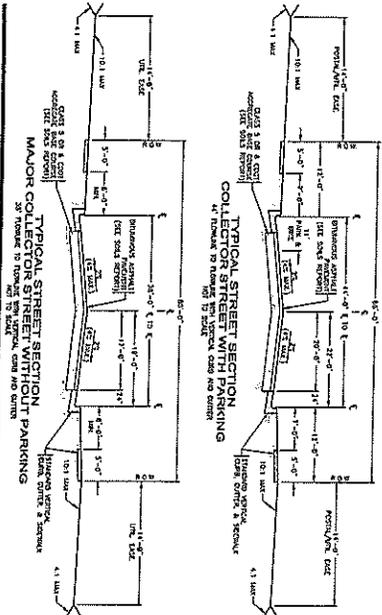
	DECIDUOUS CANOPY TREE
	ORNAMENTAL TREE
	CONIFEROUS TREE
	SINGLE RED
	IRRIGATED TULF
	NATIVE OAK
	TRANSITION SEED
	DRYLAND SEED

DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

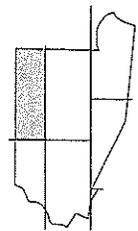
SHE
APR
PC ATTACHMENT 6



Note:
Developed under these rules are published within the 75-foot buffer.



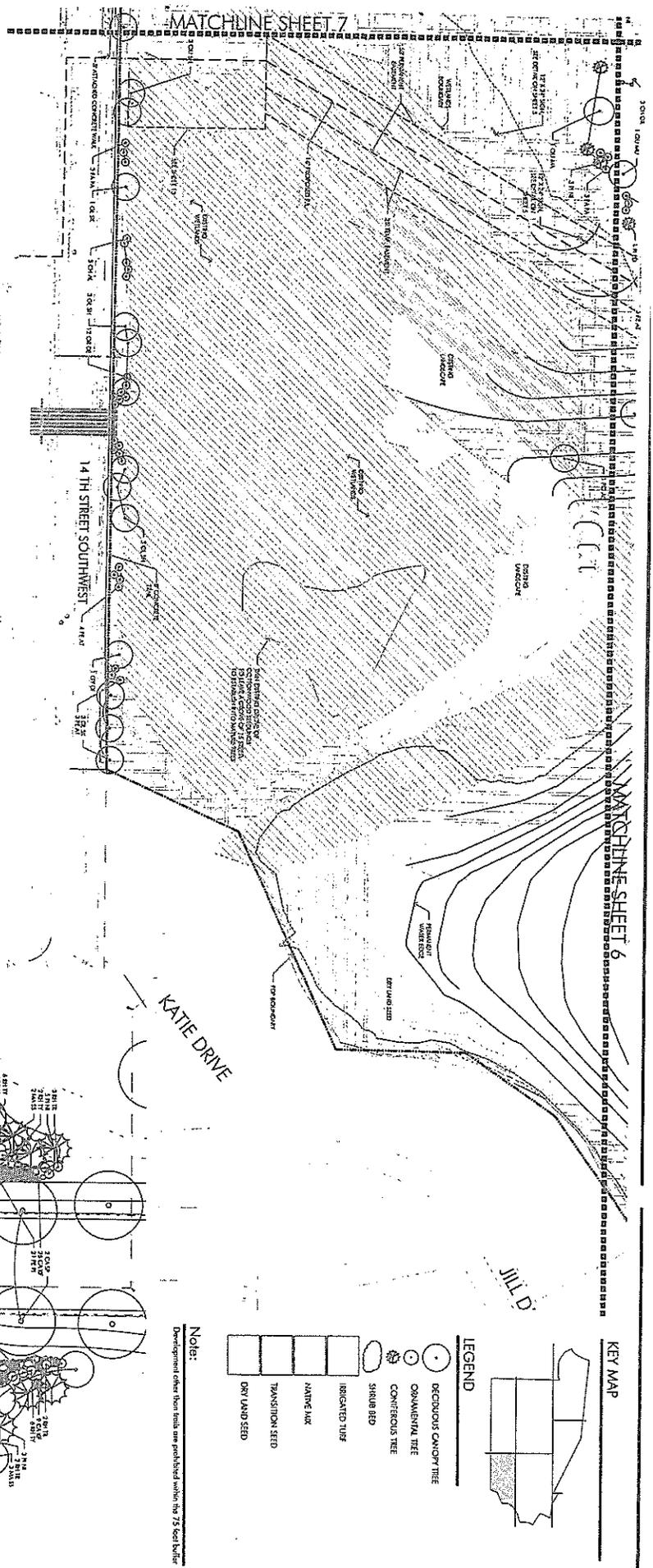
- LEGEND**
- DECIDUOUS CANOPY TREE
 - ORNAMENTAL TREE
 - CONIFEROUS TREE
 - SHRUB BED
 - IRRIGATED TURF
 - NATIVE MIX
 - TRANSITION SEED
 - DRY/LAND SEED



SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

SH E
PC ATTACHMENT 6

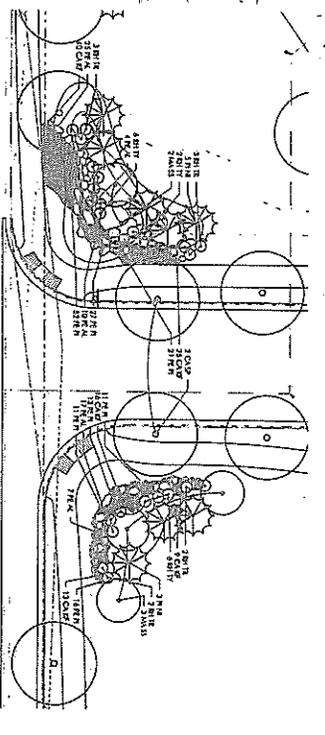
MATCHLINE SHEET 8



PLANT LIST

Code	Plant Name	Quantity	Plant Size	Plant Type	Plant Notes
DC-01	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-02	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-03	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-04	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-05	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-06	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-07	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-08	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-09	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-10	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-11	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-12	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-13	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-14	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-15	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-16	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-17	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-18	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-19	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-20	Deciduous Ornamental Tree	1	12" DBH	Tree	...
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DC-90	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-91	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-92	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-93	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-94	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-95	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-96	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-97	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-98	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-99	Deciduous Ornamental Tree	1	12" DBH	Tree	...
DC-100	Deciduous Ornamental Tree	1	12" DBH	Tree	...

ENTRY PLANTING

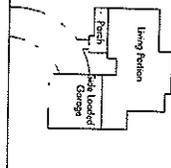
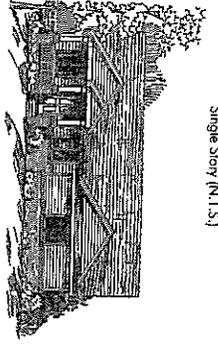


DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
 SHEE APRIL
 PC ATTACHMENT 6

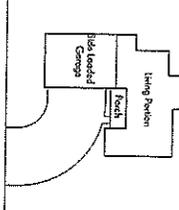
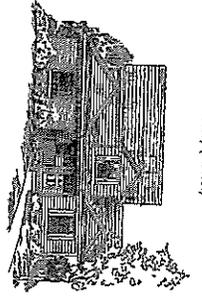
Note:
 Development other than stals are published within the 75 foot buffer

TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE A (side loaded garage)

Single Story (N.T.S.)

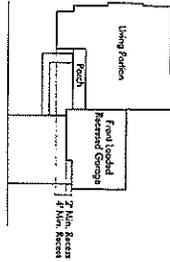
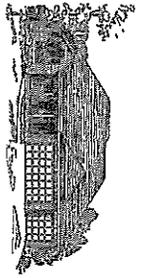


Two Story (N.T.S.)

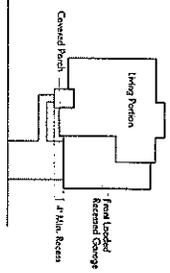
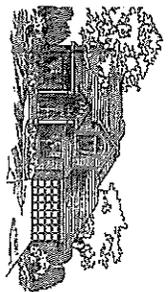


TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE B (recessed garage)

Single Story (N.T.S.)

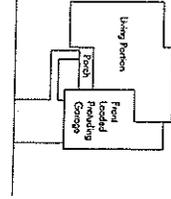
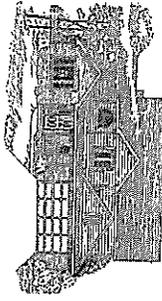


Two Story (N.T.S.)

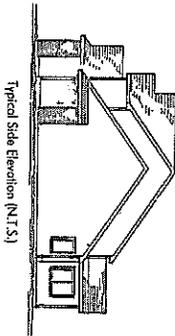
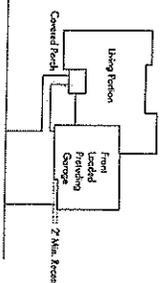
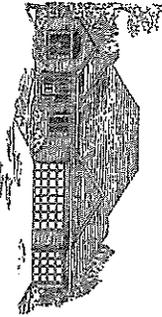


TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE C (protruding garage)

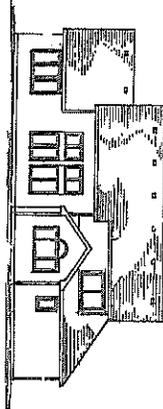
Two Story (N.T.S.)



Single Story (N.T.S.)



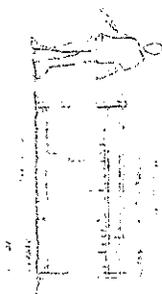
Typical Side Elevation (N.T.S.)



Typical Rear Elevation (N.T.S.)

Note: Elevations are preliminary. Some windows will require site development of each project.

TYPICAL STEEL FENCE

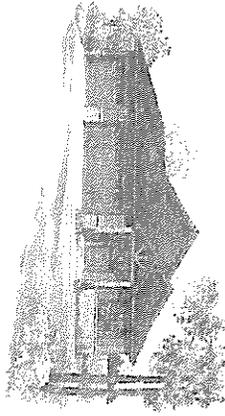
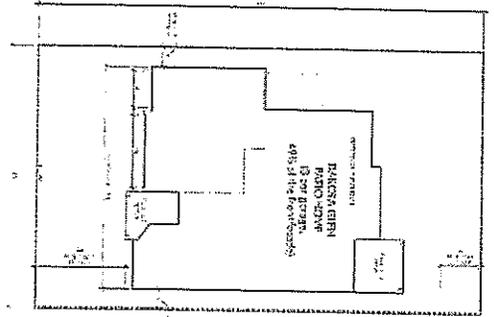


TYPICAL CEDAR FENCE

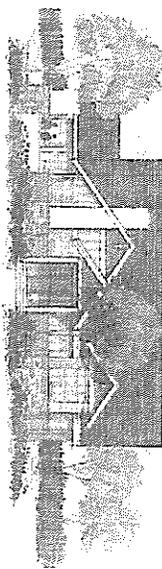
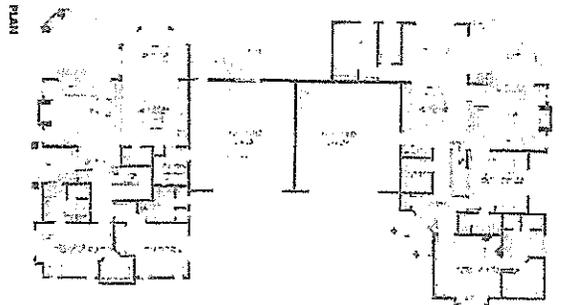


ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
FIRST AMENDMENT
LOVELAND, COLORADO
DATE: 03/20/24, PLOT: 1102, DRAWING BY: [unintelligible]

TYPICAL SINGLE FAMILY DETACHED - PATIO HOME

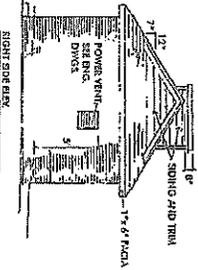
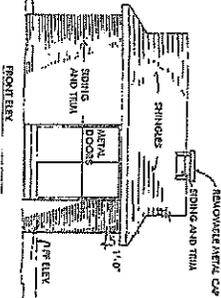
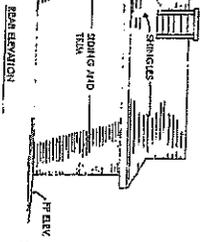
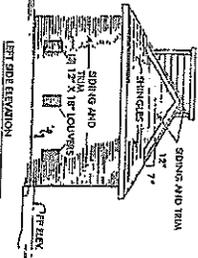


TYPICAL SINGLE FAMILY ATTACHED



ELEVATION

TYPICAL PUMPHOUSE



Note: Elevations are preliminary. Some materials will occur with the development of final plans.

ARCHITECTURAL ELEVATIONS
 DAKOTA GLEN FINAL DEVELOPMENT PLAN
 DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO
 1000 GARDEN, P.O. BOX 11000 DENVER

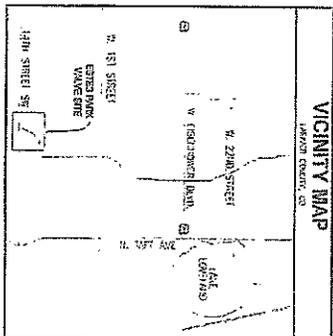
SH&E PC ATTACHMENT 6
 A/P/F

**PLANNED UNIT DEVELOPMENT
LARAMIE 2013 - 16" WEST MAIN NATURAL GAS PIPELINE REPLACEMENT
(ESTES PARK REGULATOR STATION & UNDERGROUND PIPELINE IN DAKOTA GLEN PUD)
CITY OF LOVELAND
FEBRUARY 2013**

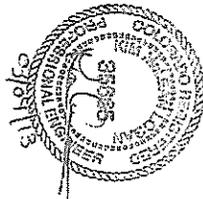
Zone	1 (R)	2 (R)
City Map	1. 24' zone	
Land Use	Residential gas pipeline and public utility facility	
Significance	1. 100' - 500 sq. ft. 2. 100' - 200 sq. ft.	
Public Accessory	3. 100' - 200 sq. ft.	
Type of Construction	1. 100' - 200 sq. ft. 2. 100' - 200 sq. ft.	
Building Height	1. 100' - 200 sq. ft. 2. 100' - 200 sq. ft.	
Landscaping	1. 100' - 200 sq. ft. 2. 100' - 200 sq. ft.	
Open Space	1. 100' - 200 sq. ft. 2. 100' - 200 sq. ft.	
FEAR Response	1. 100' - 200 sq. ft. 2. 100' - 200 sq. ft.	

Standard Site Plan Notes:

- Unless otherwise noted, land use codes shall be unchanged or referred to their original condition.
- Legal descriptions of all Public Service Company easements are included in the legal description report.
- Regulatory articles do not yet have an address assigned by the City of Loveland.
- Final easement design of regular utilities will be completed and reflected from the City of Loveland.
- The construction of any other easements or pipelines on the plans shall be completed in accordance with the City of Loveland.
- Notes will be in 12" font and bolded text will be in 14" font.
- All notes will be in 12" font and bolded text will be in 14" font.
- The area of the easement shall be in 12" font and bolded text will be in 14" font.
- The area of the easement shall be in 12" font and bolded text will be in 14" font.



NO.	DESCRIPTION	REVISION	TITLE
1	GENERAL	2013	GENERAL SHEET
2	1	2013	LEGAL DESCRIPTION
3	2	2013	OVERSEEN PLAN
4	3	2013	UNDERGROUND PIPELINE



**XCEL PLANNED UNIT DEVELOPMENT (1 OF 5)
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO**

SHELI ANFERNI, P.E. ATTACHMENT 6



Existing Environment



Photographic Simulation

Disclaimer: Detailed design drawings to be submitted with permit applications. Design drawings will substantially comply with the details included on this drawing.

Parameter	Control House	Accessory Building	Fence	Garage
Use	Control House	Accessory Building	Fence	Garage
Area (sq. ft.)	1,000	1,000	1,000	1,000
Height (ft.)	10	10	6	10
Setback (ft.)	10	10	10	10
Other	Control House	Accessory Building	Fence	Garage
Notes	Control House	Accessory Building	Fence	Garage

4.0 - 10' WEST MAIN NATURAL GAS PIPELINE Replacement Project - Dakota Glen PUD First Amendment PROJECT AND LEGAL DESCRIPTION

Introduction

Public Service Company of Colorado (PSCO), an Xcel Energy company, is proposing a Frontal Hill Replacement (R0) Amendment to its Gas System in the City of Lakewood. The R0 Amendment is a replacement of the existing 20" and 18" West Main Natural Gas Pipeline Replacement Project (Project) within the Lakewood PUD. The Project includes the replacement of the existing 20" and 18" West Main Natural Gas Pipeline Replacement Project (Project) within the Lakewood PUD. The Project includes the replacement of the existing 20" and 18" West Main Natural Gas Pipeline Replacement Project (Project) within the Lakewood PUD. The Project includes the replacement of the existing 20" and 18" West Main Natural Gas Pipeline Replacement Project (Project) within the Lakewood PUD.

The proposed Project includes necessary pipeline and above-ground facilities located on private property within the Dakota Glen PUD in the City of Lakewood. As part of the West Main Natural Gas Pipeline Replacement Project, PSCO is proposing to construct, operate, and maintain new regulator stations, flow of gas to the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD.

The preferred pipeline route within the Dakota Glen PUD in the City of Lakewood near the intersection of 18th Street Southwest (SW) and Argyle Drive, approximately 2,000 feet west of the intersection of 18th Street SW and Wilson Avenue (CA17) at the East Fork Regulator Station, East Street 12. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD.

A hydrographic examination of the proposed East Fork Regulator Station is provided in Sheet 14. The appearance of the natural gas line has been designed to be similar to traditional characteristics of the natural gas line. The natural gas line has been designed to be similar to traditional characteristics of the natural gas line. The natural gas line has been designed to be similar to traditional characteristics of the natural gas line.

Applicant Information

Applicant: Dan Tammor, Project Manager
Public Service Company of Colorado
1123 West 3rd Avenue
Denver, CO 80223
Contact: 303.571.3305
Email: dan.tammor@pscoco.com

Location and Legal Description

The East Fork Regulator Station and pipeline within the Dakota Glen PUD boundary is located in Lakewood, Colorado, near the intersection of 18th Street SW and Argyle Drive, approximately 2,000 feet west of the intersection of 18th Street SW and Wilson Avenue (CA17) and the undeveloped area of land for this regulator station, and 2,223 acres of land. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD.

Purpose and Need

PSCO currently operates the natural gas supply for most of Lakewood, Colorado, including the city of Lakewood. The purpose of the proposed Project is to reliably maintain delivery of natural gas to customers. The proposed Project is a replacement of the existing 20" and 18" West Main Natural Gas Pipeline Replacement Project (Project) within the Lakewood PUD. The Project includes the replacement of the existing 20" and 18" West Main Natural Gas Pipeline Replacement Project (Project) within the Lakewood PUD.

Project Construction Activities

The permanent ROW for operation and maintenance of the Project would be 50 feet, as outlined in the temporary ROW needed for construction activities would be 25 feet.

Construction activities for the West Main Natural Gas Pipeline Replacement Project are proposed to begin approximately May 1, 2013, and operation of the replacement facility would begin during the fall/winter season of 2013.

In open trench areas, major activities involved in Project construction would include: site preparation, management practices (BMP) implementation, vegetation clearing, staking, trenching, pipeline installation and welding, pipe installation, backfilling, pipe trench, opening, trenching, site restoration, and re-vegetation. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD.

PSCO proposes to use being techniques, or methods, to avoid surface disturbances to wetland, trails, and drainage. During installation, PSCO would use being techniques, or methods, to avoid surface disturbances to wetland, trails, and drainage. During installation, PSCO would use being techniques, or methods, to avoid surface disturbances to wetland, trails, and drainage. During installation, PSCO would use being techniques, or methods, to avoid surface disturbances to wetland, trails, and drainage.

PSCO plans to offset and allow pipeline as it is delineated along the ROW. Any re-delineation of pipeline would be done in accordance with the ROW. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD.

PSCO would install flags (borehole markers) in the permanent 50-foot easement to identify the natural gas line. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD.

Glaze would potentially be visible from construction vehicles and equipment. Any glaze experienced would be temporary in nature and would be similar to other projects. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD.

Property Owners, Property, and Right-of-Way Acquisition

PSCO has obtained a 30m 'Wear' Permit for Construction Activities from the Colorado Department of Public Health and Environment. The 30m 'Wear' Permit is required for the proposed Project. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD.

PSCO offers to the pipeline safety regulators established in the Code of Federal Regulations (CFR) at 49 CFR Part 192 by the U.S. Department of Transportation (DOT) to ensure public protection and to prevent accidents and failures. Specifically, the DOT Pipeline Safety Regulations require the use of pipeline transmission systems under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act).

PSCO has obtained a 30m 'Wear' Permit for Construction Activities from the Colorado Department of Public Health and Environment. The 30m 'Wear' Permit is required for the proposed Project. The Project includes the Dakota Glen PUD, Regulator Station, and the Dakota Glen PUD.

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XCEL PLANNED UNIT DEVELOPMENT (5 OF 5)
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO
S.H.E.
APRIL, PC ATTACHMENT 6

Dakota Glen PUD First Amendment to the PUD Preliminary Development Plan PRELIMINARY DEVELOPMENT PLAN NARRATIVE

Purpose of the Project

The following development standards apply to the Dakota Glen Planned Unit Development. The purpose of this Final Development Plan (FDP) is to provide for flexibility and innovative design for this very unique area of the City. The objective of the plan is to meet the growing demands of its residents by providing variety in the style, design, and layout of buildings.

Land Use

Overall Concept: Residential neighborhoods will be designed in a cohesive manner to accommodate the varied design requirements of the types of dwellings they will contain. The home types and densities will be designed to be appropriate to surrounding considerations, such as street patterns, adjacent uses, and location of project amenity areas. The development plan provides for a mix of varied housing types, including conventional single-family detached homes on standard lots, single family detached homes on patio lots, and single family attached. The gross density of the plan is 2.07 du / acre.

Land Use Categories: It is the intent of this plan to provide a mechanism by which land can be developed such that flexibility and innovative design are encouraged, in accordance with Chapter 18.41 of the Loveland Municipal Code and in compliance with other applicable land use and development regulations.

Permitted Uses

Residential Areas: Permitted uses within the residential areas include the following:

- Residential - Conventional single family dwellings on standard lots, single-family dwellings on patio lots, and single family attached dwellings.
- Other - Recreational facilities.
- Tracts - Permitted uses within tracts include the following:
 - Open space.
 - Private park area (see parks and open space definition below).
 - Trails.
 - Utilities and drainage improvements, including irrigation pumps.
- Open Space Preservation Tracts - permitted uses include open space, trails (locations shown on the FDP plan), utilities and drainage improvements (including irrigation controllers), and recreational access to Cattail Reservoir.
- Temporary Parking - temporary parking will be permitted on vacant lots for model home visitors.
- Pump house - A pump house will be constructed to use cattail reservoir for raw water irrigation. Refer to sheet 10 of 10 for elevations.
- Essential above-ground public utility and public service installations and facilities - A permanent easement of 2.84 acres for a natural gas regulator station and 16 inch natural gas pipeline within the Dakota Glen PUD (see Sheets 11 through 15).

Definitions: The following definitions apply to residential uses with this PUD:
(Refer to Loveland Municipal Code section 18 for land use definitions not provided in this FDP)

- Single Family Detached-standard lot** - A one-family dwelling that is not attached to any other dwelling by any means, located on individual fee simple lots. Minimum lot size shall be 7,150 s.f. These units will be either one or two story with three options for garage location.
- Single Family Detached-patio lot** - A one-family dwelling that is not attached to any other dwelling by any means, located on individual fee simple lots. Minimum lot size shall be 6,500 s.f. These units will be one story with a three car garage located on the front of the house.
- Single Family Attached Dwelling Unit** - A one-family dwelling attached to a one-family dwelling by a common vertical wall in which each unit has its own front and rear entrance and in which no unit is located over another unit. Minimum lot size shall be 3,800 s.f.

Setbacks: Staggered setbacks shall be provided so as to create a visually interesting streetscape. This will be achieved by prohibiting identical minimum front setbacks on adjacent lots that face the same street through the enforcement of varying minimum setback widths of a two feet minimum. Refer setback table this sheet for setback information, and typical lot layout on sheet 9 and 10 of 10.

Building Height: The maximum height for structures is 35 feet. Refer to the Loveland Municipal Code section 18.54 for information on calculating building height.

Neighborhood Structure: Arterial/collector streets and open space generally border neighborhoods. Neighborhoods will be designed in accordance with the development standards set forth in this development plan. Primary areas providing structure to the neighborhoods include private open space use play areas, neighborhood wide trail system, and open space areas around Cattail Reservoir.

Overall Concept: Primary access to the site will be from SW 14th Street, and County Road 21. Which are classified as a two-lane arterial and a major collector street respectively. An internal collector street and local streets will distribute traffic throughout the site. An interparcel connection is provided in the southwest part of the property.

Components

- Vehicular:** Local streets will provide access within the neighborhoods. Local streets may vary in width, according to the amount of traffic to be accommodated and the specific design requirements of each neighborhood.
- Pedestrian:** An overall system of pedestrian access is provided along streets and through open space areas. Meandering walks are provided along perimeter streets, and the minor collector street through the site will have detached sidewalks, while all of the local residential streets will be attached sidewalks. Proposed trails are shown throughout the sites open space.
- Performance Standards:** Street improvements and new streets will be constructed in accordance with the street-cross sections shown in the engineering drawings. The associated plat provides for dedication of necessary Right of Way to accommodate the arterial roadway's ultimate development.

Public Facilities

Overall Concept: Public facilities and services are readily available to the site, and will be provided for as described below.

Water and Sewer: The City of Loveland will provide water and sewer service. Domestic water will be delivered by extension of existing water mains as a loop through the site. Sanitary sewer service will be provided by use of the existing 8" sewer on site in accordance with the City's master plan. The trunk sewers will be extended to maximize the benefits of gravity flow from the majority of the PUD. Details of services have been provided on the preliminary development plan.

Storm Drainage: Storm drainage shall be collected and carried on the surface through the designed street pattern. As necessary to provide capacity, catch basins and storm sewers will be installed to transport storm flows to points of discharge. Most of the storm water will be discharged into cattail reservoir. A small portion of the storm water will be discharged directly into the Mariano exchange ditch. All points of discharge will be adequately designed to minimize erosion and to protect the environmental integrity of the lake in accordance with City standards.

Electric: The City of Loveland Water and Power Department will provide service.

Gas: Public Service Company of Colorado.

Cable: Comcast.

Phone: Qwest.

Private Parks and Open Space: The development will incorporate a large open space private park area including: open turf areas, a lake, trails, boardwalks, natural areas, and recreational amenities may include any or all of the following: Clubhouse, pool, hot tub, tennis court(s), basketball court(s), trails, playground structures, sand volleyball court(s), and a sand beach. In addition to the large private park area, numerous green belts with trail systems will loop through the neighborhoods providing connection to the park for residents.

Landscape Concept: The design intent for the Dakota Glen PUD is to create a comprehensively planned community through the careful integration of the natural features of the site. The creation of a well conceived overall landscape program for the development would serve to provide for a unique identity as well as an overall sense of continuity amongst the various neighborhoods. Several design elements will be used to reinforce the image of this

community. The elements include: consistent perimeter treatments, continuity of the man made site amenities (signage, fencing, play areas and other architectural site features), provision of a comprehensive landscape treatment, and architectural treatments of the various housing types.

Edge Treatment

- Architecture:** One of the most important aspects of the development's overall appearance, as viewed from its edge, is the appearance of the residential structures. Rear and side elevations of structures will be detailed to provide visual interest from adjoining streets. Appropriate setbacks and detached sidewalks with street trees have been provided along the site's perimeter and proper buffering will be incorporated.
- Landscape:** Perimeter landscape treatment will receive careful attention due to a portion of the site's edge that faces an arterial roadway. Arterial streets will feature landscaped areas outside of the right-of-way, tree lawns, berms, and detached sidewalks. 14th Street will have a thirty-five foot landscape buffer and County road 21 will have a twenty-six foot minimum landscape buffer. Landscape buffers will provide ample buffering from adjacent development and to create a park-like environment.
- Access:** Entry points are proposed from the site's abutting roadways. Each entry point will be designed as a part of the development's overall theme in terms of landscape and architectural treatment.
- Fencing:** The use of fencing as a part of the development's edge treatment will be minimized, and the dominant form of edge treatment for screening and buffering will be landscape. Fencing is not required in this development, however if a property owner is so inclined the following fencing options will be allowed:
 - Single Family Detached - standard lot - will allow cedar fencing at a 48 inch maximum height to the property line (see sheet 9 of 10 for typical fence details).
 - Single Family detached - Patio lots - will allow steel picket fence at 36 inch maximum height to the property line
 - Single family attached will allow steel picket fencing at 36 inch maximum height in designated areas, fencing will not be allowed to the property lines (see typical floor plan sheet 10 of 10).

Streetscape: Landscaping will be designed with a comprehensive theme for the entire development. The overall concept will include the treatment of the roadways as tree-lined lanes reflective of early, established communities typical of northern Colorado. One 2-inch caliper tree shall be planted in each single-family lot, with two, 2-inch caliper street trees planted on corner lots (one per street frontage). Single-family attached homes shall have two, 2-inch caliper trees per street frontage while corner lots shall have 3.

Open Space Areas: Lake edges will be enhanced with additional trees, grasses and shrubs as recommended in the Environmentally Sensitive Areas Report, (ESAR) dated June 1, 2006. The open space within the buffer will be used for passive uses only. The private neighborhood park and the multipurpose play areas are intended to provide for active and passive play. Large open irrigated turf areas will support this type of activity.

The large open space area near the lake has been designed to allow humans and wildlife to coexist in harmony. It is envisioned that the design of this area will enhance and protect the vitality and environmental quality of this beautiful area. Less than 1 acre of the wetlands will be filled in. Cedar Creek Associates has reviewed the open space plan and has confirmed that it is in compliance with the environmentally sensitive areas report.

High quality wetlands in the southeastern area of the property shall be left undisturbed in their current location, with no disturbance, removal, replacement or mitigation during construction or hereafter, except as otherwise provided for under condition 3, below. These include the wetland where Cattail Reservoir No. 1 was previously located, and wetlands along the southern shore of Cattail Reservoir No. 2. These high-quality wetlands shall also be protected with an approximate 75-foot buffer. Within this buffer, no development shall take place. Passive, non-intrusive use shall be allowed (e.g., bird-watching from a distance).

Prior to approval of the FDP, the developer may, at his discretion, submit a natural area modification plan prepared by a qualified environmental consultant. Said plan shall be subject to approval by the Current Planning Manager.

Signage will be included at the edge of high quality wetlands, to be shown on FDP. Interpretive and educational signage should be placed along the edge of high quality wetlands (approximately 5 signs). The signs should stress the need for no wildlife harassment or human intrusion into important habitat areas. Text for signage follows the recommendations in the ESAR report.

Maintenance: The landscaped areas of the development, including perimeter areas, common open space, entry features, patio home lots, and single family attached lots will be maintained by a Home Owners Association. Maintenance of landscaping within each standard home lot will be the responsibility of homeowner.

Architecture and Site Requirements

Overall Concept: These performance standards are intended to insure that each neighborhood or development area within Dakota Glen incorporates the use of unifying architectural elements to create an overall, cohesive theme. The intent of these guidelines is to provide direction to builders and designers in the planning, design, and construction of dwellings to ensure that they are compatible with the overall design intent for the PUD. These guidelines are intended to provide flexibility in terms of design style, within a coordinated architectural concept or theme for each neighborhood area as defined by common architectural elements.

Supplemental Requirements for Single Family:

One of the most important aspects to a detached large lot single family neighborhood is its streetscape and the over all appearance and feelings generated as it is viewed by surrounding residents, neighbors, and general public. Recognizing this, the following standards are required (refer to PDP sheets 9 and 10 of 10 for typical plans and elevations):

- Porches:** All homes must incorporate a covered front porch for homes that use the front porch to recess the garage. The narrowest dimension of which shall be six feet deep and eight feet wide.
- Garages:** Garages shall have front elevations that complement, rather than dominate, the architectural details of the living portion of the dwelling. The front elevation of side-load garages shall incorporate the use of windows, wall breaks, and/or building material changes to more aesthetically enhance the front wall elevation. Garages that have doors for more than two vehicles must have one door recessed a minimum of two feet from the others. Garage doors, visible as part of the front building elevation, shall not comprise more than forty percent (40%) of the ground floor street facing linear building frontage on single family lots. Garage doors, visible as part of the front building elevation, shall not comprise more than fifty percent (50%) of the ground floor street facing linear building frontage on patio home lots. Corner lots are exempt from this condition.
- Varying Streetscape:** Single family detached lots (standard and patio) will have enough variety in building elevations and model type such that no identical front elevation is adjacent to or across a common street from one another. Significant changes to the front elevation will be determined by the architectural review committee.
- Architectural Review Committee:** The architectural review committee will be the reviewing authority for architectural character within the development. Architectural features such as colors, materials, roofs, windows, doorways, balconies, and changes in plane will all be reviewed under the authority of the architectural review committee.
- Materials:** Roofing materials, windows, building materials and finish, will all be carefully coordinated to achieve a cohesive appearance. Exterior wall materials must incorporate brick, natural or synthetic stone, or stucco. Permitted building materials will be established with the design of each neighborhood or development area, and must be consistent within the neighborhood to present an overall design.
- Colors:** Exterior wall colors shall be compatible with surrounding buildings, with natural (earth tones) encouraged. Primary or other bright colors are only to be used as accents.
- Garage Setbacks:** Garages that have more than two vehicle doors shall have one door recessed a minimum of 2 feet from the other doors.
- Accessory Structures:** Accessory structures on residential lots are not allowed within this development.
- Pump House:** The pumphouse will be developed using the same materials as much of the residential architecture. The character of the building will be that of a residential building in an effort to blend in with the development. The pump house will be allowed within the 75 foot lake buffer. See typical elevation on sheet 10 of 10.

Landform Modification

The Dakota Glen site is relatively flat with approximately 2 percent slope through out most of the site. Some landform modification will occur in order to create visual interest throughout the site, and to provide management of drainage.

Implementation Procedures: Proposed development within the Planned Unit Development will be processed in accordance with the procedures contained in Chapter 18.41 of the Loveland Municipal Code dated 3-97, Section 18.41.50. Procedures for approval of a Planned Unit Development, and shall require approval of Final Development Plans in accordance with the requirements thereof.

CONDITIONS OF PRELIMINARY APPROVAL

Current Planning Conditions

- The PDP, "Supplemental Requirements for Single Family", notes be revised to read:
 - Garage doors, visible as part of the front building elevation, shall not comprise more than forty percent (40%) of the ground floor street facing linear building frontage on single-family standard lots.
 - Garage doors, visible as part of the front building elevation, shall not comprise more than fifty percent (50%) of the ground floor street facing linear building frontage on single-family patio lots.

Parks and Recreation Conditions

- As a condition of FDP approval, if the developer wishes to conduct clean-up activities in the natural area, the management techniques described in a letter from Cedar Creek Associates dated October 4, 2006 shall be followed. These management techniques shall be carried out according to the map accompanying Cedar Creek's letter, which depicts the locations on the site where seven of the techniques identified shall be applied. According to Cedar Creek's letter, three of the techniques may be applied site-wide, and one of the techniques identified in a previous letter has been removed from consideration as a site management technique at this time. If any of the eleven management techniques identified by Cedar Creek are implemented, an annual monitoring report shall be submitted to the Current Planning Manager and Natural Areas Manager on November 1st of each year. The monitoring report shall describe the management techniques employed, the results of those techniques, and the current status of any restoration or revegetation efforts. If clean-up activities are not pursued, the natural area shall be left in its natural state.

Engineering Conditions

- Notwithstanding any information presented in the FDP or accompanying preliminary plat and preliminary construction plan documents (text or graphical depictions), all public improvements shall conform to the Larimer County Urban Area Street Standards adopted on October 2002, as amended, unless specific variances are requested and approved in writing.
- The following public improvements shall be designed and constructed by the developer unless designed & constructed by others. All improvements shall be completed prior to the issuance of any building permits, unless otherwise approved pursuant to the provisions in Section 16.40 of the Loveland Municipal Code.
 - 14th Street SW to 2-lane arterial standards adjacent to the property including detached sidewalk.
 - CR 21 to major collector standards adjacent to the property including detached sidewalk. A cash-in-lieu payment, or other form of security acceptable to the City, for all or part of these improvements may be accepted by the City if approved by the City Engineer.
 - Angora Drive to minor collector standards within the property.
 - Westbound right-turn lane on 14th Street SW into Angora Drive.

Fire Prevention Conditions

- Prior to approval of the Final Plat, the design for the emergency access roadway serving the proposed phases I and II shall be approved by the Fire Department.
- Prior to approval of any building permits within the Property all courts shall be provided with a "Fire Lane - No Parking" signs approved by the Fire Department.

Power Conditions

- When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on electrical energy as defined in 40-915-204, CRS, and the City of Loveland Municipal Code 13.12.180. This surcharge applies to any subsequent subdivisions of property annexed after January 31, 1987 within the REA certified service territory. In this case a note will be added to the final plat that reads as follows:
 - A surcharge of 5% will be added to all bills for the sale of electric power to additional services which come into the existence after January 31, 1987, within the territory herein annexed which surcharge will expire ten years after effective date of this annexation.
- A letter of approval from Western Area Power Authority for landscape plans proposing landscaping within a WAPA easement or under WAPA power lines must be submitted with the Final Plat and Final Construction Drawings submitted.
- All multifamily, condominium, apartment and town home units will have meters centrally located on or near the unit's exterior building wall. Town homes will not be individually metered.

VESTING

Vesting was granted for this development plan OCTOBER 14, 2006 for a period of 3 years.

SETBACK TABLE (all numbers refer to minimum condition)

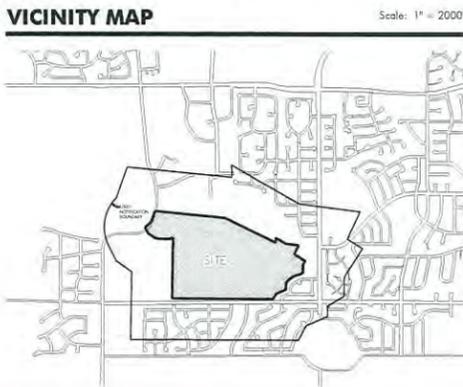
UNIT TYPE	FRONT SETBACK, EVEN # LOTS	COMMON WALL SETBACK	FRONT SETBACK, ODD # LOTS	REAR SETBACK	SIDE SETBACK**	CORNER LOT SIDE SETBACKS
SINGLE FAMILY - STANDARD LOT *	24'	N/A	28'	15'	5'	15'
SINGLE FAMILY- PATIO LOT *	22'	N/A	25'	10'	5'	15'
ATTACHED SINGLE FAMILY LOT *	15'	N/A	15'	N/A	5'	15'

- * Setbacks measured from the back of sidewalk
- ** The 1:3 ratio shall apply with 5 feet being the minimum.

PDP LANDUSE TABLE

LAND USE	AREA	NUMBER OF UNITS	DENSITY	PERCENTAGE OF SITE
SINGLE FAMILY - STANDARD LOT	26.48 ac.	93	1.09 du/ac. (net)	20.9%
SINGLE FAMILY - PATIO LOT	12.22 ac.	70	.83 du/ac. (net)	9.6%
SINGLE FAMILY ATTACHED	8.39 ac.	42	.50 du/ac. (net)	6.6%
OPEN SPACE	34.75 ac.	N/A	N/A	27.4%
TOTAL DEVELOPED AREA	81.84 ac.	205	2.42 du/ac. (net)	64.4%
RESERVOIR	21.6 ac.	N/A	N/A	17%
WETLANDS	5.9 ac.	N/A	N/A	4.6%
R.O.W.	14.82 ac.	N/A	N/A	11.7%
PUBLIC UTILITY EASEMENT	2.84 ac.	N/A	N/A	2.2%
TOTAL	127 ac.			100%

VICINITY MAP



DAKOTA GLEN

Approvals

1. Approved this _____ day of _____, year _____ by the Current Planning Manager of the City of Loveland, Colorado.

Current Planning Manager

2. Approved this _____ day of _____, year _____ by the City Engineer of the City of Loveland, Colorado.

City Engineer

3. Approved this _____ day of _____, year _____ by the City Attorney of the City of Loveland, Colorado.

City Attorney

4. Approved this _____ day of _____, year _____ by the City Planning Commission of the City of Loveland, Colorado.

Chairperson

5. Approved this _____ day of _____, year _____ by the City Council of the City of Loveland, Colorado.

Mayor _____ Attest _____

Ownership Certification

KNOW ALL MEN BY THESE PRESENTS THAT:

being all the lawful record owners of the property shown on this _____ (type of plan) _____, except any existing public streets, roads, or highways, do hereby certify that that I/we accept the conditions and restrictions set forth on said plan and in the conditions of approval by the City of Loveland, dated _____, and that I/we consent to the recording of any information pertaining thereto.

(owner) _____

(owner) _____

STATE OF COLORADO)

COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008 by _____

Witness my hand and official seal.
My commission expires _____ NOTARY PUBLIC _____ address _____

Developer:
Glen Development LLC
P.O. Box 118
Loveland, CO 80539
970.663.1897

SHEET INDEX

- SHEET 1 PDP NARRATIVE
- SHEET 2 OVERALL PLAN
- SHEET 3 SITE / LANDSCAPE PLAN
- SHEET 4 SITE / LANDSCAPE PLAN
- SHEET 5 SITE / LANDSCAPE PLAN
- SHEET 6 SITE / LANDSCAPE PLAN
- SHEET 7 SITE / LANDSCAPE PLAN
- SHEET 8 SITE / LANDSCAPE PLAN
- SHEET 9 ARCHITECTURE
- SHEET 10 ARCHITECTURE
- SHEET 11 XCEL PLANNED UNIT DEVELOPMENT (1 OF 5)
- SHEET 12 XCEL PLANNED UNIT DEVELOPMENT (2 OF 5)
- SHEET 13 XCEL PLANNED UNIT DEVELOPMENT (3 OF 5)
- SHEET 14 XCEL PLANNED UNIT DEVELOPMENT (4 OF 5)
- SHEET 15 XCEL PLANNED UNIT DEVELOPMENT (5 OF 5)

PDP NARRATIVE

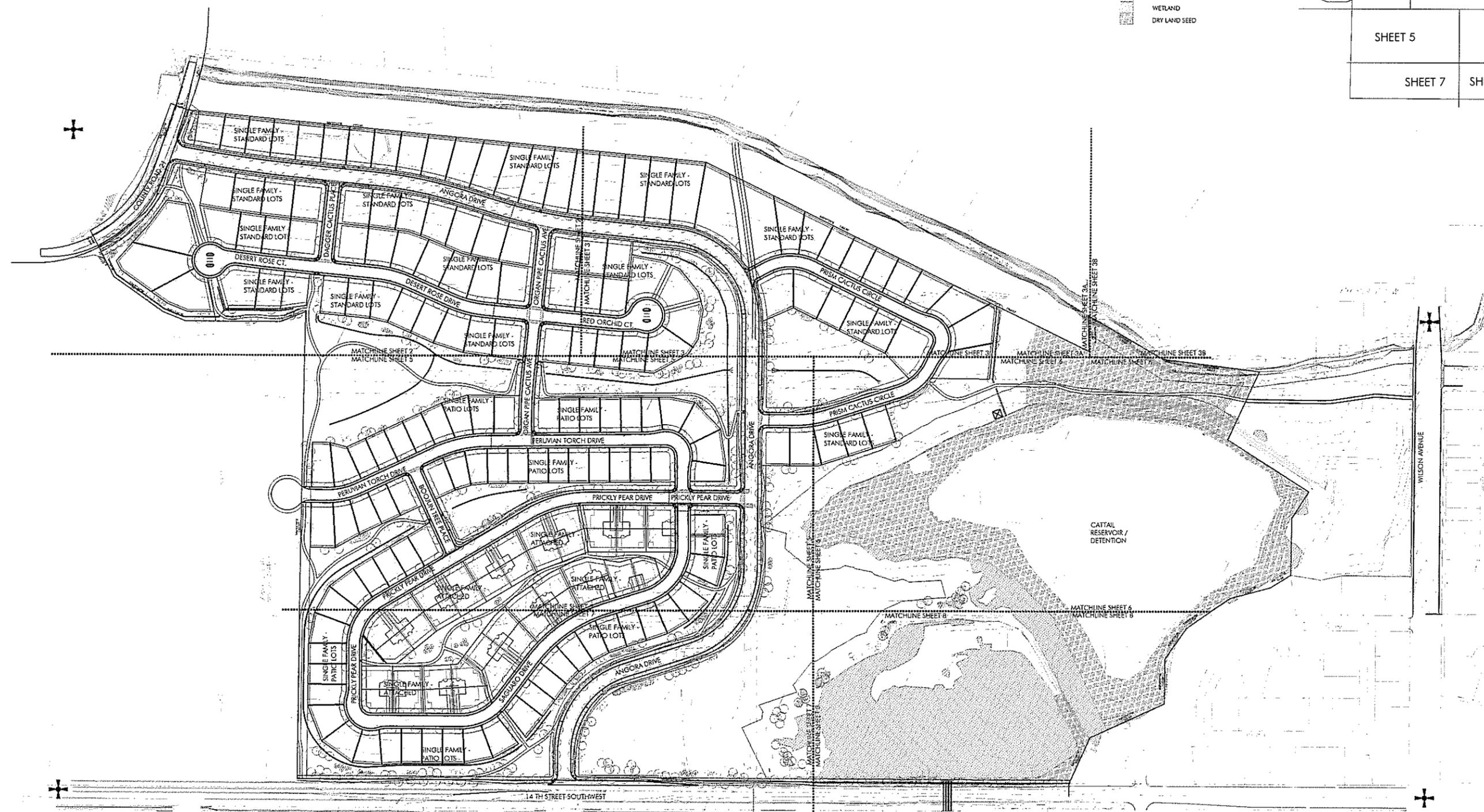
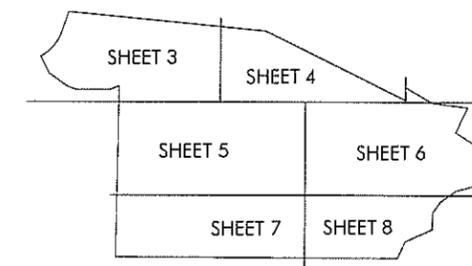
DAKOTA GLEN 1 ST. SUBDIVISION LOVELAND, COLORADO

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LEGEND

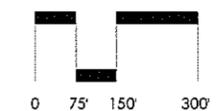
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-  ORNAMENTAL TREE
-  CONIFEROUS TREE
-  SHRUB BED
-  IRRIGATED TURF
-  WETLAND
-  DRY LAND SEED

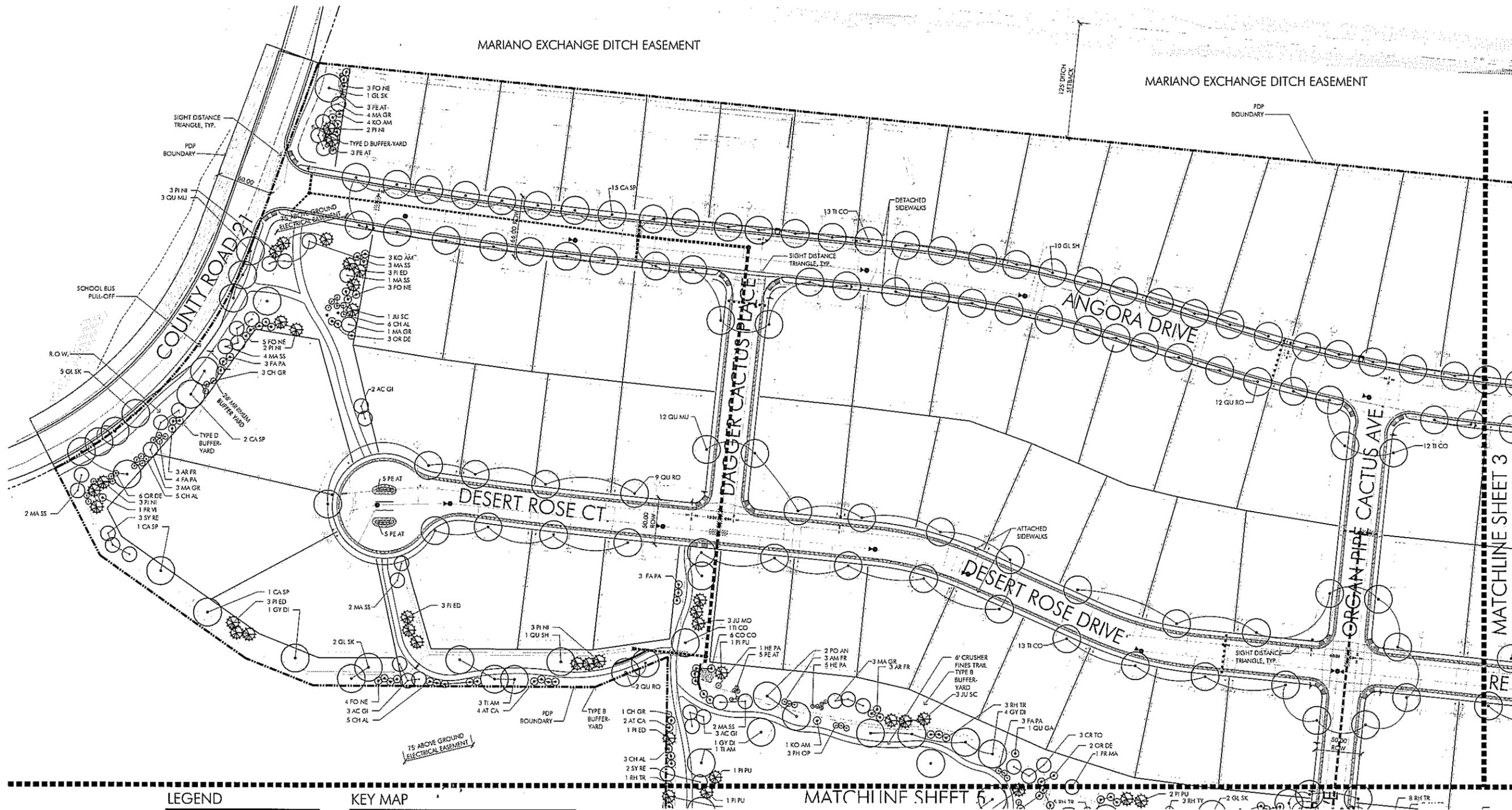
VICINITY MAP



OVERALL PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO

BHA DESIGN, INC. • 1603 OAKRIDGE DR

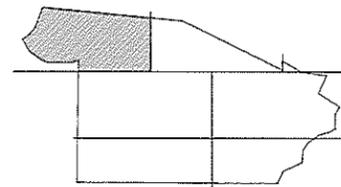




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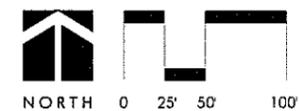
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- ORNAMENTAL TREE
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- SHRUB BED
- IRRIGATED TURF
- NATIVE MIX
- TRANSITION SEED
- DRY LAND SEED

KEY MAP



MATCHLINE SHEET 5

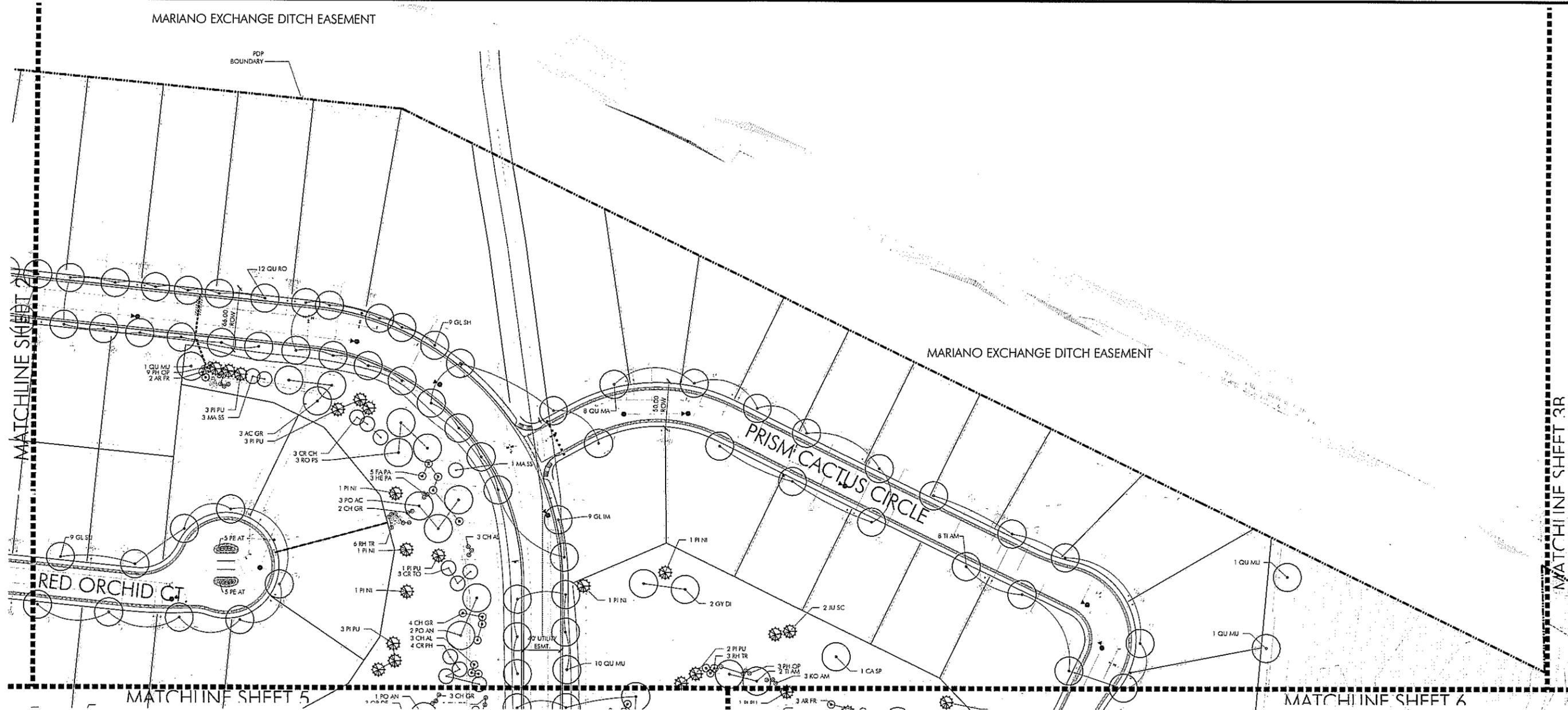
MATCHLINE SHEET 3



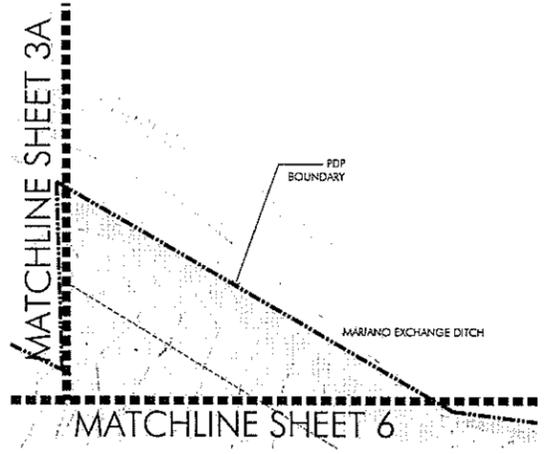
SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO

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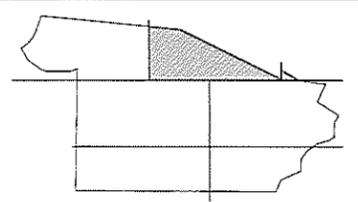
SHEET 3A



SHEET 3B

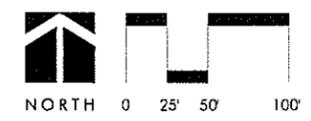


KEY MAP



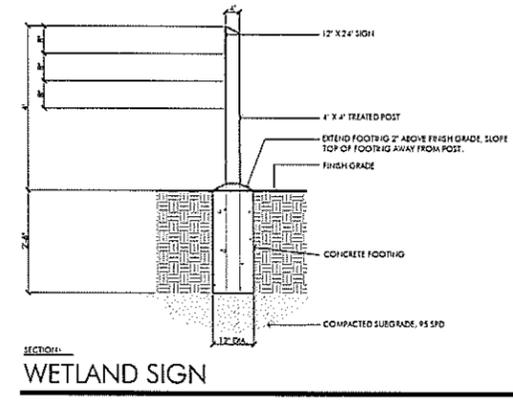
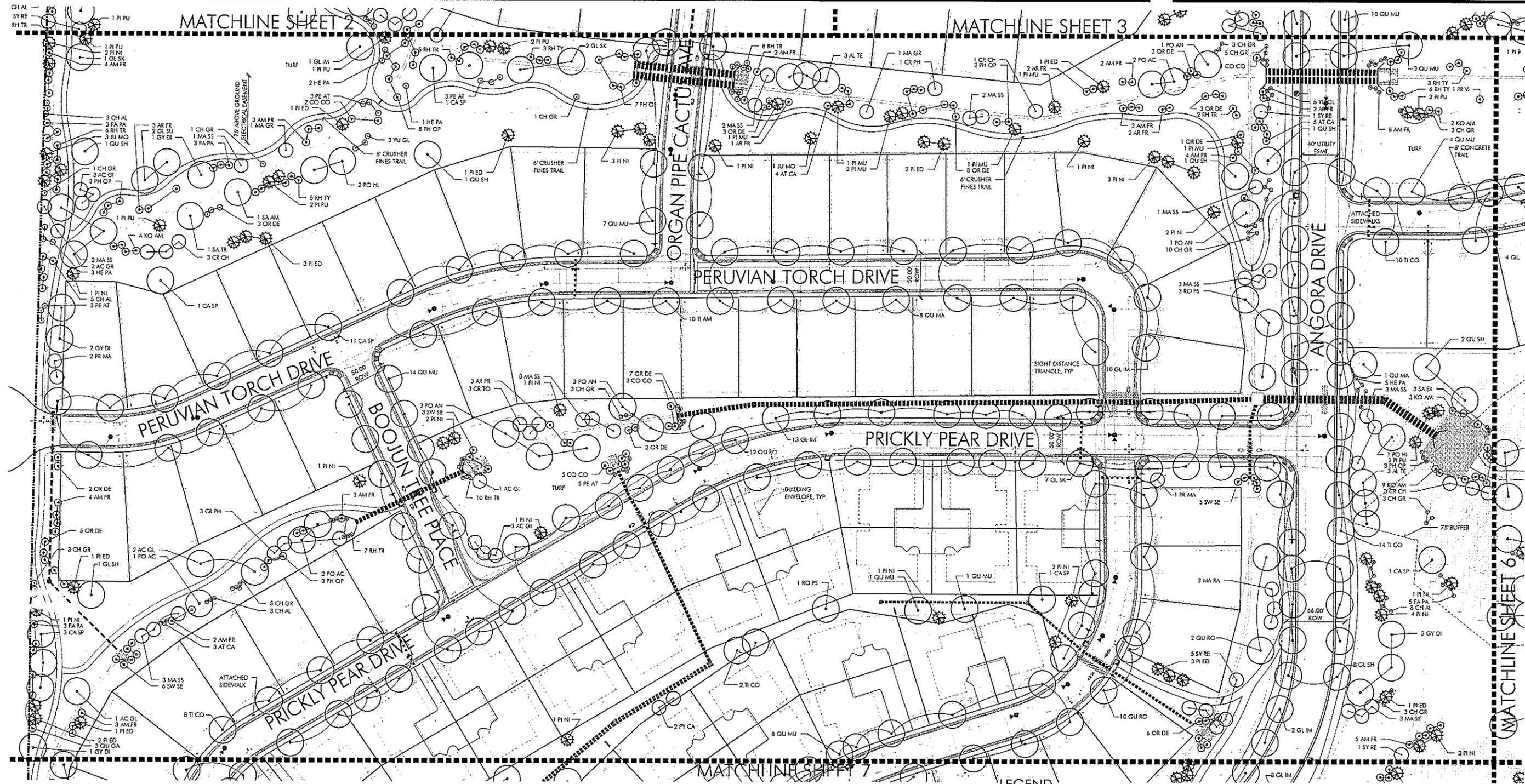
LEGEND

- DECIDUOUS CANOPY TREE
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- CONIFEROUS TREE
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- IRRIGATED TURF
- NATIVE MIX
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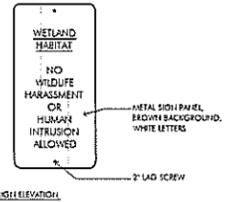


SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO

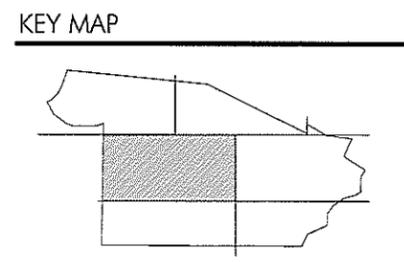
BHA DESIGN, INC. • 1603 OAKRIDGE DRIVE • FT. COLLINS, CO 80526 • TEL: 970-221-7477



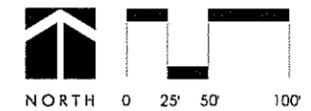
SECTION: WETLAND SIGN



Note:
Development other than trails are prohibited within the 75 foot buffer

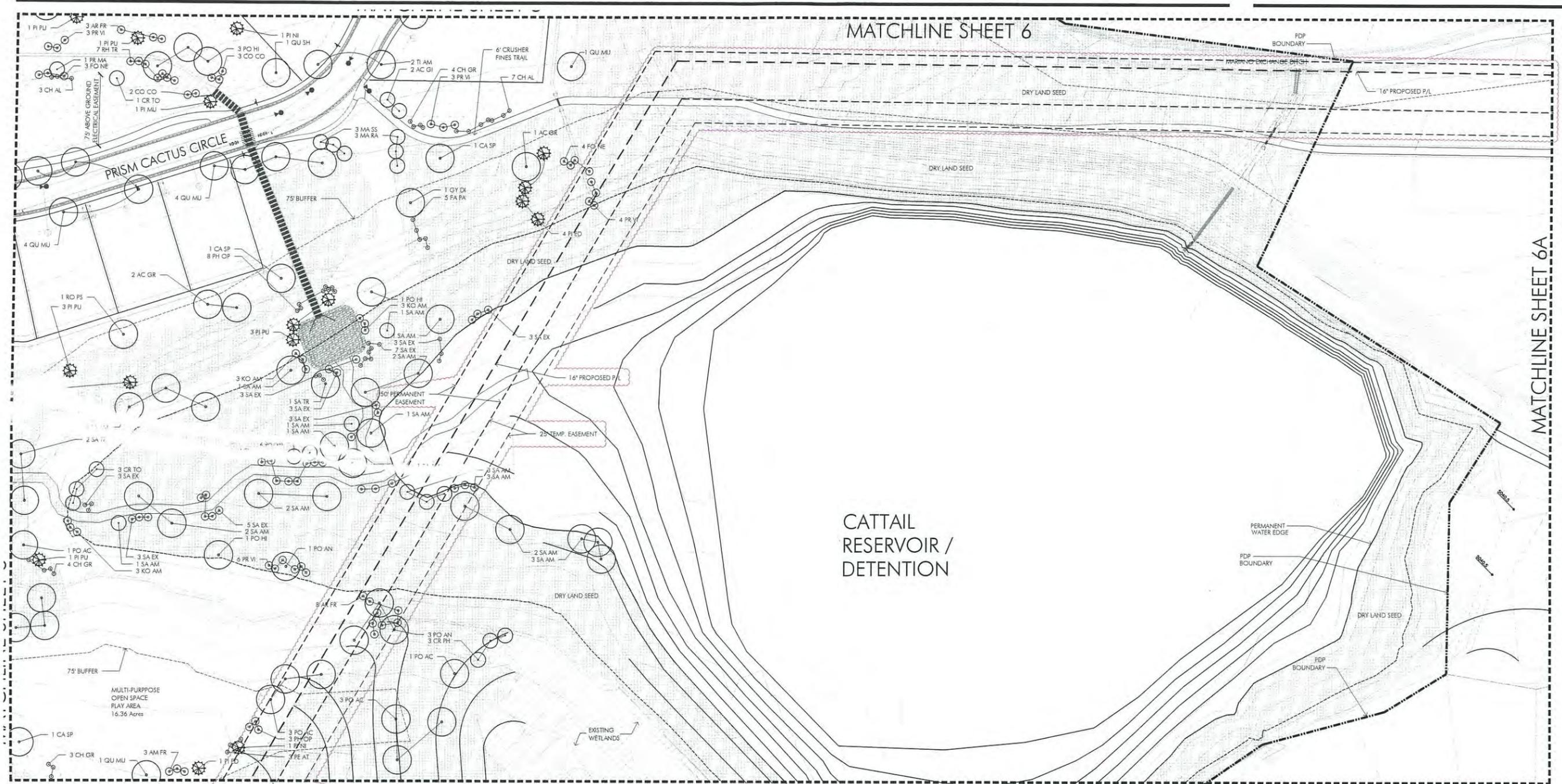


- LEGEND
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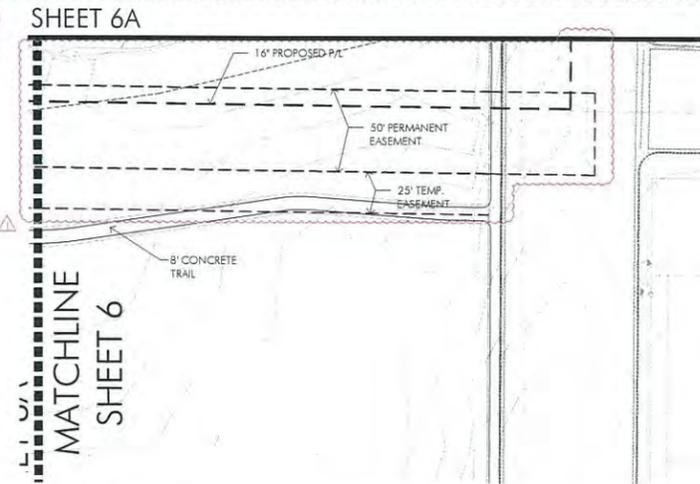


SITE / LANDSCAPE PLAN
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 LOVELAND, COLORADO

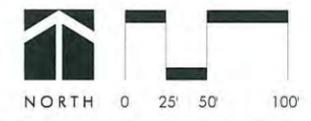
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Note:
Development other than trails are prohibited within the 75 foot buffer

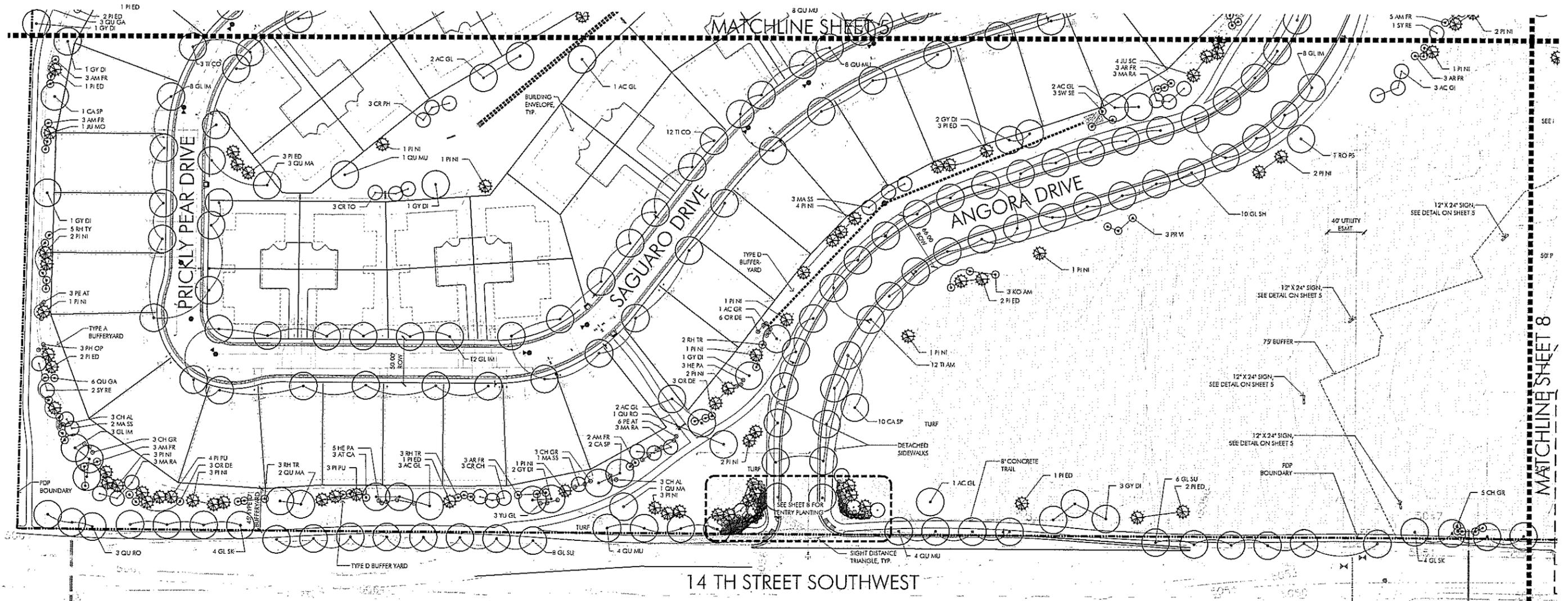


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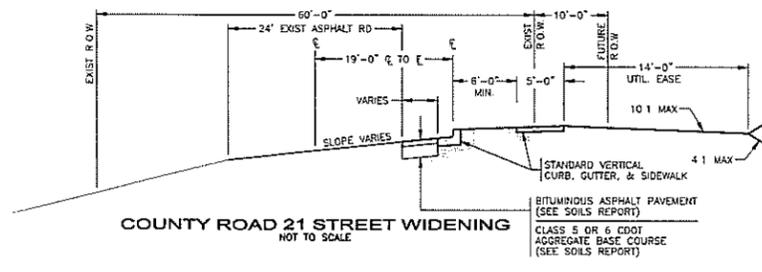
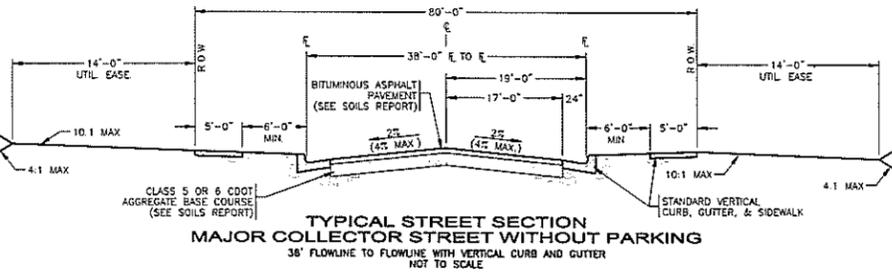
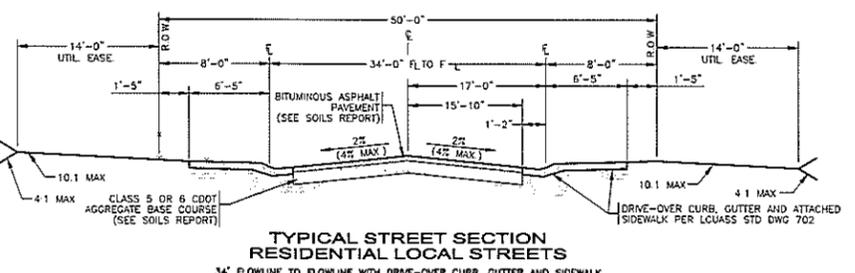
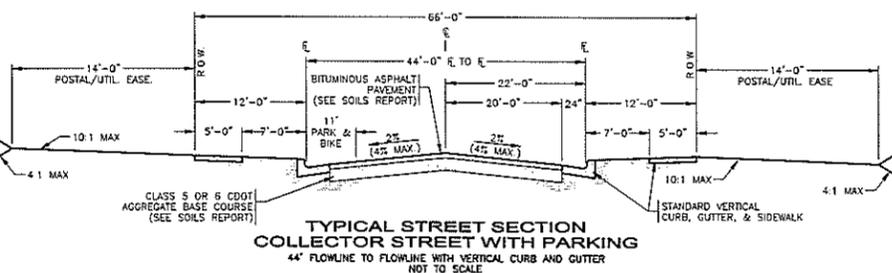


SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

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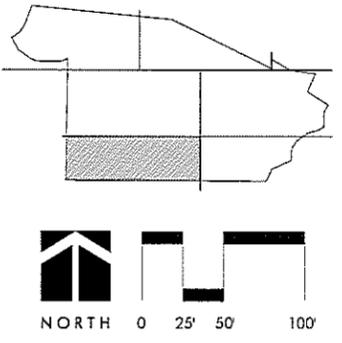


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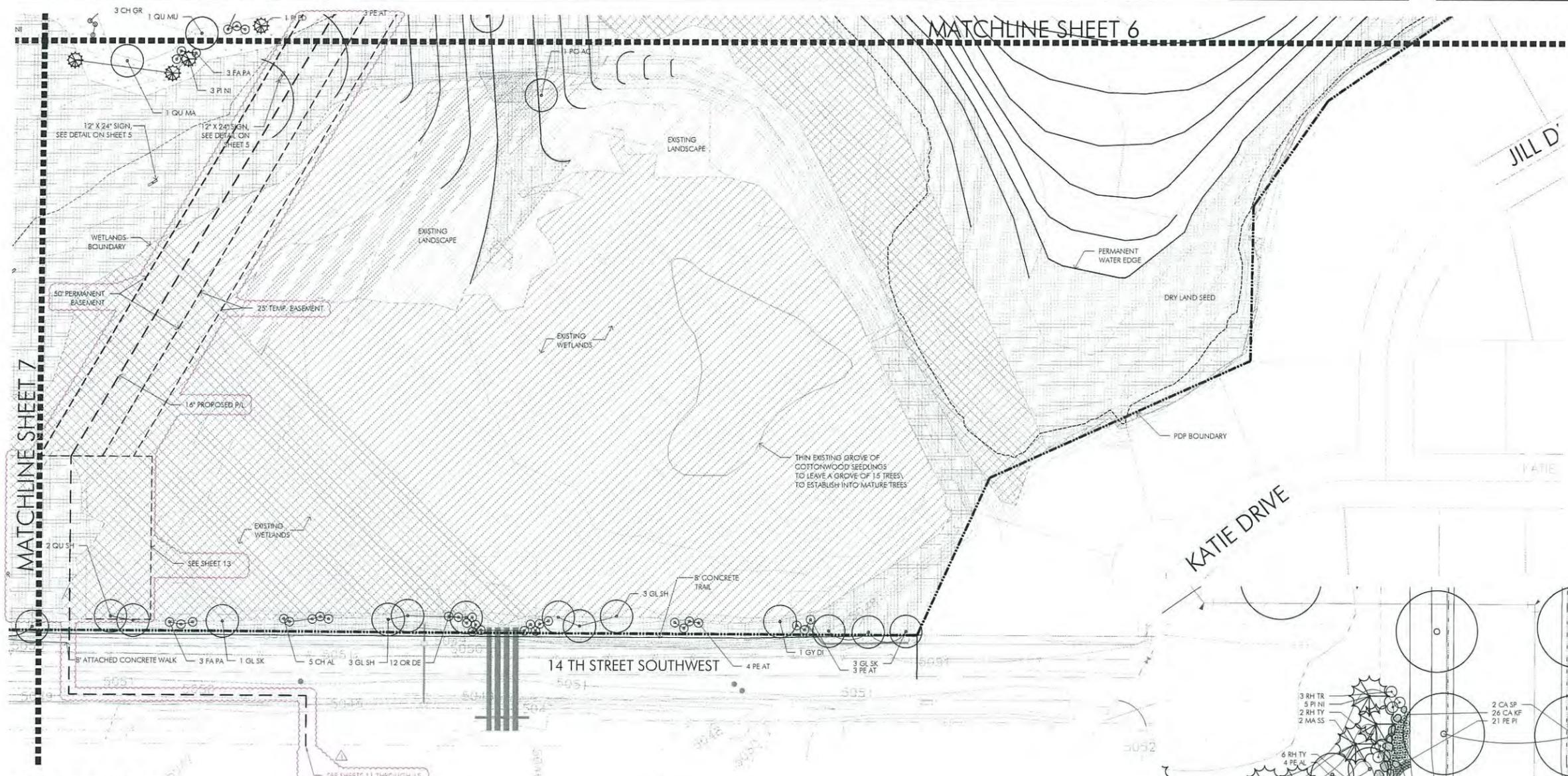
KEY MAP



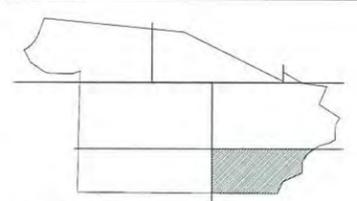
SITE / LANDSCAPE PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

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MATCHLINE SHEET 6



KEY MAP



LEGEND

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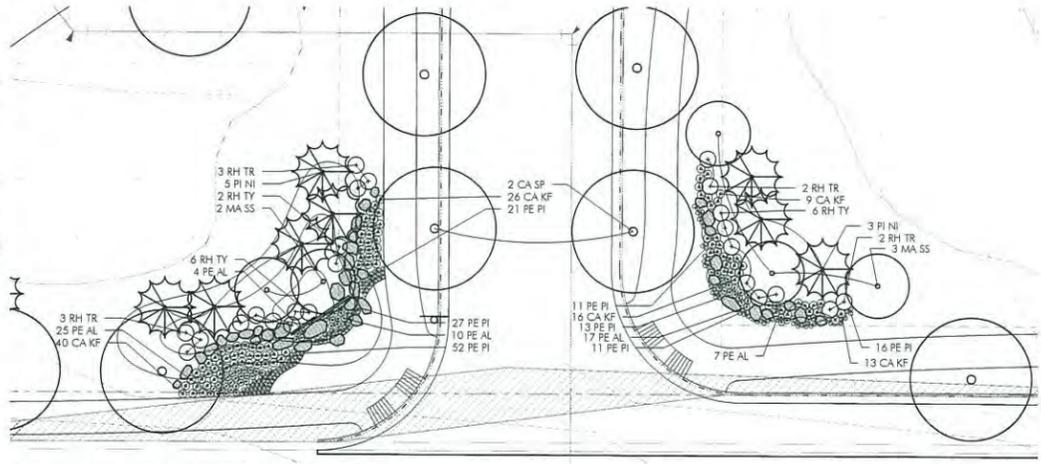
PLANT LIST

Key	Botanical name	Common Name	Size	Root	Spacing	Phase 1
DECIDUOUS CANOPY TREES						
AC GR	Acer grandidentatum	Big Tooth Maple	2' Cal.	BB	See Plan	10
AL TE	Alnus tenuifolia	Thicket Alder	2' Cal.	BB	See Plan	6
CA SP	Catalpa speciosa	Western Catalpa	2' Cal.	BB	See Plan	53
GL IM	Gleditsia triacanthos (inermis) 'Imperial'	Imperial Honeylocust	2' Cal.	BB	See Plan	66
GL SH	Gleditsia triacanthos (inermis) 'Shade Master'	Shade Master Honeylocust	2' Cal.	BB	See Plan	44
GL SK	Gleditsia triacanthos (inermis) 'Skyline'	Skyline Honeylocust	2' Cal.	BB	See Plan	30
GL SU	Gleditsia triacanthos (inermis) 'Sunburst'	Sunburst Honeylocust	2' Cal.	BB	See Plan	25
GY DI	Gymnocladia dioica	Kentucky Coffeetree	2' Cal.	BB	See Plan	30
PO AC	Populus aluminata	Populus aluminata	2' Cal.	BB	See Plan	16
PO AN	Populus angustifolia	Narrowleaf Cottonwood	2' Cal.	BB	See Plan	16
PO HI	Populus hybrida	Highland Cottonwood	2' Cal.	BB	See Plan	8
QU MA	Quercus macrocarpa	Burn Oak	2' Cal.	BB	See Plan	24
QU MU	Quercus muhlenbergii	Chinkapin Oak	2' Cal.	BB	See Plan	193
QU RO	Quercus robur	English Oak	2' Cal.	BB	See Plan	53
QU SH	Quercus shumardii	Shumard Oak	2' Cal.	BB	See Plan	9
RO PS	Rubus pseudoacacia Purple Robe	Purple Robe Lacust	2' Cal.	BB	See Plan	9
SA TR	Salix alba Tristis	Golden Weeping Willow	2-1/2' Cal.	BB	See Plan	4
SA AM	Salix amygdaloides	Peach Leaf Willow	2' Cal.	BB	See Plan	31
TI AM	Tilia americana Radmond	Radmond Linden	2' Cal.	BB	See Plan	38
TI CO	Tilia cordata 'Greenspire'	Greenspire Linden	2' Cal.	BB	See Plan	88
DECIDUOUS ORNAMENTAL TREES						
AC GI	Acer glabratum Flame	Flame Aired Maple	1-1/2' Cal.	BB	See Plan	32
CR CH	Crataegus chinensis	Chinese Hawthorn	1-1/2' Cal.	BB	See Plan	13
CR PH	Crataegus phaenopynum	Washington Hawthorn	2' Cal.	BB	See Plan	14
CR TO	Crataegus Tabo	Tabo Hawthorn	1-3/4' Cal.	BB	See Plan	16
MA RA	Malus Radiant	Radiant Crabapple	2-1/2' Cal.	BB	See Plan	15
MA GR	Malus Golden Raindrops	Golden Raindrops Crabapple	2' Cal.	BB	See Plan	13
MA SS	Malus Spring Snow	Spring Snow Crabapple	1-3/4' Cal.	BB	See Plan	56
PR MA	Prunus Massillii	Amur Chokecherry	2-1/2' Cal.	BB	See Plan	5
PY CA	Pyrus calleryana Aristocrat	Aristocrat Pear	2' Cal.	BB	See Plan	2
SY RE	Syringa reticulata	Japanese Tree Lilac	1-1/2' Cal.	BB	See Plan	13
CONIFEROUS TREES						
JU MO	Juniperus monosperma	One Seed Juniper	6 Ht.	BB	See Plan	8
JU SC	Juniperus scopulorum	Rocky Mountain Juniper	6 Ht.	BB	See Plan	10
PI FU	Picea pungens	Colorado Spruce	6 Ht.	BB	See Plan	43
PI ED	Pinus edulis	Pinus edulis	6 Ht.	BB	See Plan	46
PI NI	Pinus nigra	Austrian Pine	6 Ht.	BB	See Plan	90
PI MU	Pinus mugo Tannebaum	Tannebaum Mugo Pine	6 Ht.	BB	See Plan	8

DECIDUOUS SHRUBS						
AM FR	Amorpha fruticosa var. angustifolia	Indigobush Amorpha	5 GAL	Container	See Plan	60
AT CA	Atriplex canescens	Four-Wing Saltbush	5 GAL	Container	See Plan	21
AR FR	Artemisia frigida	Fringed Sage	5 GAL	Container	See Plan	41
CH AL	Chrysothamnus nauseosus albicaulis	Tall Blue Rabbitbrush	5 GAL	Container	See Plan	62
CH CR	Chrysothamnus nauseosus graveolens	Tall Green Rabbitbrush	5 GAL	Container	See Plan	73
CO CO	Cotinus coccinea Royal Purple	Royal Purple Smoke Tree	5 GAL	Container	See Plan	22
FA PA	Falugia paradoxa	Apache Plume	5 GAL	Container	See Plan	43
FO NE	Forestiera neomexicana	New Mexico Privet	5 GAL	Container	See Plan	22
HE PA	Hesperaloe parviflora	Red False Yucca	5 GAL	Container	See Plan	28
KO AM	Kolkwitzia amabilis	Beauty Bush	5 GAL	Container	See Plan	41
OR DE	Oreobatus delicosus	Boulder Raspberry	5 GAL	Container	See Plan	78
PE AT	Perovskia atriplicifolia	Russian Sage	5 GAL	Container	See Plan	64
PH OP	Physocarpus monogynus	Native Ninebark	5 GAL	Container	See Plan	55
PR VI	Prunus virginiana melanocarpa	Native Chokecherry	5 GAL	Container	See Plan	21
QU GA	Quercus gambelii	Gambel Oak	5 GAL	Container	See Plan	6
RH TR	Rhus trilobata	Three-Leaf Sumac	5 GAL	Container	See Plan	76
RH TY	Rhus typhina	Staghorn Sumac	5 GAL	Container	See Plan	36
SA EX	Salix exigua	Coyote Willow	5 GAL	Container	See Plan	44
SW SE	Swida stolonifera	Redstart Dogwood	5 GAL	Container	See Plan	17
YU GL	Yucca glauca	Great Plains Yucca	5 GAL	Container	See Plan	8

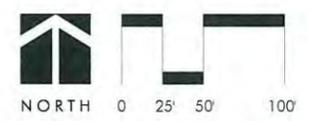
GRASSES AND PERENNIALS						
CA KF	Calamagrostis acutiflora Karl Foerster	Feather Reed Grass	1 GAL	Container	See Plan	104
FE AL	Festuca ovina 'Alps'	Dwarf Fountain Grass	1 GAL	Container	See Plan	63
FE PI	Festuca pinifolia	Pinelife Penstemon	1 GAL	Container	See Plan	151

IRRIGATED TURF			DRY LAND SEED MIX		TRANSITION SEED MIX		NATIVE SEED MIX	
Common Name	Scientific Name	PLS/Acre	Common Name	PLS/Acre	Common Name	PLS/Acre	Common Name	PLS/Acre
Kentucky Bluegrass 3 Elite Varieties			Blue Grama	Bouteloua gracilis	0.75	Arkansas Valley Seed: Nehru Choice Lawn Mixture or approved equivalent	Arkansas Valley Seed: Low Grow Mix or approved equivalent	
			Buffalograss	Buchloe dactyloides	1.60	70% Eghlein Crested Wheatgrass	30% Eghlein Crested Wheatgrass	
			Green Needlegrass	Nassella viridula	2.00	15% Sheep Fescue	25% Sheep Fescue	
			Sideoats Grama	Bouteloua curtipendula	1.80	10% Vibrant Perennial Ryegrass	20% Perennial Rye	
			Western Wheatgrass	Pascopyrum smithii	4.00	15% Cheviot Fescue	15% Cheviot Fescue	
					10.15 Drilled	10% Kentucky Bluegrass	10% Kentucky Bluegrass	
					20.3 Broadcast			
					40.6 Small Areas			
						175-220 lbs/acre		
							20-25 lbs/acre	



ENTRY PLANTING

SCALE: 1" = 20'



SITE / LANDSCAPE PLAN

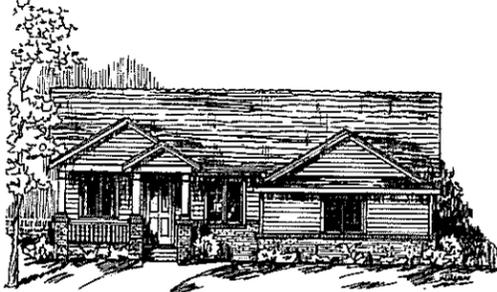
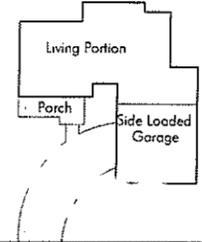
DAKOTA GLEN 1 ST. SUBDIVISION
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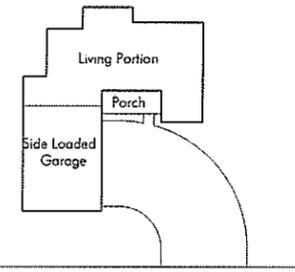
S H E E
A P R I L

TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE A (side loaded garage)

Single Story (N.T.S.)

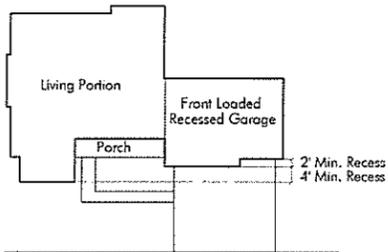



Two Story (N.T.S.)

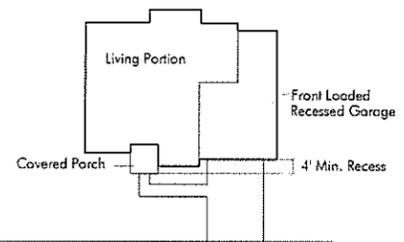



TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE B (recessed garage)

Single Story (N.T.S.)

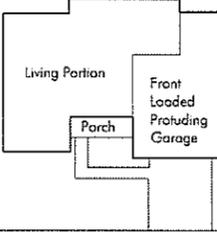



Two Story (N.T.S.)

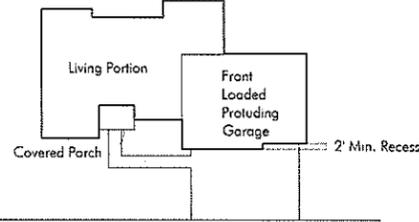



TYPICAL SINGLE FAMILY DETACHED - STANDARD LOT - TYPE C (protruding garage)

Two Story (N.T.S.)

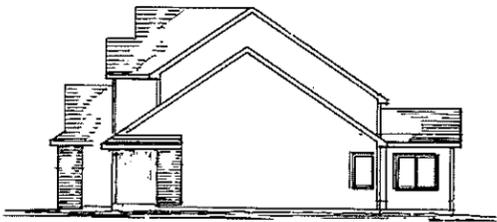



Single Story (N.T.S.)

TYPICAL STEEL FENCE

scale: N.T.S.



Typical Side Elevation (N.T.S.)

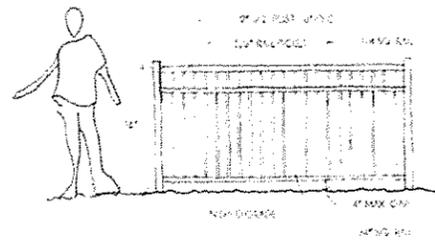


Typical Rear Elevation (N.T.S.)

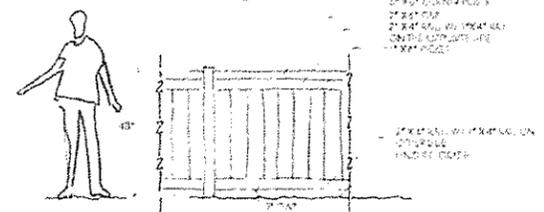
Note:
These elevations are prototypical. Some variation will occur with the development of each property

TYPICAL CEDAR FENCE

scale: N.T.S.



Typical Side Elevation (N.T.S.)

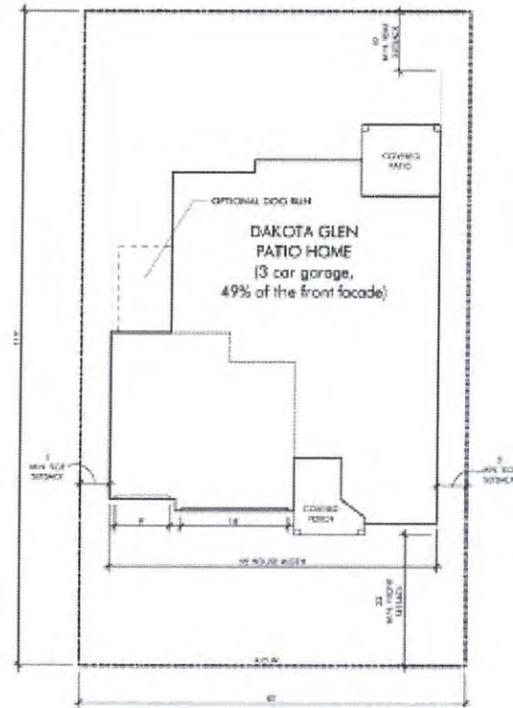


Typical Rear Elevation (N.T.S.)

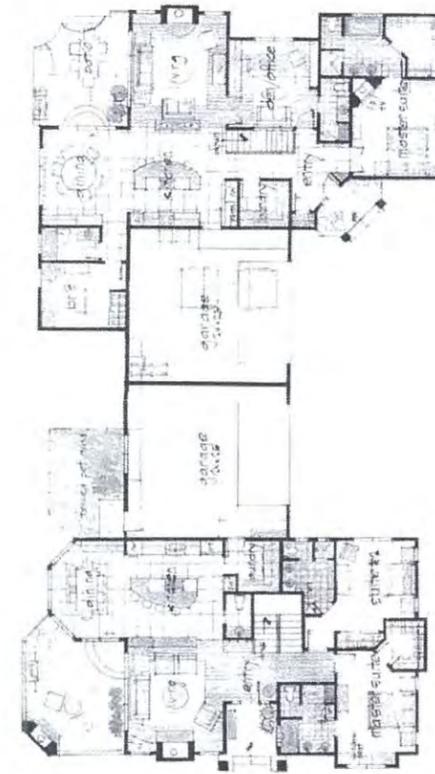
ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
FIRST AMENDMENT
 LOVELAND, COLORADO

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TYPICAL SINGLE FAMILY DETACHED - PATIO HOME



TYPICAL SINGLE FAMILY ATTACHED

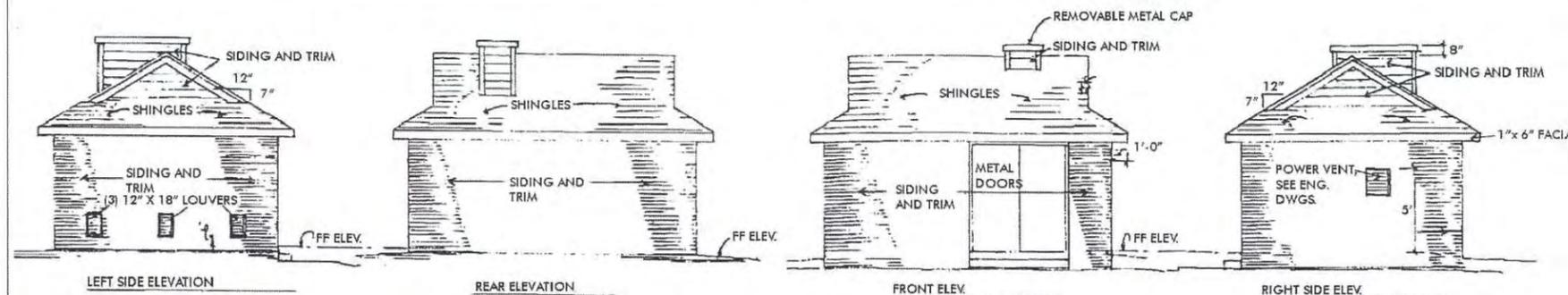


PLAN



ELEVATION

TYPICAL PUMPHOUSE



Note:
 These elevations are prototypical. Some variation will occur with the development of each property.

ARCHITECTURAL ELEVATIONS
DAKOTA GLEN FINAL DEVELOPMENT PLAN
DAKOTA GLEN 1 ST. SUBDIVISION
 LOVELAND, COLORADO

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PLANNED UNIT DEVELOPMENT LARIMER 2013 - 16" WEST MAIN NATURAL GAS PIPELINE REPLACEMENT (ESTES PARK REGULATOR STATION & UNDERGROUND PIPELINE IN DAKOTA GLEN PUD) CITY OF LOVELAND FEBRUARY 2013

Zoning	P-98
Site Acreage	7.48 acres
Land Use	Natural gas pipeline and public utility facility
Square Footage	1. Total - 300 sq. ft.
	2. Floors - 300 sq. ft.
	3. Natural Gas Regulation - 300 sq. ft.
Building Occupancy	U-Utility
Type of Construction	1. Construction Type - Type 2A
	2. Fire Sprinkler - None
Parking Spaces	N/A - This is an unmanned utility
Landscaping	N/A - See Note 5 on Sheet 4, regarding seed mix
Open Space	N/A - The Estes Park Regulator Station is a public utility facility. The pipeline will be buried and revegetated upon completion of construction, and no impacts to open space.
FEMA Floodplain	No portion of the site is within a FEMA floodplain



DRAWING INDEX			
REVISION	SHEET NO.	DRAWING NO.	DRAWING TITLE
A	1	2300	COVER SHEET
A	2	2301	LEGAL DESCRIPTION
A	3	2302	OVERALL PLAN
A	4	2303	GRADING PLAN
A	5	2304	BUILDING PLAN & DETAILS

Standard Site Plan Notes:

1. Unless otherwise noted all land and utilities will be unchanged or restored to their original condition.
2. Legal descriptions of all Public Service company easements are included in the legal description page.
3. Regulator stations do not yet have an address assigned by the City of Loveland.
4. Final architectural design of regulator stations will be completed after final input from the City of Loveland.
5. The construction of the valve stations or pipeline in this plan shall be completed in one phase.
6. There will be no paved parking or bicycle racks installed and no servicing of vehicles on site.
7. All trash shall be hauled away by Public Service Company employees. There will be no permanent refuse collection areas.
8. No area of the easements in this plan is within fifty feet (50') of the property that is within a 100-year floodplain, is classified by the Army Corps of Engineers as wetlands or is land classified as having severe soil limitations by the Soil Conservation Service.
9. No area of the easements in this plan is within the Airport influence area.
10. The only high wildlife value for an easement of these plans by the Colorado Division of Wildlife is all easements fall within the snow goose winter foraging range. This development will have little to no impact on this species.



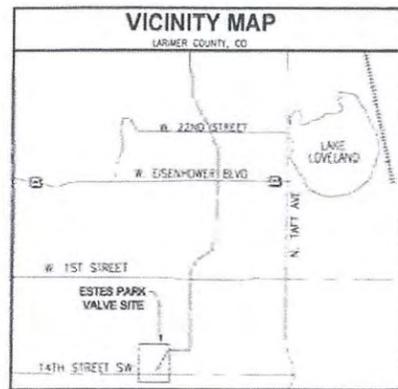
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XCEL PLANNED UNIT DEVELOPMENT (1 OF 5)

**DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO**

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Section 21, Township 5N, Range 69W
LOVELAND, COLORADO



OVERALL PLAN VIEW
SCALE 1" = 100'



XCEL PLANNED UNIT DEVELOPMENT (2 OF 5)

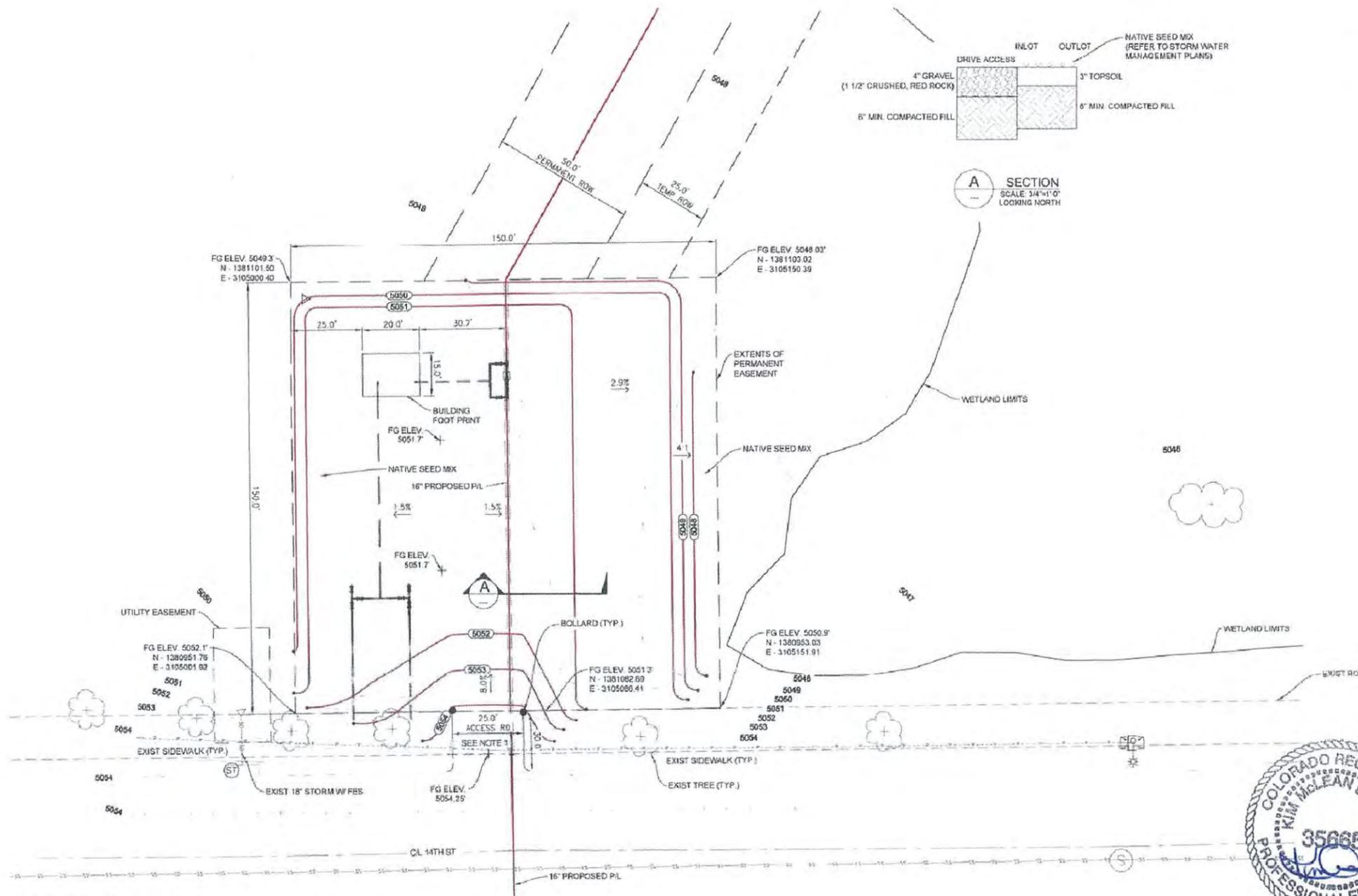
DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

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SHE
APR PC ATTACHMENT 6



Section 21, Township 5N, Range 69W
LOVELAND, COLORADO



LEGEND

- LIGHT POLE
- ⊙ STORM DRAIN
- ⊙ SANITARY SEWER
- ABOVE GROUND PIPING
- BELOW GROUND PIPING
- △ RADIO TRANSMISSION UNIT

GRADING LEGEND

2246	EXISTING CONTOUR
2234	FINISHED CONTOUR
FLOW	DRAINAGE FLOW DIRECTION
•	INTERSECTING POINT BETWEEN FINISHED CONTOUR AND EXISTING CONTOUR
FG	FINISHED GRADE

NOTES:

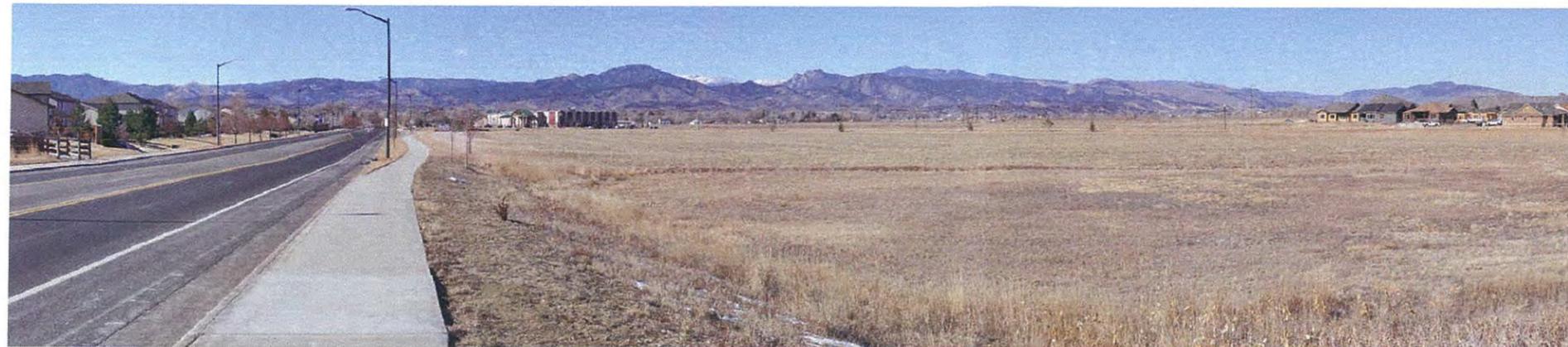
1. FOR DRIVE ACCESS DETAIL REFERENCE LARIMER COUNTY URBAN AREA STREET STANDARD DRAWING 706-STANDARD DRIVEWAY APPROACH.
2. COMPACT ALL NON STRUCTURAL FILL AREAS TO 90% OF THE MAXIMUM DRY DENSITY WITH STRUCTURAL FILL AREAS @ 95%.
3. REFERENCE PROJECT STORM WATER MANAGEMENT PLAN FOR ALL EROSION CONTROL MEASURES.
4. CONTRACTOR IS RESPONSIBLE WITH IDENTIFYING, LOCATING, AND POTHOLES ALL FOREIGN LINE CONFLICTS. CONTRACTOR IS REQUIRED BY STATUTE TO UTILIZE THE STATE ONE CALL SYSTEM (811) FOR UTILITY LOCATE REQUESTS.
5. A NATIVE SEED MIX THAT MEETS CITY OF LOVELAND STORM WATER STANDARDS SHALL BE SUBMITTED AND APPROVED PRIOR TO INSTALL.



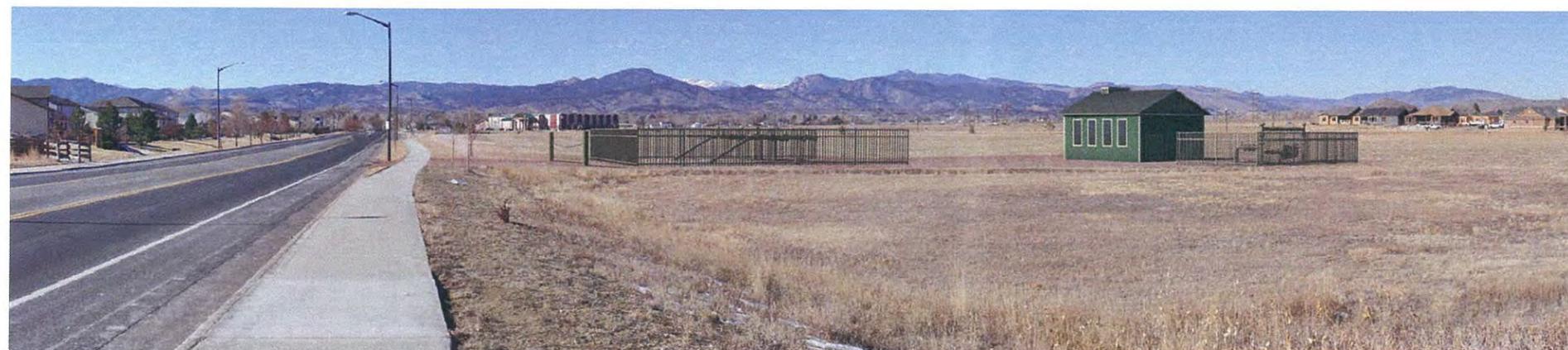
XCEL PLANNED UNIT DEVELOPMENT (3 OF 5)

DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

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Existing Environment



Photographic Simulation

Parameter	Control House	Aboveground Pipeline	Fence	Bollard
Use	Controls the flow of gas from higher to lower pressures as the gas would move from the 48-inch transmission pipeline to smaller lateral and distribution pipelines.	Transmission of natural gas.	Screening of aboveground gas piping.	Entrance Gate
Quantity	1	2	2 locations	2
Height	~12 feet (similar roof pitch to existing pump house)	6.1 feet, 6.5 feet	8 feet	3.5 feet
Length	24 feet	17 feet, 11 feet	South Fence: 108-feet East Fence: 58-feet	N/A
Width	22 feet	16 feet, 6.5 feet	South face: 32-feet East face: 24-feet	N/A
Size	528 square feet	6.5-inch-diameter pipeline; footprints are 308 square feet, 71.5 (377.5 square feet total)		6.5 inch diameter
Architectural Design	Similar in character to existing pump house located north of the gas regulator station site.	Painted steel fence, 6 feet	Similar in character to Dakota Glen subdivision fence guidelines.	N/A
Exterior Materials	Walls: Split face concrete block Windows/Doors: Clear glass, black metal louvers Roof: Metal shingles	Painted steel	Ornamental steel	Painted steel
Color	Walls: Teal blue, or similar to match hue of existing pump house Trim: Cream, to match hue of existing pump house Roof: Warm gray, to match hue of existing pump house	Medium-light tan	Medium-light tan	Medium-light tan

Disclaimer: Detailed design drawings to be submitted with building permit applications. Design drawings will substantially comply with the details included on this drawing.

XCEL PLANNED UNIT DEVELOPMENT (4 OF 5)

DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

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SHE
MAY

PC ATTACHMENT 6

2013 - 16" West Main Natural Gas Pipeline Replacement Project - Dakota Glen PUD First Amendment PROJECT AND LEGAL DESCRIPTION

Introduction

Public Service Company of Colorado (PSCo), an Xcel Energy company, is requesting a Planned Unit Development (PUD) Amendment as described in the City of Loveland Land Use Code Chapter 18.41. The Larimer 2013--16" West Main Natural Gas Pipeline Replacement Project (proposed Project) involves the construction, operation, and maintenance of a 16-inch high-pressure replacement natural gas transmission pipeline. The proposed Project encompasses Larimer, Weld, and Boulder counties and several incorporated communities and is approximately 77 miles long. An overview map showing all portions of the West Main Natural Gas Pipeline Replacement Project throughout Larimer County is included on the Project website:

<http://www.xcelenergywestmainpipeline.com/west_main/route-maps/route-maps.html>. The existing 84 year old natural gas pipelines have reached the ends of their service lives, require safety upgrades, and cannot reliably keep up with growing system demand to deliver natural gas. The proposed Project would provide high-pressure transmission of natural gas with limited distribution systems taps as needed. It would provide an important link to future system upgrades for northern Colorado Front Range communities and would ensure more reliable natural gas delivery to customers in light of growing natural gas demand.

The proposed Project includes necessary pipeline and above-ground facilities located on private property within the Dakota Glen PUD in the city of Loveland. As part of its West Main Natural Gas Pipeline Replacement Project, PSCo is proposing to construct, operate, and maintain one new regulator station, referred to as the Estes Park Regulator Station, in the Dakota Glen PUD. Regulator stations control the flow of gas from higher to lower pressures as the gas would move from the 16-inch transmission pipeline to smaller lateral and distribution pipelines that serve the local community.

The preferred pipeline route enters the Dakota Glen PUD in the city of Loveland near the intersection of 14th Street Southwest (SW) and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) at the Estes Park Regulator Station (see Sheet 12). The pipeline exits the Estes Park Regulator Station and heads to the northeast through undeveloped open land within the Dakota Glen PUD. North of the cattail reservoir/detention pond, the pipeline turns due east toward Wilson Avenue leaving the PUD boundary and continues north on Wilson Avenue.

A photographic simulation of the proposed Estes Park Regulator Station is provided in Sheet 14. The appearance of the control house has been designed to be similar to architectural characteristics of the existing pumphouse on the northwest side of the cattail reservoir/detention pond within the Dakota Glen PUD. The control house and aboveground piping would be painted beige to blend with the surrounding

This appendix provides a detailed description of the proposed Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary associated with the proposed Project. The proposed Project is an important part of PSCo's service plan to upgrade the existing natural gas transmission system along the northern Colorado Front Range with new natural gas pipelines that meet current safety, service, capacity, and reliability requirements while also meeting the increasing demand for natural gas in Larimer County, including the city of Loveland. The upgrade would involve replacing the existing 84-year-old, 8-inch natural gas transmission pipeline with a new high-pressure 16-inch pipeline to continue providing reliable, safe natural gas service.

Applicant Information

Applicant: Dan Tekavec, Project Manager
Public Service Company of Colorado
1123 West 3rd Avenue
Denver, CO 80223
(303) 571-3305
dan.tekavec@xcelenergy.com

Engineer: Randy Blank, PSCo Project Manager/Engineer
Public Service Company of Colorado
1901 East Horsetooth Road
Fort Collins, CO 80525
(970) 225-7847
randy.blank@xcelenergy.com

Location and Legal Description

The Estes Park Regulator Station and pipeline within the Dakota Glen PUD boundary is located in Larimer County within the municipal limits of the city of Loveland. The Project area subject to this PUD is located in the Dakota Glen Subdivision near the intersection of 14th Street SW and Angora Drive, approximately 2,000 feet west of the intersection of 14th Street SW and Wilson Avenue (CR17) and the undeveloped open land near the cattail reservoir/detention pond. PSCo has obtained a permanent easement on 0.516 acres of land for this regulator station, and 2.323 acres of permanent easement and 1.114 acres of temporary easement for the pipeline alignment within the Dakota Glen PUD.

Purpose and Need

PSCo currently operates the natural gas supply for most of Larimer County including the city of Loveland. The purpose of the proposed Project is to reliably maintain delivery of natural gas to area customers. The proposed Project is an important part of PSCo's service plan to meet growing natural gas demand in the area because the existing natural gas pipeline cannot meet load requirements at peak demand. The proposed natural gas pipeline upgrade would address safety, service reliability, and capacity concerns for the benefit of commercial and residential customers along the northern Colorado Front Range. Regulator stations are required to control the rate of gas flow and/or pressure through the station and maintain the desired pressure or flow level in the distribution system.

Project Construction Activities

The permanent ROW for operation and maintenance of the Project would be 50 feet. An additional temporary ROW needed for construction activities would be 25 feet.

Construction activities for the West Main Natural Gas Pipeline Replacement Project are proposed to begin approximately May 1, 2013, and operation of the replacement facility would begin during the fall/winter season of 2013.

In open trench areas, major activities involved in Project construction would include surveying, best management practice (BMP) installation, vegetation clearing, staging materials, pipeline trenching, pipeline installation and welding, pressure-testing, backfilling the pipeline trench, cleanup, re-grading the surface, revegetation, and revegetation monitoring. Surface disturbance would be limited to the permanent ROW and the temporary construction ROW and would include boring locations and modifications to regulator stations. Construction activities would be sequenced and likely would occur simultaneously in multiple locations. The pipeline trench would be approximately 72 inches deep with a width of approximately 24 to 36 inches. The new pipeline would sit approximately 48 inches below the final grade. Site restoration would occur according to the provisions of the Stormwater Management Plan (SWMP), which was provided to the City of Loveland on March 22, 2013. Temporary fencing would be utilized around the bore pits and trenches as needed to prevent public access and maximize safety.

Regulator station construction could run concurrently with natural gas pipeline construction. Surface disturbance associated with the Estes Park Regulator Station would be limited to the 0.516 acre permanent easement of the regulator station.

PSCo proposes to use boring techniques, as feasible, to avoid surface disturbance to wetlands, trails, and driveways. Boring techniques would involve drilling construction of the pipeline under these surface features. In wet areas, the natural gas pipeline would be weighted for stability to ensure that the pipeline remained securely in place during periods when soil might be saturated. All wetlands associated with the Dakota Glen PUD will be bored. As described in the Environmentally Sensitive Areas Report (ESAR) submitted under separate cover, the proposed Project would not affect mature stands of vegetation. A wetland delineation report was prepared for the proposed Project located within the PUD, and is provided in Attachment 2 of the ESAR. The proposed regulator station is located in an area that is higher than the surrounding wetlands primarily located to the east and would therefore not impact wetlands. The proposed pipeline crosses one wetland located along the western portion of the lake. The proposed pipeline would avoid effects to this wetland through the use of boring techniques. The locations of the boring entry/exit locations are shown in Sheet 12. As documented in the agency correspondence included in Attachment 3 of the ESAR, the U.S. Army Corps of Engineers has indicated that a wetland permit (per the Clean Water Act) would not be required. The construction BMPs and site mitigation measures would protect potential impacts to adjacent wetlands during construction and operation of the Project as described in Section IV of the ESAR. As discussed in Section IV.2 of the ESAR, BMPs would be implemented as described in Attachment 6 of the ESAR to minimize or mitigate soil erosion and to revegetate any areas disturbed during construction of the proposed Project. PSCo also would follow the Weed Management and Revegetation Plan provided in Attachment 7 of the ESAR. The Plan includes a preconstruction survey for noxious weeds and follow-up monitoring to ensure revegetation is successful.

PSCo plans to off-load and string pipeline as it is delivered along the ROW. Any stockpiling of pipeline would take place at the proposed Project ROW (including the temporary and permanent easement areas) or at existing PSCo yards. Miscellaneous materials (such as valves, fittings, and other construction materials) would be stored and delivered to the pipeline construction area from PSCo's Fort Collins and Campion Service Centers.

PSCo would install signs (pipeline markers) in the permanent 50-foot easement to identify that a natural gas pipeline is buried nearby. These markers are required by federal regulations for pipeline safety (49 CFR 192). A typical pipeline marker is shown in Attachment 2. These markers provide adequate warning and location of the natural gas pipeline to local residents and future construction contractors performing work in the area. Markers identify the product carried in the pipeline (such as natural gas), the name of the pipeline operator, the operator's 24-hour emergency contact number, and the area's one-call center number. These markers are approximately 4 feet above ground and occur approximately every 500 feet or in-line of sight, on both sides of road, water, and railroad crossings, and at all changes in direction. There would be approximately 4 pipeline markers within the Dakota Glen PUD; one at the Estes Park Regulator Station, one at the angle point near the existing pump house, one at the east end of Dakota Glen near Wilson Avenue, and one on the straight line pipeline alignment within the PUD.

Noise from heavy machinery would be of short duration during construction of the proposed natural gas pipeline. Construction would be limited daily hours between 7 a.m. and 7 p.m. per City of Loveland Municipal Code Chapter 7.32 Sound Limitations, and would occur Monday through Friday. Construction may occur on weekends and other hours outside the 7 a.m. to 7 p.m. timeframe on an as-required basis, with prior approval from the City Manager. Noise levels from equipment would be controlled through the use of standard maintenance procedures and the use of appropriate mufflers.

Construction of the natural gas pipeline and related facilities may generate a temporary increase in fugitive dust. PSCo would comply with state and Larimer County requirements for controlling dust emissions during the construction of the proposed Project. PSCo would employ BMPs for dust suppression, as described in the SWMP. During construction, water trucks would patrol work areas to control dust as necessary depending on weather and dust suppression, weed control, and soil conditioning.

Minimal odors from the proposed Project are expected, with the highest likelihood occurring during construction from vehicle exhaust, and during periods of maintenance activities when mercaptan may be noticeable. Mercaptan is a chemical injected into the natural gas product, as required by federal regulation, to produce a sulfurous odor ("rotten egg" odor) as a safety measure. It is not anticipated that maintenance activities beyond those already experienced by area residents would be required for the proposed Project.

Glare would potentially be visible from construction vehicles and equipment. Any glare experienced would be temporary in nature and would be similar to other sources of glare that exist in the environment (such as from vehicle on Wilson Avenue and residential streets, and glare from residential building materials).

PSCo has obtained a Storm Water Permit for Construction Activities from the Colorado Department of Public Health and Environment. The drainage plan for the proposed Project would consist of a SWMP and BMPs for the control of stormwater runoff during the construction period. Post-construction, the areas disturbed by trenching and boring activities for the natural gas pipeline would be recontoured to preconstruction conditions and revegetated as described in the SWMP.

PSCo adheres to the pipeline safety regulations established in the Code of Federal Regulations (CFR) at 49 CFR Part 192 by the U.S. Department of Transportation (DOT) to ensure public protection and to prevent accidents and failures. Specifically, the DOT Pipeline and Hazardous Materials Safety Administration is the federal authority for ensuring the safe, reliable, and environmentally sound operation of pipeline transmission systems under the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (PIPES Act).

Property Owners, Property, and Right-of-Way Acquisition

PSCo's land services representatives have worked with the landowner of the PUD to explain Project construction, operation, and maintenance activities and to negotiate the purchase of easements based on fair market value. The easement for the Estes Park Regulator Station would grant PSCo a permanent easement of 22,500 square feet (0.516 acres) to construct, operate, and maintain the regulator station. The permanent pipeline easements of 2.323 acres and temporary pipeline easements of 1.114 acres would grant PSCo a permanent 50-foot corridor and temporary 25-foot construction ROW to construct, operate, and maintain the natural gas pipeline within the Dakota Glen PUD. The landowner would maintain fee title to the land acquired under the easement. The land within the pipeline permanent and temporary easements granted to PSCo within the Dakota Glen PUD would be restored and revegetated and available for other uses upon completion of the construction period.

XCEL PLANNED UNIT DEVELOPMENT (5 OF 5)

DAKOTA GLEN 1 ST. SUBDIVISION
LOVELAND, COLORADO

BHA DESIGN, INC. • 1603 OAKRIDGE DR

CONSENT AGENDA

1. **Vacation of Rights-of-Way, Millennium SW 5th Subdivision**

Chair Meyers asked if the Staff wished to remove any of the items listed on the Consent Agenda. **Current Planning Manager Bob Paulsen** asked that item # 2 be removed from the Consent Agenda. **Vice-Chair Middleton** moved to approve the Consent Agenda, with the exception of Item #2. The motion was seconded by Commissioner Prior and the motion was unanimously approved.

REGULAR AGENDA

2. **Extension Request: Anderson First Subdivision Preliminary Plat**

Current Planning Manager Bob Paulsen requested that this item be removed from the Consent Agenda so that the Commission could review the revised motion. This property consists of 89 acres located at the NE quadrant of the intersection of Hwy. 287 and Hwy. 60. The Preliminary Plat was approved in 2010. The Planning Commission has final authority on this matter. **Mr. Paulsen** moved to make a finding that the applicant sought an extension of the Preliminary Plat and the Preliminary Development Plan prior to their expiration, but was unable to complete the request until foreclosure was completed. Based on "good cause", Staff is recommending approval of the request for a two-year extension of the Preliminary Plat of the Anderson First Subdivision to 6/10/15. This item was opened to Public Hearing.

With no citizen comments or Commission comments, **Vice-Chair Middleton** made a motion to approve the request for a two year extension to 6/10/15. Upon a second from **Commissioner Crescibene** the motion was unanimously adopted.

3. **Dakota Glen PUD: Preliminary Development Plan Amendment**

This is the continuation of a public hearing item to consider a proposed amendment to the Preliminary Development Plan (PDP) for the Dakota Glen PUD. The amendment would modify permitted uses in the PUD to allow the construction of an above ground public utility facility and natural gas pipeline proposed by Xcel Energy. Since the May 13th Planning Commission meeting, a consensus has been reached by neighborhood residents and Xcel energy regarding the regulator station and associated landscaping.

Commissioner Dowding asked that she be allowed to continue to recuse herself from this agenda item, but asked to stay on the dais for the discussion.

Principal Planner Kerri Burchett addressed the Commission and gave a general description of the requested amendment. She indicated that a neighborhood meeting had been held on 5/20/13 between Dakota Glen homeowners and PSCo, during which time a discussion was held to determine the color of the facility, fencing options, landscaping and screening. During the meeting a consensus was reached, and the three outstanding concerns were resolved. A slide show with photo simulations of the finished site with neighborhood recommendations was presented. Staff recommends approval of the PUD amendment with conditions listed in the 6/10/13 Staff report.

Ms. Burchett introduced Mr. Dan Tekavec, Project Manager for PSCo. Mr. Tekavec thanked all who participated in the positive neighborhood meeting. 15 members from the Dakota Glen neighborhood, **Mr. Scott Bray, Developer of Dakota Glen, and Ms. Burchett** were in attendance at the meeting. Several color, fencing and landscape options and photo simulations were presented for a discussion. The homeowners chose a green color for the control house, no fencing, and suggested landscaping inclusive of shrubs, berms, and coniferous trees. PSCo will fund the installation of plants, berms and landscaping; west, north, and south of the Regulator Station. The Dakota Glen homeowners association will be responsible for the care, maintenance, and irrigation of the landscaping outside of the gasline easement. PSCo agreed to fund the replacement of trees that fail to establish for a period of 4 years after initial planting. In addition, PSCo agreed to replace 14 dead trees along SW 14th St. in the Dakota Glen PUD.

Commissioner Crescibene asked who would pay for the irrigation piping needed for maintenance of the site. **Mr. Tekavec** responded that the irrigation pipes already exist to the north and no new pipes would be required.

Commissioner Krenning thanked PSCo for their outstanding work with the Dakota Glen homeowners and stated that the extra time was to everyone's benefit.

Chair Meyers complimented the homeowners, PSCo, and **Ms. Burchett** for working together for a solution and felt they did an excellent job.

Commissioner Massaro stated that this is an outstanding example of what cooperation can accomplish when people work together to resolve the issues.

Chair Meyers opened the floor to a Public Hearing on the matter. Given that no citizen feedback was offered, **Mr. Meyers** closed the Public Hearing.

Commissioner Middleton complimented to PSCo for working with the public.

After **Mr. Tekavec** accepted the conditions in the amendment on behalf of PSCo, **Commissioner Middleton** moved to recommend that City Council approve the amendment with conditions. Upon a second from **Commissioner Krenning** the amendment with conditions was unanimously approved.

4. **Airpark North Addition: Zoning Ordinance Amendment**

This is a public hearing to consider a request to amend the Airpark North zoning ordinance. This 94-acre property zoned Developing Industrial is located immediately north of the Fort Collins-Loveland Airport. When the property was annexed in 1987, one of the conditions stated the owner would be required to submit a master plan prior to any development. The property owner, Curt Burgener, is seeking to amend this requirement to allow an interim storage use on the property prior to the approval of a master plan and final development.

City Planner II, Troy Bliss stated that this item is a request to amend a zoning ordinance for the Airpark North Addition. It is a 93 acre parcel located on the northeast edge of Loveland. He stated that the property owner would like to use 21 acres of the parcel for outdoor storage. Although the Staff Report specifically uses the phrase "outdoor vehicle storage", **Mr. Bliss**

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
May 13, 2013**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on May 13, 2013 at 6:30 p.m. Members present: Chairman Meyers; Vice-Chair Middleton; and Commissioners Massaro, Molloy, Dowding, Krenning and Prior. City Staff present: Bob 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.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Current Planning Manager Mr. Paulsen** said there were no staff matters to report but wanted to remind the Commission that the next scheduled meeting for May 27, 2013 is canceled due to the Memorial Holiday.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Commissioner Dowding stated that she recently had to opportunity to sit at the corner of the new Kum-and-Go facility that was recently opened on Hwy 34. She said that the wall that was built out front was beautiful and thanked those who constructed it for a job well done.

Chair Meyers shared that he had been asked to attend a study session with the City Council on May 28th to discuss a possible ban on fracking in Loveland. He was asked by the Mayor to get a consensus from the Commission regarding their position on a fracking ban. **Commissioner Dowding** stated that she believes there are sufficient safeguards in place and that a ban is not necessary. **Commissioner Prior** agreed and stated he is also against a ban. **Commissioner Molloy** said that the 1,000 foot setback was his concern. **Commissioner Massaro** expressed concern in regards to information that supports health issues that accompany fracking, along with home value questions that surround it. He would like to investigate a possible ban. **Commissioner Middleton** stated he has concerns regarding the current standards being used for fracking from an air and water quality perspective; however, he does not outright support a ban. **Commissioner Krenning** had no comment. **Chair Meyers** indicated that he will not support a ban because he feels it would be a losing legal battle with the State of Colorado.

APPROVAL OF THE MINUTES

Commissioner Middleton abstained from voting as he did not attend the April 22nd meeting. **Commissioner Molloy** made a motion to approve the April 22, 2013 meeting minutes. Upon a second from **Commissioner Dowding**, the minutes were unanimously adopted.

REGULAR AGENDA

1. Amendment to Dakota Glen PUD

This is a public hearing item to consider a proposed amendment to the Preliminary Development Plan (PDP) for the Dakota Glen PUD. The amendment would modify permitted uses in the PUD to allow the construction of an above ground public utility facility and natural gas pipeline that is part of regional project to replace an existing pipeline from the Wyoming border to Westminster, Colorado. The Planning Commission's responsibility is to conduct a quasi-judicial public hearing and forward a recommendation on this application to the City Council for final action.

Commissioner Dowding recused herself from this discussion, indicating that she was in the notice area of this item and participated in the neighborhood meeting.

Kerri Burchett, Principal Planner with the Current Planning Division, provided a summary of the major amendment and presented a slide illustrating the affected area of the Dakota Glen PUD. She stated that the applicant for this amendment is Public Service Company of Colorado (PSCo) and they are requesting to amend the PUD to add a use of an above ground public utility facility. She explained that the goal is to develop a new station for an underground pipeline that would go through the open space area of the PUD. This is a small part of a much larger Xcel state project to install 77 miles of new pipeline. The Regulator Station Site is necessary to control the flow of gas between a 16" line and a smaller line and will be located and accessed off 14th St. SW. The site will sit on approximately ½ acre with a 528 square foot control house. There will be two areas of above ground pipes with less than 380 square feet each, and would be a permanent lease situation between PSCo and the Dakota Glen HOA. The major concern from the neighborhood occupants is the aesthetics of the proposed building and pipes. A comparative slide was shown to explain the revised drawing of the site after the neighborhood meeting. The new drawing addressed the concerns of the neighborhood by modifying the color of the building, and adding a decorative, metal, 6' fence around the above ground pipes. **Ms. Burchett** went on to say that the Current Planning Staff was recommending the approval of the PUD Amendment with conditions. Planning Commission action is a recommendation to City Council and the project is scheduled for the June 18th City Council hearing, which will be the final action to approve or deny the project. Finally, she pointed out to the Commission that they each had a packet in front of them containing letters from Dakota Glen residents.

Ms. Burchett introduced the applicant of the amendment request, **Mr. Randy Blank, PSCo Project Manager/Engineer**. **Mr. Blank** stated he has a 27 year history with Xcel Energy and is very familiar with the gas system in Northern Colorado. He thanked the Commissioner's for allowing him to present the amendment proposal. The goal of Xcel is to provide safe, reliable, gas service to the Front Range, which includes the entire city of Loveland. Currently there are 21,414 miles of natural gas distribution pipeline and 2,100 Regulator Stations; 230 of which are located in Northern Colorado. Xcel is in the process of replacing 95 miles of 1920's and 1930's transmission pipe between Westminster, CO and the Wyoming border. Xcel has held 8 public meetings between February 2012 and April 2013 to discuss the impact of this project on the community. In addition to the meetings, Xcel notified impacted neighborhoods via email, door hangers, website updates, public service announcements, and direct mailings. Xcel and Dakota Glen land owners worked together to develop the needed easements for this pipeline. The purpose of this Regulator Station is to make a tie between the new 16" line and an existing 6" line that runs east and west at 14th St. SW. The line serves the southwest part of Loveland and feeds up to Estes Park. The 16" line will have a slightly higher pressure than the 6" line, creating the need to regulate the pressure. **Mr. Blank** points out that Xcel meets or exceeds federal standards, state standards, and safety requirements, and has had no incidents of intentional damage in above ground pipes in over 20 years. In response to aesthetics concerns, PSCo began working with the Dakota Glen HOA. PSCo agreed to add a screen around the pipes and to restore the landscaping at the Regulator site. There will be no disruption to the wetlands or wildlife, and dust concerns have been addressed. It is the opinion of PSCo that property values will not be impacted since the facility was designed to blend with the PUD, and is far enough away from the actual home sites. Construction time frame for this project is 4-6 weeks and will begin in the fall of 2013.

Vice-Chair Middleton asked **Mr. Blank** engineering questions in order to clear the air on some of the concerns.

Q1) Where is the nearest fire hydrant to the facility?

A1) The nearest ones are in the Blackbird Knolls subdivision.

Q2) What is the pressure in the 16" line?

A2) The 16" pipeline is rated to 1020 psi, and the 6" line is a maximum 960 psi, but operates at an average of 400-700 psi.

Q3) Will there be a blow valve on the regulator?

A3) There is no blow down valve, but there are 2 regulators with monitors to prevent a buildup of pressure. It is a closed system.

Q4) What noise, if any, is associated with the regulators?

A4) The regulators will be wide open and will emit very little, if any, noise.

Q5) Where are the other Regulator Stations?

A5) The closest stations are the Berthoud Control Station and a new one to be built at 8th Street.

Q6) What, if any, alternatives are available if the Commission does not approve this amendment?

A6) There are not many, if any, alternatives to this Regulator Station.

Commissioner Prior addressed Mr. Blank and Mr. Dan Tekavec, Project Manager at PSCo with questions.

Q7) Why did the new pipeline take a different alignment from Taft to Wilson?

A7) The location was chosen because Taft Avenue is a congested, busy corridor. Wilson has a wider right of way.

Q8) Is the existing infrastructure on Taft and SW 14th a regulator site?

A8) No, it's basically valve set.

Q9) Is power needed at the new Regulator Site?

A9) No electrical power will be needed.

Q10) What other sites were considered for this project?

A10) Original plans were to route the regulator to the middle of subdivision of Blackbird Knolls but we determined it was better to detour to the open space, west of Blackbird Knolls.

Commissioner Molloy addresses Ms. Burchett, and Mr. Tekavec, with questions.

Q11) Are there any plans for additional housing development in this area, or will it remain open space?

A11) **Ms. Burchett** stated there are no other development activities planned for this area and pointed out that it is preserved open space.

Q12) Can the infrastructure be placed below grade?

A12) **Mr. Tekavec** explained that the infrastructure has been pushed down as low as it possibly can be and will need to be placed above ground in order to be operated safely.

Public Comments

Mr. Clint Black, 942 Prism Cactus Circle, Loveland, CO. He stated that he thinks Xcel is a great company and believes this is a safe project, but indicated that he would prefer that Xcel put the pipes in a vault for access.

Mr. John Conger, 1023 Prism Cactus Circle, Loveland, CO, indicated that he feels like he represents his community well. He thinks the photos showing the simulation of the proposed Regulator Station are distorted and do not show the houses in the surrounding area. He believes the Regulator Station will have a negative impact on property values in Dakota Glen since its location is at the entrance of the development. He is concerned that the original notice sent out from Xcel in November 2012 did not mention above ground pipes. Finally, he feels that the financial "windfall" that the HOA got from the sale of the easement wasn't divided equitably.

Mr. Dale Roberts, 3448 Peruvian Torch Drive, Loveland, CO, communicated that he had aesthetic and financial concerns about the Regulator Station. Most residents moved to Dakota Glen because of the open space and surrounding area. He asked what other locations were considered for the Regulator Station, and asked if the Fire Station site looked into and why it wasn't the chosen site? Can any other amendments be added at will for the Dakota Glen PUC or will it have to be brought before the Commission again? **Commissioner Middleton** asked **Mr. Roberts** why he thinks the site at the SW corner of Wilson would be a better location considering that it is much closer to homes than the proposed site. **Mr. Roberts** conceded that neighbors there wouldn't like it in their neighborhood either.

Ms. Jeanice Prohs, 3411 Angora Drive, Loveland, CO. **Ms. Prohs** said she and her family moved to Dakota Glen in March. She was attracted to the neighborhood because of its open space. She expressed concerns regarding aesthetics and safety.

Mr. Scott Bray, 2586 Eldorado Springs Drive, Loveland, CO. **Mr. Bray** is the developer of Dakota Glen. He wanted to clarify the timeframe as to when Xcel and PSCo contacted him. He said in 2011 he was contacted to help minimize the impact the Regulator Station would have on the homes and open space area. It was a period of over 9 months before negotiations began; he believes around the summer of 2012. He said he had very few negotiation powers from the beginning. He does not believe the underground pipeline would have any impact on the open space. **Mr. Bray** expressed that he worked hard to communicate with the homeowners.

Linda Chalcraft, 3461 Peruvian Torch Drive, Loveland, CO. **Ms. Chalcraft** moved into her new home in Dakota Glen two weeks ago. She insisted that she was never told of Xcel's plans to build the Regulator Station during the time her home was being constructed. She also said she has concerns about vandalism.

Commission Comments

Mr. Blank and Mr. Tekavec addressed questions put forth at the Public Hearing.

Mr. Tekavec explained that the reason vaults are no longer used by PSCo/Xcel is because the vaults are in a confined area, and in the event there is a leak, the gas can build up in higher concentrations and be dangerous for maintenance workers.

Ms. Burchett answered the question regarding the easement and what else could be built there if the amendment is approved. She explained that if anything new is built in the PUD, it must go through the hearing process, regardless if it is a major or minor amendment. Like other amendments, it would also require a public hearing, either at a Planning Commission meeting or a City Council meeting.

Mr. Tekavec told the Commission that alternate locations for the Regulator Station were considered, including the NE corner of Wilson/14th St. SW. The decision to place the station in the Dakota Glen open space area was made ultimately because it is preferable to a more heavily developed site.

Mr. Bray explained to the Commission that when the aesthetic options for the Regulator Station were discussed, it was agreed to by the HOA and PSCo that the site had to match the Dakota Glen architectural standards. He also went on to say that the dead trees that line 14th St. will be replaced by PSCo.

Commissioner Massaro asked **Mr. Blank** what his is experience with vandalism at other sites. **Mr. Blank** responded that there are 230 Regulator Stations in Northern Colorado. There is some occasional tagging (graffiti) on the buildings, but no major vandalism. He stated that the site would not be electronically monitored; however, a technician does visit the site at least once a week, so any problems would be found and reported quickly.

Commissioner Krenning asked if there was a landscaping plan in place and was it addressed as a condition to the amendment? He went on to say that the original site had no fence in the simulation photos and that it seems as the fence may draw more attention to the facilities. He questioned whether the pipes can be camouflaged by trees or shrubs instead of a fence.

Ms. Burchett explained to **Mr. Krenning** that the plans to hide the pipes were mostly discussed between PSCo and Mr. Bray. Specifics on how to modify the site was not discussed in detail at the neighborhood meeting beyond an agreement that the aesthetics of the site needed to be addressed.

Commissioner Krenning commented he was not sure if the Commission could rule on something that is uncertain at this point. He stated the fence might not be the best option and indicated that he would like the Commission to delay a decision for two weeks in order to find a better solution.

Bob Massaro commented that he did not think that the homeowners of Dakota Glen had full input on decisions about the aesthetics of the site.

Commissioner Molloy stated that it appears the landscape plan is missing from the project packet.

Ms. Burchett responded that this is a preliminary plan and it might be absent of some details. She noted that plans to replace the trees that have died and other landscape details are available on sheet 4 and 8 in the packet.

Chair Meyers noted that there was a condition that a letter of approval from the HOA was to be sent to Planning and asked **Mr. Bray** if that was completed? **Ms. Burchett** confirmed that Planning did get the letter from **Mr. Bray**.

Commissioner Krenning asked to hear from homeowners and wanted to know what aesthetic choice they would approve if the Commission approves the amendment.

Mr. Conger responded to the question and said he would like the site look like it was intended. He would like it to blend in with the open space as much as possible.

Commissioner Massaro commented that the homeowners have not had a clear voice in how the site should look from an aesthetics perspective.

Commissioner Molloy conceded that it won't be possible to move the Regulator Site to an alternate location. He also said that he cannot envision what the finished site will look like based on the simulation images.

Commissioner Krenning felt that the Commissioners are unsure what the conditions are and felt that this amendment is being rushed through. He asked to see this amendment continued and indicated that he would not vote to approve as it is.

Commissioner Prior agreed that the amendment approval needs to be delayed and said the final plan must be one that the homeowners will approve.

Vice-Chair Middleton indicated that he will not approve the amendment as presented.

Chair Meyers stated that he agrees that the pipes will need to be placed in the Dakota Ridge PUC. He said the Commission has the ability to make an impact on the aesthetics of the Regulation Station. He agreed the amendment approval needs to be continued until a solid plan can be developed.

Vice-Chair Middleton made a motion to approve the PUD amendment subject to the condition listed in Section 9 as amended on the record. Upon a second by **Commissioner Massaro** the amendment did not pass. **Chair Meyers** was not comfortable with approving the amendment as it stands and would rather see it continued. The motion is unanimously denied.

Chair Meyers asked if continuing this amendment would interrupt the Xcel project plan. **Mr. Blank** responded that a one month delay is not ideal, but that Xcel is willing to work with the Commission to ensure homeowners are happy with the end result.

Commissioner Krenning made a motion to continue the meeting on June 10, 2013. Upon a second by **Vice-Chair Middleton** the motion was unanimously adopted.

ADJOURNMENT

Chair Meyers, made a motion to adjourn. Upon a second by **Commissioner Krenning**, the motion was unanimously adopted.

Approved by: _____
Buddy Meyers, Planning Commission Chairman

Kimber Kreutzer, Planning Commission Secretary



Dakota Glen PUD

Preliminary Development Plan Amendment

City Council
July 16, 2013

Dakota Glen PUD Amendment

Location:

- West of Wilson Avenue, north side of 14th St. SW
- East of Boedecker Lake & Charter School

Site:

- 84 acre total



Dakota Glen PUD Amendment

Request:

- Add Use of Aboveground Public Utility Facility

Purpose:

- Develop a new regulator station & 16" underground pipeline
- Part of Statewide Xcel project to install 77 miles of new pipeline from Westminster to WY border



City Council Public Hearing

July 16, 2013

Regulator Station Site

- Necessary to control flow of gas between 16 inch line and smaller lateral in 14th ST SW
- Located and accessed off of 14th Street SW
- ½ acre permanent lease area for regulator station
- 528 square foot control house
- 2 areas of above ground pipes, less than 380 square feet each

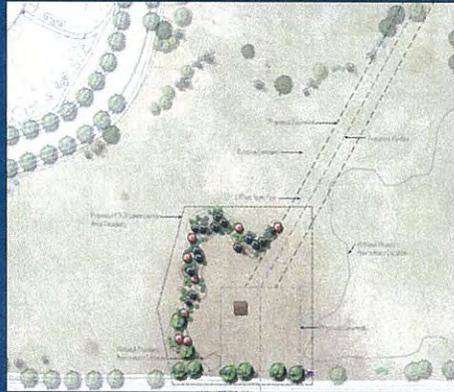


City Council Public Hearing

July 16, 2013

Planning Commission Summary

- PC Hearing on May 13th was continued
- Neighborhood meeting held on May 20th
 - Color of Control House
 - Site Fencing
 - Landscaping and Screening
- Consensus reached
- Recommend approval





CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 6
MEETING DATE: 7/16/2013
TO: City Council
FROM: Troy Bliss, Current Planning
PRESENTER: Troy Bliss

TITLE:

An Ordinance Amending Ordinances 3380 And 3381 To Modify A Condition Set Forth Therein Pertaining To The Annexation And Zoning Of The Airpark North Addition To The City Of Loveland, Larimer County, Colorado

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt the ordinance.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

DESCRIPTION:

A public hearing to consider a legislative action to adopt an ordinance on first reading modifying a condition on the annexation and zoning of the Airpark North Addition.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

SUMMARY:

The Airpark North Addition was annexed into the City in January of 1987 by Ordinance 3380 (the "Annexation Ordinance") and zoned as set forth in Ordinance 3381 (the "Zoning Ordinance"). The addition is a 94.5 acre parcel of land located directly north of the Fort Collins-

Loveland Municipal Airport. The property is zoned I-Developing Industrial. The Annexation Ordinance and the Zoning Ordinance were approved subject to a number of conditions.

Interstate Land Holdings, LLC (property owner/applicant) would like to establish an interim outdoor storage use on a portion (21 acres) of the 94.5 acres. The Applicant would like to establish the proposed interim use to obtain some return on investment prior to developing the entire 94.5 acres with a much more substantial long-term use. Outdoor storage is a use permitted by right in the I– Developing Industrial zoning district subject to all applicable City standards. Application for a Site Development Plan is also required. However, one of the conditions imposed by Council on its approval of the Annexation and Zoning Ordinances (condition #25) requires that prior to any development, an overall master plan be prepared for the property.

The Applicant has requested that this condition not apply to interim use of a portion of the property for outdoor storage. It is unknown what future uses may be developed on the property. The original requirement for approval of a master plan would still apply if the property is developed beyond the proposed interim use for outdoor storage.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Staff memorandum

FIRST READING July 16, 2013

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCES 3380 AND 3381 TO MODIFY A CONDITION SET FORTH THEREIN PERTAINING TO THE ANNEXATION AND ZONING OF THE AIRPARK NORTH ADDITION TO THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO

WHEREAS, the Airpark North Addition to the City of Loveland is approximately 94.5 acres of land located directly north of the Fort Collins-Loveland Municipal Airport (the “Property”); and

WHEREAS, the Property was annexed by Ordinance 3380 (the “Annexation Ordinance”) adopted by the Loveland City Council in January 1987; and

WHEREAS, the Property was zoned I-Developing Industrial by Ordinance 3381 (the “Zoning Ordinance”) in January 1987; and

WHEREAS, the Annexation and Zoning Ordinances were subject to a number of conditions, including “Condition #25” which reads:

- “25. Prior to development an overall master plan shall be furnished for review by the Planning Commission that addresses the following:
 - a. The intent behind the development plans for this addition.
 - b. The concept of the landscaping, streetscape and signage.
 - c. The architectural character of the buildings and the means of control, i.e. covenants.
 - d. A traffic impact study.”

WHEREAS, the owner of the Property proposes to use a twenty one (21) acre portion of the Property, as depicted on **Exhibit A** attached hereto and incorporated by reference, for outdoor storage (the “Proposed Interim Use”), which is a use by right in the I-Zone; and

WHEREAS, the owner of the Property has requested that the City amend Condition #25 to permit the Proposed Interim Use without requiring a master plan for the Property, with the understanding that a master plan will be continue to be required in connection with any other use and the Proposed Interim Use must meet all City regulations and standards; and

WHEREAS, the City Council desires to amend the Annexation and Zoning Ordinances to modify Condition #25 to permit such use without a master plan on an interim basis, on the terms and conditions forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Condition #25 applicable to the Annexation Ordinance (#3380) and Zoning Ordinance (#3381) for the Property described as Airpark North Addition, City of Loveland, Larimer County, Colorado, is hereby amended to read as follows:

“25. Outdoor storage use on a 21-acre portion of the Airpark North Addition depicted on **Exhibit A** attached hereto and incorporated herein by reference shall be permitted as an interim use (the “Interim Use”) without an overall master plan as required in accordance with the following provisions:

- a. Notwithstanding the Interim Use without an overall master plan for the property, an overall master plan for the property shall be furnished by the property owner for review by the Planning commission upon the earlier of the following dates: (i) that date which is twenty (20) years from the date on which the City Council approves this Ordinance to permit the Interim Use without an overall master plan; or (ii) prior to development or use of all or any portion of the property for any purpose or use other than the Interim Use of a 21-acre portion of the Airpark North Addition (subject to all applicable City requirements and standards).
- b. If at such time as the master plan becomes due under subparagraph a. above, the property owner desires to continue the Interim Use without providing an overall master plan for the property, an application to further amend the Annexation and Zoning Ordinances shall be required.
- c. When required in accordance with the foregoing provisions, an overall master plan for the property shall be submitted for review by the Planning Commission and shall address: (i) the intent behind the development and plans for the property; (ii) the concept of the landscaping, streetscape and signage; (iii) the architectural character of the buildings and the means to control that architectural character (i.e., covenants); and (iv) a traffic study.”

Section 2. That except as expressly amended herein, the Annexation Ordinance and the Zoning Ordinance shall remain in full force and effect and are each hereby reaffirmed and ratified as amended herein.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this _____ day of August, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



Development Services Current Planning

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MEMORANDUM

TO: City Council

FROM: Troy Bliss, City Planner II, Current Planning Division

DATE: July 16, 2013

SUBJECT: Airpark North Addition, Annexation Amendment

I. EXHIBITS

- A. Planning Commission packet
- B. Planning Commission minutes
- C. Slide presentation

II. KEY ISSUES

Staff believes that all key issues regarding the vacation have been resolved through the staff review process. The property is located within the Airport Influence Zone. Specific requirements for building design and height apply to properties that fall within this area. The Fort Collins-Loveland Municipal Airport has indicated that because the proposed outdoor storage use does not include any buildings to be constructed and that with such a use does not constitute a high concentration of people, they have no concerns with the proposal. The Planning Commission unanimously recommends approval of the annexation amendment as proposed.

III. BACKGROUND

The subject property was annexed in 1987 as the Airpark North Addition zoned I – Developing Industrial. It is designated as Tract B which contains approximately 94.5 acres directly north of the Fort Collins-Loveland Municipal Airport. This general area of the City represents the northeastern most part of our Growth Management Area (GMA) as identified on the Comprehensive Master Plan. When the annexation and zoning ordinances were considered, 30 conditions were applied to the property. These conditions function much like the annexation agreement in more recent years – including specific requirements that need to be satisfied in conjunction with development. One condition in particular (condition #25)(see **Attachment 4 in**

Exhibit A) requires that prior to development, an overall master plan for the property shall be provided.

IV. ANNEXATION AND ZONING ORDINANCE AMENDMENT

The attached ordinance concerns a request to amend the Airpark North Addition annexation to allow an interim outdoor storage use without submitting a master plan for the property. The property owner wants to use a 21-acre portion of the Airpark North Addition in a temporary or interim fashion for outdoor storage. This is a use that is permitted by right in the I – Developing Industrial zoning district subject to all applicable City standards. These standards include but are not limited to screening the storage area from public view, access/circulation, fencing, and landscape improvements. All of which would be captured through a Site Development Plan application. Requiring an overall master plan for an interim use of a portion of the property for outdoor storage would make that use uneconomical and it is unknown how the property will be developed in its entirety at this point.

Consequently, the owner has requested amendment of Condition #25 to the Annexation and Zoning ordinances so that this particular condition would not be applicable to the 21 acre outdoor storage use. Condition #25 would however continue to apply to the property and an overall master plan would be required with any development of the entire 94.5 acres or a use other than the proposed interim outdoor storage use.

V. PLANNING COMMISSION REVIEW

The amendment to the annexation and zoning ordinances was reviewed by the Planning Commission at a public hearing on June 10, 2013. The Planning Commission unanimously recommended approval, subject to the following condition which is reflected in the ordinance:

“25. Outdoor storage use on a 21-acre portion of the Airpark North Addition depicted on Exhibit A attached hereto and incorporated herein by reference shall be permitted as an interim use (the "Interim Use") without an overall master plan as required in accordance with the following provisions:

- a. Notwithstanding the Interim Use without an overall master plan for the property, an overall master plan for the property shall be furnished by the property owner for review by the Planning Commission upon the earlier of the following dates: (i) that date which is twenty (20) years from the date on which the City Council approves this Ordinance to permit the Interim Use without an overall master plan; or (ii) prior to development or use of all or any portion of the property for any purpose or use other than the Interim Use of a 21-acre portion of the Airpark North Addition (subject to all applicable City requirements and standards).
- b. If at such time as the master plan becomes due under subparagraph a. above, the property owner desires to continue the Interim Use without providing an overall master plan for the property, an application to further amend the Annexation and Zoning Ordinances shall be required.
- c. When required in accordance with the foregoing provisions, an overall master plan for the property shall be submitted for review by the Planning Commission and shall address: (i) the intent behind the development and plans for the property; (ii) the concept of the landscaping, streetscape and signage; (iii) the architectural character of the buildings and the means to control that architectural character (i.e., covenants); and (iv) a traffic study.”

RECOMMENDATION

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council adopt the ordinance on first reading.



**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

June 10, 2013

Agenda #: Regular Agenda - 4
Title: Airpark North Addition, Annexation Amendment (PZ #13-00061)
Applicant: Interstate Land Holdings, LLC
Request: **Amend Zoning Ordinance**
Location: Between Rockwell Avenue and County Road 30, west of Interstate 25
Existing Zoning: I – Developing Industrial
Proposed Use: Outdoor Vehicle Storage
Staff Planner: Troy Bliss

Staff Recommendation

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

Recommended Motions:

1. Move to recommend that City Council approve the Applicant's request to amend the Airpark North Addition annexation and zoning ordinances to modify condition Number 25 as set forth in Section IX of this report, as amended on the record.

Summary of Analysis

This is a public hearing to consider a request to amend the Airpark North Addition annexation and zoning ordinances. Airpark North Addition was annexed into the City in January of 1987 by Ordinance 3380 (the "Annexation Ordinance") and zoned as set forth in Ordinance 3381 (the "Zoning Ordinance"). It is a 94.5 acre parcel of land located directly north of the Fort Collins-Loveland Municipal Airport. The Annexation Ordinance and the Zoning Ordinance were approved subject to a number of conditions.

The property owner would like to use a portion (21 acres) of the 94.5 acres for outdoor vehicle storage. This has been presented by the Applicant as an interim use of the property, where because of the nature of use, investment could be kept relatively low based upon infrastructure needs while getting some return on the property. Outdoor vehicle storage is a use permitted by right in the I– Developing Industrial zoning district subject to all applicable City standards. Application for a Site Development Plan is also required. However, one of the conditions imposed by Council on its approval of the Annexation and Zoning Ordinance s(condition #25) requires that prior to any development, an overall master plan be prepared for the property.

The Applicant has requested that this condition not apply to use or a portion of the property for outdoor vehicle storage. It is unknown what the overall use and development of the property will be. The items identified in the condition such as landscaping, streetscape, signage, architectural design, and traffic impacts could not be incorporated into a master plan for the entire property at this time.

I. SUMMARY

In January of 1987, the City annexed a 94.5 acre parcel of land into its municipal boundaries directly north of the Fort Collins-Loveland Municipal Airport known as the Airpark North Addition. The property was zoned DF – Developing Industrial which under today’s zoning correlates to I – Developing Industrial. When the Annexation and Zoning Ordinances were considered on first reading (January 6, 1987), 30 conditions were applied to the property. The Annexation and Zoning ordinances with all the conditions function much like the annexation agreements in more recent years – including specific requirements that need to be satisfied in conjunction with development. Included in **Attachment 2** are the City Council minutes from January 6, 1987 listing all of the conditions of the Annexation and Zoning Ordinances. Although the recorded Annexation and Zoning ordinances (Ordinance #3380 & 3381 respectively), which are included in **Attachment 4**, do not include the conditions listed in the City Council minutes, these minutes clearly set for the conditions and the intent of the City Council. City Council minutes from January 20, 1987 (**Attachment 3**) merely reflect passage of the Ordinances on second reading. Research conducted by the City does not suggest that the intent was to remove these conditions listed in the minutes from January, 6 1987 or indicate any change to the Ordinances adopted on first reading on January 20, 1987.

The property owner wants to use a 21-acre portion of the Airpark North Addition in a temporary or interim fashion for outdoor vehicle storage. This is a use that is permitted by right in the I – Developing Industrial zoning district subject to all applicable City standards. These standards include but are not limited to screening the storage area from public view, access/circulation, fencing, and landscape improvements. All of which would be captured through a Site Development Plan application. However, in conjunction with the conditions applied to the Annexation and Zoning ordinances, condition #25 stipulates that prior to development, an overall master plan for the property shall be provided for Planning Commission review that addresses the intent of development, design concepts for landscaping, streetscape, and signage, architectural design, and traffic impacts.

Requiring an overall master plan for an interim use of a portion of the property for outdoor vehicle storage would make that use uneconomical and it is unknown how the property will be developed in its entirety at this point. Consequently, the owner has requested amendment of Condition #25 to the Annexation and Zoning ordinances so that this particular condition would not be applicable to the 21 acre outdoor vehicle storage use. Condition #25 would however continue to apply to the property and an overall master plan would be required with any development of the entire 94.5 acres or a use other than the proposed interim outdoor vehicle storage use. **Attachment 1** includes a justification from the owner’s representative for consideration.

II. ATTACHMENTS

1. Letter of justification for amending the zoning ordinance with outdoor vehicle storage exhibit
2. January 6, 1987 City Council minutes
3. January 20, 1987 City Council minutes
4. Ordinance #3381

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF SITE: APPROXIMATELY 94.5 ACRES (21 ACRES FOR OUTDOOR
 VEHICLE STORAGE AREA)

PROPERTY ZONING / USE I – DEVELOPING INDUSTRIAL

EXISTING ZONING / USE - NORTH UNINCORPORATED LARIMER COUNTY / RURAL
 RESIDENTIAL

EXISTING ZONING / USE - SOUTH..... I – DEVELOPING INDUSTRIAL / VACANT UNDEVELOPED
 AIRPORT PROPERTY

EXISTING ZONING / USE - EAST UNINCORPORATED LARIMER COUNTY / VACANT
 UNDEVELOPED PROPERTY

EXISTING ZONING / USE - WEST UNINCORPORATED LARIMER COUNTY / RURAL
 RESIDENTIAL

V. KEY ISSUES

There are no key issues regarding this request to amend the Airpark North Addition Annexation and Zoning ordinances. All City Divisions including the Fort Collins-Loveland Municipal Airport have no objections. Should this request to amend the Annexation and Zoning ordinances be approved, a subsequent Site Development Plan application will assure that the proposed outdoor vehicle storage use will comply with all applicable standards.

VI. BACKGROUND

The subject property was annexed in 1987 as the Airpark North Addition zoned I – Developing Industrial. It is designated as Tract B which contains approximately 94.5 acres directly north of the Fort Collins-Loveland Municipal Airport. This general area of the City represents the northeastern most part of our Growth Management Area (GMA) as identified on the Comprehensive Master Plan. It is also located within the Airport Influence Zone. Specific requirements for building design and height apply to properties that fall within this area. The Fort Collins-Loveland Municipal Airport has indicated that because the proposed outdoor storage use does not include any buildings to be constructed and that with such a use does not constitute a high concentration of people, they have no concerns with the proposal.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** An affidavit was received from David Kasprzak, on behalf of the applicant, certifying that written notice was mailed to all property owners within a 1,200 foot radius and notices were posted in a prominent location on the perimeter on May 24, 2013. In addition, a notice was published in the Reporter Herald on May 25, 2013.
- B. Neighborhood Response:** A neighborhood meeting is not required in conjunction with an application to amend a zoning ordinance. Staff has received one phone call from a surrounding property owner wishing to obtain additional information.

VIII. FINDINGS AND ANALYSIS

The Loveland Municipal Code and the Colorado Revised Statutes specify findings or criteria pertaining to annexation and zoning. However, there are no specific findings or analysis to consider when amending an ordinance tied to zoning of the annexation. Planning Commission is being asked to evaluate the information provided and arrive at recommendation to present to City Council.

IX. RECOMMENDED CONDITIONS

City Staff recommends the following condition in lieu of Condition #25:

25. Outdoor vehicle storage use on a 21-acre portion of the Airpark North Addition shall be permitted as an interim use of a portion of the property without an overall master plan as required in accordance with the following provisions.
- a. Notwithstanding the interim use of a 21-acre portion of the property for outdoor vehicle storage without requiring an overall master plan for the property, an overall master plan for the property shall be furnished by the property owner for review by the Planning Commission upon the earlier of the following dates: (i) that date which is twenty (20) years from the date on which City Council approves an ordinance on second reading amending the Airpark North Addition Annexation and Zoning Ordinances to permit outdoor vehicle storage on a 21 acre portion of the property without a master plan; or (ii) prior to development of all or any portion of the property for any purpose or use other than the interim use of a 21 acre portion of the property for outdoor vehicle storage (subject to all applicable City standards).
 - b. If at such time as the master plan becomes due under subparagraph a. above, the property owner desires to continue the outdoor vehicle storage use without providing an overall

master plan for the property, an application to further amend the Annexation and Zoning Ordinances will be required.

- c. When required in accordance with the foregoing provisions, an overall master plan for the property shall be submitted for review by Planning Commission and shall address (i) the intent behind the development and plans for the property; (ii) the concept of the landscaping, streetscape and signage; (iii) the architectural character of the buildings and the means of control (i.e., covenants); and (iv) a traffic impact study.



April 11, 2013

Greg George
 Development Services Director
 500 East Third Street, Suite 210
 Loveland, CO 80537

RE: Request to Amend Ordinance for the Zoning of Airpark North Addition

Background

Airpark North Addition is a 93-acre parcel that was annexed into the City of Loveland in January, 1987. It is located generally south of Larimer County Road 30, north of the Loveland-Fort Collins Airport property – north of the extension of Rockwell Ave. There are vacant parcels bordering the property on the east and west sides that have not been annexed, and remain in Larimer County at this time. When the property was annexed, it was zoned “DF-Developing Industrial”. The parcel has remained undeveloped to date.

The Ordinance to zone Airpark North Addition Includes a list of 30 conditions. Condition 25, is stated as follows:

“25. Prior to development an overall master plan shall be furnished for review by the Planning Commission that addresses the following:

- a. The intent behind the development plans for this addition,*
- b. The concept of the landscaping, streetscape and signage,*
- c. The architectural character of the buildings and the means of control, i.e., covenants,*
- d. A traffic impact study.”*

We believe the intent of that language was to make sure no permanent buildings or significant infrastructure will be construction without a master plan. That is clearly necessary and appropriate. However, a limited use of the property that does not include major permanent improvements should not trigger the requirement for a master plan.

Long Term Objective

The property has been identified by the city as a key component in the future development of the airport because of the potential for a through the fence relationship. Mr. Curt Burgener, the owner of the property, is not a developer. He is a Loveland resident who lives just west of the airport and is eager to help the city meet its long term vision for the future of the airport. This will require coordination between the airport, the city and adjacent private landowners. He is currently participating in the community outreach effort being facilitated by the city and the NCEDC.

The timing and manner in which his property can best be used to help the long term vision is not yet clear. Mr. Burgener is willing to be patient as more information unfolds over the months and

years ahead. However, it is necessary for him to realize some income from the property while a coordinated public-private plan is developed.

Request

With this letter, the owner of the property, Mr. Curt Bergener, requests that the Zoning Ordinance for this property be amended to allow for outside storage without the requirement for a Master Plan, as described in condition 25. This request would be limited to a 21-acre portion of the lot, located generally in the south east corner of the lot, which would use Rockwell Drive as a primary access point, and as depicted on Exhibit A attached. The outside storage use would include vehicles, R.V.'s, boats, semi-trucks, various trailers and construction and other materials consistent with Industrial Uses. A short extension of Rockwell Drive and a short extension of a water line for a fire hydrant are the only public improvements needed.

The proposed outside storage use would continue until there are plans for permanent development of the property; at which time a master plan would be required. It is requested that the requirement for a Master Plan would be required under the following conditions:

1. The owner of the 93 acres requests a building permit for a structure with a permanent foundation anywhere on the property.
2. The owner/developer submits an application for use of any of the property outside the 21 acres identified for storage.

It is understood that if the ordinance amendment is approved, the Owner would proceed through a formal Site Plan Review application prior to storage of any materials on the site.

Thank you for your consideration of this request.

Sincerely,

Deanne Frederickson
Project Planner

CC Curt Burgener
Robert Hau
Rich Shannon

Attachments:

1. Site Development Plan Application
2. Vicinity Map
3. Exhibit A: Outside Storage Use area
4. Council Meeting Minutes dated January 6, 1987

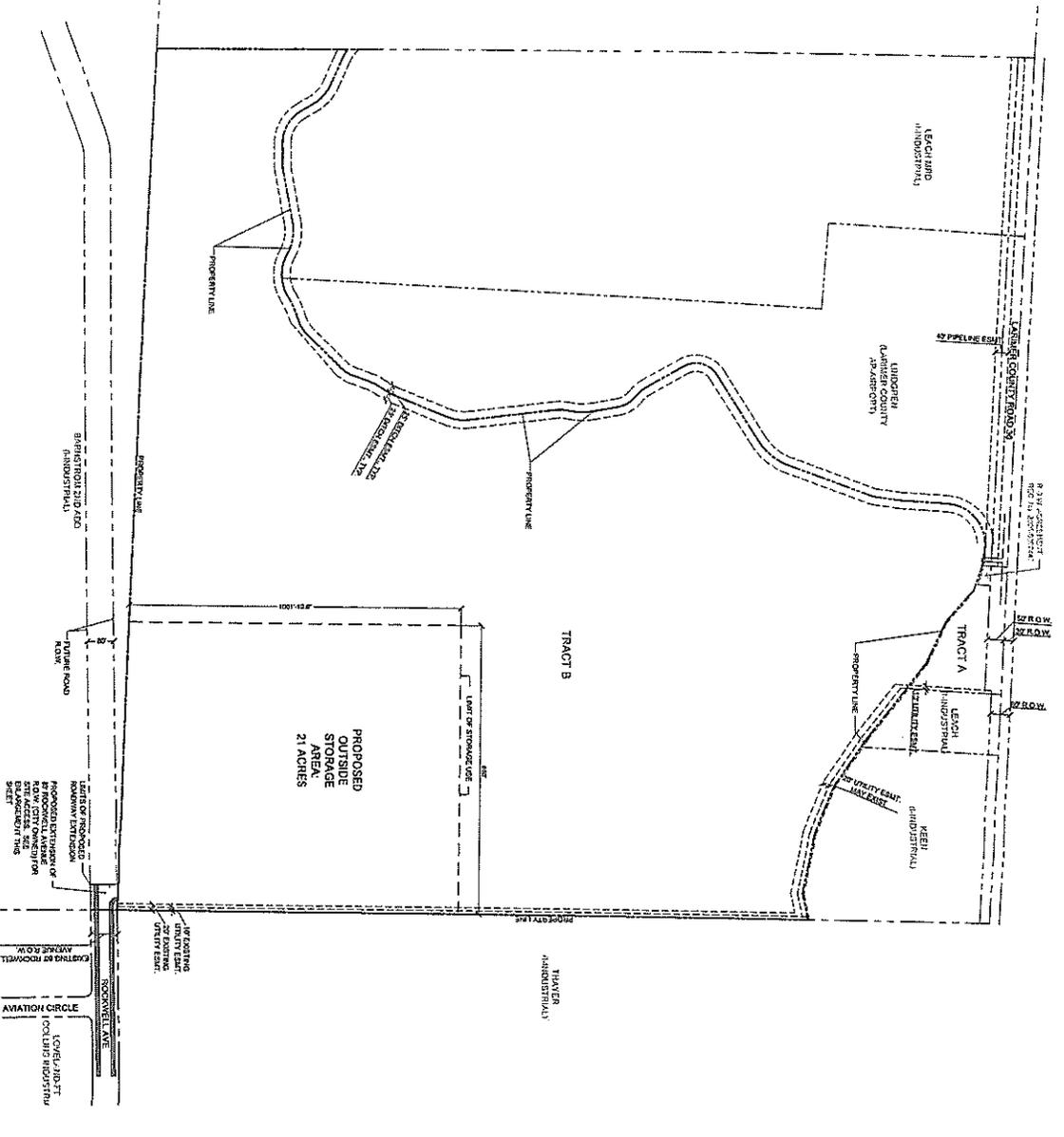
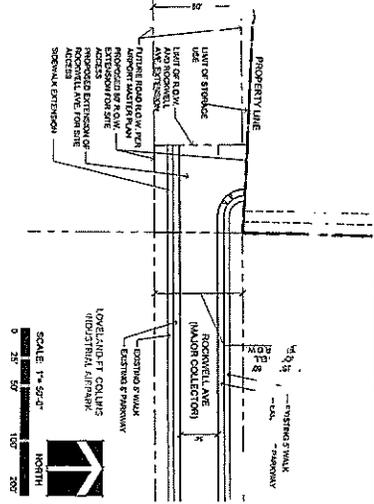
AIRPARK NORTH ADDITION

A PORTION OF THE NORTHEAST CORNER OF SECTION 28, TOWNSHIP 6 NORTH,
RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, IN THE
COUNTY OF LARIMER, STATE OF COLORADO

SITE DATA

EXISTING ZONING	PROPOSED ZONING	PERCENTAGE
INDUSTRIAL	INDUSTRIAL	100%
OUTSIDE STORAGE	OUTSIDE STORAGE	0%

**PROPOSED 80' R.O.W. AND ROCKWELL AVENUE
EXTENSION (CITY OWNED)**



PC ATTACHMENT 1

<table border="1"> <thead> <tr> <th>No.</th> <th>Revision/Date</th> <th>By</th> <th>Appr.</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Revision/Date	By	Appr.					<p>INTERSTATE LAND HOLDINGS, LLC. AIRPARK NORTH ADDITION OUTSIDE STORAGE EXHIBIT</p>	<p>CLIENT: INTERSTATE LAND HOLDINGS, LLC. 7381 SW FRONTAGE RD #3 FORT COLLINS, CO 80526 (970) 482-4888</p>	<p>OWEN CONSULTING GROUP, INC. 1115 S. WILSON ROAD FORT COLLINS, CO 80526 Phone: 970-226-2224 www.owengroup.com</p>	<p>PLANNERS/LANDSCAPE ARCHITECTS The Frederickson Group 1618 KELLEY CT., WINDSOR, CO 80550 855.444.6710 (970) 474-3322</p>
No.	Revision/Date	By	Appr.									

AN AFFIRMATION OF PROFESSIONAL SERVICE OF THE FREDERICKSON GROUP, LLC. THE FREDERICKSON GROUP SHALL, TO THE FULLEST EXTENT PERMITTED BY LAW, BE HELD HARMLESS AND RELEASED OF ANY LIABILITY, ON BEHALF OF ANY UNLICENSED EMPLOYEES, ON BEHALF OF THIS DOCUMENT BY OTHER.

City Council Meeting
January 6, 1987

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Ord. 1st Rdg: Zone Airpark
North Addn.

13c. "AN ORDINANCE AMENDING SECTION 16.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'AIRPARK NORTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on first reading. The proposed zoning to be DF - Developing Industrial.

The preceding matters relating to Airpark North Addition were approved subject to the following conditions.

1. Developer to pay capital expansion fees as per the capital expansion fee Ordinance No. 3045, Chapter 16.33 of the Loveland Municipal code.
2. The developer agrees to participate in providing drainage plans and improvements as required by the City for the area.
3. Elevation of foundations and the lot grades shall be designed to provide for adequate surface water removal.
4. Any existing utilities that must be redesigned, rearranged, relocated, upgraded or extended will be done at the developer's expense unless otherwise agreed upon by the utility in question.
5. No building permits may be issued until all public improvements have been completed and approved by the City of Loveland, or a satisfactory guarantee has been made to the City of Loveland for all incomplete public improvements as per the Municipal Code 16.40.
6. Any irrigation ditches that are modified require the permission of the ditch owner.
7. All buildings must be constructed in compliance with the current Uniform Building code requirements.
8. The applicant is officially placed on notice that any building permit application relating to this development will be subject to all applicable City fees unless expressly waived by City Council.
9. Zoning recommended: DF - Developing Industrial.
10. Legal description does not include Tract A within the area.
11. Code 16.20.030 - Character type and position of survey monuments along all points of the boundary should be indicated on plat. All distances and bearings to the nearest hundredth and second.

City Council Meeting
January 6, 1987

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12. Code 16.24.030 - Show hatched boundary.
 13. Add the following note to the plat: "Louden Ditch right-of-way or easement to be defined prior to development."
 14. Code 16.24.100 - Show relationship to adjacent area including Barnstorm Second Addition. Dimensions as per Barnstorm Second Addition do not match the south and west properties lines of this annexation.
 15. Code 16.24.180 - Signature of owner and notaries to appear on map.
 16. Code 16.24.070 - Surveyors's certificate, signature and notary seal should appear on map.
 17. Code 16.24.160(K) - The information required by Subsections "a" through "e", "h" and "i" can be furnished at a later date provided that the following note is placed on the final map: "Public improvements shall be designed and submitted to the City and approved prior to development of this subdivision."
 18. County Road X0 ultimate right-of-way is 100 feet; therefore 50 feet right-of-way should be shown on the map at this time. Also, the existing right-of-way north of the Section line should also be contained within this annexation. Further, a note shall be added to the plat as follows: "The City of Loveland reserves the right to require street rights-of-way within this addition consistent with City of Loveland policies at any time prior to or at the time of development of this parcel.
- All anticipated road rights-of-way will be required to be provided as a result of the East Loveland Transportation District Study. Rights-of-way as per this study will be required to be granted at a time deemed necessary by the City Engineer. Any costs associated with the granting of this right-of-way will be the developer's responsibility.
19. Each filing for development shall submit estimates of the number of trips to be generated by the use. On a development specific basis, the City Traffic Engineer will evaluate the use and estimated trips against the assumptions and findings of the East Loveland Transportation Study. Based upon review of the City Traffic Engineer, a substantial deviation from the plan can require a detailed Traffic Impact Study to determine the extent of necessary modifications to the Transportation Master Plan.

City Council Meeting
January 6, 1987

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20. Any roads to be constructed within this addition to be public must be reviewed and approved by the City Engineer prior to their installation. The roadways must meet City Codes and Standards.
21. Add note on plat: "No development to occur until public improvement plans have been approved by the City Engineer." Construction plans for streets to be built must include plan and profile and meet all geometric standards of the City of Loveland.
22. Mineral extraction report required prior to annexation.
23. Petitioners shall be given credit in the amount of the reasonable cost of requested public improvements paid by them, whether directly through a metropolitan district, special district or other means, for that portion of such improvements which would ordinarily be paid out of the City of Loveland's Capital Expansion fees.
24. Due to the proximity of this site to the Airport, all development is to meet applicable (FAA) criteria.
25. Prior to development an overall master plan shall be furnished for review by the Planning Commission that addresses the following:
- a. The intent behind the development plans for this addition.
 - b. The concept of the landscaping, streetscape and signage.
 - c. The architectural character of the buildings and the means of control, i.e., covenants.
 - d. A traffic impact study.
26. The current agricultural use of the property is considered a legal nonconforming use and will be allowed to continue in accordance with the provisions of Chapter 18.56 of the Loveland Municipal code.
27. Water rights are required pursuant to Section 16.36.030 of the Loveland Municipal code for all zoning districts except DR - Developing Resource district. Payments of cash-in-lieu of transferring water rights to the City for zoning approval may be deferred if the following conditions are met:
- a. Zoning approval must be obtained by January 31, 1987.
 - b. Deferral applies only to lands to be zoned commercial end/or industrial.
 - c. The property must be "dry land"; land that historically has never been irrigated, as determined by the Water Department and City Attorney.

City Council Meeting
January 6, 1987

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d. At the time of "final approval for development" as defined in the Loveland Municipal Code, or prior to the issuance of the first building permit, whichever sooner occurs, the then current water rights requirement normally imposed at the time of DE or DF, and at the time of water tap application, must be met, except that areas actually served by another water utility shall not be required to meet the raw water requirements of the City.

e. A note will be placed on the annexation map showing that the water rights requirement may not have been met in conjunction with this annexation or zoning.

28. Sketch plan, preliminary drainage report, final drainage report, and erosion control plan must be provided as per City of Loveland Storm Drainage Criteria Manual prior to development.

29. Water and sewer services will be based upon agreements between the City and the various service districts. Provided that in the event the City of Loveland acquires water and sewer service provision, the property owners will not incur any costs associated with the City's acquisition of this service. Further, any City fees associated with water and sewer taps, will be charged only on those taps purchased after the City's acquisition of such service. No additional fees will be imposed on taps within the area of this annexation.

30. Statement indicating utility easement to be dedicated at time of final plan.

Ord. 1st Rdg: Water
Surcharge Fee

14. "AN ORDINANCE AMENDING SECTION 13.04.245 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO EXCESS USE SURCHARGE FOR WATER, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on first reading. The purpose of the change in this ordinance is to simplify the billing of the water surcharge fee. Currently, the year-end and year-beginning annual water usage is prorated using January 1st as the cutoff date. The proposed change would calculate the water surcharge based on the annual billed usage, eliminating the need for a proration and explanations of the prorate process to customers.

Public Hrg. & Ord. 1st Rdg:
Subsidized Single-Parent
Household

15. "AN ORDINANCE AMENDING CHAPTER 18.04 OF THE LOVELAND MUNICIPAL CODE, THE SAME DEFINING SUBSIDIZED SINGLE-PARENT HOUSEHOLD, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on first reading. The purpose of this ordinance is to clarify when it is appropriate to apply reduced parking standards for use-by-right developments that house low income, single-parent families.

City Council Meeting
January 20, 1987

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"AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS 'LONGVIEW MIDWAY FOURTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading.

Ord. #3379: Zone Longview
Midway Fourth Addn.

1c. "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'LONGVIEW MIDWAY FOURTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading. Zoning to be DR - Developing Resources.

Ord. #3380: Annex Airpark
North Addition

2a. "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS 'AIRPARK NORTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading.

There is a need for a drainage easement across the northeast portion of the property. The easement is needed to convey storm water from a detention pond on the airport property across the Loudon Ditch. Because of previous agreements with Triad Development Corporation the acquisition of this easement is felt to be a private matter and the City will not require this easement as a condition of annexation but will work with the parties involved to facilitate negotiations.

Public Hrg. & Ord. #3381:
Zone Airpark North Addition

2b. "AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'AIRPARK NORTH ADDITION' TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading. The zoning to be DF - Developing Industrial.

Ord. #3382: Water Surcharge
Fee

3. "AN ORDINANCE AMENDING SECTION 13.04.245 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO EXCESS USE SURCHARGE FOR WATER, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading. The change in this ordinance is to simplify the billing of the water surcharge fee.

Ord. #3383: Subsidized
Single-Parent Household

4. "AN ORDINANCE AMENDING CHAPTER 18.04 OF THE LOVELAND MUNICIPAL CODE, THE SAME DEFINING SUBSIDIZED SINGLE-PARENT HOUSEHOLD, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE" was approved and ordered published on second reading. This ordinance will clarify when it is appropriate to apply reduced parking standards for use-by house low income, single-parent families.

FIRST READING January 6, 1987

SECOND READING January 20, 1987

ORDINANCE NO. 3381

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "AIRPARK NORTH ADDITION" TO THE CITY OF LOVELAND, AND DECLARING AN EMERGENCY TO EXIST REQUIRING THE IMMEDIATE PASSAGE AND ADOPTION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the territory recently annexed to the City of Loveland and known as "Airpark North Addition" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

DF - Developing Industrial; All of Airpark North Addition to the City of Loveland, Larimer County, Colorado.

Section 2. That the City Council finds and determines that matters relating to zoning of "Airpark North Addition" constitute an emergency and are necessary for the orderly development of said addition; and, whereas in the opinion of the City Council an emergency exists requiring the immediate passage of this ordinance for the preservation of the public health, safety and welfare, this ordinance shall become effective upon its passage, adoption and signature of the mayor.

Signed this 20th day of January, 1987.

W. B. Ruedt
Mayor



Victoria Sherman
City Clerk

Victoria Sherman, City Clerk of the City of Loveland Colorado, hereby certify that the above and foregoing Ordinance was introduced at a regular (or special) meeting of the City Council, held on Jan 6, 1987 and was initially published in the Loveland Daily Reporter Herald, a newspaper published within the city limits in full on Jan 10, 1987, and by title except for parts thereof which were amended after such initial publication which parts were published in full in said newspaper on Jan 24, 1987.

APPROVED AS TO FORM
BY: [Signature]
FOR THE CITY ATTORNEY

EFFECTIVE
DATE Jan 20, 1987

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
June 10, 2013

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 10, 2013 at 6:30 p.m. Members present: Chairman Meyers; Vice-Chair Middleton, and Commissioners Ray, Massaro, Dowding, Crescibene, Krenning and Prior. Member(s) absent: Commissioner Molloy. City Staff present: Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney; Kimber Kreutzer, Planning Commission Secretary.

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.

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Current Planning Manager Mr. Paulsen** introduced Kimber Kreutzer, the new Planning Commission Secretary.
2. The next Planning Commission Meeting scheduled for 6/24/13 will be held only to approve the meeting minutes from the 6/10/13 meeting. Only 5 Commissioners will be needed for a Quorum. **Chair Meyers, Commissioner Krenning, Current Planning Manager Paulsen, and Deputy City Attorney Schmidt** will not be present at the 6/24/13 meeting. **Deputy City Attorney Schmidt** asked the Commission if a representative from the City Attorney's office is needed at the 6/24/13 meeting in her absence. The Commission agreed that no Counsel needs to be present to approve the meeting minutes.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

Commissioner Crescibene was not present at the 5/13/13 Planning Commission Meeting when **Chair Meyers** surveyed the Commission about fracking and he asked if he could publicly state his opinion. He stated that he is in support of fracking because he believes it will help the U.S. become independent from foreign oil and doesn't like to use the phrase "ban". He continued that he would like full disclosure from oil and gas companies as to what chemicals they use during fracking to ensure that water supplies are not being polluted.

APPROVAL OF THE MINUTES

Chairman Meyers asked for a motion to approve the minutes from the 5/13/2013 meeting. Commissioner Dowding moved to approve the minutes. Upon a second by **Commissioner Prior** the minutes were approved unanimously.

CONSENT AGENDA

1. **Vacation of Rights-of-Way, Millennium SW 5th Subdivision**

Chair Meyers asked if the Staff wished to remove any of the items listed on the Consent Agenda. **Current Planning Manager Bob Paulsen** asked that item # 2 be removed from the Consent Agenda. **Vice-Chair Middleton** moved to approve the Consent Agenda, with the exception of Item #2. The motion was seconded by Commissioner Prior and the motion was unanimously approved.

REGULAR AGENDA

2. **Extension Request: Anderson First Subdivision Preliminary Plat**

Current Planning Manager Bob Paulsen requested that this item be removed from the Consent Agenda so that the Commission could review the revised motion. This property consists of 89 acres located at the NE quadrant of the intersection of Hwy. 287 and Hwy. 60. The Preliminary Plat was approved in 2010. The Planning Commission has final authority on this matter. **Mr. Paulsen** moved to make a finding that the applicant sought an extension of the Preliminary Plat and the Preliminary Development Plan prior to their expiration, but was unable to complete the request until foreclosure was completed. Based on "good cause", Staff is recommending approval of the request for a two-year extension of the Preliminary Plat of the Anderson First Subdivision to 6/10/15. This item was opened to Public Hearing.

With no citizen comments or Commission comments, **Vice-Chair Middleton** made a motion to approve the request for a two year extension to 6/10/15. Upon a second from **Commissioner Crescibene** the motion was unanimously adopted.

3. **Dakota Glen PUD: Preliminary Development Plan Amendment**

This is the continuation of a public hearing item to consider a proposed amendment to the Preliminary Development Plan (PDP) for the Dakota Glen PUD. The amendment would modify permitted uses in the PUD to allow the construction of an above ground public utility facility and natural gas pipeline proposed by Xcel Energy. Since the May 13th Planning Commission meeting, a consensus has been reached by neighborhood residents and Xcel energy regarding the regulator station and associated landscaping.

Commissioner Dowding asked that she be allowed to continue to recuse herself from this agenda item, but asked to stay on the dais for the discussion.

Principal Planner Kerri Burchett addressed the Commission and gave a general description of the requested amendment. She indicated that a neighborhood meeting had been held on 5/20/13 between Dakota Glen homeowners and PSCo, during which time a discussion was held to determine the color of the facility, fencing options, landscaping and screening. During the meeting a consensus was reached, and the three outstanding concerns were resolved. A slide show with photo simulations of the finished site with neighborhood recommendations was presented. Staff recommends approval of the PUD amendment with conditions listed in the 6/10/13 Staff report.

Ms. Burchett introduced Mr. Dan Tekavec, Project Manager for PSCo. Mr. Tekavec thanked all who participated in the positive neighborhood meeting. 15 members from the Dakota Glen neighborhood, **Mr. Scott Bray, Developer of Dakota Glen,** and **Ms. Burchett** were in attendance at the meeting. Several color, fencing and landscape options and photo simulations were presented for a discussion. The homeowners chose a green color for the control house, no fencing, and suggested landscaping inclusive of shrubs, berms, and coniferous trees. PSCo will fund the installation of plants, berms and landscaping; west, north, and south of the Regulator Station. The Dakota Glen homeowners association will be responsible for the care, maintenance, and irrigation of the landscaping outside of the gasline easement. PSCo agreed to fund the replacement of trees that fail to establish for a period of 4 years after initial planting. In addition, PSCo agreed to replace 14 dead trees along SW 14th St. in the Dakota Glen PUD.

Commissioner Crescibene asked who would pay for the irrigation piping needed for maintenance of the site. **Mr. Tekavec** responded that the irrigation pipes already exist to the north and no new pipes would be required.

Commissioner Krenning thanked PSCo for their outstanding work with the Dakota Glen homeowners and stated that the extra time was to everyone's benefit.

Chair Meyers complimented the homeowners, PSCo, and **Ms. Burchett** for working together for a solution and felt they did an excellent job.

Commissioner Massaro stated that this is an outstanding example of what cooperation can accomplish when people work together to resolve the issues.

Chair Meyers opened the floor to a Public Hearing on the matter. Given that no citizen feedback was offered, **Mr. Meyers** closed the Public Hearing.

Commissioner Middleton complimented to PSCo for working with the public.

After **Mr. Tekavec** accepted the conditions in the amendment on behalf of PSCo, **Commissioner Middleton** moved to recommend that City Council approve the amendment with conditions. Upon a second from **Commissioner Krenning** the amendment with conditions was unanimously approved.

4. **Airpark North Addition: Zoning Ordinance Amendment**

This is a public hearing to consider a request to amend the Airpark North zoning ordinance. This 94-acre property zoned Developing Industrial is located immediately north of the Fort Collins-Loveland Airport. When the property was annexed in 1987, one of the conditions stated the owner would be required to submit a master plan prior to any development. The property owner, Curt Burgener, is seeking to amend this requirement to allow an interim storage use on the property prior to the approval of a master plan and final development.

City Planner II, Troy Bliss stated that this item is a request to amend a zoning ordinance for the Airpark North Addition. It is a 93 acre parcel located on the northeast edge of Loveland. He stated that the property owner would like to use 21 acres of the parcel for outdoor storage. Although the Staff Report specifically uses the phrase "outdoor vehicle storage", **Mr. Bliss**

noted that other equipment such as construction equipment would also be stored at this location. The reference to outdoor vehicle storage should be changed to just outdoor storage. **Mr. Bliss** pointed out that this parcel is zoned industrial and outdoor storage is a permitted use. If the amendment is approved the applicant would still have to follow through with a site plan application for interim use on the 21 acres. Property owners within 1,200 feet were notified of the zoning ordinance amendment indicating that the Planning Commission would hold a public hearing on the issue. Because the long-term use of this property is unknown, and the owner wishes to leave the option of further development on the site open, Staff is recommending the approval of this amendment with the conditions outlined in the Staff Report. The condition generally states that a Master Plan would be required if; 1) plans called for further development of the 93 acres or; 2) after 20 years of interim use of the outdoor storage, whichever comes first.

Commissioner Middleton asked **Mr. Bliss** to clarify the definition of “interim use” **Mr. Bliss** confirmed that 20 years would be the interim timeframe.

Mr. Bliss introduced **Mr. Rich Shannon from Pinnacle Consulting Group**. He stated he is before the Commission to represent the interest of the property owner. He explained that the property owner is not a developer but a resident in Loveland who is eager to help the city meet its long term vision for the future of the airport. Until the long term goals are developed, the owner would like to use his property for outdoor storage in the interim.

Chair Meyers opened the floor to a Public Hearing on the matter.

Mr. Bill Braden, 6230 Aviation Dr., Loveland, CO stated that he is a resident of Centre Point. He is on the Board of Directors of the Centre Point HOA and said he is speaking for himself and said that he has no problem with the property owners plan to use this parcel temporarily as an outdoor storage facility.

Mr. Jim Sampson, 3647 E CR7, Fort Collins, CO shared that he owns 2 properties adjacent to Airpark North and he also said he supports plans for the use as an outdoor storage facility.

Ms. Amy Lundgre, 3825 E CR 3C, Fort Collins, CO stated her support for the interim use of this property.

Since there were no further comments from the public, **Chair Meyers** closed the Public Hearing.

Commissioner Middleton asked what, if any, chemicals will be stored at the site. **Mr. Paulsen** explained that the Planning Commission relies on the City Fire Department to determine what, if any, chemicals are considered hazardous. Items of hazardous nature are only allowed in areas that are zoned for heavy industrial use and by right would not be allowed to be stored at this site.

Commissioner Dowding questioned if a short extension of Rockwell Drive and an extension of a water line for a fire hydrant would be the only public improvements needed at the site. **Mr. Bliss** confirmed they are the only required improvements but he was unsure of the exact length of the improvements and that arrangements are still being worked out. She commented that a 20 year interim seemed like a long time.

Commissioner Krenning asked Staff if this item could have been approved at the Director level. He pointed out that a great deal of time and resources were used for this request. **Ms. Schmidt** responded that the annexation and the zoning ordinances were both a provision requiring a master plan as a condition of approval. It is not within the power of Staff to vary how the conditions are amended. **Mr. Krenning** stated that he had no problem approving this amendment and stated that it appeared it is a good use and a good fit for this parcel.

On behalf of the applicant, **Mr. Shannon** accepted the conditions in the amendment.

Commissioner Krenning moved to recommend that City Council approve the amendment with conditions. Upon a second from **Commissioner Prior** the amendment with conditions was unanimously approved.

5. Gateway PUD: General Development Plan Amendment

This is a public hearing item to consider a proposed amendment to the Gateway General Development Plan requested by McWhinney Real Estate Services to allow a residential density increase from 16 units per acre to 22 units per acre on parcel A-1. This parcel is located on Hahn's Peak road and includes a lot that is vacant and suitable for multi-family development.

Senior Planner, Noreen Smyth stated that the purpose of this amendment request is to allow for the future submittal of Site Development Plan and Building Permit applications for a multi-family residential development aimed at seniors. The maximum number of residential units would increase from 500 to 586, which is a 17% increase. A formal application for a Site Development Plan can only be submitted when and if the amendment is approved. A neighborhood meeting was held on 5/9/2013 with the Developer, and concerns about traffic and parking were addressed by the applicant. Because the Municipal Code Findings relative to a GDP amendment have been met, Planning Staff is recommending the approval of this amendment without conditions.

Ms. Smyth introduced **Kim Perry, VP of Community Design for McWhinney Enterprises**. Ms. Perry stated that this 6.2 acre parcel in the GDP is one of the last undeveloped parcels in the PUD. The amendment would allow the development of an active adult apartment community which would be built next to Park Regency Assisted Living Residence. **Ms. Perry** explained that senior apartment projects typically have a more compact development model and this project will have no 3 bedroom units. Smaller average unit size allows more units in the same size building. Fewer parking spaces allow the same number of units to be built on a smaller site. Comparison to GDP maximum densities in the area revealed that Millennium GDP currently has 20 and 30 units/acre and **Ms. Perry** stated the new project would be comparable to existing developments in the area. The preliminary site plan revealed that surface and garage parking will be included. The program and services

in the project are leaned toward senior services, including a shuttle bus service, and possibly a small fleet of electric cars that residents could share and use.

Ms. Perry shared that the owner of Park Regency is in favor of this project and would like to see the amendment approved. The units will be market rate apartments for seniors.

Chair Meyers opened the meeting up to a Public Hearing. Not seeing any citizens come forward with comments, **Chair Meyers** closed the Public Hearing.

Commissioner Dowding agreed that this project would be a beautiful complement to Park Regency. She asked for clarification on page 3 in her packet. It said there were 583 units versus the 586 discussed earlier. **Ms. Smyth** confirmed that 586 is the correct number however she noted the number of units can be less in the final plan.

Commissioner Massaro asked about the number of dwelling units per acre and felt that 22 per acre were pushing the limit. **Ms. Perry** stated that higher density projects are likely in the future. He questioned the transportation plans for this project. **Ms. Perry** confirmed that the traffic study was done under the assumption that there would be no car sharing and the study confirmed there would be no impact on the traffic in the area.

Commissioner Crescibene asked if the units for this project would be for purchase or rental, and if each apartment would contain kitchens. **Ms. Perry** stated that all the units would be rental apartments and that each one would contain a full use kitchen.

Scott Mickleit, Developer for Asante discussed transportation plans and stated that ideas are being looked at including electric shuttles. He stated that the project would blend in well with the master plan for Centerra. He added that a 14 person passenger van and shared vehicles are alternatives being explored for future residents.

Commissioner Ray stated that a 17% increase is substantial and felt that plans shown for the project mitigated his concerns, but wanted **Ms. Perry** to elaborate. **Ms. Perry** pointed out that Asante knows their customer profile well. Singles and couples are the major clientele allowing for 1-2 bedroom units. She felt like the amount of common space and open space is extremely adequate and well planned out.

Vice-Chair Middleton commented that this is a great location and the best use of land. He continued that Asante is a great company and that he strongly supports this project and suggested that fellow Commissioner's do the same.

Commissioner Crescibene liked the idea that the units are rental properties and also supported the project.

Vice-Chair Middleton moved to recommend that City Council approve the amendment. Upon a second from **Commissioner Dowding** the amendment without conditions was unanimously approved.

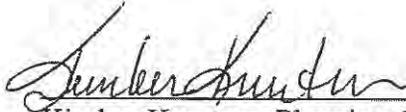
ADJOURNMENT

Chair Meyers, made a motion to adjourn. Upon a second by **Commissioner Dowding**, the motion was unanimously adopted.

Approved by:



Rich Middleton, Planning Commission Vice- Chairman



Kimber Kreutzer, Planning Commission Secretary

AIRPARK NORTH ADDITION





CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 7
MEETING DATE: 7/16/2013
TO: City Council
FROM: Greg George, Development Services Department
PRESENTER: Bethany Clark

TITLE:

An Ordinance Enacting A Supplemental Budget And Appropriation To The 2013 City Of Loveland Budget For Consulting Services To Develop The Highway 287 Business Development Corridor Plan

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and approve the ordinance on first reading.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

DESCRIPTION:

This is an administrative action to appropriate \$150,000 for consulting services to assist in developing a Highway 287 Business Development Corridor Plan. In January of 2012, City Council held their annual Council Advance to set the priorities for the year. One of the goals the Council set as a priority was to "Develop a Highway 287 Business Development Plan" to guide its development and improve the quality of development along the corridor. This goal was carried through as a priority in the 2013 annual Council Advance. As one of the main corridors into Loveland's downtown, the Highway 287 corridor has great potential for redevelopment and becoming a gateway to Downtown Loveland. The plan will serve as a guide for residents, property owners, developers, City staff, and elected officials in making good land use, design, and development decisions in the corridor.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Funding is from reserves, which reduces the flexibility for funding other potential needs.

SUMMARY:

The Highway 287 Business Development Corridor Plan will include two segments of Highway 287: the 4.5 mile segment north of Downtown and the 3.0 mile segment south of Downtown (see **Attachment 1**). Development of the plan will include an extensive public outreach component, market study and economic analysis. The primary goals of the plan are to: (i) generate private investment in the 287 corridor; (ii) create a positive image along the corridor through well designed, high quality development; (iii) facilitate redevelopment of deteriorating areas; (iv) increase jobs and generate new tax revenue through new development; (v) create a gateway corridor to downtown Loveland and; (vi) improve public infrastructure along the corridor.

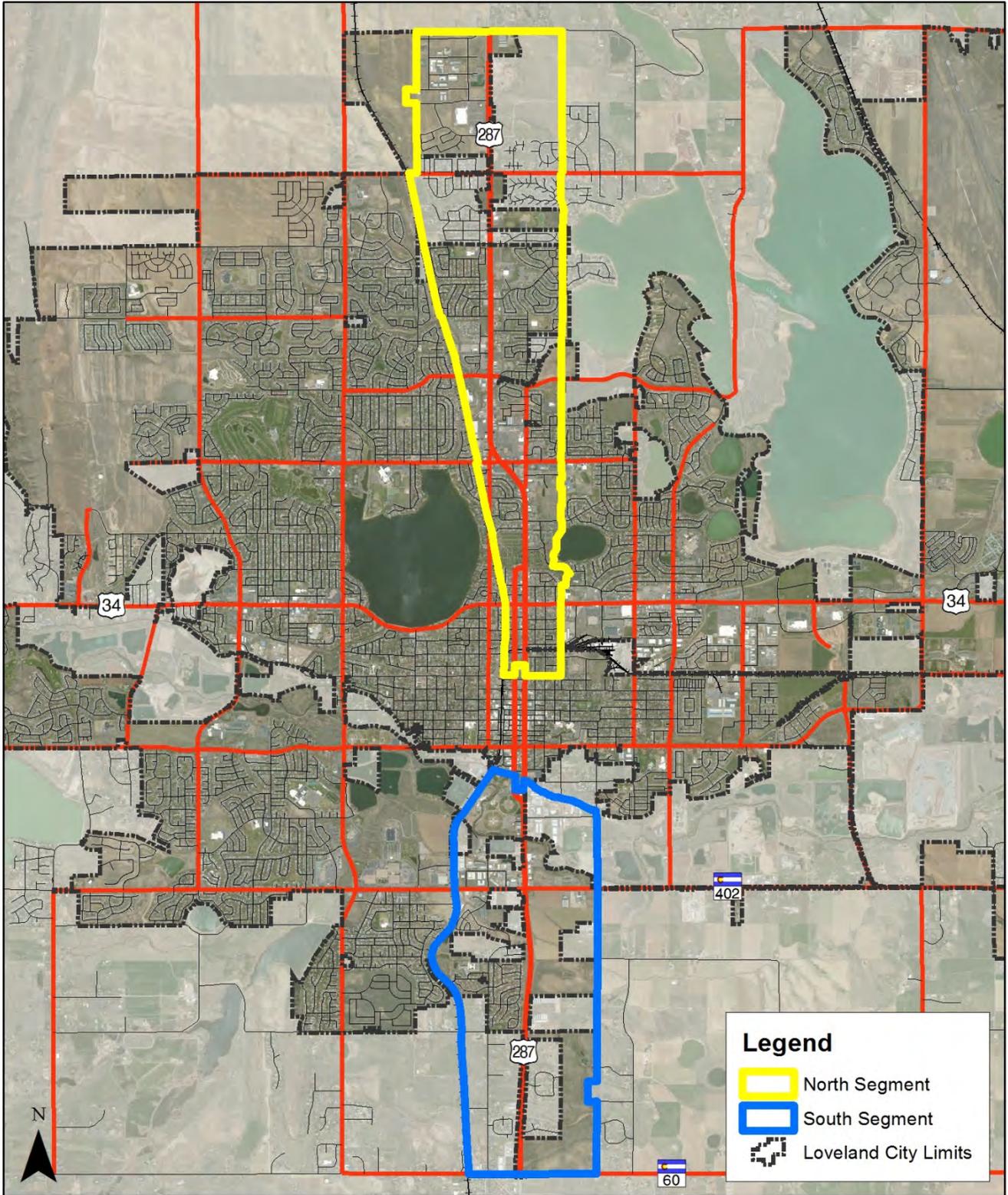
In response to a Statement of Qualification sent out in May, City staff received nine responses from well qualified firms. Estimated costs from five of the firms were slightly less than \$150,000.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. U.S. Highway 287 Business Development Corridor Plan Study Area
2. Ordinance enacting supplemental budget



US Highway 287 Corridor Segments Study Area

FIRST READING July 16, 2013

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR CONSULTING SERVICES TO DEVELOP THE HIGHWAY 287 BUSINESS DEVELOPMENT CORRIDOR PLAN

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That reserves in the amount of \$150,000 from fund balance in the General Fund are available for appropriation. Revenues in the total amount of \$150,000 are hereby appropriated for consulting services to develop the Highway 287 Business Development Corridor Plan. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
General Fund 100**

Revenues		
Fund Balance		150,000
Total Revenue		150,000
Appropriations		
100-19-193-0000-43450	Professional Services	150,000
Total Appropriations		150,000

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

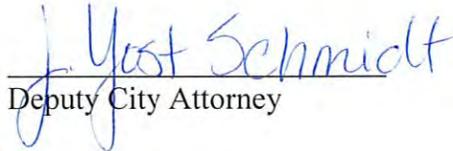
ADOPTED this ____ day of August, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
PUBLIC WORKS DEPARTMENT
 Administration Offices • 410 East Fifth Street • Loveland, Colorado 80537
 (970) 962-2555 • FAX (970) 962-2908 • TDD (970) 962-2620

AGENDA ITEM: 8
MEETING DATE: 7/16/2013
TO: City Council
FROM: Ken Cooper, Public Works – Facilities Management
PRESENTER: Ken Cooper

TITLE:

An Ordinance on First Reading Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for Preliminary Programming and Design of the Public Safety Training Campus

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing and approve the ordinance on first reading.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

DESCRIPTION:

This is an administrative action. The ordinance appropriates funding from reserve funds in the Police Capital Expansion Fee Fund for preliminary program and design of the Police Training Facility. Full design and construction of the facility are programmed in 2016-2019 in three phases in the 2014 Capital Program.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The project is funded with reserves in the Police Capital Expansion Fee Fund that reduce the flexibility for use on other projects.

SUMMARY:

The Loveland Police Department currently operates weapons training and vehicle/driver training at two separate sites:

- Weapons training is performed primarily at the Police Shooting Range, an outdoor facility located on the campus of the City of Loveland Water Treatment Plant. The range was created in the late 1960's with almost no improvements since that time.
- Vehicle/Driver training is performed primarily on a small asphalt track located at the Loveland Fire Rescue Authority's Fire Training Grounds campus. It provides no specific vehicle training tools, and cones are used to create training scenarios.

There are countless training inefficiencies with the current situation and Loveland City Council considers it a priority to plan and construct a training campus that will better meet the needs of the Police Department and the community as a whole. It's expected that a campus to house both weapons training and vehicle/driver training would be on a site of about 40 acres in or near Loveland.

Much research has been done the past several years by City staff on the requirements of an indoor shooting range. Plans are for a range to be built and managed by the Loveland Police, but also to be available as a regional training facility for several other agencies, in and around Colorado's Northern Front Range. Agencies likely to use the shooting range include Larimer County Sheriff, Fort Collins Police, Greeley Police, Weld County Sheriff, and others. A driving platform constructed at the new training campus might also serve as a regional facility.

Currently, the City is considering three possible locations for such a campus:

- Fort Collins-Loveland Airport – located at 4824 Earhart Road in Loveland. Near the west/southwest end of the 1,100 acre campus, unused and undeveloped acreage could be transitioned into a Police Training Campus.
- Police & Courts – located at 810 E. 10th Street in Loveland.
- Colorado Youth Outdoors "Swift Ponds" campus – located at 4927 E. County Road 36 in Fort Collins. CYO is developing their land to the north, but a 40-acre parcel remains at the SW end of their property that could be developed for a regional training facility.

The City has considered a number of project delivery methods in the past several years to meet the training needs of the Police Department. In March, the City moved ahead with an RFP process and Belford Watkins Group Architects of Fort Collins was selected to provide design and engineering services.

With the likelihood for a regional training solution, City staff also selected Will Welch to manage the project as an owner's representative. His strong experience on similar, multi-faceted capital construction projects provides an excellent foundation for project success. He'll ensure the City's needs are met, but also blended with the needs of possible project partners.

Police capital expansion fees will be used to fund the programming and the design work these consultants will provide. This request is to appropriate \$310,000 to move the project forward. These requested funds will provide project management work by Will Welch throughout the multi-year project, and provide preliminary programming and design work by Belford Watkins Group.

REVIEWED BY CITY MANAGER: *William A. Cahill*

LIST OF ATTACHMENTS:

Ordinance

FIRST READING July 16, 2013

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR PRELIMINARY PROGRAMMING AND DESIGN OF THE PUBLIC SAFETY TRAINING CAMPUS

WHEREAS, the Police Department established a comprehensive strategic plan for staffing and capital/resource improvements to be implemented over the next 10 years to address the future growth of the community so that it can meet the future public safety needs of the citizens of Loveland served by the Police Department; and

WHEREAS, a component of the strategic plan is the construction of a public safety training campus, which City Council included in its 2013 goals and priorities; and

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That reserves in the amount of \$310,000 from fund balance in the Police Capital Expansion Fee Fund 265 are available for appropriation. Revenues in the total amount of \$310,000 are hereby appropriated for preliminary programming and design of the public safety training campus. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Law Enforcement Capital Expansion Fee Fund 265**

Revenues	
Fund Balance	310,000
Total Revenue	310,000
 Appropriations	
265-23-250-0000-49355-PDTRNCMP Design Architect	310,000
Total Appropriations	310,000

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

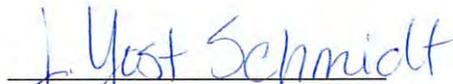
ADOPTED this ___ day of August, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
PUBLIC WORKS DEPARTMENT
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AGENDA ITEM: 9
MEETING DATE: 7/16/2013
TO: City Council
FROM: Keith Reester, Public Works Department
PRESENTER: David Klockeman, Public Works Department

TITLE:

Public hearing and consideration of an Ordinance on First Reading enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland budget for traffic sign, traffic signal and pavement marking maintenance on State highways within the City of Loveland.

RECOMMENDED CITY COUNCIL ACTION:

CONDUCT A PUBLIC HEARING AND APPROVE THE ORDINANCE ON FIRST READING.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

DESCRIPTION:

This is an administrative action. The ordinance appropriates additional revenue from a contract increase with the Colorado Department of Transportation (CDOT) for traffic sign, traffic signal and pavement marking maintenance on State Highways within the City.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Outside revenue from CDOT increasing the contract by \$36,720 funds the appropriation.

SUMMARY:

Under the contract, the City of Loveland shall provide traffic signal, traffic signs and pavement markings (lane striping as well as symbols for turn lanes, crosswalks, etc.), for 48 traffic signals and along 25.41 miles of State Highways 287, 34 and 402 as well as the I-25 West Frontage Road (north of Crossroads Boulevard to LCR 30). The annual compensation provided to the

City of Loveland for the services described shall be: \$400.00 per traffic signal per month for a subtotal of \$230,400 per year; \$700 per mile traffic signs per month for traffic signs and pavement markings, for a subtotal of \$213,444 per fiscal year; and \$25,000 per year for preventative maintenance / replacement costs. The total annual amount is \$468,844. (The previous annual amount was \$386,755.) The term of the contract will be 5 years.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. An ordinance enacting a supplemental budget and appropriation to the 2013 City of Loveland budget for sign, signal and pavement marking maintenance on State Highways within the City of Loveland.

amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this ___ day of August, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

City Council Special Meeting
 June 25, 2013
 Page 1 of 1

CALL TO ORDER Mayor Pro Tem Klassen called the Special meeting of the Loveland City Council to order on the above date at 6:30 PM.

ROLL CALL Roll was called and the following responded: Trenary, Farley, Shaffer, Taylor, Fogle, Klassen, and Clark.

1. CITY MANAGER

Public Comment Regarding Renewal of the Comcast Franchise Agreement

Assistant City Manager, Rod Wensing introduced this item to City Council. At the June 18, 2013 City Council Meeting, Council requested that prior to the Executive Session regarding renewal of the Comcast Franchise Agreement, the public have an opportunity to comment on this issue. The following members of the public spoke about concerns with their customer service with Comcast and asked Council to poll current customers to see how they felt about Comcast, prior to renewing the franchise agreement: Darrell Webber; 914 Silverleaf Pl.; Robert McKnight, 2068 Southern Lake Dr; Connie Winters, 2868 Sally Ann Dr.; Steve Hannah 1002 Blue Spruce Dr; Diane Littlefield, 334 Creekwood; Pam Sheeler, 1868 Muddy Creek Cir.; Sal Valdiva, West 4th St. Lee Wagner, representative of Northern Colorado Channel 5 told Council that Comcast asked his company to seek general approval from the local governments of their request to become part of the HDTV and SDTV, prior to the summer, when they will be ready to go. Council supported the request.

2. CITY MANAGER

Executive Session Regarding Renewal of the Comcast Franchise Agreement

At 7:09 p.m. Councilor Shaffer moved that the City Council go into executive session as authorized in CRS Sections 24-6-402(4)(b), (4)(e) and (4)(g) and in City Charter Sections 4-4(c)(1), (c)(3) and (c)(6). This executive session will concern the requested renewal of the Comcast Franchise Agreement. The purposes of the executive session will be to receive legal advice from the City Attorney and special legal counsel Ken Fellman; and since the renewal of the Comcast Franchise Agreement is a matter that is subject to negotiations: to receive reports concerning any negotiation discussions; to develop the City's negotiation positions and strategies; and to instruct the City's negotiators concerning those positions and strategies. In addition, documents and records related to this lawsuit may be considered that are protected by the mandatory non-disclosure provisions of the Colorado Open Records Act, including, without limitation, work product documents. The motion, seconded by Councilor Farley carried with all councilors present voting in favor thereof. Council reconvened at 7:58.

ADJOURN

The Meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Teresa G. Andrews, City Clerk

Daryle Klassen, Mayor Pro-Tem

CALL TO ORDER Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was called and the following responded: Councilors Farley, Klassen, Shaffer, Fogle, McKean, Taylor, and Trenary. Councilor Clark was absent.

INFORMATION Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. 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 of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA Mayor Gutierrez asked if anyone in the audience, Council or staff wished to remove any of the items or public hearings listed on the Consent Agenda. Councilor Shaffer moved to approve the Consent Agenda. The motion was seconded by Councilor Trenary and a roll call vote was taken with all councilors present voting in favor thereof.

1. CITY CLERK

APPROVAL OF COUNCIL MINUTES

Administrative Action: Council minutes from the June 11, 2013 Study Session were approved.

2. CITY MANAGER

BOARDS & COMMISSION APPOINTMENTS

Administrative Action: The following appointments to the Human Services Commission, the Loveland Utilities Commission, and the Parks and Recreation Commission were approved:

The reappointment of Lorna Greene, Amy Olinger and Stan Taylor to the Human Services Commission, each for a term effective until June 30, 2016.

The appointment of Alex McKenna to complete a partial term as a high school member on the Human Services Commission for term effective until June 30, 2014.

The appointment of Marcy Yoder as an alternate member of the Human Services Commission for a term effective until June 30, 2016.

The reappointment of John Rust, Jr., David Schneider, and Randy Williams to the Loveland Utilities Commission, each for a term effective until June 30, 2016.

The appointment of Brian Steckelberg to the Parks and Recreation Commission for a partial term effective until December 31, 2014.

3. ECONOMIC DEVELOPMENT

SUNRISE COMMUNITY HEALTH CENTER

Ordinance # 5784

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR THE LOVELAND COMMUNITY HEALTH CENTER INCENTIVE AND FEE WAIVER AGREEMENT" was approved and ordered published on second reading.

4. CITY CLERK

NOTIFICATION OF PARTICIPATION IN STATEWIDE SPECIAL ELECTION

1.Resolution #R-50-2013

Administrative Action: A motion to adopt a Resolution #R-50-2013 Authorizing The City Clerk to Notify the Larimer County Clerk And Recorder Of The City Of Loveland's Intention to Participate in the Statewide Election to be Held on November 5, 2013, as a Coordinated Election with the County was approved.

RESOLUTION # R-50-2013

A RESOLUTION OF THE LOVELAND CITY COUNCIL AUTHORIZING THE CITY CLERK TO NOTIFY THE LARIMER COUNTY CLERK AND RECORDER OF THE CITY OF LOVELAND'S INTENTION TO PARTICIPATE IN THE STATEWIDE ELECTION TO BE HELD ON NOVEMBER 5, 2013, AS A COORDINATED ELECTION WITH THE COUNTY

WHEREAS, the City of Loveland intends to participate in the statewide election to be held on November 5, 2013, and to coordinate its regular election on November 5, 2013, with the Larimer County Clerk and Recorder; and

WHEREAS, C.R.S. Section 1-7-116(5) requires the City to notify the Larimer County Clerk and Recorder of its intention to so participate in this upcoming election; and

WHEREAS, this Resolution constitutes the City's formal decision to participate in the November 5, 2013, statewide election to be coordinated with the Larimer County Clerk and Recorder.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND:

Section 1. That the City Clerk is hereby authorized and directed to notify the Larimer County Clerk & Recorder of the City's intention to participate in the November 5, 2013, statewide election and to coordinate its participation in that election with the Larimer County Clerk and Recorder with respect to the City's regular election on November 5, 2013, whether that coordinated election is conducted as a mail-ballot election or not.

Section 2. That this Resolution shall take effect as of the date and time of its adoption.

APPROVED this 2nd day of July, 2013.

ATTEST:

Cecil A. Gutierrez, Mayor

Teresa G. Andrews, City Clerk

Exhibit available in the Clerk's Office.

2. 1st Rdg Ord. & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE PROVIDING THAT THE CITY OF LOVELAND'S REGULAR ELECTION TO BE HELD ON NOVEMBER 5, 2013, SHALL BE CONDUCTED AS A COORDINATED ELECTION WITH THE LARIMER COUNTY CLERK AND RECORDER AND, TO THE EXTENT NECESSARY TO SO CONDUCT THAT ELECTION AS A COORDINATED ELECTION, THE COLORADO UNIFORM ELECTION CODE OF 1992 SHALL GOVERN" was approved and ordered published on first reading.

5. FINANCE

**2014-2023 CAPITAL PROGRAM
Resolution #R-51-2013**

Administrative Action: A motion to adopt Resolution #R-51-2013 Approving the 2014-2023 Capital Program for the City of Loveland was approved.

Resolution #R-51-2013

A RESOLUTION APPROVING THE 2014-2023 CAPITAL PROGRAM FOR THE CITY OF LOVELAND

WHEREAS, Section 11-4 of the City of Loveland Charter pertaining to Capital Budget Estimates requires that, as a part of the annual proposed budget or as a separate report attached thereto, the City Manager shall also present a program of proposed capital projects for the ensuing fiscal year and the four (4) fiscal years thereafter; and

WHEREAS, the 2014-2023 Capital Program for the City of Loveland, which includes all the planned capital projects for the City in the next 10-year period, was presented to the City Council at its regular study session on June 11, 2013; and

WHEREAS, the City Council desires to accept and approve the 2014-2023 Capital Program, understanding that except to the extent that funding for capital projects or portions of projects are included in approved annual budgets and appropriations (including those for 2014) or are otherwise specifically approved by City Council, approval of the projects included in the 2014-2023 Capital Program is conceptual in nature only and capital projects not included in the 2014 City Budget shall require such further approval and authorization as may be required in accordance with the Loveland Municipal Code and City policies and procedures.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the 2014-2023 Capital Program for the City of Loveland, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That except to the extent that funding for capital projects or portions of projects are included in approved annual budgets and appropriations (including those for 2014) or are otherwise specifically approved by City Council, approval of the projects included in the 2014-2023 Capital Program is conceptual in nature only and capital projects not included in the 2014 City Budget shall require such further approval and authorization as may be required in accordance with the Loveland Municipal Code and City policies and procedures.

Section 3. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 2nd day of July, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City of Loveland

Teresa G. Andrews, City Clerk

Exhibit available in Clerk's Office.

6. DEVELOPMENT SERVICES

MILLENNIUM SOUTHWEST FIFTH SUBDIVISION PUBLIC RIGHT-OF-WAY VACATION

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and a motion to adopt "AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY FOR OBERON DRIVE AND A PORTION OF A PUBLIC RIGHT-OF-WAY FOR JANUS DRIVE LOCATED IN THE MILLENNIUM SOUTHWEST FIFTH SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading.

7. ECONOMIC DEVELOPMENT

LEED FABRICATION SERVICES, INC. FEE DEFERRAL AND WAIVER AGREEMENT

Resolution #R-52-2013

Administrative Action: A motion to adopt a Resolution #R-52-2013 Approving the LFS Loveland, LLC and LEED Fabrication Services, Inc. Fee Deferral and Waiver Agreement was approved.

Resolution #R-52-2013

A RESOLUTION APPROVING AN INCENTIVE AGREEMENT FOR LFS LOVELAND, LLC AND LEED FABRICATION SERVICES, INC.

WHEREAS, LFS Loveland, LLC ("LFS") owns certain real property located in the City of Loveland, Colorado and known as 5100 Boyd Lake Avenue, Loveland, Colorado (the "Property"); and

WHEREAS, LEED Fabrication Services, Inc. ("LEED") operates a specialized production facility on the Property engaging primarily in the manufacturing of oil and gas well head production and related equipment (the "Business"); and

WHEREAS, LFS is in the process of completing a lot merger, combining Parcels 1 and 2 of the Property into a single parcel, for the purposes of constructing a new building and expanding the existing building on the Property, adding approximately 68,300 square feet of space (the "Addition"); and

WHEREAS, in connection with the Addition, the Loveland Municipal Code ("City Code") and Larimer County Urban Area Street Standards ("LCUASS") require LFS to design and construct public improvements to Boyd Lake Avenue adjacent to the Property, including necessary improvements for curb, gutter, pavement, widening, detached sidewalk and required storm drainage improvements as set forth therein (the "Roadway Improvements"), or, in the alternative, provide a "cash-in-lieu" payment for the Roadway Improvements if approved by the City Engineer (the "Cash In-Lieu Payment"); and

WHEREAS, in connection with the Addition, LFS is obligated, pursuant to the City Code, to pay the City certain capital expansion fees, building permit fees, construction materials use taxes, and other fees imposed on new development in the City (the "Fees") as a precondition to receiving from the City a building permit and/or final certificate of occupancy for the Addition; and

WHEREAS, LFS and LEED have asked the City to waive a portion of the Fees and to allow LFS to defer payment of the Cash-in-Lieu Payment for the Roadway Improvements for a period of five (5) years from the issuance of the Site Development Permit for the Addition with a possible extension for an additional five (5) years, which waiver and deferral are authorized under City Code Sections 16.38.071, as to Fees, and 3.16.590, as to construction materials use tax, to aid it in constructing the Addition to facilitate expansion of the Business operations on the Property, which is anticipated to include relocation of fifteen (15) employees and addition of up to two hundred and twenty (220) full-time employees over the next five (5) years; and

WHEREAS, the City Council believes the assistance in the form of a waiver of a portion of the Fees, including City materials use tax, and deferral of the Cash-In-Lieu Payment as set forth in the "LFS Loveland, LLC and LEED Fabrication Services, Inc. Fee Deferral and Waiver Agreement," attached hereto as Exhibit A and incorporated herein by reference (the "Agreement"), is in the best interests of the City and the public and serves the public purposes of producing significant economic benefits to the citizens of Loveland, primarily in the form of economic development, high-quality jobs, and increased property tax revenues to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council hereby finds that granting the assistance in the form of a waiver of a portion of the Fees, including City materials use tax, and deferral of the Cash-In-Lieu Payment as set forth in the Agreement is in the best interests of the City and the public and serves the public purposes of producing significant economic benefits to the citizens of Loveland, primarily in the form of economic development, high-quality jobs, and increased property tax revenues to the City.

Section 2. That the Agreement is hereby approved, subject to an appropriation by the City Council, in its discretion, of the funds required to fulfill the financial obligations of the City set forth therein, including but not limited to backfill of the capital expansion fees waived in the Agreement, all as more fully set forth in the Agreement.

City Council
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Section 3. That the City Manager is authorized, following consultation with the City Attorney, to modify the Agreement in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 4. That the City Manager and the City Clerk are hereby authorized and directed to execute the Agreement on behalf of the City.

Section 5. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 2nd day of July, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City of Loveland

Teresa G. Andrews, City Clerk

Exhibit is available in the Clerk's Office

ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

8. DEVELOPMENT SERVICES

LOVELAND ELKS LODGE #1051 FAÇADE GRANT

Resolution #R-53-2013

Administrative Action: A Resolution #R-53-2013 of the Loveland Urban Renewal Authority (LURA) Awarding Façade Matching Grant Program Grants for 2013 and Authorizing Façade Matching Grant Agreements was approved.

Resolution #R-53-2013

A RESOLUTION OF THE LOVELAND URBAN RENEWAL AUTHORITY AWARDING FAÇADE MATCHING GRANT PROGRAM GRANTS FOR 2013 AND AUTHORIZING FAÇADE MATCHING GRANT AGREEMENTS

WHEREAS, on September 15, 2009, the City Council, acting as Board of Commissioners ("Board") of the Loveland Urban Renewal Authority ("LURA"), approved Resolution #R-89-2009 creating the Façade Matching Grant Program; and

WHEREAS, the Façade Matching Grant Program is available to applicants who own property or businesses located on property that lies within the boundaries of the Downtown Urban Renewal Plan Area ("Plan Area") and Historic Downtown Loveland; and

WHEREAS, in accordance with the Colorado Urban Renewal Act, C.R.S. § 31-25-102, et seq. ("Act"), LURA has a substantial interest in the development, redevelopment, and renovation of property within the Plan Area; and

WHEREAS, the Façade Matching Grant Program provides matching funds, on a dollar-for-dollar basis, up to a maximum grant of \$12,500, in reimbursement for eligible costs of improving, refurbishing, and/or reconstructing building facades within the Plan Area, pursuant to a competitive grant process; and

WHEREAS, applications for the Façade Matching Grant Program have been received and evaluated; and

WHEREAS, LURA desires to award Façade Matching Grants in the amounts ("Grants") to the recipients ("Grant Recipients") for the façade improvement projects ("Projects") to the properties ("Properties") identified on Exhibit A, attached hereto and incorporated herein by reference, and authorize the City Manager to enter into a façade matching grant agreement with each Grant Recipient in the form attached hereto as Exhibit B and incorporated herein by reference ("Façade Matching Grant Agreement"); and

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Trenary	Attended Colorado Municipal League Conference; Will be participating in the Governor's Veteran's Resource Fair; wished everyone a safe Independence Day.
Klassen	Attended Colorado Municipal League Conference.
McKean	Attended Colorado Municipal League Conference
Farley	Attended Colorado Municipal League Conference' Recognized First Responders.
Gutierrez	Attended Colorado Municipal League Conference; Acknowledged Fire Chief Randy Mirowski, as one of the top 12 finalists for Fire Chief of the Year; Foote Lagoon concerts; Loveland loves bbq. Larimer County Sheriff, Justin Smith gave Council an update of the Fire restrictions for Larimer County.

Discussion regarding a request from Colorado Youth Outdoors for a letter requesting Governor Hickenlooper stay the enforcement of HB-1229 until the impacts were fully understood and mitigated where necessary. The following people spoke:

Representing the not-for profit: Bob Hewson, Colorado Youth Outdoors and Stan Barthlemay, Pheasants Forever.

Representing the local businesses: Buddy Smith, Tall Guns, Inc. and Steve Klen, Front Range Gun Club.

Sheriff Justin Smith and Representative Brian Del Grosso also spoke regarding this issue.

City Council Discussion ensued. Mayor Gutierrez called for a break at 8:48 p.m. the meeting reconvened at 9:01 p.m. to allow Staff to compose a letter based on the discussion and direction of Council.

Attorney John Duval read the following letter into the record:

John W. Hickenlooper, Governor
 136 State Capitol
 Denver, CO 80203-1792

Dear Governor Hickenlooper:

We, the City Council of Loveland, Colorado write you to ask that you stay the enforcement of a recent House Bill that you signed into law, House Bill 13-1229, concerning the transfer of firearms.

This bill will have a detrimental impact on two Loveland charitable organizations, Colorado Youth Outdoors and Pheasants Forever. Bob Hewson, Executive Director of Colorado Youth Outdoors, has informed us that the result of compliance with this law will severely limit the ability of Colorado Youth Outdoors to carry out its important mission of connecting youth and their parents with the time honored sports of target shooting and hunting. Pheasants Forever's program will be similarly affected. The new requirements for background checks on persons being loaned firearms and the subsequent requirement for background checks when returning them to the original owner create an undue burden upon these charitable organizations. In addition, the personal liability for the actions of others created by this misguided legislation is an unreasonable encumbrance for such individuals and organizations.

This will have a very detrimental effect this summer on the children and parents who receive great benefit from Colorado Youth Outdoors, Pheasants Forever, and similar charitable organizations across Colorado.”

In addition, there are many small business owners that will be adversely affected by this bill. The future of their businesses are put in jeopardy by HB 13-1229.

We believe that HB 13-1229 imposes restrictions that are detrimental to the livelihood and well-being of the citizens of Loveland and the state of Colorado as a whole. Therefore, we ask you to consider implementing immediately, in concert with the Attorney General, a stay to the enforcement of HB 13-1229 until the Colorado General Assembly can amend the bill in its next session. Thank you for your review of this matter which is important to Colorado youth and businesses.

Respectfully,
 Cecil A. Gutierrez, Mayor
 Daryle Klassen, Mayor Pro Tem
 Chauncey Taylor, Councilor
 Joan Shaffer, Councilor
 Phil Farley, Councilor
 John Fogle, Councilor
 Hugh McKean, Councilor
 Ralph Trenary, Councilor
 Dave Clark, Councilor

Councilor McKean moved to approve the letter and to have staff place on letterhead for Council to each sign. The motion seconded by Mayor Pro-Tem Klassen, carried with all Councilors present voting in favor thereof.

Council directed Staff to bring a similar letter for HB-1224 with supporting information from the local for-profit businesses, to the July 16, 2013 Regular Meeting for Council Consideration.

- | | |
|--------------------------------|------|
| c) <u>City Manager Report</u> | None |
| d) <u>City Attorney Report</u> | None |

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

9. CITY CLERK

APPROVAL OF CITY COUNCIL MEETING MINUTES

Ordinance

Administrative Action: Councilor Shaffer moved to approve the minutes from the City Council meeting on June 18, 2013. Councilor Klassen seconded the motion, which carried with all Councilors voting in favor thereof and Councilors Trenary and Taylor abstaining.

10. PUBLIC WORKS

SALE OF NORTH TAFT PROPERTIES

Ordinance # 5785

Administrative Action: Keith Reester, Director of Public Works introduced this item to Council. Councilor Shaffer motioned to approve and order published on second reading. Councilor Klassen seconded the motion. The motion carried with seven councilors voting in favor and Councilor Shaffer voting against.

11. PUBLIC WORKS

SALE OF THE BISHOP HOUSE AND CITY OWNED REAL ESTATE

Ordinance #5786

Administrative Action: Keith Reester, Director of Public Works introduced this item to Council. Councilor Shaffer motioned to approve and order published on second reading. Councilor Klassen seconded the motion. The motion carried with seven councilors voting in favor and Councilor Shaffer voting against.

12. ECONOMIC DEVELOPMENT

DATATRAKS, INC INCENTIVE AGREEMENT

A. Resolution #R-54-2013

Administrative Action: Business Development Specialist, Marci Erion introduced this item to Council. DataTraks is requesting an incentive of \$19,500 to offset expenditures that will arise as part of their company expansion and relocation from Downtown to Rocky Mountain Center of Innovation and Technology (RMCIT). The City of Loveland will fund \$19,500 from the Economic Development Incentive Fund contingent upon the execution of a five-year lease. Councilor Shaffer moved to approve Resolution #R-54-2013. The motion, seconded by Councilor Klassen carried with all councilors present voting in favor thereof.

RESOLUTION #R-54-2013

A RESOLUTION APPROVING AN INCENTIVE AGREEMENT FOR DATATRAKS, INC.

WHEREAS, DataTraks, Inc., a Colorado corporation ("DataTraks"), is a technology firm that specializes in software and sensor system development for a variety of industries including railroads, mining, and manufacturing; and

WHEREAS, DataTraks has been operating in Loveland since 2000 and moved to its current location at 213 E. 4th Street in 2005 with just two (2) employees; and

WHEREAS, DataTraks now has eight (8) employees and is seeking a new location for its offices and facilities that will accommodate and encourage future growth; and

WHEREAS, for this reason, DataTraks desires to relocate to the Rocky Mountain Center for Innovation and Technology (the "RMCIT"); and

WHEREAS, DataTraks has requested from the City certain economic incentives to help defray some of its costs to relocate to the RMCIT; and

WHEREAS, specifically, DataTraks has asked the City to pay to DataTraks, in accordance with the terms and conditions of the "DataTraks, Inc. Economic Incentive Agreement," attached hereto as Exhibit A and incorporated herein by this reference (the "Incentive Agreement"), up to Nineteen Thousand Five Hundred Dollars (\$19,500) to be used by DataTraks to help pay some of its estimated costs to relocate to the RMCIT; and

WHEREAS, the City Council believes that the relocation of DataTraks' offices and facilities to the RMCIT will serve the public purposes of providing significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased tax revenues and, therefore, the monetary incentives granted in the Incentive Agreement are in the best interests of the public and the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That the City Council hereby finds that the monetary incentives granted to DataTraks in the Incentive Agreement are in the best interests of the public and the City as this will serve the public purposes of providing significant social and economic benefits to the citizens of Loveland, primarily in the form of jobs, economic development, and increased tax revenues.

Section 2. That the City Manager is authorized, following consultation with the City Attorney, to modify the Incentive Agreement in form or substance as deemed necessary to effectuate the purposes of this resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Incentive Agreement on behalf of the City.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 2nd day of July, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City of Loveland

Teresa G. Andrews, City Clerk

Exhibit is available in the Clerk's Office.

CITY COUNCIL ADJOURNED AND CONVENE AS THE BOARD OF THE WATER ENTERPRISE AT 9:50 P.M.

13. CITY MANAGER

THE BOARD OF THE WATER ENTERPRISE AUTHORIZING THE WATER REVENUE BOND

Ordinance # 5787

Administrative Action: Executive Fiscal Advisor, Alan Krcmarik introduced this item to Council. The rate was announced as not to exceed 3.5%. Councilor Shaffer moved to approve and order published on second reading "AN ORDINANCE OF THE CITY OF LOVELAND, COLORADO, WATER ENTERPRISE AUTHORIZING THE ISSUANCE AND SALE OF WATER ENTERPRISE REVENUE BOND, SERIES 2013, PAYABLE SOLELY OUT OF THE NET REVENUES TO BE DETERMINED FROM THE OPERATION OF THE CITY'S WATER ENTERPRISE; AND PROVIDING OTHER DETAILS CONCERNING THE BOND, INCLUDING, WITHOUT LIMITATION, COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH, with the addition of 3.5% inserted on page 20." The motion was seconded by Councilor Klassen, and carried with all councilors present voting in favor thereof.

ADJOURN AS THE BOARD OF THE WATER ENTERPRISE AND RECONVENE AS CITY COUNCIL AT 10:00 P.M.

14. CITY MANAGER

CITY AUTHORIZING TERMS AND PROVISIONS OF THE WATER ENTERPRISE REVENUE BOND

City Council
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Ordinance# 5788

Administrative Action: Executive Fiscal Advisor, Alan Krcmarik, Executive Economic Advisor, presented this item to Council. Councilor Shaffer moved to approve and order published on second reading AN ORDINANCE OF THE CITY OF LOVELAND, AUTHORIZING THE TERMS AND PROVISIONS RELATING TO THE WATER ENTERPRISE REVENUE BONDS, SERIES 2013, TO BE ISSUED BY THE CITY OF LOVELAND, COLORADO, WATER ENTERPRISE, THE FINANCE IMPROVEMENTS TO THE CITY'S WATER SYSTEM, INCLUDING, WITHOUT LIMITATION, COVENANTS AND AGREEMENT OF THE CITY IN CONNECTION THEREWITH. The motion was seconded by Councilor Farley and carried with all councilors present voting in favor thereof.

15. WATER & POWER

INTERFUND LOAN FROM THE POWER ENTERPRISE TO THE WATER ENTERPRISE

1st Rdg & P.H.

Administrative Action: Executive Fiscal Advisor, Alan Krcmarik introduced this item to Council. Mayor Gutierrez opened the public hearing at 10:00 and asked for public comment. Hearing no comment Mayor Gutierrez closed the public hearing at 10:00 and Councilor Shaffer moved to approve and order published on first reading AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR AN INTERFUND LOAN FROM THE POWER ENTERPRISE TO THE WATER ENTERPRISE FOR INFRASTRUCTURE IMPROVEMENTS. The motion was seconded by Councilor Klassen carried with seven councilors voting in favor and Councilor Trenary voting against.

16. FINANCE

MAY 2013 FINANCIAL REPORT This item was removed from the regular agenda.

17. FINANCE

MAY 2013 INVESTMENT REPORT

This item was removed from the regular agenda.

ADJOURNMENT

Having no further business to come before Council, the July 2, 2013 Regular Meeting was adjourned at 10:05 pm.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor



CITY OF LOVELAND
WATER & POWER DEPARTMENT
 200 North Wilson • Loveland, Colorado 80537
 (970) 962-3000 • FAX (970) 962-3400 • TDD (970) 962-2620

AGENDA ITEM: 11
MEETING DATE: 7/16/2013
TO: City Council
FROM: Steve Adams, Water and Power Department
PRESENTER: Jim Lees

TITLE:

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2013 City of Loveland Budget for an Interfund Loan from the Power Enterprise to the Water Enterprise for Infrastructure Improvements

RECOMMENDED CITY COUNCIL ACTION:

Move to approve the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

DESCRIPTION:

This is an administrative action. The ordinance implements an interfund loan from the Power Enterprise to the Water Enterprise to fund a portion of the Water Capital Improvement Program to replace aging infrastructure.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

The loan will provide the resources necessary to begin the replacement of aging infrastructure in the Water Enterprise. The fund balance is available in the Power Enterprise and will not be required for Power Capital improvements until after the annual loan repayments have been made. Budgetary impact is therefore positive for the Water Enterprise, and is not damaging to the Power Enterprise.

SUMMARY:

Resolution #R-16-2013 was adopted by City Council on 2nd reading on March 5, 2013, and lays out a financing program to fund the infrastructure needs of the Water Utility over the next ten years. These needs include systematic replacement of deteriorated water lines and rehabilitation and expansion of the Water Treatment Plant.

One of the components of Resolution #R-16-2013 was to establish an 8-year, \$6 million internal loan, from the Power Enterprise to the Water Enterprise. The \$6 million will be transferred from the Power Enterprise to the Water Enterprise in 2013, and the loan will be paid back in annual installments from 2014-2021. The annual debt service is estimated to range from \$780,000 to \$840,000. The annual interest rate on the loan will be the same as the City's annual return on its investment portfolio.

Resolution #R-16-2013 also stipulated that the General Fund will transfer \$750,000 per year to the Water Enterprise to pay for the principal portion of the internal loan. This ordinance is to authorize the transfer of the \$6 million from the Power Enterprise to the Water Enterprise.

This ordinance was approved by Council at the July 2, 2013 regular meeting with a vote of 7-1.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

Ordinance

FIRST READING July 2, 2013

SECOND READING July 16, 2013

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2013 CITY OF LOVELAND BUDGET FOR AN INTERFUND LOAN FROM THE POWER ENTERPRISE TO THE WATER ENTERPRISE FOR INFRASTRUCTURE IMPROVEMENTS

WHEREAS, by adoption of Resolution #R-16-2013, the Loveland City Council approved a plan to secure adequate funding from a combination of sources for the City’s Water Utility to make infrastructure improvements, including improvement of the water treatment plant and a comprehensive water line replacement program (the “Water Utility Financing Plan”); and

WHEREAS, the Water Utility Financing Plan approved by Council included authorization and approval of a loan by the City’s Power Enterprise to the City’s Water Enterprise in 2013 in the amount of Six Million Dollars (\$6,000,000) to be repaid by the Water Enterprise to the Power Enterprise in eight annual, fully-amortized principal and interest payments with the interest to be determined and accrue at the variable rate and in the manner required by Loveland Municipal Charter Section 13-3(b); and

WHEREAS, the City’s Power Enterprise currently has adequate, un-appropriated reserve funds which are not anticipated to be needed for any near term Power Utility projects to fund this interfund loan; and

WHEREAS, the City Council desires to authorize the expenditure of these funds in the form of an interfund loan from the Power Enterprise to the Water Enterprise in accordance with Resolution #R-16-2013 by enacting a supplemental budget and appropriation to the City budget for 2013, as authorized by Section 11-6(a) of the Loveland City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That reserves in the amount of \$6,000,000 from fund balance in the Power Enterprise PIF Fund 331 are available for appropriation. Revenues in the total amount of \$6,000,000 are hereby appropriated for an interfund loan to the Water Enterprise in accordance with Resolution #R-16-2013 for infrastructure improvements and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget
Power Enterprise PIF Fund 331**

Revenues		
Fund Balance		6,000,000
Total Revenue		6,000,000
Appropriations		
331-45-301-0000-47300	Transfer to Water Enterprise	6,000,000
Total Appropriations		6,000,000

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 3. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

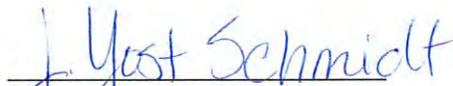
ADOPTED this 16th day of July, 2013.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Deputy City Attorney



CITY OF LOVELAND
ECONOMIC DEVELOPMENT OFFICE
 Civic Center • 500 East Third • Loveland, Colorado 80537
 (970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 12
MEETING DATE: 7/16/2013
TO: City Council
FROM: Betsy Hale, Economic Development Director
PRESENTER: Betsy Hale, Economic Development Director
 Joe Kellogg, Founder and CEO
 Kelly Peters, NCEDC

TITLE: Madwire Media Economic Development Incentive Request

DESCRIPTION: This is an information only item. City Council policy requires any incentive request over \$20,000 come to council at a study session for consideration, discussion and direction. Madwire Media is requesting Council consider an incentive package of \$47,600 in use tax and fee waivers and \$250,000 cash for the retention of 150 jobs and the creation of 100 new jobs within 24 months of occupying new space at the Rocky Mountain Center for Innovation and Technology.

BUDGET IMPACT:

- Positive
 Negative
 Neutral or negligible

Council approval of this request would decrease the Council Incentive Fund by \$250,000. The City would not collect an estimated \$47,600 in use taxes and fees.

SUMMARY: Madwire Media is a creative services employer specializing in web design and internet marketing for small business and e-commerce. They are currently located at 504 W. Eisenhower. Due to rapid growth since 2008, the company has commenced a site search and has narrowed their choices to the RMCIT campus or an expansion in Austin, Texas. The company has 150 employees and is planning to hire 300 more over the next 5 years. The average annual wage is \$60,000 and is projected to be \$88,000 by 2015. The estimated net new revenue to the City from 2014-2018 will be over \$700,000.

REVIEWED BY CITY MANAGER: *William D. Cabell*

LIST OF ATTACHMENTS:

1. Staff Report and Request Letter

2. Project Checklist
3. CSU Economic Impact Analysis Report
4. Company Information: Videos will be played at the meeting [HTTP://WWW.MADWIREMEDIA.COM](http://www.madwiremedia.com)

Madwire Media Staff Report

Support for the Madwire Media Incentive Request is consistent with the City of Loveland Economic Development Strategic Plan and the Council Incentive Policy. The number 1 goal for economic development is to, "Make Loveland the Heart of Innovation and Creativity in Colorado." An action step which supports the City's investment in the project is: "Provide economic incentives for companies locating at the RMCIT campus."

The economic development project checklist is included in the Council packet and it reflects that the company meets the minimum expectations of the City to receive an incentive package. The initial \$150,000 cash incentive is for the retention of 150 positions currently at the company. This payment will not require a personal guarantee and will be issued at the signing of a 10 year lease with the property owner. It is intended the money be used for tenant improvement of the space to be occupied by Madwire.

An additional \$100,000 will be provided to the company at the receipt of a Temporary Certificate of Occupancy (TCO) to begin the moving of equipment into the new space. This incentive will have a personal guarantee and the company is expected to create 100 new jobs in 24 months from opening the business at the site. These funds are also intended to be used for tenant improvements.

The City will waive all building permit and use taxes associated with the project. This is estimated to be \$47,600.

Another Action Item directs City Staff to, "Establish a committee of business leaders to assist with the recruitment of tenant companies and relationship building with company executives." The Loveland Development Fund is a 501c.6 re-established in March of 2013. The purpose of the LDF is to assist the City with the recruitment and retention of primary employers to Loveland. In this spirit the LDF will present \$50,000 to Madwire at the company's Grand Opening.

Council members should note this incentive offer is for both business retention and expansion. While the company intends to create more than 100 new jobs, staff believes that the City should support the retention of the existing jobs as there is still a possibility the company will begin an expansion in Texas. The State of Texas is very aggressive in their incentive offers and as such the Colorado Office for Economic Development and International Trade will be considering a State Tax Credit Incentive at the Commissions meeting in late July. Madwire's final decision to stay and grow in Colorado will not be determined until the Council approves the City incentive and the State approves the tax credit package. Attached to this report is the company request.



June 20, 2013

Mr. Bill Cahill, City Manager
500 East Third Street
Loveland, CO 80537

Dear Mr. Cahill;

I respectfully submit this request for an incentive which will allow Madwire Media to expand into the Rocky Mountain Center for Innovation and Technology and keep jobs in Loveland, Colorado. Madwire Media is a media and marketing design firm that is currently located at 550 West Eisenhower and 504 West Eisenhower, Loveland, CO 80537. We have been operating in Loveland since our inception in 2009. We have 130 full time employees who are operating under tight quarters in our current facilities. We will be adding an additional 300 employees over the next 5 years. We are interested in a 10 year lease of 57,300 square feet at the RMCIT facility with a hold on an additional 58,000 sq ft of expansion area. Our expected occupancy date is January 2014.

In order to make this transition, we are requesting \$300,000 in order to complete necessary tenant finish work in addition to a waiver of \$47,600 in city fees. We would appreciate any assistance the City of Loveland council and planning and development staff can provide in order that we can expand and continue to invest in Loveland.

Thank you for your consideration,

Joseph Kellogg
President and CEO
Madwire Media

CC: Ms. Betsey Hale, Economic Development Director
Ms. Kelly Peters, NCEDC, Business Retention and Expansion

City of Loveland Economic Development Policy Project Checklist		Jul-13	
Primary Employer Guidelines			
Company Name : Madwire Media			
Requirement	Completed	Date	Details
Meeting with the Business Development Staff	Yes	4/18/2013	
Letter of Intent/Request	Yes	6/20/2013	
Economic Impact Analysis Data Submitted	Yes	5/15/2013	
Impact Analysis shows Positive Net New Revenue	Yes	6/5/2013	Net New Revenue projected at \$770,000
Pays 80% of Employee Health Ins. Premium	Yes		
Offers Group Health Ins. Coverage to Dependents	Yes		
Performance Agreement	Yes		Signing of 10 year lease for the intial \$150,000. Receipt of a TCO to move in, personal guarantee and creation of 100 new jobs in 24 months from occupancy for an additional \$100,000.
Minimum investment of \$500,000	Yes		
Net New Jobs to Loveland	300		By 2018
Project Budget Submitted	Yes		Total Budget is \$1,077,000 and the landlord is making significant rent and Tenant improvement concessions
Study Session	Yes	7/16/2013	
Council Meeting and Approval	TBD		
Average Annual Wages Company wide	Meets		Details
110% of Larimer County Ave Annual Wage			
120% of Larimer County Ave Annual Wage			
130% of Larimer County Ave Annual Wage	X		Average Annual Wage \$60,000
140% of Larimer County Ave Annual Wage			
150% or > Larimer County Ave Annual Wage			
Encouraged but not required	Meets		Details
Located in an Enterprise Zone	X		815 14th St SW RMCIT
Located in Downtown Loveland			
Reuse of an existing vacant facility	X		
Clean Energy Company			

Health Care			
Aerospace/Aviation			
Bio-Science			
Creative Sector	X		
Rocky Mountain Innovation Initiative Client			
Proposed Incentive			\$297,600 from the City
			\$50,000 from the Loveland Dev. Fund

Project Marvel: Fiscal Impacts for the City of Loveland

Professor Martin Shields
Regional Economics Institute
Colorado State University

5 June 2013

- Project Marvel is a creative services employer, specializing in web design and internet marketing for small businesses and e-commerce
- The company is planning on expanding its operations. It is considering two options:
 - Leasing space in a newly constructed building
 - Building value \$8 million; annual lease payments \$946,400
 - Leasing space in the former Agilent building
 - 65,000 square feet at \$10.50 per square foot
 - In its first year, the utility budget is nearly \$75,000
- The prospect plans to relocate 175 existing employees and add 600 jobs over the next 5 years
 - The average expected annual wage is \$88,000
 - Expected wage growth rate: 3.0 percent
 - 2012 average annual earnings per worker in Larimer County: \$46,000

Notes About the Calculations

- Because the building will be leased, we do not estimate any revenue impacts due to construction, such as use taxes on building materials and building permit fees
- We assume 30 percent of Project Marvel's employees reside in Loveland
- Fiscal impacts are calculated using CSU's Insight-based fiscal impact model

Estimated Revenue Impacts to the City of Loveland from Project Marvel

- Over 5 years, city tax revenue generated is estimated at \$2.79 million (Table 1)
- The greatest municipal revenue impact is from off-site employee effects (mostly retail sales tax), generating \$1.55 million over 5 years

Estimated Cost to the City of Loveland

- \$2.03 million over 5 years in providing government services (Table 2)
 - \$1.55 million in providing government services related to the project
 - \$472,000 over five years in government services for Project Marvel employees that reside in Loveland

Net Fiscal Impacts of Project Marvel on the City of Loveland

- The City of Loveland is estimated to experience a net revenue gain of \$770,814 over a period of 5 years
- The annual net revenue per new employee over the next 5 years is reported in Table 4

Table 1: Revenue benefits to Loveland from Project Marvel

Revenue Source and Breakdown	Year 1	Year 2	Year 3	Year 4	Year 5	5 Year Total
Operations	\$3,414	\$28,085	\$29,253	\$30,491	\$42,014	\$133,256
Real property taxes during operations	\$0	\$22,188	\$22,410	\$22,634	\$33,283	
Personal property taxes during operations	\$0	\$1,767	\$1,729	\$1,751	\$1,717	
Sales tax on utilities	\$2,610	\$2,761	\$2,922	\$3,091	\$3,270	
Other	\$804	\$1,368	\$2,191	\$3,014	\$3,744	
Offsite Employee Effects	\$265,122	\$430,542	\$540,674	\$654,426	\$774,540	\$2,665,304
City sales tax on retail sales	\$265,122	\$419,777	\$523,395	\$632,853	\$748,407	\$2,589,553
Single family property taxes	\$0	\$9,265	\$14,912	\$18,623	\$22,562	\$65,361
Multifamily property taxes	\$0	\$1,501	\$2,367	\$2,951	\$3,571	\$10,390
Visitor Impacts	\$248	\$257	\$265	\$274	\$283	\$1,326
Total Public Revenues	\$268,635	\$458,729	\$570,032	\$685,026	\$816,667	\$2,799,089

Sources: NCEDC and Insight

Table 2: Costs to Loveland from providing government services to Project Marvel

Public Cost Source	Year 1	Year 2	Year 3	Year 4	Year 5	5 Year Total
Operations	\$161,213	\$254,015	\$315,179	\$379,243	\$446,312	\$1,555,962
City Residents	\$48,622	\$77,360	\$95,686	\$115,271	\$135,375	\$472,314
Total Public Costs	\$209,835	\$331,374	\$410,865	\$494,514	\$581,688	\$2,028,276

Sources: NCEDC and Insight

Table 3: Net revenue to Loveland from Project Marvel

	Year 1	Year 2	Year 3	Year 4	Year 5	5 Year Total	5 Year Average
Total Public Revenues	\$268,635	\$458,729	\$570,032	\$685,026	\$816,667	\$2,799,089	\$559,818
Total Public Costs	\$209,835	\$331,374	\$410,865	\$494,514	\$581,688	\$2,028,276	\$405,655
Net Public Revenue	\$58,800	\$127,355	\$159,167	\$190,512	\$234,980	\$770,813	\$154,163

Sources: NCEDC and Insight

Table 4: Net public revenues per new worker over five years

	Year 1	Year 2	Year 3	Year 4	Year 5
Net Revenue	\$58,800	\$127,355	\$159,167	\$190,512	\$234,980
Total New Jobs (cumulative)	134	300	400	500	600
Net Public Revenue per New Worker	\$439	\$425	\$398	\$381	\$392

Sources: NCEDC and Insight