



## **LOVELAND PLANNING COMMISSION MEETING AGENDA**

**Monday, October 14, 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**

### **IV. APPROVAL OF MINUTES**

#### **Review and approval of the 9/23/2013 Meeting minutes**

### **V. 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. Park Lane Addition, Annexation Amendment**

This is a public hearing to consider a legislative action requesting amendment to the Park Lane Addition Annexation Ordinance. The Park Lane Addition was annexed into the City in August of 1977 by Ordinance 1587. The property includes 6 lots within a 4 acre area of land located on the west side of N.

Garfield Avenue between W. 41<sup>st</sup> Street and W. 43<sup>rd</sup> Street. The property is zoned B- Developing Business which allows for a number of commercial and office uses by right, and additional uses by special review. The annexation ordinance was approved subject to a condition on the annexation petition that there shall be no building permits issued without a Special Review Site Plan in accordance with Title 18 of the Municipal Code. The applicant is requesting the elimination of this condition.

## **2. Lee Farm 1<sup>st</sup> Subdivision**

This is consideration of a request for an additional two year extension for the approval of the Lee Farm 1st Subdivision preliminary plat. The preliminary plat and PUD Preliminary Development Plan were originally approved by the Planning Commission on August 23, 2010. Section 16.20.020 of the Municipal Code stipulates that approval of a preliminary plat is valid for only 1 year. An initial request for a 2 year extension of the preliminary plat was considered and approved by the Planning Commission on August 8, 2011, extending the validity of the preliminary plat until August 24, 2013. The current request is to extend this deadline to August 24, 2015.

## **VI. REGULAR AGENDA:**

### **3. Artspace Lofts Project (Loveland Addition) Site Development Plan**

This is a public hearing and quasi-judicial matter to consider a Site Development Plan (SDP) that was prepared for the redevelopment of property located in downtown directly west of the Feed & Grain building. The project is referred to as the Artspace Lofts which consists of a 30-unit mixed use residential building, envisioned to provide affordable live/work opportunities to artists. The Artspace building would be a 4-story structure designed in concert with the Feed & Grain building in terms of scale and use of exterior materials. The building includes a first floor 1,145 square foot work area/gallery space, for the residents to use in designing and displaying their artwork. The Planning Commission has the responsibility to review this project in relation to the BE zoning district provisions and to render a final decision on the Site Development Plan.

## **VII. ADJOURNMENT**

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**September 23, 2013**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on September 23, 2013 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Massaro, Molloy, Dowding, Krenning, and Prior. Members absent: Commissioners Crescibene and 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. **Mr. Bob Paulsen, Current Planning Manager**, shared that there are items on the Planning Commission Meeting agenda for the remainder of the year. He added that at the last Title 18 Committee meeting, the Concept Review process was discussed. He recommended that the Planning Commission hold a study session later this year to review the Concept Review meeting process. This can be done during a regular scheduled Planning Commission meeting.

**COMMITTEE REPORTS**

**Commissioner Rob Molloy** stated that he also felt there was a good discussion regarding the Concept Review process at the last Title 18 meeting.

**COMMISSIONER COMMENTS**

**Commissioner Troy Krenning** questioned what process an established business impacted by the recent flooding in Loveland would have to follow should they make the decision to make repairs in order to reopen. **Mr. Paulsen** responded that the owners of the affected building would have the option to rebuild within their same footprint, inside a period of one year, through the building permit process. **Mr. Krenning** asked if they would have to bring their buildings up to code given the fact that building codes have changed dramatically since some of the businesses were established in the late 1960's and 1970's. **Mr. Paulsen** explained that from a Planning perspective, as long as their plans remained the same in the site design, Planning would not be implementing new standards. He stated that if a business was non-conforming, they could remain non-conforming when reopening.

**Commissioner Massaro** applauded the City's response to the devastating floods that hit Loveland over the past week. He stated the volunteers and city staff did an outstanding job.

**Chair Meyers** stated that during the Title 18 Committee meeting, there was discussion on how to expedite the building process for those impacted by the flooding. He made a commitment that the Planning Commission would do everything possible to ensure an accelerated process for anyone trying to rebuild.

**Ms. Judy Schmidt**, Deputy City Attorney, clarified that city code provides any business with a non-conforming use wishing to rebuild after the flood, can do so if they begin work within six months and complete the work by eighteen months. Any extension to this timeframe would require an act of Council because it is set forth in the Municipal Code.

**Mr. Krenning** congratulated **Mr. Kevin Gingery, Stormwater Engineer**, for his excellent work on a project he did several years ago regarding storm water predictions on the north and west side of town. His work and planning helped mitigate the damage in the city flood zone.

### **APPROVAL OF THE MINUTES**

**Chair Meyers** asked if there were any corrections needed in the September 9, 2013 meeting minutes. Needing no amendments, **Commissioner Middleton** moved to approve the minutes. Upon a second by **Commissioner Dowding**, the meeting minutes were approved unanimously.

### **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. Artspace Project-Vacation of Public ROW**

This is a public hearing to consider a request for vacating public right-of-way within the Loveland Addition. The right-of-way to be vacated includes an L-shaped alley that connects to the south side of W 3<sup>rd</sup> Street and terminates on the west side of the Feed & Grain Building. The subject portion of right-of-way will need to continue to provide public access and does include existing utilities. A public access and utility easement will need to be retained in conjunction with vacation.

#### **2. Amendment to Chapter 7.18 of the Municipal Code regarding Weed Control**

**Mr. Middleton** made a motion to move item number two (2) on the regular agenda, Amendment to Chapter 7.18 of the Municipal code regarding weed control, to the consent agenda. Upon a second from **Mr. Krenning**, the motion was unanimously approved and the item was moved from the regular agenda to the consent agenda.

**Mr. Middleton** made a motion to approve the consent agenda. Upon a second from **Ms. Dowding** items one (1), and two (2), on the consent agenda were unanimously approved.

**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:

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Buddy Meyers, Planning Commission Chairman

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Kimber Kreutzer, Planning Commission Secretary



## Development Services Current Planning

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

### Planning Commission Staff Report

October 14, 2013

**Agenda #:** Consent Agenda - 1

**Title:** Park Lane Addition, Annexation  
Amendment (PZ #13-00107)

**Applicant:** Tribus Anstalt

**Request:** **Amend Annexation Ordinance**

**Location:** West side of N. Garfield Avenue  
between W. 41<sup>st</sup> Street and W. 43<sup>rd</sup>  
Street

**Existing Zoning:** B – Developing Business

**Proposed Use:** Undetermined

**Staff Planner:** Troy Bliss

#### **Staff Recommendation**

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

#### **Recommended Motions:**

1. *Move to recommend that City Council approve the Applicant's request to amend the Park Lane Addition annexation ordinance to modify a condition of the annexation petition as set forth in Section IX of this report, as amended on the record.*

#### **Summary of Analysis**

This is a public hearing to consider a legislative action requesting amendment to the Park Lane Addition Annexation Ordinance. The Park Lane Addition was annexed into the City in August of 1977 by Ordinance 1587 (the "Annexation Ordinance"). The property includes 6 lots within a 4 acre area of land located on the west side of N. Garfield Avenue between W. 41<sup>st</sup> Street and W. 43<sup>rd</sup> Street. The property is zoned B- Developing Business which allows for a number of commercial and office uses by right, and additional uses by special review. The annexation ordinance was approved subject to a condition on the annexation petition that there shall be no building permits issued without a Special Review Site Plan in accordance with Title 18 of the Municipal Code.

The property owner has no plans for development and would like to market the property for sale. According to the owner, the condition presents impediments for the marketing and reuse of the property compared to other sites zoned B- Developing Business. Therefore, a request is being made to amend the annexation condition so that it would not be applicable to uses allowed by right in the B district.

## I. SUMMARY

In January of 1987, the City annexed a 4 acre parcel of land into its municipal boundaries on the west side on N. Garfield Avenue between W. 42st Street and W. 43<sup>rd</sup> Street known as the Park Lane Addition. The property was zoned B – Developing Business. When the annexation ordinance was considered on first reading (July 19, 1977) and subsequent second reading (August 2<sup>nd</sup> 1977), it referenced conditions in the annexation petition that would be applicable to the property. The annexation ordinance with all the conditions from the annexation petition function much like annexation agreements have functioned in recent years—which include specific requirements that need to be satisfied in conjunction with development. Included in **Attachment 2** is the annexation petition listing all of the conditions applied to the annexation ordinance. The associated annexation ordinance is included in **Attachment 3**.

The property owner wants to sell the property. Marketing it for commercial development, particularly with respect to uses that would be normally be allowed by right in the B district, is creating some difficulty from the owner's perspective given the Special Review condition.

## II. ATTACHMENTS

1. Letter of justification for amending the Park Lane Addition Annexation Ordinance
2. Park Lane Addition Annexation Petition
3. Park Lane Addition Annexation Ordinance (Ordinance #1587)
4. Park Lane Addition Annexation Map

## III. VICINITY MAP



## IV. SITE DATA

ACREAGE OF SITE: ..... APPROXIMATELY 4 ACRES

PROPERTY ZONING / USE .....	B – DEVELOPING BUSINESS
EXISTING ZONING / USE - NORTH .....	B – DEVELOPING BUSINESS / VACANT UNDEVELOPED
EXISTING ZONING / USE - SOUTH.....	B – DEVELOPING BUSINESS / LIGHT INDUSTRIAL (MM SOLUTIONS)
EXISTING ZONING / USE - EAST .....	B – DEVELOPING BUSINESS / STRIP COMMERCIAL AND PROFESSIONAL OFFICES
EXISTING ZONING / USE - WEST .....	R3 – DEVELOPING HIGH DENSITY RESIDENTIAL / MOBILE HOME COMMUNITY

## **V. KEY ISSUES**

There are no key issues regarding this request to amend the Park Lane Addition Annexation Ordinance. City Divisions have no objections. Should this request to amend the annexation ordinance be approved, subsequent Site Development Plans (SDPs) will be required for uses allowed by right, prior to building permits being issued, to assure that future development complies with all applicable City standards.

## **VI. BACKGROUND**

The subject property was annexed in 1977 as the Park Lane Addition zoned B – Developing Business. It is designated as Lots 1-6 which contains approximately 4 acres on the west side of N. Garfield Avenue between W. 41<sup>st</sup> Street and W. 43<sup>rd</sup> Street. The most southern lot (Lot 1) contains three existing single family homes. One is currently be used as a commercial sign business. The other two houses are vacant. These lots fall within the Highway 287 Commercial Corridor as identified on the Comprehensive Master Plan. The property is completely surrounded by existing and undeveloped commercial land with the exception of a mobile home community directly to the west.

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

- A. **Notification:** An affidavit was received from Larry Melton, on behalf of the applicant, certifying that written notice was mailed to all property owners within a 1,200 foot radius and notices were posted in a prominent location on the perimeter on September 11, 2013. In addition, a notice was published in the Reporter Herald on September 28, 2013.
- B. **Neighborhood Response:** A neighborhood meeting is not required in conjunction with an application to amend a zoning ordinance. Staff has received a number of phone calls from surrounding property owners wishing to obtain additional information. Upon discovering that this request is to amend a condition placed on the annexation of the property and that no development is currently being proposed, no concerns were raised.

## **VIII. FINDINGS AND ANALYSIS**

There is no analysis or specific findings required by the Municipal Code or by State Statute when amending an ordinance tied to annexation. Nonetheless, City development review staff has evaluated the request and has no objection to the removal of the condition. The Current Planning office believes that the requirement that all uses undergo special review approval is unnecessary, as the City has adopted standards since the annexation of this property in 1977 that assures quality development that reflects the policies of the Comprehensive Plan. If the condition is removed as requested, uses that would normally require special review approval as specified in the B-District would be subject to that requirement.

The Planning Commission is being asked to evaluate the information provided and arrive at recommendation to present to City Council.

## **IX. RECOMMENDATION**

City Staff recommends the following condition executed in an annexation petition dated July 18, 1977 be stricken and no longer associated with the property:

(11). (g). There shall be no building permits issued without a Special Review Site Plan in accordance with Title 18 of the Municipal Code.

# TRIBUS ANSTALT

Städtle 28  
P.O. Box 683  
FL-9490 Vaduz  
Principality of Liechtenstein

Tel. 00423 236 38 20  
Fax 00423 236 38 21

Mr. Cecil Gutierrez, Mayor  
City of Loveland  
500 E. Third Street  
Loveland, Colorado 80537

June 18, 2013

**RE: Park Lane Addition -- Removal of 'Special Review Provision'**

Dear Mr. Gutierrez

We, Profile Management Trust reg. are the representatives of Tribus Anstalt. Tribus Anstalt is the owner of Lots 1, 2, 3, 4, 5 & 6, Block 1, Park Lane Addition which have street addresses of 4109 N. Garfield Avenue (Lots 1, 2 & 3) and 114 and 126 W. 43<sup>rd</sup> Street (Lots 4, 5 & 6), Loveland, Colorado 80538. Lots 1 & 2 are improved with a circa 1900 bungalow style residence and several outbuildings. These improvements are in dis-repair and add no contributory value to the property. Lots 3, 4, 5 & 6 are unimproved at this time.

We are preparing to market Park Lane Addition 'for sale' so it can be developed to its highest & best use as commercial real estate. We will be represented in this marketing effort by Ms. Annah Moore, Broker, Realtec Commercial Real Estate Services, Inc. and Larry Melton, Broker, Realtec-Loveland.

As shown on the City of Loveland 'Zoning District Map', Park Lane Addition is zoned 'B'-Developing Business. We are requesting the City of Loveland remove the requirement for 'Special Review Approval' for any development proposed to occur on the property. This requirement was placed on Park Lane Addition at the time of annexation in July 1977.

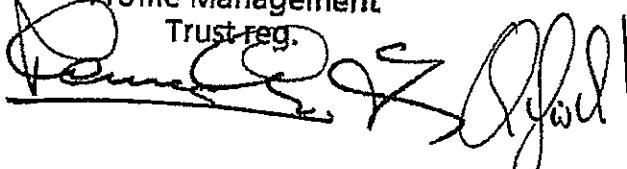
We believe this requirement is one that has outlasted its usefulness due to the City's planning and development review processes having evolved to account for those factors that would have been considered for proposed development on the property at the time of annexation. We see this requirement as an unnecessary burden to future development of the property. At this time, the City's Current Planning Department has the zoning and development guidelines and standards in place to competently review any development proposed on the property.

We hope that your consideration of this request is favorably received and viewed from a perspective of improving the planning and development processes applicable to Park Lane Addition. We look forward, with your assistance, in making Park Lane Addition a productive and useful asset for the City of Loveland.

Sincerely,

TRIBUS ANSTALT

Profile Management  
Trust reg.



**PC ATTACHMENT 1**

# TRIBUS ANSTALT

Städtle 28  
P.O. Box 683  
FL-9490 Vaduz  
Principality of Liechtenstein

Tel. 00423 236 38 20  
Fax 00423 236 38 21

Mr. Bob Paulsen  
Current Planning Manager  
City of Loveland  
500 E. Third Street  
Loveland, Colorado 80537

18 June 2013

## RE: Park Lane Addition – Owner Representation Authorization

Dear Mr. Paulsen

We, Profile Management Trust reg. are the representatives of Tribus Anstalt. Tribus Anstalt are the owner of Lots 1, 2, 3, 4, 5 & 6, Block 1, Park Lane Addition, which have street addresses of 4109 N. Garfield Avenue (Lots 1, 2 & 3) and 114 and 126 W. 43<sup>rd</sup> Street (Lots 4, 5 & 6), Loveland, Colorado 80538. Lots 1 & 2 are improved with a circa 1900 bungalow style residence and several outbuildings. Lots 3, 4, 5 & 6 are unimproved at this time.

We are preparing to market Park Lane Addition 'for sale' so it can be developed to its highest & best use as commercial real estate. We will be represented in this marketing effort by Ms. Annah Moore, Broker, Realtec Commercial Real Estate Services, Inc. and Mr. Larry Melton, Broker, Realtec-Loveland. We are currently resided in Liechtenstein. According to Ms. Moore and Mr. Melton, the marketing of Park Lane Addition will require property owner approval for potential buyers, and/or the broker representing us, to undertake various planning processes for Park Lane Addition to receive the required approvals for development as commercial real estate.

It is our understanding these planning processes may include, but are not limited to, re-platting Park Lane Addition to accommodate a specific user or to make the property suitable for development in accordance with the City's current guidelines and standards, an evaluation of the existing residence and outbuildings to assess their historic significance, etc. To assist a potential buyer in pursuing the required planning processes, we respectfully request the City of Loveland acknowledge Ms. Annah Moore as the 'authorized owner's representative' in all City of Loveland planning processes required to sign and file applications for City approvals for development of the property on behalf of the owner, including development applications for re-platting the property, special review, demolition of existing improvements, etc.

As evidenced by our signature below, please accept this letter as 'Owner Representation Authorization' for Ms. Annah Moore to act on our behalf in these matters for a period lasting twenty-four (24) months from the date of our signature. If the City of Loveland requires something other than this letter for Ms. Moore to act for Tribus Anstalt, please provide the necessary authorization documentation to Ms. Moore for our execution.

We understand that the City may require the signature of the property owner for planning agreements, plats, or other documentation intended to legally bind the owner of the property, rather than the authorized representative, either directly or by an attorney-in-fact under a valid power of attorney complying with Colorado laws. The City has indicated that it will notify Ms. Moore if owner signature is required for such documentation, as that need may be identified from time to time. The City has also indicated that it cannot provide a power of attorney for such purposes, and the owner will be responsible for obtaining the appropriate documentation when and if it is required.

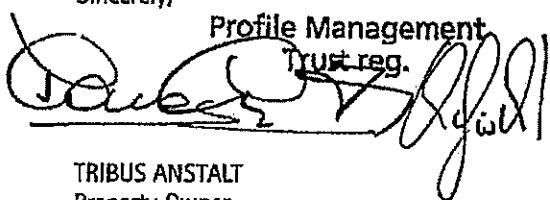
We hope your consideration of this request is favorably received and viewed from a perspective of promoting the development of Park Lane Addition. Our hope is to move forward as efficiently as possible with the disposition of Park Lane Addition.

We look forward, with your assistance, in making Park Lane Addition a productive and useful asset for the City of Loveland.

Sincerely,

Profile Management

Trust reg.



18. Juni 2013

\_\_\_\_\_  
Date

TRIBUS ANSTALT  
Property Owner  
Park Lane Addition

  
Annah Moore  
Broker  
Realtec Commercial Real Estate Services, Inc.

6/19/13  
\_\_\_\_\_  
Date

**PC ATTACHMENT 1**

PETITION FOR ANNEXATION

The undersigned, in accordance with Article 8, Chapter 31, Colorado Revised Statutes, 1973, hereby petition to the City Council of the City of Loveland, Colorado, for annexation to the City of Loveland, the following described unincorporated territory located in the County of Larimer, State of Colorado, to-wit:

Property located in Sections 1 and 2, all in Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado, being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 2 as bearing North 89°59'15" West and with all bearings contained herein relative thereto.

Beginning at the Northeast corner of said Section 2; thence along said North line of the Northeast Quarter North 89°59'15" West 400.00 feet to the East line of Ridgeview South Addition to the City of Loveland, Colorado; thence along said East line South 00°46'30" West 175.00 feet to the South line of said Ridgeview South Addition; thence along the Easterly prolongation of said South line of said Ridgeview South Addition South 89°59'15" East 50.00 feet; thence South 00°46'30" West 546.23 feet; thence North 89°59'07" East 350.00 feet to the East line of the Northeast Quarter of said Section 2; thence continuing North 89°59'07" East 51.49 feet to the Easterly right of way line of U. S. Highway No. 287; thence along said Easterly right of way line North 00°39'23" East 721.02 feet to the Easterly prolongation of the North line of said Northeast Quarter of Section 2; thence along said Easterly prolongation North 89°59'15" West 50.00 feet to the point of beginning, and hereby designated "PARK LANE ADDITION" to the City of Loveland, Colorado.

and in support of said Petition, your petitioners allege that:

(1). It is desirable and necessary that the above described territory be annexed to the City of Loveland, Colorado;

(2). That no less than one-sixth (1/6) of the perimeter of the area proposed to be annexed is contiguous with the City of Loveland, Colorado;

**PC ATTACHMENT 2**

(3). A community of interest exists between the territory proposed to be annexed and the City of Loveland, Colorado;

(4). The territory proposed to be annexed is urban or will be organized in the near future;

(5). The territory proposed to be annexed is integrated or is capable of being integrated with the City of Loveland, Colorado;

(6). The signatures of the Petition comprise one hundred per cent (100%) of the landowners of the territory to be included in the area proposed to be annexed and said landowners attesting to the facts herein contained will negate the necessity of any annexation election;

(7). No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate

(a). Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;

(b). Comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon, has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes for the year preceding the annexation, is included within the territory proposed to be annexed without the written consent of the landowner or landowners.

(8). The mailing address of each signer, the legal description of the land owned by each signer, and the date of signing of each signature are all shown on this Petition;

(9). Accompanying this Petition are four (4) prints of

the annexation map containing the following information:

- (a). A written legal description of the boundaries proposed to be annexed;
- (b). A map showing the boundary of the area proposed to be annexed, such map prepared and containing the seal of a registered engineer or land surveyor;
- (c). Within the annexation boundary map there is shown the location of each ownership tract in unplatted land, and if part or all of the area to be platted, then the boundaries and the plat number of plots or of lots and blocks are shown;
- (d). Next to the boundary of the area proposed to be annexed is drawn the contiguous boundary of the City of Loveland, and the contiguous boundary of any other municipality abutting the area proposed to be annexed;
- (e). The dimensions of the contiguous boundaries are shown on the map.

(10). The above described territory is not presently a part of any incorporated city, city and county, or town.

(11). The following conditions shall be complied with:

- (a). Water rights as required by the Municipal Code;
- (b). Five percent (5%) for recreation, to be furnished in cash;
- (c). Zoning recommended DE, Developing Business District;
- (d). That Petitions for Exception No. 115 and 116 are approved by the City Council;
- (e). That a revised Petition for Exception No. 130 should be filed requesting that a part width

Street be permitted for Grant Avenue;

(f). That the frontage "road" be changed to frontage street; and

(g). There shall be no building permits issued without a Special Review Site Plan in accordance with Title 18 of the Municipal Code.

EXECUTED this 18<sup>th</sup> day of July, 1977, by Everard S. Downing and Geraldene B. Downing.

The addresses of the above-described petitioners are as follows:

Everard S. Downing  
1316 Hazel Court  
Loveland, Colorado 80537

Geraldene B. Downing  
1316 Hazel Court  
Loveland, Colorado 80537

Everard S. Downing  
Everard S. Downing  
Geraldene B. Downing  
Geraldene B. Downing

STATE OF COLORADO      )  
                            )      SS:  
COUNTY OF LARIMER      )

The foregoing Petition for Annexation was acknowledged before me this 18<sup>th</sup> day of July, 1977, by Everard S. Downing and Geraldene B. Downing.

WITNESS my hand and official seal.

My Commission expires October 25, 1977

Babette S. Bannock  
Notary Public

**-PC ATTACHMENT 2**

R E S O L U T I O N

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

The City Council of the City of Loveland finds that the Petition for Annexation filed by petitioners on \_\_\_\_\_, 1977, with the City Clerk of the City of Loveland, Colorado, for the annexation of certain land described in said Petition, is eligible to be annexed because there is at least one-sixth (1/6) contiguity between the municipality and the area seeking annexation and at least two (2) of the following conditions have been met:

(a). More than fifty per cent (50%) of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial or commercial facilities of the municipality and more than twenty-five per cent (25%) of its adult residents are employed in the annexing municipality;

(b). Less than one-half (1/2) of the land proposed to be annexed is agricultural, or, if it is agricultural, less than one-half (1/2) of the landowners of the total area have expressed an intention under oath to devote the land to such agricultural use for at least five (5) years.

(c). It is practical to extend urban services which the municipality normally provides.

The City Council further determines the applicable parts of Sections 3 and 4 of The Municipal Annexation Act of 1965 have been met and further determines that an election is not required under Section 6 (2) of said Act and that there are no other terms and conditions to be imposed upon said annexation; and

**PC ATTACHMENT 2**

Having found that "PARK LANE ADDITION" is eligible to become annexed, the City Council of the City of Loveland, Colorado, will undertake further annexation proceedings.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Date

P E T I T I O N   F O R   E X C E P T I O N

*Block*

TO THE SUBDIVISION REGULATIONS NO. 115

To the City Council of the City of Loveland, Colorado, and the Planning Commission for the City of Loveland, Colorado:

The undersigned, or the duly authorized representatives thereof, being the owner(s) and lienholder(s) of the following described real property, to-wit: (1)

Park Lane Addition to the City of Loveland, County of Larimer, State of Colorado.

do hereby petition for an exception for the above described property to Section 16.24.160 A, B, C, D (2) in accordance with Chapter 16.32 of the Municipal Code of the City of Loveland, Colorado, as follows: (3)

Street Cross-Sections.

Curb and Gutter and street plan and profile.

Sewer and water plans and profiles.

The said Petition for Exception is required for the following reasons: (4)

Existing cross section.

Existing curb and gutter.

Existing sewer and water in 43rd and Grant Avenue, and Highway No. 287.

There is attached hereto and made a part hereof three (3) copies of the drawing of the proposed exception.

Respectfully submitted,

*Everard S. Downing*  
Everard S. Downing

*Geraldene B. Downing* (5)  
Geraldene B. Downing

STATE OF COLORADO )  
                         ) ss.  
COUNTY OF LARIMER )

Everard S. Downing and Geraldene B. Downing, being first duly sworn upon their oath, depose(s) and say(s): That they are the owner(s) and lienholder(s) of the above described real property; that they have (have) read the above Petition and know(s) the contents thereof and that the matters stated therein are true.

*Everard S. Downing*  
Everard S. Downing

*Geraldene B. Downing* (5)  
Geraldene B. Downing

Subscribed and sworn to before me this 1/10 day of March, 1977, by Everard S. Downing and Geraldene B. Downing.

My commission expires October 30, 1978

Filed in City Clerks Office  
Date MAR 28 1977

*Elizabeth Thompson*  
Notary Public F-125

By B.M.

(OVER)  
**PC ATTACHMENT 2**

P E T I T I O N   F O R   E X C E P T I O N

*Clerk*

TO THE SUBDIVISION REGULATIONS NO. 114

To the City Council of the City of Loveland, Colorado, and the Planning Commission for the City of Loveland, Colorado:

The undersigned, or the duly authorized representatives thereof, being the owner(s) and lienholder(s) of the following described real property, to-wit: (1)

Park Lane Addition to the City of Loveland, County of Larimer, State of Colorado.

do hereby petition for an exception for the above described property to Section 16.28.070 (2) in accordance with Chapter 16.32 of the Municipal Code of the City of Loveland, Colorado, as follows: (3)

Alleys and Easements

The said Petition for Exception is required for the following reasons: (4)

Alleys will not be required because a 10 foot easement is provided at the rear of all lots.

There is attached hereto and made a part hereof three (3) copies of the drawing of the proposed exception.

Respectfully submitted,

Everard S. Downing  
Everard S. Downing

Geraldene B. Downing (5)  
Geraldene B. Downing

STATE OF COLORADO )  
                      ) ss.  
COUNTY OF LARIMER )

Everard S. Downing and Geraldene B. Downing, being first duly sworn upon their oath, depose(s) and say(s): That they ~~are~~ the owner(s) and lienholder(s) of the above described real property; that they ~~have~~ read the above Petition and know(s) the contents thereof and that the matters stated therein are true.

Everard S. Downing  
Everard S. Downing

Geraldene B. Downing (5)  
Geraldene B. Downing

Subscribed and sworn to before me this 31<sup>st</sup> day of March, 1977, by Everard S. Downing and Geraldene B. Downing.

My commission expires October 30, 1978

Filed in City Clerks Office  
MAR 28 1977

Elizabeth M. Martin  
Notary Public

(OVER)

**PC ATTACHMENT 2**

P E T I T I O N F O R E X C E P T I O N

TO THE SUBDIVISION REGULATIONS NO. 130

To the City Council of the City of Loveland, Colorado, and the Planning Commission for the City of Loveland, Colorado:

The undersigned, or the duly authorized representatives thereof, being the owner(s) and lienholder(s) of the following described real property, to-wit: (1)

Park Lane Addition to the City of Loveland, County of Larimer, State of Colorado.

Filed in City Clerks Office

Date MAY 2 1977

By B.M.

do hereby petition for an exception for the above described property to Section 16.28.060 L (2) in accordance with Chapter 16.32 of the Municipal Code of the City of Loveland, Colorado, as follows: (3)

Streets and highways.

The said Petition for Exception is required for the following reasons: (4)

Part wide street; Less than 40 foot of roadway is dedicated for Grant and 41st Street because the existing roads are not in the boundary of this subdivision.

There is attached hereto and made a part hereof three (3) copies of the drawing of the proposed exception.

Respectfully submitted,

Everard S. Downing  
Everard S. Downing

Geraldene B. Downing (5)  
Geraldene B. Downing

STATE OF COLORADO )  
                         ) ss.  
COUNTY OF LARIMER )

Everard S. Downing and Geraldene B. Downing, being first duly sworn upon their oath, depose(s) and say(s): That they ~~are~~ (are) the owner(s) and lienholder(s) of the above described real property; that they ~~has~~ (have) read the above Petition and know(s) the contents thereof and that the matters stated therein are true.

Everard S. Downing  
Everard S. Downing

Geraldene B. Downing (5)  
Geraldene B. Downing

Subscribed and sworn to before me this 2nd day of MAY, 1977, by Everard S. Downing and Geraldene B. Downing.

My commission expires OCTOBER 30, 1978

Elizabeth Packham  
Notary Public

(OVER)  
**PC ATTACHMENT 2**

19  
FIRST READING 7-18-77  
SECOND READING 8-2-77

ORDINANCE NO. 1587

AN ORDINANCE APPROVING THE ANNEXATION OF  
CERTAIN TERRITORY TO THE CITY OF LOVELAND,  
COLORADO, TO BE KNOWN AND DESIGNATED AS  
"PARK LANE ADDITION" TO THE CITY OF LOVELAND,  
COLORADO.

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

Section 1: That a Petition for Annexation, together with four (4) copies of the plat of said territory as required by law, was filed with the City Council on the 5<sup>th</sup> day of July, 1977, by the owners of one hundred per cent (100%) of the area of the territory hereinafter described. The Council, by Resolution at its regular meeting on the 5<sup>th</sup> day of July, 1977, accepted said Petition and found and determined that the applicable parts of Sections 3 and 4 of The Municipal Annexation Act of 1965 have been met and further determined that an election was not required under Section 6 (2) of The Municipal Annexation Act of 1965 and further found that no additional terms and conditions were to be imposed upon said annexation except those set out on said Petition.

Section 2: That the annexation to the City of Loveland designated as "PARK LANE ADDITION" to the City of Loveland, is hereby approved:

Property located in Sections 1 and 2, all in Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado, being more particularly described as follows:

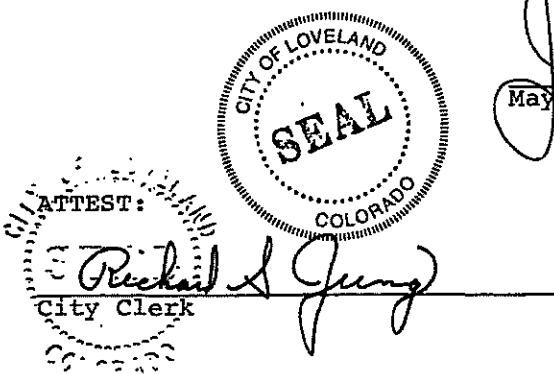
PC ATTACHMENT 3

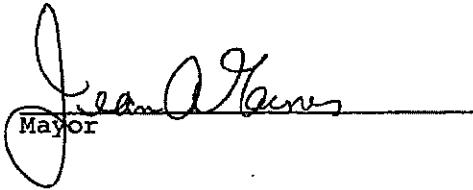
Considering the North line of the Northeast Quarter of said Section 2 as bearing North 89°59'15" West and with all bearings contained herein relative thereto.

Beginning at the Northeast corner of said Section 2; thence along said North line of the Northeast Quarter North 89°59'15" West 400.00 feet to the East line of Ridgeview South Addition to the City of Loveland, Colorado; thence along said East line South 00°46'30" West 175.00 feet to the South line of said Ridgeview South Addition; thence along the Easterly prolongation of said South line of said Ridgeview South Addition South 89°59'15" East 50.00 feet; thence South 00°46'30" West 546.23 feet; thence North 89°59'07" East 350.00 feet to the East line of the Northeast Quarter of said Section 2; thence continuing North 89°59'07" East 51.49 feet to the Easterly right of way line of U. S. Highway No. 287; thence along said Easterly right of way line North 00°39'23" East 721.02 feet to the Easterly prolongation of the North line of said Northeast Quarter of Section 2; thence along said Easterly prolongation North 89°59'15" West 50.00 feet to the point of beginning, and hereby designated "PARK LANE ADDITION" to the City of Loveland, Colorado.

Section 3: That the annexation of said territory is subject to the conditions set forth in Paragraph (11) of the Petition for Annexation of said territory filed with the City of Loveland.

Section 4: The City Council herewith finds, determines and designates that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, in order to provide for the orderly development of said area; and whereas, in the opinion of the City Council, an emergency exists, this Ordinance shall take effect and be in force immediately after its passage, adoption and signature of the mayor.





FIRST READING 7-15-77  
SECOND READING 8-2-77

ORDINANCE NO. 1587

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "PARK LANE ADDITION" TO THE CITY OF LOVELAND, COLORADO.

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

Section 1: That a Petition for Annexation, together with four (4) copies of the plat of said territory as required by law, was filed with the City Council on the 5<sup>th</sup> day of July, 1977, by the owners of one hundred per cent (100%) of the area of the territory hereinafter described. The Council, by Resolution at its regular meeting on the 5<sup>th</sup> day of July, 1977, accepted said Petition and found and determined that the applicable parts of Sections 3 and 4 of The Municipal Annexation Act of 1965 have been met and further determined that an election was not required under Section 6 (2) of The Municipal Annexation Act of 1965 and further found that no additional terms and conditions were to be imposed upon said annexation except those set out on said Petition.

Section 2: That the annexation to the City of Loveland designated as "PARK LANE ADDITION" to the City of Loveland, is hereby approved:

Property located in Sections 1 and 2, all in Township 5 North, Range 69 West of the 6th Principal Meridian, Larimer County, Colorado, being more particularly described as follows:

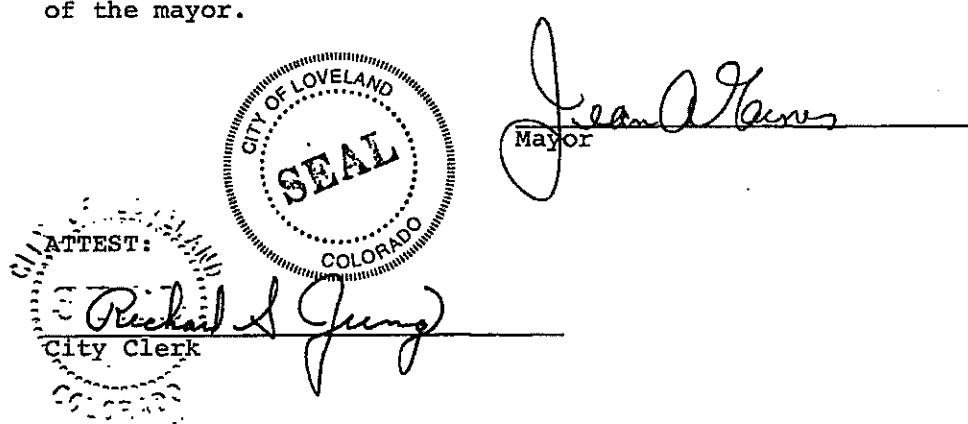
**PC ATTACHMENT 3**

Considering the North line of the Northeast Quarter of said Section 2 as bearing North 89°59'15" West and with all bearings contained herein relative thereto.

Beginning at the Northeast corner of said Section 2; thence along said North line of the Northeast Quarter North 89°59'15" West 400.00 feet to the East line of Ridgeview South Addition to the City of Loveland, Colorado; thence along said East line South 00°46'30" West 175.00 feet to the South line of said Ridgeview South Addition; thence along the Easterly prolongation of said South line of said Ridgeview South Addition South 89°59'15" East 50.00 feet; thence South 00°46'30" West 546.23 feet; thence North 89°59'07" East 350.00 feet to the East line of the Northeast Quarter of said Section 2; thence continuing North 89°59'07" East 51.49 feet to the Easterly right of way line of U. S. Highway No. 287; thence along said Easterly right of way line North 00°39'23" East 721.02 feet to the Easterly prolongation of the North line of said Northeast Quarter of Section 2; thence along said Easterly prolongation North 89°59'15" West 50.00 feet to the point of beginning, and hereby designated "PARK LANE ADDITION" to the City of Loveland, Colorado.

Section 3: That the annexation of said territory is subject to the conditions set forth in Paragraph (11) of the Petition for Annexation of said territory filed with the City of Loveland.

Section 4: The City Council herewith finds, determines and designates that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, in order to provide for the orderly development of said area; and whereas, in the opinion of the City Council, an emergency exists, this Ordinance shall take effect and be in force immediately after its passage, adoption and signature of the mayor.







## DEVELOPMENT SERVICES Current Planning

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

### Planning Commission Staff Report October 14, 2013

<b>Agenda #:</b>	Consent - Item #2
<b>Title:</b>	Lee Farm 1 <sup>st</sup> Subdivision
<b>Applicant:</b>	G.A. Lee Farm, LLC
<b>Request:</b>	Two year extension of approval for subdivision preliminary plat
<b>Legal Description:</b>	Lee Farm Addition
<b>Location:</b>	along the west side of North Wilson Avenue, approx. 2,000 ft. south of West 43rd Street
<b>Existing Zoning:</b>	Lee Farm PUD (P# 91)
<b>Staff Planner:</b>	Brian Burson

#### **Staff Recommendation**

**APPROVAL** of an additional two year extension of the subdivision preliminary plat.

#### **Recommended Motion:**

*"Move to extend approval of the Lee Farm 1<sup>st</sup> Subdivision preliminary plat to the date of August 24, 2015, subject to the conditions of approval adopted by the Planning Commission on August 23, 2010."*

#### **Summary of Analysis:**

This is consideration of a request for an additional two year extension for the approval of the Lee Farm 1<sup>st</sup> Subdivision preliminary plat. The preliminary plat and PUD Preliminary Development Plan were originally approved by the Planning Commission on August 23, 2010. Section 16.20.020 of the Municipal Code stipulates that approval of a preliminary plat is valid for only 1 year. An initial request for a 2 year extension of the preliminary plat was considered and approved by the Planning Commission on August 8, 2011, extending the validity of the preliminary plat until August 24, 2013. The current request for further extension was submitted to the City on July 17, 2013. Some uncertainty regarding process delayed presenting the request to the Planning Commission until now. However, the request for extension remained valid since it was submitted prior to August 24, 2013.

With the original approval of the related PUD Preliminary Development Plan, vested rights were acquired, granting validity to the PDP for three years. However, Section 18.41.050.E.6 of the City code also stipulates that approval of a PDP is only valid for 1 year. Because of this inconsistency in the Code, and to assure that the PDP also remained valid, the PDP was also extended by the Current Planning Manager to the date of August 24, 2013.

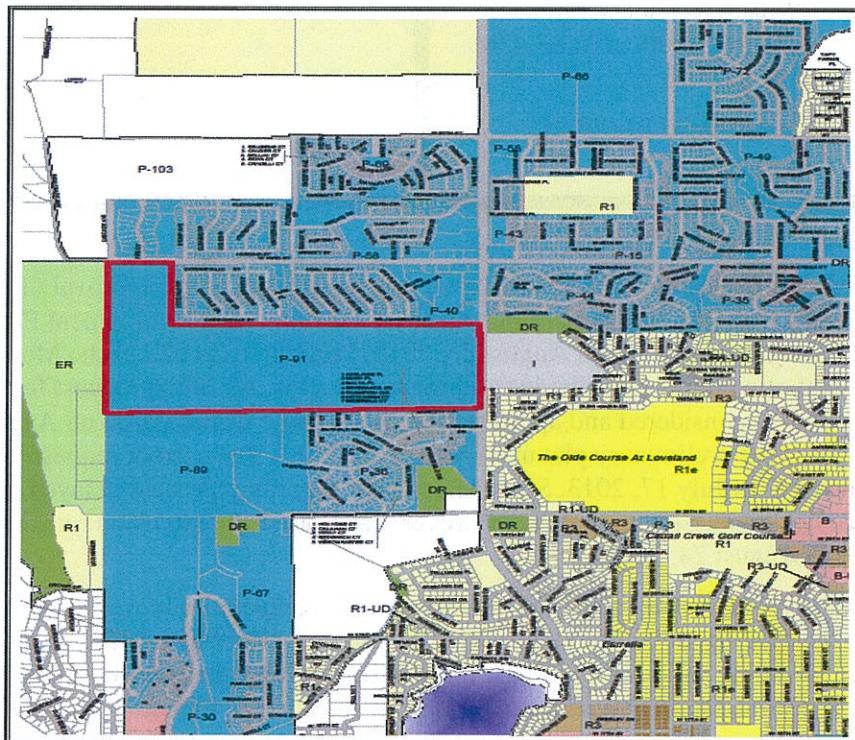
The project consists of 246.86 acres, and will include 5 housing types and densities, a small neighborhood commercial area, and a community center with a private park and athletic fields. Over 30% of the project area will be devoted to private open space.

## I. ATTACHMENTS:

1. Applicant's letter of extension request, dated June 17, 2013
2. Approved August 8, 2011 Planning Commission minutes
3. Approved August 23, 2010 Planning Commission minutes
4. August 23, 2010 Staff Report for Lee Farm 1<sup>st</sup> Subdivision PUD (without Attachments)
5. Overall depiction of the Lee Farm 1<sup>st</sup> Subdivision Preliminary Plat
6. Overall depiction of the Lee Farm 1<sup>st</sup> Subdivision PUD Preliminary Development Plan.

## II. STAFF ANALYSIS

The Owner/Applicant for Lee Farm 1<sup>st</sup> Subdivision PUD has submitted a request for another 2 year extension for the preliminary subdivision plat and the PUD Preliminary Development Plan. Lee Farm 1<sup>st</sup> Subdivision PUD is a phased PUD. The annexation and PUD General Development Plan were approved by the City Council on May 5, 2006. The preliminary plat and the related PUD Preliminary Development Plan were originally approved by the Planning Commission on August 23, 2010. An initial request for a 2 year extension of the preliminary plat was considered and approved by the Planning Commission on August 8, 2011, extending the validity of the preliminary plat until August 24, 2013. The approval of the PDP was also extended by the Current Planning Manager to the date of August 24, 2013.



Section 16.20.020 of the Municipal Code stipulates that a preliminary plat approval expires one year after approval by the Planning Commission. Only Planning Commission can grant

extensions of a preliminary plat approval. Section 18.41.050.E.6. of the Municipal Code stipulates that a PUD Preliminary Development Plan approval also expires one year after approval. Only the Current Planning Manager is authorized to grant extensions of a PDP approval.

Following the August 23, 2010 Planning Commission hearing, the Applicant took the steps necessary to qualify the project for statutory vested rights. When a PDP is vested, it is recognized as being valid for a period of three years. This inconsistency in the code has never been harmonized or resolved, and has required Developers to return to the City for extensions during the vested period. However, the statutory vesting for Lee Farm has also expired, and neither state statute nor City code contains provisions for extending statutory vested rights.

GA Lee Farm, LLC, represented by Tony Janicek, has requested another two year extension of the preliminary plat and the related PUD Preliminary Development Plan for Lee Farm. The letter of request cites economic and financial reasons for the extensions. If the Planning Commission grants the extension of the preliminary plat, the Current Planning Manager is prepared to grant the extension of the PDP. If approved, this would extend the validity of both the plat and PDP until August 24, 2015. By extending the approvals, it will preserve the right of the Applicant to submit to the City a Final Plat and PUD Final Development Plan that are substantially consistent with the approved preliminary plat and PUD Preliminary Development Plan.

City staff have considered the request for an additional extension of two years. Staff believes that the findings made by the staff and the Planning Commission for the initial approval on August 23, 2010 are still valid. During the intervening time, no new or substantially amended City standards have been adopted by the City that would make another extension inappropriate or result in a development that does not meet normal City standards. If the two year extension of the preliminary plat is approved by the Planning Commission, the Current Planning Manager will also extend approval of the PUD Preliminary Development Plan for the matching two year period.

### **III. RECOMMENDED CONDITIONS:**

Staff recommends that the same conditions adopted by the Planning Commission on August 23, 2010 be made part of any approval that may be given for this extension. By adopting the recommended motion in this staff report, these conditions will continue to be binding on the development.

G. A. Lee Farm  
PO Box 151  
Florence, OR 97439-0006

June 17, 2013

Mr. Robert Paulsen, Staff Liaison  
Planning Commission  
City of Loveland  
500 E. Third St.  
Loveland , CO 80537

RE: Lee Farm

Dear Bob:

This August 23, the PDP and PP approvals for the captioned development are set to expire. On behalf of G. A. Lee Farm, I am requesting the extension of the Planning Commission approvals for a two year period until August 23, 2015. As you know, for some time it has been a difficult financing environment for real estate development work especially land development of this size, but it does seem to be improving. The additional time will allow the market to improve and hopefully allow the development process to proceed.

Your assistance in this matter is greatly appreciated. Please let me know if there is anything else I need to do. Also let me know if and when this request gets forwarded to Planning Commission so I can attend.

  
Elizabeth Johnson

Cc: Brian Burson  
Joe Quinn  
Tony Janicek

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**August 8, 2011**

---

The meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 8, 2011 at 6:30 p.m. Members present: Chair Molloy; Vice Chair Meyers; and Commissioners Crescibene, Middleton, Dowding and Leadbetter. Commissioners Absent: Krenning, Ray and Fancher. City Staff present: Troy Bliss, Current Planning; Brian Burson Current Planning; Robert Paulsen, Current Planning Manager; Sunita Sharma, Assistant City Attorney.

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

**STAFF MATTERS**

**Assistant City Attorney Judy Schmidt** briefly introduced herself to the Planning Commission explaining that she would soon be assuming the duties of Assistant City Attorney that Ms. Sharma has been performing. She indicated that the change is simply an ongoing effort within the City Attorney's Office to cross-train and work with other city departments and the various boards and commissions.

**Robert Paulsen, Current Planning Manager**, reported that he provided the Commission with a memorandum regarding the Comprehensive Plan update. He stated that ten (10) revised and consolidated objectives have been identified and he asked the Planning Commission to review the objectives prior to the discussion at the August 22, 2011 Planning Commission Meeting.

**APPROVAL OF MINUTES**

*Commissioner Meyers made a motion to adopt the June 27, 2011 meeting minutes. Upon a second by Commissioner Dowding the motion was unanimously adopted. Commissioner Crescibene abstained.*

After a brief discussion regarding the lack of a quorum at the July 25, 2011 Planning Commission meeting, **Assistant City Attorney Sunita Sharma** reported there were no minutes from July 25, 2011 to approve, as no action other than continuance of agenda items was taken.

**COMMITTEE REPORTS**

**Vice Chair Meyers** stated that the Title 18 Committee will not meet in August and the items before the Commission are the items that they have been working on.

## **CONSENT AGENDA**

### **1. Lee Farm 1<sup>st</sup> Subdivision**

SUMMARY OF AGENDA ITEM: Consideration of a request for a two year extension for the approval of the Lee Farm 1st Subdivision preliminary plat, consisting of 246.86 acres. The preliminary plat was originally approved by the Planning Commission on August 23, 2010.

With the original approval of the related Lee Farm 1<sup>st</sup> Subdivision PUD Preliminary Development Plan, vested rights were acquired, assuring the validity of the PDP for three years. Since the preliminary plat and PDP are interrelated, it is appropriate to grant validity to the preliminary plat for the same length of time.

This application involves administrative action by the Planning Commission. Absent an appeal, the Planning Commission's action is final.

*Commissioner Middleton made a motion to approve the Consent Agenda. Upon a second by Commissioner Crescibene the motion was unanimously adopted.*

## **REGULAR AGENDA**

### **1. Amendments to Title 18 Regarding Signs Not Subject to Permit-Exempt Signs and Project Marketing Signs.**

SUMMARY OF AGENDA ITEM: This is a public hearing to consider the proposed amendments to Title 18 which are focused on the City's exempt sign and project marketing sign provisions. The amendments are considered minor and are associated with the larger set of Temporary Sign amendments reviewed and recommended for approval by the Planning Commission on June 27, 2011.

**Troy Bliss, Project Planner**, gave a staff presentation on this item. He reported that staff had initiated some minor adjustments to the signage provisions for government flags and real estate marketing signs following the July 25, 2011 Planning Commission hearing. These adjustments responded to issues raised during the discussion of Temporary signs.

He stated that the proposed amendments are to the City's exempt and project marketing sign provisions, specifically structured in three main areas of focus:

- Expanding and clarifying the use of flags as exempt forms of signs;
- Providing greater allowances for real estate marketing and advertisement needs specifically relating to flying banners-type signs; and
- Allowing a longer duration period for the use of project marketing signs for new residential developments.

1      **Commissioner Middleton** stated that he would not participate in any type of vote regarding the  
2      subject, or comment on Mr. Klen's presentation, and if that was understood, he felt that he could  
3      agree to listen.

4  
5      *The motion was adopted by a 4 to 3 vote to schedule a thirty minute presentation at the next*  
6      *regularly scheduled Planning Commission hearing. Yeas: Commissioners Ray; Krenning;*  
7      *Fancher and Middleton. Nays: Commissioners Leadbetter; Molloy and Crescibene.*

8  
9      **Ms. Sharma** stated that due to pending litigation with the City and Mr. Klen, there would be no  
10     presentation from City staff on this matter.

11  
12     **Robert Paulsen**, addressing additional staff matters, stated that he would be providing information  
13     at each Commission meeting about upcoming City Council items. He requested, by a show of hands,  
14     how many Commissioners would like to schedule a joint study session with City Council on  
15     November 23, 2010 to discuss growth related issues. It was the consensus of the Commission that  
16     Mr. Paulsen secure November 23, 2010 for a Joint Study Session.

17  
18     **REGULAR AGENDA**

19  
20     **Lee Farm 1<sup>st</sup> Subdivision Planned Unit Development.**

21  
22     Project Description from the Agenda:

23     *This is a public hearing to consider a phased Planned Unit Development ("PUD")*  
24     *Preliminary Development Plan ("PDP") and subdivision Preliminary Plat for the*  
25     *246.86 acre Lee Farm 1<sup>st</sup> Subdivision in NW Loveland. The project includes 5*  
26     *housing types and densities, a small neighborhood commercial area, and a*  
27     *community center with a private park and athletic fields. The property is located*  
28     *along the west side of North Wilson Avenue between Buck PUD and Hunter's Run*  
29     *PUD. Planning Commission action is quasi-judicial and would be final, subject to*  
30     *appeal to City Council.*

31     **Brian Burson, Project Planner**, gave a brief introduction on this application. He stated the  
32     applicant is proposing that the Commission consider a phased PUD Preliminary Development  
33     Plan and subdivision Preliminary Plat for 246.86 acres. He stated that the project includes 5  
34     housing types and densities, a small neighborhood commercial area, and a community center  
35     with a private park and athletic fields. He stated that more than 30% of the project area would be  
36     devoted to private open space. He further stated that if approved, the PDP would qualify for  
37     vested rights. He reported that the action by the Planning Commission was final, subject to  
38     appeal to City Council.

39  
40     **Joe Quinn, representing the Lee Family, G.A. Lee Farms Inc.**, provided a presentation on the Lee  
41     Farm project. He stated that it is the intent of the Lee Family to develop the property at some  
42     unspecified time in the future. He spoke of issues related to traffic, stormwater, dwelling types, and

1 lot sizes, stating that he believed all issues had been resolved. He reported that engineers and  
2 consultants would be successful in addressing the surface ground water issue and all traffic related  
3 issues had been addressed. He commented that there would be both pedestrian and trail access  
4 through the subdivision. He stated that the developer was open to discuss fencing concerns raised by  
5 the surrounding neighbors.

6  
7 **Commissioner Middleton** questioned if the school district had responded to the proposed  
8 development. (\*Secretary's Note: The School Report was copied and handed out to the  
9 Commission and Audience during the hearing.) It was noted that the report was reviewed and was  
10 favorable in terms of the Thompson School District accommodating expected enrollment levels  
11 resulting from the project.

12  
13 **Mr. Quinn**, in summary, reemphasized that the applicant has no current plans to develop the project  
14 in the immediate future, but are requesting project approvals to ensure that entitlements are in place.

15  
16 **Public Input**

17  
18 **Mrs. Atkins, 3079 Sanford Circle**, expressed concerns regarding drainage issues.

19  
20 **Robert Atkins, 3079 Sanford Circle**, spoke of safety concerns for children walking to school noting  
21 there are no sidewalks on the west side of 43<sup>rd</sup> Street. He expressed concerns regarding drainage  
22 issues.

23  
24 **Jerry Westbrook, 2724 Lochbouie Circle**, expressed concerns regarding public access issues and  
25 concurred with Mr. Atkins regarding the safety of children walking to school.

26  
27 **Marcy McKenzie, 2676 Lochbouie Circle**, expressed concerns regarding ground water and  
28 drainage issues.

29  
30 **Mr. Quinn** responded to citizen concerns and reported that all stormwater from the site would be  
31 detained on the Lee Farm property and would be properly conveyed to off-site stormwater facilities.

32  
33 **Donald McKenzie, 2676 Lochbouie Circle**, reiterated the need for pedestrian access on the west  
34 side of Wilson. He stated in 2006 there was an agreement with the previous developer that there  
35 would be 10 ft. sidewalks along Wilson Avenue. He also questioned if the mailing for the  
36 September neighborhood meeting was faulty in its notification. He asked if all the water would be  
37 drained under Wilson Avenue through the Cadoa drain to the east.

38  
39 **Commissioner Krenning** questioned if Mr. McKenzie had a concern that there is not a sidewalk  
40 now or if there would not be one when the development is built out?

41  
42 **Mr. McKenzie** he stated that previously it was stated that there would be a 10 ft. sidewalk on the  
west side of Wilson from 43<sup>rd</sup> Street south to 35<sup>th</sup> Street. He stated although he had concerns

1 regarding future development on the site, he realized that the development would eventually occur.  
2 He questioned if the property were sold would the project come back to the Commission for  
3 approval.

4  
5 **Chairman Molly** responded, stating that if the property is sold and there were major changes to the  
6 approved GDP, then the item would come back to the Commission at a public hearing setting.  
7

8 **Paul Danson, 3444 Sanford**, expressed concerns regarding traffic and connector streets and the  
9 possibility of additional traffic signals.  
10

11 **Josh Caucka, 3124 Williamsburg Street**, expressed concerns regarding storm drainage and excess  
12 runoff. He spoke in support of creating a bufferyard to keep the excess runoff off of his property. He  
13 also indicated that he wanted to have fencing that would mirror the existing fencing in the Buckhorn  
14 Subdivision to act both as a buffer for water runoff as well as screening.  
15

16 **Ben Lange, 4132 Cripple Creek Drive**, he stated that he had concerns regarding drainage and  
17 expressed issues regarding the need for additional dwelling units at this time.  
18

19 **Mr. Quinn, on behalf of the applicant**, addressed mailing list issues and clarified that the mailing  
20 list was extended an additional 100 ft. beyond the required 1,000 ft. He indicated that the re-  
21 notification of the hearing had been proper.  
22

23 (\*Secretary's Note: The Chairman called for and the Commission took a short recess)  
24

25 **Chairman Molloy** called the meeting back to order and requested that Kevin Gingery with the  
26 City Stormwater Division address the drainage concerns.  
27

28 **Kevin Gingery, Public Works Department**, presented a detailed response to concerns regarding  
29 stormwater issues within the vicinity of the Lee Farm project site. He reported that the Buck  
30 Regional Detention Pond was designed in the 90's and constructed along with the Buck 1<sup>st</sup>  
31 Subdivision. He reported on the history of the Buck 1<sup>st</sup> Subdivision construction and the drainage  
32 swales along the south and north sides of the subdivision and how they work. He reported that the  
33 Lee Farm Subdivision currently straddles three different drainage basins (Caddoa Basin, Golf Course  
34 Basin, Hogback Basin) and will remain so after construction of the Lee Farm Subdivision. He stated  
35 that the Lee Farm project will be massively re-graded and re-sculptured but would continue to drain  
36 in the same manner as it has historically drained. He commented that a change in the Buck 1<sup>st</sup>  
37 Subdivision HOA irrigation management company has resulted in over watering of the greenbelts  
38 and thus increased irrigation runoff as well as groundwater flows from the subdivision into the  
39 regional detention pond. He commented that the regional detention pond was not originally designed  
40 to accommodate a base flow of irrigation water and groundwater, thus it is in need of some serious  
41 maintenance. He noted that currently the Stormwater Engineering Division has hired a contractor  
42 (Mountain Constructors) to relocate the sidewalk up out of the detention pond bottom in order to

1 protect the safety of the citizens using the sidewalk. Then the contractor will re-channelize the  
2 access irrigation water/groundwater into new concrete trickle pans in order to manage the flow of  
3 water entering the detention pond. Along the way the contractor has been cleaning up the sediment  
4 and debris deposited in the detention pond by the Buck 1<sup>st</sup> Subdivision over the years. He  
5 commented that the Lee Farm Subdivision has designed a parallel swale along their southern  
6 property line in order to protect the Hunters Run Subdivision. The southerly swale runs from west to  
7 east to the detention pond near Wilson Avenue. He also commented that the Hunters Run engineer  
8 (Shear Engineering) has worked very hard to ensure that no drainage waters from the Lee Farm  
9 Subdivision run onto any of the surrounding subdivisions.

10  
11 **Sean Kellar, Transportation Development Review**, responded to traffic and transportation issues,  
12 stating that currently Tabernash Street is a full service access and reported that when the traffic flow  
13 in the area requires it, a median would be constructed but stated he did not foresee that happening in  
14 the near future. He further stated that there are adequate sidewalks to provide safe mobility to the  
15 schools in the area and clarified City standards require that sidewalks be built when the development  
16 is actually under construction.

17  
18 **Matt Delich, Delich and Associates**, spoke of the traffic study and pointed out the numerous future  
19 access points on the site.

20  
21 **Ms. Sharma** recommended some adjustments to the conditions proposed by staff; generally the  
22 adjustments related to basic grammar issues.

23  
24 **Brian Burson** responded to questions regarding an alleged agreement that the fencing for the Lee  
25 Farms Subdivision would mirror the fencing of the Buck Subdivision. He commented that there  
26 would be a swale created as described by Mr. Gingrey and stated that staff felt that the buffer would  
27 be adequate. He further stated that there was no evidence of a condition or promise previously made  
28 to the Buck Subdivision regarding mirrored fencing.

29  
30 **Mr. Quinn** commented that some residents would like open fencing and some want solid fencing.  
31 He stated that as they reach the FDP process, they can discuss with the neighbors what it is that they  
32 would like to see.

33  
34 **Mr. Burson** stated that if the Commission wanted to require fencing then it would need to be done at  
35 this time. He further commented that staff would rather not create a canyon-like effect between  
36 developments (with solid fencing) for an open space walkway. He stated that the Code does not  
37 require any buffer between two single family developments.

38  
39 **Mr. Paulsen** stated that staff would prefer to see that no fencing be required.

40  
41 **Joe Quinn** stated he would like to go on the record to the effect that the developer will act in good  
42 faith to develop it in a manner in the best interest and desires of the community.

1  
2     **Mr. Burson** requested the Commission give a definite direction regarding fencing if that is what is  
3     decided.

4  
5     **Commissioner Krenning** offered a suggestion that at the time of the Final Development Plan the  
6     Planning Commission would make a determination on what type of fencing could be constructed.  
7     He further commented that he believed that whatever fencing is constructed it should be consistent  
8     with the surrounding properties.

9  
10    **Chairman Ray** suggested that a determination be made a time of final plat and that fencing and  
11    fencing materials should be consistent.

12  
13    **Mr. Burson** stated if the Commission would like to place a condition at the time of Final Plat do  
14    they then want to hold a neighborhood meeting with Buck Subdivision to gather their input to see  
15    what is desired for the community. He further clarified that the City has no control over the Home  
16    Owner's Association and/or any covenant.

17  
18    After a lengthy discussion the following condition was added:

19  
20        *3b. That the subdivision perimeter fencing needs to be of a consistent type and of  
21        appropriate materials and submitted as part of the Final Development Plan.*

22  
23    The applicant agreed with the added condition.

24  
25    **Matt Delich** spoke of how the traffic flow would occur after build-out of the Lee Farm Addition. He  
26    further stated that in his opinion motorists do not traditionally cut through adjoining neighborhoods  
27    to access an arterial roadway, stating it would take them too long.

28  
29    Commissioner Comments

30  
31    **Commissioner Middleton** proposed an amendment to Condition 15 to read as follows:

32  
33        Unless constructed by others, the Developer shall complete the design and construct  
34        the improvements to expand the 29th Street Water Booster Station in order to provide  
35        approved pressure and flow water to any property within the Boosted Pressure Zone 2  
36        (BPZ2).

37    He stated that he wanted to make sure that if he moves into the area that he wanted good water  
38    pressure.

39  
40    **Melissa Morin, Water and Power**, responded to the water pressure concern and stated that the City  
41    has minimum requirements that must be met; consequently, she did not believe it was necessary.  
42    She further clarified that fire flow were more critical than domestic flow.

1  
2 Mr. Quinn representing the applicant accepted the conditions.  
3

4 *Commissioner Fancher made a motion to make the findings listed in Section VII of the staff*  
5 *report dated August 23, 2010 and approve the Preliminary Development Plan and Preliminary*  
6 *Plat for Lee Farm 1<sup>st</sup> Subdivision PUD, subject to the conditions of approval in Section VIII of*  
7 *said report, as amended on the record. Upon a second by Commissioner Krenning the motion*  
8 *was unanimously adopted.*

9  
10 **VII. RECOMMENDED CONDITIONS**

11  
12 The following conditions are recommended by City staff (as taken from the August 23, 2010  
13 staff report and amended on the record):

14  
15 **CONDITIONS OF APPROVAL:**

16  
17 **A. PUD Preliminary Development Plan:**

18  
19 **Current Planning:**

20  
21 1. No sign permits will be issued for uses within the Tract N commercial area of the PUD until a  
22 Planned Sign Program is submitted by the Developer and approved by the City.

23  
24 2. The City shall not approve any FDP or final Public Improvements Construction Plans (PICPs) for  
25 any phase(s) that includes the 100 foot wide PRPA easement within Tract HH until the Developer  
26 submits to the City a letter from PRPA confirming their approval of the proposed landscape and  
27 other open space improvements within said tract.

28  
29 3. Before issuance of any applicable Certificate of Occupancy by the City for the townhomes or  
30 condominiums, the Developer shall ensure that all parking areas, drive lanes and related access  
31 drives from streets are paved, striped and signed in compliance with the approved plans.

32  
33 3a. That the subdivision perimeter fencing needs to be of a consistent type and of appropriate  
34 materials and submitted as part of the Final Development Plan.

35  
36 **Transportation Engineering:**

37  
38 4. Prior to the issuance of any building permits within this preliminary development plan (PDP),  
39 unless otherwise approved by the Director pursuant to the provisions in Section 16.40.010.B of the  
40 Loveland Municipal Code, the following improvements shall be designed and constructed by the  
41 developer, unless designed and constructed by others. A cash-in-lieu payment, or financial security,  
42 may be accepted for all or part of these improvements if approved in writing by the City Engineer:

1           a) The four-lane arterial roadway improvements for Wilson Avenue adjacent to the PDP boundary,  
2           including sidewalk, as shown on the approved Final Public Improvement Construction Plans.  
3

4           b) The Channelized-T raised median configuration in Wilson Avenue (restricting left-turns at the  
5           proposed right-in/right-out access while allowing full-movement access at the existing  
6           Woodward/Governor access), as shown on the approved Final Public Improvement Construction  
7           Plans.  
8

9           c) The major collector roadway improvements for Cascade Avenue and 35th Street within the  
10          property as shown on the approved Final Public Improvement Construction Plans.  
11

12          d) The intersection improvements to Wilson Avenue and 35th Street as shown on the approved Final  
13          Public Improvement Construction Plans.  
14

15          e) The necessary traffic signal modifications at 35th Street and Wilson Avenue as deemed necessary  
16          by the City.  
17

18          f) The southbound right-turn lane on Wilson Avenue approaching 35th Street.  
19

20          g) The southbound right-turn lane on Wilson Avenue approaching the proposed right-turns only  
21          access.  
22

23          h) The roundabout at the intersection of Cascade Avenue and 35th Street (if not already constructed  
24          by others).  
25

26          5. Notwithstanding any information presented in the preliminary development plan (PDP) or  
27          accompanying preliminary plat and preliminary construction plan documents (text or graphical  
28          depictions), all public street improvements shall conform to the Larimer County Urban Area Street  
29          Standards (LCUASS) as amended, unless specific variances are requested and approved in writing.  
30

31          6. The Developer shall acquire, at no cost to the City, any off-site right-of-way deemed necessary by  
32          the City for mitigation improvements associated with this development.  
33

34          7. Prior to approval of the Final Development Plan (FDP) or final construction plans, a traffic signal  
35          plan must be submitted for review and approval by the City for the necessary traffic signal  
36          modifications at 35th Street and Wilson Avenue.  
37

38          8. The Developer shall obtain a Right-of-Way Obstruction Permit from the City for any proposed  
39          gates within a public right-of-way prior to the signing of the FDP or Final Public Improvement  
40          Construction Plan mylars.  
41

1       9. All gates within this PDP shall remain permanently open unless otherwise specifically approved  
2       by Loveland City Council.

4       10. The following note shall be placed on the cover sheet of the final plat: "Local Streets within this  
5       subdivision are listed as Priority Three routes in the City of Loveland's Snow and Ice Control Plan,  
6       meaning that snow removal services are unlikely except in extreme circumstances. Privately  
7       contracted snow removal services are strongly recommended and are permissible when in accordance  
8       with the provisions of Section 12.16.240 of the Loveland City Code."

9  
10      **Fire:**

12      11. All garage areas shall have heat detectors installed. Only garages protected by an automatic fire  
13       sprinkler system shall not require heat detectors.

14  
15      **Parks and Recreation:**

17      12. No drainage pipes/systems, utilities, signage, landscaping or irrigation shall be allowed to  
18       encroach or be constructed in the underpass easements (temporary or permanent) without the Parks  
19       and Recreation Directors approval. Any landscaping proposed in Tract A may not be planted until  
20       after construction of the underpass. Funds shall be escrowed to complete the landscaping if the  
21       underpass is not constructed prior to the completion of Tract A. See the plat dedication statements  
22       for any exceptions or exclusions to this condition.

24      13. The sidewalk along Wilson, north of Iron City Drive may need to be installed with the  
25       construction of the underpass. Funds for the full 10 foot wide sidewalk/trail shall be escrowed if the  
26       City determines this to be best for the underpass project. This condition shall be finalized before the  
27       final mylars are signed and approved by the City. A temporary 5' wide sidewalk may be required if  
28       the permanent sidewalk is not installed.

29  
30      **Water/Wastewater:**

32      14. Unless constructed by others, the Developer shall design and construct the following public  
33       improvements prior to the issuance of any building permits:

34       a. Public water infrastructure as illustrated in the Public Improvement Construction Plans (PICPs) for  
35       Vanguard-Famleco 13th Subdivision, aka Hunters Run West Filing 1.

37      15. Unless constructed by others, the Developer shall complete the design and construct the  
38       improvements to expand the Water Booster Station in order to provide approved pressure  
39       and flow water to any property within the Boosted Pressure Zone 2 (BPZ2).

40  
41      **Stormwater:**

1       16. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the  
2       Loveland Stormwater Utility with a final drainage design for Cascade Avenue which complies with  
3       the major storm allowable flow depth of 0.75 feet as required by our criteria for a major collector  
4       street classification.

5  
6       **CONDITIONS OF APPROVAL:**  
7

8       **B.      Preliminary Plat**  
9

10      **Current Planning:**  
11

12      17. Prior to commencing any construction or grading on the site, the Developer shall submit a report  
13       from a qualified professional to indicate whether there are any active prairie dog burrows or colonies  
14       on the site. The report shall distinguish the presence of any black-tailed prairie dog burrows or  
15       colonies, as compared to other types of more common prairie dogs. If there are active black-tailed  
16       prairie dog burrows or colonies, all reasonable measures shall be taken by the Developer to relocate  
17       the black-tailed prairie dogs to any accepting prairie grasslands. If there are any other prairie dogs on  
18       the site, the Developer shall employ a professional exterminator, licensed by the Department of  
19       Agriculture, to humanely eliminate the dogs from the site. Before extermination activities  
20       commence, the Developer shall provide to the City written confirmation from the Division of  
21       Wildlife and the licensed professional exterminator stating there will be no detrimental effect to  
22       endangered species or burrowing owls.  
23

24      18. Prior to commencing any construction or grading on the site, and prior to any removal or  
25       extermination efforts of prairie dogs from the site, the Developer shall submit to the City a report  
26       prepared by a qualified professional to indicate whether there are any burrowing owls on the site. If  
27       such construction, grading or extermination activities are proposed outside the owls' normal activity  
28       period (March 1 – October 15), this shall not be required.  
29

30      19. As part of the final plat, the drainage swale lying along the rear of Lots 12-16, Blk 24, and the  
31       west sideyard of Lot 9, Blk 24 shall be platted as a separate tract to accommodate the large drainage  
32       swale that runs through this area.  
33

34      20. At the time of final plat and final PICPs, the alignment of all water and sewer lines in public  
35       streets shall be revised so that landscape areas within roundabouts and cul-de-sacs can include  
36       canopy trees for higher quality visual impacts and improved shading of the on-street parking areas.  
37       The landscape plan shall also be revised commensurately to include such trees.  
38

39      21. At the time of final plat and final PICPs, the 8 inch water line running through the northern  
40       portion of Lot 15, Blk 26 shall be relocated to lie near the north sideyard of said lot, or the easement  
41       area shall be platted as a separate tract to be owned and maintained by the HOA.  
42

1       22. At the time of final plat and final PICPs, the final grading of the site shall be substantially  
2       consistent with the preliminary grading plans. Artificial elevation of perimeter lots in order to create  
3       grading for walk-out lots shall not be allowed.

4  
5       23. At the time of final plat, the drainage/utility easement shown along the rear of Lots 12-16, Blk  
6       24 and the west sideyard of Lot 9, Blk 24, shall be revised to a separate tract dedicated for drainage  
7       and utility purposes.

8  
9       **Fire:**

10  
11      24. Prior to approval of the Final Plat a "Fire Lane- No Parking" sign plan shall be submitted for  
12       approval for all courts and multifamily areas.

13  
14       **Parks and Recreation:**

15  
16      25. Specific dedication statements for the trail and underpass easements, located in Tract A and  
17       Outlot A shall be provided setting precedence for the trail as the primary use and all other easements  
18       as secondary to the trail and underpass easement. The City shall provide draft language for these  
19       dedication statements on the final plat. There shall be dedication statements for both the temporary  
20       and permanent easements on the plat.

21  
22      26. No additional encroachments, including blanket utility easements shall be allowed in the trail  
23       and underpass easements without the City of Loveland, Parks and Recreation Director, approval and  
24       as determined by the final dedication statements.

25  
26      27. The following note shall be added to the final plat, "The City of Loveland is not responsible for  
27       any damage to irrigation heads or the irrigation system, or turf or landscape damage bordering the  
28       edge of trail if damaged due to routine snow removal or normal maintenance of the trail".

29  
30      28. On the final plat, Tract A shall be labeled in the table shown on plat as:

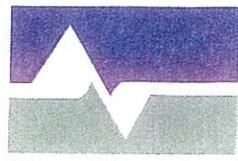
31  
32        Trail/Drainage/Landscape/Open Space to address the trail and access component of the easement.

33  
34        Mr. Quinn, in response to the Commission's motion, accepted the conditions as amended on the  
35        record.

36  
37        **2. Title 18 Amendments for the Proposed Site Development Permit/Building Permit**  
38        **Process.**

39        Project Description from the Agenda:

40        *Staff is requesting that the Planning Commission consider the proposed process for*  
41        *Site Plan/Building Permit Review and offer any comments, insights or suggestions*  
42        *regarding the proposal.*



City of Loveland

## DEVELOPMENT SERVICES Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537  
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### Planning Commission Staff Report August 23, 2010

<i>Agenda #:</i>	Regular - Item #1
<i>Title:</i>	Lee Farm 1 <sup>st</sup> Subdivision PUD
<i>Applicant:</i>	G.A. Lee Farm, LLC
<i>Request:</i>	PUD Preliminary Development Plan and subdivision Preliminary Plat
<i>Legal Description:</i>	Lee Farm Addition
<i>Location:</i>	along the west side of North Wilson Avenue between Buck PUD and Hunter's Run PUD.
<i>Existing Zoning:</i>	Lee Farm PUD (P# 91)

#### Summary of Analysis

This is a rescheduled public hearing to consider a phased PUD Preliminary Development Plan and subdivision Preliminary Plat for 246.86 acres.

The project includes 5 housing types and densities, a small neighborhood commercial area, and a community center with private park and athletic fields. Over 30% of the project area will be devoted to private open space.

If approved, the PDP will qualify for vested rights. No mineral rights hearing is necessary. Planning Commission action is quasi-judicial. Planning Commission action is final, but subject to appeal to City Council. Staff believes that all key issues have been resolved, based on City codes and standards. The neighborhood is in opposition to the project.

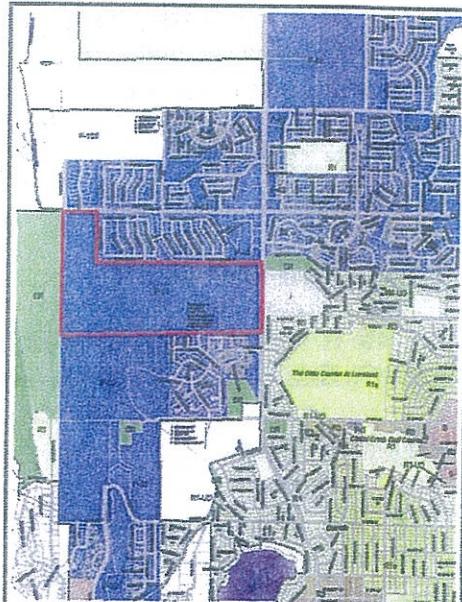
#### Staff Recommendation

APPROVAL of the PUD Preliminary Development Plan and subdivision Preliminary Plat, subject to the Conditions of Approval listed in Section VII of the August 23, 2010 staff report, and subject to additional evidence presented at the public hearing.

#### Recommended Motion

*"Move to make the findings listed in Section VI. of the staff report dated August 23, 2010, and approve Resolution # 10-2, thereby approving the Lee Farm 1<sup>st</sup> Subdivision PUD Preliminary Development Plan; and, approve the Lee Farm 1<sup>st</sup> Subdivision Preliminary Plat, all subject to the conditions of approval in Section VII. of said report, as amended on the record".*

#### Vicinity Map



## I. PROJECT SUMMARY

### A. Process

This is a public hearing for consideration of a Preliminary Development Plan within a phased PUD, along with a subdivision Preliminary Plat w/ preliminary Public Improvements Construction Plans (PICPs). The hearing was originally scheduled for July 26, 2010; but prior to the hearing it was discovered that errors had been made by the Applicant in the mailing of public notice, thus requiring the hearing to be cancelled and rescheduled. The Planning Commission action on these applications are quasi-judicial, meaning that the Planning Commission must make a determination if the applications are consistent with adopted City codes, standards and policies for this type of development application.

The PUD General Development Plan (GDP) for the project was approved with the annexation in February 2006. The GDP approved development of maximum of 1,051 dwelling units, with a gross residential density of 4.25 du/ac, including:

- Medium Density Residential ( patio homes, townhomes and condominiums);
- Low Density Residential (one-family residential of various densities);
- estate residential, (large lot residential);
- community center and park;
- a small neighborhood commercial area; and,

The PUD Preliminary Development Plan (PDP) incorporates the entire area covered by the General Development Plan and presents the actual preliminary design and lay-out for those uses. The PDP Plan implements the uses, standards and criteria previously approved in the General Development Plan; and sets forth the actual preliminary design for neighborhoods, open spaces and bufferyards, playfields, landscape, architecture, parking lot lay-out, and project identification signs. Staff believes that the proposed PDP is consistent with the approved GDP. If approved, the PDP will qualify as a site-specific development plan for achieving statutory vested rights. The preliminary plat depicts the survey lay-out of lots, tracts, outlots, streets, and easements for the proposed uses, in manner that is also consistent with the densities and lot sizes approved in the GDP. The Planning Commission action on both applications will be final, but subject to appeal to City Council.

### B. General Description

The site is located along the west side of N. Wilson Ave, adjacent to Buck PUD on the north, Hunter's Run PUD on the south, and Dakota Ridge Addition on the west.

The plan proposes:

- 882 total dwelling units on 246.86 acres;
- 61 patio homes;
- 28 two-family dwellings;
- 326 multi-family units;

- 350 one-family dwellings (traditional lots);
- 117 SF dwelling units (estate lots);
- Total gross residential density of 3.6 du/ac;
- Approximately 9.7 acres for Community Center with private athletic fields and park;
- Approximately 2.04 acres of neighborhood commercial;
- Approximately 63 acres of private open space (33%);
- Average lot size for SF traditional lots is 7,630 sq. ft.;
- Average lot size for SF Estate lots is 12,521 sq. ft.; and,
- Average lot size for two-family lots is 3,987 sq. ft.

The housing type around the entire perimeter of the site is traditional or estate one-family units, with lot sizes consistent with the abutting existing neighborhoods. The higher density uses are located internal to the site. The density also generally decreases toward the western portions of the site. Applicable requirements related to densities, lot sizes, and locations of housing types, as imposed at the time of annexation and PUD General Development Plan, have been met.

#### C. Neighborhood response

A neighborhood meeting was held on September 23, 2009 at the Gertrude B. Scott Meeting Room of the Loveland Public Library. The attendance sheet indicates 29 persons attended the meeting. Concerns and questions that were raised at the meeting included the following:

- Types of housing along the south perimeter
- Location of the multi-family elements
- Location of the neighborhood commercial
- Residents in Lee Farm may use the private open space in Buck PUD
- Additional stormwater run-off will make existing conditions worse
- Adequacy of stormwater design and features
- Existing sub-surface ground water problems will be worsened by additional lawn irrigation in Lee Farm
- Increases in traffic and more cars in the adjacent neighborhoods
- Will the new 35th St prompt the need for median in N. Wilson Ave?
- Increased impacts to schools
- Will sidewalk be provided from Hunter's Run to 43<sup>rd</sup> St along N. Wilson?
- Humane removal of prairie dogs from Lee Farm site
- Buck residents also want a 6 ft fence along rear lot lines abutting their open space
- Is this project needed in today's market?
- Effect of multi-family on other properties in abutting neighborhoods

#### D. Key Issues

Staff review has given careful attention to each aspect of the proposed development that is governed by City codes and standards and the provisions of the approved GDP for the site. Many of the matters raised by the neighborhood have been evaluated by staff and resolved on the basis of applicable codes and standards. However, some matters are beyond the control of the City,

such as trespass on private open space areas, the presence of sub-surface ground water, whether the project is needed, and the available facilities at affected public schools. However, neighborhood concern and opposition is clear.

## II. ATTACHMENTS:

1. Vicinity Map
2. PDP narrative
3. Excerpts of Traffic Impact Study prepared by Delich Assoc.
4. Lee Farm PUD General Development Plan (information purposes only)
5. Lee Farm PUD Preliminary Development Plan
6. Lee Farm 1<sup>st</sup> Subdivision preliminary plat
7. Master grading plan
8. Sheet 62 of grading plans

## III. SITE DATA

ACREAGE OF SITE (GROSS ACRES) .....	246.86 AC
EXISTING ZONING.....	LEE FARM PUD (P #92)
PROPOSED ZONING .....	NA
ACREAGE OF PDP-GROSS .....	244.03 AC
ACREAGE OF PDP-NET.....	189.59 AC
ACREAGE OF RIGHT-OF-WAY .....	54.44 AC
MASTER PLAN DESIGNATION.....	LDR/ER
EXISTING USE.....	VACANT/AG
PROPOSED USE .....	MIXED USE PUD.
NUMBER OF DWELLING UNITS PROPOSED .....	882
GROSS DENSITY (DU/A) PDP.....	3.6 DU/AC
NET DENSITY (DU/A) PDP .....	4.7 DU/AC
NON-RESIDENTIAL SQ. FOOTAGE .....	17,424 SF
NON-RESIDENTIAL FAR.....	0.25
PUD LANDSCAPE OPEN SPACE .....	33% NET
EXISTING ADJACENT ZONING AND USE - NORTH .....	P #40 - SF
EXISTING ADJACENT ZONING AND USE - EAST .....	I/R-1; IND/SF
EXISTING ADJACENT ZONING AND USE - SOUTH.....	P #36/P #89; SF/VACANT-AG
EXISTING ADJACENT ZONING AND USE - WEST .....	ER; VACANT-AG
UTILITY SERVICE PROVIDER - SEWER.....	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - ELECTRIC .....	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - WATER.....	LITTLE THOMPSON WATER DIST

## IV. BACKGROUND

2/26/06 – Approval of Lee Farm Addition and Lee Farm PUD General Development Plan

## V. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. **Notification:** An affidavit was received from Joe Quinn, certifying that written notice was mailed to all owners of property within 1,000 feet of the site on August 9, 2010; and notices were posted in prominent locations on the perimeter of the project site at least 15 days prior to the date of the hearing. In addition, a notice was published in the Reporter Herald on August 7, 2010. All notices stated that the Planning Commission would hold a public hearing on August 23, 2010.

There are no severed mineral estates for the property. Therefore, no notice was required, and no element of mineral rights must be considered in the public hearing.

B. **Neighborhood Response:** A neighborhood meeting was held at 6:30 pm on September 23, 2009 in the Gertrude B. Scott Meeting Room of the Loveland Public Library. The attendance sheet for the meeting indicates that 29 persons attended the meeting, along with City staff and the Applicant. See information in Section I. above for concerns voiced at the meeting.

## VI. FINDINGS AND ANALYSIS

The Chapters and sections cited below are from the Loveland Municipal Code pertaining to PUD Preliminary Development Plans and subdivision preliminary plats.

### A. City Utilities and Services

#### 1. Loveland Municipal Code

##### a. Section 18.41.050.E.2:

(i) *Development proposed 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 proposed 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. Section 16.20.030:

(i) *The proposed public facilities and services are adequate, consistent with the City's utility planning, and capable of being provided in a timely and efficient manner*

(ii) *The subdivision complies with the water rights requirements in Title 19.*

(iii) *The subdivision has been reviewed in accordance with the Loveland Comprehensive Master Plan, including the Parks and Recreation Functional Master Plan, and other pertinent plans approved and adopted by the City, to*

- insure that the subdivision is designed in accordance with good engineering practices and provides for safe and convenient movement.*
- c. **Section 16.24.012:** *Electric and water distribution system improvements, sewer collection improvements, storm drainage control facilities, and other improvements as required to be constructed with the subdivision have been designed in accordance with the City of Loveland "Storm Drainage Criteria Manual," 1986 Edition, as amended and the latest edition of the "Development Standards and Specifications Governing the Construction of Public Improvements."*
- d. **Section 16.24.090:**
  - (i) *All new and replacement sanitary sewer and water supply systems have been designed to minimize or eliminate infiltration of floodwaters in the system.*
  - (ii) *The subdivision proposal has adequate drainage provided to reduce exposure to flood damage.*
  - (iii) *The subdivision proposal has public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.*
  - (iv) *The development proposal conforms to all federal, state, and local floodplain regulations*
  - (v) *When deemed necessary by the Director of Development Services or the Planning Commission for the health, safety, or welfare of the present or future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, the subdivision of land within the flood fringe and floodway, or any stream, river, or drainage course has been prohibited.*
- e. **Section 16.24.140:** *All proposed utility facilities, including, but not limited to, gas, electric power, telephone, and CATV cables, are located underground. Where practical, existing utility facilities located above ground, except when located in a public right-of-way, are to be removed and placed underground.*
- f. **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, and Section 16.41.140 for storm drainage facilities.*

**Power:** The proposed development formerly was located in the certified service territory of Poudre Valley REA. When the property has been annexed into the City of Loveland which was formerly located within the REA certified territory, this property is subject to a five percent (5%) surcharge on electrical energy as defined in State of Colorado House Bill No. 1131 of May 27, 1986. This surcharge will expire ten years after effective date of the annexation.

An underground vault with 200-amp three-phase power is located at the southeast corner of the proposed annexation, on the west side of North Wilson Avenue. In addition, both 200-amp and 600-amp underground feeders and vaults are located along the east side of North Wilson Avenue. Power will be extended onto the site with future development at the Developer's cost per City Municipal codes.

The existing underground feeders are an available and adequate source for electric distribution for the proposed development. No negative impacts on the City's electric system are foreseen. The proposed development meets the criteria for level of service as outlined in the ACF ordinance.

**Water/Wastewater:** This development is situated within the City's current service area for both water and wastewater. The Department finds that the development will be compliant to ACF for the following reasons:

1. The proposed development will not negatively impact City water and wastewater facilities.
2. The proposed development is in harmony with existing and future development and incorporates public infrastructure designed so that the proposed development will not negatively impact the levels of service of the City utilities adjacent to the development.
3. The proposed facilities shown on the Preliminary PICPs have been designed and pursuant to the City's Development Standards.
4. The proposed facilities have been designed to minimize flood damage and infiltration.
5. Adequate public wastewater facilities are available to serve the development.
6. Regarding water, the development site is situated in two different boosted water pressure zones. Typically, highest finished floor elevation below an elevation of approximately 5170 will be in the City's Master Plan boosted pressure zone #1 (BPZ1) while finished floor elevations situated above approximately 5170 will be in the City's Master Plan boosted pressure zone #2 (BPZ2). A line designating the different zones is shown on the PICPs.
  - a. Adequate public water facilities exist for development situated in BPZ1.
  - b. Adequate public water facilities are not available to serve any development situated within BPZ2, and the conditions herein noted requires special conditions of the Developer as follows:
    - 1.) Upgrades to the 29th Street Water Booster Station, and
    - 2.). Construction of water mains from the Water Booster Station through the adjacent development (Vanguard-Famleco 13th Subdivision) to the subject development.

(See Conditions #14 and #15)

**Fire:** The furthest point within this development is approximately 3 miles from the first due Engine Company (Station 2). In order to comply with the response distance requirements in the ACF ordinance, the first due Engine Company should be within 1 ½ miles of the furthest point within the development. This project falls within a Conceptual Fire Service Area.

This project shall comply with the interim standards in Table 2.3. The interim standards in Table 2.3 are designed to provide an increased level of individual structure fire protection where a project is outside the fire service areas. The Loveland Fire and Rescue Department believes the use of residential fire sprinkler systems is the best method of life safety where fire stations are not located within the 1 1/2 miles or a 5-minute Engine Company response time, as defined in the Fire Protection Master Plan. The ACF ordinance does not require fire sprinkler systems. There is certain risk assumed when homes are built beyond the standard response distances and without residential fire sprinkler systems. This project will comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.100.

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

1. When final designed and built, the proposed development will not negatively impact City storm drainage utilities.
2. No irrigation ditches traverse the site.
3. No natural drainage courses/open channels traverse the site.

**Parks and Recreation:** Staff believes that the Lee Farms preliminary development plan is in substantial compliance with the City of Loveland Comprehensive Master Plan with particular emphasis in supporting the Trail Plan a component of the Parks and Recreation Master Plan once all conditions have been met.

As outlined in the 2001 Parks and Recreation Master Plan an extension of the City Recreation Trail and a future underpass is planned to cross and connect to the existing trail on the east side of Wilson Avenue within this property. The Recreational Trail currently terminates at a point near the northeast corner (35th and Wilson Ave.) in Hunter's Run. At this point the trail currently crosses Wilson Ave. and continues on the east side of Wilson along the Woodward Governor frontage until it connects with the existing trail located in the open space north of Woodward.

As a condition of the annexation agreement and as noted in the conditions of the preliminary development plan, Lee Farms will dedicate trail and underpass easements and construct the widened sidewalk along Wilson Avenue in order to comply with the findings in the Comprehensive Master Plan. (See Condition #13.) The findings specify that development will not create any additional cost or burden on the current city trail or system and will enhance the quality of the community by providing land for the future trail and underpass. Once constructed, Lee Farms will be in compliance with the findings as it relates to the enhanced trail connections.

This project will be served by a future community park (Mehaffey Park) which is located approximately  $\frac{1}{4}$  of a mile to the south. Therefore, the Parks and Recreation Department will not seek public parkland with this project.

**Summary:** Staff believes that these findings can be made.

## B. Transportation

1. **Section 16.20.030:** *The subdivision has been reviewed in accordance with the Loveland Comprehensive Plan to insure that the subdivision is designed in accordance with good engineering practices and provides for safe and convenient movement.*
2. **Section 16.24.015:** *Streets, street signs, highways, curb and gutter, traffic control devices, and other improvements as required to be constructed with the subdivision have been designed in accordance with the Larimer County Urban Area Street Standards, as amended.*
3. **Section 16.24.040:**
  - a. *Streets have been designed to have a logical relationship to topography and to the location of existing or platted streets in adjacent properties. Certain proposed streets, as determined by the City engineer, have been extended to the boundary of the subdivision to provide for traffic circulation within the vicinity*
  - b. *As required by the Director, perpetual unobstructed pedestrian easements at least 20 feet in width have been provided within the subdivision to facilitate pedestrian access from roads to schools, parks, playgrounds, or other community or commercial services. Such easements shall generally not follow road rights-of-way.*
4. **Section 18.41.050.E.2:**
  - a. *Development proposed 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 proposed 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.*
5. **Section 16.41.110:** *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made for transportation facilities in accordance with Chapter 16.41 of the Loveland Municipal Code.*

**Transportation Engineering Division:** Section 16.41.110 of the Municipal Code (the ACF ordinance) requires a proposed PDP to comply with one of the following five standards in order for a positive determination of adequacy to be made: (i) all transportation facilities are currently in place or will be in place prior to issuance of a building permit for the development; or (ii) provision of transportation facilities are a condition of the development approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; or (iii) transportation facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or (iv) provision of transportation facilities needed to achieve the Adopted Level of Service are guaranteed by an executed and enforceable development agreement which ensures that such

facilities will be in place at the time that the impacts of the proposed development will occur; or (v) transportation facilities needed to achieve the adopted level of services are included in the capital improvement program (CIP) and the CIP contains a financially feasible funding system from available revenue sources to fund the needed improvements and the transportation facilities are likely to be constructed and available at the time that the impacts of the proposed development will occur, or at the time the City extends the transportation facilities to provide a logical link to the project.

A positive determination of adequacy for transportation facilities for the proposed PDP has been made under the provisions of paragraph ii, above.

The Lee Farms Preliminary Development Plan (PDP) project site is located in the northwest quadrant of the Wilson Avenue and 35th Street intersection in Loveland, CO. The main access points to the site will be from: the signalized intersection at Wilson/35th Street; a full-movement access at Cascade/43rd Street; and a right-turns only access to Wilson Avenue. Unless constructed by others, upon full build-out the Lee Farms PDP will be responsible for: a.) extending 35th Street west from Wilson Avenue to Cascade Avenue; b.) extending Cascade Avenue north to 43rd Street; and c.) constructing a roundabout at the intersection of Cascade Avenue and 35th Street. (See Condition #4.) The Applicant's traffic engineer, Joseph Delich, P.E., has submitted a Traffic Impact Study (TIS) that indicates that the traffic associated with the proposed development will meet the City's standards. Upon full build-out, the proposed Lee Farms Preliminary Development Plan is estimated to generate approximately 539 weekday AM peak hour trips, and 730 weekday PM peak hour trips. Excerpts from the Traffic Impact Study are included in Attachment # 3.

In conclusion, the development of the subject property pursuant to any of the uses permitted by right under the zoning district will not adversely impact any existing City infrastructure when typical roadway improvements are constructed.

Staff believes that these findings can be made.

## C. Land Use

### 1. Loveland Comprehensive Master Plan

#### a. Land Use Goals and Objectives, Section 4.2

*Residential RES2: Whether provision of facilities and services (i.e. police, fire, water sewer, parks, schools, roads, communication systems will be made available in a timely manner for proposed development.*

*Residential RES3, 4, 5, 7: Whether the PDP proposes development of a full range of housing types to meet the needs of all age and socio-economic groups; a mix of housing densities throughout the City; quality design and compatible land use relationships with proposed and existing developments; and a pedestrian and bicycle friendly development by having an existing or planned neighborhood park and an existing or planned elementary school within walking or biking distance and easy access to a community park, major employment centers, and existing or planned neighborhood shopping center.*

**Residential RES6:** *Whether the PDP proposes residential development in areas which have been officially designated as floodplain areas.*

**Residential RES8:** *Whether the PDP incorporates provisions for energy-conscious land use and site planning practices.*

**Residential RES10:** *Whether the clustering of development has been considered to promote open space.*

**Residential RES12:** *Whether the applicant has demonstrated that reasonable efforts have been made to assemble adjoining land parcels to allow for the preparation of a master plan for a larger area, rather than submit separate individual proposals.*

**Current Planning Division:** The application was sent to the Thompson School District R2-J for evaluation of impacts and levels of service for affected schools. At the time of this staff report, no response has been received from the school district. Staff will contact the district again to discover if they have an impact report to provide to the Planning Commission for consideration. If provided, staff will share this information with the Planning Commission at the hearing.

Providers of non-City utilities were also provided with copies of the development application for comment on impacts and services. No responses were provided from these providers. (For impacts to City services and utilities, see comments above.)

Five distinct housing types, lot sizes and densities are proposed in the PDP:

- patio homes;
- two-family/single family attached;
- multi-family units (townhomes/condominiums);
- one-family dwellings (traditional lots);
- one-family dwellings (estate lots);

This provides a variety of housing to be available on the site.

The overall provisions for sub-neighborhood placement, lot size, setbacks, landscape, open space architecture, and proximity to neighborhood commercial will provide a quality neighborhood. Pedestrian and bike facilities are available on all public streets and will also be provided via internal ped/bike links through the open spaces, resulting in a pedestrian and bike friendly environment.

The location and configuration of the sub-areas locate traditional and state residential along the project perimeters, abutting the existing neighborhoods, thus assuring compatible land use relationships with those abutting developments. The sub-areas are placed with sensitivity to internal context, and most of the distinct sub-areas within the development are separated by landscape bufferyards or open spaces, providing compatible land use relationships internally. The standards for open space will provide an appropriate amount of open space which can link with pedestrian and bike ways. This will allow a residential development that reflects a quality urban residential environment, with specific links to the Community Center and neighborhood commercial area.

No part of the site has been officially designated as flood plain. The City has no standards or guidelines for energy-efficient residential design, and this PDP does not present any proposal to implement such standards or guidelines for that purpose other than the proximity of the PUD to the adjacent commercial and employment area being zoned E.

As indicated on the PDP site plan, lots have been clustered in groups of various patterns, along the internal streets. This opens a substantial portion of the site for open space. The Land Use Table indicates that 33% of the net area of the development will be devoted to common open space. The clustering also establishes a sense of distinction between the various sub-area neighborhoods.

Staff believes that these findings can be made.

**b. Major Arterial Corridors, Section 4.2**

*CORLU2: Whether the development or redevelopment along the major corridor is designed in a manner that promotes a positive and attractive image including entry features that convey a distinctive and positive image, beautification of the streetscape with landscaping, public art and other pedestrian enhancements such as pocket parks and plazas, and design standards that are tailored to the existing conditions and character of the corridor.*

**Current Planning Division:** A Type D landscape bufferyard, with a width of 20-25 feet and meeting City standards, is proposed along the N. Wilson Ave frontage of the PUD. This bufferyard has also been customized to be compatible with the shared sidewalk/City trail that runs along the east perimeter of the site. This will present a high quality edge along this arterial and will also provide some privacy and screening for the double-frontage lots in the patio home sub-area. Additional landscaped open space and/or detention ponds are located at entryways and corners of the development along N. Wilson, creating visual edges to the project boundaries.

Staff believes that these findings can be made.

**c. Community Design Objectives, Section 5.0:** *Whether the PDP is consistent with the design elements set forth in the City of Loveland Community Design, including creating neighborhoods, ecological responsibility, streetscape, neighborhood aesthetics, pedestrian and bike ways, open spaces, historical preservation and maintenance.*

**Current Planning Division:** The primary focus of Section 5 of the Comprehensive Plan is to describe the values of building quality neighborhoods in the City and the important elements and relationships necessary for achieving quality neighborhoods. These values include such matters as appropriate combination of land uses, quality streetscape, neighborhood aesthetics, pedestrian and bike ways, open spaces. The project includes an appropriate combination of land uses that are in keeping with the recommendations of the Comprehensive Plan. This is further strengthened by the available links to the future commercial areas in Buck PUD and/or Giuliano PUD. The City has no standards or guidelines for ecological responsibility in the design of

development projects. Appropriate setbacks, building heights, landscape and architecture will provide a quality streetscape and positive neighborhood aesthetics. Pedestrian and bicycle facilities will be provided both on-street and off-street in private open spaces. Staff believes that approval of this project will provide important components for development of a quality neighborhood in this sector of the City.

Staff believes that these findings can be made.

2. **Section 18.41.050.E.2:**

- a. *The PDP conforms to the intent and objectives of Title 18 with regard to Planned Unit Developments and any applicable area plan.*
- b. *The PDP is in compliance with the GDP on file with the City.*

**Current Planning Division:**

The intent of Chapter 18.41, as set forth in the Loveland Municipal Code, is described as, "... 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."

Amongst the pertinent primary objectives are to:

- encourage variety and innovation in project design;
- encourage efficiency in use of public infra-structure;
- encourage conservation of land, open space and natural features;
- encourage best features of modern design;
- encourage suitable design to match the uniqueness of a site.

Staff believes that the variations in lot sizes, housing types and densities, and setbacks; specific architectural design guidelines; landscape and fence designs; provision of substantial open space features; and incorporation of natural areas indicate that this project is in harmony with the intent and objectives of the PUD ordinance.

The PDP is fully consistent with the GDP. The sub-areas are substantially consistent with those proposed by the GDP, assuring that the densities are consistent with adopted policies and a variety of housing types are provided. The neighborhood sub-areas are well placed and linked by the common open space network throughout the development. These provide a discernable distinction of sub-neighborhoods but overall unity within the development and the community as a whole. Inclusion of the north-south PRPA utility easement, as an enhanced open space in the western portion of the site, makes good use this major corridor and provides a quality off-street ped path and open space connection from Cascade Ave to W. 43<sup>rd</sup> St.

Staff believes that these findings can be made.

3. **Section 18.41.050.E.2: Development proposed by the PDP 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.**
4. **Section 16.20.030: The subdivision does not create, or mitigates to the extent possible, negative impacts on the surrounding property.**

**Current Planning Division:** When new development is proximate to existing development of the same overall uses and densities, staff normally believes that there will be no negative impacts to the existing properties. The neighborhoods on both north and south boundaries are mixed-use residential developments with densities and housing types suitable for the designated LDR areas. The Buck PUD to the north originally included a substantial area for development of higher density housing, but this was later amended to allow a much larger commercial area. North of W. 43<sup>rd</sup> St, the Giuliano PUD includes a sub-area for higher housing densities as well as a substantial commercial area. The Hunters Run PUD to the south also includes a sub-area for higher densities, in the form of townhomes. Across Wilson Ave to the east, the Emerald Park PUD (Emerald Glen) also includes two sub-areas for higher density housing, now known as Emerald Glen 6<sup>th</sup> Subdivision and Emerald Glen 8<sup>th</sup> Subdivision. In keeping with City policy for guiding placement of density, the higher densities in these developments are more interior, leaving the outer areas for more traditional SF densities. Land across Cascade Avenue to the west is annexed and zoned ER for development of estate residential.

In keeping with City policy, Lee Farm was required to include housing types and densities that are suitable for MDR (Medium Density Residential), LDR (Low Density Residential) and ER (Estate Residential) density. These housing types and densities were incorporated into the GDP which also stipulated that higher densities would be in interior portions of the project. Along the perimeters, abutting and near existing neighborhoods, housing types and densities consistent with those abutting land uses was required. The Lee Farm PDP is consistent with those City policies and determinations. Architecture and landscape for Lee Farm will be consistent with that used in Buck PUD and Hunters Run PUD. The open spaces in Lee Farm will be more generous than implemented in either of the abutting neighborhoods.

Staff believes that these findings can be made.

5. **Section 18.41.050.E.2: Development proposed by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by:**
  - a. *Incorporating natural physical features into the PDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.*
  - b. *Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Master Plan.*
  - c. *Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*

- d. *Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

**Current Planning Division:** The land uses and densities are consistent with existing and planned development in the area. There are no significant existing physical features in the project, except for a very small intermittent wetland in the southwest corner of the project. This will be incorporated into, the proposed detention pond in Tract JJ and enhanced with landscape along the upper edges. As indicated in other comments, the project is consistent with pertinent elements of the City Comprehensive Plan.

Landscape features are provided at the major entryways from N. Wilson Ave, providing attractive entries. The major streets along the perimeters and through the project will be lined with street trees and full Type D bufferyards for those stretches abutted with double-frontage lots. A street tree in each lot along interior streets will be required. The application proposes to construct utility lines through the center of most roundabouts and cul-de-sacs in the project. This makes it difficult to place meaningful landscape in these areas to enhance the streetscape and provide shading for cars parked in the cul-de-sacs. The City normally encourages planting trees as part of the landscape of these areas for a quality public and private environment. Staff discussed this element with the developer, but the application does not reflect that recommendation. This has prompted staff to recommend Condition # 20.

Bicycle and ped circulation will be provided by both on-street design as well as off-street internal open space walkways. Inclusion of the north-south PRPA utility easement as an enhanced open space in the western portion of the site makes good use of this major corridor and provides a quality off-street ped path and open space connecting Cascade Ave to W. 43<sup>rd</sup> St. The PDP implements the GDP standards and criteria for lot areas, setbacks, building heights, architecture, landscape, etc. to produce a quality streetscape and development.

Staff believes that these findings can be made.

- 6. *Section 16.20.030: The subdivision provides desirable settings for buildings, protects views, and affords privacy, protect from noise and traffic, and uses resources such as energy and water in keeping with responsible resource stewardship.*

**Current Planning Division:** Most of the site is level to gently rolling, allowing normal construction techniques on the site. The geotechnical report prepared by Terracon indicates that soil and or ground water conditions are generally typical for this portion of the Colorado Front Range, and that standard construction techniques will be expected for construction of most buildings. However, the report also indicates that soft bedrock, as well as groundwater, was encountered in some places, making special construction techniques necessary in some portions of the site. Construction of basements may require additional techniques to deal with these conditions where they occur. Property owners in Hunters Run have repeatedly complained of groundwater problems.

Quality views to both west and north will provide enjoyable views from private and common open spaces.

Existing off-site drainage from the west must be accommodated by this subdivision. This prompted a late revision to the grading plans to provide a significant drainage swale along the rear of Lots 12-16, Blk 24, and the west sideyard of Lot 9, Blk 24. The preliminary plat shows an easement on these lots to accommodate this swale; but the City has had very negative experiences with putting significant drainage swales within private lots. Even though the swales lie in platted easements, and are part of an engineered design by the Developer, homeowners often believe they have the right to fill in the swale for better yard purposes – disrupting its functions and possibly flooding properties and homes. It is best to plat a separate tract of land, to be owned and maintain by the HOA, to accommodate the swale. This has prompted **Condition # 23** for the final plat.

Staff believes that these findings can be made.

7. *Section 18.41.050.E.2: The PDP complies with applicable land use and development regulations in effect as of the date that the PDP is 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 Division:** The PDP will be developed in compliance with all applicable City codes and standards, except for the approved development standards in the GDP which are expressly divergent from normal City requirements. The standards that are divergent are primarily setbacks, lot sizes and lot widths which are all normal matters for PUDs and completely within the intent of the PUD chapter.

Staff believes that these findings can be made.

8. *Section 16.20.030: The lots and tracts are laid out to allow efficient use of the property to be platted.*
9. *Section 16.24.050: All lots comply with the standards set forth in the GDP and, to the extent practical, plot lines are at right angles to the street line or at right angles to the tangent of the curve of the street line.*

**Current Planning Division:** The lots are generally laid out in standard fashion for residential development, with lot lines perpendicular or radial to the adjacent street. A number of cul-de-sacs have been incorporated in the lay-out. The City has no adopted policy prohibiting or discouraging cul-de-sac lots in residential subdivisions. Staff has worked with the Developer to assure that ped. connections are made through some of these cul-de-sacs to lessen disruption of ped. circulation.

Staff believes that these findings can be made.

10. Section 16.24.120:

- a. *Landscaping complies with the requirements set forth in the GDP and bufferyards required pursuant to the GDP are within separate tracts of land, separate from individual residential lots.*
- b. *Street trees are located in compliance with the City's Site Development Performance Standards and guidelines, unless waived by the Director.*
- c. *The subdivision plat includes open space fields in compliance with the requirements set forth in Section 16.24.150, unless waived by the Planning Commission. The open space play fields are designed with respect to size, dimension, topography, and general character to be suitable for outdoor play activities*

**Current Planning Division:** The site will be generously landscaped, meeting the GDP standards, and meeting or exceeding the normal City requirements standards and performance guidelines. This will result in a high quality residential environment. A Type D bufferyard will be provided along all streets with abutting double-frontage lots. Street trees are included in the bufferyards for both external and internal streets. Front yard trees on internal lots will be required at time of home construction. Bufferyards between residential and commercial sub-areas will also be provided. Where appropriate, these bufferyards will be placed in separate tracts of land to be owned and maintained by the HOA(s) of the development.

The requirement of Section 16.24.150 is 1.0 acres of playfield for each 100 single-family detached dwellings. Not all open space is considered as playfield. Playfields are larger open areas that can be used for numerous active recreation and play activities and should generally be fairly flat. Based on 882 dwelling units, the normal requirement is 8.82 acres of playfield.

The primary playfield for this project is the formally arranged community center park and athletic fields. The area of Tract M is over 8.5 acres, and it will be graded and shaped to allow formal and informal play activities, including a private community swimming pool. The central location within the project is definitely a plus. The other large open space is the north-south PRPA corridor, comprised of Outlots GG, HH, LL, and lying between the SF residential lots and the estate lots. This open space and utility corridor has a combined area of 11.6 acres and will have varying but uniform slopes. This corridor will be landscaped with a row of shade trees along each edge of the utility easement, along with clusters of landscape at points of focus to lend an informal, semi-rural character, and will also include ped walk connections along the corridor. This area will also provide space for various other informal play and passive recreation activities. Smaller open spaces and connections are provided in several of the sub-areas where smaller lots are planned.

Staff believes that these findings can be made.

**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.*

2. **Section 16.20.030:** *The subdivision preserves natural features and environmentally sensitive areas to the extent possible.*

**Current Planning Division:** At the time of GDP, the Applicant submitted a complete Environmentally Sensitive Areas Report (ESAR), prepared by Wildland Consultants, Inc. evaluating the site for natural areas and making recommendations for their treatment. This report indicated that the only environmentally sensitive area on the site was the small drainage-way, with small pockets of wetland, in the far southwest corner of the site. This drainage and possible wetland areas are somewhat intermittent, depending on the amount of annual run-off and accompanying temperatures. It was not determined if the small pockets of marginal wetlands within this drainage-way are jurisdictional wetlands, subject to federal regulations under the Army Corps of Engineers.

The ESAR from Wildland Consultants, Inc. indicated that this drainage-way was approximately 200 meters from, Natural Area #74, and fairly near and connecting to Natural Area #75. Proximity to these areas prompted comments that occasional presence and conflict with mule deer, elk, and mountain lion could occur on the western portions of the site. The western portion of the site is within the much larger area considered as winter range for bald eagles, but there are no trees on or near the site for nests or perches. The report notes that, at that time, there were no prairie dog colonies on the site. However, prairie dogs migrate and establish new colonies on a regular basis. Before site development activities commence, the presence of prairie dogs and appropriate removal measures should be re-determined. This has prompted **Conditions #17 and #18.**

The GDP approval included several conditions implementing the recommendation of this ESAR, stipulating that further, more detailed, evaluation of this drainage-way be performed at the time of PDP, and that appropriate separation and buffers be implemented if development would be located near this drainage-way. As part of the submittal of the Lee Farm PDP, a brief, updated wetland delineation, prepared by Wildland Consultants, Inc., was submitted to the City. This letter indicated that Army Corps of Engineers (COE) had also been contacted for a determination of jurisdictional wetlands on the site. Nothing was ever received from COE.

Based on the ESAR from Wildland Consultants, subsequent staff inspection of this drainage-way area, and normal City policies, the Applicant and staff agreed regarding the following: 1.) regardless of whether or not this drainage contained any jurisdictional wetlands, the area has little natural area value, and further professional evaluation would provide no additional value; 2.) the area is also well suited for a location of one of the necessary stormwater detention ponds, and the PDP design and lay-out should just accommodate preservation and enhancement of the area to implement the normal City policies. (See **Attachments #7 and #8.**) Staff believes that the approach taken in this PDP for preserving and enhancing the identified natural area is a fully

satisfactory manner in dealing with this issue for this site, and that this meets the City policies and standards.

Staff believes that these findings can be made.

## **VII. RECOMMENDED CONDITIONS**

The following conditions are recommended by City staff:

### **A. PUD Preliminary Development Plan:**

#### **Current Planning:**

1. No sign permit will be issued for uses within the Tract N commercial area of the PUD until a Planned Sign program is submitted by the Developer and approved by the City.
2. The City shall not approve any FDP or final Public Improvements Construction Plans (PICPs) for any phase(s) that includes the 100 foot wide PRPA easement within Tract HH until the Developer submits to the City a letter from PRPA confirming their approval of the proposed landscape and other open space improvements within said tract.
3. Before issuance of any applicable Certificate of Occupancy by the City for the townhomes or condominiums, the Developer shall ensure that all parking areas, drive lanes and related access drives from streets are paved, striped and signed in compliance with the approved plans.

#### **Transportation Engineering:**

4. Prior to the issuance of any building permits within this preliminary development plan (PDP), unless otherwise approved by the Director pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the following improvements shall be designed and constructed by the developer, unless designed and constructed by others. A cash-in-lieu payment, or financial security, may be accepted for all or part of these improvements if approved in writing by the City Engineer:
  - a) The four-lane arterial roadway improvements for Wilson Avenue adjacent to the PDP boundary, including sidewalk, as shown on the approved Final Public Improvement Construction Plans.
  - b) The Channelized-T raised median configuration in Wilson Avenue (restricting left-turns at the proposed right-in/right-out access while allowing full-movement access at the existing Woodward/Governor access), as shown on the approved Final Public Improvement Construction Plans.
  - c) The major collector roadway improvements for Cascade Avenue and 35th Street within the property as shown on the approved Final Public Improvement Construction Plans.

- d) The intersection improvements to Wilson Avenue and 35th Street as shown on the approved Final Public Improvement Construction Plans.
- e) The necessary traffic signal modifications at 35th Street and Wilson Avenue as deemed necessary by the City.
- f) The southbound right-turn lane on Wilson Avenue approaching 35th Street.
- g) The southbound right-turn lane on Wilson Avenue approaching the proposed right-turns only access.
- h) The roundabout at the intersection of Cascade Avenue and 35th Street (if not already constructed by others).

5. Notwithstanding any information presented in the preliminary development plan (PDP) or accompanying preliminary plat and preliminary construction plan documents (text or graphical depictions), all public street improvements shall conform to the Larimer County Urban Area Street Standards (LCUASS) as amended, unless specific variances are requested and approved in writing.

6. The Developer shall acquire, at no cost to the City, any off-site right-of-way deemed necessary by the City for mitigation improvements associated with this development.

7. Prior to approval of the Final Development Plan (FDP) or final construction plans, a traffic signal plan will need to be reviewed and approved by the City for the necessary traffic signal modifications at 35th Street and Wilson Avenue.

8. The Developer shall obtain a Right-of-Way Obstruction Permit from the City for any proposed gates within a public right-of-way prior to the signing of the FDP or Final Public Improvement Construction Plan mylars.

9. All gates within this PDP shall remain permanently open unless otherwise specifically approved by Loveland City Council.

10. The following note shall be placed on the cover sheet of the final plat: "Local Streets within this subdivision are listed as Priority Three routes in the City of Loveland's Snow and Ice Control Plan, meaning that snow removal services are unlikely except in extreme circumstances. Privately contracted snow removal services are strongly recommended and are permissible when in accordance with the provisions of Section 12.16.240 of the Loveland City Code."

**Fire:**

11. All garage areas shall have heat detectors installed. Only garages protected by an automatic fire sprinkler system shall not require heat detectors.

**Parks and Recreation:**

12. No drainage pipes/systems, utilities, signage, landscaping or irrigation shall be allowed to encroach or be constructed in the underpass easements (temporary or permanent) without the Parks and Recreation Directors approval. Any landscaping proposed in Tract A may not be planted until after construction of the underpass. Funds shall be escrowed to complete the landscaping if the underpass is not constructed prior to the completion of Tract A. See the plat dedication statements for any exceptions or exclusions to this condition.

13. The sidewalk along Wilson, north of Iron City Drive may need to be installed with the construction of the underpass. Funds for the full 10 foot wide sidewalk/trail shall be escrowed if the City determines this to be best for the underpass project. This condition shall be finalized before the final mylars are signed and approved by the City. A temporary 5' wide sidewalk may be required if the permanent sidewalk is not installed.

**Water/Wastewater:**

14. Unless constructed by others, the Developer shall design and construct the following public improvements prior to the issuance of any building permits:

a. Public water infrastructure as illustrated in the Public Improvement Construction Plans (PICPs) for Vanguard-Famleco 13th Subdivision, aka Hunters Run West Filing 1.

15. Unless constructed by others, the Developer shall complete the design and construct the improvements to expand the 29th Street Water Booster Station in order to provide water to any property within the Boosted Pressure Zone 2 (BPZ2).

**Stormwater:**

16. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the Loveland Stormwater Utility with a final drainage design for Cascade Avenue which complies with the major storm allowable flow depth of 0.75 feet as required by our criteria for a major collector street classification.

**B. Preliminary Plat**

**Current Planning:**

17. Prior to commencing any construction or grading on the site, the Developer shall submit a report from a qualified professional to indicate whether there are any active prairie dog burrows or colonies on the site. The report shall distinguish the presence of any black-tailed prairie dog burrows or colonies, as compared to other types of more common prairie dogs. If there are active black-tailed prairie dog burrows or colonies, all reasonable measures shall be taken by the Developer to relocate the black-tailed prairie dogs to any accepting prairie grasslands. If there are any other prairie dogs on the site, the Developer shall employ a professional exterminator, licensed by the Department of Agriculture, to humanely eliminate the dogs from the site. Before

extermination activities commence, the Developer shall provide to the City written confirmation from the Division of Wildlife and the licensed professional exterminator stating there will be no detrimental effect to endangered species or burrowing owls.

18. Prior to commencing any construction or grading on the site, and prior to any removal or extermination efforts of prairie dogs from the site, the Developer shall submit to the City a report prepared by a qualified professional to indicate whether there are any burrowing owls on the site. If such construction, grading or extermination activities are proposed outside the owls' normal activity period (March 1 – October 15), this shall not be required.

19. As part of the final plat, the drainage swale lying along the rear of Lots 12-16, Blk 24, and the west sideyard of Lot 9, Blk 24 shall be platted as a separate tract to accommodate the large drainage swale that runs through this area. (This was discussed at one of the intervening meetings with staff regarding the revised grading and drainage plan.)

20. At the time of final plat and final PICPs, the alignment of all water and sewer lines in public streets will be revised so that landscape areas within roundabouts and cul-de-sacs can include canopy trees for higher quality visual impacts and improved shading of the on-street parking areas. The landscape plan will also be revised commensurately to include such trees. (This had been discussed once before, with unsatisfactory results for City staff. It came up again during per review of the application last week. I believe our position on this is “agree to disagree”, but it is my clear understanding that I have been directed to advocate for this position by this recommended condition.)

21. At the time if final plat and final PICPs, the 8 inch water line running through the northern portion of Lot 15, Blk 26 shall be relocated to lie near the north sideyard of said lot, or the easement area shall be platted as a separate tract to be owned and maintained by the HOA.

22. At the time of final plat and final PICPs, the final grading of the site will be substantially consistent with the preliminary grading plans. Artificial elevation of perimeter lots in order to create grading for walk-out lots will not be allowed.

23. At the time of final plat, the drainage/utility easement shown along the rear of Lots 12-16, Blk 24 and the west sideyard of Lot 9, Blk 24, shall be revised to a separate tract dedicated for drainage and utility purposes.

**Fire:**

24. Prior to approval of the Final Plat a “Fire Lane– No Parking” sign plan shall be submitted for approval for all courts and multifamily areas.

**Parks and Recreation:**

25. Specific dedication statements for the trail and underpass easements, located in Tract A and Outlot A shall be provided setting precedence for the trail as the primary use and all other easements as secondary to the trail and underpass easement. The City shall provide draft

language for these dedication statements on the final plat. There shall be dedication statements for both the temporary and permanent easements on the plat.

26. No additional encroachments, including blanket utility easements shall be allowed in the trail and underpass easements without the City of Loveland, Parks and Recreation Director, approval and as determined by the final dedication statements.

27. The following note shall be added to the final plat, "The City of Loveland is not responsible for any damage to irrigation heads or the irrigation system, or turf or landscape damage bordering the edge of trail if damaged due to routine snow removal or normal maintenance of the trail".

28. On the final plat, label Tract A in the table shown on plat as:

"Trail/Drainage/Landscape/Open Space to address the trail and access component of the easement."



LEE FARM FIRST SUBDIVISION PRELIMINARY DEVELOPMENT PLAN

ING AN PRELIMINARY DEVELOPMENT PLAN OF PORTIONS OF PARCELS 1,2, 3, AND 4, LEE FARM ADDITION, SITUATE IN SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

**OWNER'S CERTIFICATION:**

KNOW ALL MEN BY THESE PRESENTS THAT: G.A. Lee Farm, LLC, being all the lawful record owners of the property shown on this Preliminary Development Plan, except any existing public streets, roads or highways, do hereby certify that we accept the conditions and restrictions set forth on said plan and in the conditions of approval by the City of Loveland, dated October 3, 2010, and that we consent to the recordation of any information pertaining thereto.

Clintech Johnson & Lee Korn LLC, managing Partner  
Owner

Witness my hand and official seal.  
My commission expires \_\_\_\_\_  
\_\_\_\_\_  
Notary Public \_\_\_\_\_

#### SIGNATURE BLOCKS:

Planning Certification  
Approved this 28<sup>TH</sup> day of OCTOBER, 2010 by the Current Planning  
Manager of the City of Loveland, Colorado.

Manager of the City of Loveland, Colorado.  
Bob Paul Current Planning Manager

## Engineering Certification

Approved this 27<sup>th</sup> day of October, 2010, by the City Engineering  
Division of the City of Loveland, Colorado.

 -

**Attorney Certification**

Approved this 1<sup>st</sup> day of November, 2010 by the City Attorney of  
the City of Loveland, Colorado.

the City of Loveland, Colorado.

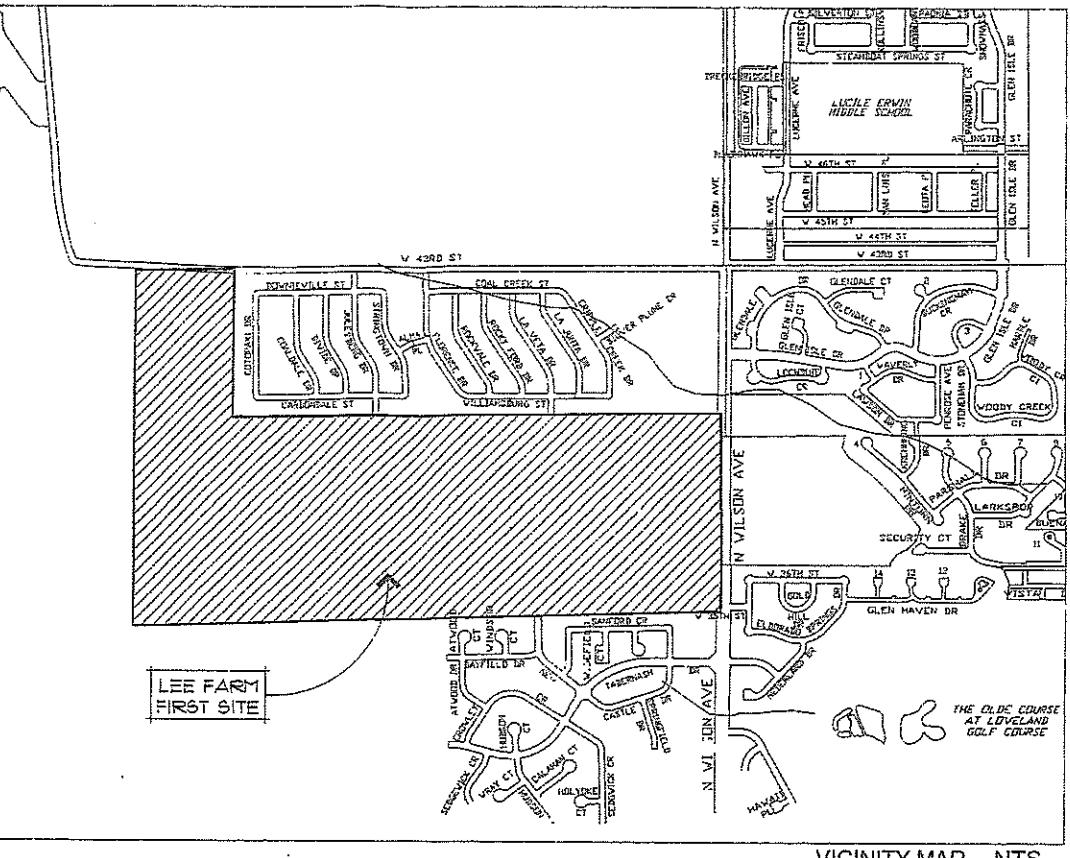
Planning Commission Certification

Approved this 25<sup>th</sup> day of October, 2015, by the City Planning  
Commission of the City of Loveland, Colorado.

## Parks and Recreation Department

Approved this 28<sup>th</sup> day of October, 2010 by the Parks and Recreation Department of the City of Loveland, Colorado.

Chairman Board on behalf of Carpet Threaders, F&F Threaders  
Chairpersons



**UTILITIES/PUBLIC FACILITIES PROVIDERS:**

POLICE/FIRE:	City of Loveland
SCHOOLS:	Thompson School District R2-J
PARKS & OPEN SPACE:	City of Loveland
WATER:	City of Loveland
SANITARY SEWER:	City of Loveland
ELECTRIC:	City of Loveland
NATURAL GAS:	Xcel Energy
TELEPHONE:	Qwest Communications
CABLE:	Comcast Communications
DRAINAGE:	City of Loveland

**PROJECT TEAM:**

OWNER/DEVELOPER:	G.A. LEE FARM, LLC Attn: Joe Quinn
LANDSCAPE ARCHITECT:	KENNEY & ASSOCIATES, Inc. Attn: Jarvis Foscick 209 East Fourth Street Loveland, CO. 80537 (970) 663-0548
CIVIL ENGINEER:	SHEAR ENGINEERING CORPORATION Attn: Brian Shear, P.E. 4836 South College Avenue Fort Collins, CO. 80525 (970) 226-5334
LAND SURVEYOR:	INTERMILL LAND SURVEYING Attn: Rob Perschitte, PLS 1301 North Cleveland Avenue Loveland, CO. 80537 (970) 669-0516
TRAFFIC ENGINEER:	DELICH & ASSOCIATES Attn: Matt Delich, PE 2272 Glen Haven Drive Loveland, CO. 80538 (970) 669-2061

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SHEET 29	SINGLE FAMILY ATTACHED / PLANTING STRATEGIES
SHEET 30	PRELIMINARY LANDSCAPE P



## Development Services Current Planning

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

### Planning Commission Staff Report

October 14, 2013

**Agenda #:** Regular Agenda - 3

**Title:** Artspace Lofts Project (Loveland Addition) Site Development Plan (PZ #13-00122)

**Applicant:** Artspace Projects Inc., Leah Swartz

**Request:** Be – Established Business District Site Development Plan Review

**Location:** South of W. 3<sup>rd</sup> Street between N. Railroad Avenue and N. Garfield Avenue (Block 21, Loveland Addition)

**Existing Zoning:** Be – Established Business

**Proposed Use:** Mixed Use Building

**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 IX of the Planning Commission staff report dated October 14, 2013 and, based on those findings, approve the Artspace Site Development Plan subject to the conditions listed in Section X, as amended on the record.*

#### Summary of Analysis

This is a public hearing and quasi-judicial matter to consider a Site Development Plan (SDP) that was prepared for the redevelopment of property located in downtown directly west of the Feed & Grain building. The project is referred to as the Artspace Lofts which consists of a 30-unit mixed use residential building, envisioned to provide affordable live/work opportunities to artists. The Artspace building would be a 4-story structure designed in concert with the Feed & Grain building in terms of scale and use of exterior materials. The building includes a first floor 1,145 square foot work area/gallery space, for the residents to use in designing and displaying their artwork.

Primary access into and out of the site would be from W. 3<sup>rd</sup> Street via an alley that is in the process of being vacated in conjunction with this project. All on-site parking would be located behind the building and reserved for the residences of the Artspace Lofts. Between the proposed Artspace Lofts and the Feed & Grain building is an outdoor plaza/gathering space. This would initially serve the lofts but intended to be shared between both buildings once the Feed & Grain building redevelops. It would function as a central core, tying the two properties together as a downtown art hub. All public improvements including street improvements, utilities, and emergency access have been designed per City standards.

## I. SUMMARY

Artspace Lofts Site Development Plan (SDP) is a proposal for redevelopment within Block 21 of the Loveland Addition in downtown on approximately 0.72 acres in the Be zoning district. The project would entail mostly residential – 30 affordable dwellings units specifically for artists within a 4-story building having a gross floor area of approximately 38,000 square feet. The project is defined as mixed use in that it also offers a component of live/work, by means of providing a shared 1,145 square foot work/gallery space for the residences. The applicant has developed similar projects throughout the country and has been successful in redevelopment and downtown settings.

Section 18.24.050 of the Loveland Municipal Code requires that any use containing more than 25,000 square feet of gross floor area in the Be zoning district to be approved by the Planning Commission at a public hearing. All information pertinent to Planning Commission consideration is provided in this staff report including detailed plans, findings, and supplementary information demonstrating compliance.

The City is also engaged in supporting this project through incentives, approved by City Council, that focus on downtown revitalization. The City's Economic Development Department has been working with Artspace on these details in conjunction with this development proposal.

## II. ATTACHMENTS

1. Be – Established Business District Excerpts
2. *Destination Downtown: HIP Streets Master Plan* Excerpts
3. Parking Justification with Exhibits
4. Be – Established Business District Urban Design Standards Justification
5. Site Development Plan
6. Color Building Elevations

## III. VICINITY MAP



#### **IV. SITE DATA**

ACREAGE OF SITE: ..... APPROXIMATELY 0.72 ACRES

PROPERTY ZONING / USE ..... BE – ESTABLISHED BUSINESS/VACANT METAL GARAGE  
..... BUILDING

EXISTING ZONING / USE - NORTH ..... BE – ESTABLISHED BUSINESS/CITY OF LOVELAND  
..... BUILDING

EXISTING ZONING / USE - SOUTH ..... BE – ESTABLISHED BUSINESS/SINGLE FAMILY  
RESIDENTIAL AND COMMERCIAL BUILDINGS

EXISTING ZONING / USE - EAST ..... BE – ESTABLISHED BUSINESS/VACANT FEED & GRAIN  
..... BUILDING

EXISTING ZONING / USE – WEST ..... BE – ESTABLISHED BUSINESS/AUTO SALES

#### **V. KEY ISSUES**

There are no key issues that staff believes would compromise the project. The City Development Review Team (DRT) is currently in the process of finalizing the review of engineering aspects that relate to the associated Public Improvement Construction Plans (PICPs). A Boundary Line Adjustment/Lot Merger application is being completed, combining all lots that originally make up this property. It also separates the Artspace Lofts and the Feed & Grain on their own respective lots. Additionally, the vacation of alley right-of-way is working its way through City Council. City Council unanimously approved first reading of an ordinance on October 1, 2013. Second reading is scheduled for October 15, 2013.

The Site Development Plan (SDP) presented for Planning Commission consideration includes an alternative parking compliance request. Section IX of this staff report provides a detailed analysis. Staff is in support of the plan, but believes this unique arrangement warrants the Planning Commission's attention.

#### **VI. BACKGROUND**

The subject property is a part of the original town of Loveland (Loveland Addition). The site, as it exists today, comprises the Feed & Grain building and an old metal garage. The site is designated as a historical site. Due to the proposed new Artspace Lofts project, this historical designation needs to be amended to include the replatted property in which the Feed & Grain building will sit on only. The proposal was presented to the Historic Preservation Commission (HPC) in September 2013. The HPC unanimously recommended approval, citing the importance of this project as a redevelopment to downtown. The HPC also expressed that the proposed Artspace Lofts building, through its design, respects the integrity of the Feed & Grain building. Additionally, it was noted that the project creates redevelopment that bolsters preservation efforts of the prominent Feed & Grain building. This recommendation will be presented to the City Council on October 15, 2013.

City Council has authorized an incentive and loan package to the Artspace project that provides for repayment over 30 years, waives construction material use taxes, and provides for the stabilization and future redevelopment of the Feed & Grain building. This is conditioned on passage of a supplemental appropriation ordinance scheduled for second reading with City Council on October 15, 2013. An associated Site Development Plan (SDP) for the Feed & Grain will be prepared separately from the Artspace Lofts SDP and presented to the Planning Commission at a date to be determined.

## VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from Jason Kopecky, on behalf of the applicant, certifying that written notice was mailed to all surface owners within 300 feet of the site and notices were posted in a prominent location on the perimeter on September 30, 2013. In addition, a notice was published in the Reporter Herald on September 28, 2013.
- B. **Neighborhood Response:** A neighborhood meeting is not required in conjunction with this application. However, all surface owners were notified in the public hearing notice that an open house would be held on Wednesday, October 9, 2013 at the Feed & Grain building to present the project to the neighborhood prior to the Planning Commission public hearing. The details of this open house are not captured in this staff report. However, an overview of the open house will be provided to the Planning Commission during the hearing on October 14, 2013.

## VIII. PARKING AND DESIGN ANALYSIS

The purpose of the Planning Commission hearing is to review the Site Development Plan (SDP) in relation to the Be zoning district standards. The most pertinent of which concerning Artspace relates to parking and design.

Artspace is proposing a site plan that provides 30 parking spaces on-site for 30 dwellings. The parking stalls located on-site would be reserved for the 30 dwelling units within the building. The City's parking standards require that on-site parking be 2 spaces per dwelling unit. In addition, parking is to be provided for the shared work/gallery space based upon a maximum occupancy.

Provided in **Attachment 3** is information that the applicant has prepared in response to their parking demands and an analysis of available public parking surrounding the site. With the type of development Artspace is proposing, parking ratios for the dwelling units are expected at 1:1 or less. Under this premise, the parking provided on-site would satisfy the needs of the residential component.

The flex or gallery space could be opened up to the public for specific events (i.e. to tie into First Friday's) if the residents choose to participate, but the space would not generally be open for the public to access. In Artspace properties across the country, this space is used for resident meetings, to display work, for small performances, for small classes or lectures hosted by the residents, resident collaboration, rehearsals, etc. This space is often seen as resident community rooms. If a resident (or group of residents) wanted to host an event open the public, they would be allowed - but it would be for a special event, not just for the general public to visit on a regular basis. Artspace anticipates individuals attending the events that do not live in the building, would park in the available parking around the site (in the proposed City lot or plentiful street parking.)

Parking ratios required by City code are applied in general and do not reflect unique projects such as Artspace that function in more of a hybrid manner. Based upon the information provided and being located downtown, staff is in support of the alternative compliance to parking.

The overall design of the Artspace building is unique to the location and relationship of the Feed & Grain. A contemporary architecture was chosen rather than a historical one because the property sits on the edge of downtown where transitions where diversity in architecture has a greater transition compared to the core. The contemporary style also lends itself to the character of the Artspace Lofts building and the importance of art throughout Loveland. The applicant has provided (see Attachment 4) an analysis demonstrating how the design complies with the standards of the Be zoning district.

## IX. FINDINGS AND ANALYSIS

Chapter 18.24, Section 18.24.050.B.

1. *The proposed development complies with the standards of this chapter and any other applicable provisions of the Loveland Municipal Code.*

The Artspace project demonstrates compliance with the Be zoning district. The categories that apply to this property in Chapter 18.24 are as follows:

- The property is located in Height District C which establishes maximum building heights at 70'. The proposed Artspace Lofts would be slightly less than 60' in height.
- **Parking:** The subject property is not located in the General Improvement District (GID). Therefore, required parking is to be provided on-site according to Chapter 18.42 (Off-Street Parking and Loading Requirements) of the Loveland Municipal Code. As allowed in Section 18.42.030, the Current Planning Manager may grant alternative compliance providing that the following can be determined:
  - a. *Site-specific, physical constraints necessitate application of the alternative standard, and such constraints will not allow a reasonable use of the property without application of such alternative standard;*

Given the location of the Artspace Lofts project being a redevelopment infill site, there are constraints associated with allocating space for parking. Artspace has developed similar projects around the country and have found through experience that the parking demands are typically at a ratio of 1:1 or less (see **Attachment 3**). Of the 30 residential dwellings, half are studio or one bedroom units.

*b. The alternative standard achieves the intent of the subject Type 2 standard to the same or greater degree than the subject standard, and results in equivalent or greater benefits to the community as would compliance with the subject standard.*

Thirty of the 60 required spaces would be provided on-site behind the building. An additional 27 spaces would be located in front of the building along W. 3<sup>rd</sup> Street. The applicant has provided a parking exhibit illustrating potential available parking surrounding the site (see **Attachment 3**). These are public parking areas. The parking requirement based upon proposed use (live/work space) is 99 parking spaces with a minimum of 2 parking spaces per dwelling unit. Roughly 60% of the parking demand per code is being met on-site and along W. 3<sup>rd</sup> Street. Moreover, the location of the site lends itself to greater pedestrian mobility in terms of being located within the downtown core area, near bus stops, and along high pedestrian corridors. Reserving on-site parking for residences would dictate that patrons attending the occasional gallery events would have to find parking around the site and walk to the location. While the subject property is not within the GID, it will likely function as though it is because of the location and nature of use.

- **Architecture:** General and core character areas urban design standards are type 2 standards that apply to new construction relating primarily to building design. The Artspace site falls on the fringe of the core character area and is located on a block in downtown that has a variety of uses and variation in building designs. Consequently, traditional downtown architecture is not how the Artspace building was designed. The

applicant has provided a justification statement (see **Attachment 4**), responding to how the project is in compliance with applicable design standards.

2. *The proposed development is consistent with the goals of the document, Destination Downtown: Heart Improvement Project Downtown Strategic Plan and Implementation Strategy.*

The goals of the Destination Downtown plan focus on three (3) general areas. Specific descriptions of these goals and ideas in which to achieve them are included in **Attachment 2** from the Destination Downtown plan for reference. The following is a brief description of the goals and an analysis of the Artspace project in reference to each:

*Incorporating sustainability through design, making downtown a destination area.*

The Artspace Lofts project is designed to respect and celebrate Loveland's history. Its focus towards art and artists is the basis behind the project which emphasizes the integration of art throughout downtown. However, it also functions in concert with the Feed & Grain building relative to scale, use of building materials, and potential future use of the building. Artspace is a significant redevelopment of downtown and catalyst towards restoration/redevelopment of the Feed & Grain building.

*Multi-modal street design that respects the safety for vehicles, pedestrians, and bicyclists.*

The Artspace site fronts along W. 3<sup>rd</sup> Street which is directly south of a primary pedestrian street (west side of Railroad Avenue) as depicted in Section 18.24.080 of the Loveland Municipal Code for the Be zoning district. Primary pedestrian streets are intended to facilitate comfortable pedestrian circulation to multiple destinations throughout downtown. The improvements that will be made along W. 3<sup>rd</sup> Street fronting the Artspace site demonstrate compliance with a downtown standard for development/redevelopment specific to creating strong emphasis to pedestrian connectivity abutting a designated primary pedestrian street. Wider sidewalks will be provided along W. 3<sup>rd</sup> Street separated from the street to provide a safer more pleasant pedestrian experience.

Primary vehicle access is separated from primary pedestrian access by utilizing the alley between W. 3<sup>rd</sup> Street and W. 2<sup>nd</sup> Street. All on-site vehicle parking is provided behind the building away from the primary pedestrian link along W. 3<sup>rd</sup> Street.

*Focus on public spaces that offer a variety of uses for a variety of users.*

Artspace will incorporate more opportunities for public art in downtown. The site is designed to include a central outdoor gathering space that can be shared between the Artspace Lofts and the Feed & Grain building. Redevelopment of the property is taking an under-utilized property that will add more residents to downtown by creating both living and working space.

3. *The proposed development is compatible with surrounding properties while considering its location in an urban environment characterized by a diversity of uses and building types.*

The proposed Artspace project is structured around these criteria. This is a development that is specifically geared towards a downtown setting by means of building scale, use, pedestrian emphasis, and exterior open spaces. Additionally, this particular block within the Loveland Addition includes a diversity of uses which the proposed Artspace project is compatible with. Artspace includes predominately residential but an overall use that is reflective of Loveland's culture in terms of art and artists. The scale and choice of exterior building materials of the Artspace Lofts is also reflective to that of the Feed & Grain.

## **X. RECOMMENDED CONDITION**

The following condition is recommended by City Staff.

1. Approval of the Artspace Lofts Site Development Plan shall be subject to approval of all facets associated with this redevelopment including but not limited to applications under review for Public Improvement Construction Plans, Boundary Line Adjustment/Lot Merger, Vacation of Public Right-of-Way, and Historic Landmark Designation Amendment.

## Chapter 18.24

### BE DISTRICT - ESTABLISHED BUSINESS DISTRICT

#### Sections:

<b>18.24.010</b>	<b>Purpose.</b>
<b>18.24.020</b>	<b>Uses permitted by right.</b>
<b>18.24.030</b>	<b>Uses permitted by special review.</b>
<b>18.24.040</b>	<b>BE zoned area on West Eisenhower Boulevard.</b>
<b>18.24.050</b>	<b>Proposals requiring approval by planning commission.</b>
<b>18.24.060</b>	<b>Standards applying to entire BE zoning district.</b>
<b>18.24.070</b>	<b>Description of general, core, Fourth Street, and neighborhood transition character areas.</b>
<b>18.24.080</b>	<b>General and core character areas urban design standards.</b>
<b>18.24.090</b>	<b>Fourth Street character area urban design standards.</b>
<b>18.24.100</b>	<b>Neighborhood transition character area urban design standards.</b>
<b>18.24.110</b>	<b>Landscaping.</b>

#### **18.24.010      Purpose.**

The BE - Established Business District is intended to promote the development of a pedestrian-oriented downtown mixed-use business district in which a variety of retail, commercial, office, civic and residential uses are permitted. The district is also intended to:

- A. Encourage preservation of the architectural and historic character of the district;
- B. Foster redevelopment through the application of flexible development standards;
- C. Encourage a diverse mixture of land uses throughout the district including arts and technology related uses and mixed-use development;
- D. Encourage revitalization and redevelopment of the downtown in a manner that preserves and complements its existing unique character;
- E. Increase housing density to support vitality downtown;
- F. Increase employment density and opportunities;
- G. Encourage high-quality design that is context appropriate;
- H. Encourage redevelopment and increased density, while maintaining compatibility between the downtown BE district and surrounding residential neighborhoods;
- I. Support multi-modal transportation, including higher density surrounding transit nodes; and;
- J. Allow for development to respond to infill conditions by utilizing type 2 standards.

#### **18.24.020      Uses permitted by right.**

The following uses are permitted by right in the BE district:

- A. Accessory buildings and uses;
- B. Accessory dwelling units;
- C. Art gallery, studio and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40;

- D. Bar or tavern in general, core, and Fourth Street character areas;
- E. Bed and breakfast establishment;
- F. Boarding and rooming house;
- G. Clubs and lodges;
- H. Combined use (or mixed-use) development of permitted uses;
- I. Commercial day care center, licensed according to the statutes of the state;
- J. Community facility;
- K. Convention & conference center;
- L. Essential public utility uses, facilities, services, and structures (underground);
- M. Financial services;
- N. Food catering;
- O. Funeral home without crematorium;
- P. Garden supply center;
- Q. Government or semipublic use;
- R. Health care service facility;
- S. Hospital;
- T. Indoor entertainment facility & theater;
- U. Indoor recreation;
- V. Light industrial entirely within a building;
- W. Lodging establishment;
- X. Long term care facility;
- Y. Lumberyard in the general character area;
- Z. Medical, dental and professional clinic or office;
- AA. Micro-winery, micro-brewery, and micro-distillery;
- BB. Multiple-family dwelling for the elderly;
- CC. Multiple-family dwelling;
- DD. Nightclub in core and Fourth Street character areas;
- EE. Office, general administrative;
- FF. One-family (attached or detached) dwelling, including mixed-use dwellings;
- GG. Open-air farmers market;
- HH. Parking garage in the general and core character areas;
- II. Parks and recreation area;
- JJ. Parking lot in the general character area;
- KK. Personal service shop;
- LL. Place of worship or assembly;
- MM. Printing and newspaper office;
- NN. Public or private school;
- OO. Research laboratory;
- PP. Restaurant, fast food without drive-in;
- QQ. Restaurant standard, indoor or outdoor;
- RR. Retail laundry;
- SS. Retail store and wholesale store;

- TT. Shelters for victims of domestic violence;
- UU. Special trade contractor's shop (any outdoor storage shall be subject to special review as provided in Chapter 18.40.);
- VV. Veterinary clinic;
- WW. Two-family dwelling; and
- XX. Workshop and custom small industry uses if entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.; Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40.

**18.24.030     Uses permitted by special review.**

The following uses are permitted by special review subject to the provisions of Chapter 18.40:

- A. Attended recycling collection facility;
- B. Antennas, as defined in Section 18.55.020(A), located on an existing tower or structure as provided in Section 18.55.030 and Section 18.55.030 and meeting all other requirements of Chapter 18.55;
- C. Bar or tavern in the neighborhood transition character area;
- D. Combined-use (mixed-use) development containing one or more special review use(s);
- E. Congregate care facility;
- F. Contractor's storage yard in the general character area;
- G. Domestic animal day care facility;
- H. Essential public utility uses, facilities, services, & structures (above ground);
- I. Gas station with or without convenience goods or other services in the general character area subject to Section 18.52.060 and Section 18.50.135;
- J. Greenhouse;
- K. Group care facility;
- L. Nightclub in the general and neighborhood transition character areas;
- M. Off-track betting facility;
- N. Outdoor recreation facility;
- O. Outdoor storage as an accessory use;
- P. Parking garage in the Fourth Street and neighborhood transition character areas;
- Q. Parking lot in the core and neighborhood transition character areas;
- R. Personal wireless service facility as defined in Section 18.55.020(A), located on a new structure, meeting all requirements of Chapter 18.55;
- S. Unattended recycling collection facility;
- T. Vehicle minor and major repair, servicing and maintenance in the general and core character areas;
- U. Vehicle rental, cars, light trucks and light equipment in the general and core character areas;
- V. Vehicle sales and leasing of cars and light trucks in the general and core character areas; and
- W. Warehouse and distribution uses enclosed within a building.

#### **18.24.040 BE zoned area on West Eisenhower Boulevard.**

The area zoned BE and shown in Figure 18.24.040-1 shall not be governed by the allowances, standards and provisions of this Chapter 18.24, with the exception that the uses allowed in this area shall be subject to Sections 18.24.020 and 18.24.030. For the purposes of determining allowed uses, this area shall be considered to be in the general character area (see section 18.24.070 for a discussion of character areas). All development in this area shall otherwise comply with Chapter 18.28, Chapter 18.53, Chapter 18.42, Chapter 18.50, Chapter 18.54 and all other applicable City code regulations.

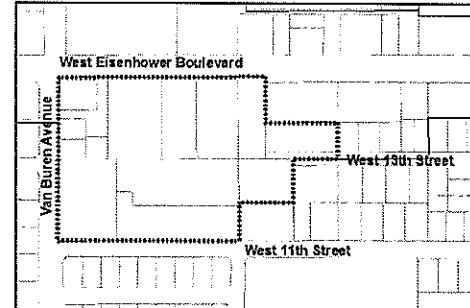


Figure 18.24.040-1

#### **18.24.050 Proposals requiring approval by the planning commission.**

- A. Structures, buildings or additions meeting the criteria listed in this section shall require approval by the planning commission at a public hearing noticed in accordance with Chapter 16.16.070. Uses listed in Section 18.24.030 as requiring a special review and meeting the thresholds listed in this section shall require approval by the planning commission at a public hearing in lieu of a special review.
  1. Any allowed uses located in the general, core or Fourth Street character areas containing more than 25,000 square feet of gross floor area construction.
  2. Any allowed uses located in the neighborhood transition character area containing more than 10,000 square feet of gross floor area construction.
  3. Any building or structure height above seventy (70) feet, exclusive of church spires, chimneys, ventilators, pipes, elevator shafts, or similar appurtenances.
- B. In evaluating proposals, the planning commissions shall make the findings included in this section.
  1. The proposed development complies with the standards of this chapter and any other applicable provisions of the Loveland Municipal Code.
  2. The proposed development is consistent with the goals of the document, *Destination Downtown: Heart Improvement Project Downtown Strategic Plan and Implementation Strategy*.
  3. The proposed development is compatible with surrounding properties while considering its location in an urban environment characterized by a diversity of uses and building types.

#### **18.24.060 Standards applying to entire BE zoning district.**

The following standards shall apply to all development within the BE zone district, except for that area described in Section 18.24.040 and depicted in Figure 18.24.040-1. The building envelopes depicted in this section are not intended to depict actual building forms. Building heights shall be defined and measured per Chapter 18.04.113.2. Therefore, portions of

a building including pitched or gabled roofs may extend outside of the building envelopes as depicted in this section.

A. Building height: Type 1 standards.

1. Building height for all structures, including primary and accessory uses, shall not exceed the maximum heights set forth in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3.

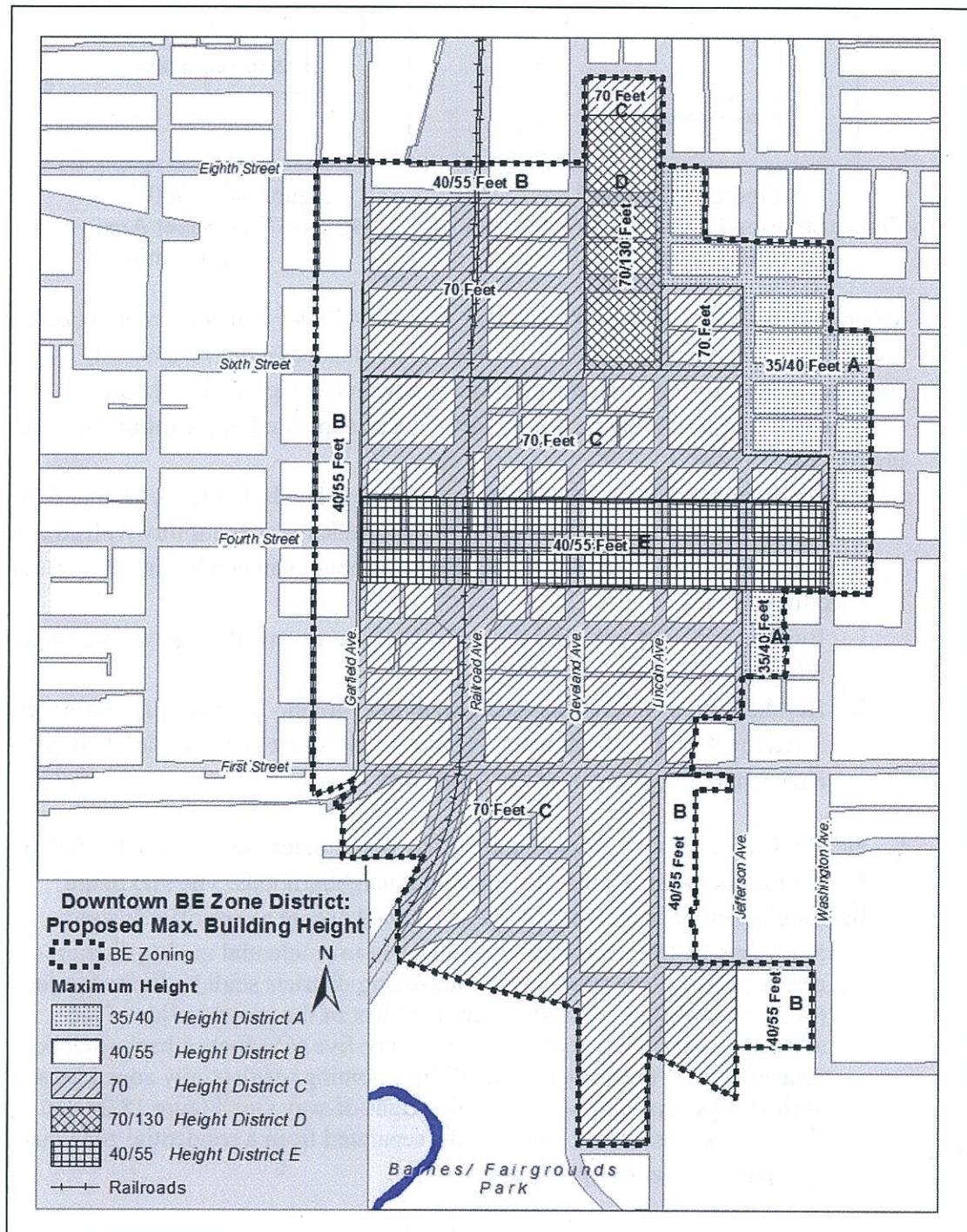


Figure 18.24.060-1: Downtown Area Height Limits

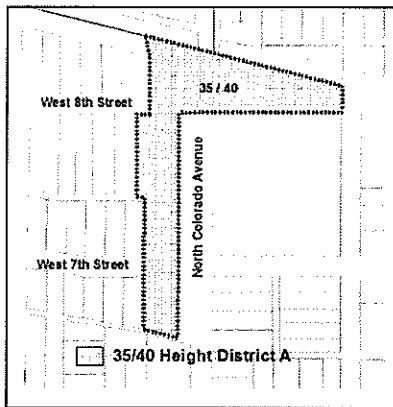


Figure 18.24.060-2  
BE Eighth Street and Colorado Avenue Area  
Height Limits

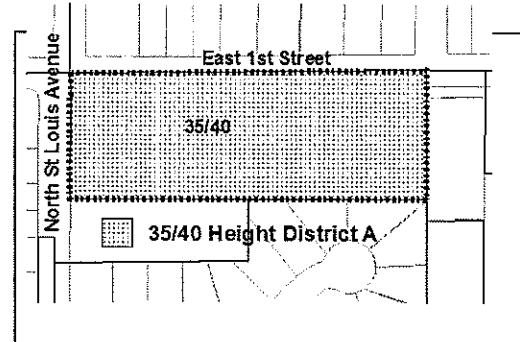


Figure 18.24.060-3  
BE East First Street Area  
Height Limits

2. Where Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 indicate two numbers, the lower of the two numbers shall be considered the standard allowable height.
3. Building heights up to the higher of the two numbers in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 may be permitted as stipulated in the following height provisions:
  - a. Height district A - 35/40 residential buffer: These height limits are intended to maintain the existing character of the area and ensure compatibility with adjacent uses and residential zoning districts. Building heights in height district A are as specified below:
    - i. Buildings located in height district A shall have a standard allowable height of thirty five (35) feet.
    - ii. Buildings on property located adjacent to Colorado Avenue, Lincoln Avenue, Jefferson Avenue, Washington Avenue, First Street or West Eighth Street may have a maximum height of forty (40) feet.
  - b. Height district B - 40/55 residential buffer: These height limits are intended to protect the character of adjacent residential neighborhoods. The maximum building height of fifty five (55) feet is allowed except as specified below:
    - i. Structures on lots located directly adjacent to residential zoning districts or across public alleys from residential zoning districts shall be limited to forty (40) feet in height within sixty five (65) feet of the property line of the adjacent residentially zoned lot. This sixty-five (65) foot setback shall be measured from the property line of the adjoining residentially zoned lot and shall include any land within an alley right-of-way (see Figure 18.24.060-4).
    - ii. This provision shall not apply to lots separated from a residential zone district by a public street other than an alley.

**18.24.070      Description of general, core, Fourth Street, and neighborhood transition character areas.**

Character areas are established as depicted in Figure 18.24.070-1 and Figure 18.24.070-2.

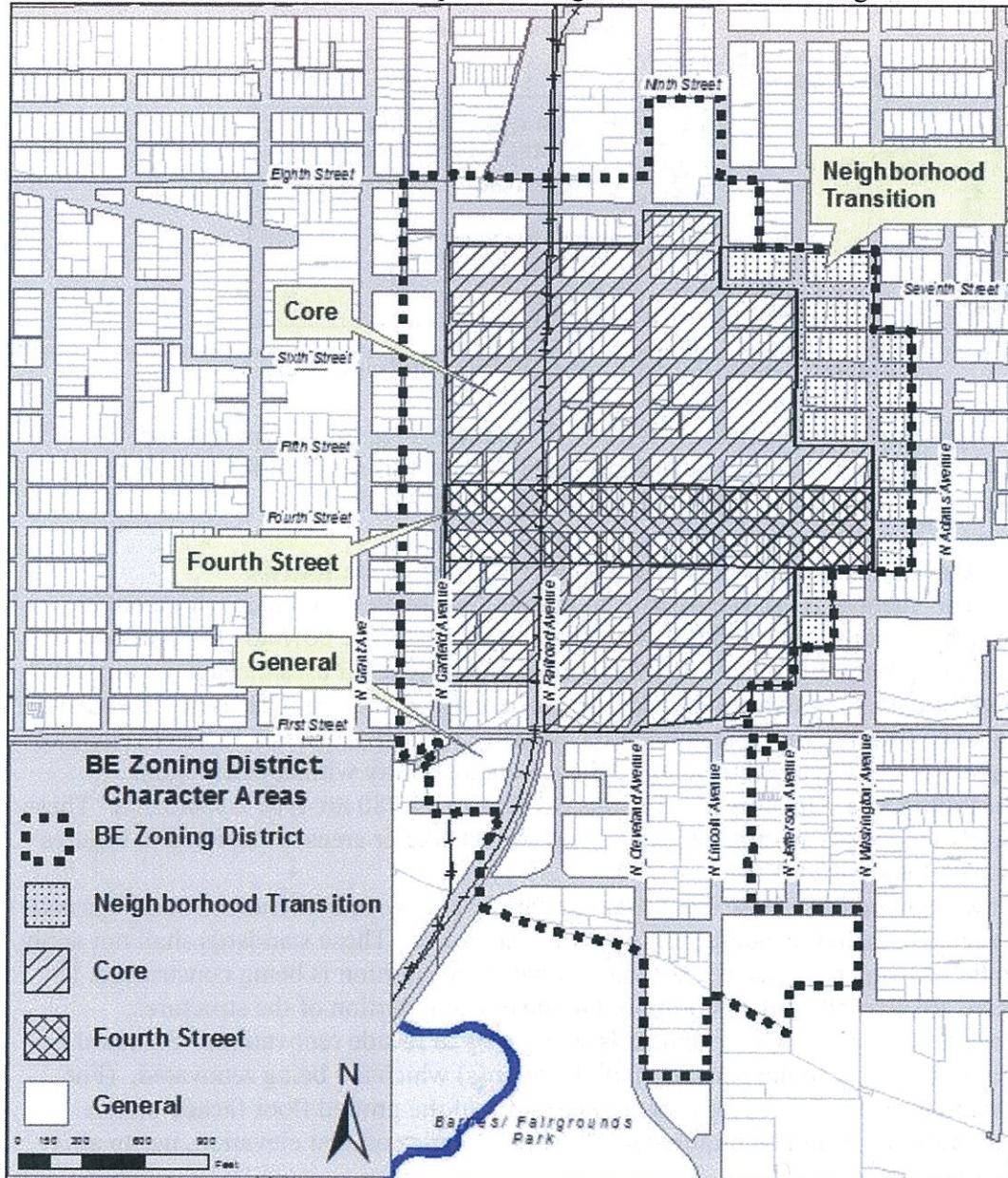


Figure 18.24.070-1: BE Zone District, Downtown Character Areas

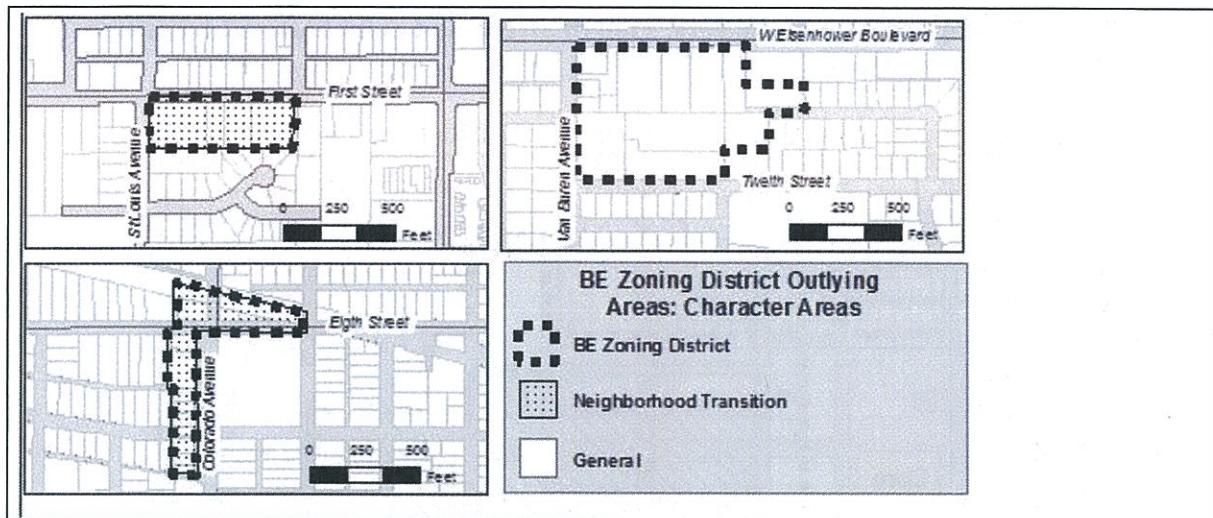


Figure 18.24.070-2: BE Zone District, Outlying Areas

Specific development standards are created for each character area. Development and redevelopment within each character area shall meet the standards set forth for that respective character area, as well as the standards set forth in Section 18.24.060.

**18.24.080 General and core character areas urban design standards.**

- A. Intent: The intent of these standards is to permit development and redevelopment in a manner that is consistent with the established character of the downtown BE district and the goals of promoting density of employment and residential uses through quality infill and redevelopment with a strong pedestrian orientation. These standards are intended to enhance the livability of residential areas, improve the appearance and attractiveness of land and buildings to customers, and enhance compatibility with adjacent uses.
- B. Applicability: The standards listed in this Section 18.24.080 are type 2 standards. These standards shall apply within the general and core character areas as depicted in Figures 18.24.070-1 and 18.24.070-2.
  1. New construction: These standards shall apply to new construction of buildings and structures, including additions to existing structures. These standards shall not apply to the existing portions of a structure to which an addition is being constructed, if there are no modifications proposed to the existing portion of the structure.
  2. Facade renovation: These standards shall apply to facade renovations. Standards shall apply only to the portion(s) of elevation(s) which are being renovated. (For example, an applicant proposing a renovation of the ground floor facade on one elevation would not be required to alter upper stories on that elevation, nor to alter other elevations.)
  3. Exemption for historic buildings: These standards shall not apply to designated historic structures altered or restored in compliance with a building alteration certificate authorized pursuant to Chapter 15.56 of the Loveland Municipal Code.
  4. These standards shall apply in lieu of Chapter 18.53 - Commercial and Industrial Architectural Standards.
- C. Primary pedestrian streets:
  1. Intent: The intent of this section is to ensure that primary pedestrian routes remain inviting to pedestrians; to maintain the established commercial architectural character along certain streets within the downtown; to maximize commercial activity by not

separating commercial areas with large areas of non-commercial facades; to facilitate comfortable pedestrian circulation between destinations; and to facilitate pedestrian circulation between parking areas and destinations to support “parking once” and walking to multiple destinations. Primary pedestrian streets are hereby established as shown in Figure 18.24.080-1.

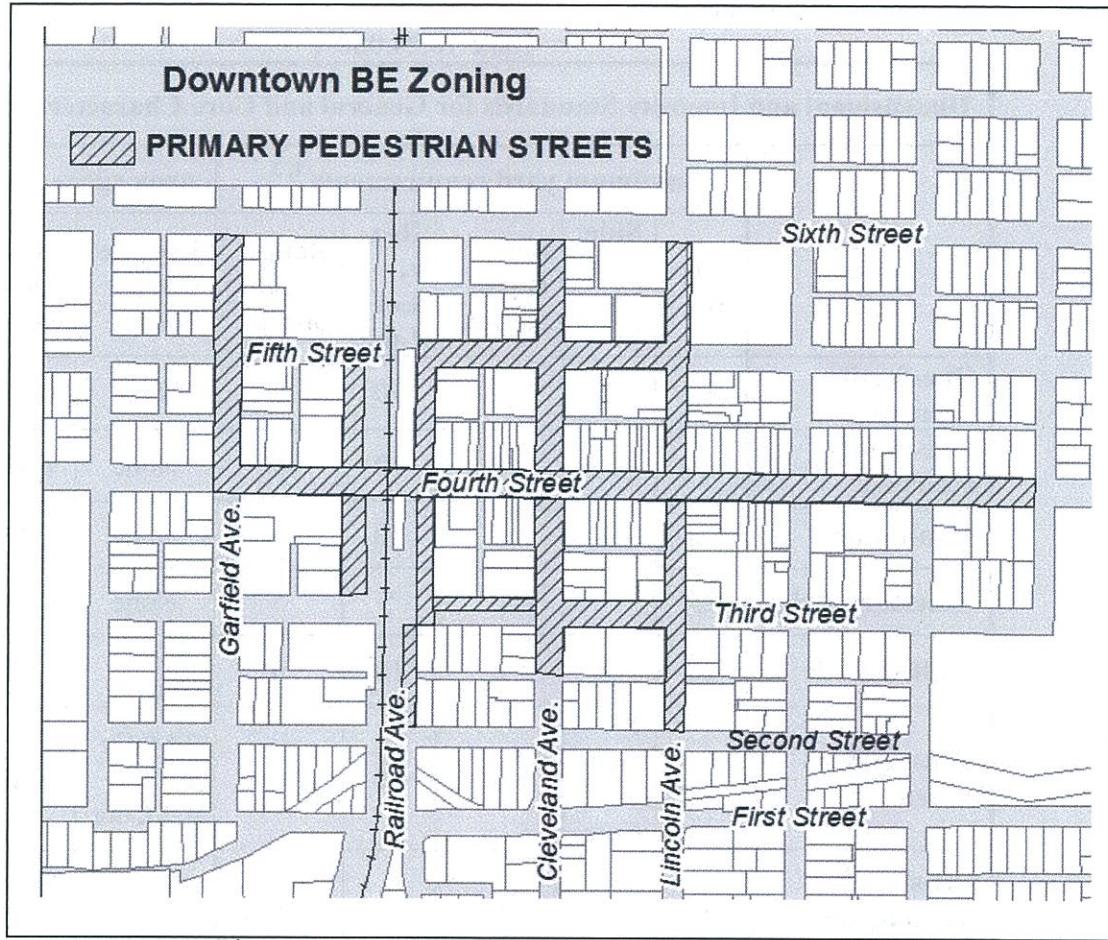


Figure 18.24.080-1: primary pedestrian streets

D. Primary and secondary elevations and lot frontage:

1. For buildings facing onto a public street right-of-way, the ground floor elevation facing onto said right-of-way shall be considered the primary elevation and the lot frontage on said right-of-way shall be considered the primary lot frontage.
  - a. For a building on a lot which is located on a street corner, one ground floor elevation and one lot frontage shall be determined to be the primary elevation and the primary lot frontage. If one of these public streets is designated as a primary pedestrian street per this section, then the ground floor elevation and lot frontage facing this primary pedestrian street shall be the primary elevation and lot frontage.
  - b. If the lot fronts onto two or more streets which are primary pedestrian streets then the application shall designate one ground floor elevation and lot frontage as the primary elevation and primary lot frontage.

- c. All other ground floor elevations and lot frontages are considered secondary elevations and lot frontages.

E. Dimensional standards: The standards set forth in this section and in Table 18.24.080-1 shall apply in the general and core character areas.

1. Dimensional standards

Table 18.24.080-1

Dimensional and Intensity Standards for General and Core Character Areas Only								
Use	minimum yard requirements <sup>1,3</sup>					open space, and lot size		
	Front	Side, Lot Line <sup>4</sup>	Side, Right-of-way	Rear, Lot Line	Rear, Right-of-way	Useable Open Space	Min Lot Size	Min Lot Width
One-family detached	10	5	5	10	5	None	4,000	35
One-family attached <sup>4</sup>	10	5	0	10	5	None	1,600	17
Two-family	10	5	0	10	5	None	4,000	40
Accessory Bldg	25	5	0	5	5	None	N/A	N/A
Multi-Family	10	5	0	10	0	10% Gen	5,000	50
Non-res & mixed	0	5 Gen 0 Core	0	10	0	7.5%Gen 0% Core	None	None
Off-street parking lots and structures <sup>2</sup>	8	8	8	0	5	N/A	N/A	N/A

Notes:

1. Setbacks for garage doors fronting public alleys shall be either five (5) feet or less; or eighteen (18) feet or more. Setbacks for garage doors fronting a public street shall be at least twenty (20) feet.
2. Setbacks may be reduced for surface parking when a decorative masonry wall at least three (3) feet in height is provided along public rights-of-way at least six (6) feet in height when adjacent to any residential use.
3. Structures fifty (50) feet in height or taller shall be set back a minimum of fifteen (15) from the face of curb.
4. Attached one-family dwelling units shall be allowed to have a zero (0) foot sideyard setback where party walls are used.
5. See section 18.24.080.E.2.c for setbacks from public streets in the core character area.

- a. Setbacks adjacent to one-family residential uses: Setbacks on lot lines adjacent to one-family residential uses or residential zoning shall be one (1) foot for each five

(5) feet of building height with a minimum setback of five (5) feet or the required setback listed in Table 18.24.080-1, whichever is greater.

2. Core character area supplementary dimensional standards
  - a. Intent: Dimensional standards within the core character area are intended to preserve and enhance the unique character of the area and encourage the renovation of existing buildings in a manner that preserves that character. The core character area has a strong pedestrian orientation and is characterized by historic buildings with zero or minimal setbacks.
  - b. Applicability: These standards shall apply to any development located within the core character area as defined in Section 18.24.070 and meeting the applicability standards set forth in Section 18.24.080.B.
  - c. Setbacks: Buildings shall be located as near as possible to the edge of the public sidewalk to enhance pedestrian access and continue the existing pattern of development which is characterized by buildings located in close proximity to the sidewalk. The minimum distance between a building facade and face of curb shall be fifteen (15) feet on primary pedestrian streets as defined in Figure 18.24.080-1, and twelve (12) feet on all other streets except as stated below. Building facades shall be placed at these minimum distances, or up to a maximum of twenty (20) feet from the face of curb, for a minimum of 75% of the primary lot frontage and 50% of the secondary lot frontage. Pedestrian easements shall be dedicated in that area between the portion of the building facade meeting the 50% to 75% requirement outlined above and the property line. This area shall be paved so as to function as part of the public sidewalk. See Figure 18.24.080-2.
    - i. Table 18.24.080-2 contains minimum distance from building facade to face of curb that must be met for the required 50% to 75% of lot frontage per section 18.24.080.E.2.c for segments of Third, Fifth and Sixth Streets between Railroad Avenue and Lincoln Avenue. These requirements are pursuant to the document: *Destination Downtown: HIP Streets Master Plan*.

Table 18.24.080-2

Minimum Distances between facade and face of curb between Railroad Avenue and Lincoln Avenue	
Road Segment	Minimum Distance (in feet)
Third Street	
North Side	16.5
South Side	17
Fifth Street	
North Side	10
South Side	15
Sixth Street	
North Side	16.5
South Side	14.5

- ii. The following may also be used to satisfy the above 50% and 75% frontage requirements.
  - 1) For buildings with ground floor residential uses; a setback of up to thirty-five (35) feet from the face of curb, on that portion of the building facade containing the ground floor residential use, provided that the area greater

than a minimum of fifteen (15) feet from the face of curb consists of landscape or quality hardscape.

- 2) For buildings or developments with frontage along more than one street a public open space such as a plaza on a maximum of one of a building's street frontages.
- 3) An arcade at least six (6) feet deep.
- 4) A setback of up to twenty-five (25) feet from the face of curb to allow for outdoor dining for up to a maximum of 25% of the total lot frontage.

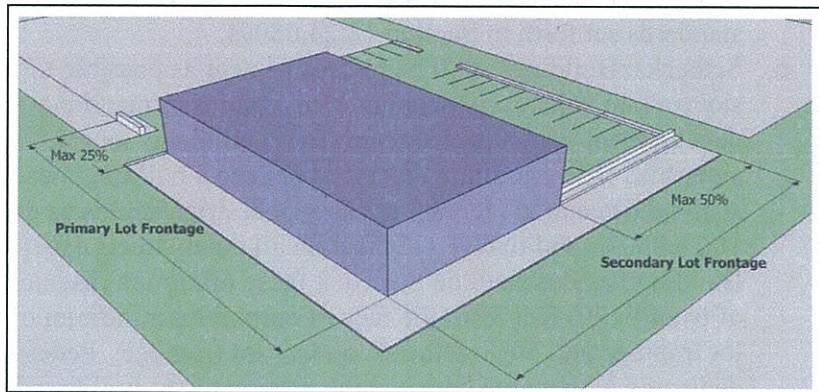


Figure 18.24.080-2

F. Architectural features: Traditional downtown buildings achieve quality appearance through the use of quality materials and proportions and architectural rhythm. Articulation of downtown buildings is often more subtle than articulation of typical suburban buildings.

1. Buildings shall incorporate a combination of the following features: columns, pilasters, window dormers, bay windows, corbels, balconies, porches, or other similar architectural features to add visual interest and diversity.
2. All elevations facing a public street right-of-way, public plaza or pedestrian space, or public parking lot shall contain a cornice parapet, capstone finish, eaves projecting at least twelve (12) inches, or other roof features.
3. All rooftop mechanical equipment shall be screened from view from public rights-of-way with screening materials comparable to the color, tone and texture of materials used on the building.
4. Each building fronting a public street shall have at least one primary entrance that shall be clearly defined and recessed or framed by elements such as awnings, porticos or other architectural features. Buildings fronting onto a primary pedestrian street shall place the primary entrance on the primary pedestrian street frontage.
5. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as set forth in Table 18.24.080-3.
6. No wall facing a plaza or public street shall extend more than twenty (20) horizontal linear feet on the ground floor without a window or other opening.

7. Facades greater than seventy-five (75) feet in length shall contain recesses or projections of a minimum depth of 3% of the facade length extending for a minimum of 20% of the length of the facade.
8. Facades visible from a public street, public plaza or public pedestrian space shall be finished with quality materials that reinforce the pedestrian character of the downtown. Minimum window and door openings shall be limited to the percentages indicated in Table 18.24.080-3.
  - a. At least 30% of facades shall consist of brick or stone or finish materials consistent with the historic character of the area. The area of windows and doors shall be excluded from the external wall area for this calculation.
  - b. The remainder of the facade not consisting of windows and doors shall consist of quality materials such as: brick, textured and/or ground face concrete block, textured architectural precast panels, masonry, natural and synthetic stone, exterior insulation finishing systems, stucco, and similar high quality materials as approved by the current planning manager.
  - c. Wood and metal are acceptable accent materials but should not account for more than 20% of any one facade.
  - d. No wall facing a plaza or public street shall extend more than twenty-five (25) horizontal linear feet without a window or other opening.
9. Historic compatibility: Facades in the core character area are not required to mimic historical architecture. However, certain areas of the core character area contain established patterns of historic building facades. Fifth Street between Railroad Avenue and Cleveland Avenue; or Lincoln Avenue between Fourth Street and Sixth Street are examples of this pattern. Where the surrounding block contains a pattern of historic buildings, new buildings should be designed to be compatible in scale, rhythm, materials, and mass with the historic buildings.

Table 18.24.080-3

Minimum Window and Door Percentage General and Core Character Areas				
Character Area	General		Core	
	Street Type		Street Type	
Facade Type / Location	Primary Pedestrian Street	Non-Primary Pedestrian Street	Primary Pedestrian Street	Non-Primary Pedestrian Street
Primary, Ground Floor	30%	30%	40%	40%
Secondary, Ground Floor	30%	20%	40%	30%
Residential, Ground Floor	20%	20%	20%	20%
Upper Floors, All Uses <sup>1</sup>	15%	15%	15%	15%

1. Upper floor surface area shall be measured excluding cornice or other roof features.

# Destination Downtown: HIP Streets Master Plan

5 May 2009

 City of Loveland Public Works Department



NUSZER KOPATZ  
urban **design** associates

The LDT represents broad interests and expertise within the Loveland community and was established to develop recommendations for downtown priorities and to assist with implementing downtown programs. The LDT provided comments and input on all project elements throughout the process, including recommendation for approval of the project by City Council.

#### PROJECT STUDY AREA AND SCOPE

Two levels of detail have been identified as part of the study area — the area of influence and core study areas. The area of influence encompasses the majority of the Downtown from 5th Street SE to 9th Street south to north and Garfield Avenue to the Civic Center west to east. (See Figure 1-1). Within the area of influence this Master Plan explores pedestrian, bicycle and vehicular connectivity and opportunities for gateways, signage and wayfinding. Key destinations within/adjacent to the area of influence include the Civic Center and Lagoon, Fairgrounds Park, US Highway 287 couplet (Lincoln and Cleveland Avenues) and Bill Reed Middle School.

The project core study area encompasses the core commercial, entertainment and civic hub of the Downtown. The core area boundary extends from 3rd to 6th from south to north and Garfield to Washington from west to east. Within the core study area, conceptual designs have been developed for 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Streets, the Thompson Pocket Park, Kitchen Alley and Museum Plaza. Key landmarks and destinations within the core study area include the 4<sup>th</sup> Street commercial businesses and eateries, the Rialto Theater, Loveland Museum/Gallery, Aims Community College, Loveland Reporter Herald, Feed and Grain site, the rail Depot and McKee Medical Center Facilities.

#### PROJECT VISION

Create a functional, aesthetically pleasing, eclectic Downtown environment that facilitates business vitality, fosters a sense of community, and accentuates the identity of the Downtown commercial district.

#### GOALS

Create a Downtown that sustains a good network of public spaces, streets, infrastructure, cultural destinations and retail corridors; providing a vibrant environment to live, work, shop and visit.

- Respect and celebrate Loveland's heritage, culture and history
- Promote quality of life and community investment
- Provide clear signage and wayfinding to and within Downtown
- Improve the physical appearance, functionality and safety of Downtown public spaces
- Enhance connectivity, safety and accessibility for pedestrians throughout Downtown
  - Create enhanced pedestrian connections from businesses to parking
  - Explore connectivity options to potential multi-modal corridors and transit
  - Consolidate refuse containers/enclosures in alleys and service corridors
  - Develop maintenance recommendations for streetscape amenities, walkways and roadways

- Partner with business owners for creative access solutions during project construction.
- Create an integrated network allowing businesses and destinations to support each other.
- Integrate art and sculptural elements throughout Downtown
- Implement short term "test projects".
- Create a series of well-connected public spaces that expose new people to Downtown.
- Strengthen the perception that Downtown is a safe place with a positive energy
- Establish clear pedestrian and vehicular gateways into Downtown.
- Program events to encourage more businesses to stay open in the evening hours, further activating the Downtown at night.

Design streets that take all users into account, include sidewalks lined with a variety of interesting features and activities and promote safety for vehicles, pedestrians and bicyclists.

- Prioritize pedestrian connectivity over vehicular movement and storage.
- Design streetscapes that are flexible for a variety of business types.
- Create memorable elements of the streetscape unique from other areas of Loveland.
- Provide wider sidewalks for a safer more pleasant pedestrian experience and to encourage restaurants and retailers to spill on to the sidewalk.
- Improve the pedestrian experience for shopping and encourage walking.
- Provide for temporary street closure during large community events, design for experience of street both open and closed to vehicles.

Provide public spaces that are well-programmed, accommodate a variety of uses and users, promote social interaction and a sense of community, and include memorable architectural, landscape and hardscape elements.

- Incorporate opportunities for public art and artistic design elements
- Provide areas for inspiration, contemplation, education, and interaction
- Utilize public spaces to expose new people to Downtown and all it has to offer
- Implement collective year-round programming of public spaces.
- Implement regular weekly programming for all key public spaces
- Create amenities that will draw local and regional users and help Downtown Loveland compete with other retail destinations such as an event plaza
- Program events to utilize more than one public space at a time; i.e. Museum Plaza provides support for events at Fairgrounds Park
- Provide convenient access from parking/transit to public gathering spaces, consider locations of transit stops, event shuttles, etc.
- Provide alternative pedestrian routes to Lincoln/Cleveland which are vehicle dominated.
- Utilize collective small details to add up to a great public space network.
- Capitalize on architectural design and contextual relationships
- Develop designs that reflect the community's local character and heritage
- Activate existing under-used spaces.

- Utilize Project for Public Spaces — Plazas and Squares rules for success
- 1. Image and Identity
- 2. Attractions and Destinations
- 3. Amenities
- 4. Flexible Design
- 5. Seasonal Strategy
- 6. Access
- 7. The Inner and Outer Square
- 8. Reaching Out
- 9. Central Role of Management
- 10. Diverse Funding Sources



Figure 1-1 Study Area

## INTRODUCTION

# Destination Downtown: HIP Streets Master Plan



While instructed in our initial CRT meeting on November 10, 2011 that the Artspace Loveland Lofts property was within the General Improvement District (GID) boundaries and therefore required no on-site parking, the design team determined that we would maintain a 1:1 on-site parking ratio for the convenience of our residents. During our May 2, 2013 CRT meeting, the design team learned the property is actually located adjacent to and immediately outside of the GID, requiring a 2:1 on-site parking ratio. (Please see *Map of Downtown Loveland*; attached)

Based upon the nature of the project, location, and available parking along West Third Street as well as the proposed City-owned parking lot to the north of the property, Artspace is confident that parking needs for Artspace Loveland Lofts can be met at a 1:1 parking ratio rather the 2:1 parking ratio traditionally required in this district.

#### **Nature of the project**

As demonstrated in a variety of other Artspace affordable housing properties across the United States, the uniqueness of and the demand for the Artspace product motivates tenants to live and work in Artspace buildings. Units feature open floor plans that allow for flexible use, larger than normal units, durable surfaces, and large windows with ample natural light. Artspace Loveland Lofts will have the capacity to act as a transformative platform for creative collaboration between the artist residents and the surrounding neighborhood, and a catalyst for economic development in the downtown core.

The Artspace team has come to understand that parking does not influence interest or occupancy or our properties. Please see the parking ratios and occupancy rates of some sample projects below.

Community	Property Name	# of on-site parking spaces			
			# of units	parking ratio	occupancy rate
Elgin, IL	Elgin Artspace Lofts	0	55	0	100%
Minneapolis, MN	Artspace Jackson Flats	35	35	1:1	(under construction)
Seattle, WA	Artspace Hiawatha Lofts	56	61	0.92:1	98%
Waukegan, IL	Karcher Artspace Lofts	36	36	1:1	100%

In addition – as a local example - The Gallery Flats, the most recent mixed-use apartment project in downtown Loveland, was granted a 0.7:1 on-site parking ratio.

#### **Accessibility of the site**

The proximity to the services and amenities of downtown Loveland allows for alternate

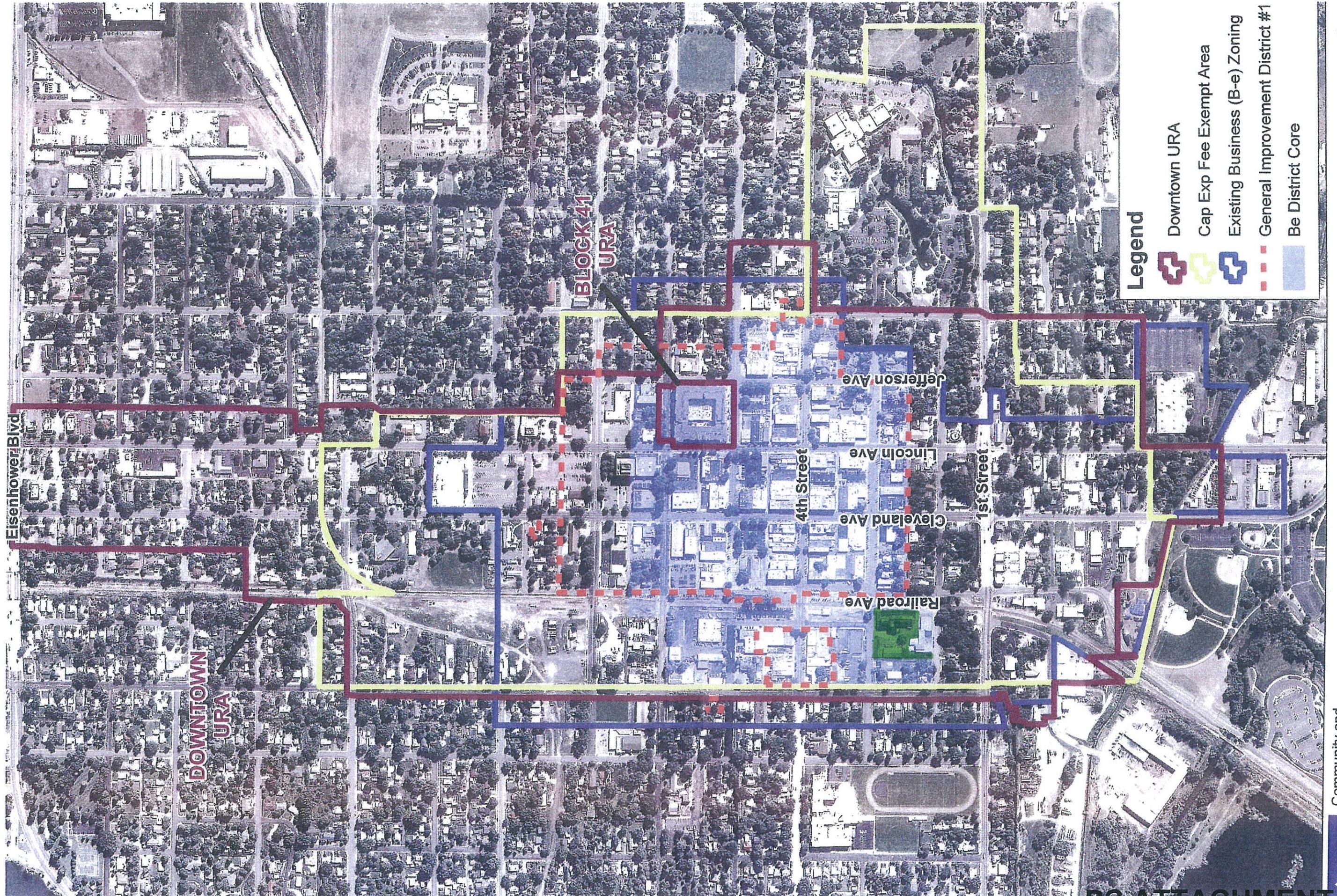
forms of transportation including walking and biking – promoting a healthier lifestyle while reducing the dependency on the automobile.

The Local Amenities map that was created by a third party market analyst and the Arts & Culture Context Map created with the City's assistance demonstrate the connectivity to services and amenities including a bank, pharmacy, medical center, grocery store, post office, police station, bus stops, open space, recreation, entertainment, schools, cultural facilities, and the rest of downtown Loveland. Most of these amenities are less than a mile away. The Loveland Feed & Grain Downtown Context Map demonstrates Loveland bus stop locations within a half mile of the property. The Walk Score Chart, also created by the third party market analyst, demonstrates the walkability of the Artspace Loveland Lofts site as compared to other residential communities in Loveland. The site is considered "Very Walkable."

*(Please see a) Local Amenities map, b) the Arts & Culture Context Map, c) Loveland Feed & Grain Downtown Context map, and d) the Walk Score Chart; attached)*

#### **Additional nearby parking**

A good amount of off-site parking spaces are located on the streets adjacent to the site. Twenty (20) parking spaces are available on West 3<sup>rd</sup> Street between Garfield Avenue and Railroad Avenue. Forty-eight (48) parking spaces are available on Railroad Avenue between West 2<sup>nd</sup> Street and West 3<sup>rd</sup> Street. In addition, the City is planning to develop a public parking lot just north of the site – the Railroad Street and 4<sup>th</sup> Street Parking Lot. The lot will provide 39 parking spaces and the City is currently planning that the parking lot will be completed later this year.

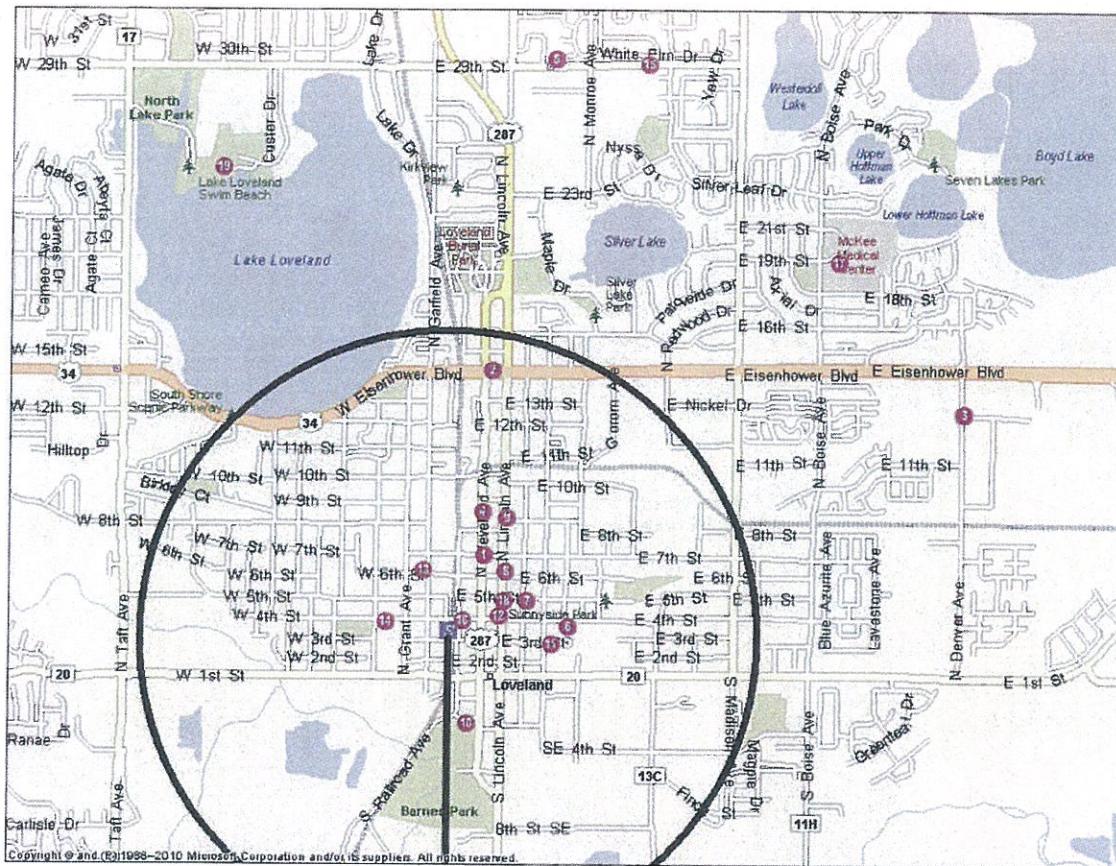


PC ATTACHMENT 3

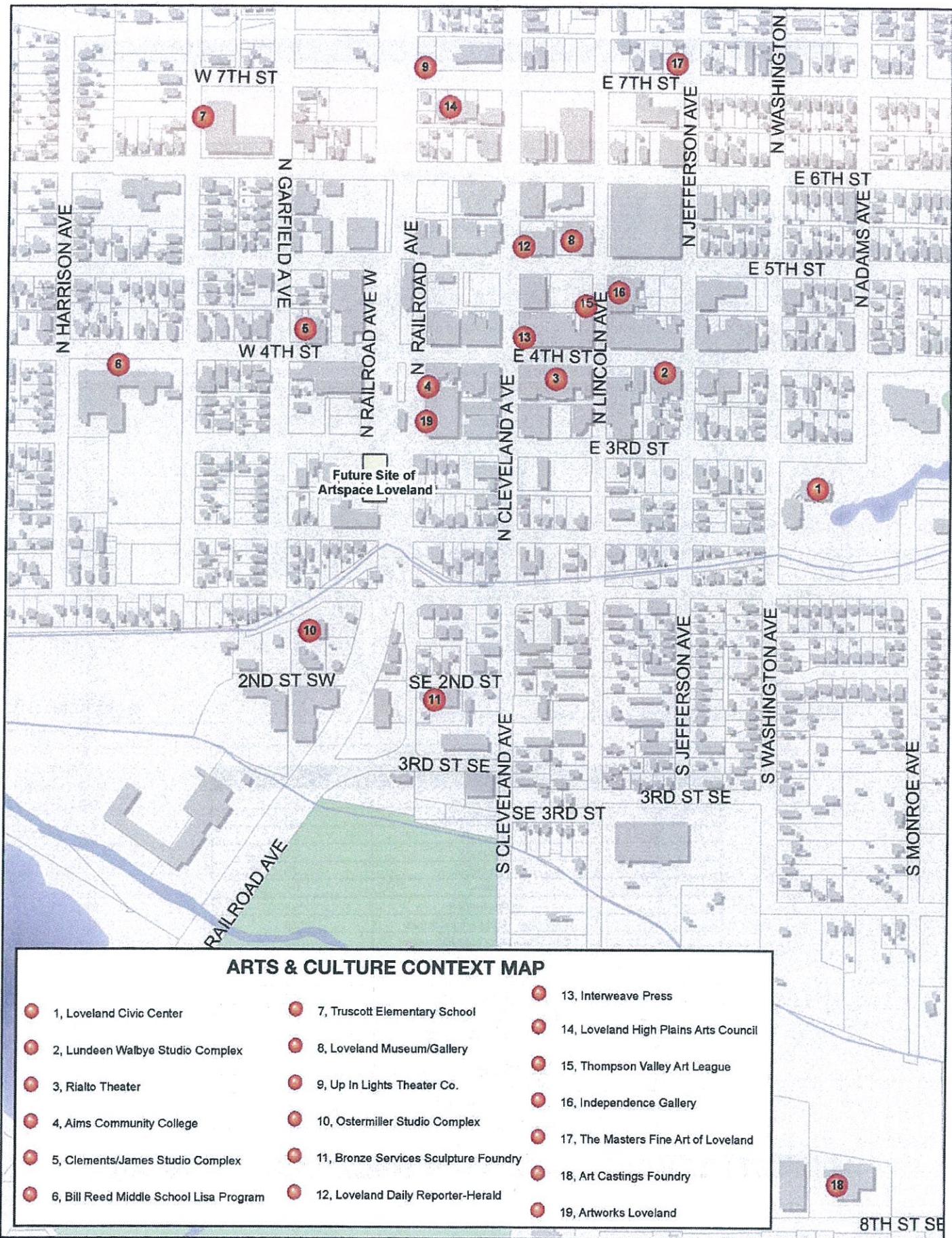


Artspace Loveland, Loveland, CO; Market Study

LOCATION AMENITIES



LOCATIONAL AMENITIES		
Map Number	Service or Amenity	Miles From Subject
1	Chase Bank	0.5
2	Walgreens Pharmacy	1.1
3	Walmart	2.8
4	Safeway	0.8
5	Post Office	2.5
6	Library	0.5
7	Police Station	0.4
8	Bus Stop - COLT - local routes	0.4
9	Bus Stop - Flex - regional routes	0.6
10	Barnes Park	0.4
11	City Hall	0.3
12	Downtown Loveland	0.2
13	Trustcott Elementary School	0.3
14	Bill Reed Middle School	0.3
15	Loveland High School	2.7
16	AIMS Community College	0.1
17	McKee Medical Center	2.7
18	Loveland Museum	0.3
19	Lake Loveland Swim Beach	3.0





## Walk Score Charts for LIHTC Application

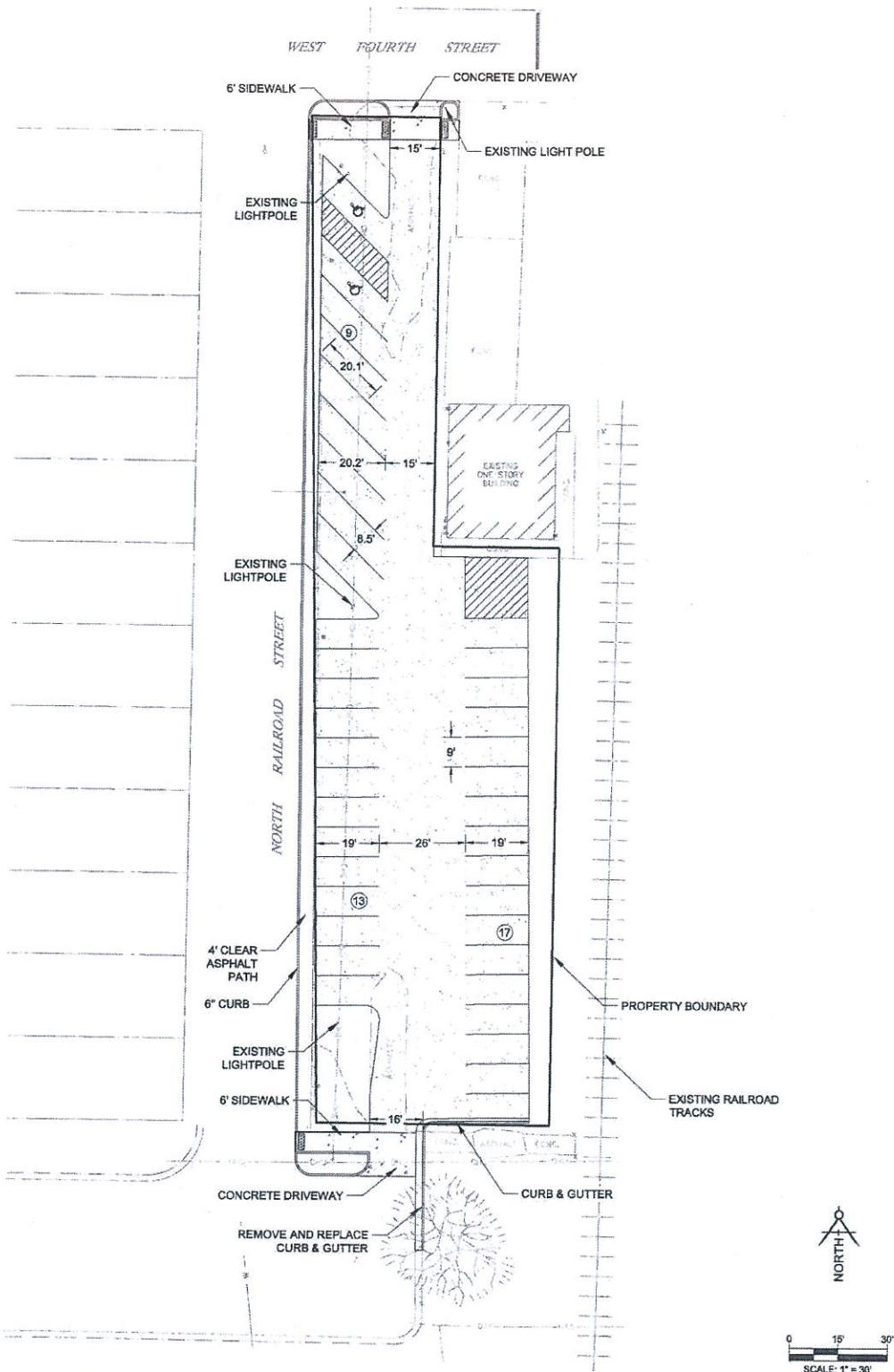
Name of Proposed Project: Artspace Loveland Lofts

Project	Walk Score (out of 100)	Transit Score (out of 100)	Avg.
<b>Artspace Loveland</b>	<b>82</b>	<b>N/Av</b>	<b>82</b>
Brookstone Apartment Homes	40	N/Av	40
Madison Avenue Apartments	57	N/Av	57
Reserve at Centerra	29	N/Av	29
Rock Crest	18	N/Av	18
The Meadows	38	N/Av	38
Waterford Place	31	N/Av	31
Eagle Ridge	48	N/Av	48
Lake Vista	45	N/Av	45
Lakemont Apartments	65	N/Av	65
Lincoln Place Apartments	83	N/Av	83
Peakview by Horseshoe Lake	37	N/Av	37
The Greens at Van Der Water	32	N/Av	32
Thompson Valley Apartments	52	N/Av	52
<b>Comp Averages</b>	<b>44</b>	<b>N/Av</b>	<b>44</b>
<b>Loveland, CO Average</b>	<b>38</b>	<b>N/Av</b>	<b>38</b>

Walk SCORE	
Range	Description
90-100	Walker's Paradise – Daily errands do not require a car.
70-89	Very Walkable-Most errands can be accomplished on foot.
50-69	Somewhat Walkable-Some services within walking distance.
25-49	Car-Dependent-A few services within walking distance.
0-24	Car-Dependent-Almost all errands require a car.

Transit SCORE	
Range	Description
90-100	Rider's Paradise – World-class public transportation.
70-89	Excellent Transit-Transit is convenient for most trips.
50-69	Good Transit-Many nearby public transit options.
25-49	Some Transit-A few nearby public transit options.
0-24	Minimal Transit-Car-dependent.



**RAILROAD STREET AND 4TH STREET PARKING LOT  
PRELIMINARY LAYOUT EXHIBIT**

JUNE 4, 2013

**PC ATTACHMENT 3**



12600 west colfax avenue  
suite c-200  
lakewood, colorado 80215-3758  
303-531-4990 ph  
303-531-4998 fax

principals  
ronald k. abo, aia, NCARB, LEED AP  
kevin k. yoshida, aia, NCARB  
john w. priebe, aia

## Current Planning

500 East Third Street, Suite 310  
Loveland, CO 80537

09.13.2013

### **ARTSPACE LOVELAND LOFTS – ZONING ARCHITECTURE JUSTIFICATION**

The following describes the architectural standards set forth in the Loveland Municipal Code Section 18.24.080 Section F and the projects compliance or justification for deviating from these standards.

In general the 100 block of West 3<sup>rd</sup> Street is a block that is on the edge of the historic downtown area and is a block that transitions from the historic urban area to the surrounding single family residential neighborhood. The historic context of the buildings on the street and the surrounding blocks consists primarily of the Loveland Feed & Grain, the Light and Power building and a number of single family homes. The design for Artspace Loveland Lofts has drawn inspiration from the materials and forms of the Loveland Feed and Grain. A contemporary style is used rather than a historical one to create an architecture that uses materials and color to reinforce individual forms and create texture that breaks down the scale and mass of the building. The variety, distribution and composition of materials help mediate between the urban architecture of masonry east of the railroad tracks and the predominately lap siding architecture of the residential neighborhood at the west end of the block. Our goal has been to address the intent of the zoning regulations by providing a living and working environment of enduring quality, that is pedestrian friendly, visually interesting and inviting while at the same time providing a design that address both its urban and residential neighborhood contexts.

#### ***18.24.080 General and core character areas urban design standards.***

***A. Intent:*** *The intent of these standards is to permit development and redevelopment in a manner that is consistent with the established character of the downtown Be district and the goals of promoting density of employment and residential uses through quality infill and redevelopment with a strong pedestrian orientation. These standards are intended to enhance the livability of residential areas, improve the appearance and attractiveness of land and buildings to customers, and enhance compatibility with adjacent uses.*

***F. Architectural features:*** *Traditional downtown buildings achieve quality appearance through the use of quality materials and proportions and architectural rhythm. Articulation of downtown buildings is often more subtle than articulation of typical suburban buildings.*

*1. Buildings shall incorporate a combination of the following features: columns, pilasters, window dormers, bay windows, corbels, balconies, porches, or other similar architectural features to add visual interest and diversity.*

**Justification:** Architectural visual interest and diversity is achieved through the variety of quality materials used, the distribution and composition of the materials and the use of color to clearly define individual volumes and break down larger ones. Premium materials include, metal wall paneling, ground face concrete masonry units, fiber cement panels and store front glazing. The large expanse of storefront glazing at the Flex Space and Entry Lobby adds visual interest at the pedestrian scale by allowing pedestrians a view of the interior of the building. Both the Flex Space and the Entry Lobby have an opportunity to showcase local art because of the use of the store front glazing. Additionally the building design does include three common exterior balconies.

*2. All elevations facing a public street right-of-way, public plaza or pedestrian space, or public parking lot shall contain a cornice parapet, capstone finish, eaves projecting at least twelve (12) inches, or other roof features.*

**Justification:** Cornice parapets, capstone finishes, and deep eaves or other roof features are architectural elements that are effective at providing visual interest for a large monolithic mass. The design of the building has many varying wall planes and roof heights, some of which contain projecting eaves. None of the eaves are able to project more than 6" at the public right-of-way due to the proximity of the building to the right-of-way line. The approach to the architecture is to create a visually interesting building that draws its inspiration from the assemblage of forms found in the Loveland Feed and Grain building, and by using the materials found in the Loveland Feed and Grain building to create building skins that articulate clearly defined forms in a contemporary language. To this end we have not employed traditional architectural elements such as cornice parapets and capstones but rather have chosen simple and clean parapet cap flashing instead.

*3. All rooftop mechanical equipment shall be screened from view from public rights-of-way with screening materials comparable to the color, tone and texture of materials used on the building.*

**Compliance:** Parapet walls extend above the roof to conceal roof top mechanical units. Please see attached perspective views from West 3<sup>rd</sup> Street.

*4. Each building fronting a public street shall have at least one primary entrance that shall be clearly defined and recessed or framed by elements such as awnings, porticos or other architectural features. Buildings fronting onto a primary pedestrian street shall place the primary entrance on the primary pedestrian street frontage.*

**Compliance:** The main entrance to the residential portion of the building is through a recessed portico off of West 3<sup>rd</sup> Street, and the main entrance to the Flex Space is off of West 3<sup>rd</sup> street under a large roof canopy.

**5. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as set forth in Table 18.24.080-3.**

**Justification:** The project is located in the Core Character Area. West 3<sup>rd</sup> Street between Garfield Avenue and Railroad Avenue is not classified as a primary pedestrian street. The building is primarily residential in nature. Based on the criteria above, the following minimum percentages of the façade shall be comprised of either windows or doors:

Residential Ground Floor	20%
Secondary Ground Floor	30%
Upper Floors	15%

The north elevation of the building, which faces West 3<sup>rd</sup> Street is comprised of the following percentage of windows and doors:

Entry Level / Level 1 (residential)	23.26%
Flex Space (Ground Floor)	80.13%
Level 2	26.06%
Level 3	14.62%
Level 4	09.57%

The design exceeds the requirements for the minimum window percentage on the first and second floors and slips below the requirement on Levels 3 & 4. The building steps back at levels 3 & 4 in order to provide a softer and friendlier street edge. This creates roofs and plane breaks that reveal core functions of the building and reduce the need and opportunity for as many openings. When taken as a whole, the north elevation contains a significant amount of openings.

**6. No wall facing a plaza or public street shall extend more than twenty (20) horizontal linear feet on the ground floor without a window or other opening.**

**Compliance:** The north wall facing West 3<sup>rd</sup> Street does not extend more than 20 linear feet without a door or window.

**7. Facades greater than seventy-five (75) feet in length shall contain recesses or projections of a minimum depth of 3% of the facade length extending for a minimum of 20% of the length of the facade.**

**Justification:** The north façade is 115' long at Level 1, approximately 105' on Levels 2 & 3, and approximately 87' on Level 4.

On Level 1, the façade includes a recess of at least 6' (5.2%) for 17' (14.8%).

On Level 2, there is a recess of at least 6' (5.7%) for 17' (16.2%).

On Level 3, there is a recess of at least 6' (5.7%) is 33' (31.4%).

On Level 4, there is a recess of at least 6' (6.9%) for 48' (55.2%).

Additionally there is a recess of 2' (1.7%) for 13' on all four levels (11.3%).

Depending on how this calculation is done (e.g. as a whole vs. by level) the design may qualify. In general, the north façade is not monolithic or planar and contains a significant amount of recess which seems to meet the spirit of the requirement.

**8. Facades visible from a public street, public plaza or public pedestrian space shall be finished with quality materials that reinforce the pedestrian character of the downtown. Minimum window and door openings shall be limited to the percentages indicated in Table 18.24.080-3.**

(See Item number 5 above for opening percentage calculation)

**a. At least 30% of facades shall consist of brick or stone **or finish materials consistent with the historic character of the area**. The area of windows and doors shall be excluded from the external wall area for this calculation.**

**Justification:** The historic context on the 100 block of West Third Street consists of the Light and Power Building located on the "corner" of Second and Railroad and the Feed & Grain Building located on the corner of Third and Railroad. The exterior materials of Light and Power Building are brick and stone. The exterior materials of the Feed & Grain include brick and lap siding, but the structure is mostly clad in metal paneling which is typical for the agricultural/industrial buildings along the railroad tracks through Downtown. The remaining structures on the 100 block of West Third Street are single family homes predominantly clad in siding.

While the scale, form, and massing of the Loveland Lofts respond to the character of the aforementioned historic structures and the District, high-quality materials were chosen to express a more contemporary feel to reinforce the transformation of Loveland's downtown. The pattern and arrangement of the materials also reflect a residential use as well as the industrial or agricultural use to help tie into the residential neighborhood(s) to the west. Therefore, the selected finish materials are consistent with the true historic character of the area.

**b. The remainder of the facade not consisting of windows and doors shall consist of quality materials such as: brick, textured and/or ground face concrete block, textured architectural precast panels, masonry, natural and synthetic stone, exterior insulation finishing systems, stucco, and similar high quality materials as approved by the current planning manager.**

**Justification:** The high-quality materials selected for the Loveland Lofts include ground face concrete block, fiber cement panels, fiber cement lap siding, metal wall panels, and aluminum-framed storefronts windows in a variety of patterns and colors to create interest at the pedestrian level and for the building as a whole. The durable, low maintenance material selection creates a contemporary expression that represents both the historic and residential context of the neighborhood.

**c. Wood and metal are acceptable accent materials but should not account for more than 20% of any one facade.**

**Justification:** While the north and east elevations include a higher percentage of metal finish material than the 20% suggested in the zoning regulations (23% at the north elevation and 28% at the east elevation), this finish material is consistent with

the historic character of the area - as metal paneling is widely used on the adjacent Feed & Grain Building. Metal paneling is used to clearly define individual forms and as a result certain elevations have higher concentrations. Overall, metal paneling is used on 16% of the exterior of the Loveland Lofts project.

*d. No wall facing a plaza or public street shall extend more than twenty-five (25) horizontal linear feet without a window or other opening.*

**Compliance:** See Item number 6 above. The east façade facing the private plaza does not extend more than 25' horizontally without a window.

**9. Historic compatibility:** *Facades in the core character area are not required to mimic historical architecture. However, certain areas of the core character area contain established patterns of historic building facades. Fifth Street between Railroad Avenue and Cleveland Avenue; or Lincoln Avenue between Fourth Street and Sixth Street are examples of this pattern. Where the surrounding block contains a pattern of historic buildings, new buildings should be designed to be compatible in scale, rhythm, materials, and mass with the historic buildings.*

**Compliance:** The surrounding block does not contain a significant number of historic buildings. The 100 block of West 3<sup>rd</sup> Street actually contains very few buildings to provide context for new construction and arguably is a block that contains the edge of the historic downtown area while quickly transitioning to the surrounding residential neighborhood. The north and south side of the 100 block of West 3<sup>rd</sup> Street include 5 total buildings, two of which are setback off of the street and address North Garfield Avenue more significantly. The north side of West 3<sup>rd</sup> Avenue is essentially fronted by surface parking. Adjacent to the proposed new construction is a small multi-family apartment building clad predominately in lap siding. Of the remaining two buildings, one is a metal shed that will be removed for the project and the other is the historic Loveland Feed and Grain building. 3 of the 5 buildings described above are fully clad with metal panels or include a significant amount of metal panels. The remaining buildings are mostly clad in lap siding.

Thank you for considering our justifications for deviations from the architectural requirements in the zoning code. We hope that you understand the logic in our thinking and accept these justifications.

Respectfully,



Jason Kopecky  
Project Manager  
The Abo Group, Inc.

LEGAL DESCRIPTION:  
 LOTS 1 THROUGH 9, INCLUSIVE AND THE EAST 5.0 FEET OF LOT 10 AND THE NORTH ½ OF LOTS 26 THROUGH 30, INCLUSIVE, ALL IN BLOCK 21, IN THE CITY OF LOVELAND, COLORADO;

AND

ALL OF THE VACATED ALLEY LYING BETWEEN LOTS 1, 2, 3, AND 4 ON ONE SIDE AND LOTS 27, 28, 29 AND 30 ON THE OTHER SIDE, IN SAID BLOCK 21, IN THE CITY OF LOVELAND, COLORADO;

AND

THE WESTERLY 25.0 FEET OF THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY'S (FORMERLY THE COLORADO & SOUTHERN RAILWAY COMPANY) 100.00 FOOT WIDE RIGHT OF WAY BEING 50.0 FEET WIDE ON EACH SIDE OF SAID RAILWAY COMPANY'S MAIN TRACK CENTERLINE, AS NOW LOCATED AND CONSTRUCTED UPON, OVER AND ACROSS THE SW ¼ SW ¼ OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 4TH P.M., LARIMER COUNTY, COLORADO LYING BETWEEN TWO LINES DRAWN PARALLEL WITH AND DISTANT, RESPECTIVELY, 25.0 FEET AND 50 FEET WESTERLY, AS MEASURED AT RIGHT ANGLES FROM SAID MAIN TRACK CENTERLINE, BOUNDED ON THE NORTH BY THE EASTERN EXTENSION OF THE SOUTH LINE OF THIRD STREET IN THE CITY OF LOVELAND, COLORADO, AND BOUNDED ON THE SOUTH BY A LINE DRAWN PARALLEL WITH AND DISTANT 192.0 FEET SOUTHERLY, AS MEASURED AT RIGHT ANGLES FROM SAID EASTERN EXTENSION OF THE SOUTH LINE OF THIRD STREET, COUNTY OF LARIMER, STATE OF COLORADO.

AND

THAT PORTION OF LOT 10, BLOCK 21, BEING THE ALLEY VACATED BY ORDINANCE #\_\_\_\_\_, TOGETHER WITH THE NORTH HALF OF THE EAST-WEST ALLEY OF BLOCK 21, LOVELAND ADDITION, VACATED BY ORDINANCE #\_\_\_\_\_.  
 \_\_\_\_\_

SITE DEVELOP PLAN SHEET INDEX	
SDP 0.00	COVER SHEET
SDP 1.00	SITE PLAN
SDP 2.00	LANDSCAPE PLAN
SDP 2.01	TENSILE SHADE CANOPY
SDP 3.00	BUILDING ELEVATIONS
SDP 3.01	BUILDING ELEVATIONS
SDP 4.00	SITE PHOTOMETRIC ILLUMINATION PLAN
SDP 4.01	SITE LIGHTING CUTSHEETS
SDP 4.02	SITE LIGHTING CUTSHEETS

**PREPARED BY:**

**ARCHITECT**  
 THE ABO GROUP, INC.  
 12600 WEST COLFAX, SUITE C-200  
 LAKWOOD, CO 80215-3758  
 CONTACT: JASON KOPECKY  
 (303) 531-4970  
 jason@theabogroup.com

**CIVIL ENGINEER**  
 JVA INC.  
 25 OLD TOWN SQUARE, SUITE 200  
 FORT COLLINS, CO 80524  
 CONTACT: JASON CLAEYS  
 (970) 225-9099  
 jclaeys@jvajva.com

**LANDSCAPE ARCHITECT**  
 MUNDUS BISHOP DESIGN  
 2601 BLAKE STREET, SUITE 300  
 DENVER, CO 80204  
 CONTACT: TINA BISHOP  
 (303) 477-5244  
 tina@mundusbishop.com

**ELECTRICAL ENGINEER**  
 GIVEN & ASSOCIATES  
 735 S. XENON CT, SUITE #201  
 LAKEWOOD, CO 80228  
 CONTACT: JEFF GIVEN  
 (303) 716-1270  
 brettb@givenandassociates.com

**CONTACT INFORMATION:**

**DEVELOPER**  
 ARTSPACE PROJECTS, INC.  
 250 WEST 3RD AVE. NORTH, STE 500  
 MINNEAPOLIS, MN 55401  
 CONTACT: LEAH SWARTZ  
 (612) 465-0234  
 leah.swartz@artspace.org

**CURRENT OWNER**  
 BIF PROPERTIES  
 BARRY J. FLOYD, OWNER  
 PO BOX 7125,  
 LOVELAND, CO 80537  
 970.988.3120

**ADJACENT PROPERTY OWNER**  
 LIGHT & POWER, LLC  
 JEFF DORAN  
 400 E HORSETOOTH, FORT COLLINS, CO 80525  
 970-215-4532



Aerial Image Courtesy of Google Maps

**Current Property Owner**  
 The undersigned agree that the real property described in the application for Site Development Plan filed herewith, and as shown on the site plan, shall be subject to the requirements of Chapter 18.46 of the Municipal Code of the City of Loveland, Colorado, and any other ordinances of the City of Loveland thereto. The undersigned also understands that if construction of all improvements is not completed and if the Site Development Plan uses are not established within three years of the date of approval, or other completions date or dates established in a development agreement approved by the city, the city may take an action to declare the Site Development Plan abandoned and null and void.

(Owner's Signature)

(Title)

STATE OF COLORADO )  
 ss.  
 COUNTY OF LARIMER )

The foregoing agreement was acknowledged before me this \_\_\_\_ day of, \_\_\_\_ 2\_\_\_\_, by

Witness my hand and official seal.

My commission expires: \_\_\_\_\_  
 Notary Public

a. Approved this \_\_\_\_ day of, \_\_\_\_ 2\_\_\_\_, by the Current Planning Manager of the City of Loveland, Colorado.

Current Planning Manager

**ARTSPACE PROJECTS INC.**

**ARTSPACE LOVELAND LOFTS**  
 140 W. 3RD STREET  
 LOVELAND, CO 80537

DRAWN BY:	JNK
CHECKED BY:	JNK
DATE:	07.17.2013
PROJECT NO.:	1209

COVER SHEET

SDP 0.00

PC ATTACHMENT 5

**ARTSPACE PROJECTS INC.**  
**ARTSPACE LOVELAND LOFTS**  
 140 W. 3RD STREET  
 LOVELAND, CO 80537

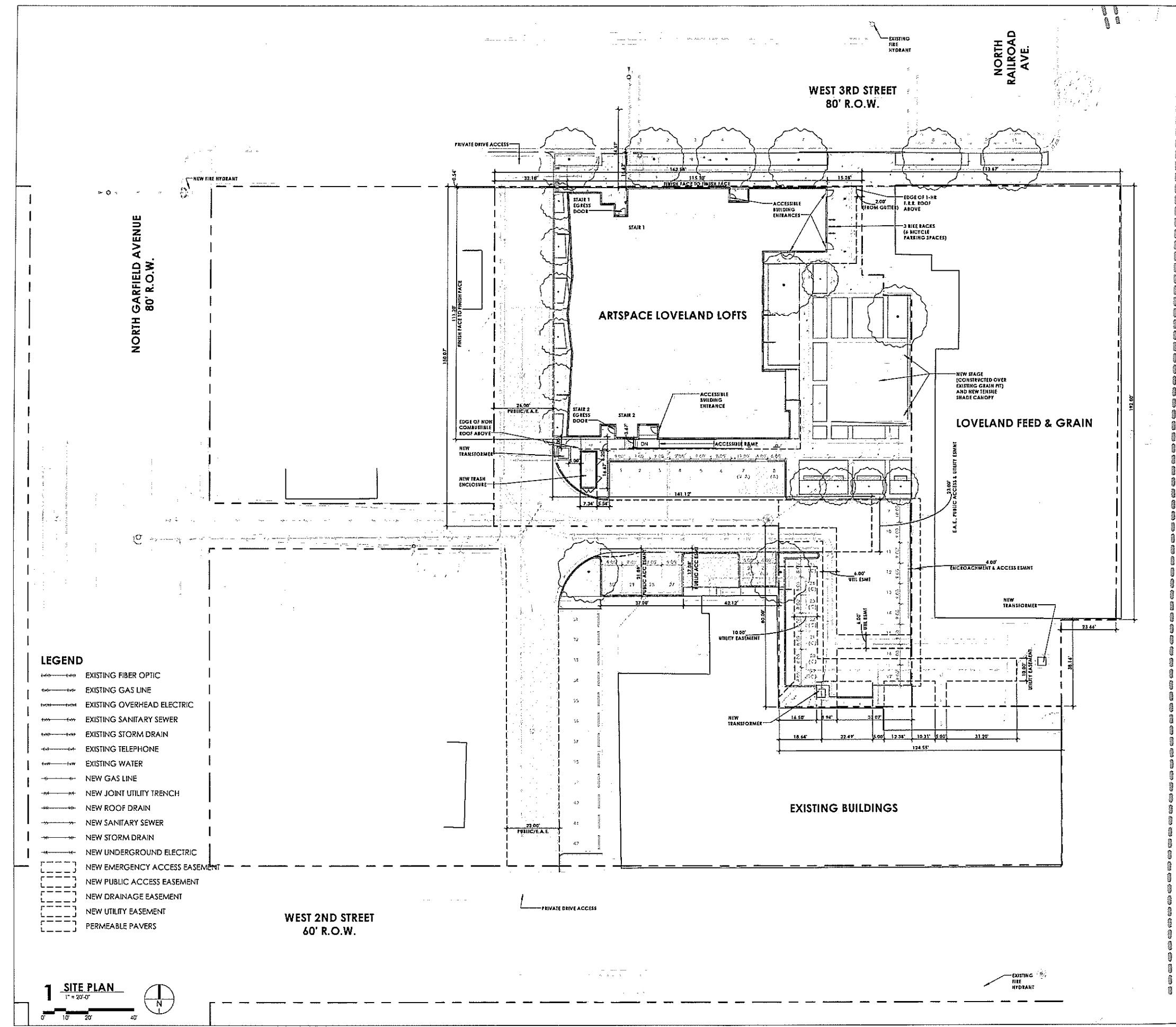
SDP 1.00

PC ATTACHMENT 5

ZONING		
EXISTING ZONING: Be - Established Central Business District		
LAND USE		
ARTSPACE LOVELAND LOFTS: Mixed use Residential		
SITE AREA		
TOTAL SITE AREA		
31,413 SF	0.72 AC	
UNIT TYPES & TOTALS		
STUDIO	8	
1BR ACCESSIBLE	1	
1BR CORNER	8	
2BR	10	
3BR ACCESSIBLE	1	
3BR	2	
	30	
GROSS AREA BY LEVEL		
LEVEL 1 GROSS FLOOR AREA	10,326 SF	
LEVEL 2 GROSS FLOOR AREA	9,789 SF	
LEVEL 3 GROSS FLOOR AREA	9,817 SF	
LEVEL 4 GROSS FLOOR AREA	7,993 SF	
TOTAL GROSS FLOOR AREA	37,925 SF	
BUILDING OCCUPANCY		
ARTSPACE LOVELAND LOFTS: Mixed Use Residential; R-2 & A-3		
GROSS AREA BY OCCUPANCY		
T.O. LEVEL 1 - 4979.00	A-3	1,145 SF
		1,145 SF
T.O. LEVEL 1 - 4979.00	R-2	9,181 SF
T.O. LEVEL 2	R-2	9,789 SF
T.O. LEVEL 3	R-2	9,817 SF
T.O. LEVEL 4	R-2	7,993 SF
	36,780 SF	37,925 SF
CONSTRUCTION TYPE		
ARTSPACE LOVELAND LOFTS: Type 5-A Construction - NFPA 13 Sprinkler System		
PARKING		
ARTSPACE LOVELAND LOFTS: Required R3 Parking: 30 units @ 2/unit	60	
Required A3 Parking: Occupant Load 39; @ 1/occupant	39	
Total Required =	99	
Off Street Parking Spaces 1 - 30		
Standard Spaces	19	63%
Compact Spaces	09	30%
Accessible Spaces	02	07%
Total Spaces:	30	100%
ADJACENT PROPERTY		
Off Street Parking Spaces 31 - 42		
Standard Spaces	12	100%
Compact Spaces	00	00%
Accessible Spaces	00	00%
Total On Site Spaces:	30	100%
West 3rd Ave Spaces:	27	
Railroad Ave (from 3rd - 4th)	10	
New City Lot on Railroad Ave	39	
Total Adjacent Offsite Parking	76	
Additional Parking Lots are nearby on N. Railroad Ave, east of the railroad tracks		
LANDSCAPING		
Parking lot landscaped area:	959 SF	
Total landscaped area:	5,323 SF	
FEMA FLOOD PLAIN		
ARTSPACE LOVELAND LOFTS:	None	
OPEN SPACE		
LOFTS FOOTPRINT	10,391 SF	33%
OPEN SPACE	21,021 SF	67%
	31,412 SF	100%

 DRAWN BY: JNK  
 CHECKED BY: JNK  
 DATE: 09/17/2013  
 PROJECT NO: 1229

SITE PLAN



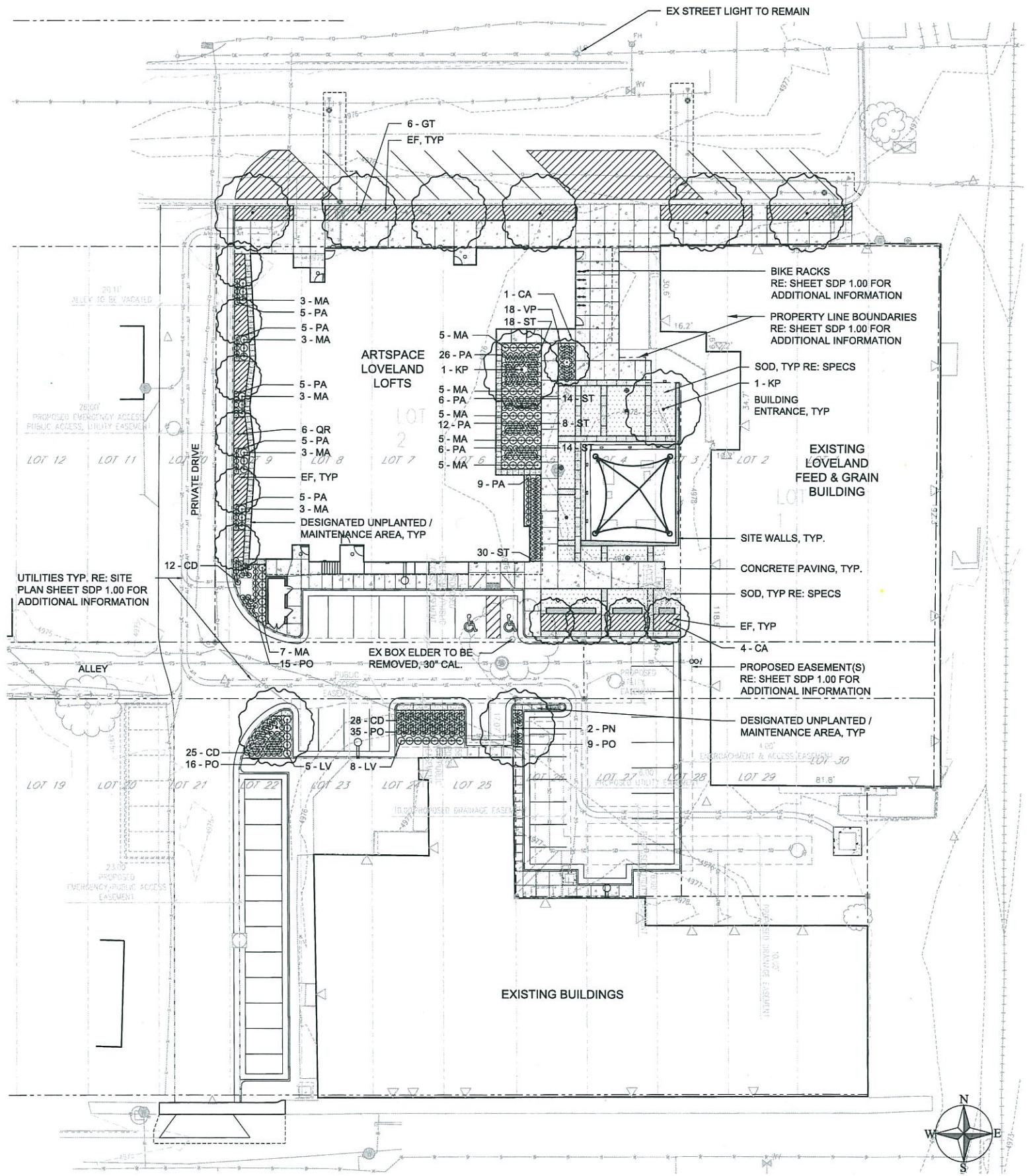
## MUNDUS BISHOP

 2601 Blake Street Suite 300  
 Denver, Colorado 80025  
 phone: 303.477.5244

## ARTSPACE PROJECTS INC.

 140 WEST 3RD STREET  
 LOVELAND, CO 80537

 SHEET NAME  
 LANDSCAPE PLAN

 SDP 2.00  
 PC ATTACHMENT 5

 1 LANDSCAPE PLAN  
 SCALE 1" = 20'-0"

## GENERAL NOTES

- TOPOGRAPHIC SURVEY WAS PREPARED BY WASHBURN LAND SURVEYING, LLC
- LOCATION OF UNDERGROUND UTILITIES SHOWN ON THE PLANS ARE APPROXIMATE. OWNER AND CONSULTANTS ASSUME NO RESPONSIBILITY FOR THE LOCATIONS AND ACCURACY OF UTILITIES INDICATED ON THE PLANS. THE CONTRACTOR SHALL LOCATE, CLEARLY MARK AND MAINTAIN EXISTING UTILITIES ON THE SITE PRIOR TO WORK START UP. CALL THE UTILITY NOTIFICATION CENTER OF COLORADO (800) 922-1987 PRIOR TO WORK START UP.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND REPAIR OF UTILITIES IF DAMAGED. REPAIR SHALL BE DONE AT NO ADDITIONAL COST TO THE OWNER. ALL WORK IN UTILITY EASEMENTS SHALL BE PERFORMED ACCORDING TO THE REQUIREMENTS OF THE GOVERNING AGENCY.
- THE CONTRACTOR SHALL PROVIDE TEMPORARY BARRICADES, SIGNAGE AND OTHER FORMS OF PROTECTION AS REQUIRED TO PROTECT THE OWNER'S PERSONNEL AND THE GENERAL PUBLIC FROM INJURY DUE TO CONSTRUCTION ACTIVITIES.
- DO NOT DAMAGE ADJACENT PROPERTIES. THE CONTRACTOR SHALL PROMPTLY REPAIR ANY DAMAGE TO ADJACENT PROPERTIES AT NO ADDITIONAL COST TO OWNER.
- THE CONTRACTOR SHALL CONDUCT CONSTRUCTION OPERATIONS IN A MANNER TO INSURE MINIMUM INTERFERENCE WITH ROADS, TRAILS, WALKS AND OTHER FACILITIES. DO NOT CLOSE, BLOCK OR OBSTRUCT ROADS, WALKS, OR OTHER FACILITIES WITHOUT OWNERS WRITTEN PERMISSION. PROVIDE ALTERNATE ROUTES AROUND CLOSED OR OBSTRUCTED TRAFFIC WAYS (INCLUDING SIDEWALKS, ETC.). ASSUME REQUIRED SAFETY AND ACCESS MEASURES NECESSARY TO PROTECT THE PUBLIC DURING CONSTRUCTION OPERATIONS.
- THE CONTRACTOR SHALL ENSURE ALL PAVED SURFACES MEET ADA GUIDELINES.
- THE CONTRACTOR SHALL ENSURE ALL GUARDRAILS MEET IBC.2012 CODE. ALL NOTES STATING 4" MAX REFER TO 4" SPHERE NOT PASSING THROUGH THIS POINT.
- FOR REASONS OF COST, EASE OF CONSTRUCTION, AND FUTURE MAINTENANCE CONVENIENCE, PORTIONS OF THE ADJACENT PROPERTY'S IRRIGATION WILL BE INSTALLED, MAINTAINED AND CONTROLLED BY ARTSPACE PROJECT INC. THE TOTAL AREA OF THE ADJACENT PROPERTY TO BE IRRIGATED IS LESS THAN 700 SQFT.

## PLANTING and IRRIGATION NOTES

- TREE SYMBOLS DRAWN ACCORDING TO THEIR SIZE AT (5) YEARS FROM DATE OF PLANTING.
- SHRUB SYMBOLS DRAWN ACCORDING TO THEIR SIZE AT (2) YEARS FROM DATE OF PLANTING.
- ALL PROPOSED GRASS / TURF AREAS WILL BE ESTABLISHED USING SOD.
- ALL PROPOSED PLANT MATERIAL SHALL BE LOW AND VERY LOW WATER USE SPECIES.
- ALL PLANTING BEDS SHALL RECEIVE QUALITY MULCH COVER - 3" MIN DEPTH.
- SOIL AMENDMENTS (INCLUDING ORGANIC MATTER AND FERTILIZERS) SHALL BE PER CITY OF LOVELAND LANDSCAPE CODE REQUIREMENTS.
- PROPOSED IRRIGATION METHOD TO BE USED FOR SHRUB BED AND GROUNDCOVER AREAS SHALL BE SUBSURFACE AND/OR DRIP IRRIGATION SYSTEMS.
- PROPOSED IRRIGATION METHOD FOR SOD/TURF AREAS SHALL BE POP-UP OVERHEAD SPRINKLER SYSTEMS.
- IRRIGATION SYSTEM SHALL HAVE AUTOMATIC RAIN FALL SHUT-OFF.

## PLANT MATERIALS LIST

PLANT MATERIAL SHALL COMPLY WITH THE REQUIREMENTS OF THE COLORADO NURSERY ACT, 1973 C.R.S., TITLE 35, ARTICLE 26, AS AMENDED.

ABBR	COMMON NAME	BOTANIC NAME	SIZE	QTY	REMARKS	WATER USE
AN	Acer negundo	Box Elder	2 1/2" cal.	X	X-X spread, XX-XX' ht	L
CO	Catalpa occidentalis	Hackberry, Western	2 1/2" cal.	X	X-X spread, XX-XX' ht	L
CP	Crataegus ambigua	Hawthorn, Russian	2 1/2" cal.	X	X-X spread, XX-XX' ht	L
GT	Gleditsia triacanthos inermis	Honeylocust, Thornless	2 1/2" cal.	X	X-X spread, XX-XX' ht	L
KP	Koelreuteria paniculata	Goldrain Tree	2-1/2" cal.	X	8'-10' spread, 14'-16' ht	L
PN	Pinus nigra	Pine, Austrian	2 1/2" cal.	X	X-X spread, XX-XX' ht	L
QR	Quercus robur 'Fastigiata'	Columnar English Oak	2-1/2" cal.	X	6'-8' spread, 12'-14' ht	L

## DECIDUOUS AND EVERGREEN SHRUBS such as;

All shrubs shall be containerized stock (#5 container, unless otherwise noted). Deciduous trees shall be balled and burlapped with full heads, straight trunks, and single leaders unless otherwise noted. All shade trees (2-1/2" cal.) shall have their first branch 5'-7' above the top of the rootball.

ABBR	COMMON NAME	BOTANIC NAME	SIZE	QTY	REMARKS	WATER USE
AS	Amelanchier stolonifera	Serviceberry, Running	#5 cont.	X	X-X spread, XX-XX' ht	L
AP	Arctostaphylos patula	Manzanita, Greenleaf	#5 cont.	X	X-X spread, XX-XX' ht	VL
AC	Artemisia cana	Sagebrush, Silver	#5 cont.	X	X-X spread, XX-XX' ht	VL
BT	Berberis thunbergii	Barberry, Japanese	#5 cont.	X	X-X spread, XX-XX' ht	L
CC	Caryopteris x clandonensis	Spirea, Blue Mist	#5 cont.	X	X-X spread, XX-XX' ht	L
CD	Cotoneaster divaricatus	Cotoneaster, Spreading	#5 cont.	X	X-X spread, XX-XX' ht	L
CM	Cotoneaster horizontalis	Cliffrose	#5 cont.	X	X-X spread, XX-XX' ht	VL
DW	Dasylophus wheeleri	Sotol Yucca	#5 cont.	X	X-X spread, XX-XX' ht	L
HP	Hesperaloe parviflora	Yucca, Red	#5 cont.	X	X-X spread, XX-XX' ht	VL
PA	Perovskia atriplicifolia	Sage, Russian	#5 cont.	X	X-X spread, XX-XX' ht	L
PH	Physocarpus opulifolius	Ninebark	#5 cont.	X	X-X spread, XX-XX' ht	L
PT	Prunus tomentosa	Cherry, Nanking	#5 cont.	X	X-X spread, XX-XX' ht	L
RT	Rhus trilobata	Sumac, Three Leaf	#5 cont.	X	X-X spread, XX-XX' ht	VL
RS	Ribes sanguineum	Currrant, Red Flowering	#5 cont.	X	X-X spread, XX-XX' ht	L
VL	Viburnum lentago	Viburnum, Nannyberry	#5 cont.	X	X-X spread, XX-XX' ht	L
YG	Yucca glauca	Soapweed	#5 cont.	X	X-X spread, XX-XX' ht	L

## SCREENING AND CONIFEROUS PLANT MATERIAL such as;

All shrubs shall be containerized stock (#5 container, unless otherwise noted). Plants shall create a 3' high screen (as measured from parking surface) within (3) years.

ABBR	COMMON NAME	BOTANIC NAME	SIZE	QTY	REMARKS	WATER USE
JC	Juniperus communis	Juniper, Common	#5 cont.	X	X-X spread, XX-XX' ht	L
LV	Ligustrum vulgare	Privet, Common	#5 cont.	X	X-X spread, XX-XX' ht	L
MA	Mahonia aquifolium	Oregon Grape Holly	#5 cont.	X	X-X spread, XX-XX' ht	L
PM	Pinus mugo	Pine, Mugo	#5 cont.	X	X-X spread, XX-XX' ht	L

## GROUNDCOVER AND PERENNIALS such as;

All shrubs shall be containerized stock (#5 container, unless otherwise noted).

ABBR	COMMON NAME	BOTANIC NAME	SIZE	QTY	REMARKS	WATER USE
AU	Arctostaphylos uva-ursi	Kinnikinnick	#5 cont.	X	X-X spread, XX-XX' ht	L
EF	Euonymus fortunei 'Coloratus'	Wintercreeper, Purpleleaf	#5 cont.	X	X-X spread, XX-XX' ht	L
FG	Festuca glauca	Fescue, Blue	#1 cont.	X	X-X spread, XX-XX' ht	L
HS	Helictotrichon sempervirens	Grass, Blue Avena	#5 cont.	X	X-X spread, XX-XX' ht	L
PO	Pennisetum orientale	Grass, Oriental Fountain	#5 cont.	X	X-X spread, XX-XX' ht	L
ST	Stipa tenuissima	Grass, Mexican Feather	#5 cont.	X	X-X spread, XX-XX' ht	L
VP	Veronica pectinata	Speedwell, Wooly Creeping	#5 cont.	X	X-X spread, XX-XX' ht	L

## DESIGNATED UNPLANTED / MAINTENANCE AREA such as;

Material shall be either cobble mulch, patterned concrete, or pavers.

DRAWN BY: BN/WB  
 CHECKED BY: TB  
 DATE: 9-13-2013  
 PROJECT NO: 230.010

 SHEET NAME  
 LANDSCAPE PLAN

0 20 40

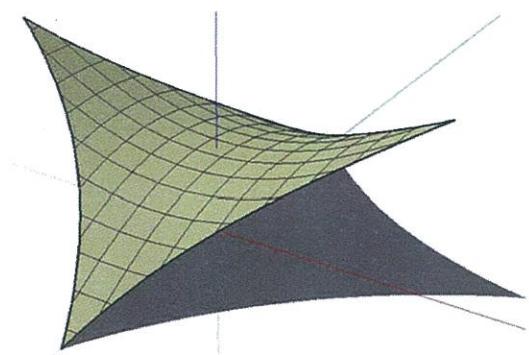


TENSILE SHADE CANOPY - CONCEPT IMAGES



MUNDUS BISHOP

2601 Blake Street Suite 300  
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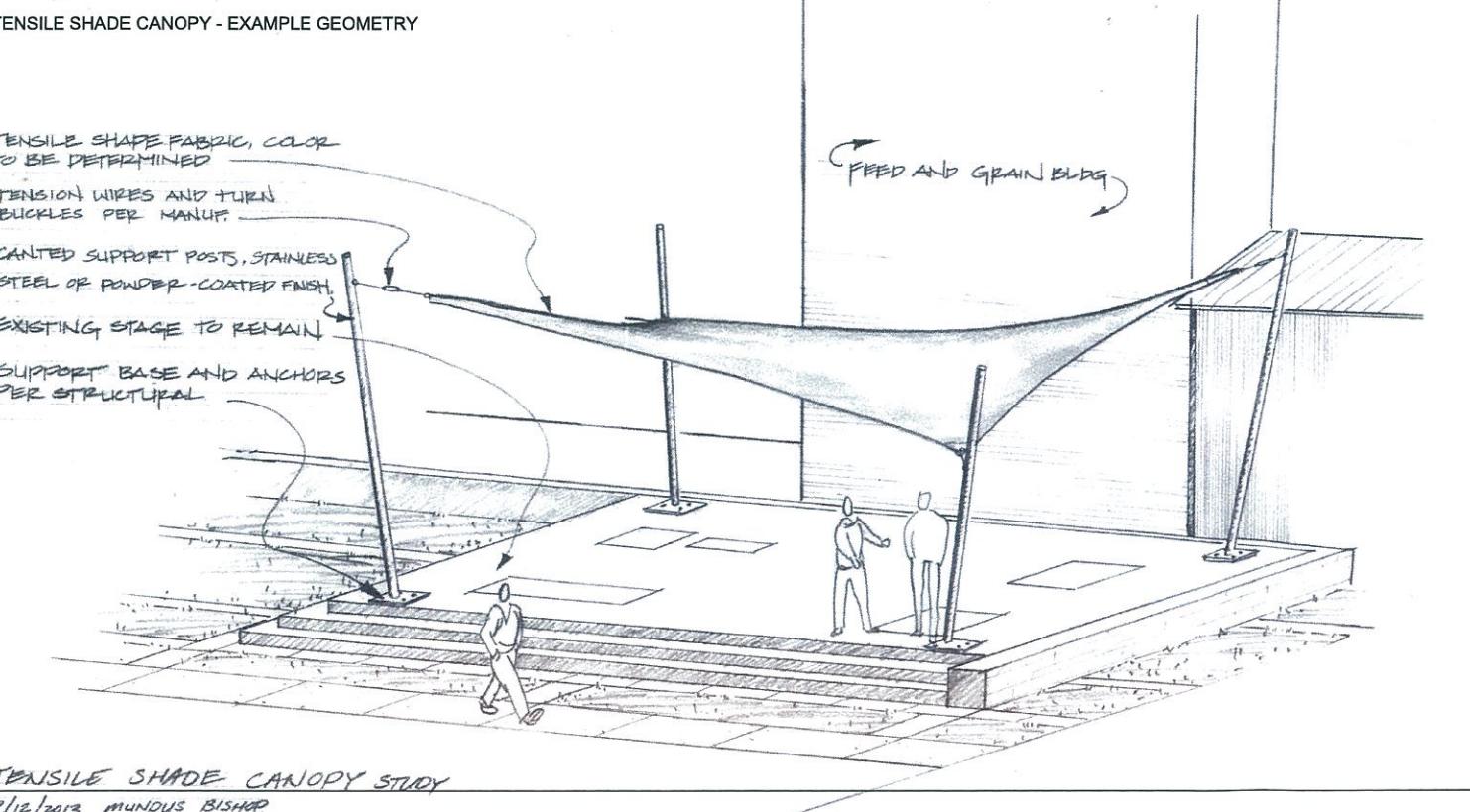


## TENSILE SHADE CANOPY - EXAMPLE GEOMETRY



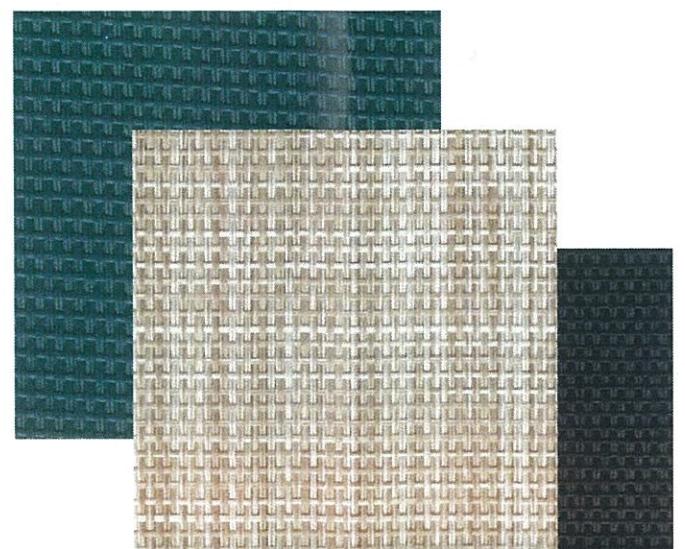
ARTSPACE PROJECTS INC.

ARTSPACE LOVELAND LOFTS  
140 WEST 3RD STREET  
LOVELAND, CO 80537



1 TENSILE SHADE CANOPY STUDY  
8/12/2013 MUNDUS BISHOP

→ North.  
N.T.S.



#### TENSILE SHADE CANOPY - SAMPLE MATERIALS

AWN BY:	BN/WB
ECHECKED BY:	TB
TE:	9-13-2013
JECT NO:	230 010

STREET NAME  
**EXTENSILE SHADE  
CANOPY**

ARTSPACE PROJECTS INC.

ARISPACE L  
140 W. 3RD STREET  
LOVELAND, CO 80537

NORTH FACADE WINDOW AND DOOR AREA PERCENTAGE	
BURRY LEVEL / LEVEL	TOTAL WALL AREA
BURRY LEVEL / LEVEL	TOTAL OPENING AREA
BURRY LEVEL / LEVEL	PERCENTAGE OF OPENING
FLEX SPACE TOTAL WALL AREA	
FLEX SPACE TOTAL OPENING AREA	
FLEX SPACE PERCENTAGE OF OPENING	
LEVEL 2 TOTAL WALL AREA	1,205 SF QUITO
LEVEL 2 TOTAL OPENING AREA	314 SF, QUITO
LEVEL 2 PERCENTAGE OF OPENING	26.06%
LEVEL 3 TOTAL WALL AREA	1,197 SF QUITO
LEVEL 3 TOTAL OPENING AREA	175 SF, QUITO
LEVEL 3 PERCENTAGE OF OPENING	14.62%
LEVEL 4 TOTAL WALL AREA	1,128 SF QUITO
LEVEL 4 TOTAL OPENING AREA	108 SF, QUITO
LEVEL 4 PERCENTAGE OF OPENING	9.57%

MATERIAL QUANTITIES - EAST FACADE	
4' & 5' Fiber Cement Lap Siding - Shewin Williams SW-6671 Curry	1,000
4' Fiber Cement Lap Siding - Shewin Williams SW-2803 Rockwood Terra Cotta	700
4' Fiber Cement Lap Siding - Shewin Williams SW-6671 Curry	22
4' Fiber Cement Lap Siding - Shewin Williams SW-7519 Mexican Sand	31
Fiber Cement Panel - Shewin Williams SW-4083 Sable	21
Fiber Cement Panel - Shewin Williams SW-4990 Cavar	12
Metal Siding - Beridge Copper Brown	81
Metal Siding - Beridge Copper Cole	50
Storefront	12
	4.

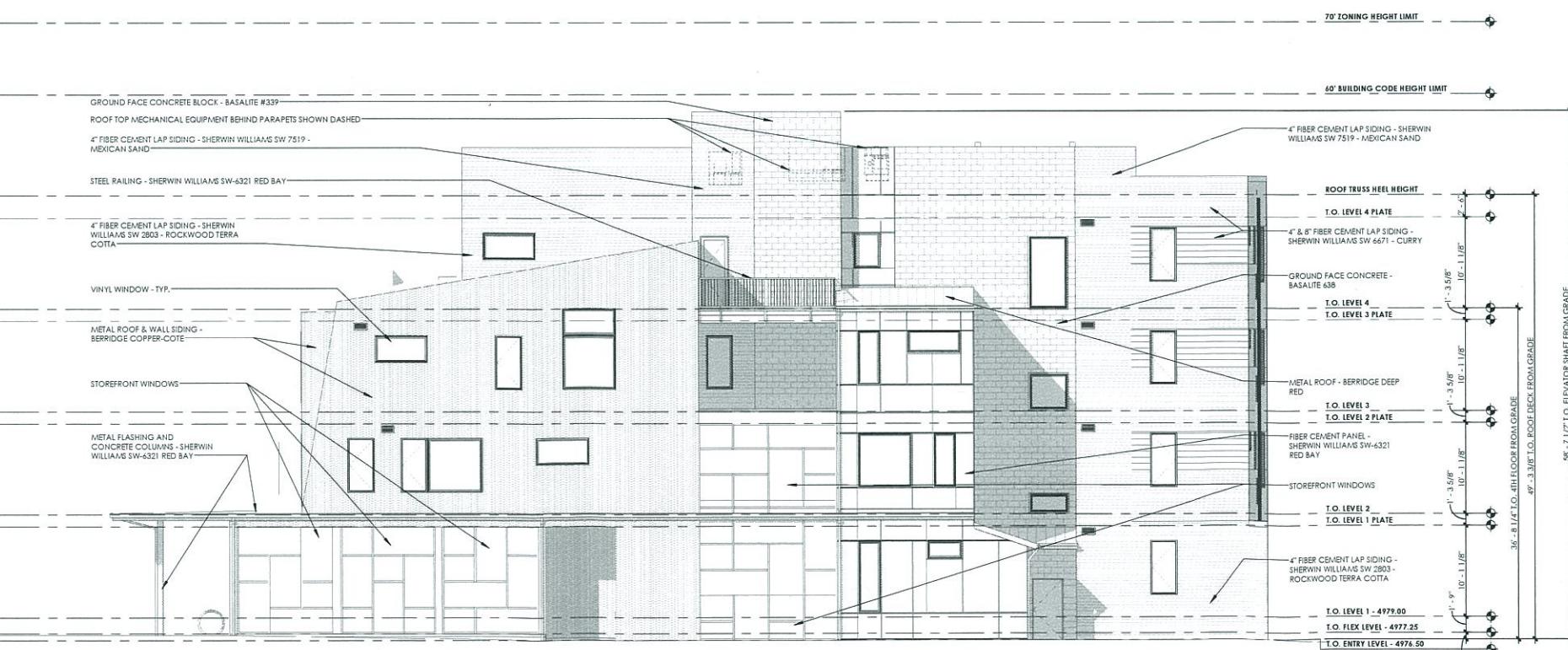
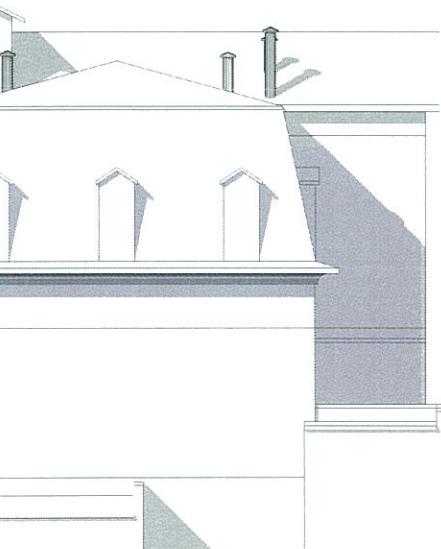
MATERIAL QUANTITIES - NORTH FACADE	
4" & 8" Fiber Cement Lap Siding - Sherwin Williams SW-6671 Curry	63
4" Fiber Cement Lap Siding - Sherwin Williams SW-2803 Rockwood Terra Cotta	67
4" Fiber Cement Lap Siding - Sherwin Williams SW-7519 Mexican Sand	68
Concrete Block - Basalt 638	49
Fiber Cement Panel - Sherwin Williams SW-6321 Red Bay	62
Ground Face Concrete Block - Basalt 339	35
Metal Siding - Berridge Copper Cote	12
Storefront	74
	54

NOTE:  
THIS MATERIAL CHART INCLUDES STOREFRONT WINDOW AREA OF THE FLEX SPACE AND LOBBY BUT DOES NOT INCLUDE THE INDIVIDUAL WINDOW AREAS OF THE UNITS IN EITHER THE MATERIAL AREA OR THE TOTAL WALL AREA.

THIS MATERIAL CHART DOES NOT INCLUDE SLOPED ROOF AREAS



## **2 EAST ELEVATION**



## **1 NORTH ELEVATION**



2 WEST ELEVATION

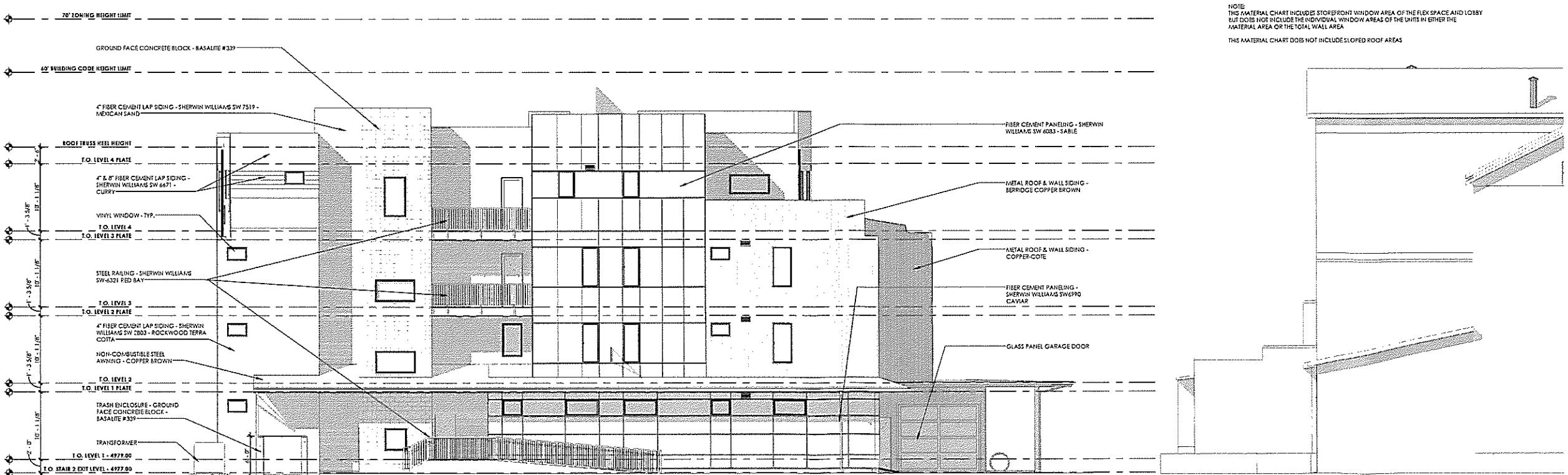
1/8" = 1'-0"

## MATERIAL QUANTITIES - SOUTH FAÇADE

4' Fiber Cement Lap Siding - Sherwin Williams SW-2903 Redwood Terra Cotta	527 SF	13%
4' Fiber Cement Lap Siding - Sherwin Williams SW-6671 Curry	737 SF	18%
4' Fiber Cement Lap Siding - Sherwin Williams SW-7519 Mexican Sand	297 SF	7%
Fiber Cement Panel - Sherwin Williams SW-6083 Sable	770 SF	19%
Fiber Cement Panel - Sherwin Williams SW-6790 Caviar	726 SF	16%
Ground Face Concrete Block - Basalite #339	474 SF	12%
Metall Siding - Salsiga Copper Brown	504 SF	12%
	4,057 SF	100%

NOTE:  
THE MATERIAL CHART INCLUDES THE ROOF AND GUTTER AREA OF THE FLEX SPACE AND LOBBY  
BUT DOES NOT INCLUDE THE INDIVIDUAL WINDOW AREAS OF THE UNITS IN EITHER THE  
MATERIAL AREA OR THE TOTAL WALL AREA.

THIS MATERIAL CHART DOES NOT INCLUDE SLOPED ROOF AREAS



## ARTSPACE PROJECTS INC.

140 W. 3RD STREET  
LOVELAND, CO 80537

BUILDING ELEVATIONS

SDP 3.01

PC ATTACHMENT 5

1 SOUTH ELEVATION

1/8" = 1'-0"

DRAWN BY: JJK  
CHECKED BY: JJK  
DATE: 09.17.2013  
PROJECT NO: 1229

## GENERAL NOTES:

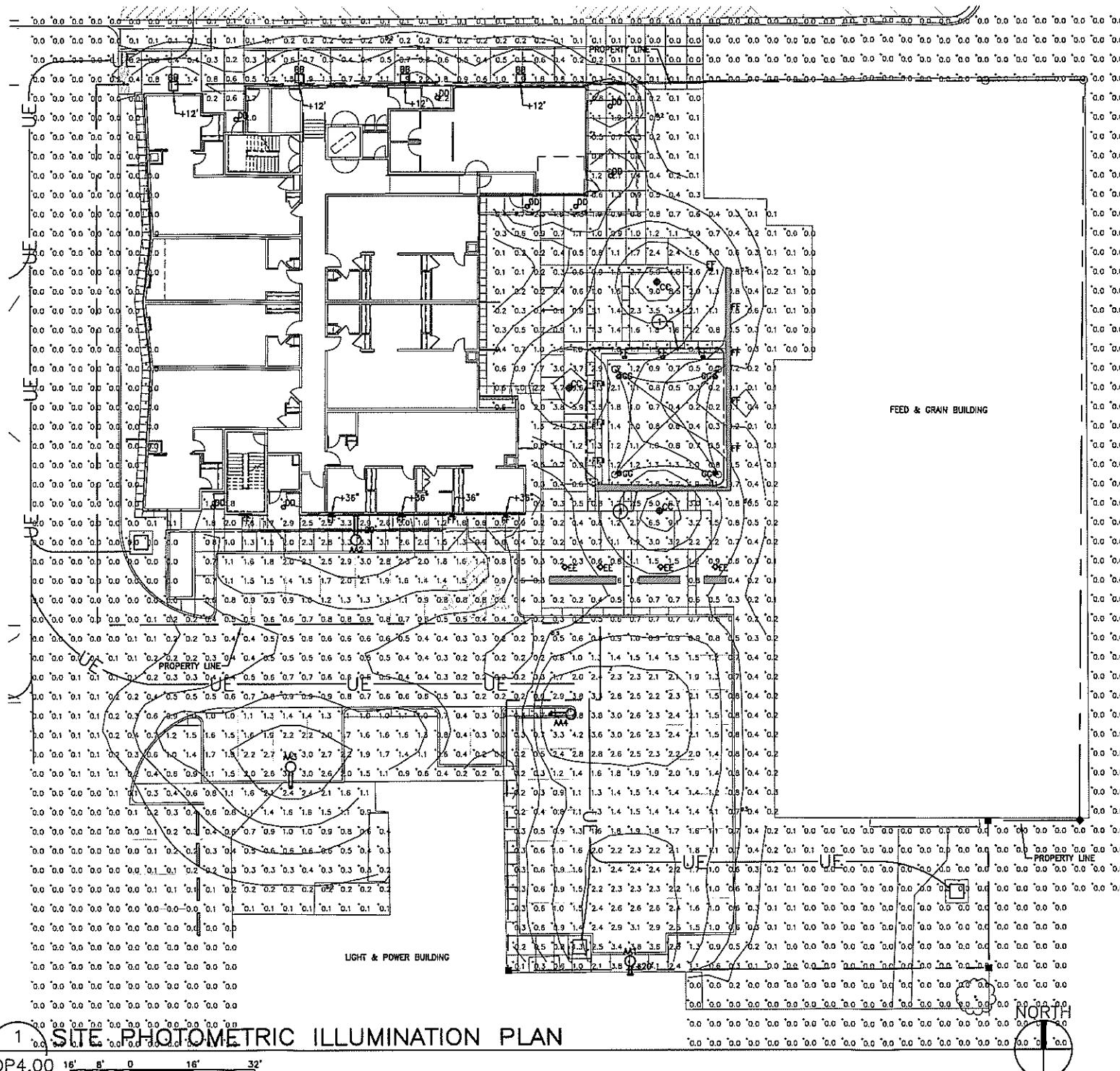
- ALL EXTERIOR LIGHTING FIXTURES ARE TO BE CONTROLLED BY A PHOTO SENSOR OR ASTRONOMICAL LIGHTING TIME CLOCK.
- PHOTOMETRIC CALCULATIONS HAVE BEEN DETERMINED USING A LIGHT LOSS FACTOR OF 1.0

## DRAWING NOTES:

① CANOPY LIGHTING (TYPE FF AND GG FIXTURES) SHALL BE CONTROLLED SEPARATELY FROM OTHER SITE LIGHTING AND WILL ONLY BE USED FOR SPECIAL EVENTS. LIGHTS WILL BE AUTOMATICALLY TURNED OFF WHEN NOT IN USE.

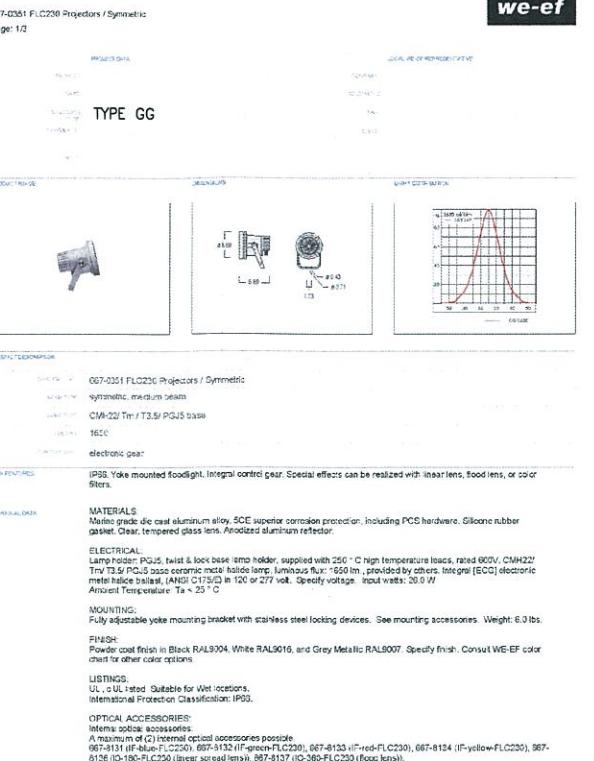
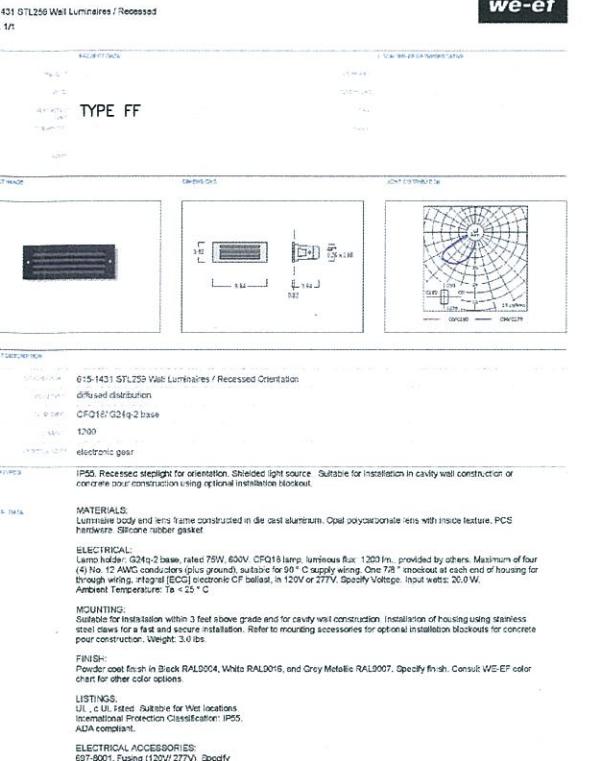
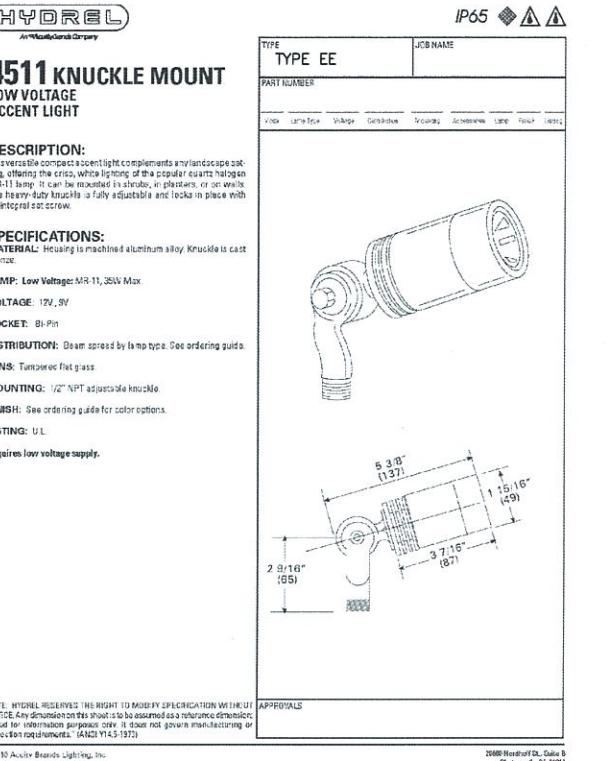
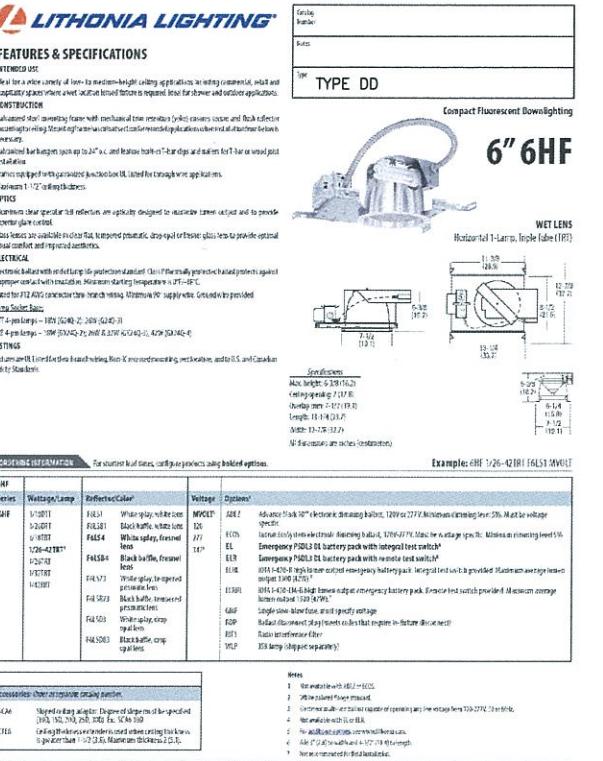
## LIGHTING STATISTICS

Description	Avg	Max	Min	Max/Min	Avg/Min
Parking Areas	1.3 fc	4.2 fc	0.2 fc	21.0:1	6.5:1
Paths, Plazas, Walkways	1.1 fc	9.1 fc	0.2 fc	45.5:1	5.5:1
Overall Site	0.6 fc	9.5 fc	0.0 fc	N/A	N/A



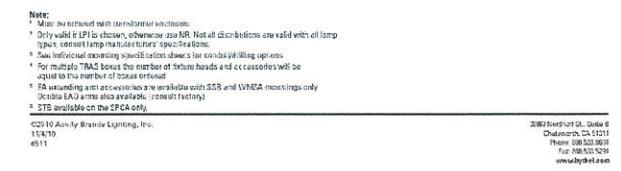
SITE LUMINAIRE SCHEDULE							
PLAN MARK	MOUNTING	DESCRIPTION	MANUFACTURER AND CATALOG NUMBER	VOLTAGE	NO. OF LAMPS	LAMP TYPE	REMARKS
AA1	WALL MOUNT	PARKING LIGHT BRACKET MOUNT	WE-EP 659-3450 RBL640-9340	208	1	70W MH	TYPE IV DISTRIBUTION COLOR PER ARCHITECT
AA2	WALL MOUNT	PARKING LIGHT W/ ARM MOUNT	WE-EP 659-3350 RBL640-9300	208	1	70W MH	TYPE III DISTRIBUTION COLOR PER ARCHITECT
AA3	POLE	PARKING LIGHT 20' POLE	WE-EP 659-3350 RBL640-9341	208	1	70W MH	TYPE III DISTRIBUTION COLOR PER ARCHITECT
AA4	POLE	PARKING LIGHT 20' POLE	WE-EP 659-3450 RBL640-9341	208	1	70W MH	TYPE IV DISTRIBUTION COLOR PER ARCHITECT
BB	WALL MOUNT	SCONCE	WE-EP 620-2740 QLS410	120	1	22W MH	WIDE THROW DISTRIBUTION COLOR PER ARCHITECT
CC	POLE	PEDESTRIAN LIGHT 10' POLE	SELUX BPC-L-R5-1-H050-208	208	1	50W MH	TYPE V DISTRIBUTION COLOR PER ARCHITECT
DD	RECESSED	6" DOWNLIGHT	LITHONIA BHF-1/180DT-F6LS4-4WVOLT	120	1	18W DTT	WHITE SPLASH, FRESNEL LENS COLOR PER ARCHITECT
EE	RECESSED IN GRADE	IN-GRADE UPLIGHT	HYDREL 4511-M35-120-NFL	120	1	35W MR11	COLOR PER ARCHITECT
FF	RECESSED	PATHWAY STEP LIGHT	WE-EP 615-1431 STL259	120	1	18W DTT	COLOR PER ARCHITECT
GG	SURFACE MOUNT TO STRUCTURE	CANOPY UPLIGHT	WE-EP 657-0351 FLC230	120	1	22W MH	COLOR PER ARCHITECT





ARTSPACE PROJECTS INC.

ARTSPACE L  
140 West 3RD Street  
LOVELAND, CO 80537



## SITE LIGHTING CUTSHEETS

## SDP4.02

MATERIAL SAMPLES & COLOR SWATCHES



2 EAST ELEVATION  
1/8" = 1'-0"



1 NORTH ELEVATION  
1/8" = 1'-0"

ARTSPACE PROJECTS INC.  
ARTSPACE LOVELAND LOFTS  
140 W. 3RD STREET  
LOVELAND, CO 80537

DRAWN BY: \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_  
DATE: 08.13.2013  
PROJECT NO: 1229

COLOR BOARD

CB 1.00

MATERIAL SAMPLES & COLOR SWATCHES



ARTSPACE PROJECTS INC.

ARTSPACE LOVELAND LOFTS  
140 W. 3RD STREET  
LOVELAND, CO 80537

DRAWN BY: \_\_\_\_\_ Author \_\_\_\_\_  
CHECKED BY: \_\_\_\_\_ Checker \_\_\_\_\_  
DATE: 08.13.2013  
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COLOR BOARD

CB 1.01

PC ATTACHMENT 6