



City of Loveland

## LOVELAND PLANNING COMMISSION MEETING AGENDA

Monday, August 12, 2013  
500 E. 3<sup>rd</sup> Street – Council Chambers  
Loveland, CO 80537

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

### I. CALL TO ORDER

### II. PLEDGE OF ALLEGIANCE

### III. REPORTS:

#### a. Citizen Reports

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

#### b. Staff Matters

#### c. Committee Reports

#### d. Commission Comments

06/20/2013 ZBA Meeting Update

### IV. APPROVAL OF MINUTES

#### Review and approval of the 7/22/2013 Meeting minutes

### V. REGULAR AGENDA:

#### 1. Giuliano PDP Amendment

This is a public hearing to consider an amendment to the Giuliano First Subdivision PUD Preliminary Development Plan (PDP). The Amendment would modify the architectural standards and side yard setbacks in area SF-4, which is the approved and platted single family residential phase located east of Ponderosa Elementary School. The applicant is proposing an alternative design option for this phase that would allow a front oriented garage design with the garage doors comprising up to 50% of the ground floor elevation. Additional design standards for the garages are incorporated in the amendment to lessen the visual impacts of the doors on the streetscape. This includes recessing garages behind a front porch or living portion of the house and incorporating windows into the garage doors.

The amendment also proposes to modify the measurement of side yard setbacks for two story homes based on a model that the applicant developed. In the model, the second story side elevation is recessed 4 feet from the first story of the structure. The amendment proposes to measure the second story side yard setback to the recessed portion of the house, stipulating a minimum of 10 feet between single story portions of the structure and 14 feet between two story elements. The proposed minimum separation between homes is in compliance with the City's Building Code.

Staff believes that all key issues have been resolved based on City Code and standards. At the neighborhood meeting, the neighbors were supportive of the proposed house designs.

## **VI. ADJOURNMENT**



## **LOVELAND ZBA MEETING AGENDA**

**Thursday, June 20, 2013**

**4:00 p.m.**

**500 E. 3<sup>rd</sup> Street – Council Chambers**

**Loveland, CO 80537**

### **I. CALL TO ORDER**

Hearings are conducted by Zoning Board Adjustment Hearing Office John Crescibene.

### **II. REGULAR AGENDA:**

1. 1156 E. 4<sup>th</sup> Street—Set back variance

### **III. ADJOURNMENT**



## Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537  
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### Zoning Board of Adjustment Staff Report

June 20, 2013

**Agenda #:** Regular Agenda - 1

**Title:** 1156 E. 4<sup>th</sup> Street

**Applicant:** Joseph Qwist

**Request:** Side Yard Setback Variance

**Location:** South side of E. 4<sup>th</sup> Street, between St. Louis and Madison Avenue

**Existing Zoning:** R3e

**Proposed Use:** Accessory Structure

**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 Zoning Board of Adjustment staff report dated June 20, 2013 and, based on those findings, approve the requested side yard setback variance for an accessory structure (garage).

#### **Summary of Analysis**

This is a public hearing to consider a variance related to an accessory structure. The proposed accessory structure is a garage, to replace an existing garage on the lot. The garage would be architecturally compatible with the existing single family home on the property and is proposed to be 2.0 feet longer than the existing garage.

The subject property is zoned R3e, which requires a minimum 5.0 foot side yard setback. The existing garage is located on the east property line, with no side yard setback. The proposed setback is 1.25 feet from the east property line.

There is a mature shade tree on the property west of the existing garage and if a 5.0 foot side yard setback was required for the construction of this new garage, the tree would need to be removed.

The variance request meets all required Findings for approval. Future demolition of the garage would require review by the Historic Preservation Commission, since the property is eligible for landmark designation.

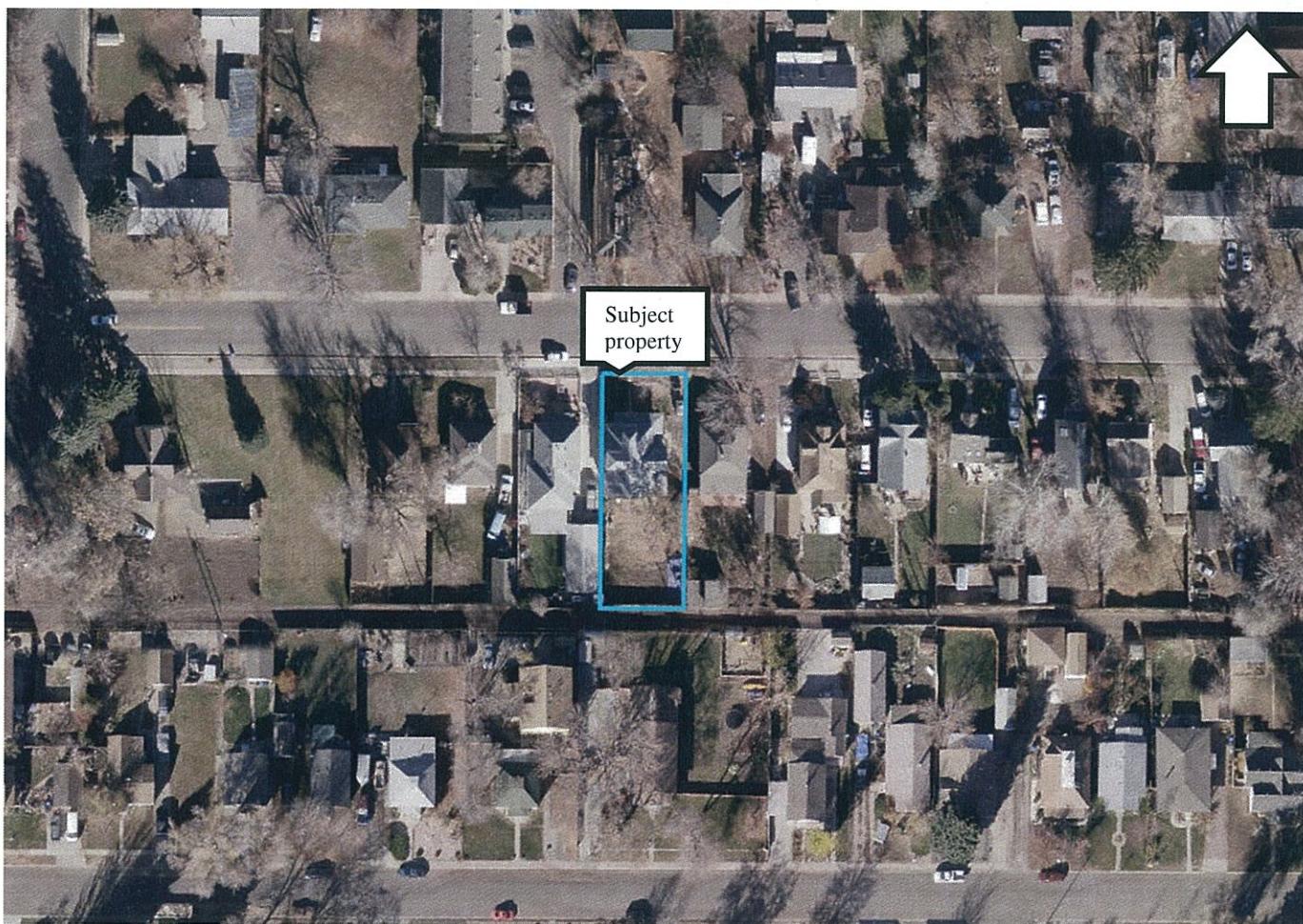
## I. SUMMARY

Joseph Qwist, as Applicant for Owner James Getches, proposes to replace an existing garage on the property at 1156 E. 4<sup>th</sup> Street. The garage is proposed to be constructed with a 1.25 foot side yard setback along the east property line, which would require approval of a variance. The Applicant has provided a justification statement to address the variance review criteria (See **Attachment 1**); an Improvement Location Certificate (See **Attachment 2**); and a Site Plan with architectural elevations (See **Attachment 3**) illustrating the proposal. An aerial photograph (See **Attachment 4**) and photos of the existing site conditions (See **Attachment 5**) are also included.

## II. ATTACHMENTS

1. Applicant's justification
2. Improvement Location Certificate
3. Site plan and architectural elevations
4. Aerial photograph of site
5. Photos of site

## III. VICINITY MAP



#### IV. SITE DATA

AREA OF SITE: ..... APPROXIMATELY 6,980 SF

PROPERTY ZONING / USE ..... R3E/SINGLE FAMILY

EXISTING ZONING / USE - NORTH ..... R3E/SINGLE FAMILY

EXISTING ZONING / USE - SOUTH ..... R3E/SINGLE FAMILY

EXISTING ZONING / USE - EAST ..... R3E/SINGLE FAMILY

EXISTING ZONING / USE - WEST ..... R3E/SINGLE FAMILY

#### V. KEY ISSUES

The property is eligible for landmark designation, so future demolition of the garage would require review by the Historic Preservation Commission.

#### VI. BACKGROUND

There is an existing single-family house (built in 1899) and garage on this property. The house was remodeled in 2012 and the applicant is now proposing to replace the garage, which is in poor condition. The existing 12.0 foot by 18.0 foot garage is located on the east property line. The new garage would be 12.0 feet wide and 20.0 feet long and is proposed to be 1.25 feet from the east property line. The garage is to be constructed of wood frame with horizontal lap siding and painted to match the house. The lot is 50.0 feet wide and 139.6 feet in length. There is a gravel driveway along the east property line that provides access to the existing garage and would be used to access the new garage.

#### VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from Joseph Qwist certifying that written notice was mailed to all property owners within 150 feet of the property on June 4, 2013 and notice was posted in a prominent location on the perimeter of the site on June 4, 2013. In addition, a notice was published in the Reporter Herald on June 5, 2013.
- B. **Neighborhood Response:** At the time this staff report was prepared, city staff had received no inquiries about the proposed variance request.

#### VIII. FINDINGS AND ANALYSIS

Findings 1-7 below are stipulated in Chapter 18.60 of the Municipal Code. For a variance to be approved it must be demonstrated that these findings have been or can be met. The staff analysis is provided in response to each finding below.

***Finding 1.** There are unique circumstances or conditions that are particular to or related to the land or structure for which the variance is requested. The circumstances may include, but are not limited to, exceptional topographic conditions, the shape or dimensions of the property, or the existence of mature landscaping or natural features that impact the property.*

The existing garage is located on the east property line. The garage is in poor shape and the Applicant proposes to build a new garage, shifting the location 1.25 feet to the west and increasing the length of the garage by 2.0 feet. If the garage were shifted farther to the west to meet a 5.0 setback, it would impact an existing mature shade tree. Access to the garage is from 4<sup>th</sup> Street, at the front of the property. The proximity of a mature shade tree west of the proposed garage location is a unique circumstance on this site, since the tree would need to be removed to meet the 5.0 side yard setback and building the garage in the same size and configuration as currently exists would still require approval of a variance.

***Finding 2. The special circumstances are not the result of actions or inactions by the Applicant or current Owner.***

The special circumstances related to this site (location of existing garage and existence of mature shade tree) are not the result of actions or inactions by the Applicant or current Owner.

***Finding 3. The strict interpretation and enforcement of the provisions of the code would cause an unnecessary or undue hardship.***

The strict interpretation of the 5.0 foot side yard setback requirement would be a hardship in this case, since meeting this setback would require removal of a mature shade tree on the property

***Finding 4. Granting the variance is the minimum action needed to accommodate or alleviate the difficulty or hardship involved.***

A variance to allow a 1.25 foot side yard setback is the minimum action needed in order to allow construction of a new garage that would be accessed from 4<sup>th</sup> Street.

***Finding 5. The variance would not substantially impact the use and enjoyment or development of other property in the vicinity of the subject land or structure.***

The existing garage is on the property line near the back of the adjacent house and back yard of the property at 1164 E. 4<sup>th</sup> Street. The proposed variance would result in the garage being built farther away from the adjacent property line than the existing garage and would be a significant improvement over the current garage condition. The new location is proposed so that it would not impact an existing mature tree on the subject property.

***Finding 6. The variance would not authorize any use in a zoning district other than a use specifically permitted in such zoning district.***

Approval of this variance would not authorize a use that is not permitted in the R3e zone district. Accessory structures are permitted in this zone district.

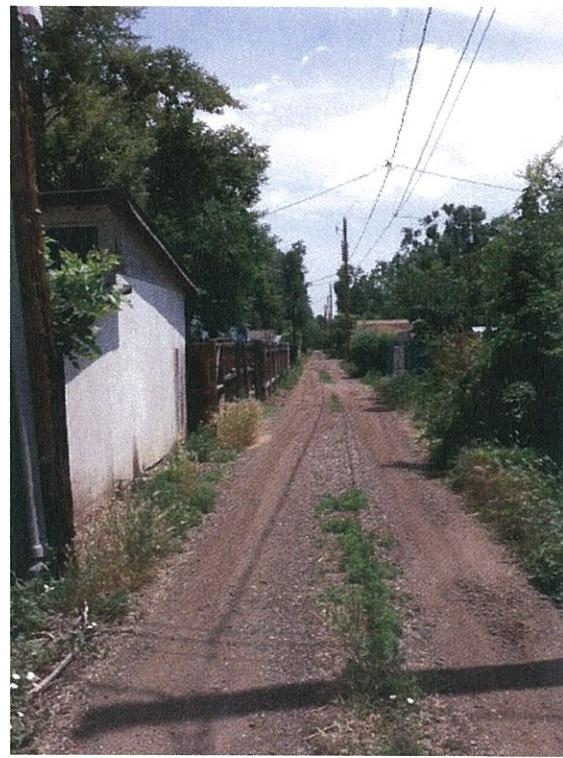
***Finding 7. The variance would not waive or modify the requirements of any use approved by special review.***

The subject property is not restricted by any special review use.

**1156 E. 4<sup>th</sup> Street – Site Photos**



Front of subject property showing garage



Alley behind subject property (white shed is on property east of subject site)



Back of subject property showing shade tree



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**ZONING BOARD OF ADJUSTMENT  
IN AND FOR THE CITY OF LOVELAND, COLORADO**

**Variance Application # 2013-02**

**FINDINGS AND ORDER OF THE HEARING OFFICER**

**Regarding:** Variance to side yard setback for an accessory structure for Qwist Joseph at 1156 E. 4<sup>th</sup> Street, Loveland, Colorado.

**Property:** Lot 7, Kempton-Turney Addition, R3e – Established High Density Residential – approximately 6,980 square feet.

**Request:** Qwist Joseph, as Applicant, proposes to replace an existing garage on the property at 1156 E. 4<sup>th</sup> Street. The garage is proposed to be constructed with a 1.25 foot side yard setback along the east property line.

**Hearing:** This matter was heard on June 20, 2013 by John Crescibene, Hearing Officer designated by the Zoning Board of Adjustments pursuant to Section 18.60.060 of the Loveland Municipal Code.

**Appearances:**

Appearing as the applicant: Qwist Joseph.

Appearing as the consultant for Mr. Joseph: None.

Appearing for the City of Loveland: City Planner II, Troy Bliss; Assistant City Attorney, Sharon Citino; Administrative Specialist/Current Planning, Kimber Kreutzer.

**Exhibits and Evidence:** The following exhibits and documentary evidence were received: Application, including the following attachments: See the list set forth on **Exhibit A** attached hereto and incorporated herein.

**Findings:** The Hearing Officer considers and finds that due notice of this hearing was given. Thereupon, a hearing was held and the Hearing Officer, having heard the evidence and arguments of all persons in interest, makes the following **FINDINGS:**

***Finding 1.** There are unique circumstances or conditions that are particular to or related to the land or structure for which the variance is requested. The circumstances may include, but are not limited to, exceptional topographic conditions, the shape or dimensions of the property, or the existence of mature landscaping or natural features that impact the property.*

The existing garage is located on the east property line. The garage is in poor shape and the Applicant proposes to build a new garage, shifting the location 1.25 feet to the west and increasing the length of the garage by 2.0 feet. If the garage were shifted farther to the west to meet a 5.0 setback, it would impact an existing mature shade tree. Access to the garage is from 4<sup>th</sup> Street, at the front of the property. The proximity of a mature shade tree west of the proposed garage location is a unique circumstance on this site, since the tree would need to be removed to meet the 5.0 side yard setback and building the garage in the same size and configuration as currently exists would still require approval of a variance.

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The special circumstances related to this site (location of existing garage and existence of mature shade tree) are not the result of actions or inactions by the Applicant or current Owner.

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The strict interpretation of the 5.0 foot side yard setback requirement would be a hardship in this case, since meeting this setback would require removal of a mature shade tree on the property

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The existing garage is on the property line near the back of the adjacent house and back yard of the property at 1164 E. 4<sup>th</sup> Street. The proposed variance would result in the garage being built farther away from the adjacent property line than the existing garage and would be a significant improvement over the current garage condition. The new location is proposed so that it would not impact an existing mature tree on the subject property.

***Finding 6. The variance would not authorize any use in a zoning district other than a use specifically permitted in such zoning district.***

Approval of this variance would not authorize a use that is not permitted in the R3e zone district. Accessory structures are permitted in this zone district.

***Finding 7. The variance would not waive or modify the requirements of any use approved by special review.***

The subject property is not restricted by any special review use.

**Request for Setback Variance**

**NOW, THEREFORE, IT IS ORDERED BY THE HEARING OFFICER DESIGNATED BY THE BOARD** that the application from Qwist Joseph for a lot-specific variance applicable to the identified lot from standards specified in Chapter 18.16 of the Loveland Municipal Code to allow the construction of an accessory structure within the 5 foot setback along the east property line be, and hereby is, APPROVED.

BY:

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John Crescibene, Hearing Officer

Dated this 8<sup>th</sup> day of July, 2013.

**EXHIBIT A**  
**LIST OF EXHIBIT AND DOCUMENTARY EVIDENCE RECEIVED**

1. June 20, 2012 Zoning Board of Adjustment Staff Report

**CITY OF LOVELAND**  
**ZONING BOARD ADJUSTMENT MEETING MINUTES**  
**June 20, 2013**

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A meeting of the City of Loveland Zoning Board Adjustment (ZBA) was held in the City Council Chambers on June 20, 2013 at 4:00 p.m. Members present: Zoning Board Adjustment Hearing Officer John Crescibene. City Staff present: City Planner II, Troy Bliss; Assistant City Attorney, Sharon Citino; Administrative Specialist/Current Planning, Kimber Kreutzer; and Applicant Qwist Joseph.

**ZBA Hearing Officer Crescibene** opened the meeting at 4:00 p.m. to consider an application by Qwist Joseph, to allow for a Side Yard Setback Variance, located on the south side of E. 4<sup>th</sup> Street, between St. Louis and Madison Avenues. The address is 1156 E. 4<sup>th</sup> Street.

**Mr. Bliss, City Planner II**, explained that the proposed accessory structure is a garage, to replace an existing old garage on the lot. The garage would be architecturally compatible with the existing single family home on the property and is proposed to be 2' feet longer than the existing garage. The proposed setback is 1' 4" from the east property line. He stated that the new garage will be larger than the original, but will need to be placed further to the west. He explained that the 5' setback requirement would result in the destruction of a large shade tree adjacent to the property. In addition, he stated that on June 4, 2013, a notice was sent to neighbors within 150' of the property, and signs were posted in the required areas. To date, no inquiries about the proposed variance request have been received by city staff. **Mr. Bliss** stated that staff is recommending approval of the variance setback.

**Mr. Bliss** introduced applicant, **Qwist Joseph**. **Mr. Joseph** explained that he plans to replace the existing old garage with a new one and said the old structure feels unsafe. He stated that he had been in contact with **Bethany Clarke, Staff Liaison for the Historic Preservation Commission**, regarding any historic attributes of this structure. He thinks the actual garage was built sometime during the 1970's. The home was built 1895. **Mr. Joseph** stated that the house does have historic value; however his opinion is that the garage does not. He added that plans for the new garage would ensure it matches the style and color of the redesigned home, and the new garage would be an improvement for the neighborhood.

**Mr. Crescibene** indicated that he did a site visit on this property. He questioned if **Mr. Qwist** approached the Historical Preservation Commission, or vice versa. **Mr. Qwist** stated that the Commission contacted him when he acquired the house over a year ago informing him that the home was eligible to be on the historic registry. **Mr. Crescibene** questioned how the Historic Commission would deal with the destruction of the existing garage. **Mr. Bliss** responded that if for some reason the garage does have some historic value to it, the applicant would need to refer the demolition request to the Historic Preservation Commission. The Commission would make a recommendation as to whether or not it should be demolished. **Mr. Bliss** went on to explain that the Commission cannot prevent the demolition of the garage; they only have the power to make a recommendation. **Mr. Bliss** reiterated that he believes the garage was constructed long after the house, and doubts there is any historical value to the garage. **Mr. Crescibene** stated that was his assumption as well.

**Mr. Crescibene** asked if there were any public comments. Given that there were no comments, he expressed that this was an open and shut case. He continued that **Mr. Qwist** would be doing his neighborhood a great favor by erecting a new garage in place of the old one. He asserted he didn't believe that any neighbors would have objections to this request to build the new garage. He moved to make the findings listed in Section VIII of the Zoning Board of Adjustment Staff Report dated June 20, 2013, and, based on those findings, approved the requested side yard setback variance for an accessory structure (garage).

At 4:10 p.m. **Mr. Crescibene** adjourned the meeting.

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**July 22, 2013**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on July 22, 2013 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Massaro, Molloy, Dowding, Crescibene, Krenning, and Prior. Members absent: Commissioner Ray. 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. **Bob Paulsen, Current Planning Manager**, informed the Commission that there are items scheduled for the 08/12/13 Planning Commission meeting, including approval of the 7/22/13 meeting minutes, and a public hearing for the Giuliano PDP amendment.

**COMMITTEE REPORTS**

1. **Chair Meyers** gave an update on the last Title 18 committee meeting and shared that the committee reviewed the Oil and Gas amendment to be presented to the Commission at tonight's meeting. Other items that were discussed include a weed control ordinance, and the development review process. **Commissioner Molloy** added that there was good discussion regarding the goals of the Title 18 committee, which included a review of the committee's mission statement, and what accomplishments have been achieved in the previous years.

**COMMISSIONER COMMENTS**

1. **Commissioner Krenning** shared his plans to run for City Council, Ward I, in the upcoming November election. He apologized to the Commission for not notifying them of his plans earlier, and explained that the news was leaked out before he could do so. He stated that he feels that the Planning Commission is an apolitical body, and said that he planned to keep it apolitical in the future. He welcomed fellow Commissioners to approach him with any concerns should they arise during his bid for election.
2. **Commissioner Crescibene** expressed his gratitude for the work that city staff put into creating the oil and gas code amendment. He expressed that work being done by the Current Planning department has been done for the good of the community.
3. **Commissioner Dowding** stated that she is also considering a bid for City Council. She explained she wanted to do the best that she can for the community and the City of Loveland. She shared that if she did decide to pursue a City Council seat, she would avoid any conflict in Planning Commission decisions.

4. **Commissioner Crecibene** provided a brief ZBA update and explained there had only been one meeting since the last update. He explained the Zoning Board approved the reconstruction of a garage on E. 4<sup>th</sup> Street that replaced an old garage that was dilapidated. He continued that it was a cut and dry approval that allowed for a 2 foot setback to the applicant. **Mr. Paulsen** assured that materials from the meeting would be given to the Commissioners at the next Planning Commission meeting. He shared there is another ZBA meeting scheduled for 8/12/13, and results from that meeting would be shared after the appeal period expires.
5. **Chair Meyers** shared that both **Commissioners Krenning and Dowding** are dedicated public servants to the city, and didn't expect any problems, concerns, or issues, with their plans to run for City Council.

### **APPROVAL OF THE MINUTES**

**Chair Meyers** asked for a motion to approve the minutes from the 07/08/13 Planning Commission meeting. **Commissioner Middleton** moved to approve the minutes. Upon a second by **Commissioner Dowding**, the meeting minutes were approved five to two with **Commissioners Molloy and Prior** abstaining since they were absent from the 07/08/13 Planning Commission meeting.

### **CONSENT AGENDA**

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

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

#### 1. Marianna Butte 25th

**Applicant Mr. Jess Rodriguez** has submitted a written request for a two-year extension of the Preliminary Plat and Preliminary Development Plan for the Mariana Butte 25<sup>th</sup> Subdivision (Mountain Gate). **Mr. Rodriguez** is the owner and potential developer of the 34-acre property generally located at the northwest corner of W. 1<sup>st</sup> Street and Namaqua Avenue. In February of 2012, the Preliminary Plat was approved by the city for 51 lots (46 paired single-family units and 5 detached single-family units). **Chair Meyers** questioned if there were any Commissioners who wished to move this item from the consent agenda to the regular agenda. **Mr. Krenning** made a motion to approve the item on the consent agenda. Upon a second from **Mr. Middleton** the consent agenda was unanimously approved.

## **REGULAR AGENDA**

### **2. King of Glory**

This is a public hearing concerning the annexation and zoning of a 4.28 acre parcel owned by the King of Glory Lutheran Church located at the northwest corner of N. Wilson Avenue and W. 29<sup>th</sup> Street. The property would be annexed and zoned to facilitate future development/redevelopment of the existing church facility. No development/redevelopment is being proposed in conjunction with the annexation. The hearing is to consider the following items:

- A legislative action for annexation of 4.28 acres; and
- A quasi-judicial action for zoning the property to R1-Developing Low Density Residential District.

Staff believes that all key issues have been resolved on city Codes and standards. The King of Glory Addition is a property that is becoming more and more surrounded by the city's municipal boundaries in northwest Loveland as a result of recent annexations that have included the Fire Station 2, and Mehaffey Park. The property is in the city's Growth Management Area (GMA), and is currently served by city water and sewer.

**Mr. Molloy** recused himself from this agenda item discussion and left the dais.

**Troy Bliss, City Planner II**, addressed the Commission and explained that the King of Glory Church is one of the more recognizable landmarks outside of city limits and was built in the 1970's. If the annexation is approved, it would be designated as R1-LDR; Low Density Residential. It should be noted that churches are permitted by right in the R1-LDR zone. Previous annexation requests were never followed through to completion; however, there were agreements to allow for city water and city sewer. **Mr. Bliss** shared that King of Glory has always had the intent and desire to follow through with annexation. City staff has conducted a thorough review and also held a neighborhood meeting to address any possible citizen concerns. The most common feedback at the neighborhood meeting was the belief by members of the community that King of Glory already resided within city limits. To date, city staff has not received any negative feedback regarding this annexation request.

**Mr. Bliss** shared that certain elements are not in compliance with code, including the King of Glory building height. The worship building is currently 65 feet in height, which is well beyond the height restrictions of the R1 zoning code. Any future proposals to increase building height on either new or existing buildings would require the applicant to follow the variance process. There is also an existing wireless communication facility on the property. Any future expansion of the facility would require a special review. Finally, there are landscaping elements on the current site that are not in compliance with city standards, including a lack of landscape buffers, and interior parking lot landscaping. These issues would be addressed as conditions if the annexation is approved. There is no development/redevelopment being proposed with the annexation request, however there is the anticipation of erecting columbarium/memoria walls upon annexation. Staff is recommending approval of the annexation and zoning, with conditions.

**Mr. Darell Zimbelman**, representative of the King of Glory Church, thanked the Commission for the opportunity to address plans for annexation. He stated that the church members felt there was a great amount of growth in the area around the property, and one of the goals of the church is to be a greater resource for the community it resides in. King of Glory currently offers several neighborhood services, including a community garden which benefits Habitat for Humanity. **Mr. Zimbleman** stated the congregations desire to become part of the Loveland community.

**Mr. Middleton** thanked **Mr. Zimbleman** for his comments. He asked if he was aware of the nine conditions included in the annexation agreement. **Mr. Zimbleman** replied that the congregation was aware of the conditions, and had voted unanimously to move forward with the annexation request. **Chair Meyers** asked that the record show that the applicant accepts all conditions.

**Chair Meyers** opened the meeting to public comment. Given that there were no public comments, the public hearing was closed.

**Mr. Middleton** stated that he was in full support of the annexation agreement and indicated he would be voting in favor of its approval. He moved to make a motion to make the findings listed in section VIII of the Planning Commission staff report, dated July 22, 2012 and, based on those findings, recommend that City Council approve the King of Glory Addition, subject to conditions, as amended on the record, and zone the addition R1-Developing Low Density Residential.

Prior to the vote, **Mr. Krenning** questioned why R1 zoning was chosen. **Mr. Bliss** explained that R1 was chosen to align the zoning with the land use designation of the Comprehensive Plan. **Mr. Krenning** wondered what zoning would be most appropriate if King of Glory wished to exceed allowable height standards in future expansions. **Mr. Bliss** stated that commercial zoning does allow for greater height allowance, however even in commercial zones, 65 feet exceeds city height limits.

**Chair Meyers** asked for a second to the motion. Upon a second from **Ms. Dowding** the motion is passed unanimously.

### 3. Oil and Gas Development Code Amendment

This is a public hearing to consider an ordinance amending Chapter 18.77 and 18.78 of the city of Loveland Municipal Code.

**Commissioner Massaro** addressed his fellow Commissioners and stated that his wife has been involved with “Protect our Loveland” group, and asked if anyone felt this created a conflict of interest with him participating in the discussion. **Chair Meyers** responded that given the nature of the amendment, he felt there was not a conflict of interest. **Judy Schmidt, Deputy City Attorney**, concurred and explained that this amendment does not represent a personal interest and would not create a conflict of interest.

**Greg George, Director of Development Services**, addressed the Commission and stated that he had taken the proposed amendments to the Title 18 Committee and explained there was some confusion as to the difference between Chapters 18.77 and 18.78. He wanted to clarify

that Chapter 18.77 does one thing; it regulates oil and gas development as it occurs within the city limits. Setbacks have been established, and a two-step process has been created in order for developers to get a permit from the city. Chapter 18.77 establishes regulations on new oil and gas development. By contrast, Chapter 18.78 establishes regulation on new land development, including new residential subdivisions and industrial commercial development, when that development is within close proximity to an existing oil and gas facility. The purpose of the two chapters is entirely different as they regulate two different issues.

**Mr. George** went on to explain the amendments addressed technical, procedural amendments to Chapter 18.77, regulating the location and mitigation measures required for new oil and gas facilities. He asked the Commissioners to refer to the copy of the proposed ordinance amendments and explained he would share on which pages the various changes were made. Starting on page 6, **Mr. George** explained that a definition of a high occupancy building was included. The definition was moved from section 18.77.065 to the definition section of the code, as it was a more appropriate placement; however, the definition itself was unchanged.

Turning to page 7, **Mr. George** shared that the definition of an oil and gas facility in the existing code did not provide easy means of measuring or determining the edge of an oil and gas facility. For purposes of measuring a setback, a well-defined starting point must be identified. The expanded definition is consistent with the oil and gas commission definition. This allowed for a starting point to measure from. Depending on the configuration of where the equipment is located, the shape of the oil and gas facility may change; however, it does provide a mechanism for measurement. It differs on how the oil and gas commission measures the location of an oil and gas facility; the oil and gas commission measures from the center of the facility, or the center of the wellhead itself. **Mr. George** stated he believes the new definition improves upon the oil and gas commission definition.

**Mr. George** added that also on page 7, there is a provision in the setback in the overlay zoning part of the ordinance, which does not allow outdoor assembly areas within the restricted zone. It initially indicated that backyards of residential buildings would not be included, but was later removed because it was considered to be a redundant statement. Outdoor assembly areas are not allowed in the restricted areas. Any portion of a residential lot would not be allowed in a restricted zone. The definition of a setback, located on page 8, was removed because the definition of a setback is used for enhanced standards. It is located in a different section of the code for the baseline standards of a setback. It states that the operator only needs to comply with setbacks established by the oil and gas commission, which is how the baseline standards were preempted. The current definition can be found in 18.77.065 of the proposed amendment.

**Mr. George** continued, addressing pages 13 and 14. He explained that in the section addressing the Appeal of Director's Decision, procedural clarifications were made by **John Duval, City Attorney**, who wanted to make clear who has standing to appeal the decision of the director. Any appeal to the director's decision would need to be made through Larimer County District Court. He also clarified who would get notice of any decision made by the director.

**Mr. George** went on to address setback requirements for oil and gas development in sensitive areas, found on page 23, indicating that the proposed definition of setbacks includes methods for measuring both the beginning point as part of the oil and gas facility itself and which portion of a sensitive area that is measured to. **Mr. George** explained he felt it was easier to clarify the setback requirements by using a table rather than the narrative description located in the current ordinance. The setbacks for the enhanced standards have not changed but do contain better definitions for measurement requirements.

**Mr. George** then moved onto Chapter 18.78. He referred the Commission to a diagram which illustrated the overlay zones and how they work. The diagram showed an example of an oil and gas facility. It was communicated that if an oil and gas company goes through the baseline standards, it requires a Planning Commission hearing process. The setback is measured to the nearest property line as 200 feet to the closest well head. Under city's enhanced standards; it is measured from the edge of the oil and gas facility, 200 feet to what is referred to as the critical zone.

**Mr. George** explained the overlay zones, indicating that there are three zones represented in the diagram; the critical zone, the restricted zone, and the high occupancy building zone. The goal of 18.78 is to create overlay zones that change the uses allowed by property owners. As it stands today, all three of the proposed overlay zones are absolutely restricted as open space areas, also referred to as "no build areas", and a 1000 foot radius around the oil and gas facility would create a 72 acre no build zone. As **Mr. George** explained, this area makes it very difficult to work within an urban setting during efforts to develop urban uses. To remedy the restriction, **Development Services** determined appropriate uses for these zones could include heavy industrial and certain types of industrial uses, which would be compatible with an oil and gas facility site, particularly after it's under production. It should be noted, **Mr. George** indicated that a permit can be issued by the oil and gas commission as well as the city, allowing permission to reenter the oil and gas facility; it could create additional heavy industrial activity. In Chapter 18.78, there are listed uses that would be allowed in the restricted zone that could be compatible to an oil and gas facility, but would require a Special Review. Special Review is the process used to determine if the use is compatible with the oil and gas facility and other uses in the vicinity. City reserves the right to deny the application if it is determined the use is not compatible at a site. Additional limitations for the uses listed in the proposed amendment states that no building or parking lot would be permitted within the restricted zone. High occupancy buildings, such as a hospital or library, would still be required to be outside of the 1000 foot radius.

**Mr. Duval** addressed the commission and explained that city staff discovered two changes that needed be made on page 34 to the definitions. It needed to be clarified that "critical zone" shall mean all land and water surface area less than 200 feet from an oil and gas facility, and "high occupancy building zone" shall mean all land and water surface area less than 1000 feet from an oil and gas facility. "Restricted zone" shall mean all land and water surface 500 feet or less from an oil and gas facility.

**Commissioner Krenning** questioned **Mr. Duval** as to why city staff did not use the "Rule of Seven" approved by the Supreme Court, meant for use in ease of calendaring. He asked if any consideration was given to the use this metric. **Mr. Duval** responded that it was not considered and felt that reasonable timelines were included which would work well internally for the City of Loveland.

**Commissioner Massaro** asked for clarification about the “restricted zone”. He stated that the proposed amendment would allow for uses such as an airport or helicopter port in the restricted zone, however he questioned how that could happen if a building or parking lot are not permitted. **Mr. George** responded that it could be used as a runway with open space, but stressed such a use would require Special Review approval. The goal, as **Mr. George** explained, is to allow as many buildings as appropriate to establish reasonable uses in the overlay zones. **Mr. Massaro** restated his concern about the wording in the ordinance in relation to the restricted zone. He asked if there was an existing building within the ‘restricted zone’, could an oil and gas well be placed within the proposed overlay zone. **Mr. George** clarified that existing setback requirements as they apply today would be enforced for existing developments and open space areas.

**Commissioner Dowding** stated she had concerns regarding the 18.77.060 section of the proposed amendment. She questioned if 18.78 complied with COG regulations. **Mr. George** stated that 18.78 does not regulate oil and gas development and, therefore, does not interfere with COG regulations.

**Commissioner Dowding** pointed out that on page one; under the sixth “Whereas”, it states that the city will not enact anything that is in “operational conflict” with state law. **Mr. Duval** explained that the “Whereas” clause regarding operational conflict is a legal clause the court has used when a city regulation is in conflict with a state regulation in terms of the location and permitting of oil and gas facilities. However, Chapter 18.78 is not a regulation imposed on the oil and gas operators; rather, Chapter 18.78 is a regulation that is imposed on developers that outlines the standard that will need to be met when they submit plans for subdivision or PUD’s, for example. **Commissioner Dowding** suggested that putting the word “existing” in the title would help clarify its intent. **Mr. Duval** agreed to the suggestion and said he would take it under consideration. **Commissioner Dowding** asked why city staff went to great trouble in 18.77 to create the beautiful table which made it very clear to understand, but in 18.78 it is all verbiage but no table. **Mr. Duval** agreed to take that recommendation under consideration as well. **Ms. Schmidt** suggested that using the phrase “permitted oil and gas facilities” for better clarification.

**Commissioner Crescibene** asked about 18.77, specifically page 20 of the proposed amendment, referring to chemical spills, water supplies, and hauling. He said that nowhere in 18.77 does it refer to the disclosure of what the chemicals being used by oil and gas operators are, nor does it refer to water testing requirements. **Mr. George** pointed out that on page 15, under paragraph I, COG requires that all operators shall provide the Loveland Fire Rescue Authority, in hard copy or electronic format, the operator’s chemical disclosure form. It was also pointed out that there is a provision for COG to test water baseline in accordance with oil and gas regulations. **Mr. George** made it clear that if the City of Loveland attempted to strengthen these provisions they would be preempted. He also stated that it was unlikely that city would create its own water sampling criteria or revisit how the COG regulations are working. The goal was to create an ordinance that would allow reasonable land uses on property in the vicinity of an existing oil and gas facility.

**Mr. Crescibene** indicated that he believes that the baseline standards should be addressed and explained, and that is one of the more pressing issues surrounding oil and gas development. He would like full disclosure of what chemicals are being used in the process of hydraulic

fracturing. **Mr. Duval** explained that when creating the enhanced standards, they avoided including strict requirements because city staff felt it increased the likelihood of oil and gas developers participating in the process. Otherwise they might elect using the baseline standards and landowners would be left without options to develop property with existing oil and gas wells. **Mr. Crescibene** added that if he owned a well within 1000 feet of a fracking distribution point, he would have the water tested very frequently. **Mr. Duval** reiterated that city staff has not gotten direction from City Council to pursue those concerns.

**Commissioner Middleton** stated that he felt the topic of discussion related to oil and gas development has been a mess, and has been since day one. He commended city staff for their efforts on the proposed amendments, but echoed concerns regarding oil and gas development. He questioned why a disinterested third party could not do air and water quality testing at fracking sites, at the expense of oil and gas developers. **Mr. George** responded that city staff has been given a statement of direction from City Council regarding the oil and gas ordinance, but if in the future city staff was directed by City Council to further explore air and water quality standards, they would be happy to do so.

**Mr. Krenning** interjected that he felt the purpose of the meeting was to discuss the minor adjustments to the existing ordinance. The policy debate that is ongoing surrounding oil and gas development should be left to the City Council. **Mr. Middleton** disagreed and stated that the Commission is being asked to approve an ordinance. **Chair Meyers** pointed out that the ordinance is already approved and the Commission is only being asked to make redline changes.

**Commissioner Molloy** asked what the permit requirements were for capped wells in the vicinity of housing developments. **Mr. George** explained that a permit could be granted by the oil and gas commission, however, if the oil developer goes through the city's enhanced standards and the proposed location of the well does not comply with the enhanced standards for setbacks, they would not get the permit because certain setbacks are absolute. The operator would have to go through the Planning Commission review process where the COGCC setback rules apply.

**Mr. Molloy** stated he had concerns about the variances and Director's decisions. He used Greeley as an example, and explained that they recently made the decision to allow oil and gas developments in neighborhoods and felt that decision was a travesty. He wanted to make a suggestion that when it came to a Director's decision, written notification should be not only sent within the notification area, but also to individuals who attend neighborhood meetings and provide in writing their desire to be notified. **Mr. Krenning** expressed doubt that participation in a neighborhood meeting would grant a non-city resident standing in any Director decision appeal, and felt it would be a burden to city staff to do so. **Mr. Molloy** clarified the burden would fall to the applicant and not city staff. **Mr. Duval** responded that as the ordinance is written today, only people within the written notification area, which is currently any resident within 2200 feet, would be notified of decisions. **Chair Meyers** commented he felt such a requirement would create a process nightmare. **Mr. Duval** clarified that "parties of interest" who wish to appeal a director decision are only those who are included in the written notification area. He pointed out that Council Members and Planning Commissioners are also able to appeal decisions.

**Mr. George** stated his desire for the Commission to recommend approval of the proposed ordinance amendment to City Council. He stated that the Commission had the option, if it felt inclined to do so, to pass a motion with majority approval, to make comments to the Council about difficulties with the existing ordinance.

**Chair Meyers** opened up the meeting to Public Hearing and invited members of the audience to make comments. He asked that comments be kept to the issue at hand, which is recommendation of approval of the proposed ordinances.

**Ms. Kim Orr, PO Box 2045, Loveland CO**, addressed the commission and asked if it would be possible that in the ordinances for the developers, a requirement could be included for them to test water and air quality for contamination in existing well sites prior to further development.

**Ms. Sue Mullins, 4785 Hahn's Peak Dr. #203, Loveland, CO** wanted to share with the Commission what she considered to be their charge. After listening to the discussion, she said she appreciated **Mr. Molloy's** comments. She feels anyone who lives in the City of Loveland should have standing in this issue. She believes the Commission takes its charge seriously. She believes the Commission is responsible for the health and welfare of city citizens. She commented that having only appeal powers to the Larimer County District Court was a very high burden to place on concerned citizens. She wanted to share that she has listened to concerned citizens of Loveland and wanted to pass that concern on to the Commission. She asked the Commission to remember who they represent.

**Ms. Carla Massaro, 4250 Tarryall Ct, Loveland, CO**, stated she wanted to reiterate her appreciation for all the Commissioners hard work and concern that they have displayed for the citizens of Loveland. She doesn't feel that the City Council has the same concern. She would like to believe experience in the field should carry more weight than just opinion. **Chair Meyers** asked if **Ms. Massaro** could please redirect the discussion to focus on the two amendments to the current ordinance. **Ms. Massaro** stressed the importance of listening to professional opinions and applauded the Commission for their concern regarding air and water quality at fracking sites and thanked them for their hard work.

**Chair Meyers** closed the Public Hearing.

**Mr. George** addressed concerns raised by citizens and explained that the purpose of the proposed amendments was to lessen the burden of property owners within the vicinity of oil and gas facilities by increasing available opportunities for development. He stated the city did not feel it was reasonable to require land developers to conduct air and water quality test prior to development activities.

In response to concerns regarding citizen appeal rights only at the Larimer County District Court, **Mr. Duval** responded that this is a process that's been in place for a long time and also applies to any quasi-judicial City Council decisions.

**Chair Meyers** continued the discussion regarding who should have standing in neighborhood meetings. **Mr. Krenning** replied that he didn't support the concept of granting citizens standing who aren't directly impacted by oil and gas development. He continued that he felt that it was important to keep the focus of the meeting on the proposed amendments. He stated

that he has provided close attention on the issue of fracking because it is controversial, serious, and a hot topic item. **Mr. Krenning** noted that he recently read an article published in the Denver Post regarding a study done by the Department of Energy along with a group of private scientists. **Mr. Krenning** stated that the study concluded that there has been zero ground water contamination due to oil well drilling and fracking. He stated that he is open to any scientific data that would prove otherwise, but to date he has not seen any information that supports fracking contaminates ground water. He reiterated the importance of focusing on the proposed amendments and did not want the Commission to be bogged down in another discussion regarding the controversy surrounding fracking. He made a motion to recommend that City Council adopt the proposed amendments to Chapter 18.77 and 18.78 of the Loveland municipal code. Upon a second by **Ms. Dowding** the discussion continued.

**Mr. Molloy** stated that he felt the Planning Commissions has a responsibility to ensure that projects being developed within the city not have any negative consequences to the city or its citizens. He reiterated his suggestion to expand the requirement to notify citizens of a Director's decision not only within the current notification area, but also to individuals who attend neighborhood meetings. He pointed out that heavily industrialized projects could impact more than just the citizens in the written notification area.

**Mr. Massaro** commented that he disagreed with the statements made suggesting ground water has not been contaminated by fracking. He stated that on the COGC website that there are over 200 incidents in Weld County alone of documented ground water contamination from the oil and gas industry. He pointed out that contaminated ground water is very difficult to clean-up. **Mr. Massaro** continued that in the entire State of Colorado there is a spill per day, and 43% of those spills contaminate ground water. In regards to expanding the mailing list, he agreed that the notification area be as wide as possible, however, he felt it would create a burden by allowing out of area citizens to be notified and wanted to take more time to consider the issue.

**Commissioner Prior** agreed with **Mr. Molloy** regarding citizen notification but felt that Director decisions should be limited to citizens within city limits, but only in cases when the impact would be city wide. He stated that he has a background in water engineering, and agreed that there is no proven evidence of water contamination from fracking. He explained that the data provided by the COGC does not point to evidence of contaminated ground water and felt the confusion regarding the data should be resolved at a later time.

**Ms. Dowding** commented that the Commission originally addressed the issue of notification by doubling the mail notice area to 2,200 feet at a prior meeting. She concluded that the issue has been sufficiently addressed. She suggested that if the issue needed further discussion it should be hashed out at a Title 18 Committee meeting.

**Commission Middleton** asked for a vote on the motion before the Commission. The motion passed 7-1 with **Commissioner Middleton** voting nay.

## **ADJOURNMENT**

**Commissioner Middleton** made a motion to adjourn. Upon a second by **Commissioner Dowding**, the motion was unanimously adopted and the meeting was adjourned.

Approved by: \_\_\_\_\_  
Buddy Meyers, Planning Commission Chairman

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Kimber Kreutzer, Planning Commission Secretary



## Planning Commission Staff Report

August 12, 2013

**Agenda #:** Regular Agenda - 1  
**Title:** Giuliano First Subdivision PUD First Amendment  
**Applicant:** Encore Homes, LLC, Gary Hoover  
**Request:** Preliminary Development Plan Amendment  
**Location:** North of West 43rd Street and west of North 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 August 12, 2013 and, based on those findings, adopt resolution #R 13-03 approving the Giuliano First Subdivision 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 Giuliano First Subdivision PUD Preliminary Development Plan (PDP). The amendment would modify the architectural standards and side yard setbacks in area SF-4, which is the approved and platted single family residential phase located east of Ponderosa Elementary School. The applicant is proposing an alternative design option for this phase that would allow a front oriented garage design with the garage doors comprising up to 50% of the ground floor elevation. Additional design standards for the garages are incorporated in the amendment to lessen the visual impacts of the doors on the streetscape. This includes recessing garages behind a front porch or living portion of the house and incorporating windows into the garage doors.

The amendment also proposes to modify the measurement of side yard setbacks for two story homes based on a model that the applicant has developed. In the model, the second story side elevation is recessed 4 feet from the first story of the structure. The amendment proposes to measure the second story side yard setback to the recessed portion of the house, stipulating a minimum of 10 feet between single story portions of the structure and 14 feet between two story elements. The proposed minimum separation between homes is in compliance with the City's Building Code.

Staff believes that all key issues have been resolved based on City Code and standards. At the neighborhood meeting, the neighbors were supportive of the proposed house designs.

## **I. SUMMARY**

The application is for an amendment to the Giuliano First Subdivision PUD Preliminary Development Plan (PDP). The PDP establishes site design and architectural standards for development of this PUD area. The PUD is approximately 169 acres in size and is located north of West 43rd Street and west of North Wilson Avenue (see vicinity map in Section IV). The PUD was designed as a mixed-use development with a variety of single residential lots, multifamily apartments, an elementary school site, and a neighborhood commercial center at the corner of 43rd Street and Wilson Avenue. The applicant, Encore Homes LLC, is requesting to modify the design standards and side yard setback requirements in area SF-4, which is the single family residential phase located east and southeast of Ponderosa Elementary School. This phase includes 106 platted single family lots, approved in the Giuliano First Subdivision, with average lot sizes of approximately 4,410 square feet.

The PUD Amendment requests to modify the design standards to allow an optional street-facing (front loaded) garage design with garage doors comprising of 50% of the front ground elevation. The existing PDP stipulates that garage doors cannot exceed 40% of the front elevation. The restriction was adopted to prevent garage-dominated streetscapes from occurring in the PUD. Given the platted lot widths of 42 feet and the minimum setback of 5 feet on each side yard of the home, the maximum building envelop for a structure is 32 feet. A standard two-car garage door width is 16 feet and therefore in order to have a front loaded two-car garage, the garage would need to comprise of 50% of the front elevation. The 40% maximum garage door requirement specified in the PDP would result in a 13 foot restriction for the doors and would not allow for a two-car garage.

The intent of the amendment is to allow a two-car front loaded garage option in the subdivision while still providing an attractive, non-garage dominated streetscape. To accomplish this, the amendment sets forth design standards for front oriented garages, including the following:

- Garages must be positioned behind a front porch and/or a non-garage portion of the house by at least 4 feet;
- Non-garage portions of the front elevation and/or covered porch must be at least 10 feet in width;
- The doors for all garages must incorporate architectural design elements shown in Figure 1, below, and on the conceptual elevations on page SD3B of the PDP; and
- The maximum width of the driveways is 18 feet.

**Figure 1: Conceptual Elevations and Streetscape**



In addition to the garage modifications, the PDP Amendment proposes an adjustment to the measurement of side yard setbacks in area SF-4. The PDP establishes a side yard setback of 1 foot for every 3 feet of building height, measured in accordance with the Municipal Code. Using this ratio, the typical side yard setback for a one-story home is 5 feet, while a two-story home typically requires a 7 foot side yard setback. Due to the narrowness of the platted lots, being generally 42 feet in width, the applicant has developed a two-story model that recesses the upper story 4 feet from the side of the home. (see Figure 2) The amendment proposes to measure the side yard setback for two story homes to the recessed two-story element. This will create a 14 foot side yard separation between two-story elements and a 10 foot separation between the one story elements. To aid in administrating the side yard setbacks, a specific setback diagram is provided on sheet SD3C of the PDP that shows the required side yard setbacks for each lot and block.

**Figure 2: Side Yard Setback Diagram**



The intent of the amendment is to allow the platted lots to be used efficiently while providing sufficient light and air between the homes.

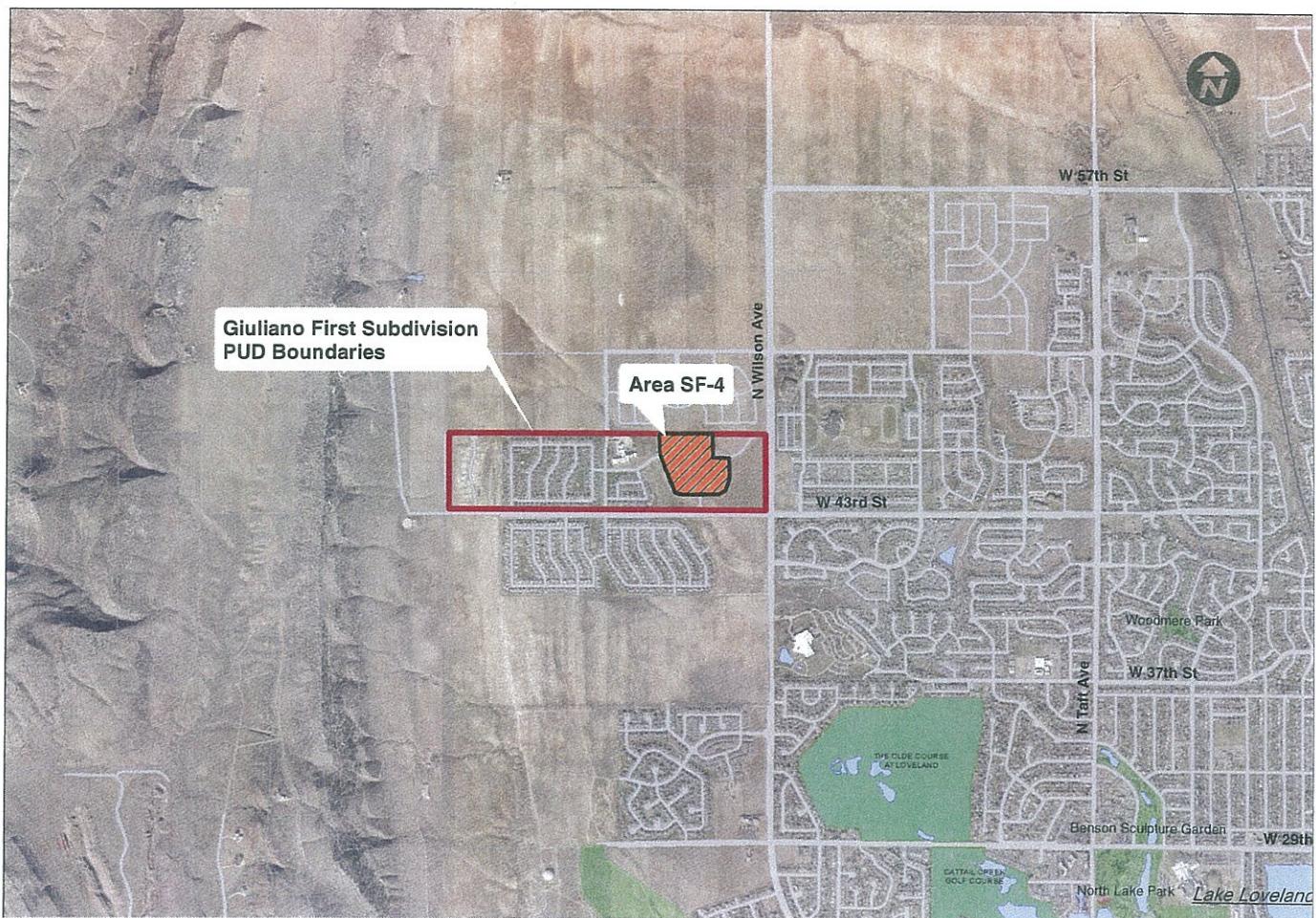
## **II. KEY ISSUES**

City staff believes that all key issues have been addressed in the development proposal and through the recommended conditions of approval.

## **III. ATTACHMENTS**

1. Resolution #R 13-03
2. Project Narrative provided by Applicant
3. Giuliano First Subdivision PUD Amendment Preliminary Development Plan
4. Giuliano First Subdivision final plat

#### IV. VICINITY MAP



#### V. SITE DATA

ACREAGE OF PUD SITE GROSS .....	169 AC
ACREAGE OF AREA SF-4.....	22.9 AC
NUMBER OF PLATTED LOTS .....	354 (106 IN AREA SF-4)
MASTER PLAN DESIGNATION .....	LOW DENSITY RESIDENTIAL & COMMUNITY ACTIVITY CENTER
EXISTING ZONING .....	PLANNED UNIT DEVELOPMENT
EXISTING USE .....	SINGLE FAMILY DENSITY RESIDENTIAL & SCHOOL SITE, AREA SF-4 IS VACANT
EXIST ADJ ZONING & USE - NORTH.....	WILSON COMMONS PUD / VACANT
EXIST ADJ ZONING & USE - SOUTH.....	BUCK ADDITION PUD / RESIDENTIAL & VACANT
EXIST ADJ ZONING & USE - WEST.....	COUNTY FA FARMING / VACANT; WEST OF AREA SF-4 IS PUD RESIDENTIAL
EXIST ADJ ZONING & USE - EAST.....	PICABO HILLS ADDITION PUD / RESIDENTIAL
UTILITY SERVICE .....	CITY OF LOVELAND

## VI. BACKGROUND

September 5, 2000	Giuliano Addition was annexed into the City of Loveland and zoned PUD with an approved General Development Plan.
October 22, 2001	Giuliano First Subdivision Preliminary Development Plan (PDP) and Preliminary Plat application was approved by the Planning Commission.
June 17, 2004	Planning Commission approved the Loveland Crossing Preliminary Development Plan for the commercial center located at the north-west intersection of W. 43rd Street and Wilson Avenue.
November 9, 2004	Loveland Crossing Final Development Plan was approved.

## VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from Landon Hoover with Encore Homes LLC. certifying that written notice was mailed to all property owners within 1,200 feet of the property on July 24, 2013 and notices were posted in prominent locations 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 July 27, 2013.
- B. **Neighborhood Response:** A neighborhood meeting was held at 5:30 p.m. on May 20, 2013 in the Erion meeting room at the City library. The meeting was attended by 13 neighbors and interested parties along with City staff and the applicant. Generally, neighborhood residents voiced support for the revised elevations. Questions from the neighbors included the construction timing, linkages to school sites, drainage and adequate space in the homes to store trash receptacles.

Since the neighborhood meeting, the Planning Division has received two phone calls voicing objections to the construction of additional single family homes in the area. Staff explained to both individuals that the subdivision plat for the single family homes was approved with the original development in 2001 and that the purpose of the amendment was to modify design standards and the setback measurement for the homes.

## **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.*

**Current Planning:** *This finding is not applicable to the proposed PDP Amendment.* The amendment does not propose any changes to the existing platted lots approved in the Giuliano First Subdivision. Further, the amendment does not modify the provision of utilities approved in the associated public improvement construction drawings. A positive determination of adequacy was made by the City's Water/Wastewater, Fire, Power and Stormwater Divisions with the approval of the preliminary and final plat for the subdivision.

### **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:** Staff believes that this finding can be met based on the following fact:

- The PDP Amendment will not create an increase in traffic, as the single family lots are platted and no new lots are proposed. A positive determination with the City's ACF Ordinance for traffic was made at the time of approval of the Giuliano First Subdivision.

**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:

- A determination of compliance with the Comprehensive Master Plan and growth management philosophies was made at the time of the approval of the original PDP.
- While the PDP Amendment proposes to modify the design standards related to garages and adjusts the measurement of side yard setbacks, the added option of product types is in keeping with the intent of Chapter 18.41 that states, "... to provide a procedure by which land may be uniquely zoned and developed to meet the needs of the City, property owners, residents and developers and to encourage flexibility and innovative design of residential commercial and industrial development to provide an alternative to compliance with conventional zoning and subdivision regulations."

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 land use and densities in the subdivision will not be modified with the PDP Amendment.
- At the neighborhood meeting, residents voiced support for the architectural changes proposed in the amendment.

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:*

- Incorporating natural physical features into the PDP 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 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-b. Findings 4a and 4b are not applicable to the PDP Amendment. No changes are proposed to the open space areas within the PUD. Additionally, site planning techniques consistent with the Comprehensive Plan were reviewed and approved with the original PDP.
- 4.c. The amendment to the design standards to allow for front facing garages along with the adjustment of the percentage of garage doors will still provide for an attractive, high quality streetscape. Those present at the neighborhood meeting voiced support for the proposed elevations. Staff believes that the modification to the measurement of the side yard setback meets the intent of the provisions of the Municipal Code for adequate light and air. The proposed side yard setbacks will result in a minimum of 10 feet between single story homes and 14 feet between two story elements, which is in compliance with the minimum separation distances set forth in the City's Building Code. Conditions of approval have been recommended to aid staff in administering the proposed setbacks at the time of building permits.
- 4.d. Vehicular access to the site remains unchanged and will be from Kincaid Drive from the north and Sullivan Avenue from the south. The applicant is providing addition landscaping to the east of area SF-4 to aid in buffering between the single family development and the multifamily area that is currently vacant.

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 can be met based on the following facts:

- The PDP Amendment requests to add an option for varying the percentage of garage doors on the front ground floor elevation from 40% to 50%. The amendment also proposes

additional design standards for the garages that will create an attractive streetscape and minimize the appearance of the garage doors by recessing the doors 4 feet behind a front porch or a non-garage portion of the house.

- The measurement of the side yard setback proposed in the amendment, will produce a similar separation between dwellings, as required in the GDP. The amendment proposes flexibility in measuring the side yard setback for the two story portions of the house independently from the first story. This measurement, staff believes, meets the intent of the provisions for adequate separation between structures. The distance separation will also be in compliance with the Building Code for separation between structures.

#### 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 reviewed at the time of approval for the Giuliano First Subdivision PDP. The ESAR did not find any unique or key wildlife habitat areas within the development site and the nearest identified natural area was listed as the hogback (natural area #74) approximately 1,000 feet to the west.
- No changes are proposed with the PDP Amendment that would impact environmentally areas within the development.

## IX. RECOMMENDED CONDITIONS

### Current Planning

1. Building permit submittals for a two story structure shall include a building elevation setback detail that dimensions the setback of each story to the side property line.
2. A letter of approval from the Home Owners Association shall be submitted to the City with each building permit submittal. The letter shall indicated if the structure meets the minimum setback and separation distances stipulated in the PDP.
3. Requests for a variation to the side yard setbacks established in the PDP Amendment of greater than 1 foot, shall be considered at a public hearing with the Zoning Board of Adjustments. No variation greater than 1 foot shall be approved at an administrative level.

**RESOLUTION # 13-3**

**A RESOLUTION APPROVING THE GIULIANO FIRST SUBDIVISION  
PRELIMINARY DEVELOPMENT PLAN FIRST AMENDMENT, LOCATED WITHIN  
THE GIULIANO ADDITION PUD (P# 58), CITY OF LOVELAND, LARIMER  
COUNTY, COLORADO**

WHEREAS, the First Amendment to the Preliminary Development Plan for the Giuliano First Subdivision (“First Amended PDP”), being a portion of the Giuliano Addition PUD (# P-58) (“PUD”), has been submitted to the Planning Commission for consideration, pursuant to Chapter 18.41 of the Loveland Municipal Code (“Code”); and

WHEREAS, the First Amended PDP proposes modification of architectural standards and side yard setbacks in specified areas of the PUD; and

WHEREAS, pursuant to Code Section 18.41.050(E)(2), the City of Loveland Planning Commission (“Commission”) held a duly noticed public hearing on August 12, 2013, regarding said First Amended PDP; and

WHEREAS, at said hearing the recommendations of the Current Planning Division as set forth in the Planning Staff Report dated August 12, 2013 (“Staff Report”), which Staff Report is on file in the office of the City of Loveland Current Planning Division and is incorporated herein by reference, were received and duly considered by the Commission, as well as all necessary testimony by the applicant and public; and

WHEREAS, the Commission has considered the application in light of the intent and objectives of Chapter 18.41 of the Code, and more specifically the factors set forth in sections 18.41.050(E)(2)(a-c) and expressly including those set forth in sections 18.41.050(D)(4)(b) and (c), has made the findings listed in Section VIII of the Staff Report, and based on those findings has determined that the First Amended PDP may be approved subject to the conditions listed in Section IX of the Staff Report.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION  
FOR THE CITY OF LOVELAND, COLORADO:**

**Section 1.** That the Commission hereby makes the findings described above and fully set forth in Section VIII of the Staff Report.

**Section 2.** That the First Amended PDP, for 126.4 acres, more or less, being a portion of the PUD, which First Amended PDP is on file in the office of the City of Loveland Current Planning Division and is incorporated herein by this reference, is hereby approved, subject to the

conditions set forth in Section IX of the Staff Report, as amended by the Planning Commission in public hearing on August 12, 2013.

The First Amended PDP in the Giuliano Addition Planned Unit Development (#P-58) applies to the following described real property in the City of Loveland, Larimer County, Colorado:

**"All property within the Giuliano First Subdivision, except Tracts A and B."**

**Section 3.** This Resolution shall be recorded with the Clerk and Recorder for Larimer County, Colorado, as soon as is reasonably possible.

Resolved this 12th day of August 12, 2013.

ATTEST:

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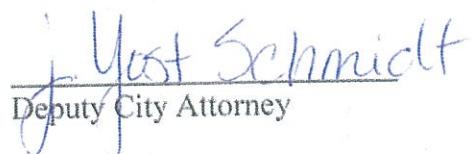
Planning Commission Secretary

PLANNING COMMISSION:

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Buddy Meyer, Chairperson  
City of Loveland Planning Commission

APPROVED AS TO FORM:

  
J. Yost Schmidt  
Deputy City Attorney

### Giuliano First Subdivision Narrative

Encore Homes, LLC in conjunction with Giuliano & Father Construction, Inc. requests a PDP Major Amendment in Giuliano First Subdivision Area SF-4 to allow for garage front, private driveways on previously platted single-family residences. Building such houses requires two primary changes to the originally approved PDP:

- 1) **50% Garage on Front Elevations:** Under the approved PDP, garages can only comprise 40% of the front elevation. Given lot widths of 42 feet and minimum side yard setbacks of 5 feet, the maximum building envelop is 32 feet. A standard two-car garage door width is 16 feet. Therefore, in order to have front-load, private driveways with a two-car garage, the garage would comprise 50% of the front elevation.

Encore Homes believes the slow absorption in SF-3 was due to the shared driveways and side-load garages the previous builder was required to do under the approved PDP. Furthermore, Encore Homes has had significant success in Fort Collins (fastest absorbing neighborhood in Northern Colorado in 2012 – Dry Creek) on similar size lots with front load garages. So, Encore Homes would like to have the Planning Commission consider amending the 40% requirement to allow for the garage to comprise 50% of the front elevation. In order to align with the intent of the 40% guideline, which is to make garages less prominent, Encore Homes agrees to the following additional requirements:

- The garage doors shall be positioned behind a front porch and/or a non-garage portion of the house by at least 4 feet
- The non-garage portion of the front elevation and/or covered porch shall be at least 10 feet in width with a minimum of 80 square feet
- The doors for all garages shall incorporate architectural design elements as shown on conceptual elevations
- The doors for all garages shall incorporate window features

Ultimately, Encore Homes desires to deliver aesthetically pleasing front elevations that meet the intent of the city guidelines, while providing a more desirable product to the marketplace. Encore Homes believes the conceptual elevations included in submittal illustrate the aesthetically pleasing front elevations desired.

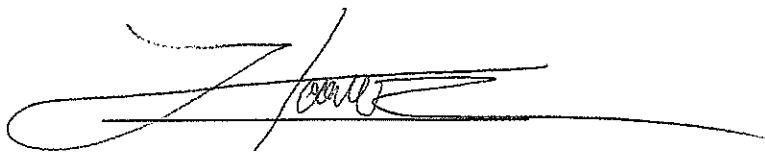
- 2) **Side-yard Setbacks:** Under the approved PDP, side-yard setbacks are 5 foot minimum and follow the 1 foot for every 3 feet of building height in the Municipal Code. Encore Homes would like to adhere to the 5 foot minimum and the intent of the Municipal Code guideline; however, Encore would like to allow for two story homes where the second story element is recessed from the side wall of the structure, to apply the provisions on each story of the house independently. Ultimately, setbacks will follow a predetermined plan, creating at least 10 feet of setback between all first stories and at least 14 feet between all second stories. Encore Homes believes this meets the intent of the guideline; however, has several advantages:

- Affordability: This allows the full second-story offset to be on one side of the unit, instead of the offset being split (2') on two sides of the unit. By doing so, Encore Homes can deliver a product at a more affordable price. Given that the neighborhood is intended to provide significant affordable housing (20%

required), this amendment is paramount in delivering a desirable product at an affordable price.

- Streetscape Variety: This amendment will allow for more streetscape variety, allowing for two-story and ranch units to be built on any lot with no restrictions based on adjacent lots. This will create more variety on the streetscape, instead of repetitive ranch, two-story, ranch, two-story...

Encore Homes will be the exclusive builder in SF-4, and Encore Homes (and affiliated companies) has been delivering high-quality, aesthetically appealing product that meets market expectations and complies with city requirements for over 25 years. Encore Homes hopes Planning Commission will help Encore Homes deliver such a product at an affordable price.

A handwritten signature in black ink, appearing to read "Landon Hoover".

Landon Hoover, Encore Homes



**GULIANO FIRST SUBDIVISION**  
PRELIMINARY DEVELOPMENT PLAN - FIRST AMENDMENT  
LOVELAND, COLORADO

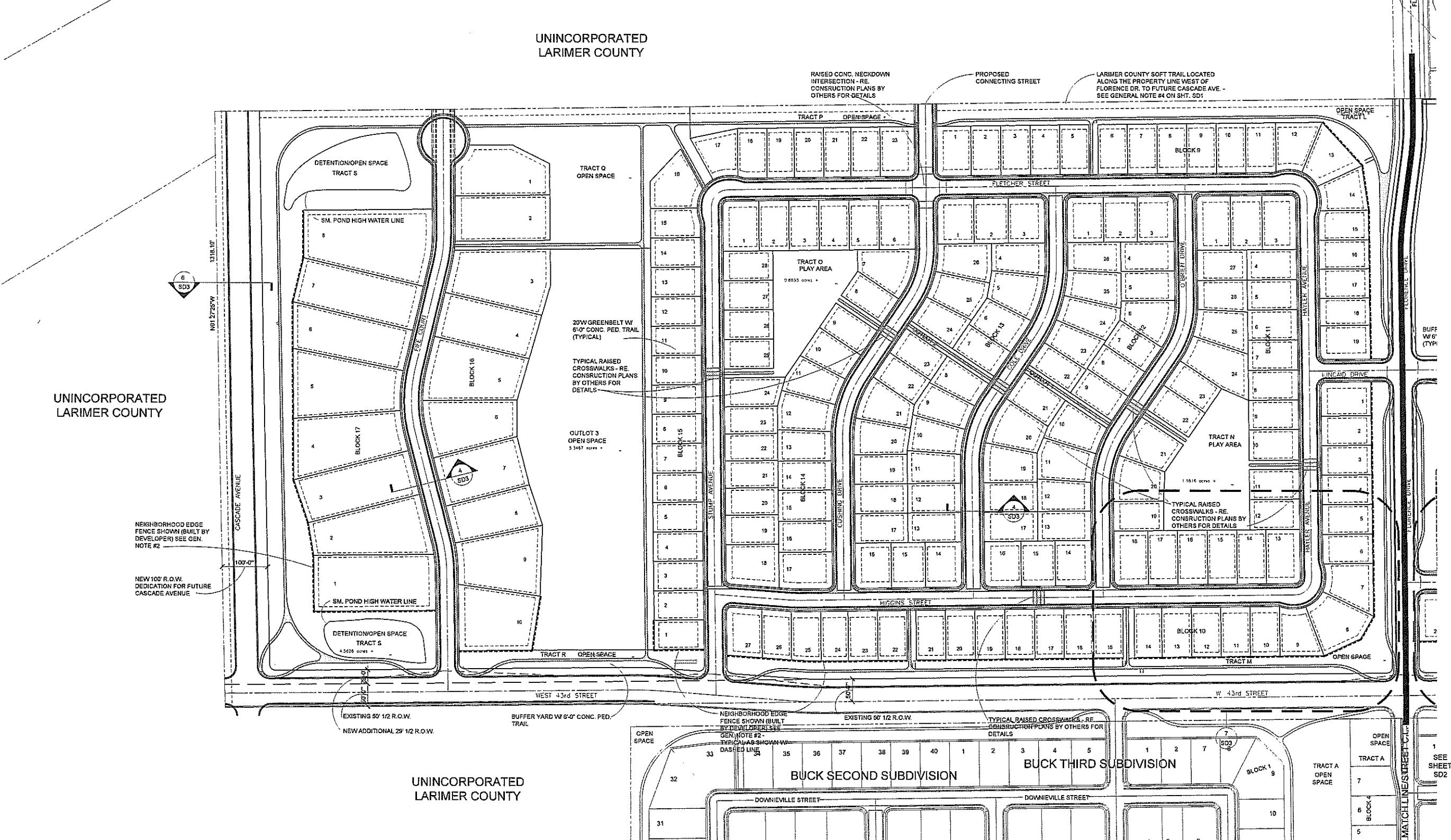
REVISIONS

- 1 5/1/02
- 2 11/1/02
- 3 1/15/03

6 7/15/03  
sheet title  
SITE PLAN

SD1  
sheet no.

UNINCORPORATED  
LARIMER COUNTY

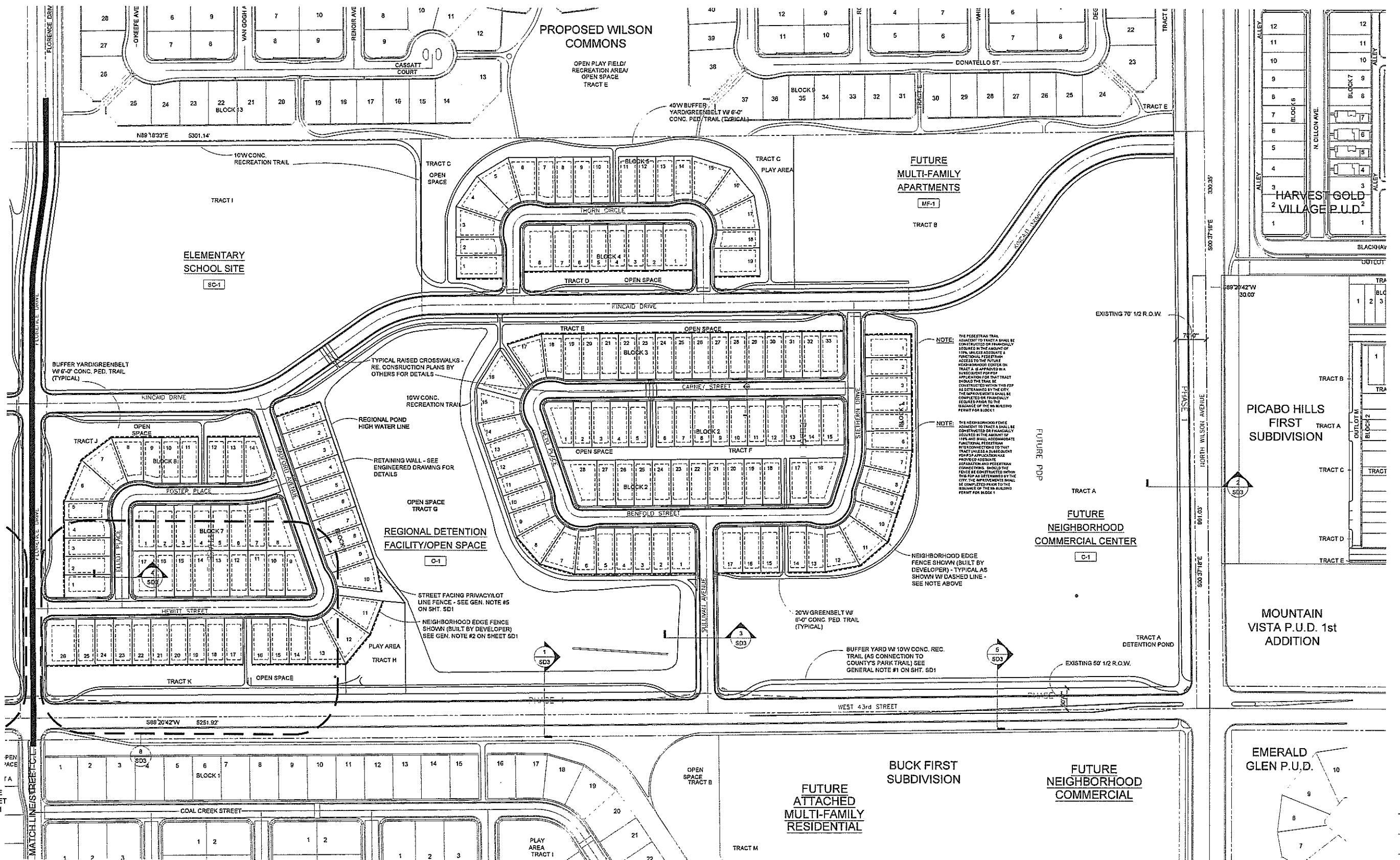


GENERAL NOTES

1. THE RECREATION TRAIL AS SHOWN FROM FLORENCE DRIVE TO N. WILSON AVENUE IS TO BE CONSTRUCTED BY THE DEVELOPER AND IS TO BE MAINTAINED BY THE H.O.A. UNTIL THE CITY DETERMINES AND CONSTRUCTS THE FINAL CONNECTION ALIGNMENT FROM THE WEST. THE COUNTY TRAIL WEST OF FLORENCE DRIVE IS TO BE MAINTAINED BY THE H.O.A. UNTIL THE COUNTY DETERMINES AND CONSTRUCTS THE FINAL CONNECTION ALIGNMENT FROM THE WEST.
2. THE LOCATIONS OF THE NEIGHBORHOOD EDGE FENCES ARE SHOWN GRAPHICALLY ON THE SITE PLAN. THE PRIVACY/LOT LINE FENCE (HOMEOWNER'S RESPONSIBILITY/OPTION) IS NOT SHOWN. SEE SHEET SD4 FOR FENCE DETAILS.
3. IT IS THE DESIGN INTENT, THAT THE EXISTING SLOPE OF THE LIMESTONE RIDGE BE INCORPORATED INTO EACH INDIVIDUAL LOT OF BLOCK 16. EXISTING SLOPES IN EXCESS OF 20% ARE TO BE UNDISTURBED.
4. 15'-0" WIDE PUBLIC TRAIL EASEMENT DEDICATED AND CONVEYED TO LARIMER COUNTY FOR BIKE, EQUESTRIAN AND PEDESTRIAN RECREATIONAL PURPOSES - SEE PLAT FOR RECEPTION NUMBER.
5. DUE TO THE CONSTRUCTION OF THE RETAINING WALL IN THE REGIONAL POND THE DEVELOPER SHALL CONSTRUCT THE TYPICAL STREET FACING PRIVACY/LOT LINE FENCE ON TOP OF THE RETAINING WALL AND EXTENDING AROUND LOT 10, BLOCK 6 AS SHOWN ON THE PLAN - SEE SHET. SD4 FOR FENCE DETAILS.

N  
1  
SD1  
1" = 100'-0"

FINAL DEVELOPMENT PLAN



**GIULIANO & FATHER**  
CONSTRUCTION CO., INC.

# GIULIANO FIRST SUBDIVISION

OBEL MINARY DEVELOPMENT PLAN FIRST AMENDMENT

PRELIMINARY DEVELOPMENT PLAN - FIRST AMENDMENT  
LOWELAND, COLORADO

PRELIMINARY DEVELOPMENT, LOVELAND, COLORADO

issue 6

3/10

## REVISION

第12章

11/1/02

1/15/03

www.ijerpi.org

sheet title

## SITE PLAN

1000

3D2

3168, No. 1

A north arrow pointing upwards, consisting of a circle with a vertical line and the letter 'N'. To its right is a scale bar with the text '1 SD2' and '1" = 100'-0".

---

FINAL DEVELOPMENT PLAN

## Attachment 2

**GULIANO FIRST SUBDIVISION**  
PRELIMINARY DEVELOPMENT PLAN - FIRST AMENDMENT  
LOVELAND, COLORADO

issue date  
3/1/02

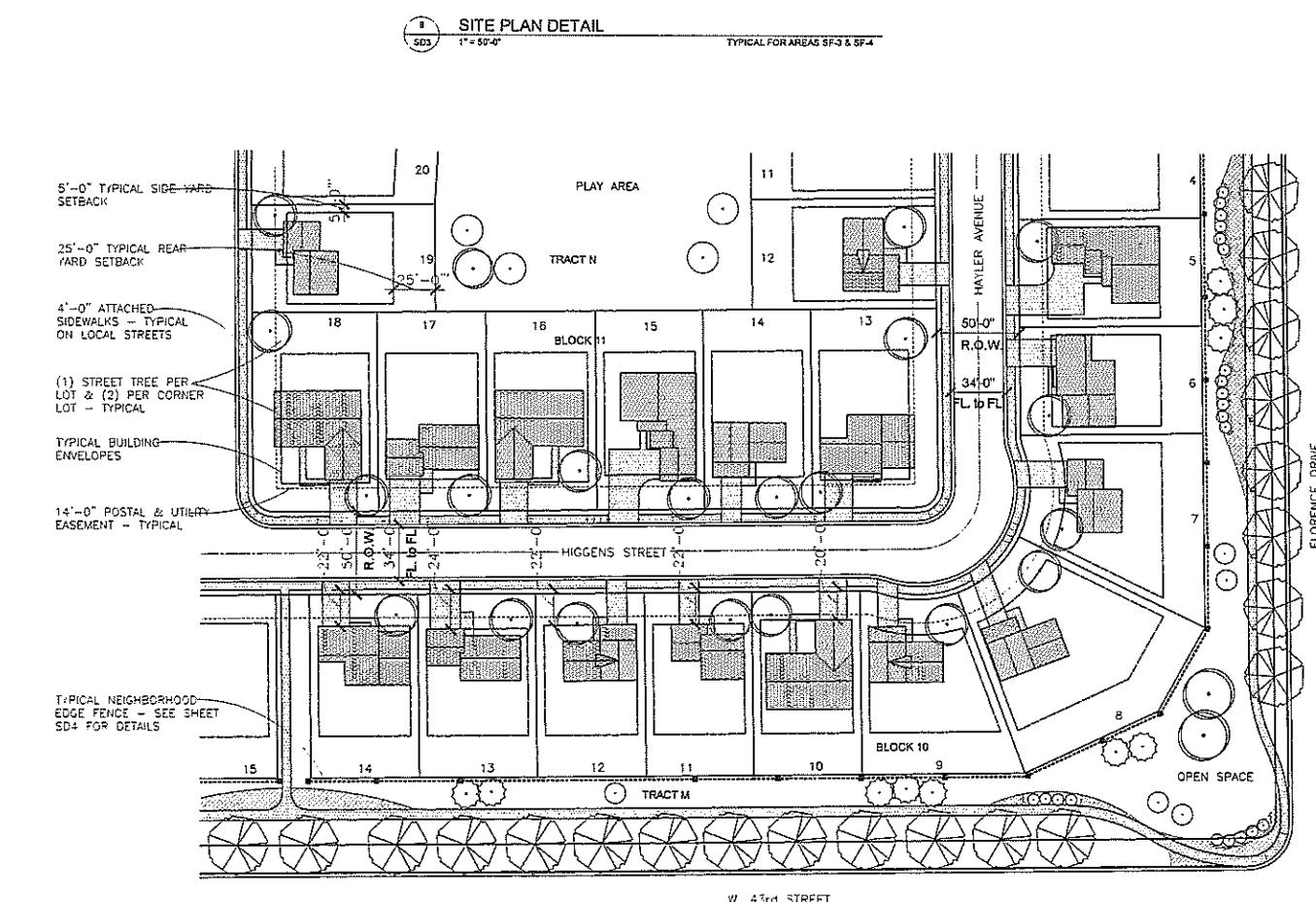
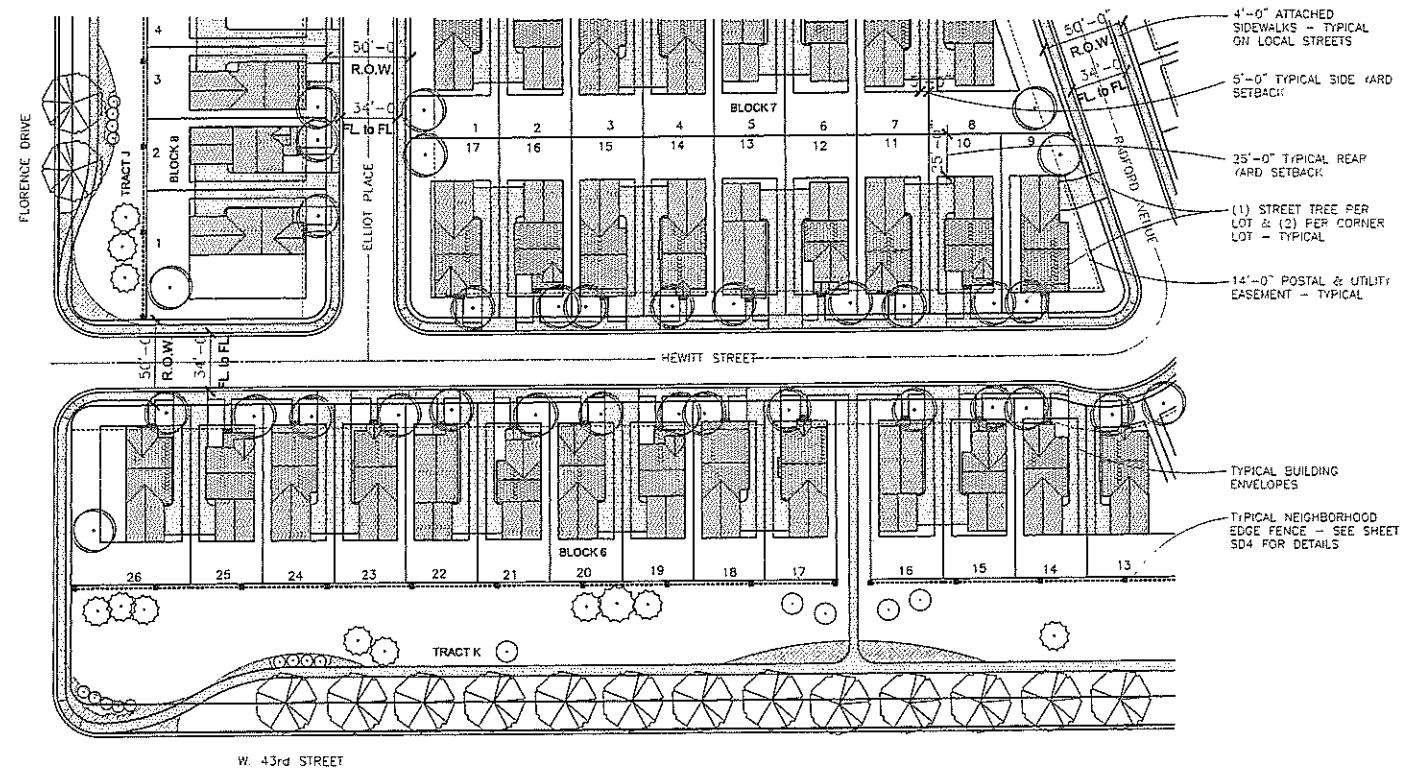
REVISIONS

1 5/1/02  
2 11/1/02  
3 1/15/03

6 7/15/13  
sheet title  
SITE PLAN  
DETAILS &  
TYP. STREET  
SECTIONS

SD3

sheet No.



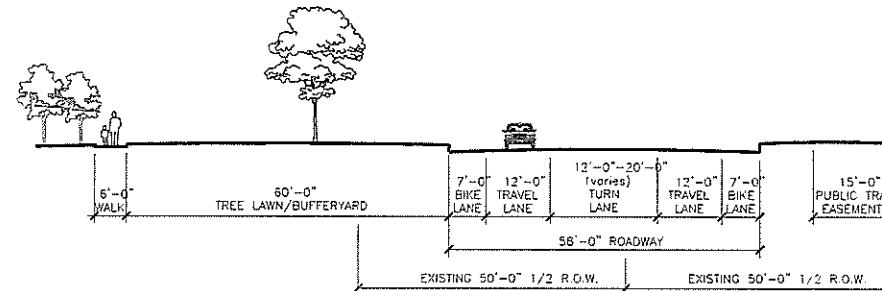
**SITE PLAN DETAIL**  
SD3  
1" = 50'-0"

TYPICAL FOR AREA SF-2

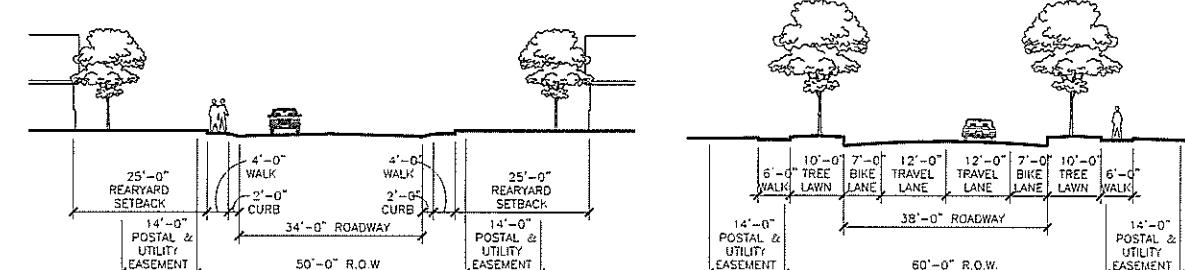
**GENERAL NOTES:**

1. THE ROOF PLANS SHOWN ON THE PARTIAL SITE PLANS ARE TO SHOW THE GENERAL INTENT ONLY.
2. FENCES ON LOT LINES, ALONGSIDE GREEN BELT CONNECTIONS, PARKS AND PARK WALKWAYS WILL BE RESTRICTED TO NO HIGHER THAN 5 FEET AND WILL BE ARCHITECTURALLY DESIGNED. SEE DETAILS ON SHEET SD4.
3. ALL DRIVEWAYS ON CORNER LOTS MUST MAINTAIN A MINIMUM SEPARATION OF AT LEAST 50 FEET FROM THE GUTTER FLOW LINE OF THE NEAREST STREET INTERSECTION.
4. FOUR FOOT ATTACHED SIDEWALKS ON THE LOCAL STREETS WERE SPECIFICALLY APPROVED WITH THE COG.

Attachment 2

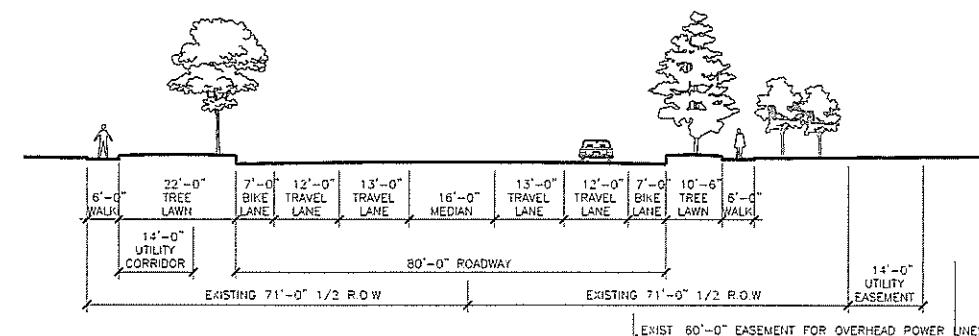


**STREET SECTION**  
SD3  
1/16" = 1'-0"



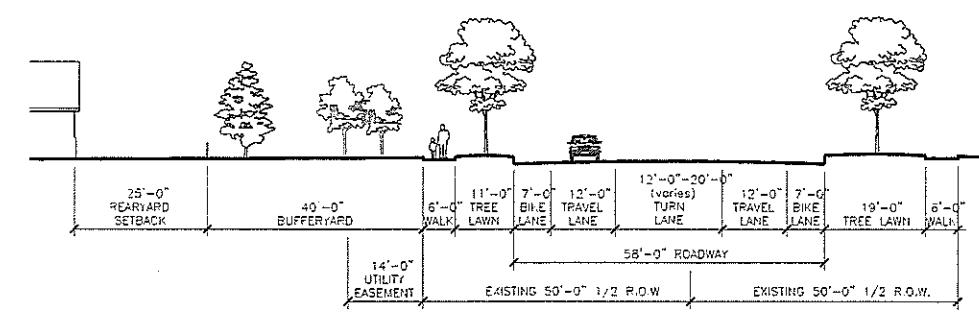
**STREET SECTION**  
SD3  
1/16" = 1'-0"

TYPICAL LOCAL STREET



**STREET SECTION**  
SD3  
1/16" = 1'-0"

TYPICAL N. WILSON AVENUE



**STREET SECTION**  
SD3  
1/16" = 1'-0"

TYPICAL W. 43rd STREET

## PDP FIRST AMENDMENT

First Amendment in Giuliano First Subdivision Area SF-4 to allow for 2-car garage front, private driveways.

The below requirements must be met for the proposed 2-car garage front, private driveway layout. Unless otherwise varied below, all standards and conditions specified in the GDF shall continue to apply.

--If the following design standards are met, garage doors as part of the front building elevations may comprise up to fifty (50) percent of the ground floor street-facing linear frontage:

--The garage doors shall be positioned behind a front porch and/or a non-garage portion of the house by at least 4 feet.

--The non-garage portion of the front elevation and/or covered porch shall be at least 10 feet in width.

--The doors for all garages shall incorporate architectural design elements as shown on conceptual elevations.

--The doors of all garages shall incorporate window features.

--The maximum driveway width shall be 18 feet.

--Side yard setbacks will be in accordance with the setback matrix shown on Sheet SD 3C. These setbacks require:

--The minimum side yard setback shall be 5 feet for all dwelling units, creating a minimum of 10 feet between adjacent dwelling units.

--The minimum separation between two story residential structures shall be 14 feet.

--For two story homes where the second story element is recessed from the side wall of the structure, the above separation provisions shall be applied to each story of the house independently.

--Architectural features of these units shall remain generally consistent with the design features of the built portion of the subdivision in order to blend in to the current street-scape, these features as shown on the elevations include:

--Roof pitch shall be 4/12 to 8/12

--Each home shall contain masonry elements

--Accent colors shall be used on homes to create visual interest along the street-scape

--Minor architectural features which do not exceed 2 feet in overall projections from the principle structure such as fireplaces and bay windows shall be permitted within the required setbacks. No encroachment of wall cantilevers greater than 8 feet in length shall be permitted.

--Due to the narrow lot widths within the development, no similar front elevation shall be repeated on adjacent lots.



TYPICAL STREETSCAPE VIEW  
NTS  
SF4 (GDP DESIGNATED AREAS)



BUILDING AND UPPER FLOOR SETBACK DIAGRAM  
1/8"=1'-0"

**GIULIANO & FATHER**  
CONSTRUCTION CO., INC.

# GIULIANO FIRST SUBDIVISION

PRELIMINARY DEVELOPMENT PLAN - FIRST AMENDMENT  
LOVELAND, COLORADO

LOVELAND, COLORADO

LOVELAND, COLORADO

## REVISIONS

5/1/02

11/1/02

1/15/03

7/6/13  
7/15/13

ETRACK

## PLAN

D30

FUTURE  
MULTI-FAMILY  
APARTMENTS

MF-1

**TRACT B**

This is a new page that shows setback dimensions for first and second floor construction. Boxes shown are not representative of final floor plan shape.

TRACT C  
PLAY AREA

TRACT C  
OPEN  
SPACE

**KINCAID DRIVE**

**TRACT E**

**OPEN SPACE**

**CARNEY STREET**

**DEYO PLACE**

**BLOCK 3**

**TRACT F**

**BENFOLD STREET**

**STETHERN DRIVE**

**BLOCK 2**

**OPEN SPACE**

**TRACT G**

**REGIONAL DETENTION FACILITY/OPEN SPACE**

**TYPICAL RAISED CROSSWALKS - RE. CONSTRUCTION PLANS BY OTHERS FOR DETAILS**

**10'W CONC. RECREATION TRAIL**

**REGIONAL POND HIGH WATER LINE**

**RETAINING WALL - SEE ENGINEERED DRAWING FOR DETAILS**

**OPEN SPACE TRACT G**

**O-1**

**NOTE:**

**NOTE:** THE NEIGHBORHOOD FENCE ADJACENT TO TRACT A SHALL BE CONSTRUCTED OR FINANCIALLY SECURED IN THE AMOUNT OF 110% AND SHALL ACCOMMODATE FUNCTIONAL PEDESTRIAN INTERCONNECTIONS TO THAT TRACT UNLESS A SUBSEQUENT PDP/FDP APPLICATION HAS PROVIDED ADEQUATE SEPARATION AND PEDESTRIAN CONNECTIONS. SHOULD THE FENCE BE CONSTRUCTED WITHIN THIS FDP AS DETERMINED BY THE CITY, THE IMPROVEMENTS SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE 9th BUILDING PERMIT FOR BLOCK 1.

See sheet SD38  
sideward setbacks in

- NEIGHBORHOOD EDGE  
FENCE SHOWN (BUILT BY  
DEVELOPER) - TYPICAL AS  
SHOWN W/ DASHED LINE -  
SEE NOTE ABOVE

N  
1  
SD3C NTS SETBACK PLAN

1	5/1/02
2	11/1/02
3	1/15/03
4	6/6/13
5	7/6/13
6	7/15/13

## PROJECT NARRATIVE

## Overall Development Concept

Giuliano First Subdivision is the first Preliminary/Final Development Plan for the Giuliano Addition P.U.D., a 159.6-acre mixed-use planned unit development located in northwest Loveland recently annexed into the city with the approval of the General Development Plan and Annexation Map. The development concept is to provide a mix of residential and commercial uses within the same neighborhood, provide a variety of housing types from affordable housing to fine custom homes, and develop a coordinated and cohesive design approach for the overall development.

## Affordable Housing Eligibility and Commitments

Giuliano & Father Construction, one of Loveland's larger entry-level homebuilders, has constructed hundreds of homes over the past fifteen years. In maintaining this tradition, the development of Giuliano Addition P.U.D. will be an opportunity for Giuliano & Father Construction to reexamine, improve and refresh their approach to building affordable homes, as well as utilize the new strategies that City Council and staff are implementing to reduce the time and cost of producing housing. Giuliano First Subdivision meets the city's definition of an affordable housing project as over 20% of the lots, a total of 143 out of 356 lots, will be sold to households with income at 70% or less than the Median Family Income (MFI) for Loveland, as determined by the U.S. Department of Housing and Urban Development.

Giuliano & Father Construction Inc., can construct and sell homes to affordable households through a combination of methods:

1) Creative Planning: By developing Giuliano Addition P.U.D. jointly with Buck Addition P.U.D. though they are separate projects, Giuliano & Father Construction is planning to develop a progressive community with housing, encompassing multiple price levels. Although, these two pieces of land were purchased at current market price with no raw water, because of their size, they can be developed to provide multiple land uses including affordable housing. When completed, this project will be an example of construction efficiency and creative planning.

2) Fast-Track Review: The timely development and construction of Giuliano First Subdivision will be dependent on the ongoing utilization of the City's "fast-track" development review process. The project's momentum will rely heavily on open communication and flexibility among all parties involved. We foresee December 2001 as our target date for a final plat, a final development plans and final construction plans.

3) Use Tax Credit: Giuliano & Father Construction will use the Use Tax Credit to reduce the cost of the homes. Additionally, Giuliano & Father Construction will follow the CHAFRA requirement ensuring that Giuliano Addition's affordable homes are sold to first time, entry-level buyers.

4) Development Standards Modifications: Based on the assumption that the homebuyers of the larger homes are more likely to be financially able to upgrade their own landscaping. Giuliano & Father Construction proposes to use the 20% reduction in overall landscape requirements and the 50% reduction of the sizes of the trees and bushes in the parcels that are not classified as affordable housing.

As an established developer and builder of entry-level housing, Giuliano & Father Construction's incentive to build affordable housing is to develop a community where people from all walks of life and income levels live together and to assure the citizens of Loveland that their need for affordable housing is being met.

## Land Use

The limits of the Giuliano First Subdivision include the entire 159.6 acres of Giuliano Addition P.U.D. The overall concept is to locate the lower density areas on the west end of the property and the higher density areas on the east. Within this concept we have also integrated other land uses such as open spaces and the school site into the higher density areas, thus changing its overall density.

The highest density/use areas of this project are the multi-family and the neighborhood commercial center. These areas are located on the far east end of the property and will be developed in future PDP applications.

Included in this PDP application are three separate single-family areas all of which have different densities. These single-family areas are referred to as SF-1, SF-2, SF-3, and SF-4 (see sheet CVR, "GDP designation map"). A detailed breakdown of the residential land uses is as follows, and on sheet CVR of the FDP drawing set:

SF-4 will be constructed in Phase 1. SF-3 will be constructed in Phase 2, along with an interim detention pond. Combined, SF-3 and SF-4 have a total of 162 lots resulting in a net density of 6.57 units per acre.

SF-2 will be constructed in Phases 3, 4 and 5 with the total of 176 lots, resulting in a net density of 4.63 units per acre.

SF-1 will be constructed in Phase 6 with the total of 18 lots, resulting in a net density of 1.78 units per acre.

## Circulation

West 43rd Street provides all of the current accesses into the project, and future accesses will be provided via Florence Drive to 50th Street. A series of local collector streets will connect the various mixed-use components of the neighborhood. Local residential streets throughout the single-family areas will connect to the collector streets. Convenient access to Buck First Subdivision, the proposed Wilson Commons and adjacent undeveloped land has also been incorporated in the vehicular circulation design. A number of traffic calming devices are proposed throughout the neighborhood including several raised pedestrian crossing/speed humps located to break streets and to connect bicycle and pedestrian trails and green belts. Additionally, a raised intersection has been included in the design where there is a 4-way intersection.

The dedication of the R.O.W. and the design of the improvements for W. 43rd Street to minor arterial standards have been designed in conjunction with the annexation of Giuliano Addition P.D.P. and the phased PDP development of the Buck Addition P.U.D. Similarly, with the development of adjacent properties, N. Wilson Ave. will be improved to major arterial standards. Refer to sheet SD-4 for typical street cross sections and final street construction plans by others.

Bicycle/pedestrian circulation has been planned to run through the single-family residential development, connecting into the private neighborhood park/play areas and the larger bicycle path network. Giuliano First Subdivision is providing a widened trail to serve as the connection between the Larimer County park trail and the City of Loveland's trail system. This trail is located along W. 43rd Street from N. Wilson Avenue to Sullivan Avenue, then north between the parcel designated SF-4 and the detention pond and the school, then west ending at Florence Drive. The recreation trail east of Florence Drive is to be maintained by the H.O.A. until the city determines and constructs the final connection alignment from the west. A 15-foot public trail easement shall be dedicated and conveyed to Larimer County west of Florence Drive along the north property line for bike, equestrian and pedestrian recreational purposes, see plot for reception number. This trail easement shall be maintained by the H.O.A. until Larimer County begins trail construction, and thereafter Larimer County shall assume maintenance of the trail and trail easement. Other trails encircle the development with the buffer yard/greenbelt areas and provide points of connection into the proposed Wilson Commons and adjacent undeveloped land parcels.

## Public &amp; Private Utilities

All public utilities and services are immediately available to the site along W. 43rd Street, or otherwise adjacent to the site, and will be installed underground. Refer to the final utility drawings for specific details regarding the exact line locations and sizes.

Water service will be provided by a westward extension of the existing 16" waterline in W. 43rd Street with a new 24" waterline. Cascade Avenue will also house a new 24" waterline that will lie into the westward extension. Three new services will be installed off of W. 43rd Street as follows:

8" waterline along Sullivan Avenue to serve MF-1, C-1, and SF-4.  
12" waterline along Florence Drive to serve SF-2, SF-3, and SC-1.  
8" waterline along File Court to serve SF-1.

Sanitary sewer will be provided by the extension of a new 8" service line along Sullivan Avenue from the existing 12" main located in W. 43rd Street. The remainder of the development will be serviced with new 8" sewer lines.

All utility lines shall be coordinated with the required street trees and other landscaping materials to be in conformance with the following City of Loveland standards:

Trees shall be planted no closer than 4'-5' from existing or proposed electrical lines.  
Trees shall be planted no closer than 4' from existing or new natural gas lines.  
Trees shall be planted no closer than 10' from water/wastewater lines.  
Trees shall be planted no closer than 10' from storm sewer lines.

A SWMM model has been developed for the Coddoo Basin in which Giuliano Addition PUD is located. The proposed regional pond will be sized in accordance with the revised SWMM. All flows from this property will be to the regional pond, with the exception of the parcels designated MF-1 & C-1, and the back of the lots of SF-4, which will flow unidirectionally to the existing regional pond in the Buck First Subdivision. The construction of the regional pond will be included in Phase 2 of this project. Refer to the Final Drainage and Erosion Control Report and plans for details on this Regional Pond.

Public utility services will be provided by the following jurisdictions:

Water: City of Loveland  
Sanitary Sewer: City of Loveland  
Electric: City of Loveland  
Gas: Public Service of Colorado  
Telephone: Qwest  
Cable TV: Comcast Communications

## Public Facilities Providers

The City of Loveland will provide police and fire protection, with street widths and other infrastructure designed to accommodate emergency vehicles. The entire site lies outside of the 1-1/2 mile response diamond for all existing or planned fire stations, therefore all multi-family and commercial structures over 5,000 gross sq. ft. in area will be required to be protected by automatic fire sprinkler systems.

Several private neighborhood park/play areas are proposed in conjunction with the single-family residential areas of the development. These parks will be centrally located and be connected by bicycle/pedestrian trails. Bicycle/pedestrian facilities are discussed in another section of this narrative.

School facilities serving the development will be Centennial Elementary, Lucile Ervin Middle School and Loveland High School. The proposed elementary school in this development will result in some school boundary realignment. An impact report will be prepared by the school district for this development.

## Landscaping

A traditional, tree-lined streetscape has been designed for the Giuliano First Subdivision along N. Wilson Avenue, W. 43rd Street, and along the local collector streets. Clusters of some species shade trees, including varieties of Honey Locust, Ash, and Maple will be planted at approximately 40' o.c., providing variety in the branching and color. Minimum size for all street trees will be 2" caliper.

The developer will provide full front yard landscape packages with the sale of the lot, in the parcels designated SF-3 and SF-4. This landscaping will be constructed prior to the issuance of a Certificate of Occupancy.

Lots in area SF-2 will receive sod certificates for the front yards and a certificate for a 2" caliper tree at closing, to be installed by the homeowner. Similarly, homeowners in area SF-1 will also receive a certificate for a 2" caliper canopy tree at closing to be installed by the homeowner. The landscaping in these areas will be constructed within 90 days after the issuance of a Certificate of Occupancy by the homeowner. If weather prohibits installation, all landscaping shall be installed during the next growing season, no later than June 20th of the following year. All residential lots will be required to landscape the front yard with a minimum of 70% living plant materials.

The private neighborhood parks will be sodded, and the greenbelts and other common open spaces will be seeded with a blend of Kentucky Bluegrass. Both areas will be irrigated with an underground automatic sprinkler system. The detention pond will be non-irrigated and seeded with native dryland grasses. A temporary irrigation system will be installed for this area, tract 'G' shall remain until all vegetation is healthy and grasses have germinated. Phasing of the landscaping is consistent with the proposed construction phasing. The landscaping in each phase will be installed prior to the issuance of any building permits for that phase. Refer to phasing map on sheet CVR of the FDP drawing set. Landscaping in the playfields shall be maintained by the homeowner's association and shall have no effect to the amount of capital expenditures fees otherwise imposed under Chapter 16.38.

An architectural fence has been exclusively designed for this neighborhood. The design for the typical neighborhood edge wood fence will be used to delineate the single-family residential development parcels along the W. 43rd Street frontage. Brick masonry piers will break up edge fences. A maximum of 5' high privacy/lot line fences of the same design will be permitted on the lot lines of individual lots except that the brick piers will not be required. Fences in the residential areas will not extend beyond the front building line. Refer to fence details on sheet SD-4 of the FDP drawing set. Phasing of the fencing installation is consistent with the proposed construction phasing. The fencing, in which the developer is responsible for in each phase, will be constructed prior to the issuance of any building permits for that phase. Individual lot fencing, should the homeowner choose to install a fence, will be constructed after the issuance of a Certificate of Occupancy. Refer to phasing map on sheet CVR of the FDP drawing set.

The recreation trail east of Florence Drive is to be maintained by the H.O.A. until the city determines and constructs the final connection alignment from the west. A 15-foot public trail easement shall be dedicated and conveyed to Larimer County west of Florence Drive along the north property line for bike, equestrian and pedestrian recreational purposes, see plot for reception number. This trail easement shall be maintained by the H.O.A. until Larimer County begins trail construction, and thereafter Larimer County shall assume maintenance of the trail and trail easement. Other trails encircle the development with the buffer yard/greenbelt areas and provide points of connection into the proposed Wilson Commons and adjacent undeveloped land parcels.

## Architectural Concept

Giuliano First Subdivision will be traditional in character and designed in an architecturally consistent manner. Through the use of respective design elements, and recurring architectural details, the design of the structures will be similar in character, unifying the community.

Additionally, each lot will have set building envelope with staggered front yard setbacks to add variety in the streetscape. Refer to the lot setback matrix on sheet CVR of the FDP drawing set. Color schemes will also be consistent throughout the project using primarily earth tones, and accent colors will be used in limited amounts for other architectural elements. All architectural standards will be incorporated into covenants for the neighborhood, and then used to evaluate proposed housing designs by the City of Loveland and the Architectural Control Committee. A draft copy of the Architectural Control Committee and Homeowners Association covenants accompanies this FDP submittal.

The current annexation and zoning status of Giuliano Addition PUD allows the developer the necessary design freedom and flexibility to ensure the economic feasibility of the project as long as the conditions of approval are met.

Notwithstanding any information presented graphically in the FDP or accompanying document, all public improvement shall conform to the standards adopted June 1, 1999 unless specifically approved in writing a variance.

## Request for Variance/Exception at Giuliano First Subdivision - Loveland, Colorado #1

This request for a variance is being submitted in conjunction with the submission of Preliminary Development Plan for the Giuliano First Subdivision project. Information regarding this request is also included in the Regulatory Procedures section of the Preliminary Development Plan. It is our intention to substantiate and justify this request for a variance for the required intersection spacing by identifying the standard(s) to be waived, describe the proposed alternate design, compare the proposed alternate design to the standard, and justify the request.

## Applicable City of Loveland Development Street Standards

4.24 Intersection Spacing  
Specific distances shall be as shown in Table 4.2 of these Standards.  
Table 4.2 - Street Standards - Technical Design Criteria

Proposed Alternate Design  
The proposed intersection spacing between future Cascade Avenue and File Court is designed to be 440' from centerline to centerline.

Comparison to Standards  
The proposed intersection spacing of 440' is less than the required 1320' for an unsignalized minor arterial street without a raised median.

Justification  
The variance request is justified as follows:  
1. The size and location of the parcel is such that any access point into the parcel, whether off Cascade Avenue or W. 43rd Street, would require a variance.  
2. The Fire Department is not requiring a secondary access into the parcel as long as each residence is sprinkled. The developer has agreed to this condition. Therefore, if the variance is granted, the City of Loveland will not have the maintenance responsibility of future Cascade Avenue and a portion of W. 43rd Street.

3. This variance will not affect the financial responsibility for the construction of the future Cascade Avenue, or the dedication of the easement.

4. According to the preliminary grading plan, the site distance requirements are satisfied with the proposed street layout.

Conclusion  
The applicant respectfully requests that the standards regarding intersection spacing be waived as proposed because access into this parcel is limited and the proposed location meets the intent of the standards as applicable in this particular instance.

See sheet SD38  
sidelot setbacks in Phase SF4.

## Request for Variance/Exception at Giuliano First Subdivision - Loveland, Colorado #2

This request for a variance is being submitted in conjunction with the submission of Preliminary Development Plan for the Giuliano First Subdivision project. Information regarding this request is also included in the Regulatory Procedures section of the Preliminary Development Plan. It is our intention to substantiate and justify this request for a variance for the required intersection spacing by identifying the standard(s) to be waived, describe the proposed alternate design, compare the proposed alternate design to the standard, and justify the request.

## Applicable City of Loveland Development Street Standards

4.24 Intersection Spacing  
Specific distances shall be as shown in Table 4.2 of these Standards.

Table 4.2 - Street Standards - Technical Design Criteria

Proposed Alternate Design  
The proposed intersection spacing between File Court and Stump Avenue is designed to be 590' from centerline to centerline.

Comparison to Standards  
The proposed intersection spacing of 590' is less than the required 1320' for an unsignalized minor arterial street without a raised median.

Justification  
The variance request is justified as follows:

1. The ideal location for Stump Avenue would be at the cross section with Divide Drive, the entrance into Buck Second Subdivision. But through an inspection of the traffic analysis an offset I-intersections of adequate spacing vs. a four-leg intersection creates less delay to the minor street, therefore moving Stump Avenue to the west.

2. Relocation of Stump Avenue to the west to accommodate the addition of an acceleration lane in the striping plan between Stump and Divide manages the lack of vertical site distance.

3. In addition to the acceleration lane added, the vertical elevation of the intersection of Stump Avenue and W. 43rd Street will be raised during the final design of W. 43rd Street to again relieve the lack of vertical site distance.

Conclusion  
The best scenario to meet the street standards would be to completely eliminate this access all together, but the Fire Department requires a secondary access for this parcel. Therefore, the applicant respectfully requests that the standards regarding intersection spacing be waived as proposed because the design of the access mitigates outstanding issues and meets the intent of the standards as applicable in this particular instance.

See sheet SD38  
garage percentage in Phase SF4.

## Request for Variance/Exception at Giuliano First Subdivision - Loveland, Colorado #3

This request for a variance is being submitted in conjunction with the submission of Preliminary Development Plan for the Giuliano First Subdivision project. Information regarding this request is also included in the Regulatory Procedures section of the Preliminary Development Plan. It is our intention to substantiate and justify this request for a variance for the required intersection spacing by identifying the standard(s) to be waived, describe the proposed alternate design, compare the proposed alternate design to the standard, and justify the request.

## Applicable City of Loveland Development Street Standards

4.24 Intersection Spacing  
Specific distances shall be as shown in Table 4.2 of these Standards.

Table 4.2 - Street Standards - Technical Design Criteria

Proposed Alternate Design  
The proposed intersection spacing between File Court and Stump Avenue is designed to be 590' from centerline to centerline.

Comparison to Standards  
The proposed intersection spacing of 590' is less than the required 1320' for an unsignalized minor arterial street without a raised median.

Justification  
The variance request is justified as follows:

## GDP CONDITIONS OF APPROVAL

### ENGINEERING

- 43rd Street - Right-of-way and Improvements. If determined necessary by the City Engineer, the developer shall acquire and dedicate to the City, at no cost to the City, sufficient right-of-way along the southern portion of the westernmost 900 feet of the proposed addition to construct all required standard improvements for 43rd Street along the entire southern boundary of the addition. This condition shall be effective upon submittal of the appropriate PDP application, as determined by the City Engineer.
- Cascade Avenue - Right-of-way and Improvements. If determined necessary by the City Engineer, the developer shall acquire and dedicate to the City, at no cost to the City, sufficient right-of-way along the western boundary of the proposed addition to construct all required standard improvements for Cascade Avenue. This condition shall be effective upon submittal of the appropriate PDP application, as determined by the City Engineer.
- Wilson Avenue - Right-of-way and Improvements. The developer shall acquire and dedicate to the City, at no cost to the City, sufficient right-of-way along the eastern boundary of the proposed addition to construct all required standard improvements for Wilson Avenue. This condition shall be effective upon submittal of the first PDP application.
- Transportation Master Plan. Future development applications within this project shall fully comply with any updates to the City of Loveland Transportation Master Plan adopted by the City Council for any portion of this property.
- Unless constructed by others, the developer shall design and construct a raised median for Wilson Avenue extending from the intersection of 43rd Street to 200 feet south of the intersection of Glen Isle Drive. The timing of this improvement shall be based on which PDP application is shown to cause the need for mitigation, based on level-of-service standards as applied to the intersection of Wilson Avenue and Glen Isle Drive. Other mitigation measures may be substituted for this improvement if accepted by the City Engineer.
- At the time of each PDP application, a Traffic Impact Study shall be submitted which includes a trip distribution based on the gravity model or an alternative distribution method acceptable to the City Engineer.
- Notwithstanding conceptual information presented in the GDP, access locations and operations shall be determined at the time of application for PDP approval.

### PARKS AND RECREATION

- Within the annexation parcel, the applicant shall dedicate to the City of Loveland a 25-foot wide tract of land to be used for a recreation trail. The parcel shall provide a connection from a location near the northwest corner of the annexation parcel to a currently undetermined point on 43rd Street. The trail installation shall be the responsibility of the developer and shall be built to City of Loveland standards. The location of the trail shall be determined by the City after consultation with the developer at the time of the first PDP/Preliminary Plan within the annexation parcel. The location of the trail shall not unreasonably interfere with the developer's preferred subdivision.
- WATER/WASTEWATER/STORM DRAINAGE
- The Developer shall design and construct a 24" water line along the south property line, from the West boundary of Buck 2nd Subdivision, along West 43rd Street, to the west boundary of Giuliano Addition then north along the west property line to the north boundary of this addition. The City may approve alternate alignments at the time of a Preliminary Development Plan submittal.
- The Developer shall design and construct an extension of the existing 16" waterline in W. 43rd Street, from its existing terminus, to connect with the aforementioned 24" waterline along the south property line.
- The Developer shall design and construct waterlines within the subject annexation that connect to the aforementioned 24" waterline along the west boundary and to the existing 16" waterline in W. 43rd Street and existing 30" waterline in N. Wilson Avenue. Specific alignments, connection points and sizing requirements will be determined by the City at the time of a Preliminary Development Plan.
- The Developer shall complete an Engineering Analysis of the surrounding and other applicable water system facilities in order to determine the need for additional water system improvements. The City will determine the content and specific parameters of the Analysis at the time of a Preliminary Development Plan submittal.

### POWER

- A 5% surcharge will be assessed on the sale of electricity to any development for a period of 10 years from the date of annexation. A note will be required on each final plat regarding this requirement 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."

### VESTING (added by City Council)

- Waiver of Damages. In the future, the Developer may be granted vested property rights associated with the approval of a site specific development plan within the property. In the event that such vested property rights are granted, and the City applies on initiated or referred measure to the property which would (a) change any term or condition of this Agreement, (b) impose a moratorium on development within the property, or otherwise materially delay the development of the property, or (c) limit the number of building or utility permits to which the Developer would otherwise be entitled, the Developer agrees to waive any right to damages against the City to which the Developer may otherwise be entitled under the Vested Rights Statute.

### CURRENT PLANNING

- PDP applications within 100 feet of the base limestone ridge shall include the results of the Bell's Twindrop survey. If the plant is located on the site, an appropriate buffer as determined by the City shall be preserved as open space.
- Except as specified in the GDP for single-story garages in areas SF-3 and SF-4, the standard for side yard setbacks shall be as specified in the Municipal Code, which is one foot for every 3 feet of building height, or fraction thereof, but a minimum of 5 feet.
- Lots with less than 65 feet of frontage on a public street right-of-way shall not be permitted a garage where garage doors for more than two cars are visible as part of the front building elevation.
- On lots with less than 65 feet of frontage on a public street, garage doors that are visible as part of front building elevations shall be recessed behind either the front facade of the living portion of the dwelling or a covered porch by at least four (4) feet. Covered porches referred to in this condition shall measure at least eight (8) feet, measured across the front of the building, by six (6) feet.
- Garage doors visible as part of front building elevations shall not comprise more than forty (40) percent of the ground floor street-facing linear building frontage. Alleys and corner lots are exempt from this condition.
- Future PDP applications shall include useable open space that is easily accessible to residential lots throughout a development. Open space shall be thoroughly integrated into residential projects.
- To address noise impacts on residential areas, PDP applications for development within zoning area C-1 shall include a noise study demonstrating compliance with City noise standards for residential areas. This study shall include analysis of loading, delivery, and operational noise sources. Potential restrictions on these operations including limitations on hours of operation may be imposed to achieve compliance with City standards.
- The annexation map shall be revised to include the following statement in the Notes section: This annexation is subject to an annexation agreement which has been recorded in the real property records of Larimer County.
- The GDP narrative shall be revised to reflect that fences other than the neighborhood edge fence shall be a maximum of five feet in height and shall match the lot line fence shown on SD1.
- In area MF-1 the maximum number of congregational care units shall not exceed 50 dwelling units.
- Front facades of single-family dwellings shall include at least two of the following features: bay window, porch, or gabled or hipped roof element.
- Notwithstanding the typical street cross-sections shown on SD-1, the street sections proposed with subsequent PDP applications shall comply with City street standards.
- Minimum front yard building set backs for residential portions of single-family dwellings in areas SF-3 and SF-4 shall be varied and the minimum setbacks shall be 15 feet except for garage door which shall require a minimum setback of 20 feet.
- Language in the GDP narrative indicating that in area SF-1 the minimum lot width may be 60 feet and corner lots must be at least 70 feet shall be deleted.
- In areas SF-3 and SF-4, the maximum gross density shall be 5.5 dwelling units per acre instead of 6.0.

## PDP CONDITIONS OF APPROVAL

### Stormwater:

- The Developer shall design the stormwater drainage plan for this PDP to provide 100 year level detention with a 2-year historic release rate, as identified in the master plan update, until such time that the regional detention pond is constructed. Prior to issuance of the first building permit in this PDP, the Developer shall dedicate to the City the land for the future regional detention pond as depicted on the PDP. The Developer shall be eligible for reimbursement through standard City reimbursement policies, based on undeveloped land cost.

### Water / Wastewater:

- The Developer shall coordinate the design and installation of the project related utilities with the City's proposed waterline in West 43rd Avenue. The final construction plans shall reflect specific alignments and connection points.
- The Developer shall design and construct the proposed sanitary sewer main and manholes to be entirely outside any portion of the 100-year water surface elevation "limits" for the proposed storm water detention pond. Additionally, access for heavy maintenance vehicles along the entire reach of sanitary sewer main and manholes, within the proposed storm water detention pond area, must be provided by a minimum 20' of weather access roadway. The specific alignment and configuration of the sanitary sewer main and access roadway can be determined with the final Development Plan.
- At no cost to the City, the Developer shall design and install a public water booster station. The station shall be installed prior to issuance of any building permit within the portion of the PDP situated west of Florence Drive. At a minimum, the station shall be sized to accommodate all proposed lots west of Florence Drive as well as the entire adjacent development known as the Buck 2nd Subdivision. The specific location of the water booster station shall be shown on the final development plan. The Developer shall be responsible for the cost, creation and/or acquisition of any public easements necessary to accommodate the herein mentioned water booster station and all associated main line extensions and related appurtenances.

### Fire Prevention:

- All dwellings on Fire Court shall be protected with automatic sprinkler systems in accordance with NFPA 13R.
- A temporary emergency access roadway shall be provided from Kincaid Drive to Wilson Avenue prior to issuance of any building permits in Phase 2. The construction plans for such temporary roadway shall be subject to approval by the City of Loveland Fire Department and City Engineer.

### Parks and Recreation:

- The trail locations as proposed on the PDP shall conform to Larimer County and City of Loveland requirements and shall be subject to review and approval by the City of Loveland Parks and Recreation Department. All such trails shall be depicted on the PDP and all final grades and width requirements shall be depicted on the final construction drawings. The final design of all such trails shall be coordinated with the design of storm water or detention channels and basins proposed within this PDP and on the adjoining property to the north. Detailed cross sections of the trail alignment along the north property line of this PDP, adjacent to the school site and west of Florence Drive, shall be submitted for review with the PDP. Such alignment and cross sections shall be subject to approval by the City of Loveland Parks and Recreation Department.
- The recreation trail shall not be located within any part of the drainage conveyance system (north of the school or in the County trail area) and shall be located above and outside the surface elevation of the 20 year storm event. The surface elevation of the 20 year storm event shall be depicted on the PDP.
- The recreational trail shall be designed and constructed by the Developer according to City of Loveland recreation trail standards and shall not exceed ADA standards for maximum grades. Construction drawings for said trail shall be subject to approval by the City of Loveland Parks and Recreation Department prior to approval of the PDP.

### Engineering:

- Notwithstanding any information shown in the accompanying application documents, all public improvements within this PDP shall conform to the standards adopted on June 1, 1999, unless specific variances are requested and approved by the City in writing. The variances approved as part of this PDP are as follows:
  - This PDP shall not be subject to the connectivity standard adopted by the City after January 2001.
  - Any off-site improvements to North Wilson Avenue south of 29th Street shall comply with the designed plans for such improvements on-file with the City.

- Unless designed and constructed by others, the Developer shall design and construct the following improvements prior to issuance of any building permits in this PDP, or by the time otherwise specified for the following improvements:
  - 43rd Street. The Developer shall construct that portion of West 43rd Street adjacent to the Giuliano Addition to minor arterial street standards.
  - Cascade Avenue. The Developer shall design and construct that portion of Cascade Avenue adjacent to the Giuliano Addition to minor arterial street standards. The City may accept cash in-lieu for all or a portion of the construction costs for such improvements, in a form acceptable to the City Attorney, if approved by the City Engineer.
    - Adjacent Portion. The Developer shall construct the portion of North Wilson Avenue adjacent to the Giuliano Addition to major arterial street standards including off-site lots to the north.
    - Widening to 29th Street. The Developer shall construct North Wilson Avenue from 43rd Street to 22nd Street as a major arterial street. Design standards shall be as described in Condition 11.b.
  - The intersection at Stump Avenue and West 43rd Street shall be designed and constructed in accordance with the letter of variance dated September 25, 2001 and approved September 26, 2001.

### Current Planning:

- In accordance with the requirements set forth in the Giuliano Addition GDP, the landscape plan of the PDP shall include a habitat enhancement plan designed to mitigate the loss of wetlands on the project site. The landscape plan shall also include a temporary irrigation system for the area in and around the regional stormwater detention facility and such system shall remain until all vegetation planted in and around the regional stormwater detention facility is healthy and grasses have germinated. Such plan must also include the variety of riparian species, as listed in the GDP. No building permits shall be issued once construction of the regional stormwater facility is completed unless the Developer posts a cash security with the City for the landscaping, mitigation measures, and irrigation system required under this condition. In no case shall building permits be issued for Phase 6 until such security has been posted with the City. The City shall install the landscaping, mitigation measures and irrigation system required under this condition as part of its design and construction of the regional stormwater detention facility. The Developer's security required under this condition shall be transferred to the City, which shall use the funds to install the landscaping, mitigation measures and irrigation system required under this condition.

- Prior to issuance of any building permits in Phase 1, a native seed mix shall be planted to cover the total area of Tract I, including the temporary stormwater detention facility. The PDP shall identify the type of native seed mix as well as the quantity and method that will be used for seeding. A temporary irrigation system shall be installed and remain until all grasses have germinated. The landscape security for Phase 1 shall include the costs of planting the seed mix and installing the irrigation system required under this condition. That portion of the security for the grasses and temporary irrigation system shall not be released until the City has determined that all grasses have germinated and are in a health condition.

- The smaller detention areas within area SF-1, shall be landscaped with native grasses (wetland mix, shrubs and trees compatible for prairie riparian areas below 6,000 feet).

- Overall grading within Block 14 of the plat shall be minimized and building envelopes depicted on the PDP and plot to avoid disturbance to the limestone ridge located on Outlot 3.

- The location of the required water booster station shall be approved by all departments at time of PDP.

- In accordance with the requirements set forth in the Giuliano Addition GDP, a cluster mailbox system to service groups of single family homes shall be included with any development proposal. The PDP shall depict the specific architectural treatment and landscaping for these clustered mailboxes.

- In accordance with the requirements set forth in the Giuliano Addition GDP, private neighborhood park/play areas and greenbelts shall be landscaped in a softer, less formal manner, using groupings or clustered trees and shrub masses to delineate a variety of active and passive activities. The PDP landscape plan shall be consistent with this requirement.

- In accordance with the requirements set forth in the Giuliano Addition GDP, a homeowner's association shall be established to govern the residential areas of the community and to maintain the landscaping, fencing, signage, neighborhood parks, and common open space throughout the residential development. Protective covenants shall also be developed to insure the quality of all construction and establishing design standards for all residential building types. The developer shall also create an architectural review committee to review and approve all proposed housing for the Giuliano Addition GDP. To be established prior to the issuance of the first building permit within the GDP. Notwithstanding the foregoing, the City shall not be bound by the decision of the architectural review committee and shall incur no liability for the issuance of building permits approved without approval from the architectural review committee.

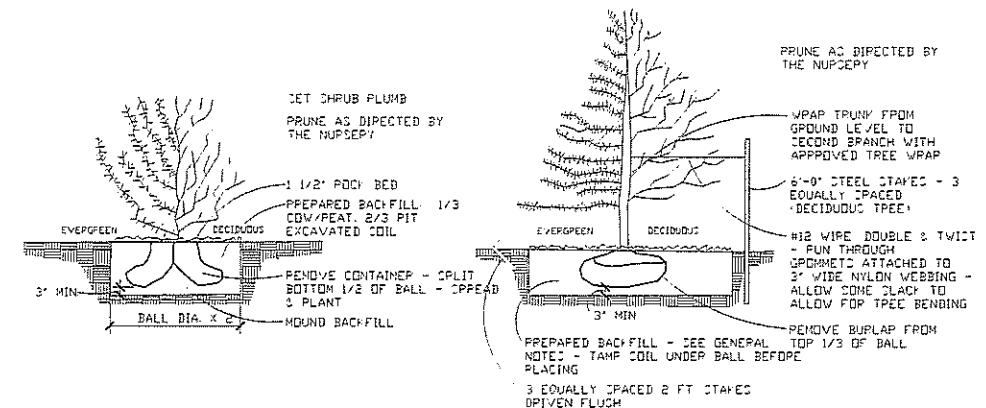
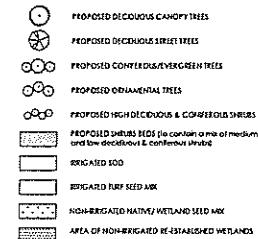
- A separate sign permit shall be required for the entry monument sign.

- In accordance with the requirements set forth in the Giuliano Addition GDP, a minimum of 20% of the single family detached dwellings in this PDP shall be sold to households with incomes at 70% or less of the Median Family Income (MFI) for Loveland, as determined by the U.S. Department of Housing and Urban Development.

### Planning Commission Condition:

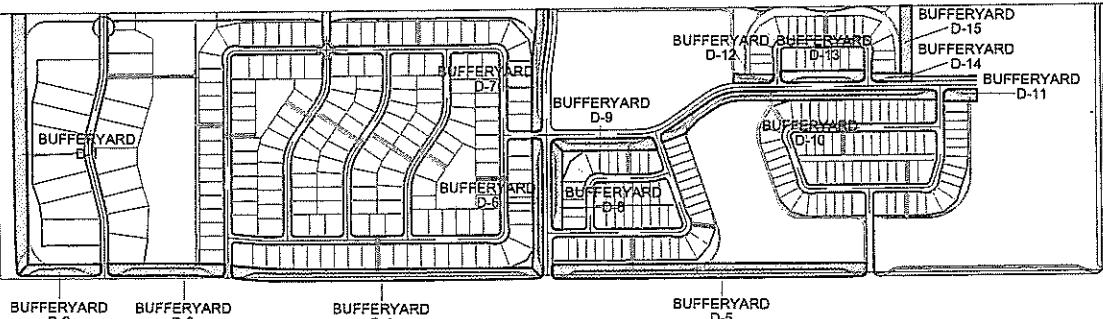
- Phase 1 shall include an open space play area of at least 0.5 acres. Phase 2 shall include an open space play area of at least 1.0 acre.

## LANDSCAPE LEGEND



1 PLANTING DETAIL  
LS1 N.T.S. SHRUB

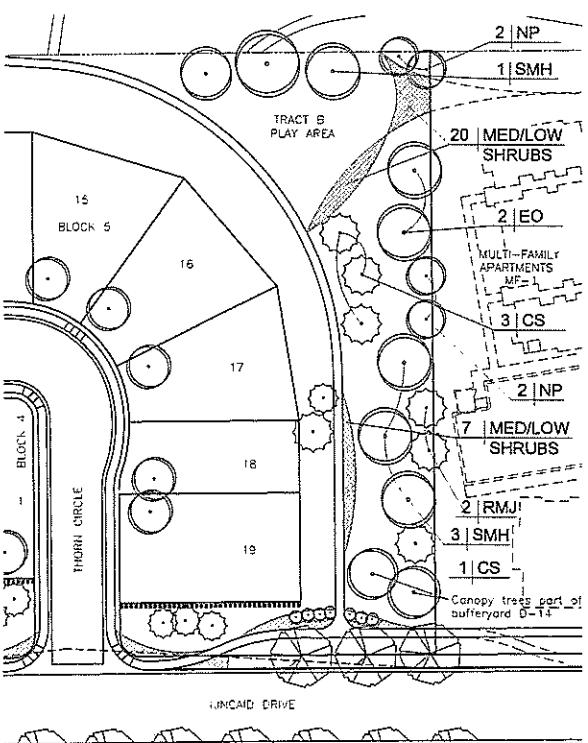
2 PLANTING DETAIL  
LS1 N.T.S. TREE



NOTE: SEE SHEET LS4 FOR LANDSCAPE DETAILS OF THE  
BUFFERYARD MAP

## GENERAL LANDSCAPE NOTES

- STREET CANOPY TREES FOR THE SINGLE FAMILY LOTS ARE INDICATED BY THE MARK 'CT' ON THE LANDSCAPE PLAN AND THE PLANT LIST. ONE TREE PER LOT, AND TWO TREES PER CORNER LOTS ALONG LOCAL STREETS WILL BE PROVIDED BY THE DEVELOPER THROUGH THE ISSUANCE OF A CERTIFICATE TO THE LOT OWNER FOR THE INSTALLATION OF THE TREE OF THEIR CHOICE FROM THE CITY OF LOVELAND'S APPROVED LIST OF SPECIES.
- PLAY AREAS SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION AND SHALL HAVE NO EFFECT TO THE AMOUNT OF CAPITAL EXPENDITURE FEES OTHERWISE IMPOSED UNDER CHAPTER 16.3B.
- LANDSCAPE PLAN IS DIAGRAMMATIC; TREE AND SHRUB LOCATION MAY BE ADJUSTED, AS NEEDED, AT TIME OF PLANTING TO MAINTAIN A MINIMUM SEPARATION FROM UTILITY LINES AS FOLLOWS:
  - TREES NO CLOSER THAN 4' FROM ELECTRICAL LINES.
  - TREES NO CLOSER THAN 4' FROM NATURAL GAS LINES.
  - TREES NO CLOSER THAN 10' FROM WATER/WASTEWATER LINES.
  - TREES NO CLOSER THAN 10' FROM STORM SEWER LINES.
  - SHRUBS 4' MINIMUM SEPARATION.
- ALL LANDSCAPING ILLUSTRATED BY THIS PLAN SHALL BE INSTALLED AND MAINTAINED BY THE DEVELOPER UNLESS OTHERWISE INDICATED.
- SCHEDULED SIZES STATED REPRESENT MINIMUM CALIPER AND HEIGHT. SIZES PROVIDED MAY EXCEED MINIMUM REQUIRED, BUT IN NO EVENT SHALL SMALLER PLANT MATERIAL SIZES BE PROVIDED.
- ALL LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM, AND IRRIGATED WITH DOMESTIC WATER, UNLESS NOTED OTHERWISE.
- STREET CANOPY TREES SHALL BE LOCATED PRIOR TO INSTALLATION OF LANDSCAPE AND IRRIGATION.
- SIGHT DISTANCE EASEMENTS RESTRICTS PERMANENT OBJECTS TALLER THAN 24' ABOVE THE PAVEMENT, WITHIN THE EASEMENT, STREET TREES SHALL BE PERMITTED AS REQUIRED BY SITE DEVELOPMENT STANDARDS AND SHALL BE 'UMBLED UP' WITH NO BRANCHES EXTENDING BELOW 7' ABOVE PAVEMENT.
- STEEL EDGERS SHALL BE PROVIDED AROUND ALL PLANTING BEDS ADJACENT TO TURF AREAS. STEEL EDGERS SHALL BE GALVANIZED, 1/8" X 4" DEEP.
- GRAPHIC SYMBOLS PREcede OVER WRITTEN PLANT QUANTITIES.
- THIS LANDSCAPE PLAN INCLUDES (NOT SHOWN ON PLANS) A TEMPORARY IRRIGATION SYSTEM FOR THE AREA IN THE REGIONAL DETENTION POND TRACT G. THIS SYSTEM SHALL REMAIN UNTIL ALL VEGETATION IS HEALTHY AND GRASSES HAVE GERMINATED.
- DEVELOPER SHALL ENSURE THAT THE LANDSCAPE PLAN IS COORDINATED WITH THE PLANS DONE BY OTHER CONSULTANTS SO THE PROPOSED GRADING, STORM DRAINAGE, OR OTHER CONSTRUCTION DOES NOT CONFLICT NOR PRECLUDE INSTALLATION AND MAINTENANCE OF LANDSCAPE ELEMENTS ON THIS PLAN. CHANGES IN THE LANDSCAPE PLACEMENT MAY BE ALLOWED DUE TO CHANGES IN SITE CONSTRUCTION.
- DECIDUOUS TREES SHALL BE PLANTED A MINIMUM OF 8' FROM THE EDGE OF THE RECREATIONAL TRAIL. EVERGREEN TREES SHALL BE PLANTED A MINIMUM OF 12' FROM THE EDGE OF THE RECREATIONAL TRAIL.



3 LANDSCAPE DETAIL  
LS1

1" = 50'-0"

BUFFERYARD D-15

## BUFFERYARD PLANT LIST

[See Bufferyard Map for locations]

### Bufferyard D-1

Linear Feet x Depth	Bufferyard Requirement
1,200' x 55"	Canopy Trees 24
	Flowering Trees or Large Shrubs 24
	Shrubs 150
	Evergreens/Conifers 18

### Bufferyard D-2

Linear Feet x Depth	Bufferyard Requirement
400' x 45"	Canopy Trees 8
	Flowering Trees or Large Shrubs 8
	Shrubs 50
	Evergreens/Conifers 6

### Bufferyard D-3

Linear Feet x Depth	Bufferyard Requirement
550' x 45"	Canopy Trees 11
	Flowering Trees or Large Shrubs 11
	Shrubs 69
	Evergreens/Conifers 9

### Bufferyard D-4

Linear Feet x Depth	Bufferyard Requirement
1,500' x 55"	Canopy Trees 30
	Flowering Trees or Large Shrubs 30
	Shrubs 168
	Evergreens/Conifers 23

### Bufferyard D-5

Linear Feet x Depth	Bufferyard Requirement
1,500' x 55"	Canopy Trees 30
	Flowering Trees or Large Shrubs 30
	Shrubs 168
	Evergreens/Conifers 23

### Bufferyard D-6

Linear Feet x Depth	Bufferyard Requirement
675' x 50"	Canopy Trees 14
	Flowering Trees or Large Shrubs 14
	Shrubs 85
	Evergreens/Conifers 11

### Bufferyard D-7

Linear Feet x Depth	Bufferyard Requirement
600' x 50"	Canopy Trees 12
	Flowering Trees or Large Shrubs 12
	Shrubs 75
	Evergreens/Conifers 9

### Bufferyard D-8

Linear Feet x Depth	Bufferyard Requirement
425' x 50"	Canopy Trees 9
	Flowering Trees or Large Shrubs 9
	Shrubs 54
	Evergreens/Conifers 7

### Bufferyard D-9

Linear Feet x Depth	Bufferyard Requirement
500' x 50"	Canopy Trees 10
	Flowering Trees or Large Shrubs 10
	Shrubs 63
	Evergreens/Conifers 8

### Bufferyard D-10

Linear Feet x Depth	Bufferyard Requirement
1,400' x 50"	Canopy Trees 28
	Flowering Trees or Large Shrubs 28
	Shrubs 175
	Evergreens/Conifers 21

### Bufferyard D-11

Linear Feet x Depth	Bufferyard Requirement
150' x 50"	Canopy Trees 3
	Flowering Trees or Large Shrubs 3
	Shrubs 19
	Evergreens/Conifers 3

### Bufferyard D-12

Linear Feet x Depth	Bufferyard Requirement
200' x 40'	Canopy Trees 5
	Flowering Trees or Large Shrubs 5
	Shrubs 30
	Evergreens/Conifers 4

### Bufferyard D-13

Linear Feet x Depth	Bufferyard Requirement
400' x 50"	Canopy Trees 8
	Flowering Trees or Large Shrubs 8
	Shrubs 50
	Evergreens/Conifers 6

### Bufferyard D-14

Linear Feet x
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**GULIANO FIRST SUBDIVISION**  
PRELIMINARY DEVELOPMENT PLAN - FIRST AMENDMENT  
LOVELAND, COLORADO

Issue date

3/1/02

REVISIONS

1 5/1/02

2 11/1/02

3 1/15/03

6 7/15/13

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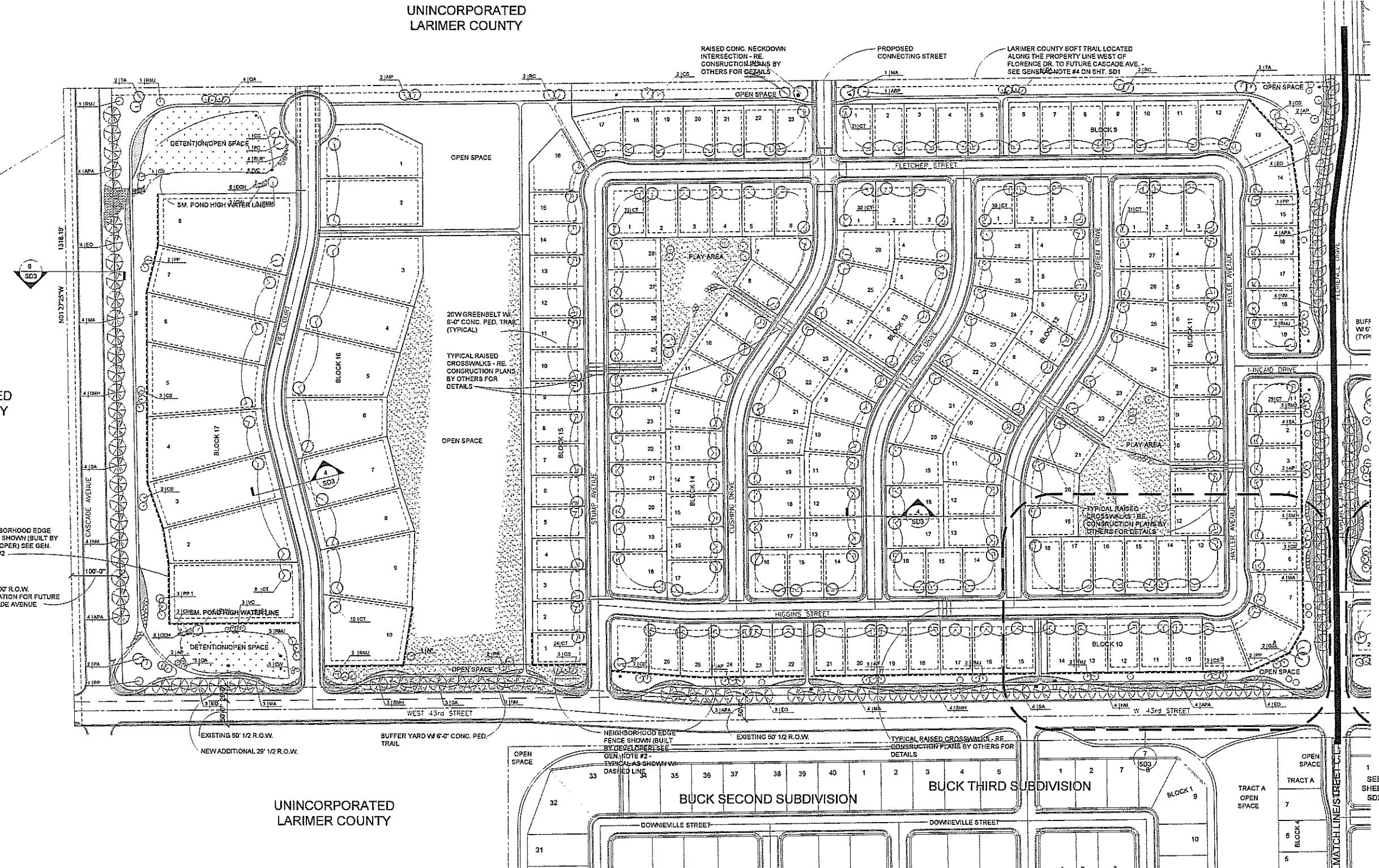
LANDSCAPE  
PLAN

sheet no.

LS2

UNINCORPORATED  
LARIMER COUNTY

UNINCORPORATED  
LARIMER COUNTY



LANDSCAPE LEGEND

- PROPOSED DECIDUOUS CANOPY TREES
- PROPOSED DECIDUOUS STREET TREES
- PROPOSED CONIFEROUS/GREEN TREES
- PROPOSED ORNAMENTAL TREES
- PROPOSED HEDGES DECIDUOUS & CONIFEROUS SHRUBS
- PROPOSED SHELF BEDS OR DRAIN & FILL OF SOIL AND NEW CONCRETE & DRAINS (SITES)
- IRRIGATED SOIL
- IRRIGATED TURF/SEED MIX
- NONIRRIGATED NATIVE/WETLAND SEED MIX
- AREA OF NON-IRRIGATED RE-ESTABLISHED WETLANDS

N  
1  
LS2  
1" = 100'-0"

LANDSCAPE PLAN  
FINAL DEVELOPMENT PLAN

**GULIANO FIRST SUBDIVISION**  
PRELIMINARY DEVELOPMENT PLAN - FIRST AMENDMENT  
LOVELAND, COLORADO

Issue date

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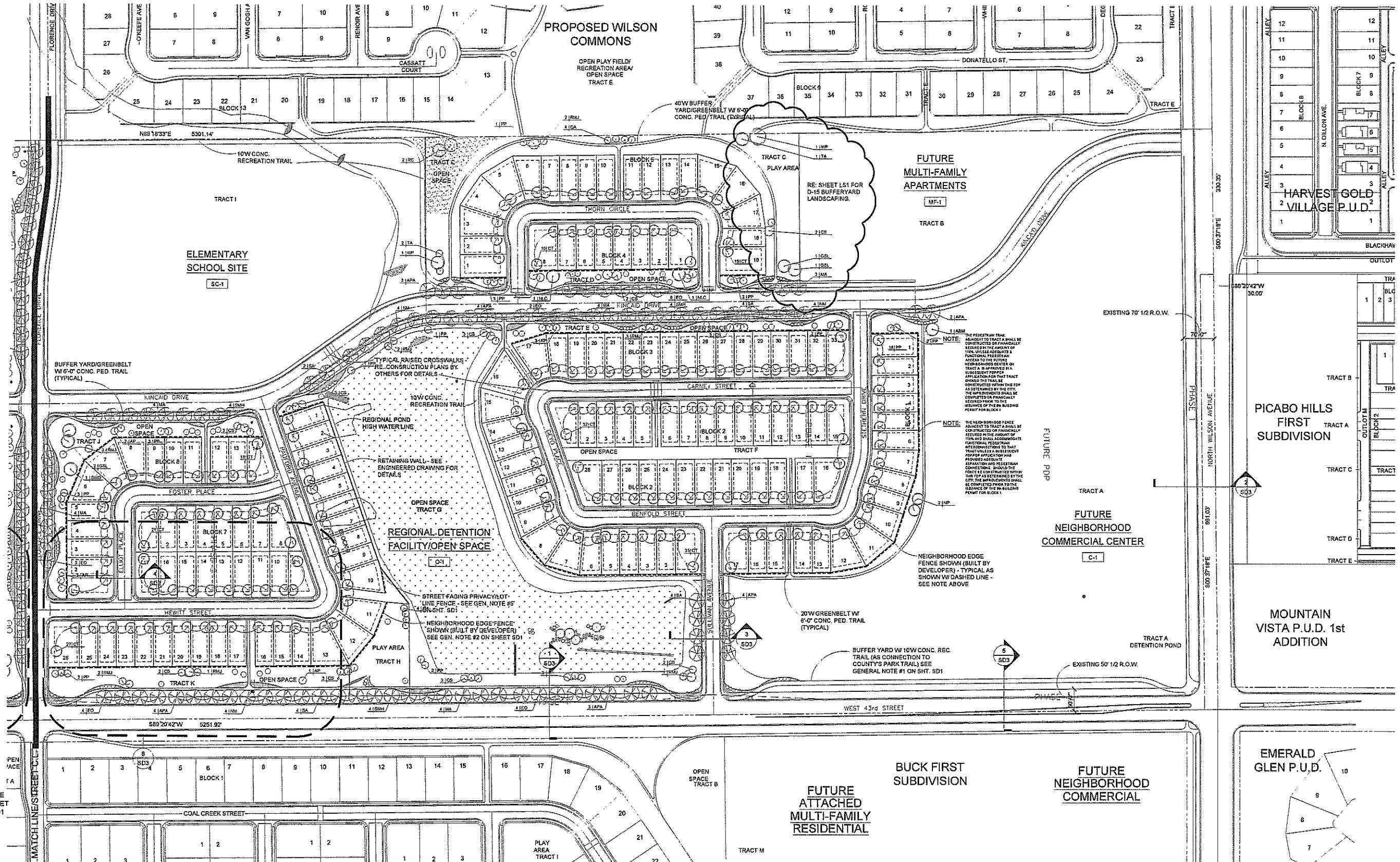
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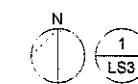
LANDSCAPE PLAN

LANDSCAPE PLAN

sheet No.



**LANDSCAPE LEGEND**



**LANDSCAPE PLAN**

FINAL DEVELOPMENT PLAN



**GIULIANO & FATHER**  
CONSTRUCTION CO., INC.

# GULANU FIRST I SUBDIVISION

PRELIMINARY DEVELOPMENT PLAN - FIRST AMENDMENT  
LOVELAND, COLORADO

PRELIMINARY DEVELOPMENT PLAN - FIRST AMENDMENT  
LOVELAND, COLORADO

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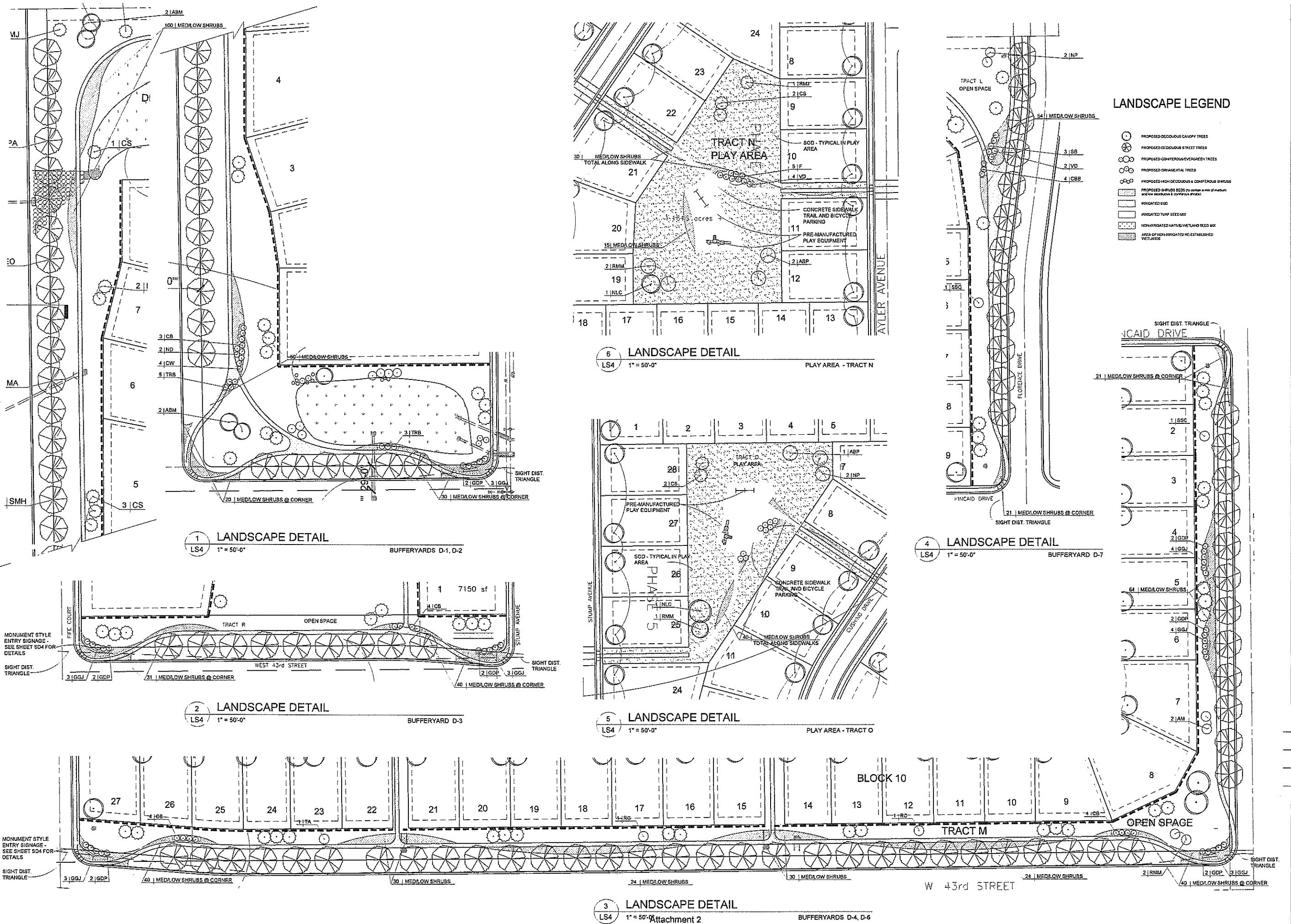
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7/18/03

## LANDSCAPE DETAILS

LS4

sheet No.







GIULIANO FIRST SUBDIVISION  
BEING A SUBDIVISION OF THE GIULIANO ADDITION TO THE CITY OF LOVELAND, COLORADO  
SITUATE IN THE SOUTH 1/2 OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH P.M.,  
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

**UNINCORPORATED LARIMER COUNTY**

**TRACT A, PICABO HILLS ADDITION**

**LOT 1, BLOCK 1, MOUNTAIN VISTA P.U.D.  
FIRST SUBDIVISION**

SCALE - 1"=50'  
MAY 9th, 2003

MAY 9th, 2003

TRACT A, EMERALD GLEN  
U.D. FIRST SUBDIVISION

WE31 4310 SIREE  
100, 5th and 10th

1978-2 - BOSTONIAN COP IN A MUSEUM BOX - PLATE 23372

*of-way*

MATCH LINE - SEE SHEET 3

**CURVE TABLE CONTINUED FROM PLAT SHEET 1 OF 9**

Curve	Radius	Length	Delta	Chord	Chordbearing	Curve	Radius	Length	Delta	Chord	Chordbearing	Curve	Radius	Length	Delta	Chord	Chordbearing	Curve	Radius	Length	Delta	Chord	Chordbearing
131	500.00'	72.07'	81°36'09"	75.00'	S03°16'47"E	149	12.00'	18.65'	00000000'	169.7'	N44°20'42"E	167	600.00'	120.97'	34°37'18"E	115.17'	N44°10'34"E	185	325.00'	18.67'	00000000'	167.00'	N44°10'34"E
132	500.00'	71.75'	81°37'00"	71.67'	S03°17'17"W	150	12.00'	18.65'	00000000'	169.7'	N16°39'18"W	168	225.00'	81.07'	20033333"	167.00'	S03°23'49"W	186	300.00'	181.45'	34°10'15"	167.00'	S03°23'49"W
133	500.00'	70.67'	81°37'00"	70.57'	S03°15'47"W	151	12.00'	18.65'	00000000'	169.7'	N16°40'10"E	169	250.00'	151.21'	34°39'18"	168.92'	N04°20'21"E	187	250.00'	151.21'	34°39'18"	168.92'	N04°20'21"E
134	230.00'	70.67'	81°37'00"	70.57'	S03°15'47"W	152	12.00'	18.65'	00000000'	169.7'	N16°40'10"E	170	125.00'	151.21'	34°39'18"	168.92'	N04°20'21"E	188	120.00'	165.00'	34°10'15"	168.92'	N04°20'21"E
135	12.00'	18.65'	809°00'00"	16.87'	S04°20'42"W	153	60.00'	15.28'	22202121"	165.05'	N00°40'25"E	171	15.00'	18.65'	00000000'	165.05'	N03°16'18"E	189	120.00'	165.00'	34°10'15"	165.00'	N03°16'18"E
136	12.00'	18.65'	809°00'00"	16.87'	S04°20'42"W	154	60.00'	20.19'	17700437"	20.12'	160.00'00"	172	175.00'	103.83"	34011035"	162.47'	S16°51'30"W	190	120.00'	165.00'	34°10'15"	162.47'	S16°51'30"W
137	32.00'	6.73'	820°00'00"	16.87'	S04°20'42"W	155	60.00'	15.28'	12052525"	15.22'	160.00'00"	173	225.00'	20.02"	471014"	20.01'	S16°51'30"W	191	225.00'	31.46"	633377	161.44'	S04°20'42"W
138	32.00'	6.73'	820°00'00"	6.72'	S04173734"	156	60.00'	15.28'	12052525"	15.22'	160.00'00"	174	225.00'	20.02"	471014"	20.01'	S16°51'30"W	192	225.00'	31.46"	633377	161.44'	S04°20'42"W
139	32.00'	6.73'	820°00'00"	6.72'	S04173734"	157	60.00'	43.33'	28124745"	42.65'	S05174040W	175	275.00'	61.41"	12472454"	61.28"	S33155356W	193	275.00'	68.03"	3215633370	161.28"	S33155356W
140	63.00'	44.17'	820°00'00"	6.72'	S04173734"	158	30.00'	43.33'	28124745"	42.65'	S05174040W	176	275.00'	61.41"	12472454"	61.28"	S33155356W	194	275.00'	68.03"	3215633370	161.28"	S33155356W
141	63.00'	11.75'	820°00'00"	6.72'	S04173734"	159	30.00'	43.33'	28124745"	42.65'	S05174040W	177	275.00'	60.45"	471037"	20.44"	S16°51'30"W	195	275.00'	58.26"	6114315"	161.16"	S04°20'42"W
142	63.00'	51.75'	820°00'00"	6.72'	S04173734"	160	30.00'	43.33'	28124745"	42.65'	S05174040W	178	12.00'	18.65'	00000000"	165.00'	N03°16'18"E	196	275.00'	58.26"	6114315"	161.16"	S04°20'42"W
143	63.00'	51.75'	820°00'00"	6.72'	S04173734"	161	30.00'	18.65'	89298722"	16.97'	S04393722E	179	12.00'	18.65'	00000000"	165.00'	N03°16'18"E	197	275.00'	58.26"	6114315"	161.16"	S04°20'42"W
144	63.00'	43.34'	820°00'00"	6.72'	S04173734"	162	30.00'	18.65'	89298722"	16.97'	S04393722E	180	12.00'	18.65'	00000000"	165.00'	N03°16'18"E	198	12.00'	16.85"	50020000"	161.16"	S04°20'42"W
145	63.00'	6.68"	820°00'00"	6.68"	S04173734"	163	225.00'	14.30"	33014343"	16.18"	S01103440W	181	225.00'	67.73"	22202120"	67.17"	N16°42'45"E	199	225.00'	16.85"	50020000"	161.16"	N03°16'18"E
146	32.00'	18.42'	809°00'00"	10.37'	S05174040W	164	225.00'	58.07"	15174414"	22.69"	S10574047W	182	325.00'	7.61"	12030156"	7.61"	N1310156E	200	225.00'	43.62"	11073131"	161.44"	S04°20'42"W
147	32.00'	18.42'	809°00'00"	10.37'	S05174040W	165	225.00'	58.07"	15174414"	22.69"	S10574047W	183	325.00'	56.59"	12030156"	56.59"	N1310156E	201	225.00'	56.59"	12030156"	161.44"	S04°20'42"W
148	12.00'	18.65'	80933920"	16.87'	H442977E	166	225.00'	61.64"	S26073734W	184	325.00'	56.59"	12030156"	56.59"	N1310156E	202	325.00'	56.59"	12030156"	161.44"	S04°20'42"W		

MAY 9th, 2003  
Stewart & Associates, Inc.  
PLAT - SHEET 2 OF 9  
LILANO FIRST SUBMISSION

## *GIULIANO FIRST SUBDIVISION*

BEING A SUBDIVISION OF THE GIULIANO ADDITION TO THE CITY OF LOVELAND, COLORADO  
SITUATE IN THE SOUTH 1/2 OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH P.M.,  
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

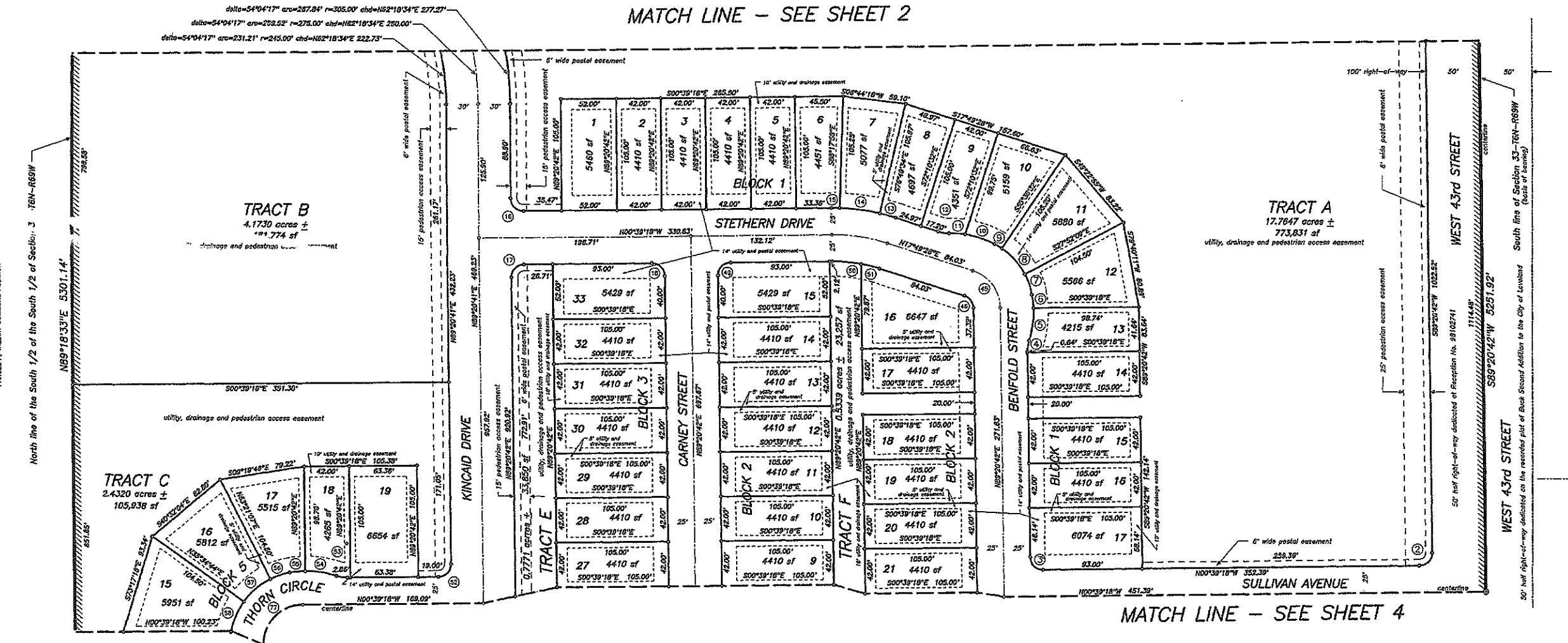
SCALE - 1"=50'  
MAY 9th, 2003

SCALE - 1"=50'  
MAY 9th, 2003

A horizontal scale bar with markings at 0, 50, 100, and 150 feet. The scale is divided into 100 equal segments. The text "GRAPHIC SCALE - FEET" is printed below the scale.

Ord. 5227 Vacates the rear 2 feet of the 14 feet utility, postal easement along all the street ROW's in blocks 1,2,3,4,5,6,7, and 8 and tracts A,C,E,F,G,J and K.

MATCH LINE - SEE SHEET 2



# *GIULIANO FIRST SUBDIVISION*

BEING A SUBDIVISION OF THE GIULIANO ADDITION TO THE CITY OF LOVELAND, COLORADO  
SITUATE IN THE SOUTH 1/2 OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH P.M.,  
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

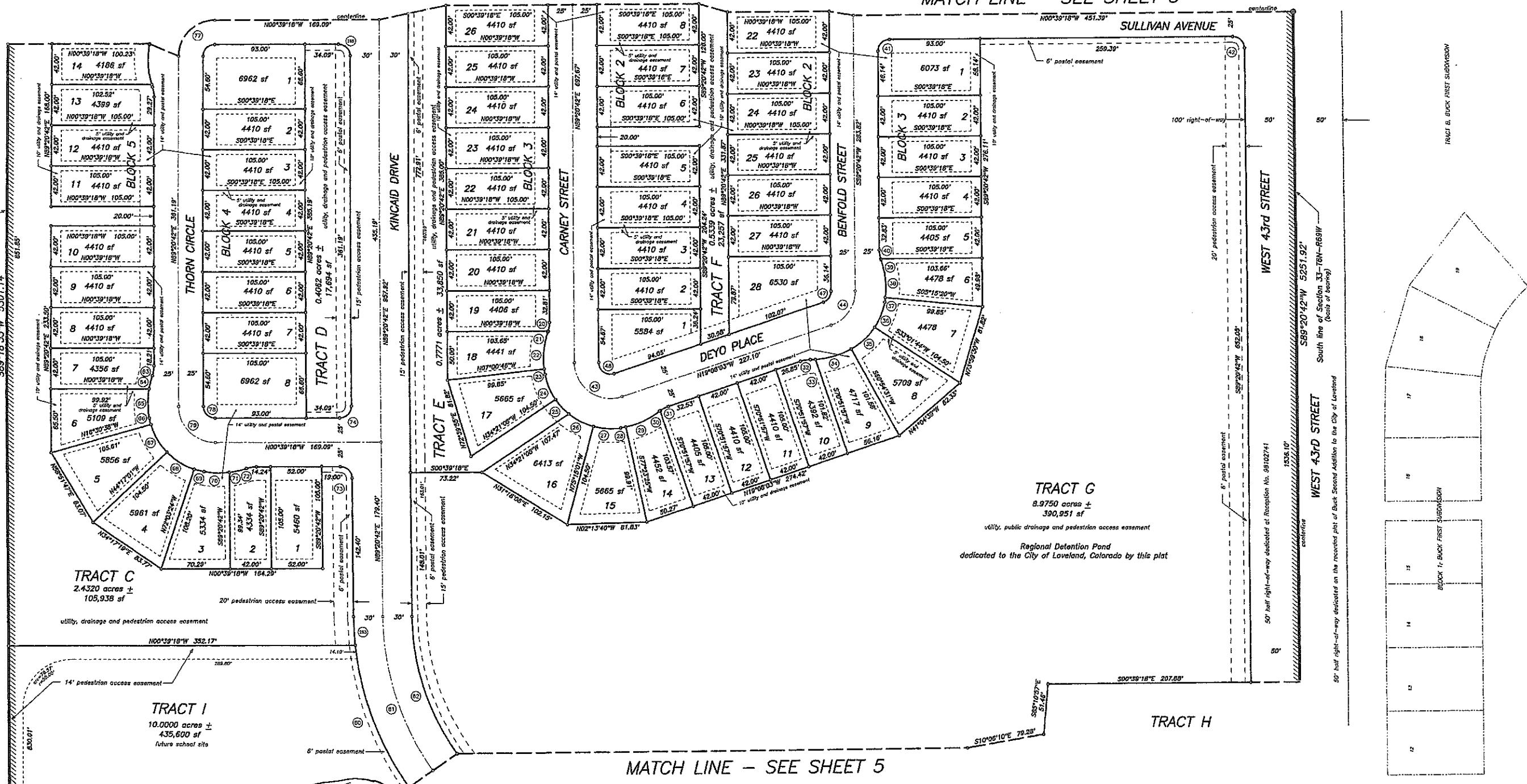
**GIULIANO FIRST SUBDIVISION**

SCALE - 1"=50'  
MAY 9th, 2003

A horizontal scale bar divided into 15 equal segments. The segments are labeled with the values 0, 50, 100, and 150, corresponding to the first, third, sixth, and eighth segments respectively. Below the scale, the text "GRAPHIC SCALE - FEET" is printed.

Ord. 5227 Vacates the rear 2 feet  
of the 14 feet utility, postal easement  
along all the street ROW's in blocks  
1,2,3,4,5,6,7, and 8 and tracts  
A,C,E,F,G,J and K.

MATCH LINE - SEE SHEET 3



Ord. 5439 Vacates this portion of the  
of utility, drainage, open space, and  
pedestrian access easement in Tract

MAY 9th, 2003  
Stewart & Associates, Inc.  
PLAT - SHEET 4 OF 9



# GIULIANO FIRST SUBDIVISION

BEING A SUBDIVISION OF THE GIULIANO ADDITION TO THE CITY OF LOVELAND, COLORADO  
SITUATE IN THE SOUTH 1/2 OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH P.M.,  
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

SCALE - 1" = 50'  
MAY 9th, 2003

A horizontal scale with tick marks every 10 units, labeled 0, 50, 100, and 150. The scale is labeled "GRAPHIC SCALE - FEET" below it.

## *GIULIANO FIRST SUBDIVISION*

BEING A SUBDIVISION OF THE GIULIANO ADDITION TO THE CITY OF LOVELAND, COLORADO  
SITUATE IN THE SOUTH 1/2 OF SECTION 33, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH P.M.,  
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

SCALE - 1"=50'  
MAY 9th, 2003

A horizontal scale bar with tick marks every 10 units, labeled 0, 50, 100, and 150. Below the scale is the text "GRAPHIC SCALE - FEET".

MATCH LINE - SEE SHEET 6

