



**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, November 25, 2013
500 E. 3rd Street – Council Chambers
Loveland, CO 80537**

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

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE

III. REPORTS:

a. Citizen Reports

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

b. Staff Matters

Proposed cancelling of December 9th meeting

c. Committee Reports

d. Commission Comments

IV. APPROVAL OF MINUTES

Review and approval of the October 28, 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. Millennium SW 8th Vacation

This is a public hearing to consider a legislative request to vacate four access easements located within the Millennium SW 8th subdivision, an application that is currently undergoing staff review. The

easements, now unnecessary, were established within outlots in the Millennium SW 7th subdivision plat. The 96-lot single-family Millennium SW 8th subdivision is located along the north side of 1ST Street west of Sculptor Drive in SE Loveland; it is known more commonly as Stone Creek, Phase II. All needed easements and rights-of-way will be established with approval of the new subdivision. This vacation application requires the Planning Commission to make a recommendation to the City Council for final action. Staff is supportive of the request.

VI. REGULAR AGENDA:

2. Current Development Activities Map Presentation

Staff is excited to present to the Planning Commission a new tool that can be used by the public to research and gather information on development projects that have been submitted to the City's Planning office. The Current Development Activities Map is available online at the City's website in the map directory, the Current Planning homepage, and through the following link: www.cityofloveland.org/cda. At the meeting, staff will provide an overview of Map features. The Commission is encouraged to explore the Map prior to the meeting.

3. Wintergreen PDP

This is a public hearing to consider a preliminary development plan (PDP) for a multifamily residential development within the Wintergreen PUD. The 19 acre subject site is located to the west of the Super Wal-Mart located on North Hwy. 287.

The PDP proposes the development of 224 rental multifamily units within 14 two-story buildings. The units will vary between one, two and three bedrooms and are intended to be market rate rentals. Staff believes that all key issues have been resolved based on the municipal code and standards contained in the PUD. The Commission's action on this quasi-judicial matter is final barring appeal.

4. Amendments to Title 18 of the Municipal Code

This is a public hearing on a legislative matter to consider amendments to Title 18 (the zoning code) of the Loveland Municipal Code. The amendments are a compilation of relatively modest adjustments to several areas of the code that are designed to correct errors, provide consistency and clarify use allowances. The amendments have been reviewed by the Title 18 Committee. Upon review, the Planning Commission will forward a recommendation to the City Council for final action.

5. Review of the updated Boards and Commissions Handbook and Related Materials

This is an administrative item. Staff has distributed a collection of materials that provide direction on the operations of the Planning Commission, including the updated Boards and Commissions Handbook. The purpose of this item is intended to give Commissioners familiarity with relevant materials and to identify any pertinent revisions that have occurred in the recent past.

VII. ADJOURNMENT



Planning Commission Staff Report

November 25, 2013

Agenda #: **Consent Agenda - # 1**
Title: Millennium SW 8th Vacation
Applicant: Vertex at Stone Creek, LLC
Request: Easement Vacations
Location: Northwest of the intersection of
Corvus Drive and Sculptor Drive
Zoning: P-59, Millennium Addition PUD
Staff Planner: Noreen Smyth

Staff Recommendation:

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

Recommended Motion:

"Move to make the findings listed in Section IX of this report dated November 25, 2013; and, based on those findings, recommend approval of the easement vacations to City Council, as depicted in Attachment #1 to this staff report, in the form included as Attachment #3 to this staff report."

Summary of Analysis

This is a public hearing to consider a request to vacate four access easements located on land that is a part of the Millennium SW 8th subdivision application. The easements, consisting of one emergency access easement, one public access easement, and two temporary turnaround easements, were established within outlots in the Millennium SW 7th subdivision plat. The outlots have been purchased by the current applicant for a proposed 96-lot single family residential subdivision. The access easements are in locations where such easements are not needed due to the subdivision and street layout proposed by the current applicant. The Millennium SW 8th subdivision plat, which is currently undergoing staff review, will include all needed easements and rights-of-way in appropriate locations. It is anticipated to be approved before the end of the year and recorded shortly thereafter.

Development Review staff is supportive of the vacations because all necessary public and emergency access will be established in suitable locations with the eventual recordation of the Millennium SW 8th plat, and the existing access easements serve no public benefit.

I. SUMMARY

This application is for a preliminary development plan (PDP) within the Wintergreen Village PUD. The overall PUD is 111.8 acres in size and located west of Garfield Avenue (Highway 287), south of 65th Street/ Longview Industrial Park, north of an unincorporated area containing the Meadowlark and Cherry Ridge mobile home communities, and east of vacant land within the Copper Ridge PUD designed for single family and multiple family development.

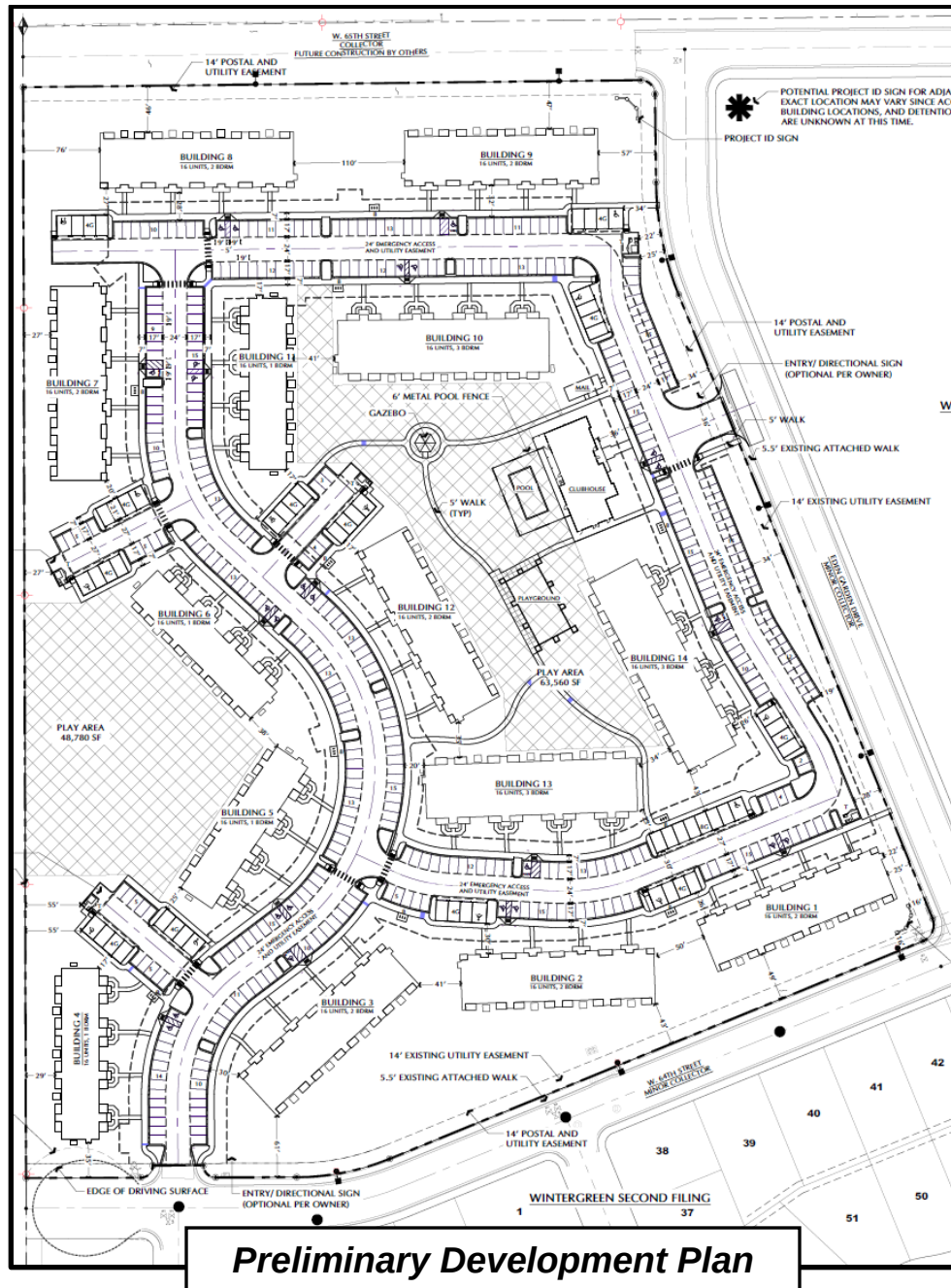
The northeastern portion of Wintergreen was developed with a Wal-Mart Supercenter along with some smaller retail uses. Immediately west of the Wal-Mart Supercenter is a 9.6 ac parcel that is currently undeveloped but designated by the GDP for mixed use development, and west of that is the 19.82 ac subject property, Parcel B. The subject property is immediately north of a single family residential development approved in 2005 with the Wintergreen Second Subdivision that is currently under construction.

This PDP proposes the first multifamily development within Wintergreen Village. The proposal consists of 224 units within 14 buildings. It has a gross density of 11.3 dwelling units per acre, meeting the GDP density limit of 11.3 dwelling units per acre for Parcel B established by the third amendment to the GDP in 2009.

All residential buildings on site will be two stories and include 16 units. There will be three different building models containing either one bedroom, two bedroom or three bedroom units. In addition to the residential buildings, the development will include:

- A clubhouse and leasing center
- Private drives with adjacent perpendicular vehicular parking
- A limited number of garages
- An outdoor pool, gazebo, and playground
- Internal walkways
- Landscaped areas

The various elements of the development are described in more detail below.



Preliminary Development Plan

Vehicular Access and Circulation

Public street access to the development will be available from the adjacent streets to the south (W. 64th Street) and to the east (Eden Garden Drive). While there is adjacent W. 65th Street right-of-way to the north, it is not currently paved and is not required to be paved as part of this development. Internal circulation consists of two generally north-south drives and two east-west drives in a loop-like layout. The internal roads will all be private with perpendicular parking on both sides of the 24 ft wide drive. There are a few “spurs” on the internal roadway system to allow for additional perpendicular parking spaces. Because of the short length of the spurs, cul-de-sac style turnarounds are not required. Snow storage areas are provided at the end of the spurs.

Pedestrian Access and Circulation

Pedestrian sidewalk is provided along both sides of all internal drives except for the side of the drive nearest Eden Garden Drive, where the existing public sidewalk along that street is in close proximity. There is also existing public sidewalk along W. 64th Street to the south, and the internal sidewalks will connect to the adjacent public sidewalks. Walkways will extend from the internal sidewalks to the front doors of the buildings. In addition, a 5 ft walkway extends throughout the central open space area to allow access to the gazebo, clubhouse, pool and playground in that area.

Parking

Multifamily uses require the provision of vehicle parking at a rate of two spaces per unit. For this development, 448 spaces are required and 475 are provided, for an excess of 27 spaces. All of the spaces are situated along the sides of the internal drives as perpendicular parking. Fifty-six garage parking spaces are included, spread throughout the development in small clusters, and are positioned in the same manner as the uncovered parking, perpendicular to the drives. While there can be concerns with residents of multifamily developments utilizing garage parking spaces for personal storage rather than automobile parking, leaving too few parking spaces for vehicles, with an excess of parking provided, staff does not have that concern with this development.

Open Space

61.8% of the land area consists of landscape or outdoor recreation (the pool, playground, gazebo, and associated walkways). "Open play areas", consisting of reasonably flat land that allows for play, are required at a rate of one acre per 100 units, for a minimum of 2.24 acres needed for this development. The landscaped area in the center of the development and the open area near the west center part of the development meet this definition and exceed the minimum size required. These areas have been designated as the "open play areas" on the PDP.

Landscaping

All landscaping standards of the Wintergreen GDP and the Site Development and Performance Standards are met, including that of buffering between this development and adjacent land uses and provision of street trees along the adjacent public streets. The entrances to the site off of W. 64th Street and Eden Garden Drive have been given an entry feature landscape treatment. The landscape plan includes a berm along the W. 65th Street right-of-way to the north in anticipation of relatively heavy traffic along that street once it is extended, as it is a designated collector. Perimeter fencing will not surround the development, allowing the landscaping to be visible both on and off site. As required by the Wintergreen GDP, the landscape plan incorporates water conservation measures. The landscaped areas will be maintained by the property owner.

Architecture

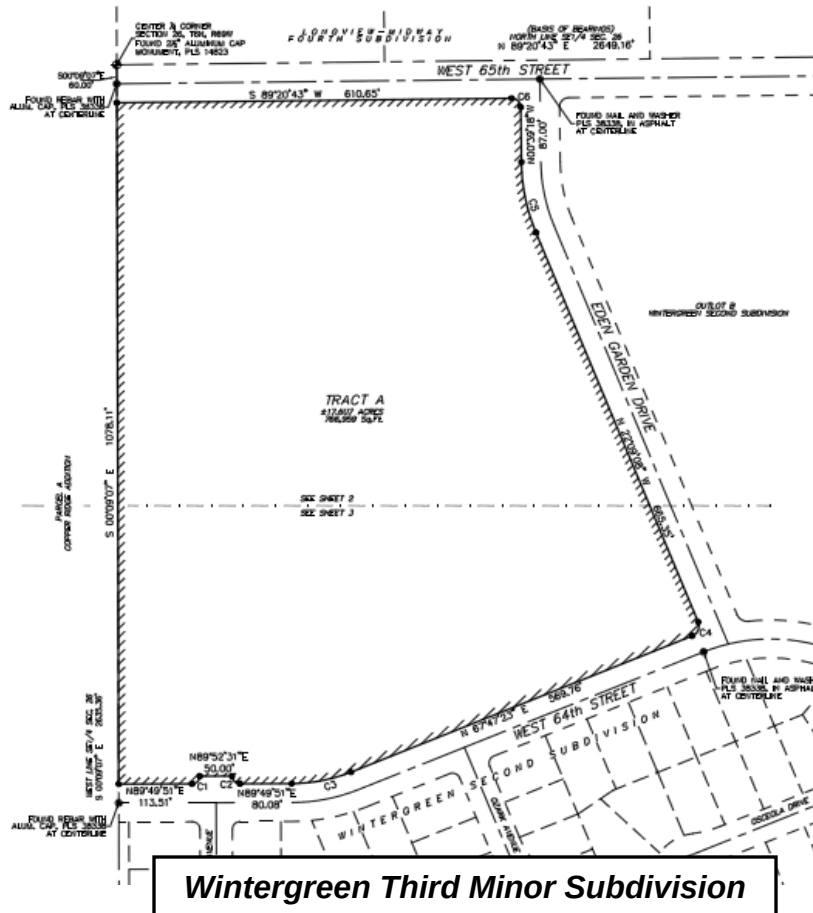
All of the residential buildings in the development are two stories in height. Besides the garages, the one other building type on the site, the clubhouse/leasing office, is one story. The garages and clubhouse are of a similar architectural style as the residential buildings. All of the buildings include four sided architecture, masonry on all sides, lap siding, and hipped and gabled roofs

Other Site Requirements

All other Wintergreen GDP and municipal code requirements, including building setbacks, sign requirements, stormwater standards, and utility standards, are met.

Minor Plat of Subdivision

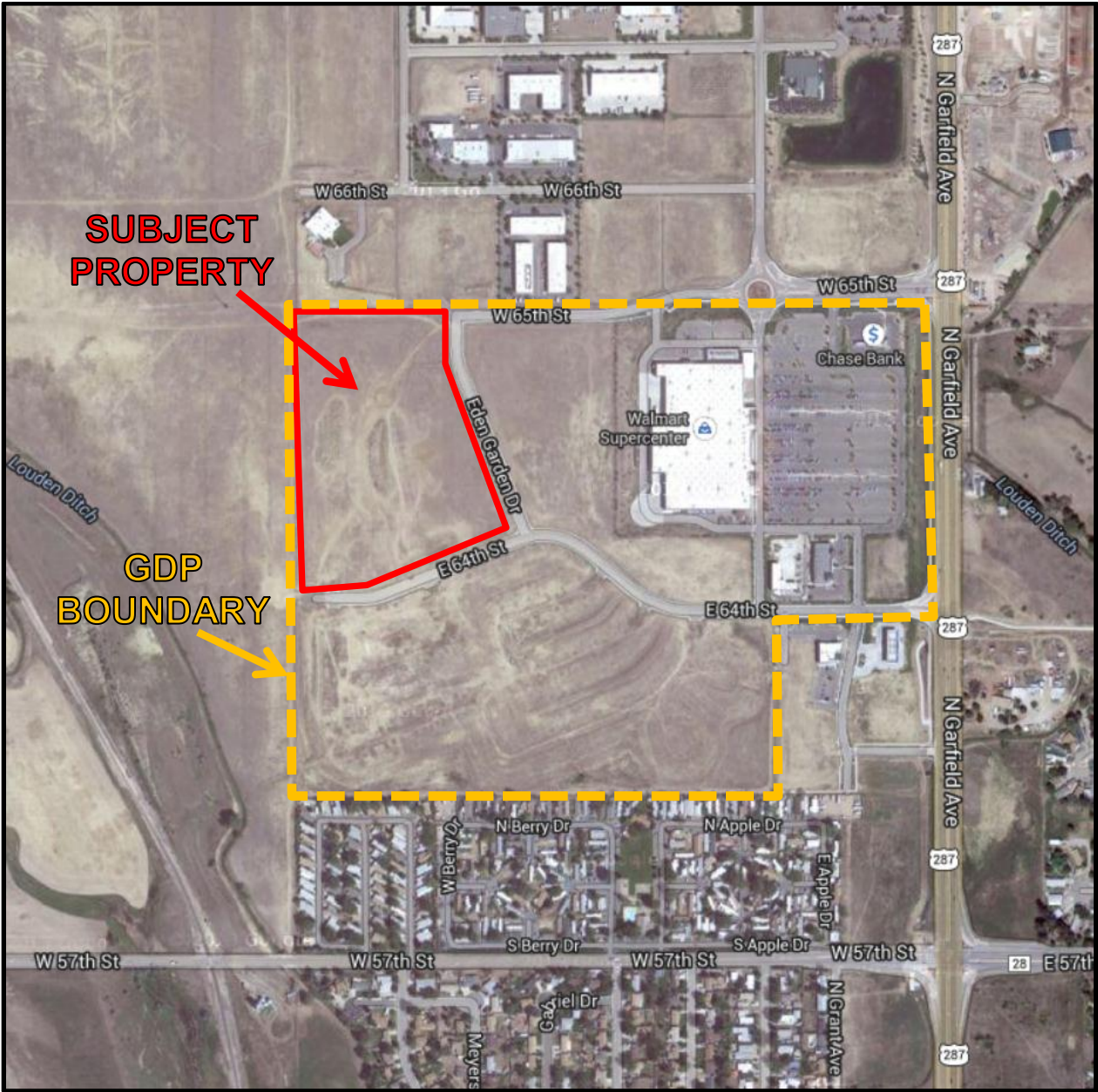
An application for a minor plat of subdivision, titled the Wintergreen Third Subdivision, has been submitted concurrently with the PDP application in order to change the designation of the subject lot from an outlot, as depicted on the Wintergreen Second Subdivision, to a buildable tract lot. Minor plats are reviewed and approved administratively whether or not they accompany another application that requires a public hearing. The minor plat application has been reviewed by staff, who require only minor corrections to it. After a PDP is approved for the property and a revised plat reflecting the remaining minor corrections is submitted, staff will approve and record the plat.



II. ATTACHMENTS

1. Minor Plat of Subdivision
2. Preliminary Development Plan
3. Architectural Elevations
4. Applicant's Narrative
5. Traffic Impact Study Conclusions & Recommendations

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF PDP-GROSS	19.82 AC/17.6 AC AFTER ROW DEDICATION
MASTER PLAN DESIGNATION.....	FORT COLLINS/LOVELAND CORRIDOR AREA
EXISTING ZONING.....	PUD
EXISTING USE.....	VACANT
ACREAGE OF OPEN SPACE.....	10.9 AC (61.8 % OF SITE)
NUMBER OF DWELLING UNITS PROPOSED	224 MULTIFAMILY UNITS

EXIST ADJ ZONING & USE - NORTH.....	I INDUSTRIAL – BUSINESS/INDUSTRIAL PARK
EXIST ADJ ZONING & USE - SOUTH	WINTERGREEN PUD / SFR (UNDER CONSTRUCTION)
EXIST ADJ ZONING & USE - WEST	COPPER RIDGE PUD - VACANT (APPROVED 2006 GDP INDICATES DUPLEX AND SFR)
EXIST ADJ ZONING & USE - EAST	WINTERGREEN PUD / VACANT
UTILITY SERVICE – WATER, SEWER & ELECTRIC.....	CITY OF LOVELAND

V. KEY ISSUES

City staff believes that all key issues have been addressed in the development proposal. At the neighborhood meeting, residents were supportive of the project and did not identify any concerns.

VI. BACKGROUND

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

2002	City Council approval of the annexation of Wintergreen First Addition and the Wintergreen Village PUD General Development Plan, establishing the zoning for the property as mixed use, allowing a variety of commercial and a variety of residential land uses. The GDP includes a “Multi-Family/Apartments” land use category allowing groups of structures containing multiple separate dwelling units typically for rent.
2005	The Final Plat of Wintergreen Second Subdivision approval. The plat created the single family residential subdivision to the south of the subject property and created the lot that includes the subject property as “Outlot C”.
2008	First and second amendments to the Wintergreen Village GDP change the designation of the subject property (“Parcel B”) from “Single Family Residential” to “Single Family, Patio Homes, Single Family Attached, & Multiple Family”. The maximum allowable number of multifamily DU in Parcel B is established at 224, at a gross density of 12.0 DU/ac.
2009	Third amendment to the Wintergreen GDP approves a variety of small changes to Parcel B, including increasing its size by approximately 1 acre to 19.82 ac, decreasing its density to 11.3 DU/ac while allowing increases for the inclusion of affordable housing, and establishing additional zoning criteria including a maximum floor area.
2013	An application for a Preliminary Development Plan (#13-82) and an associated application for a minor plat of subdivision (#13-81) to convert Outlot C of the Wintergreen Second Subdivision to a buildable lot are submitted.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** An affidavit was received from Terence Hoaglund of Vignette Studios certifying that written notice was mailed to all property owners within 900 feet of the property on November 8, 2013 and notices were posted in prominent locations on the perimeter on November 8, 2013. In addition, a notice was published in the Reporter Herald on November 9, 2013.
- B. Neighborhood Response:** A neighborhood meeting was held at 6:30 p.m. on October 24, 2013 in the Gertrude Scott Room of the Loveland Public Library. The meeting was attended by the applicant, City staff and consultants, with no area residents or other members of the public in attendance.

VIII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code pertaining to PUD Preliminary Development Plans. Applicable findings contained in the Municipal Code are specified in italic print followed by the staff analysis as to whether the findings are met by the submitted application.

A. Land Use

1. **Section 18.41.050.E.2.a:** *The preliminary development plan conforms to the general development plan on file with the city where the property is being developed in phases.*

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

- Multifamily residential is a permitted use on the subject parcel, as established in the GDP.
- The maximum density and other site development standards of the GDP are met.
- The architecture is consistent with the design standards contained in the GDP.

2. **Section 18.41.050.E.2.b** *The preliminary development plan meets the intent and objectives of Chapter 18.41 and the factors set forth in Section 18.41.050(D)(4)(b) and (c).*

A. Section 18.41.050.D.4(b): *Whether the proposed development will have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it. If such impacts exist, the planning division shall recommend either disapproval or reasonable conditions designed to mitigate the negative impacts.*

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

- The subject property is adjacent to a business/industrial park to the north. The establishment of multiple family residential on the subject property should not have a negative impact on that development. There is a possibility that residents of this development may be bothered by noise or other emissions from the property to the north. The heavy bufferyard, including a berm, to be provided along the north property line of the subject property should reduce the likelihood of this happening. In addition, there are not currently any heavy industrial uses in close proximity to the subject property.
- The subject property is adjacent to undeveloped land to the east and west. The land to the east, like the subject property, is designated “mixed use” on the Wintergreen GDP. The land to the west is designated “single family residential” and “multifamily residential” on

the Copper Ridge GDP. The property is adjacent to a single family subdivision currently under construction to the south. The establishment of a multiple family development on the subject property at the density proposed should not negatively impact these adjacent properties.

- The PDP incorporates site design, architecture and landscaping of an equal or higher quality than nearby developed properties.
- No concerns regarding the PDP proposal were voiced at the neighborhood meeting.

B. Section 18.41.050.D.4(c): *Whether the proposed development will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:*

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

(ii) Incorporating site planning techniques that will foster the implementation of the city's master plans, and encourage a land use pattern that will support a balanced transportation system, including auto, bike, and pedestrian traffic, public or mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the City.

(iii) Incorporating physical design features 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.

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

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

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

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

- *(finding i)* Passive and active open space is provided throughout the development, including walking trails, a playground, a pool, a gazebo, and a community clubhouse. The PDP designates approximately 61% of the site for landscaping and active recreation.
- *(finding ii)* Specific site planning techniques have been incorporated into the PUD to promote safety for pedestrians. This includes traffic calming techniques such as curved streets and street parking. The internal private drives include sidewalks on both sides connecting to surrounding public sidewalks. These techniques promote the philosophies of the City's master plan.
- *(finding iii)* The PDP incorporates a landscape design that includes dense buffering along the adjacent public rights of way to the north, south and east and extensive landscape treatment at the entranceways on W. 64th Street and Eden Garden Drive. The height and massing of the buildings will provide a transition between the more intensive commercial and industrial developments to the north and east and the single family residential subdivision to the south.
- *(finding iv)* There are no environmentally sensitive areas within the PDP boundaries.

- (finding v) There are no elements of community-wide significance identified in the town image map within the PDP boundaries.
 - (finding vii) The different elements within the development, including architecture, roadways, sidewalks, parking, building placement, recreational facilities and landscape areas, have been designed in an attractive and coordinated manner that provides an appealing streetscape, both from the internal drives and from the adjacent public streets.
3. **Section 18.41.050.E.2.c:** *The PDP complies with applicable land use and development regulations in effect as of the date that the GDP was approved and any land use and development regulations adopted by the City after that date if the Planning Division and Planning Commission expressly find that compliance with such regulations is necessary to protect public health, safety, and welfare.*

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

- The PDP complies with applicable development regulations for land use and infrastructure established in the GDP as well as existing City regulations. Please reference the analysis contained in Section B, below, provided by City reviewers for additional information.

B. City Utilities and Services

1. **Section 18.41.050.D.4.b:** *Development permitted by the PDP will not negatively impact traffic in the area or City utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*
2. **Section 18.41.050.D.4.c:** *Whether development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.*

Transportation Engineering: Staff believes that these findings can be met based on the following fact:

- A Traffic Impact Study has been provided by Delich Associates for the Wintergreen 3rd Subdivision PDP that demonstrates that the project will comply with the Larimer County Urban Area Street Standards (LCUASS) and the City's ACF Ordinance for Traffic.

Fire Prevention: Staff believes that these findings can be met based on the following facts:

- The development will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The development will not negatively impact fire protection for the subject development or surrounding properties.

Water/Wastewater: Staff believes that these findings can be met based on the following facts:

- 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:

- The proposed development will not negatively impact City water and wastewater facilities.
- The proposed facilities shown on the Preliminary PICPs have been designed pursuant to the City's Development Standards.

Stormwater: Staff believes that these findings can be met based on the following facts:

- When final designed and built, the development will not negatively impact City storm drainage utilities and will comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140.
- No irrigation ditches traverse the site.
- No natural drainage courses/open channels traverse the site.

Power: Staff believes that these findings can be met based on the following facts:

- Power to the subdivision will come from a 200 amp three phase underground system located along the north side of west 64th street. Conduit has been installed under W. 64th Street at various locations where there are primary vaults. Power will be extended on to the subdivision site at the cost of the developer.
- The existing underground feeders are an available and adequate source for electric distribution for the proposed development. No negative impacts on the City's electrical system are foreseen. The proposed development meets the criteria for level of service as outlined in the ACF ordinance.

IX. RECOMMENDED CONDITIONS

The following conditions are recommended by City Staff:

Current Planning

1. Prior to the issuance of any certificate of occupancy within the PDP boundaries, all site landscaping, associated irrigation water meters and activation fees, irrigation systems, and common area amenities including pedestrian pathways, lighting, gazebo and recreational facilities as depicted in the PDP, shall be either installed by the Developer or financially secured with the City in an amount equal to 110% of the costs for installation.
2. The temporary turnaround easement area near the southwest corner of the property that is partially without landscaping shall be fully landscaped by the property owner in the event that the easement is vacated.

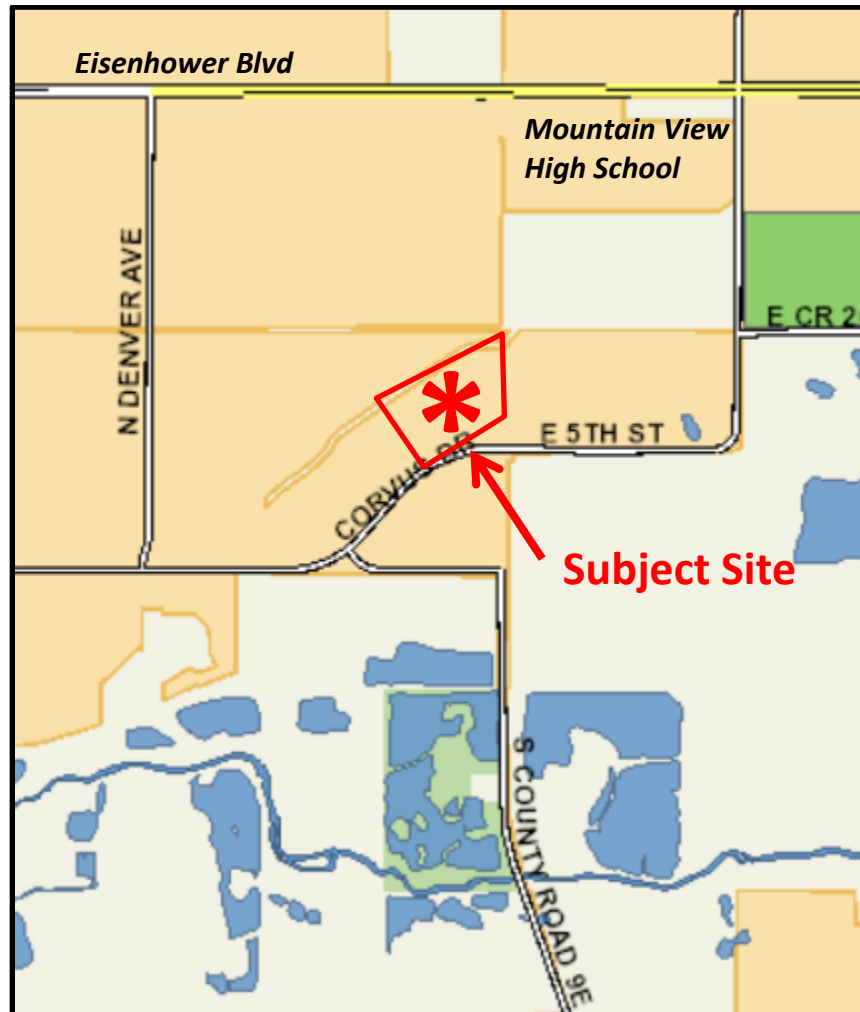
Transportation Engineering

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

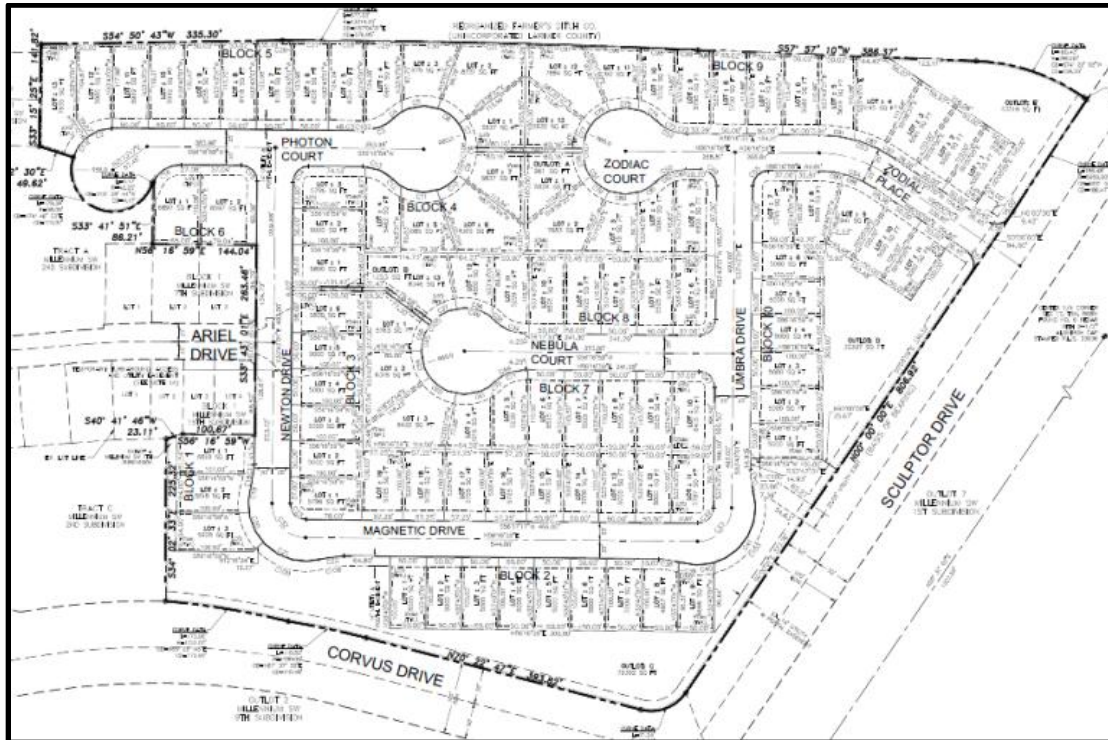
I. ATTACHMENTS:

1. Vacation exhibit
2. Millennium SW 8th “Stone Creek II” proposed subdivision plat
3. Draft Ordinance

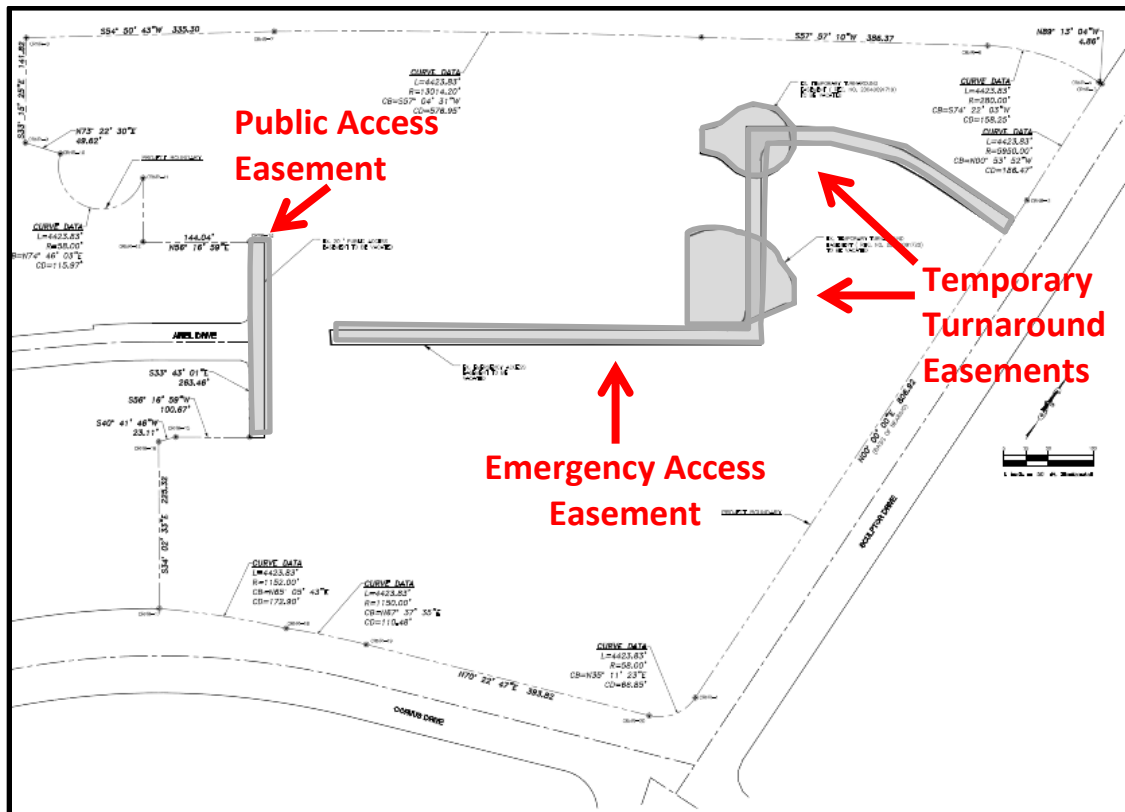
II. VICINITY MAP:



III. PROPOSED MILLENNIUM SW 8TH PLAT:



IV. VACATION EXHIBIT:



Larger versions of the vacation exhibit and plat are attached to this report. (See **Attachment #1 & #2**).

V. PUBLIC HEARING:

This application proposes to vacate four access easements that are in an area proposed for a new residential subdivision called Millenniums SW 8th. The vacations are being sought because the access easements, consisting of one emergency access easement, one public access easement, and two temporary turnaround easements, are not needed because of the road layout proposed with a subdivision plat that is anticipated to be approved in the near future for the subject property. Per Section 16.36 of the Municipal Code, vacations of access easements require review by the Planning Commission at a public hearing prior to adoption of an ordinance by City Council. The Planning Commission's recommendation will be forwarded to the City Council, to be considered as part of their subsequent public hearing, which is currently scheduled for December 3, 2013.

VI. PUBLIC NOTICE:

An affidavit was received from the applicant certifying that notice of the hearing for the vacation was mailed to all surface owners and owners of the easement to be vacated and that notices were posted in prominent locations on the perimeter of the project site at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on November 9, 2013. Staff has not received any comments or inquiries on the application.

VII. KEY ISSUES:

City staff have reviewed the application on the basis of all applicable City policies, codes and standards, including the findings necessary for approval of vacations, and have determined that the easements serve no usefulness or greater public good. Staff believes that all key issues have been resolved through the review process.

VIII. SUMMARY:

This application concerns the vacation of four access easements located within outlots in the Millennium SW 7th Subdivision. The easements, consisting of one emergency access easement, one public access easement, and two temporary turnaround easements, were established in 2005 by the recording of that plat. That applicant had platted the easements for emergency access to the Stone Creek I development and also in anticipation of submitting a new subdivision application for the outlots soon after the recordation of the Millennium SW 7th plat. However, that proposal for the outlots did not proceed at that time.

The outlots have since been purchased by the current applicant for a proposed 96-lot single family residential subdivision, City of Loveland Application #13-99, Millennium SW 8th/Stone Creek II. The access easements, which were established in locations suitable for the subdivision layout intended by the previous applicant, are in locations where such access easements are not necessary due to the street layout proposed by the current applicant. As access easements must be vacated by a City Council-adopted ordinance, the applicant is seeking approval of the vacations in advance of the recordation of the new plat. The Millennium SW 8th subdivision plat is currently undergoing staff review, and is anticipated to be approved by staff before the end of the year. As a Millennium PUD plat, it will not undergo public hearings and instead is reviewed administratively.

City staff is supportive of vacating the emergency access easement, the public access easement, and the two temporary turnaround easements on the subject property. Because all necessary access will be established with the upcoming recordation of the Millennium SW 8th plat, neither public nor emergency access will be compromised as a result of the vacation.

IX. FINDINGS AND ANALYSIS

The following two findings must be met in order to vacate the access easements. These findings are included in section 16.36.010.B of the Loveland Municipal Code.

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

Transportation: Staff believes that this finding can be met. The proposed easement vacations will not create a negative impact upon the City's Public Streets. Once the final plat for Millennium SW 8th is approved and recorded the necessary street right-of-ways will be in place to provide adequate transportation facilities for the property.

Finding 2. *That the easement to be vacated is no longer necessary for the public use and convenience.*

Transportation: Staff believes that this finding can be met. The easements proposed to be vacated are located in areas no longer necessary for public use and convenience. The Transportation Division has no objection to the vacation.

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

- The site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company (Station 6).
- The proposed development will not negatively impact fire protection for the subject development or surrounding properties.

Water/Wastewater: The subject area is the City's current service area for both water and wastewater. Staff believes that this finding can be met, due to the following:

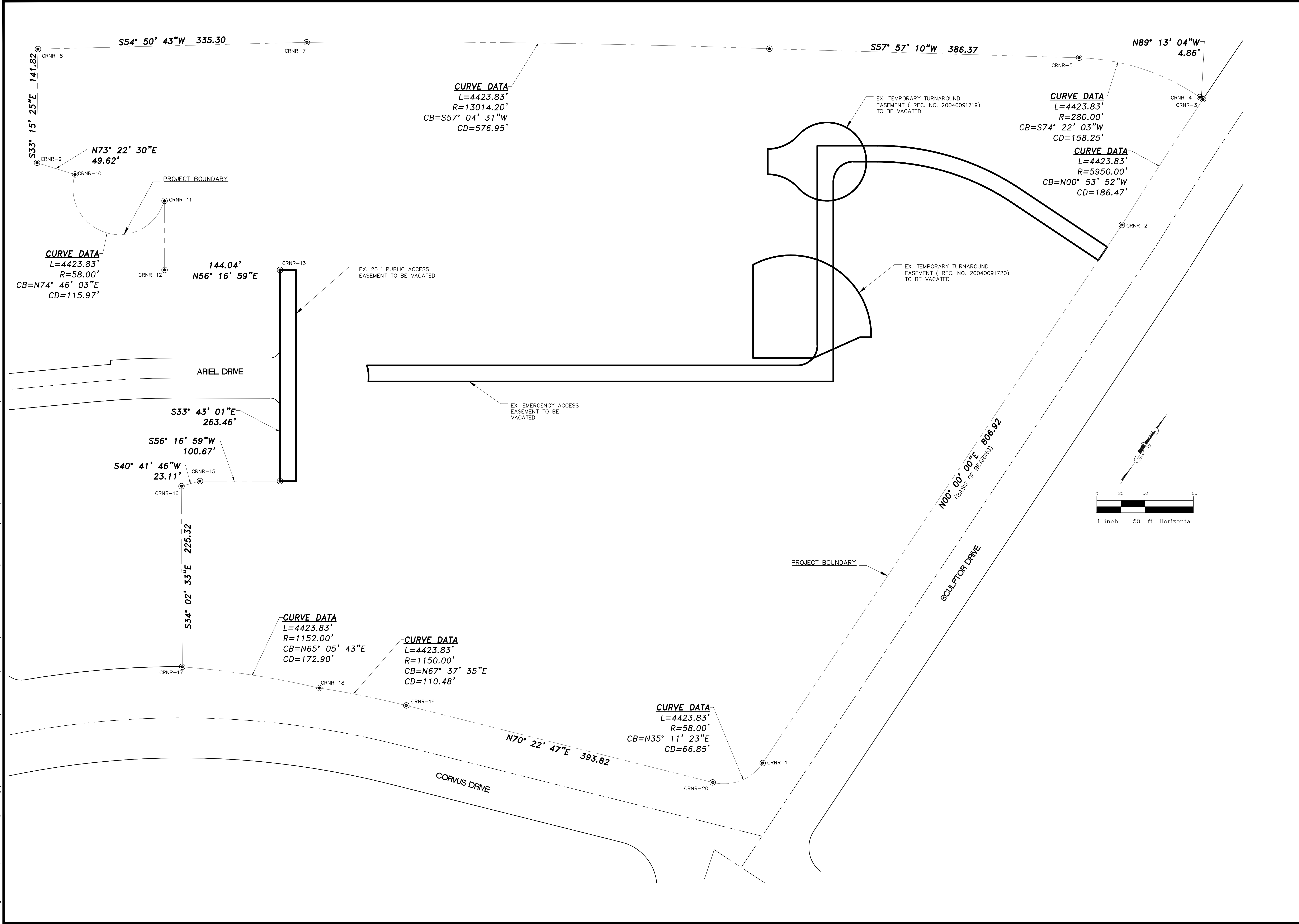
- The existing access easements to be vacated do not impact the existing water and wastewater utility configuration within and adjacent to this development.

Stormwater: Staff believes that this finding can be met. The existing access easement is not used to convey Stormwater and thus is not necessary for the public use and conveyance of Stormwater.

X. RECOMMENDED CONDITIONS

No City departments or other review agencies have submitted any recommended conditions for this application.

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DATE 06/10/2013		PROJECT NO. 13050		SHEET NUMBER 1 of 1	
EASEMENT VACATION EXHIBIT					
MILLENNIUM SW 8TH + 17TH SUBDIVISIONS STONE CREEK PHASE 2 LOVELAND, COLORADO					
SCALE: AS SHOWN		DESIGNED BY: MCS		DRAWN BY: MCS/JLP	
NOT FOR CONSTRUCTION		NOT FOR BID		CHECKED BY: LEP	
PHELPS ENGINEERING		7200 E. Hampden Ave., Suite 300, Denver, CO 80231, 303-298-9444		REVISIONS	
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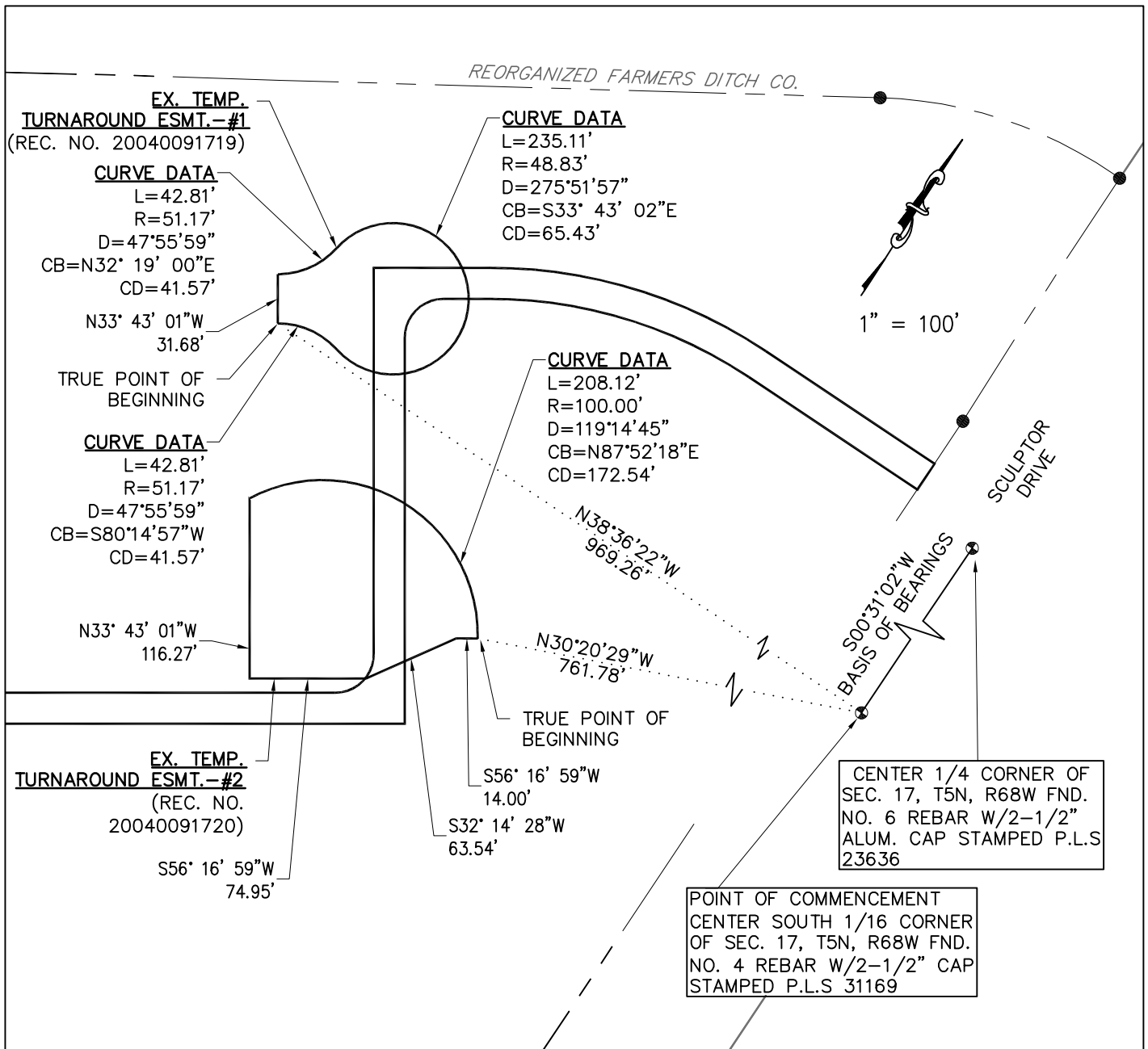


EXHIBIT "B"
EXHIBIT MAP FOR VACATION OF
EXISTING EASEMENTS
- EMERGENCY ACCESS
EASEMENT
- (2) TEMPORARY TURNAROUND
EASEMENTS
- 20' PUBLIC ACCESS EASEMENT

NOTE:

1. FINAL PLAT OF MILLENNIUM SW 7TH
SUBDIVISION AS RECORDED AT RECEPTION
NO. 20050071126 OF LARIMER CO., CO.
WAS RELIED UPON FOR INFORMATION USED
TO PREPARE THIS EXHIBIT MAP.

2. THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED LAND SURVEY. IT IS
INTENDED TO ONLY DEPICT THE ATTACHED
LEGAL DESCRIPTION.

13050 STONE CREEK PHASE 2

EASEMENT VACATION EXHIBIT

1 OF 2

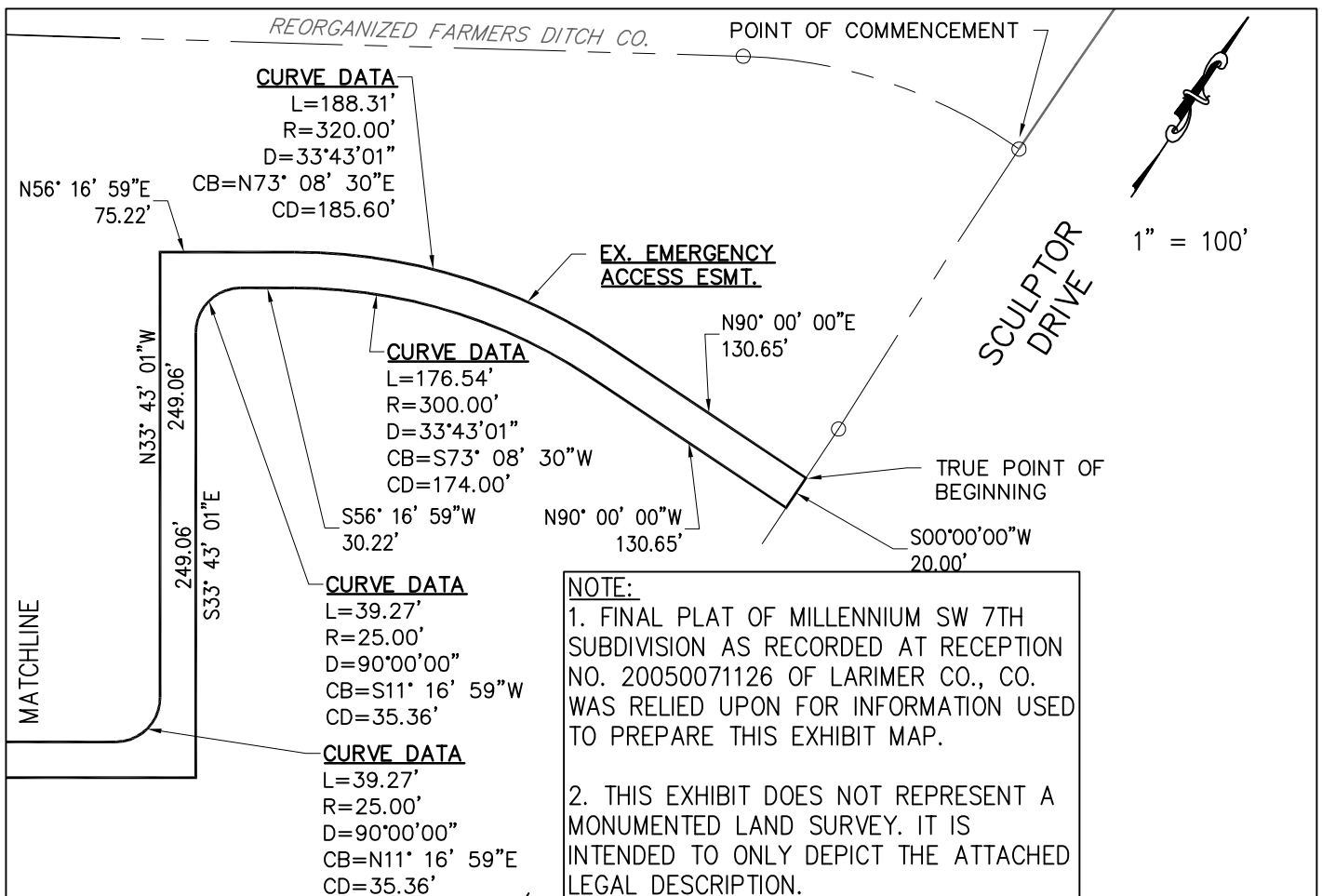
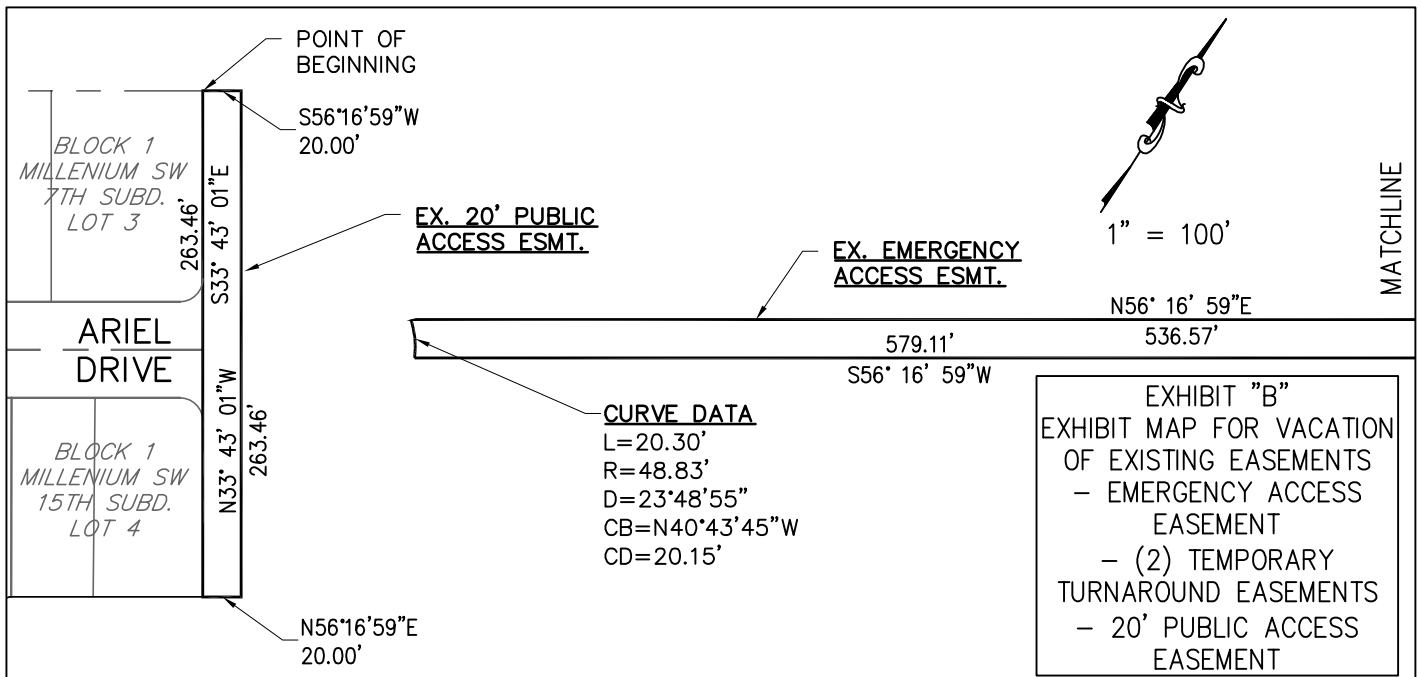
PC Attachment 1



NOVEMBER 6, 2013

EXHIBIT "B"

7200 Hampden Ave., Ste.300 Denver, CO 80224 303-295-1644



13050 STONE CREEK PHASE 2

EASEMENT VACATION EXHIBIT

2 OF 2

PC Attachment 1

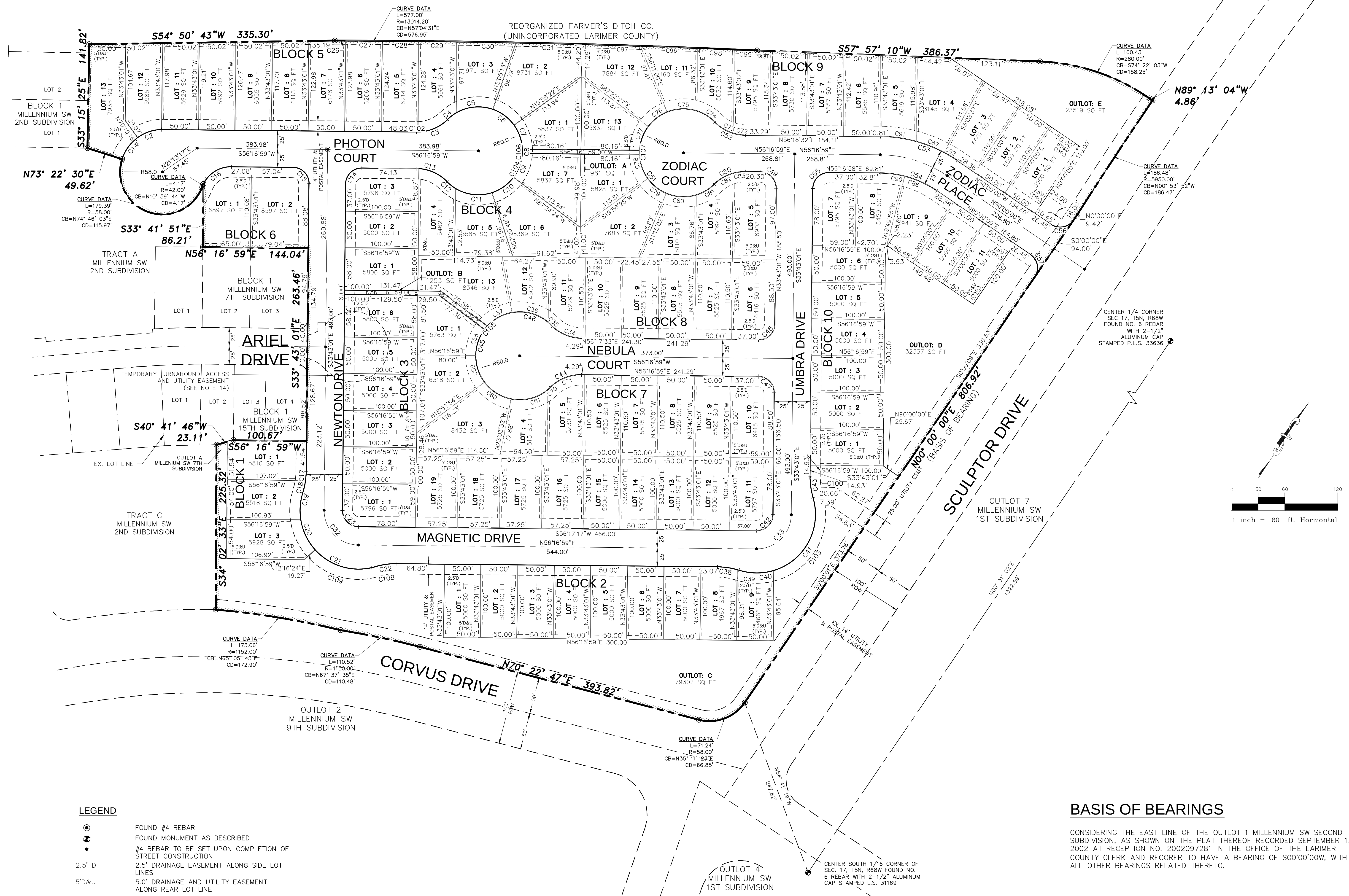


NOVEMBER 6, 2013

EXHIBIT "B"

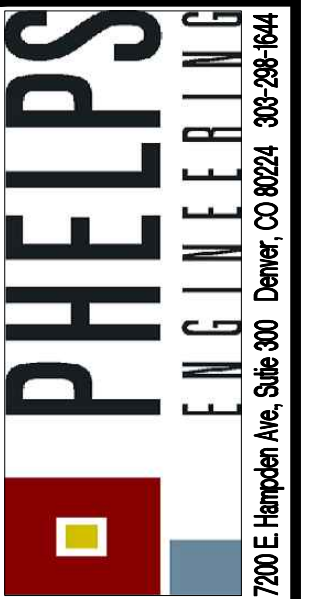
7200 Hampden Ave., Ste.300 Denver, CO 80224 303-298-1644

BEING A SUBDIVISION OF TRACT A, OUTLOT 1 AND OUTLOT 2 OF THE MILLENNIUM
SW 7TH SUBDIVISION, LOCATED IN THE SOUTHWEST QUARTER OF SECTION 17,
TOWNSHIP 5 NORTH, RANGE 68 WEST, OF THE 6TH PRINCIPAL MERIDIAN;
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.



BASIS OF BEARINGS

CONSIDERING THE EAST LINE OF THE OUTLOT 1 MILLENNIUM SW SECOND SUBDIVISION, AS SHOWN ON THE PLAT THEREOF RECORDED SEPTEMBER 13, 2002 AT RECEPTION NO. 2002097281 IN THE OFFICE OF THE LARIMER COUNTY CLERK AND RECORDER TO HAVE A BEARING OF S00°00'00W, WITH ALL OTHER BEARINGS RELATED THERETO.



NOT FOR
CONSTRUCTION

NOT FOR BID

SCALE: AS SHOWN
DESIGNED BY: MCS
DRAWN BY: MCS/JP
CHECKED BY: LEP

MILLENNIUM SW 8TH SUBDIVISION
STONE CREEK PHASE 2
LOVELAND, COLORADO

FINAL PLAT

DATE	08/07/2013
PROJECT NO.	13050
SHEET NUMBER	



Planning Commission Staff Report

November 25, 2013

Agenda #: **Regular Agenda - # 3**

Title: Wintergreen Third Subdivision
Preliminary Development Plan

Applicant: Pedcor Investments, LLC

Request: **Preliminary Development Plan**

Location: 657 W. 64th Street

Existing Zoning: P-65 - Wintergreen Village
Planned Unit Development

Proposed Use: 224-units in 14 building
Multifamily Residential
Development

Staff Planner: Noreen Smyth

Staff Recommendation

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

Recommended Motions:

1. Move to make the findings listed in Section VIII of the Planning Commission staff report dated November 25, 2013 and, based on those findings, instruct staff to prepare a resolution of approval for the Wintergreen Third Subdivision Preliminary Development Plan subject to the conditions listed in said report, as amended on the record.

Summary of Analysis

This is a public hearing to consider a preliminary development plan (PDP) to construct a multifamily residential development within the Wintergreen PUD. The 112 acre PUD is generally located west of Highway 287/Garfield Avenue and south of W. 65th Street. The 19 acre parcel to which this PDP application applies is located near the northwest corner of the PUD. It is south of the Longview Industrial Park and is separated from the Wal-Mart parcel to the east by an undeveloped 9 acre Wintergreen parcel.

The PDP proposes the development of 224 rental multifamily units within 14 two-story buildings. Internal private roads, parking, and a clubhouse will be included in the development, including a pool, playground, trails/sidewalk, and detention area within 10.9 acres of landscaped open space. The units will vary between one, two and three bedrooms and are intended to be market rate rentals. The development is anticipated to be named "Ashley Estates".

Staff believes that all key issues have been resolved based on the municipal code and standards contained in the PUD. There were no attendees at the noticed neighborhood meeting held for the proposal. If the Planning Commission approves this application, it will be necessary for the Commission to adopt a resolution of findings and conclusions.

I. SUMMARY

This application is for a preliminary development plan (PDP) within the Wintergreen Village PUD. The overall PUD is 111.8 acres in size and located west of Garfield Avenue (Highway 287), south of 65th Street/ Longview Industrial Park, north of an unincorporated area containing the Meadowlark and Cherry Ridge mobile home communities, and east of vacant land within the Copper Ridge PUD designed for single family and multiple family development.

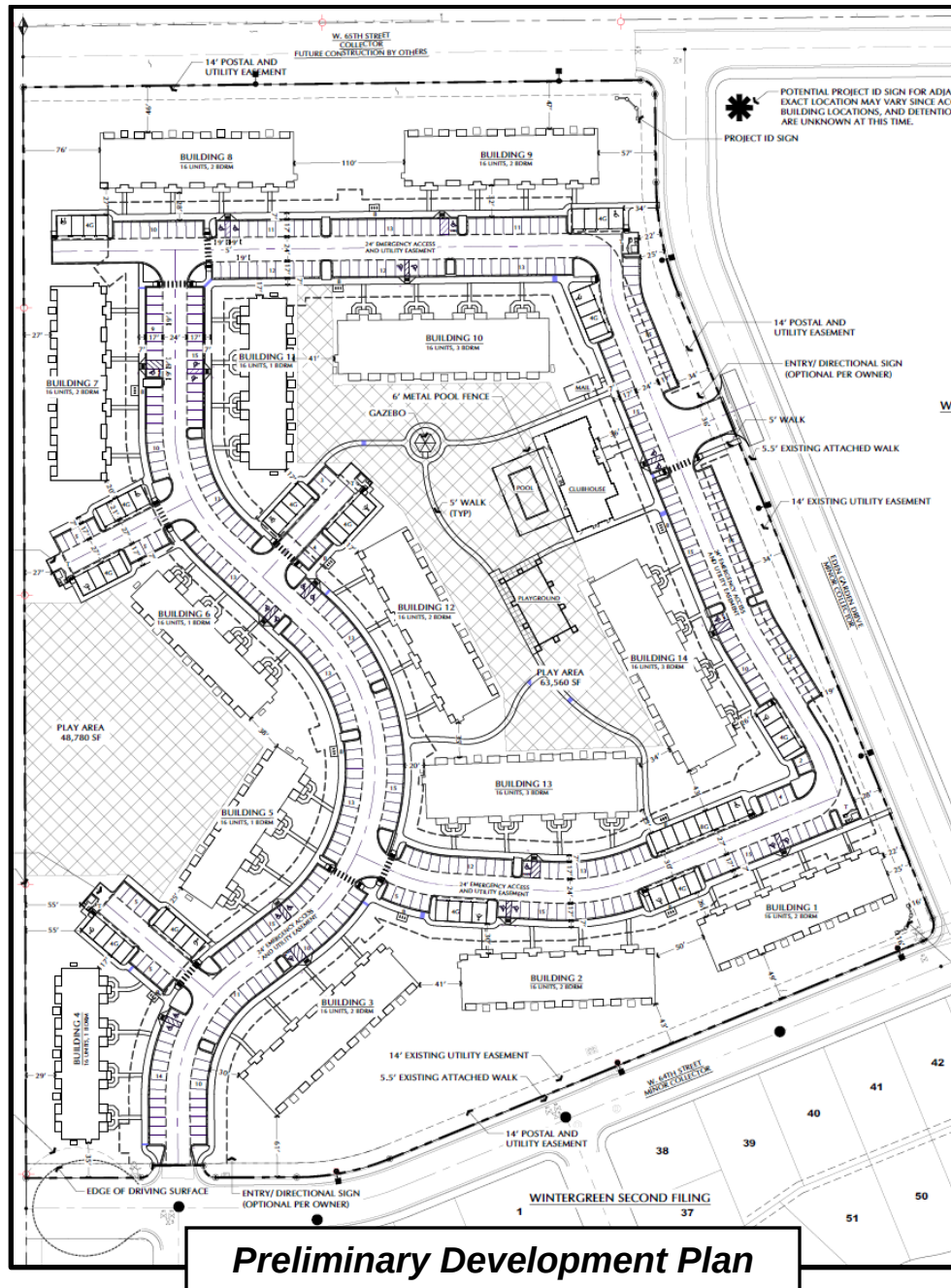
The northeastern portion of Wintergreen was developed with a Wal-Mart Supercenter along with some smaller retail uses. Immediately west of the Wal-Mart Supercenter is a 9.6 ac parcel that is currently undeveloped but designated by the GDP for mixed use development, and west of that is the 19.82 ac subject property, Parcel B. The subject property is immediately north of a single family residential development approved in 2005 with the Wintergreen Second Subdivision that is currently under construction.

This PDP proposes the first multifamily development within Wintergreen Village. The proposal consists of 224 units within 14 buildings. It has a gross density of 11.3 dwelling units per acre, meeting the GDP density limit of 11.3 dwelling units per acre for Parcel B established by the third amendment to the GDP in 2009.

All residential buildings on site will be two stories and include 16 units. There will be three different building models containing either one bedroom, two bedroom or three bedroom units. In addition to the residential buildings, the development will include:

- A clubhouse and leasing center
- Private drives with adjacent perpendicular vehicular parking
- A limited number of garages
- An outdoor pool, gazebo, and playground
- Internal walkways
- Landscaped areas

The various elements of the development are described in more detail below.



Vehicular Access and Circulation

Public street access to the development will be available from the adjacent streets to the south (W. 64th Street) and to the east (Eden Garden Drive). While there is adjacent W. 65th Street right-of-way to the north, it is not currently paved and is not required to be paved as part of this development. Internal circulation consists of two generally north-south drives and two east-west drives in a loop-like layout. The internal roads will all be private with perpendicular parking on both sides of the 24 ft wide drive. There are a few “spurs” on the internal roadway system to allow for additional perpendicular parking spaces. Because of the short length of the spurs, cul-de-sac style turnarounds are not required. Snow storage areas are provided at the end of the spurs.

Pedestrian Access and Circulation

Pedestrian sidewalk is provided along both sides of all internal drives except for the side of the drive nearest Eden Garden Drive, where the existing public sidewalk along that street is in close proximity. There is also existing public sidewalk along W. 64th Street to the south, and the internal sidewalks will connect to the adjacent public sidewalks. Walkways will extend from the internal sidewalks to the front doors of the buildings. In addition, a 5 ft walkway extends throughout the central open space area to allow access to the gazebo, clubhouse, pool and playground in that area.

Parking

Multifamily uses require the provision of vehicle parking at a rate of two spaces per unit. For this development, 448 spaces are required and 475 are provided, for an excess of 27 spaces. All of the spaces are situated along the sides of the internal drives as perpendicular parking. Fifty-six garage parking spaces are included, spread throughout the development in small clusters, and are positioned in the same manner as the uncovered parking, perpendicular to the drives. While there can be concerns with residents of multifamily developments utilizing garage parking spaces for personal storage rather than automobile parking, leaving too few parking spaces for vehicles, with an excess of parking provided, staff does not have that concern with this development.

Open Space

61.8% of the land area consists of landscape or outdoor recreation (the pool, playground, gazebo, and associated walkways). "Open play areas", consisting of reasonably flat land that allows for play, are required at a rate of one acre per 100 units, for a minimum of 2.24 acres needed for this development. The landscaped area in the center of the development and the open area near the west center part of the development meet this definition and exceed the minimum size required. These areas have been designated as the "open play areas" on the PDP.

Landscaping

All landscaping standards of the Wintergreen GDP and the Site Development and Performance Standards are met, including that of buffering between this development and adjacent land uses and provision of street trees along the adjacent public streets. The entrances to the site off of W. 64th Street and Eden Garden Drive have been given an entry feature landscape treatment. The landscape plan includes a berm along the W. 65th Street right-of-way to the north in anticipation of relatively heavy traffic along that street once it is extended, as it is a designated collector. Perimeter fencing will not surround the development, allowing the landscaping to be visible both on and off site. As required by the Wintergreen GDP, the landscape plan incorporates water conservation measures. The landscaped areas will be maintained by the property owner.

Architecture

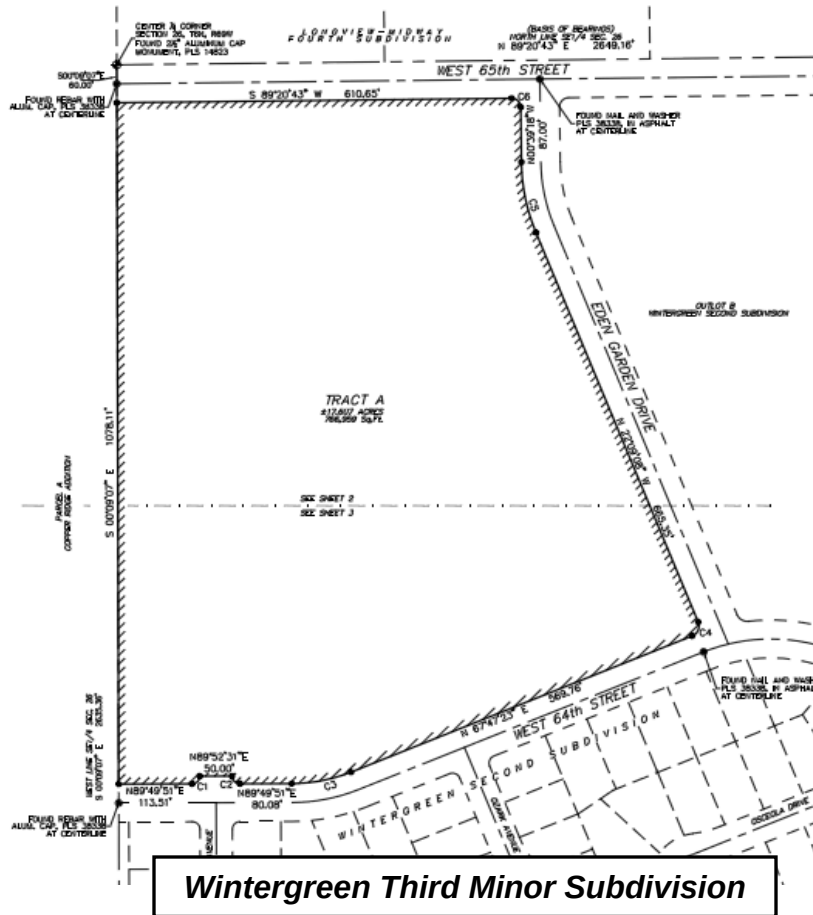
All of the residential buildings in the development are two stories in height. Besides the garages, the one other building type on the site, the clubhouse/leasing office, is one story. The garages and clubhouse are of a similar architectural style as the residential buildings. All of the buildings include four sided architecture, masonry on all sides, lap siding, and hipped and gabled roofs

Other Site Requirements

All other Wintergreen GDP and municipal code requirements, including building setbacks, sign requirements, stormwater standards, and utility standards, are met.

Minor Plat of Subdivision

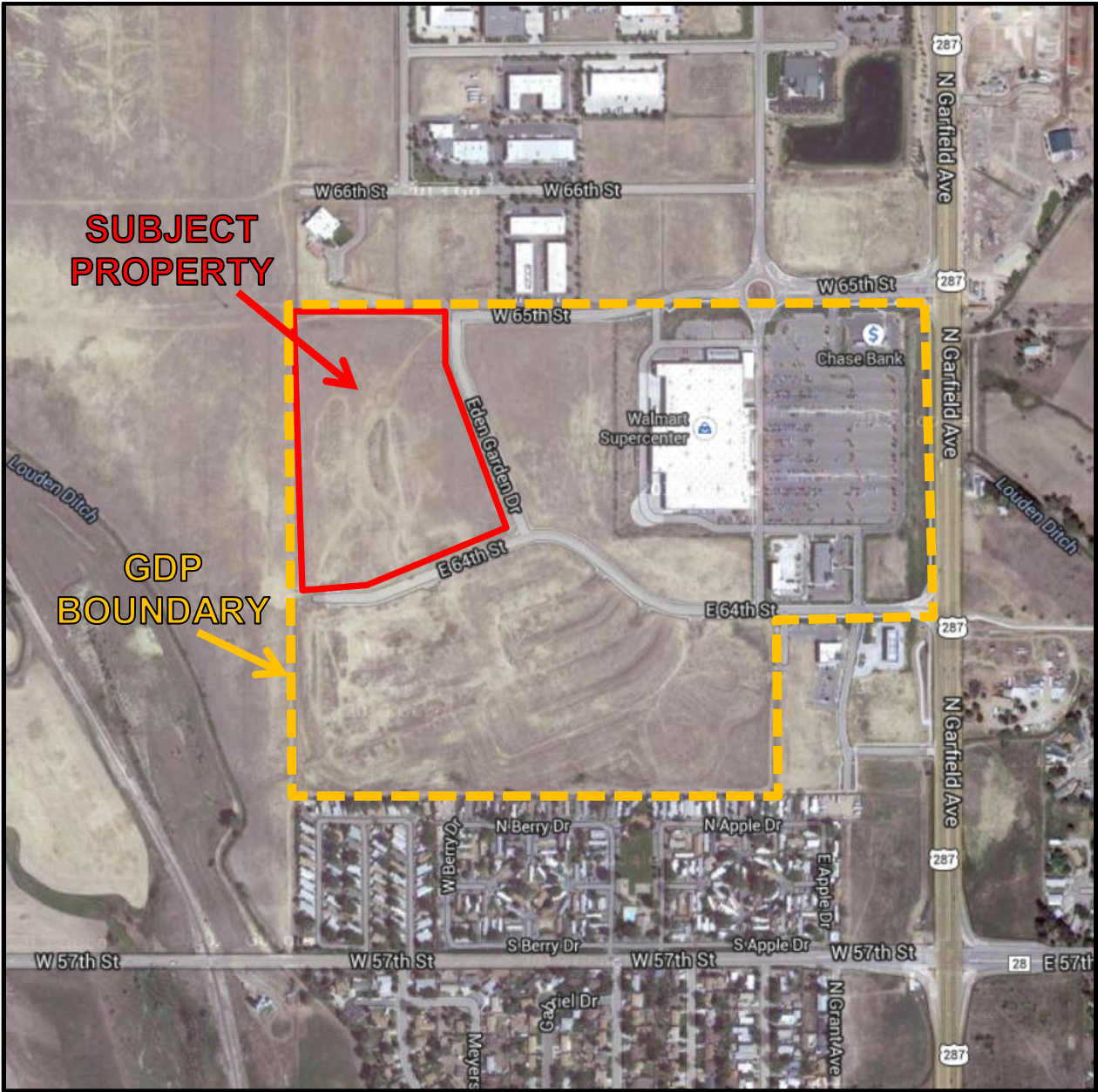
An application for a minor plat of subdivision, titled the Wintergreen Third Subdivision, has been submitted concurrently with the PDP application in order to change the designation of the subject lot from an outlot, as depicted on the Wintergreen Second Subdivision, to a buildable tract lot. Minor plats are reviewed and approved administratively whether or not they accompany another application that requires a public hearing. The minor plat application has been reviewed by staff, who require only minor corrections to it. After a PDP is approved for the property and a revised plat reflecting the remaining minor corrections is submitted, staff will approve and record the plat.



II. ATTACHMENTS

1. Minor Plat of Subdivision
2. Preliminary Development Plan
3. Architectural Elevations
4. Applicant's Narrative
5. Traffic Impact Study Conclusions & Recommendations

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF PDP-GROSS	19.82 AC/17.6 AC AFTER ROW DEDICATION
MASTER PLAN DESIGNATION.....	FORT COLLINS/LOVELAND CORRIDOR AREA
EXISTING ZONING.....	PUD
EXISTING USE.....	VACANT
ACREAGE OF OPEN SPACE.....	10.9 AC (61.8 % OF SITE)
NUMBER OF DWELLING UNITS PROPOSED	224 MULTIFAMILY UNITS

EXIST ADJ ZONING & USE - NORTH.....	I INDUSTRIAL – BUSINESS/INDUSTRIAL PARK
EXIST ADJ ZONING & USE - SOUTH	WINTERGREEN PUD / SFR (UNDER CONSTRUCTION)
EXIST ADJ ZONING & USE - WEST	COPPER RIDGE PUD - VACANT (APPROVED 2006 GDP INDICATES DUPLEX AND SFR)
EXIST ADJ ZONING & USE - EAST	WINTERGREEN PUD / VACANT
UTILITY SERVICE – WATER, SEWER & ELECTRIC.....	CITY OF LOVELAND

V. KEY ISSUES

City staff believes that all key issues have been addressed in the development proposal. At the neighborhood meeting, residents were supportive of the project and did not identify any concerns.

VI. BACKGROUND

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

2002	City Council approval of the annexation of Wintergreen First Addition and the Wintergreen Village PUD General Development Plan, establishing the zoning for the property as mixed use, allowing a variety of commercial and a variety of residential land uses. The GDP includes a “Multi-Family/Apartments” land use category allowing groups of structures containing multiple separate dwelling units typically for rent.
2005	The Final Plat of Wintergreen Second Subdivision approval. The plat created the single family residential subdivision to the south of the subject property and created the lot that includes the subject property as “Outlot C”.
2008	First and second amendments to the Wintergreen Village GDP change the designation of the subject property (“Parcel B”) from “Single Family Residential” to “Single Family, Patio Homes, Single Family Attached, & Multiple Family”. The maximum allowable number of multifamily DU in Parcel B is established at 224, at a gross density of 12.0 DU/ac.
2009	Third amendment to the Wintergreen GDP approves a variety of small changes to Parcel B, including increasing its size by approximately 1 acre to 19.82 ac, decreasing its density to 11.3 DU/ac while allowing increases for the inclusion of affordable housing, and establishing additional zoning criteria including a maximum floor area.
2013	An application for a Preliminary Development Plan (#13-82) and an associated application for a minor plat of subdivision (#13-81) to convert Outlot C of the Wintergreen Second Subdivision to a buildable lot are submitted.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** An affidavit was received from Terence Hoaglund of Vignette Studios certifying that written notice was mailed to all property owners within 900 feet of the property on November 8, 2013 and notices were posted in prominent locations on the perimeter on November 8, 2013. In addition, a notice was published in the Reporter Herald on November 9, 2013.
- B. Neighborhood Response:** A neighborhood meeting was held at 6:30 p.m. on October 24, 2013 in the Gertrude Scott Room of the Loveland Public Library. The meeting was attended by the applicant, City staff and consultants, with no area residents or other members of the public in attendance.

VIII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code pertaining to PUD Preliminary Development Plans. Applicable findings contained in the Municipal Code are specified in italic print followed by the staff analysis as to whether the findings are met by the submitted application.

A. Land Use

1. **Section 18.41.050.E.2.a:** *The preliminary development plan conforms to the general development plan on file with the city where the property is being developed in phases.*

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

- Multifamily residential is a permitted use on the subject parcel, as established in the GDP.
- The maximum density and other site development standards of the GDP are met.
- The architecture is consistent with the design standards contained in the GDP.

2. **Section 18.41.050.E.2.b** *The preliminary development plan meets the intent and objectives of Chapter 18.41 and the factors set forth in Section 18.41.050(D)(4)(b) and (c).*

A. Section 18.41.050.D.4(b): *Whether the proposed development will have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it. If such impacts exist, the planning division shall recommend either disapproval or reasonable conditions designed to mitigate the negative impacts.*

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

- The subject property is adjacent to a business/industrial park to the north. The establishment of multiple family residential on the subject property should not have a negative impact on that development. There is a possibility that residents of this development may be bothered by noise or other emissions from the property to the north. The heavy bufferyard, including a berm, to be provided along the north property line of the subject property should reduce the likelihood of this happening. In addition, there are not currently any heavy industrial uses in close proximity to the subject property.
- The subject property is adjacent to undeveloped land to the east and west. The land to the east, like the subject property, is designated “mixed use” on the Wintergreen GDP. The land to the west is designated “single family residential” and “multifamily residential” on

the Copper Ridge GDP. The property is adjacent to a single family subdivision currently under construction to the south. The establishment of a multiple family development on the subject property at the density proposed should not negatively impact these adjacent properties.

- The PDP incorporates site design, architecture and landscaping of an equal or higher quality than nearby developed properties.
- No concerns regarding the PDP proposal were voiced at the neighborhood meeting.

B. Section 18.41.050.D.4(c): *Whether the proposed development will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:*

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

(ii) Incorporating site planning techniques that will foster the implementation of the city's master plans, and encourage a land use pattern that will support a balanced transportation system, including auto, bike, and pedestrian traffic, public or mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the City.

(iii) Incorporating physical design features 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.

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

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

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

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

- *(finding i)* Passive and active open space is provided throughout the development, including walking trails, a playground, a pool, a gazebo, and a community clubhouse. The PDP designates approximately 61% of the site for landscaping and active recreation.
- *(finding ii)* Specific site planning techniques have been incorporated into the PUD to promote safety for pedestrians. This includes traffic calming techniques such as curved streets and street parking. The internal private drives include sidewalks on both sides connecting to surrounding public sidewalks. These techniques promote the philosophies of the City's master plan.
- *(finding iii)* The PDP incorporates a landscape design that includes dense buffering along the adjacent public rights of way to the north, south and east and extensive landscape treatment at the entranceways on W. 64th Street and Eden Garden Drive. The height and massing of the buildings will provide a transition between the more intensive commercial and industrial developments to the north and east and the single family residential subdivision to the south.
- *(finding iv)* There are no environmentally sensitive areas within the PDP boundaries.

- (finding v) There are no elements of community-wide significance identified in the town image map within the PDP boundaries.
 - (finding vii) The different elements within the development, including architecture, roadways, sidewalks, parking, building placement, recreational facilities and landscape areas, have been designed in an attractive and coordinated manner that provides an appealing streetscape, both from the internal drives and from the adjacent public streets.
3. **Section 18.41.050.E.2.c:** *The PDP complies with applicable land use and development regulations in effect as of the date that the GDP was approved and any land use and development regulations adopted by the City after that date if the Planning Division and Planning Commission expressly find that compliance with such regulations is necessary to protect public health, safety, and welfare.*

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

- The PDP complies with applicable development regulations for land use and infrastructure established in the GDP as well as existing City regulations. Please reference the analysis contained in Section B, below, provided by City reviewers for additional information.

B. City Utilities and Services

1. **Section 18.41.050.D.4.b:** *Development permitted by the PDP will not negatively impact traffic in the area or City utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*
2. **Section 18.41.050.D.4.c:** *Whether development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.*

Transportation Engineering: Staff believes that these findings can be met based on the following fact:

- A Traffic Impact Study has been provided by Delich Associates for the Wintergreen 3rd Subdivision PDP that demonstrates that the project will comply with the Larimer County Urban Area Street Standards (LCUASS) and the City's ACF Ordinance for Traffic.

Fire Prevention: Staff believes that these findings can be met based on the following facts:

- The development will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The development will not negatively impact fire protection for the subject development or surrounding properties.

Water/Wastewater: Staff believes that these findings can be met based on the following facts:

- 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:

- The proposed development will not negatively impact City water and wastewater facilities.
- The proposed facilities shown on the Preliminary PICPs have been designed pursuant to the City's Development Standards.

Stormwater: Staff believes that these findings can be met based on the following facts:

- When final designed and built, the development will not negatively impact City storm drainage utilities and will comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140.
- No irrigation ditches traverse the site.
- No natural drainage courses/open channels traverse the site.

Power: Staff believes that these findings can be met based on the following facts:

- Power to the subdivision will come from a 200 amp three phase underground system located along the north side of west 64th street. Conduit has been installed under W. 64th Street at various locations where there are primary vaults. Power will be extended on to the subdivision site at the cost of the developer.
- The existing underground feeders are an available and adequate source for electric distribution for the proposed development. No negative impacts on the City's electrical system are foreseen. The proposed development meets the criteria for level of service as outlined in the ACF ordinance.

IX. RECOMMENDED CONDITIONS

The following conditions are recommended by City Staff:

Current Planning

1. Prior to the issuance of any certificate of occupancy within the PDP boundaries, all site landscaping, associated irrigation water meters and activation fees, irrigation systems, and common area amenities including pedestrian pathways, lighting, gazebo and recreational facilities as depicted in the PDP, shall be either installed by the Developer or financially secured with the City in an amount equal to 110% of the costs for installation.
2. The temporary turnaround easement area near the southwest corner of the property that is partially without landscaping shall be fully landscaped by the property owner in the event that the easement is vacated.

Transportation Engineering

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

BEING A SUBDIVISION OF OUTLOT C, WINTERGREEN SECOND SUBDIVISION,
BEING LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 26,
TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.



OUTLOT C, WINTERGREEN SECOND SUBDIVISION to the City of Loveland, according to the plat thereof recorded December 27, 2005 at Reception No. 20050109984, County of Larimer, State of Colorado, containing 17.607 Acres or 766,959 square feet, more or less, and is subject to all easements and rights-of-way on record or existing, do hereby subdivide the same into lots, blocks tracts, outlots, rights-of-way and easements, as shown on this plat; and do hereby designate and dedicate: (1) all such rights-of-way and easements, other than utility easements and private easements, to and for public use, except where indicated otherwise on this plat; and (2) all such utility easements, except where indicated otherwise, to the maintenance of utility, irrigation and drainage facilities; and do hereby designate the same as **WINTERGREEN THIRD SUBDIVISION TO THE CITY OF LOVELAND, COLORADO**. All expenses involving necessary improvements for water system, sanitary sewer system, storm sewer system, curbs and gutters, sidewalks, street improvements, street signs, grading and landscaping shall be paid by SDC-LOVELAND, LLC, (As Owner)

STATE OF _____)) SS
COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY
OF _____, 20____, BY _____.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

STATE OF _____)) SS
COUNTY OF _____)

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY
OF _____, 20____, BY _____ ON BEHALF OF
_____, AS LIENHOLDER.

WITNESS MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____



- ⊕ INDICATES FOUND ALIQUOT CORNER AS NOTED
 ⊙ INDICATES FOUND MONUMENT AS NOTED
 ● INDICATES SET 5/8" REBAR WITH PLASTIC CAP, PLS 37968

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD
C1	12.00'	18.87'	90°05'35"	N44°47'04"E 16.98'
C2	12.00'	18.83'	89°54'23"	S45°12'58"E 16.96'
C3	245.00'	94.25'	22°02'27"	N78°48'37"E 93.67'
C4	17.00'	26.69'	89°56'32"	N22°49'07"E 24.03'
C5	305.00'	114.44'	21°29'51"	N11°24'13"W 113.77'
C6	14.00'	21.99'	89°59'59"	N45°39'17"W 19.80'

ATTORNEY'S CERTIFICATE:

I, _____, AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF COLORADO, CERTIFY THAT I HAVE EXAMINED TITLE TO THE ABOVE DESCRIBED LAND DEDICATED TO THE CITY OF LOVELAND, COLORADO, AND THAT THE PARTIES EXECUTING THE DEDICATION ARE THE OWNERS THEREOF IN FEE SIMPLE AND THE DEDICATED LAND IS FREE AND CLEAR OF ALL LIENS AND ENCUMBRANCES, EXCEPT AS SET FORTH HEREIN.

SO SWORN THIS _____ DAY OF _____, 20__.

ATTORNEY AT LAW

DIRECTOR OF DEVELOPMENT SERVICES CERTIFICATE:

THIS PLAT IS APPROVED BY THE DIRECTOR OF DEVELOPMENT SERVICES OF THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO, THIS _____ DAY OF _____, 20____, FOR FILING WITH THE CLERK AND RECORDER OF LARIMER COUNTY AND FOR CONVEYANCE TO THE CITY OF THE PUBLIC DEDICATIONS SHOWN HEREON, WHICH ARE ACCEPTED; SUBJECT TO THE PROVISION THAT APPROVAL IN NO MANNER SHALL EQUIP THE CITY OF _____ WITH THE FINANCING OR CONSTRUCTING OF IMPROVEMENTS ON LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE DIRECTOR OF DEVELOPMENT SERVICES.

DIRECTOR OF DEVELOPMENT SERVICES

WITNESS MY HAND AND SEAL OF THE CITY OF LOVELAND.

ATTEST:

CITY CLERK

SURVEYOR'S CERTIFICATE:

I, ROBERT M. EDMONDS, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF COLORADO, DO HEREBY CERTIFY THAT THE SURVEY OF **WINTERGREEN THIRD SUBDIVISION**, WAS MADE BY ME OR UNDER MY SUPERVISION AND THAT THE SURVEY IS ACCURATELY REPRESENTED ON THIS PLAT AND THAT THE STATEMENTS CONTAINED HEREON WERE READ BY ME AND THE SAME ARE TRUE TO THE BEST OF MY KNOWLEDGE.

DATED THIS _____ DAY OF _____, 20__.

ROBERT M. EDMONDS, PLS 37968

NOTES:

1) ACCORDING TO COLORADO LAW, YOU MUST COMMENCE ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT MAY ANY LEGAL ACTION BASED ON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS AFTER THE DATE OF SURVEY SHOWN HEREON.

2) BASIS OF BEARINGS (REFERENCED): BEARINGS FOR THIS SURVEY ARE BASED ON THE NORTH LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 26, T6N, R69W OF THE 6TH P.M. BETWEEN FOUND MONUMENTS AS SHOWN AND DESCRIBED HEREON. SAID LINE BEARS N89°20'43"E TO REFERENCE THE PLAT OF WINTERGREEN SECOND SUBDIVISION.

3) FIDELITY NATIONAL TITLE COMPANY'S TITLE COMMITMENT NO. 580-F0436889-383-TOW, EFFECTIVE DATE OF JANUARY 2, 2013, WAS ENTIRELY RELIED UPON FOR THE PROPERTY DESCRIPTION AND FOR EASEMENTS, RIGHTS-OF-WAY AND ENCUMBRANCES OF RECORD AFFECTING THIS PROPERTY. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY EDMONDS LAND SURVEYING, INC. TO DETERMINE OWNERSHIP OR EASEMENTS, RIGHTS-OF-WAY OR ENCUMBRANCES OF RECORD.

4) THE LINEAL UNIT OF MEASUREMENT FOR THE SURVEY OF THIS PROPERTY IS U.S. SURVEY FEET.

5) TOTAL AREA IN SQUARE FEET OF EASEMENTS DEDICATED TO THE PUBLIC OR THE CITY BY THIS PLAT: ±229,330 SqFt. TOTAL AREA IN SQUARE FEET OF EASEMENTS DEDICATED TO THE PUBLIC OR THE CITY THAT IS BEING VACATED BY THIS PLAT: 0 SqFt.

6) UNLESS OTHERWISE APPROVED BY THE CITY, ALL UNSATISFIED CONDITIONS OF THE APPROVAL FOR THE ORIGINAL SUBDIVISION SHALL CONTINUE TO APPLY TO THIS PROPERTY.

ASPEN ENGINEERING

EDMONDS LAND SURVEYING, INC.
PO BOX 641 KERSEY, CO 80644
PHONE (970) 686-6970

8/6/13	CITY COMMENTS, ESMTS

WINTERGREEN THIRD SUBDIVISION
G A REPLAT OF OUTLOT C, WINTERGREEN SECOND SUBDIVISION
C LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 2

PROJECT NO.:
13-0402

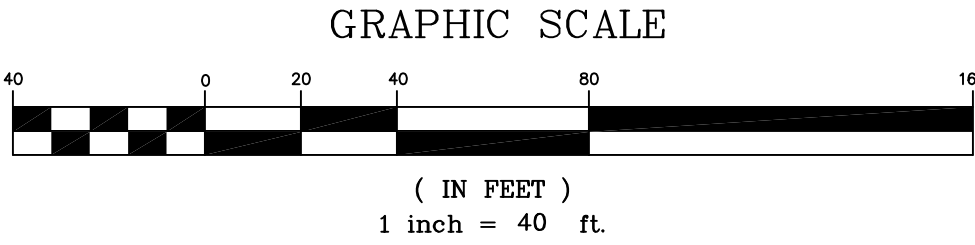
1
SHEET 1 OF 3

WINTERGREEN THIRD SUBDIVISION

BEING A SUBDIVISION OF OUTLOT C, WINTERGREEN SECOND SUBDIVISION,
BEING LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 26,
TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.



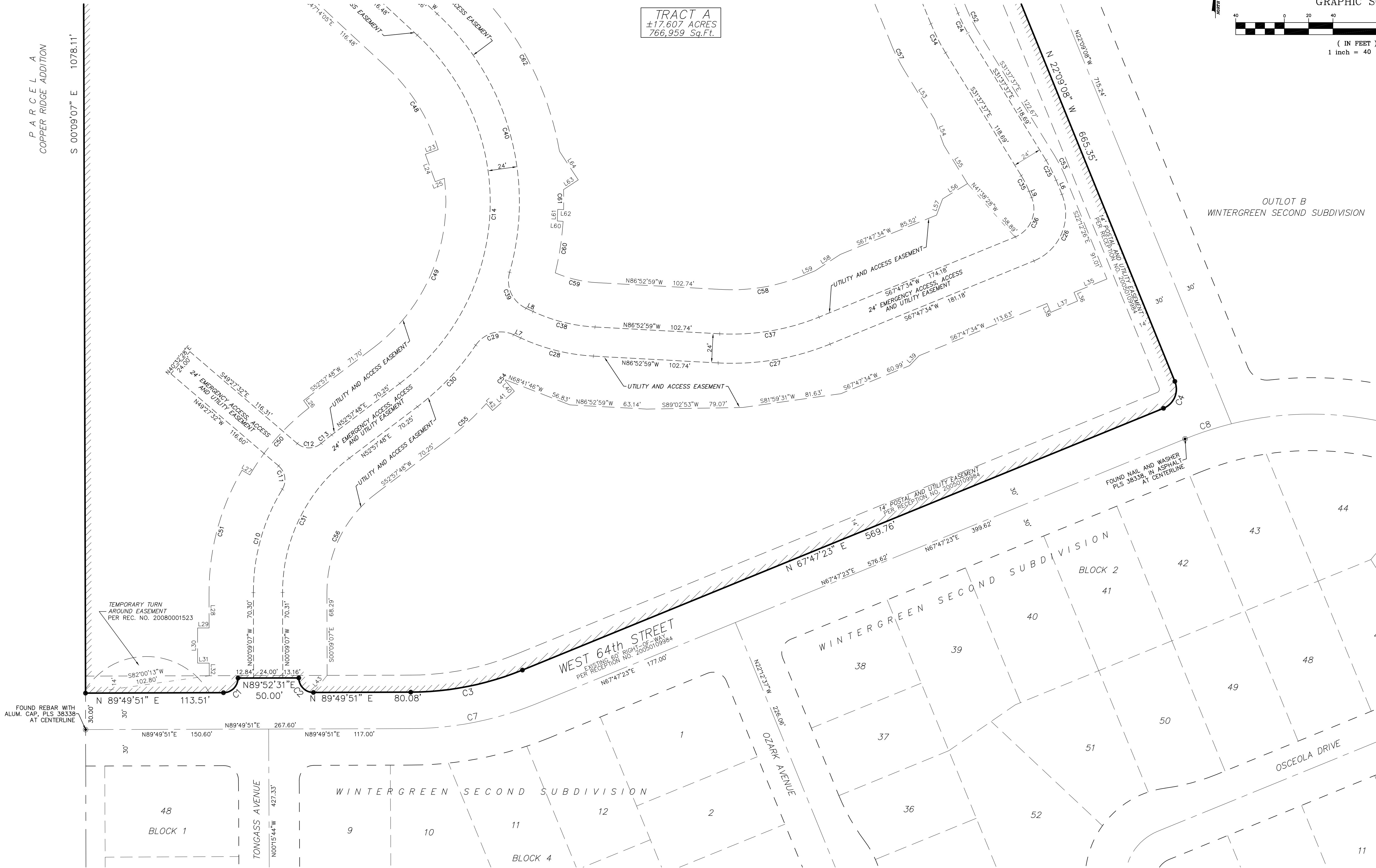
LEGEND NOTE: SYMBOLS SHOWN HEREON ARE NOT TO SCALE
● INDICATES FOUND ALIQUOT CORNER AS NOTED
● INDICATES FOUND MONUMENT AS NOTED
● INDICATES SET 5/8" REBAR WITH PLASTIC CAP, PLS 37968



MATCH LINE SEE SHEET 2

TRACT A
±17.607 ACRES
766,959 Sq.Ft.

OUTLOT B
WINTERGREEN SECOND SUBDIVISION



DATE: MAY 20, 2013
SCALE: 1"=40'
DWG: RME
PLAT: 06N69W26-104

CLIENT: ASPEN ENGINEERING

EDMONDS LAND SURVEYING, INC.
PO BOX 641 KERSEY, CO 80644
PHONE (970) 686-6970
FAX (970) 284-6802
www.EdmondsLandSurveying.com

REVISIONS
8/6/13 CITY COMMENTS, ESM/TS

WINTERGREEN THIRD SUBDIVISION
BEING A REPLAT OF OUTLOT C, WINTERGREEN SECOND SUBDIVISION
BEING LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 26,
TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.

PROJECT NO.:
13-0402

3
SHEET 3 OF 3

ROBERT M. EDMONDS, PLS 37968
SHEET 3 OF 3

BEING A SUBDIVISION OF OUTLOT C, WINTERGREEN SECOND SUBDIVISION,
BEING LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 26,
TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN,
CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.

WEST 65th STREET

FOUND NAIL AND WASHER
PLS 38338, IN ASPHALT
AT CENTERLINE

CENTER ¼ CORNER
SECTION 26, T6N, R69W
FOUND 2½" ALUMINUM CAP
MONUMENT, PLS 14823

FOUND REBAR WITH
LUM. CAP, PLS 38338-
AT CENTERLINE

PARCEL A
COPPER RIDGE ADDITION

S 00°09'07" E 1078.11'

TRACT A
±17.607 ACRES
766,959 Sq.Ft.

ROBERT M. EDMONDS, PLS 37968
SHEET 2 OF 3

 **EDMONDS LAND SURVEYING, INC.**
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REVISIONS
8/6/13 CITY COMMENTS, ESMTS

WINTERGREEN THIRD SUBDIVISION
BEING A REPLAT OF OUTLOT C, WINTERGREEN SECOND SUBDIVISION,
LOCATED WITHIN THE SOUTHEAST ONE-QUARTER OF SECTION 21,
TOWNSHIP 6 NORTH, RANGE 68 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
COUNTY OF LARIMER, STATE OF COLORADO.

PROJECT NO.:
13-0402

2

WINTERGREEN THIRD SUBDIVISION
PC Attachment 1

Section 1: Purpose of the Project

This Preliminary Development Plan within the Wintergreen Village project, is also known as parcel B of the Wintergreen Village General Development Plan third amendment. This parcel has a gross area of 19.82 acres, with a net area of 17.6 acres. The purpose of this Preliminary Development Plan (PDP) is to construct a multi-family residential use community.

Section 2: Land Use

- A. Overall Concept
- Wintergreen Village Third Subdivision is designed to continue the mix of development within Wintergreen Village by providing multi-family housing, a use currently not developed within Wintergreen Village. Parcel B allows for this proposed use per the approved GDP with a maximum allowable density of 11.30 units per gross acre, or 224 units total.

There are three proposed multi-family building types, all two story buildings with 16 units per building for 14 multi-family buildings total. In addition there is a leasing center and detached garages. The design of the community allows for considerable open space and buffers along the perimeter of the project, and also has considerable open space within the community. The community includes a clubhouse/ leasing center, an outdoor pool, gazebo and playground.

- B. Definitions
- Unless otherwise stated, all terms herein are defined by the City of Loveland Municipal Code.

- C. Permitted Land Uses
- Permitted uses include the following:

- Dwelling, Multi-Family
- Indoor and/or outdoor recreational facilities
- Open space and play area
- Private trails and walkways
- Utilities and drainage improvements
- Detached Garages

Section 3: Circulation

- A. Overall Concept
- Public Street access is from North Garfield Avenue via West 64th and 65th Streets and Eden Garden Drive. Internal circulation is all private drives, accessed from West 64th Street and Eden Garden Drive.

- B. Components
- All internal circulation is provided by a 24 foot wide private drive. There are two access points to the community, one via Eden Garden Drive, and one via West 64th Street.

External public streets are all existing dedicated streets with both Eden Garden Drive and West 64th Street currently constructed. West 65th Street is to be constructed at a future date by others when the properties to the west of Wintergreen Village develop.

An overall system of pedestrian ways will be provided along roadways and through selected open space areas. Attached sidewalks exist on W. 64th Street and Eden Garden Drive. Attached or Detached sidewalks will be provided along W. 65th Street when it is constructed in the future by others. All required street-side sidewalks shall be located wholly within the right-of-way.

- C. Performance Standards
- Street improvements and new streets will be constructed in accordance with the street-cross sections shown on Sheet 5 of the PDP, which are drawn per the Larimer County urban street standards. On-street parking is permitted on the minor collector streets.

Section 4: Public and Private Utilities

- A. Overall Concept
- All public facilities and services are readily available to the site. Utilities will be installed underground, and will be provided for as described below
- B. Water and Sewer
- Water and sanitary sewer service will be provided by the City of Loveland. The following improvements are currently available to the site.
 - Water service is available in West 64th Street, and Eden Garden Drive. These lines and services were sized and constructed with the Wintergreen Second Subdivision to accommodate this development.
 - This project will construct a new waterline that connects to the existing waterline in West 64th Street at our westernmost entrance, loops through the development, and connects back into the existing water line in Eden Garden Drive at our entrance at this location.
 - This project will construct the required water main extension within the W. 65th street right of way to the western edge of Wintergreen Village.
 - Sanitary sewer service for this site is available in West 64th Street.
 - This project will construct sewer lines within the development that connect to the existing sewer main in West 64th Street at our westernmost entrance.

- C. Storm Drainage
- Drainage design will conform to the City of Loveland Master Drainage Basin Study (1986), as completed for the City of Loveland by WRC Engineering, Inc. Detention ponds within Parcel A (Wintergreen 2nd Filing) have been designed to accommodate the development this parcel with residential land uses. Additional pond capacity is being provided within this development for discharge to Dry Creek at the 2-year historic rate.

- D. Electric
- Service will be provided by the City of Loveland Light and Power Department.

- E. Private Utilities
- Commercial utilities including natural gas, telephone, and CATV will be provided by Xcel Energy, Qwest, and Comcast, respectively.

- F. Irrigation Ditches
- None on site.

Section 5: Public and Private Facilities

- A. Parks and Open Space
- This community is designed to maximize the effect of parks and open space upon the neighborhood and continue the concept that has been previously implemented within Wintergreen Village. Open play areas will be provided at the rate of one acre per hundred units. For this development, which has 224 units, 2.24 acres of play area is required, with this development providing 2.58 acres of play area. In addition 47.2% of the site area is being provided as open space.

- B. Schools
- The Thompson School District has not identified a school site within Wintergreen Village.

- C. Fire and Police
- The development will be served by the City of Loveland Police and Fire Departments.

Section 6: Landscaping & Fencing

- A. Overall Concept
- Landscaping within this community will fit within the overall Wintergreen Village concept of xeric and naturalized plantings in traditional patterns. The primary emphasis on landscaping will be along the perimeter of the community to create a separation between this community and adjacent residential development in Parcel A, as well as Copper Ridge to the west, and Longview West to the North.

- B. Edge Treatment
- Landscaping: Perimeter landscaping and grading has a number of edge functions, including separation of uses, noise mitigation, recreational opportunities, aesthetic qualities, and storm drainage. There are very few areas where parking is directly visible from public rights of way. These are screened as listed below:
- Eden Garden Drive - Parking areas are directly visible from Eden Garden Drive. These are to be screened primarily with planting materials that will be at least 3 feet higher than the parking surface within 3 years of planting.
 - W. 64th Street - The vast majority of the parking areas are screened from this street by the placement of buildings between the street and parking areas. The exception to this is at the entry into the community. Here parking spaces will also be screened with planting materials that will be at least 3 feet higher than the parking surface within 3 years of planting.
 - W 65th Street - In this case, all the parking is screened from the street through the placement of buildings between the street and parking areas, and berms along W. 65th Street.

Entries: Two entries are provided into the site, one on W. 64th Street and one on Eden Garden Drive. These are private drive entries and are enhanced with ornamental trees and perennial and shrub plantings to create an inviting entry.

Perimeter Fencing: No perimeter fencing is being proposed for this development.

- C. Collector and Local Streetscape
- The treatment of the street frontage is vital to the appearance of this development and its identity.

All collector streets will be planted with a colonnade of shade trees at 30-40 foot spacing 3 feet behind the edge of the walk. This will provide a continuous canopy of trees to shade the street, public sidewalks, and serve as the first visual buffer into the development. Behind this, clusters of coniferous, ornamental, and shade trees will be mixed with masses of coniferous and evergreens shrubs to provide additional buffering, visual interest, and screening. The use of native and low water use plant species will be incorporated into the final landscape design.

- D. Installation & Maintenance
- The landscaped areas of the development, including perimeter areas, common open space, and entry features, will be maintained by the property owner.

Right-of-way landscaping will be installed by the developer and maintained by the property owner.

- E. Water Conservation Measures
- As depicted on the preliminary landscape plan, certain areas within this project will be seeded with dryland grasses, mostly on the western edge and within the bottoms of the detention ponds.

The design and species selection for the shrub beds will include the use of native and adapted drought tolerant plant material. Additional measures that will be utilized include the following:

- Grouping plants with similar water requirements together.
- Paying attention to the microclimate, i.e. using shade tolerant plant materials on the north sides of buildings.
- Increasing the amount of soil amendments from 3 to 5 cu yards per 1,000 square feet.
- Using drip irrigation in shrub beds.

- F. Noise Mitigation
- The site currently experiences low levels of noise pollution.
 - To protect against future noise pollution, a berm has been placed along W. 65th Street. The berm is being densely planted with evergreen and ornamental trees to further buffer any noise and to act as a visual barrier. Additional shrub bed screening may also be incorporated into the final landscape plan.scape plan.

Section 7: Architectural & Site Requirements

- A. Overall Concept
- One of the most important aspects of the development's overall appearance as viewed from its edge is the appearance of the structures. All of the structures within Wintergreen 3rd have been designed with four sided architecture. This includes the use of masonry on all sides of the buildings and covered patios/ decks that provide offsets and visual interest in the facade. With this, elevations of structures visible from public rights of way are detailed to provide visual interest along the street. The buildings themselves have varying setbacks from the street to avoid a monotonous street scape. The overall design concept emphasizes the following elements:

- An attractive streets cape to create an identity for the neighborhood, bolstering a sense of place.
- Building form and character are be of an appropriate scale. All of the residential buildings in this development are two-story in height and feature hipped and gabled roof forms which are very compatible with future residential development in the area. Design considerations shall include the scale and form of the building's major elements, including roofs, walls, and openings. All walls are detailed with windows, masonry, and lap siding to provide full four sided architecture of the buildings.
- Roofing materials, windows, building materials, and finish will be of a high quality, and coordinated to achieve a cohesive appearance.

- B. Performance Standards
- Residential and Accessory Buildings
 - Roof forms are primarily hipped to reduce the overall mass of the buildings. However, gable and dutch hips are also used as accents to break up the overall mass of the buildings and to add interest to the facades. Minimum roof pitch shall be 5:12 for primary roofs and 4:12 for shed roofs at porches, etc.
 - Architctural features are incorporated into all facades of residential structures to provide visual interest. These features include the use of windows, wall off-sets, covered entries and porches, and masonry.
 - Detached garage structures are designed to be consistent with the materials, colors and architecture of the principal structure.
 - All mechanical equipment located on the exterior ground level of any building or structure shall be screened from view of adjacent public streets and properties with appropriate usage of walls and/or landscape plantings
 - Parking lot lighting shall meet the following performance standards:
 - Light sources are to be concealed and fully shielded and feature sharp cut-off capability so as to minimize up-light, spill-light, glare and unnecessary diffusion on adjacent property.

- Parking lot lighting is designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas and to not cause glare or direct illumination onto adjacent properties or streets.
- The style of light standards and fixtures are consistent with the style and character of architecture proposed on the site. Poles shall be anodized (or otherwise coated) to minimize glare from the light source.
- Light levels measured twenty (20) feet beyond the property line of the development site (adjacent to residential uses or public rights-of-way) do not exceed one-tenth (0.1) foot-candle as a direct result of the on-site lighting. Minimum illumination levels are no less than 0.3 foot candles along driveways and parking areas.
- The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than four to one (4:1).
- The minimum Color Rendering Index (CRI) shall be 20.
- See the lighting plan for additional information on fixture types.

3. Materials
- Building materials and forms are outlined below:
- Residential and Accessory Buildings:
 - Siding - Includes the use of brick and hardboard lap siding as the primary siding material. Stone and other siding accents such as board and batten, or synthetic shingles may also be incorporated.
 - Roofing - For all roofs, the primary material is asphalt shingles. Standing-seam metal may be used as accents on porch roofs or dormers

- C. Minimum Setbacks
- The following minimum setbacks shall apply to this development. These setbacks are measured from the nearest property or right-of-way line, unless otherwise stated.

Multi-family & Related Off-Street Parking

- Building to property line / right of way: 22 feet
- Building to building: 30 feet
- Building to detached garage: 15 feet
- Detached garage to detached garage: 10 feet (between structures; multiple garages may be in one structure)
- Building to off-street parking: 15 feet
- Off-street parking to ROW: 19 feet

No more than two buildings are placed in a row without changes in setback, building angle, or other similar methods to provide variety and interest along residential streetscapes.

- D. Building Height
- Building heights are limited to 32 feet for multi-family structures, and 30 feet for accessory buildings (such as the leasing center). The eaves of detached garages do not exceed 10 feet in height, with roof slopes to match the primary buildings. Refer to Loveland Municipal Code Section 18.54 to calculate building height.

- E. Parking & Drives
- All parking is located internal to the site located on private drives. The parking is visually separated from public streets with a combination of berms, landscaping, setbacks, or primarily with building placed between the public streets and parking areas.

- F. Utility Connections
- Unless Water and Power requirements for location of meters and other electrical equipment can be met on single family attached and any other building or three or more units per building, the following will apply:

- For all buildings of three or more units per building, electric meters will be located centrally on or near the building.
- The developer or his representative will be responsible for installing and maintaining the underground electric service to the meter per the National Electric Code.

Section 8: Landform Modification

This parcel has gently rolling topography, sloping generally from the northwest to the south-southeast at approximately 2.1%. There is an existing storm drainage pond located about midpoint on the south edge of the property along W. 64th Street. The development largely conforms to the existing topography, with some grade changes made to facilitate drainage, building placement, and private drives as noted below:

Along the western edge of the development, the property has a natural ridge, with the Wintergreen side sloping east, and adjacent property sloping west. While the property line grades are maintained to preserve the natural ridge, the grade is being modified for a steeper slope to accommodate building placement and drainage. These slopes range from 5-34% with the deepest cut being approximately four feet.

- Along the western edge of the development, the property has a natural ridge, with the Wintergreen side sloping east, and adjacent property sloping west. While the property line grades are maintained to preserve the natural ridge, the grade is being modified for a steeper slope to accommodate building placement and drainage. These slopes range from 5-25% with the deepest cut being approximately five feet.
- The center of the site largely matches existing grade with cuts or fills of two to three feet occurring in various spots.
- Along W. 65th Street, a berm has been placed along the right of way for privacy and noise control. This berm reaches heights of three feet from the future street.
- Along Eden Garden Drive, towards the north side of the internal private drive, the site has been raised two to three feet to facilitate drainage towards the center of the site, while the southern portion of the drive is largely at grade. There is some berming along Eden Garden Drive to provide screening and visual interest.
- Along W. 64th Street, the most notable change is repositioning of the existing detention basin slightly to the west to accommodate building placement. The detention pond itself has also been enlarged to accommodate the drainage demands of this property.

Section 9: Drainage Statement

Drainage design for Wintergreen Third Subdivision conforms to the City of Loveland Master Drainage Basin Study (1986), as completed for the City of Loveland by WRC Engineering, Inc., as well as the previous approved drainage report for the Wintergreen Second Subdivision. Water quality and detention for the full build-out of the Wintergreen Third Subdivision is provided for in the existing ponds within the Wintergreen Second Subdivision. However, additional, proposed water quality and drainage improvements are being provided for the Wintergreen Third Subdivision to meet the local and state standards in relation to water quality and best management practices. Therefore, the project will entail re-construction of the existing detention pond to the west to accommodate the proposed buildings. The detention pond re-construction will provide for the existing 7' deep pond being re-graded to provide for a larger footprint while decreasing the pond depth to approximately 5' deep. The Wintergreen Third Subdivision will convey runoff south and into the proposed 1.60 acre-feet detention pond, where site flows will be detained and released at the historic release rate of 8.15 cfs. Pre-sedimentation basins, grass-lined swales, and proposed soft pans will be provided and utilized within the site to promote water quality and provide a mechanism for

pollutants to settle out of the storm runoff, prior to flows entering the detention pond and being released downstream.

Please refer to the drainage and erosion control report for the Wintergreen Third Subdivision, as well as the Wintergreen Second Subdivision for additional details.

Section 10: Implementation

The following regulatory procedures shall apply to all development that occurs within Parcel B of the Wintergreen Village P.U.D. It is the intent of this plan to provide a mechanism by which land can be developed in a manner that encourages flexibility and innovative design of development, in compliance with other applicable land use and development regulations in effect at the time of approval of this Plan.

All land within this PDP will be governed by the provisions of the City of Loveland Site Development Performance Standards and Guidelines, unless other specific standards and provisions are set forth in this plan.

Section 11: Supplementary Regulations

- A. Signs
- Permitted signs: Signs permitted within this P.U.D. shall include:
- Project Identification Signs as allowed by the City of Loveland Sign Code. Two project identification signs are proposed, one at West 64th and Eden Garden Drive, and one at West 65th and Eden Garden Drive. This signs are a maximum of 6 feet tall at the tallest point, and have a maximum sign area of 35 square feet as defined in the City of Loveland Sign Code. Brick is the predominate material for these signs to be consistent with the project architecture. Accents of Buff Sandstone are also used. Project Identification Signs are also placed within landscaped beds to soften the effect of the signs.
 - Directional and Entry Signs. Additional entry signs may be placed at the two private drive entrances into the development, limited to one sign per entry. These signs are intended to direct visitors to the leasing center.These signs shall be designed and built to the following standards:
 - Signs must be designed to complement the Project Identification Sign in terms of colors, materials, scale, and general design.
 - Signs shall not exceed 5 feet in height.
 - Signs shall not exceed 30 square feet in sign face as defined by the sign code.
 - Directional and Regulatory Signs - as needed and permitted per city code.
 - Temporary Signs shall be permitted per the City of Loveland Sign Code.

Application: Other than as noted above, signs shall be designed and installed in accordance with the Loveland Municipal Code, with regard to size, location, height, and other applicable standards.

Section 12: Regulatory Procedures

It is the intent of this plan to provide a mechanism by which land can be developed in a manner that encourages flexibility and innovative design of residential development in compliance with other applicable land use and development regulations in effect at the time of approval of this Plan. All development and use of land within this PUD shall be governed by all applicable sections of the Loveland Municipal Code, except as expressly set forth in this plan.

CLIENT

Pedcor Investments, A
Limited Liability
Company
One Pedcor Square
770 Third Avenue, S.W.
Carmel, IN 46032

Wintergreen Third Subdivision

PDP Plan Set
LOVELAND, COLORADO

JOB NO.:	25024
ACAD FILE:	25024 PDP 1
DRAWN:	TCH
CHECKED:	TCH
ISSUE DATE:	5/23/13

REVISIONS	DATE
COMMENTS	8/6/13
COMMENTS	9/26/13

SHEET TITLE:
NARRATIVE

LAND USE BREAKDOWN

AREA	GROSS (MEASURED TO CENTERLINE OF W. 64TH STREET AND EDEN GARDEN DRIVE, AND TO NORTH ROW OF W. 65TH STREET AS ILLUSTRATED ON THE GDP	863,325 SF	19.82 AC
	LESS ROW AS DESCRIBED ABOVE	96,366 SF	2.22 AC
	NET PARCEL AREA	766,959 SF	17.60 AC
UNITS		224 MULTIFAMILY	
COVERAGE			
PARKING & DRIVES		149,210 SF	19.5%
BUILDINGS		143,634 SF	18.7%
MULTIFAMILY BUILDINGS	124,538 SF		
CLUBHOUSE	4,540 SF		
GARAGES	14,556 SF		
PLAY AREA		112,340 SF	14.6%
LANDSCAPE AREA		361,775 SF	47.2%
TOTAL		766,959 SF	100.00%
DENSITY			
GROSS		11.30 DU/AC	
NET		12.73 DU/AC	

BUILDING SUMMARY

BUILDING	STORIES	SQ. FT.	1 BDR	2 BDR	3 BDR	TOTAL
BUILDING 1	2	9,070	0	16	0	16
BUILDING 2	2	9,070	0	16	0	16
BUILDING 3	2	9,070	0	16	0	16
BUILDING 4	2	6,700	16	0	0	16
BUILDING 5	2	6,700	16	0	0	16
BUILDING 6	2	6,700	16	0	0	16
BUILDING 7	2	9,070	0	16	0	16
BUILDING 8	2	9,070	0	16	0	16
BUILDING 9	2	9,070	0	16	0	16
BUILDING 10	2	11,416	0	0	16	16
BUILDING 11	2	6,700	16	0	0	16
BUILDING 12	2	9,070	0	16	0	16
BUILDING 13	2	11,416	0	0	16	16
BUILDING 14	2	11,416	0	0	16	16
TOTAL		124,538	64	112	48	224

REQUIRED PARKING

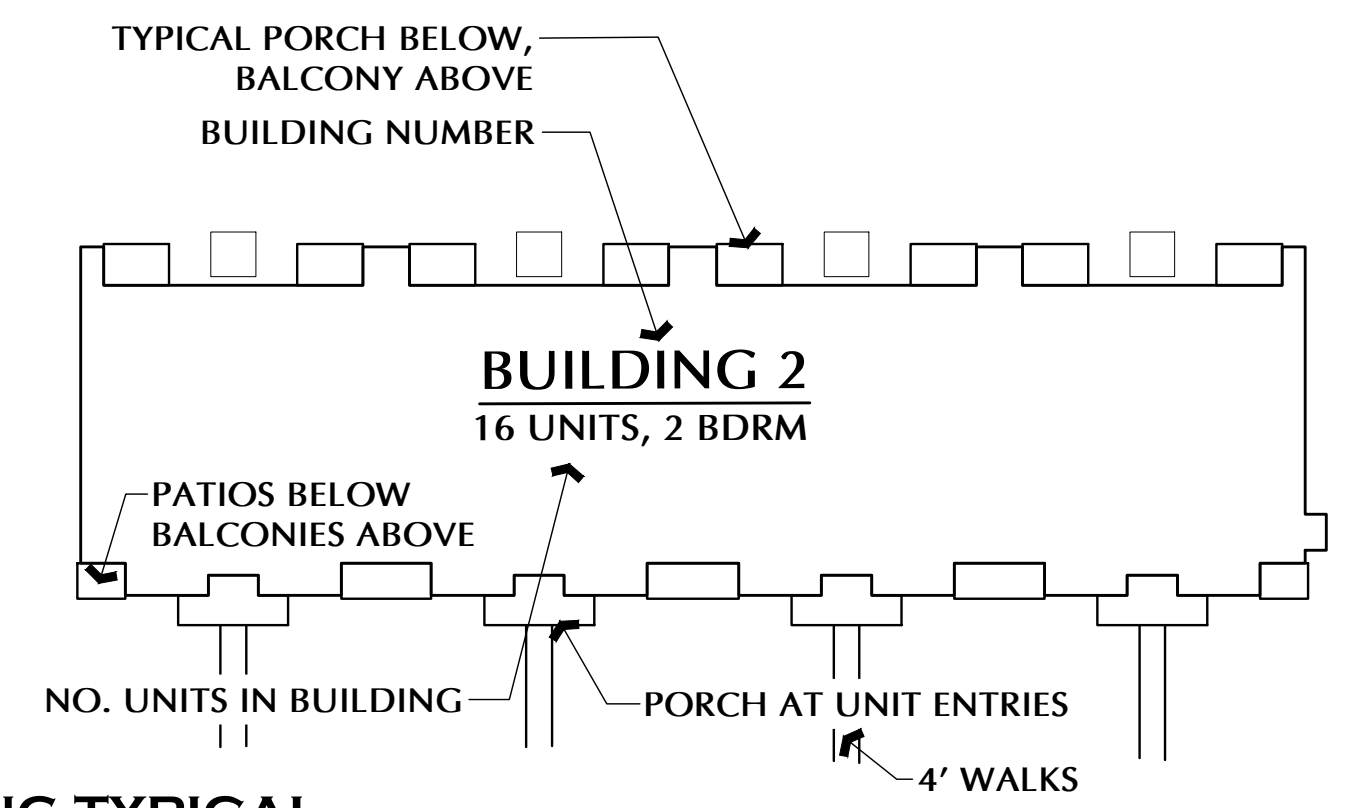
224 UNITS @ 2 SPACES/ UNIT = 448 SPACES

PROVIDED PARKING

UNIT TYPE	TOTAL
STANDARD 9' X 19'(17')	394
HANDICAP	25
TOTAL OPEN	419
GARAGE	56
TOTAL	475

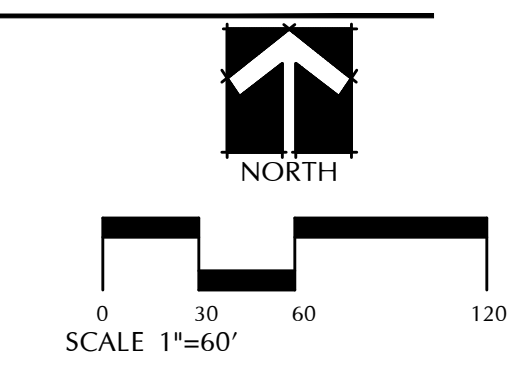
SITE PLAN LEGEND

- PROPERTY LINE
- UTILITY EASEMENT
- LOT LINE
- RIGHT OF WAY LINE
- FLOWLINE, CURB & GUTTER
- CENTERLINE
- PROPOSED WALK
- BUILDING ENVELOPE
- ACCESSIBILITY RAMP
- HANDICAP PARKING
- S STANDARD 9' X 17' PARKING SPACE
- B BIKE RACKS (6 SPACES PER RACK)
- T TRASH AND RECYLING AREA



BUILDING TYPICAL

SCALE: N.T.S.



Wintergreen Third Subdivision

PDP Plan Set
LOVELAND, COLORADO

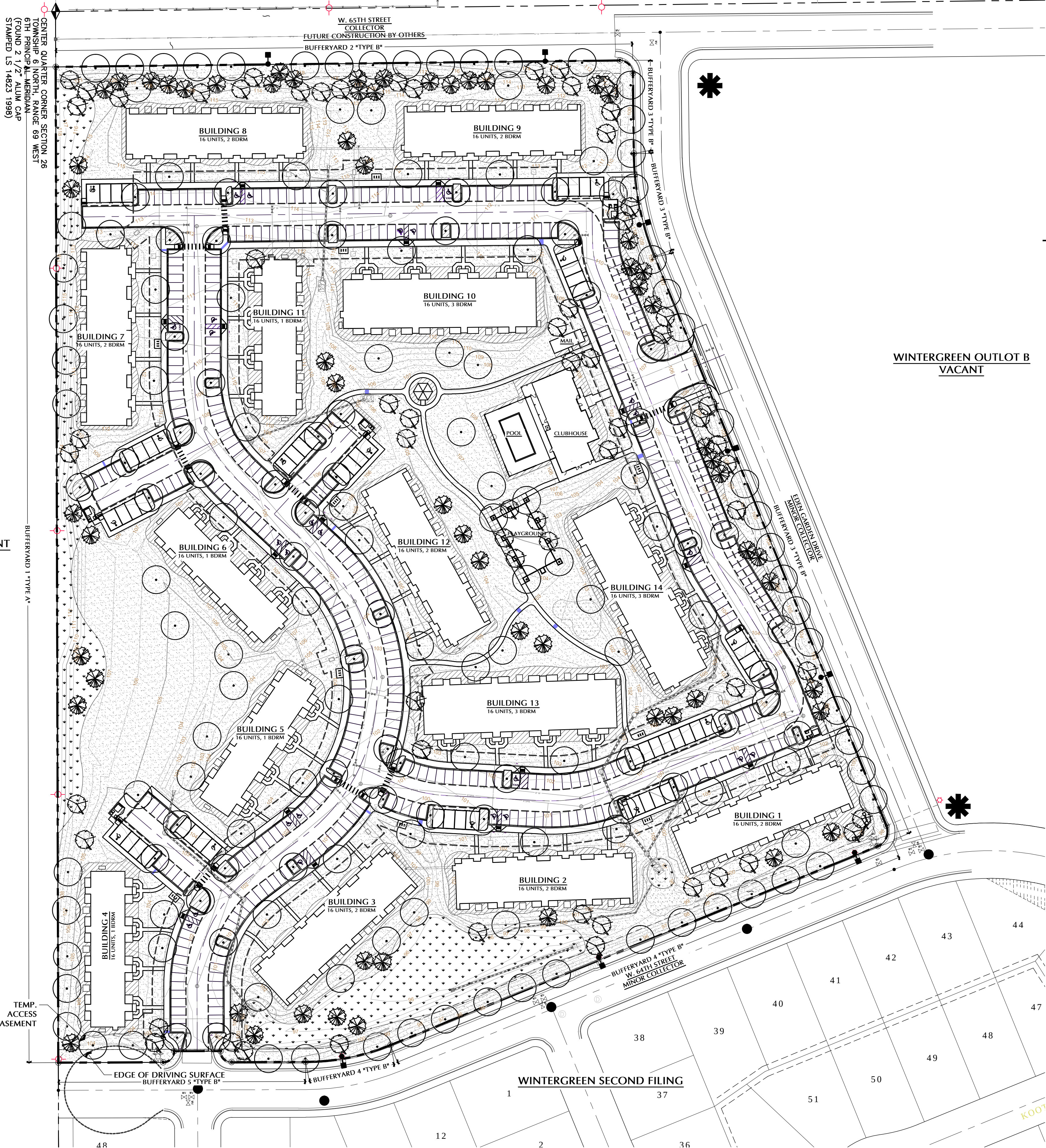
JOB NO: 25024
ACAD FILE: 25024 PDP 1
DRAWN: TCH
CHECKED: TCH
ISSUE DATE: 5/23/13

REVISIONS DATE
COMMENTS 8/6/13
COMMENTS 9/26/13

SHEET TITLE:
SITE PLAN

SHEET NO:
3 OF 5

PC Attachment 2



LANDSCAPE BUFFER AREAS

	AREA 1	AREA 2	AREA 3	AREA 4	AREA 5
BUFFERYARD TYPE	A	B	B	B	B
LENGTH	1078'	625'	900'	680'	270'
WIDTH	25'+	45'+	25'+	40'	35'
MULTIPLIER	.8	.7	.9	.7	.7
CANOPY TREES REQUIRED / PROVIDED	9 / 11	13 / 15	18 / 18	14 / 17	6 / 6
ORN. TREES REQUIRED / PROVIDED	9 / 7	10 / 15	17 / 13	10 / 10	4 / 4
EVER. TREES REQUIRED / PROVIDED	0 / 6	5 / 20	9 / 13	5 / 8	2 / 2
SHRUBS REQUIRED / PROVIDED	26 / T.B.D ON FDP	23 / T.B.D ON FDP	41 / T.B.D ON FDP	24 / T.B.D ON FDP	10 / T.B.D ON FDP

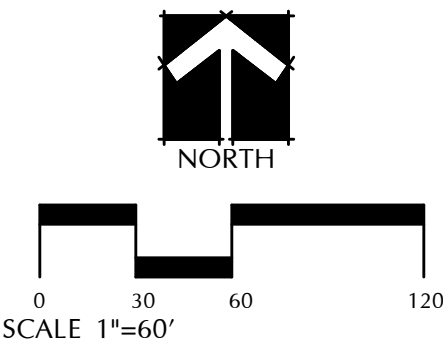
- * IN AREA 1 EVERGREENS WERE SUBSTITUTED FOR SOME ORNAMENTAL TREES FOR VARIETY.
- * IN AREA 3, 4 EVERGREENS WERE SUBSTITUTED FOR SOME ORNAMENTAL TREES FOR ADDITIONAL SCREENING.

PLANTING NOTES

- ALL PLANT MATERIALS SHALL BE IN ACCORDANCE WITH AAN SPECIFICATIONS FOR NUMBER ONE GRADE.
- ALL TURF AREAS TO BE IRRIGATED WITH AN AUTOMATIC POP-UP SPRINKLER SYSTEM. ALL SHRUB BEDS TO BE IRRIGATED WITH AUTOMATIC DRIP IRRIGATION SYSTEM, OR ACCEPTABLE ALTERNATIVE. THE IRRIGATION SYSTEM IS TO BE ADJUSTED TO MEET THE NEEDS OF THE INDIVIDUAL PLANT MATERIAL.
- ALL TREES TO BE BALLED & BURLAPPED, ROOT CONTROL BAG, OR CONTAINERIZED.
- ALL SHRUB BEDS TO RECEIVE CEDAR WOOD MULCH TO A DEPTH OF 3" OVER LANDSCAPE FILTER FABRIC.
- ALL SHRUBS TO BE EDGED WITH RYERSON 6" EDGER OR EQUIVALENT.
- KEEP ALL TREES 10' CLEAR FROM WATER, STORM AND SANITARY SEWER MAINS, AND 5' CLEAR FROM GAS LINES. KEEP SHRUBS 5' CLEAR FROM WATER, STORM AND SANITARY SEWER MAINS. LOCATE ALL UTILITIES PRIOR TO PLANTING. LOCATE ALL UNDERGROUND UTILITIES PRIOR TO PLANTING.
- TREE UTILITY SEPARATIONS SHALL NOT BE USED AS A MEANS OF AVOIDING REQUIRED STREET TREES.
- DEVELOPER SHALL ENSURE THAT THE LANDSCAPE PLAN IS COORDINATED WITH THE PLANS DONE BY OTHER CONSULTANTS SO THE PROPOSED GRADING, STORM DRAINAGE, OR OTHER CONSTRUCTION, DOES NOT CONFLICT, NOR PRECLUDE INSTALLATION AND MAINTENANCE OF LANDSCAPE ELEMENTS ON THIS PLAN.
- PRIOR TO INSTALLATION OF PLANT MATERIALS, AREAS THAT HAVE BEEN COMPACTED SHALL BE THOROUGHLY LOOSENED. ORGANIC AMENDMENTS SUCH AS COMPOST, PEAT, OR OTHER MANURE SHALL BE THOROUGHLY INCORPORATED AT A RATE OF AT LEAST 3 CU/YDS PER 1,000 SF.
- TURF GRASS WILL BE A SODDED DROUGHT TOLERANT BLUEGRASS / FESCUE BLEND.
- TO THE MAXIMUM EXTENT FEASIBLE, TOPSOIL THAT IS REMOVED DURING CONSTRUCTION ACTIVITY SHALL BE CONSERVED FOR LATER USE ON AREAS REQUIRING REVEGETATION AND LANDSCAPING.
- SIGHT DISTANCE EASEMENT - THE SIGHT DISTANCE EASEMENT IS AN EASEMENT REQUIRED BY THE CITY AT SOME STREET INTERSECTIONS WHERE IT IS NECESSARY TO PROTECT THE LINE OF SIGHT FOR A MOTORIST NEEDING TO SEE APPROACHING TRAFFIC AND TO REACT SAFELY FOR MERGING THEIR VEHICLE INTO THE TRAFFIC FLOW.
- ALL CITY AND COUNTY REGULATIONS SHALL BE MET.
- PRIVATE DRIVE ACCESS SHOWN ON PLAN IS TEMPORARY. WILL BE CONVERTED TO EMERGENCY ACCESS ONLY PER DESIGN SHOWN FOR NORTH MONROE EMERGENCY ACCESS ON NORTH EDGE OF SITE. CONVERSION WILL OCCUR WHEN NORTH MAPLE DRIVE IS EXTENDED TO 23RD STREET.

LANDSCAPE PLAN LEGEND

- PROPERTY LINE
- UTILITY EASEMENT
- LOT LINE
- RIGHT OF WAY LINE
- OPEN RAIL FENCE
- LIMITS OF DISTURBANCE
- FLOWLINE, CURB & GUTTER
- CENTERLINE
- PROPOSED WALK
- TURF GRASS
- DRYLAND SEED MIX
- SHRUB BEDS
- SHADE TREES
- ORNAMENTAL TREES
- EVERGREEN TREES
- DECIDUOUS SHRUBS
- ORNAMENTAL GRASSES
- PERENNIALS
- EVERGREEN SHRUBS
- MATCHLINE



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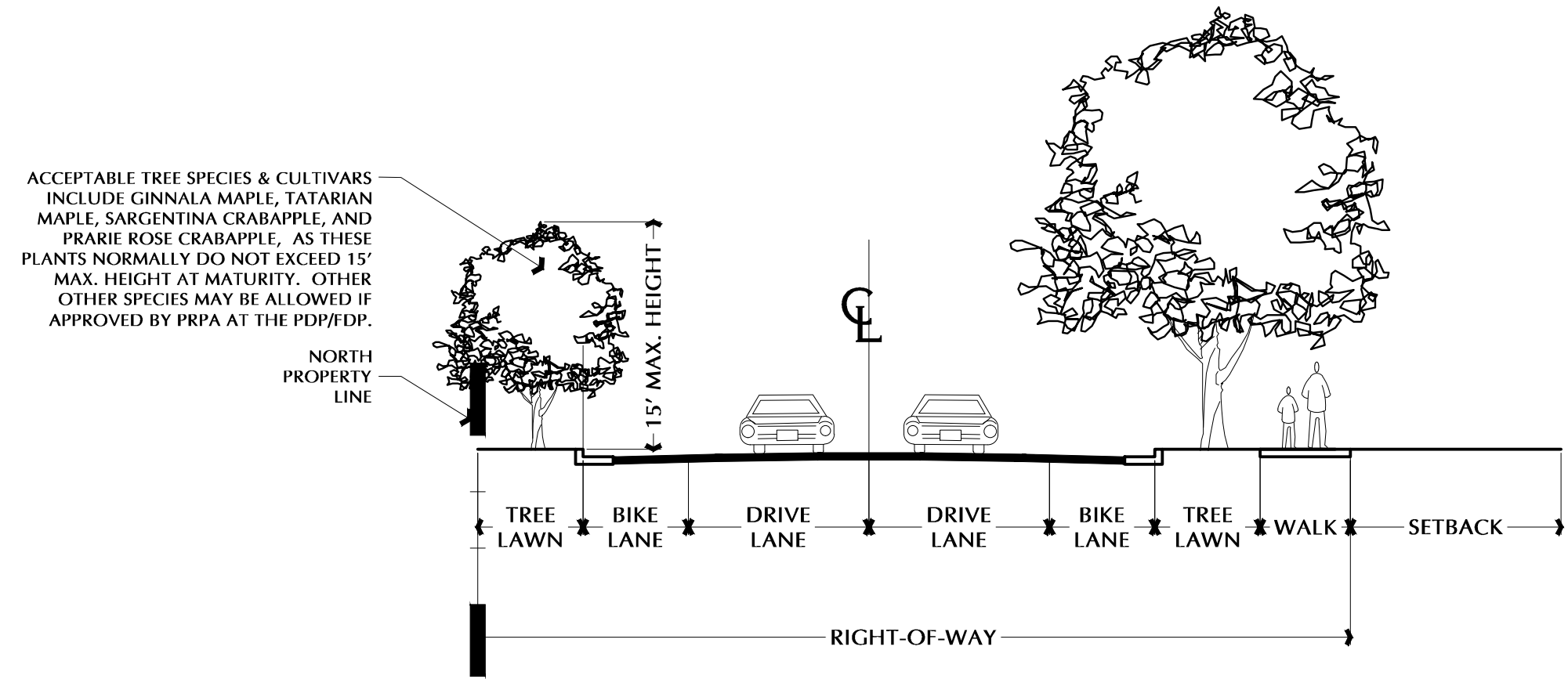
CLIENT

Pedcor Investments, A
Limited Liability
Company
One Pedcor Square
770 Third Avenue, S.W.
Carmel, IN 46032

Wintergreen Third Subdivision

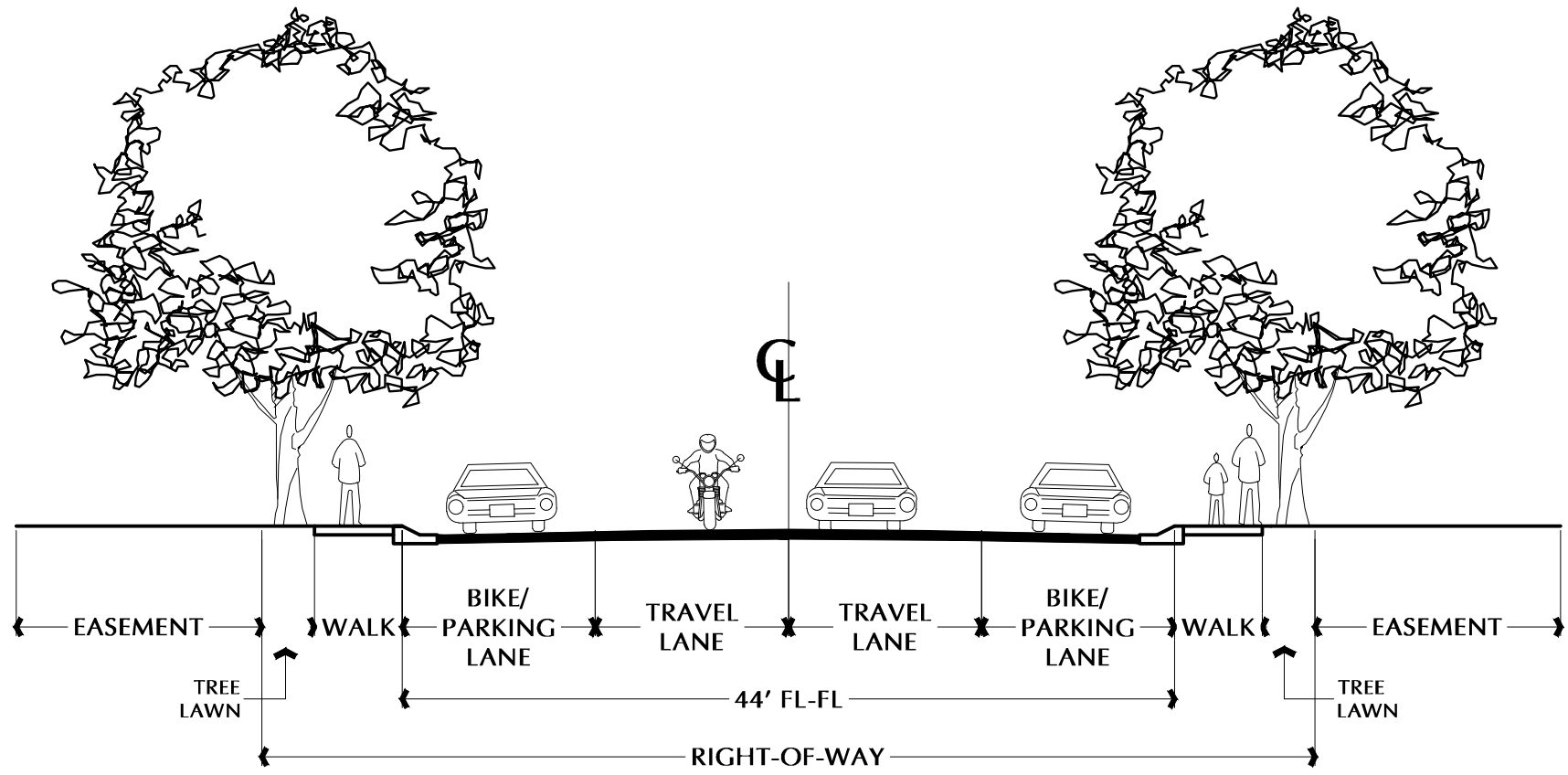
PDP Plan Set
LOVELAND, COLORADO

JOB NO:	25024
ACAD FILE:	25024 PDP 1
DRAWN:	TCH
CHECKED:	TCH
ISSUE DATE:	5/23/13
REVISIONS	DATE
COMMENTS	8/6/13
COMMENTS	9/26/13
SHEET TITLE:	LANDSCAPE PLAN
SHEET NO:	4 OF 5
PC Attachment 2	



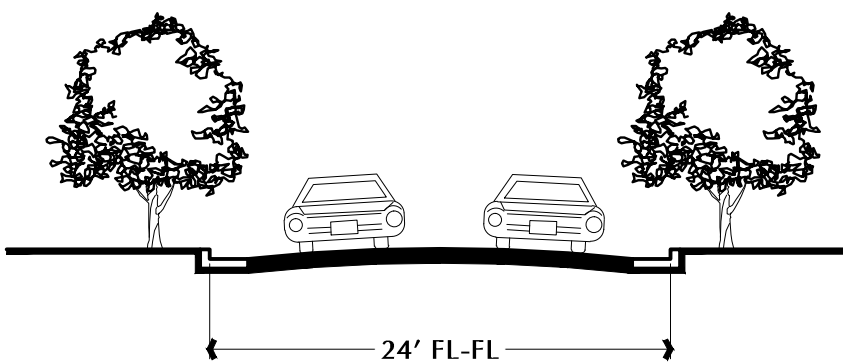
W 65TH STREET (FUTURE BY OTHERS)

SCALE: 1"=10'-0"



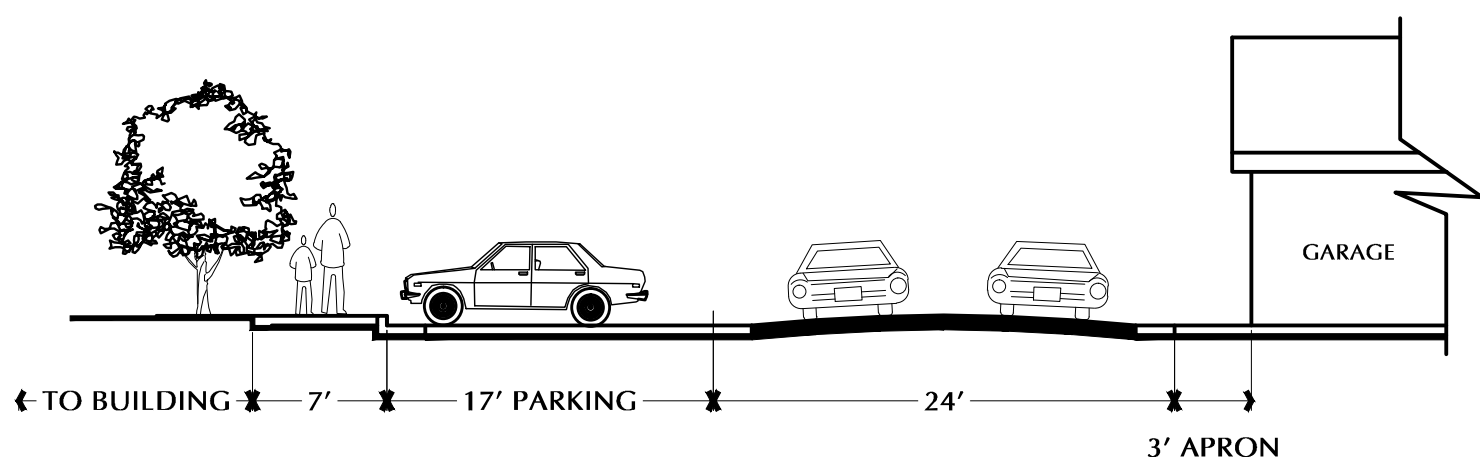
MINOR COLLECTOR

SCALE: 1"=10'-0"



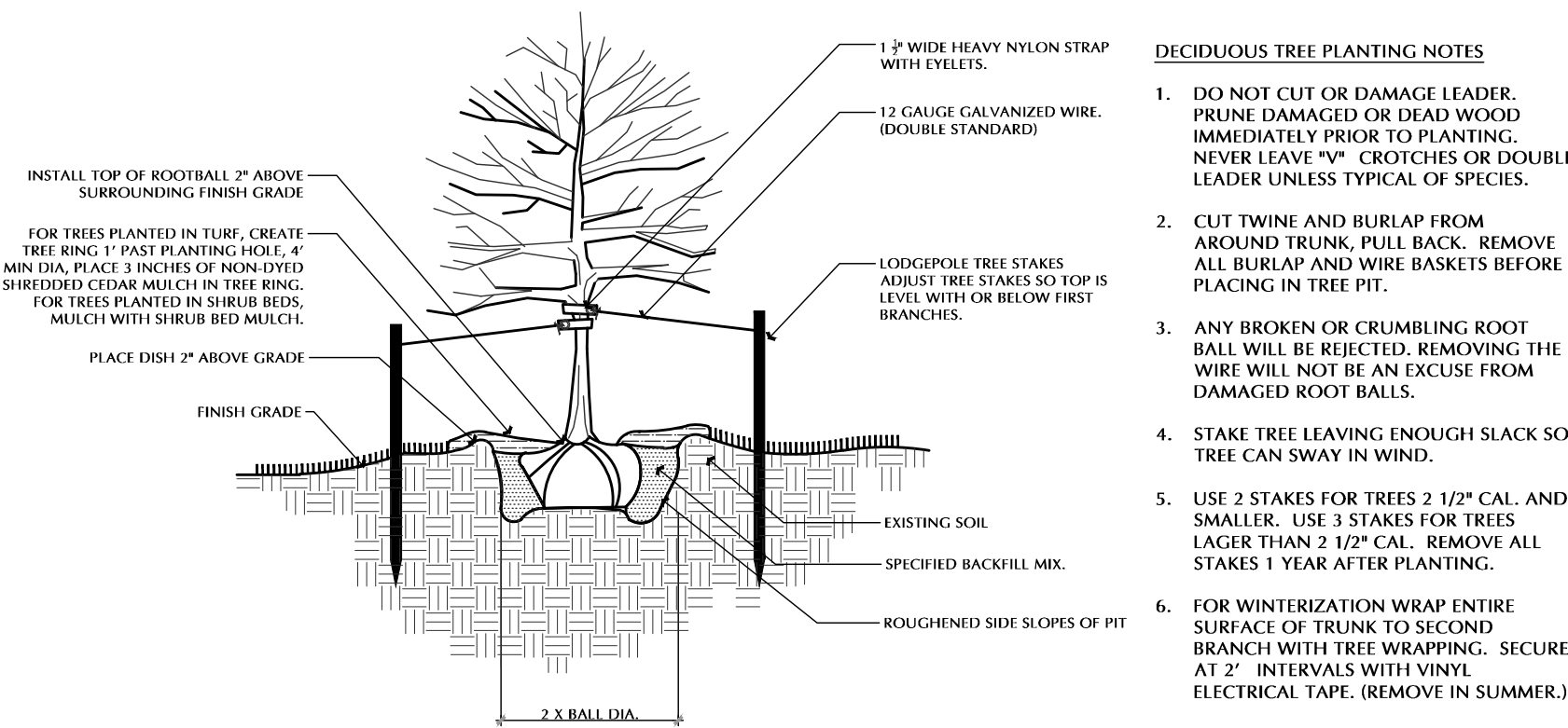
INTERNAL PRIVATE DRIVE

SCALE: 1"=10'-0"



INTERNAL PRIVATE DRIVE W/ PARKING AND GARAGE

SCALE: 1"=10'-0"

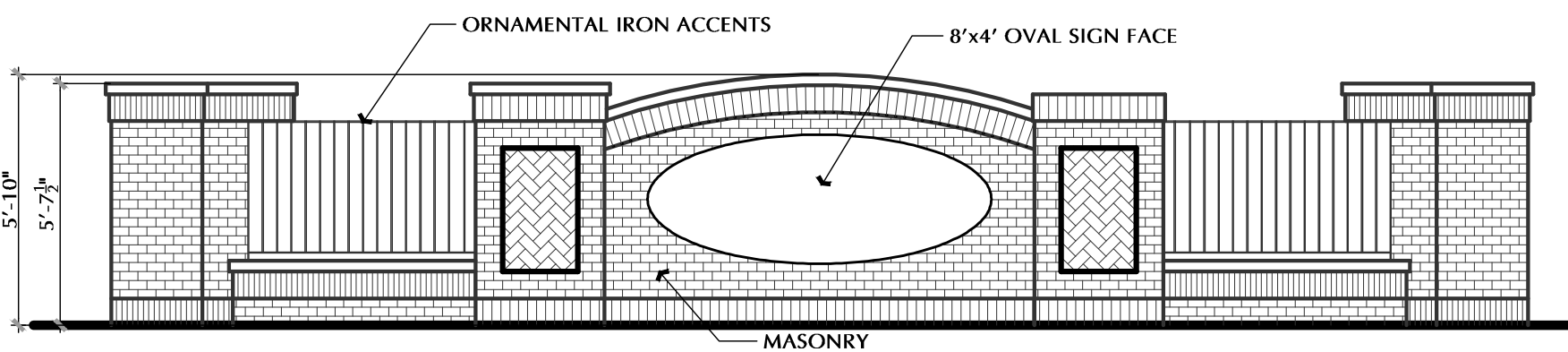


DECIDUOUS TREE PLANTING NOTES

1. DO NOT CUT OR DAMAGE LEADER. PRUNE DAMAGED OR DEAD WOOD IMMEDIATELY PRIOR TO PLANTING. NEVER LEAVE "V" CROTCHES OR DOUBLE LEADER UNLESS TYPICAL OR SPECIES.
2. CUT TWINE AND BURLAP FROM AROUND TRUNK, PULL BACK. REMOVE ALL BURLAP AND WIRE BASKETS BEFORE PLACING IN TREE PIT.
3. ANY BROKEN OR CRUMBLING ROOT BALL WILL BE REJECTED. REMOVING THE WIRE WILL NOT BE AN EXCUSE FROM DAMAGED ROOT BALLS.
4. STAKE TREE LEAVING ENOUGH SLACK SO TREE CAN SWAY IN WIND.
5. USE 2 STAKES FOR TREES 2 1/2" CAL. AND SMALLER. USE 3 STAKES FOR TREES LARGER THAN 2 1/2" CAL. REMOVE ALL STAKES 1 YEAR AFTER PLANTING.
6. FOR WINTERIZATION WRAP ENTIRE SURFACE OF TRUNK TO SECOND BRANCH WITH TREE WRAPPING. SECURE AT 2" INTERVALS WITH VINYL ELECTRICAL TAPE. (REMOVE IN SUMMER.)

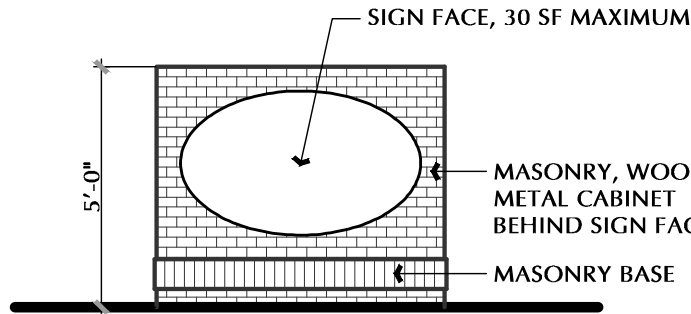
DECIDUOUS TREE PLANTING DETAIL

SCALE: N.T.S.



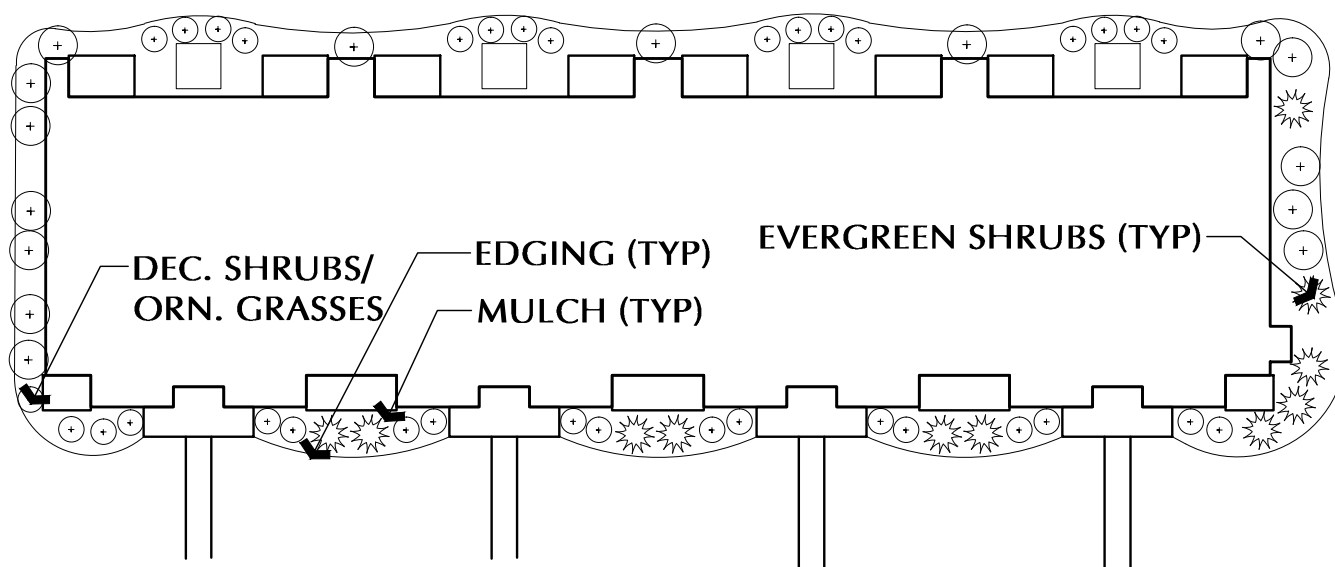
PROJECT IDENTIFICATION SIGN (TYPICAL)

SCALE: N.T.S.



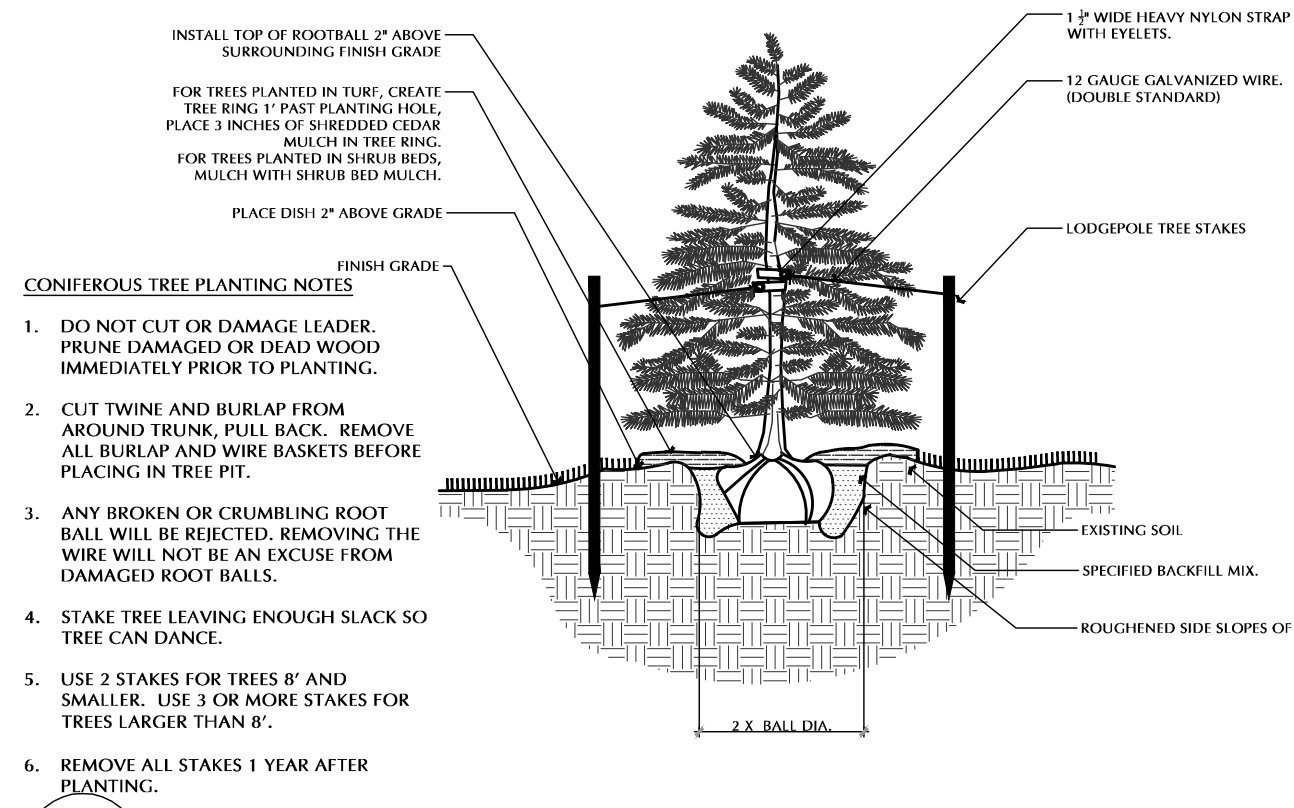
ENTRY/ DIRECTIONAL SIGNAGE (TYPICAL)

SCALE: N.T.S.



TYPICAL BUILDING LANDSCAPE

SCALE: N.T.S.

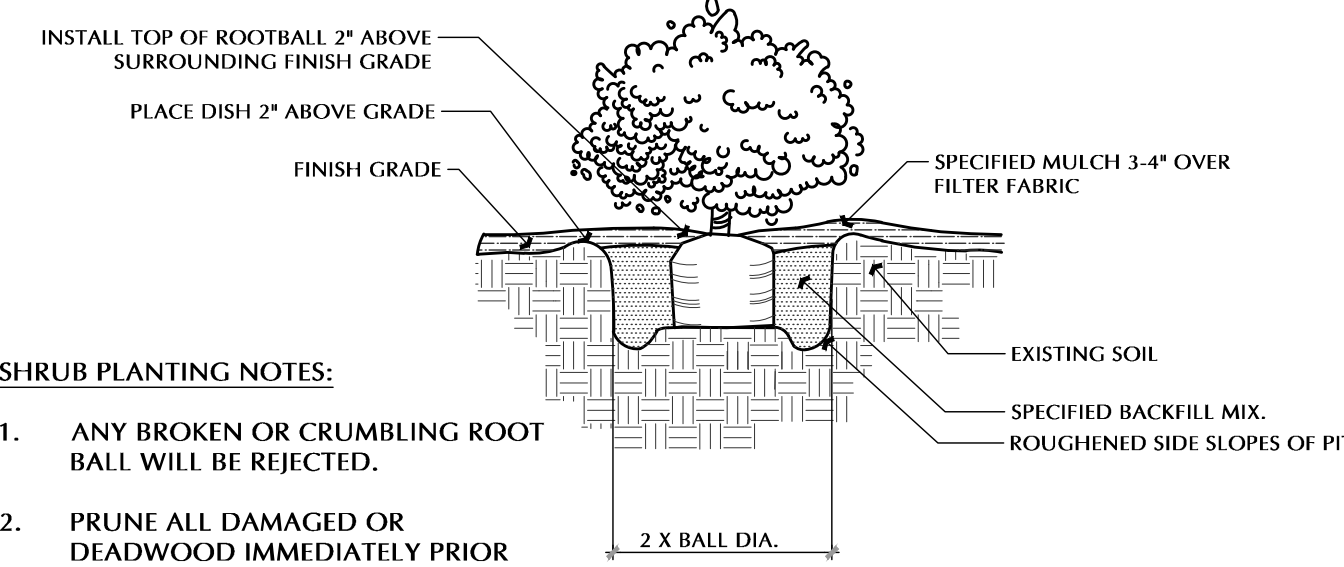


CONIFEROUS TREE PLANTING NOTES

1. DO NOT CUT OR DAMAGE LEADER. PRUNE DAMAGED OR DEAD WOOD IMMEDIATELY PRIOR TO PLANTING.
2. CUT TWINE AND BURLAP FROM AROUND TRUNK, PULL BACK. REMOVE ALL BURLAP AND WIRE BASKETS BEFORE PLACING IN TREE PIT.
3. ANY BROKEN OR CRUMBLING ROOT BALL WILL BE REJECTED. REMOVING THE WIRE WILL NOT BE AN EXCUSE FROM DAMAGED ROOT BALLS.
4. STAKE TREE LEAVING ENOUGH SLACK SO TREE CAN DANCE.
5. USE 2 STAKES FOR TREES 8" AND SMALLER. USE 3 OR MORE STAKES FOR TREES LARGER THAN 8".
6. REMOVE ALL STAKES 1 YEAR AFTER PLANTING.

CONIFEROUS TREE PLANTING DETAIL

SCALE: N.T.S.

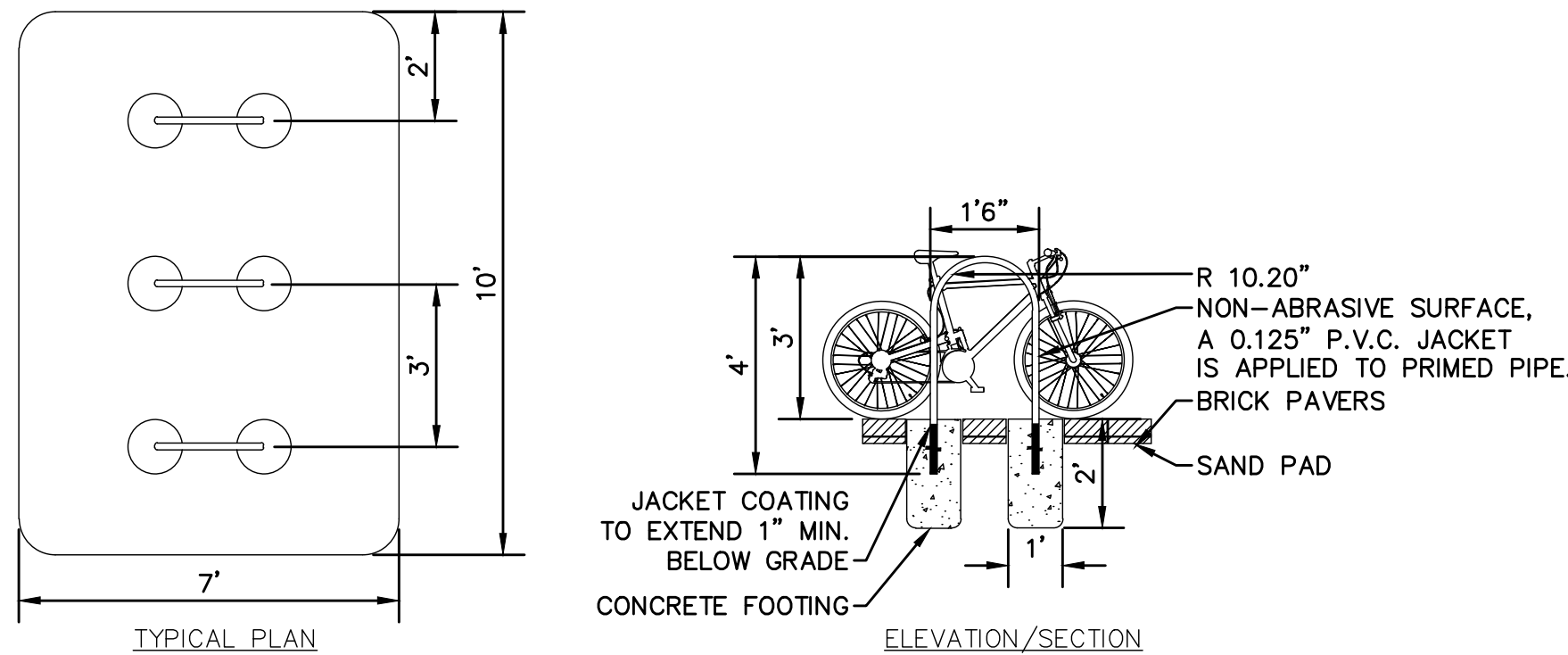


SHRUB PLANTING NOTES:

1. ANY BROKEN OR CRUMBLING ROOT BALL WILL BE REJECTED.
2. PRUNE ALL DAMAGED OR DEADWOOD IMMEDIATELY PRIOR TO PLANTING.

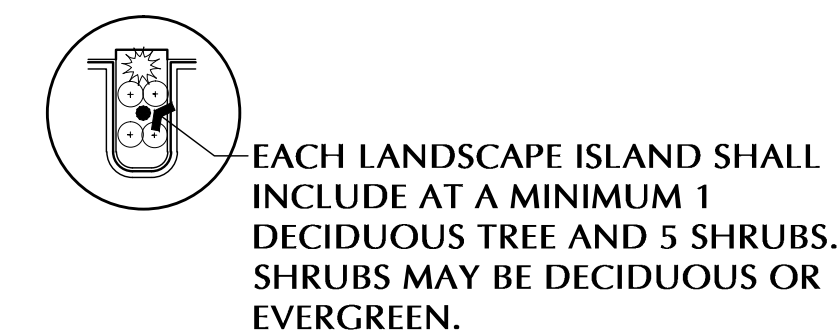
SHRUB PLANTING DETAIL

SCALE: N.T.S.



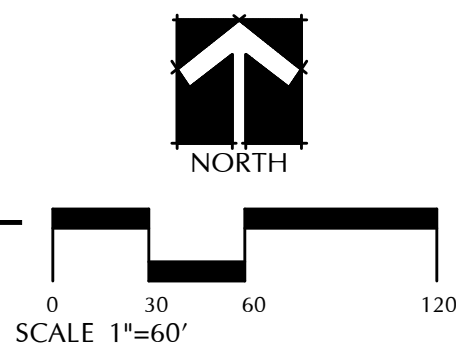
INVERTED U TYPE BICYCLE RACK

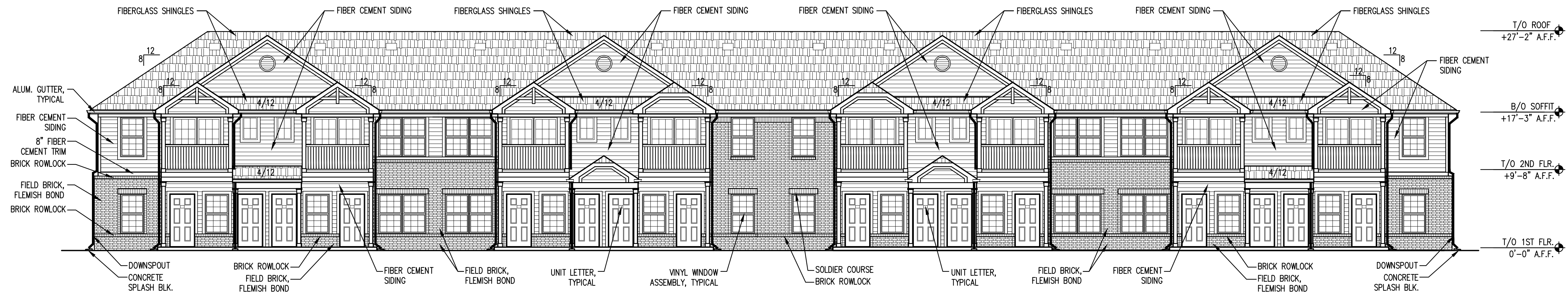
SCALE: 1/2"=1'-0"



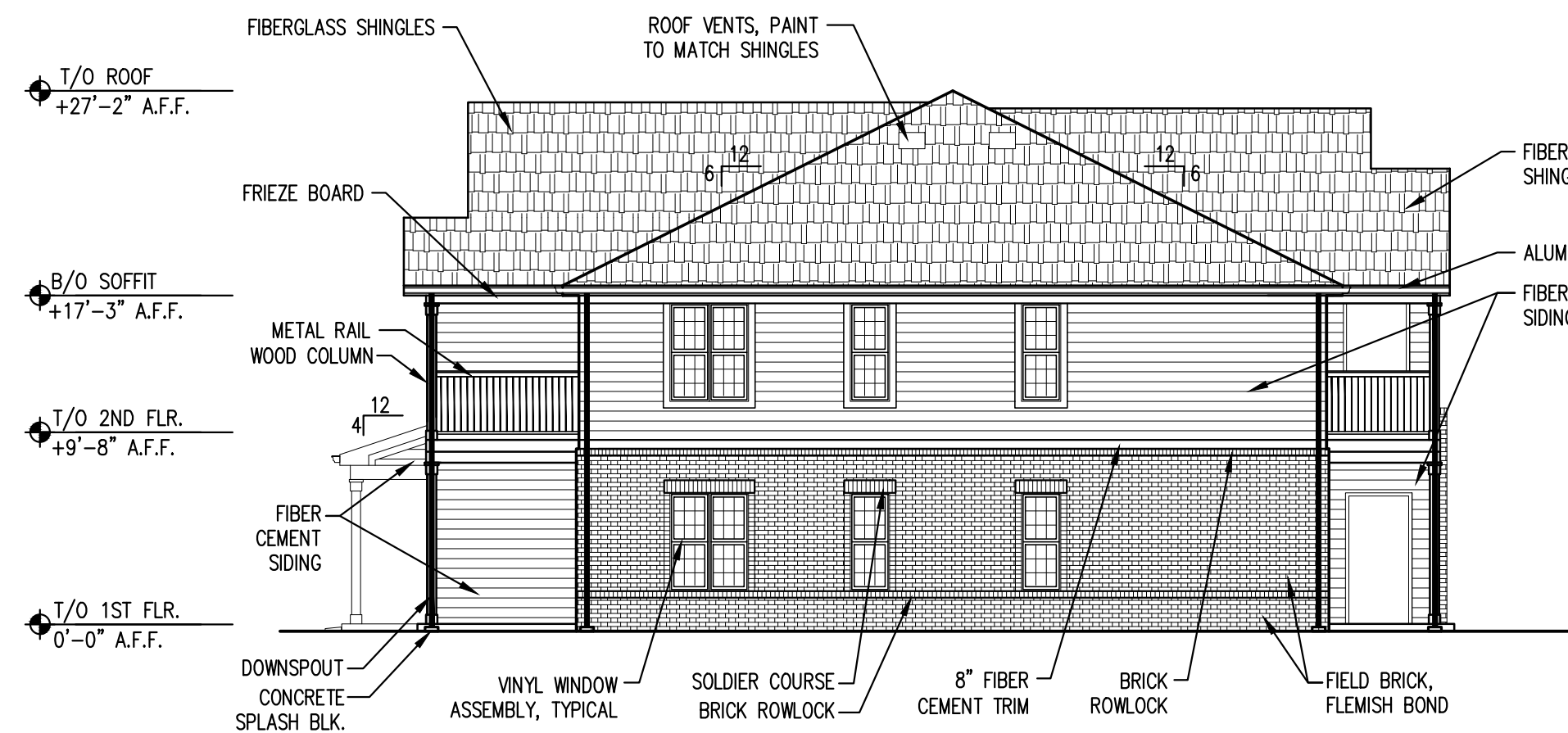
TYPICAL LANDSCAPE ISLAND

SCALE: N.T.S.

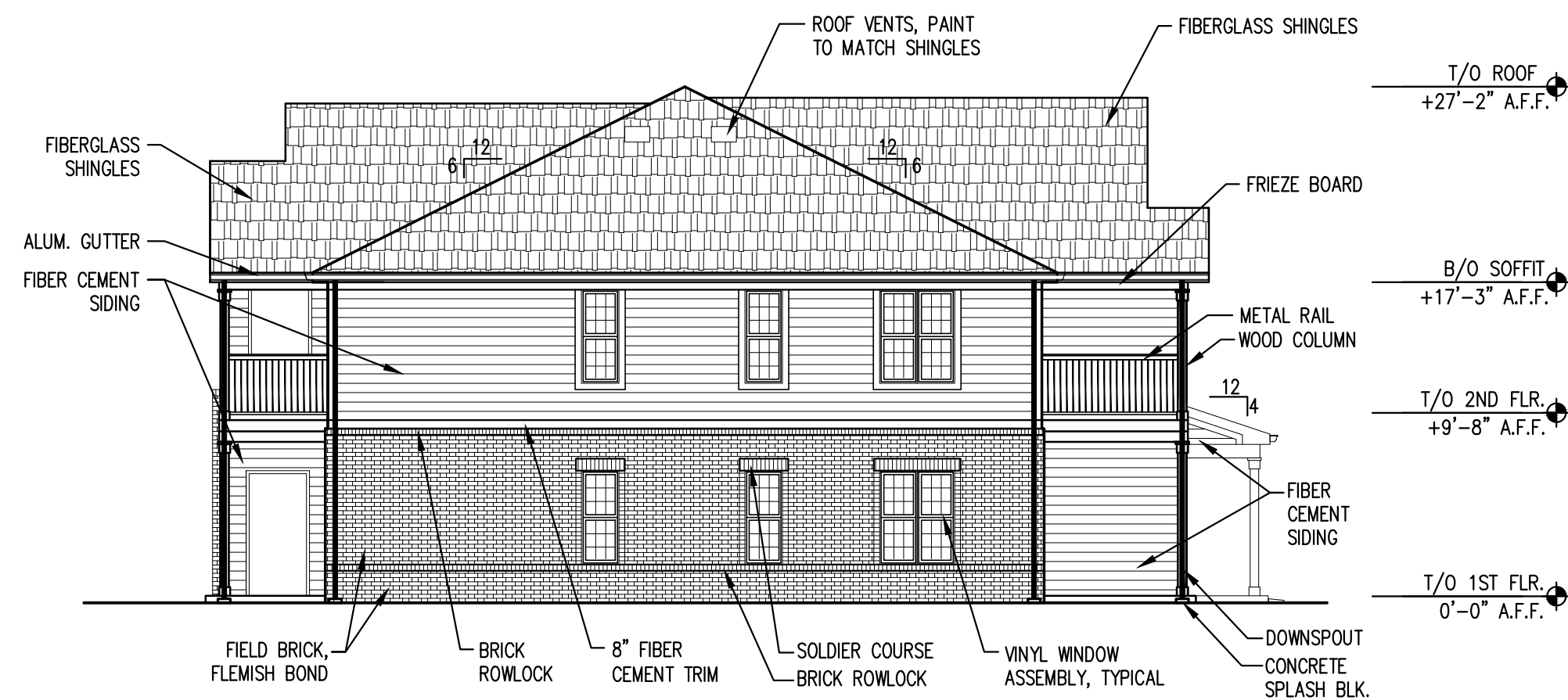




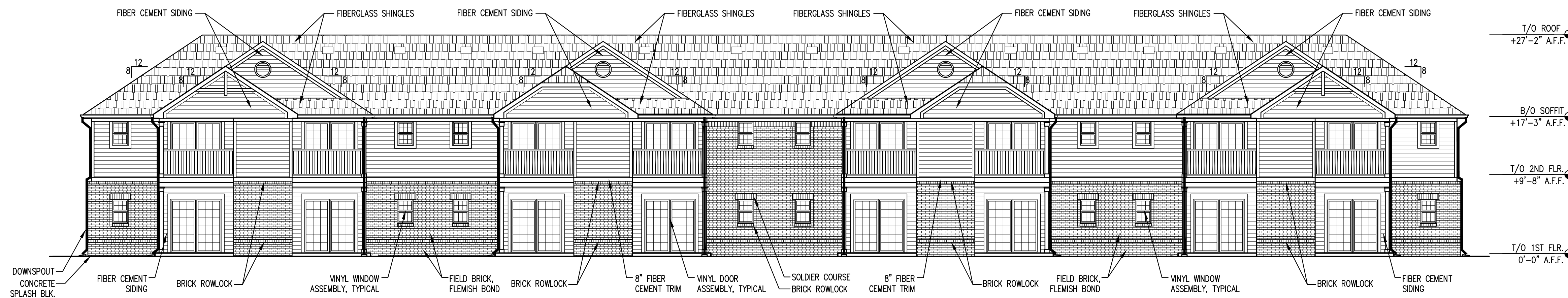
**16A BUILDING
FRONT ELEVATION**



**16A BUILDING
SIDE ELEVATION**

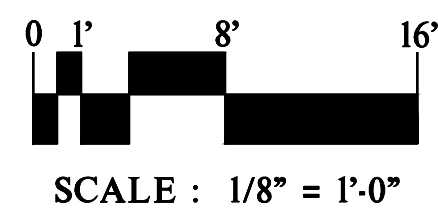
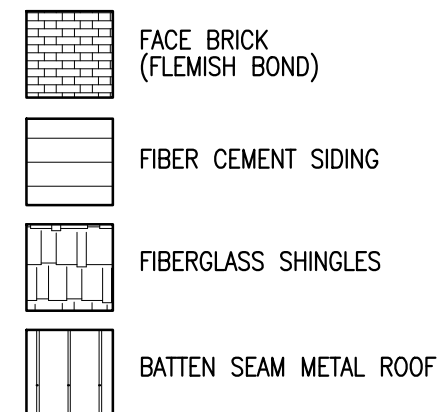


**16A BUILDING
SIDE ELEVATION**

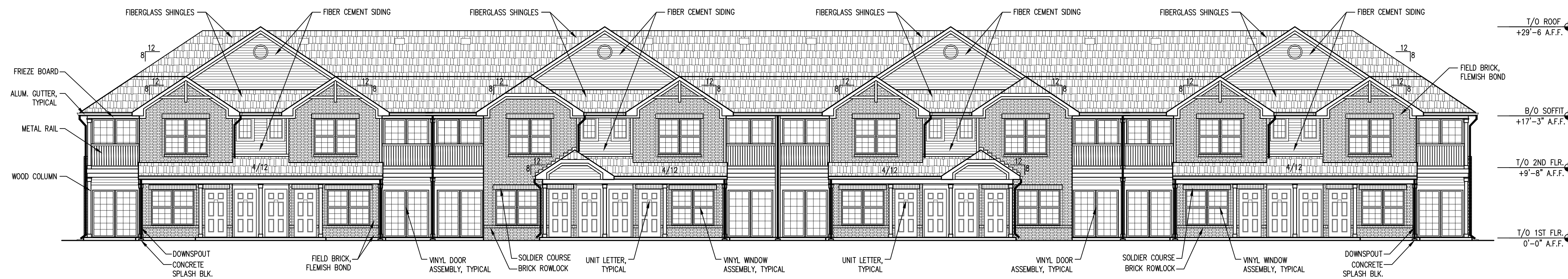


**16A BUILDING
REAR ELEVATION**

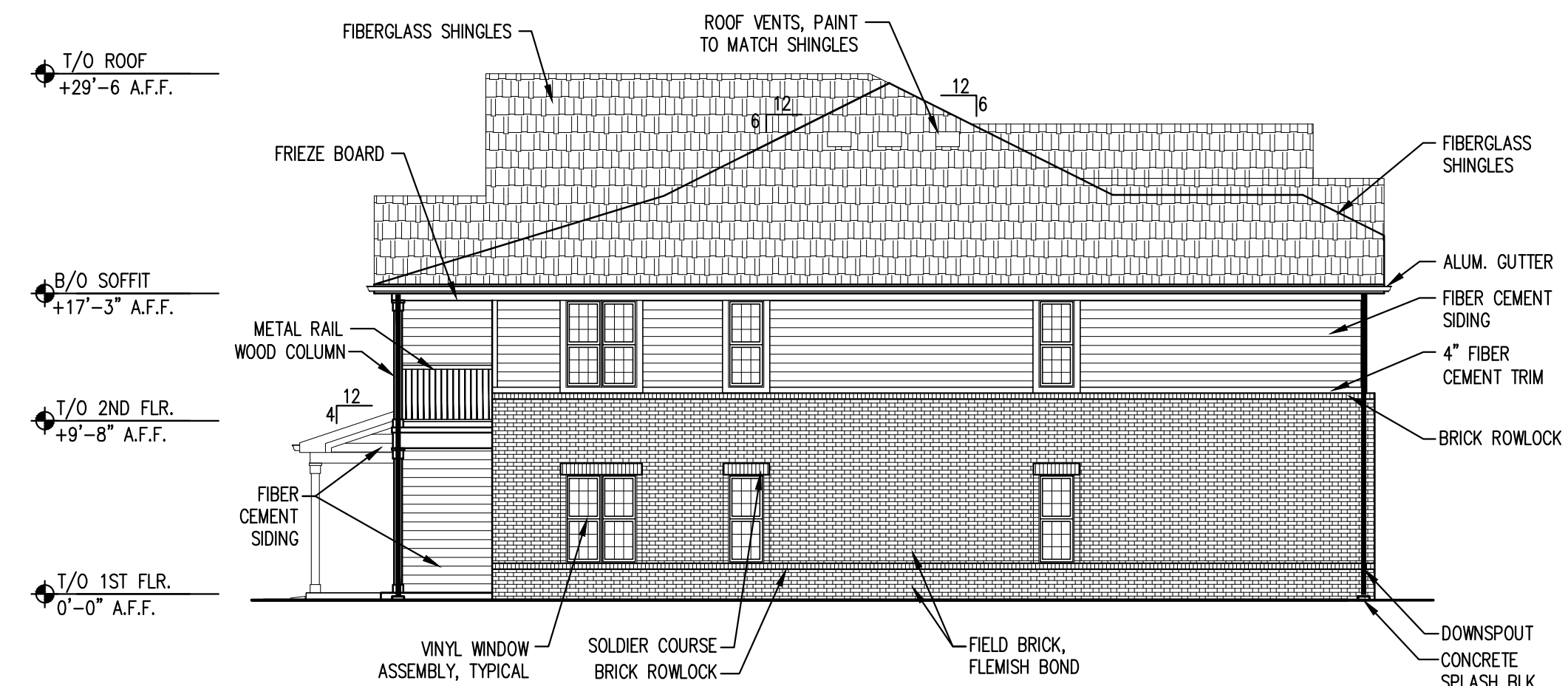
**MATERIAL
LEGEND:**



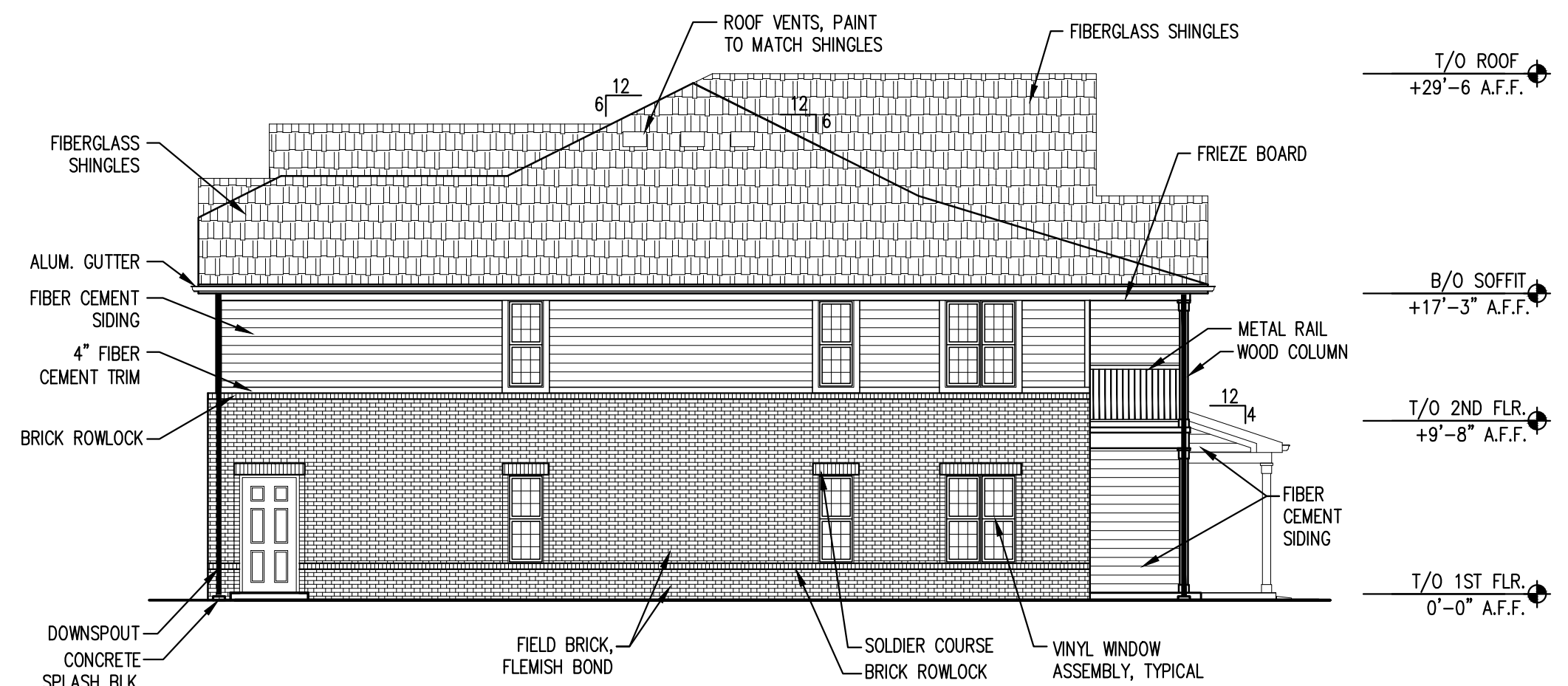
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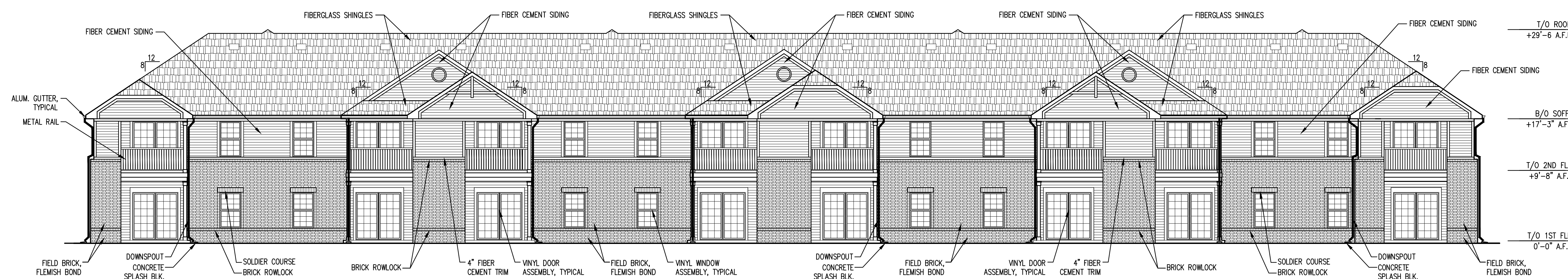
**16B BUILDING
FRONT ELEVATION**



**16B BUILDING
SIDE ELEVATION**



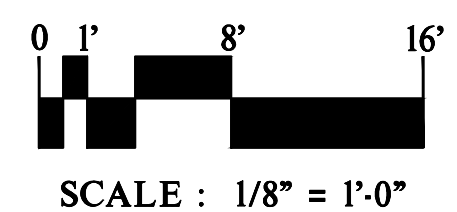
**16B BUILDING
SIDE ELEVATION**

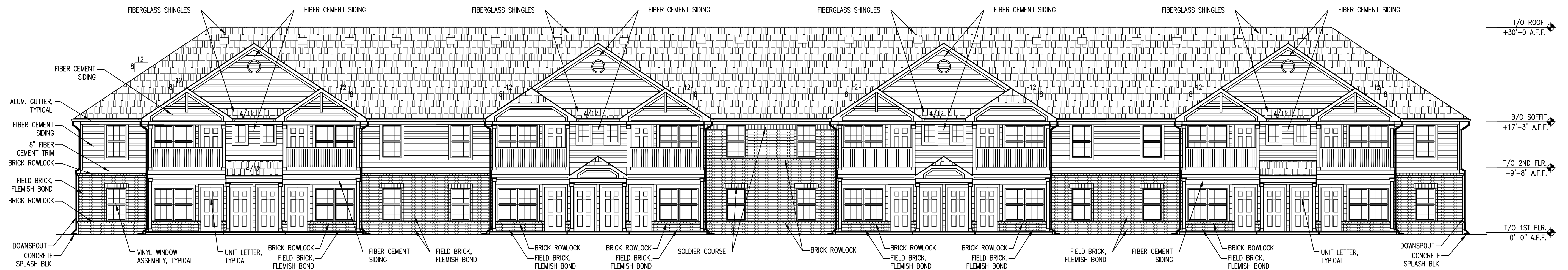


**16B BUILDING
REAR ELEVATION**

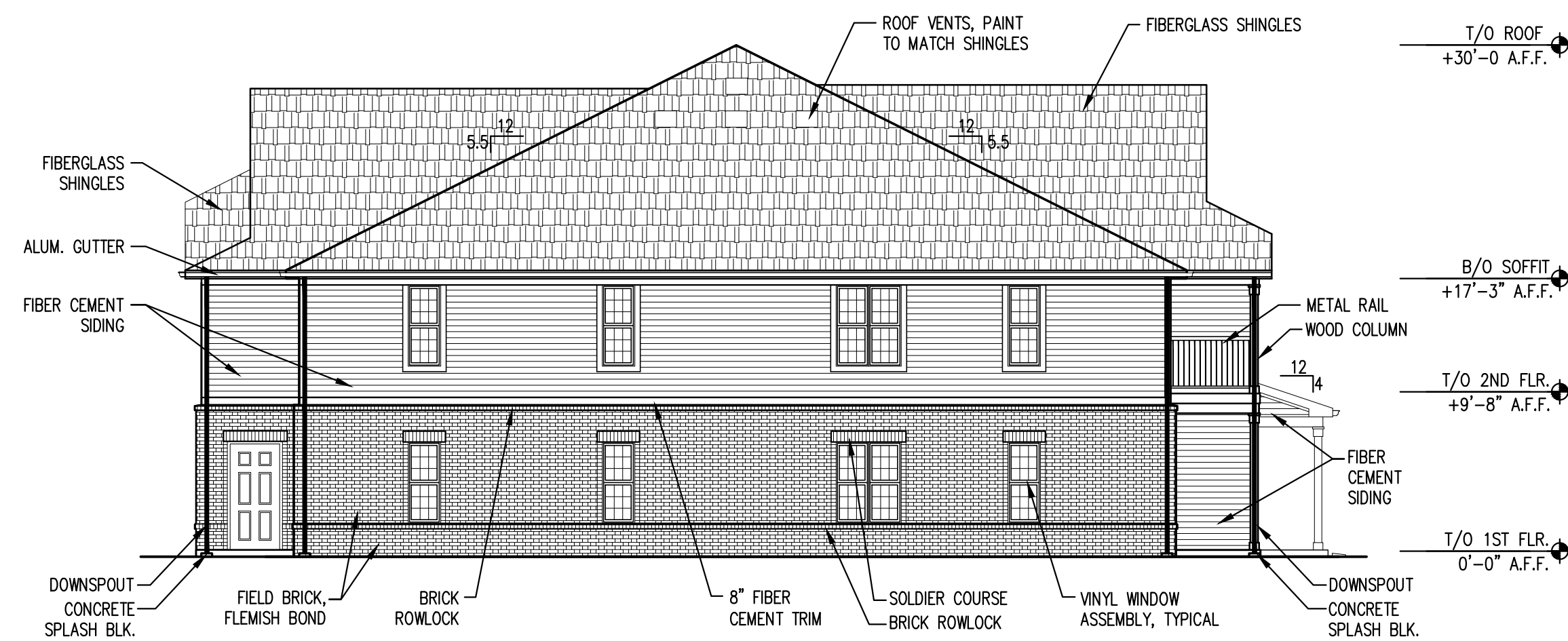
**MATERIAL
LEGEND:**

-  FACE BRICK (FLEMISH BOND)
-  FIBER CEMENT SIDING
-  FIBERGLASS SHINGLES
-  BATTEN SEAM METAL ROOF

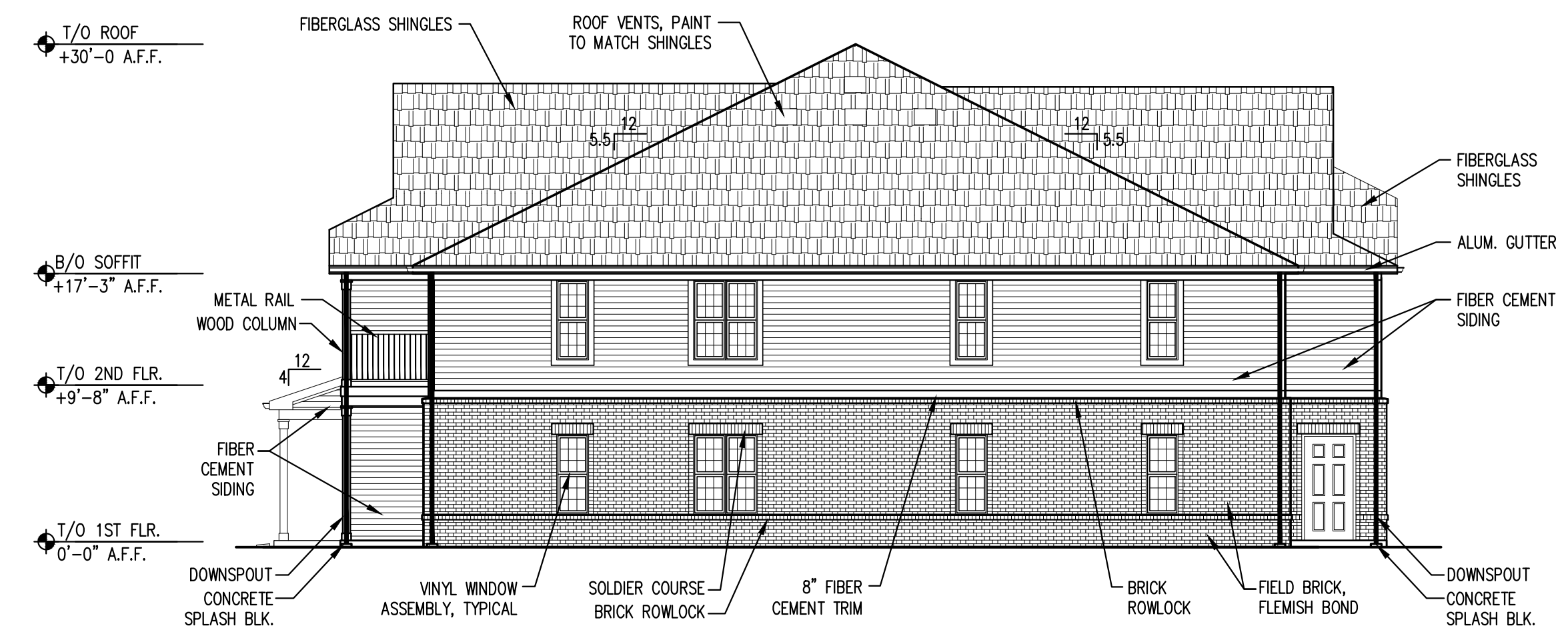




**16C BUILDING
FRONT ELEVATION**

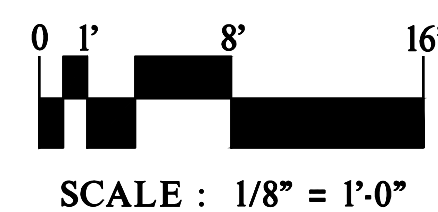
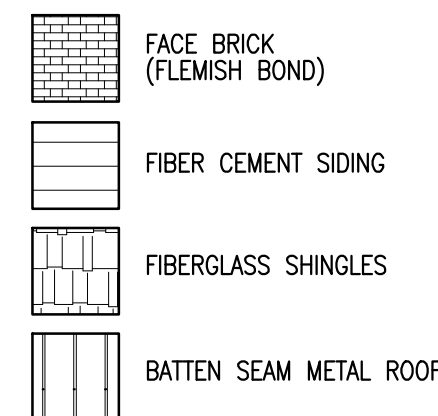


**16C BUILDING
SIDE ELEVATION**

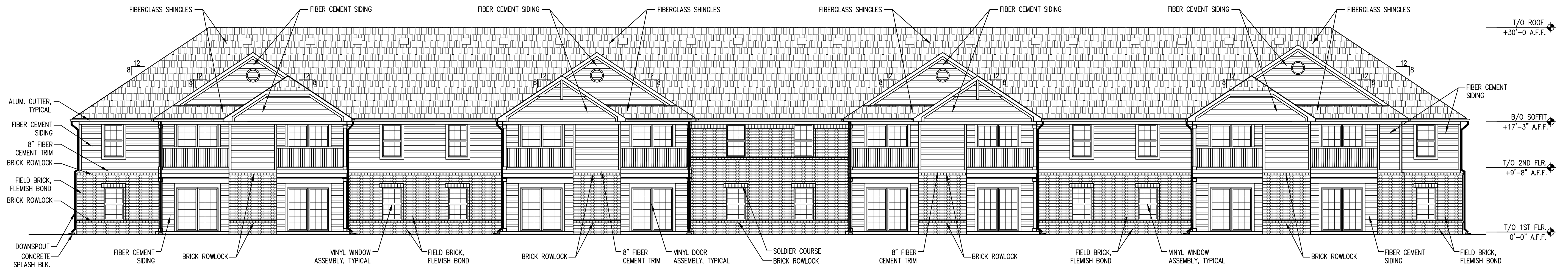


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SIDE ELEVATION**

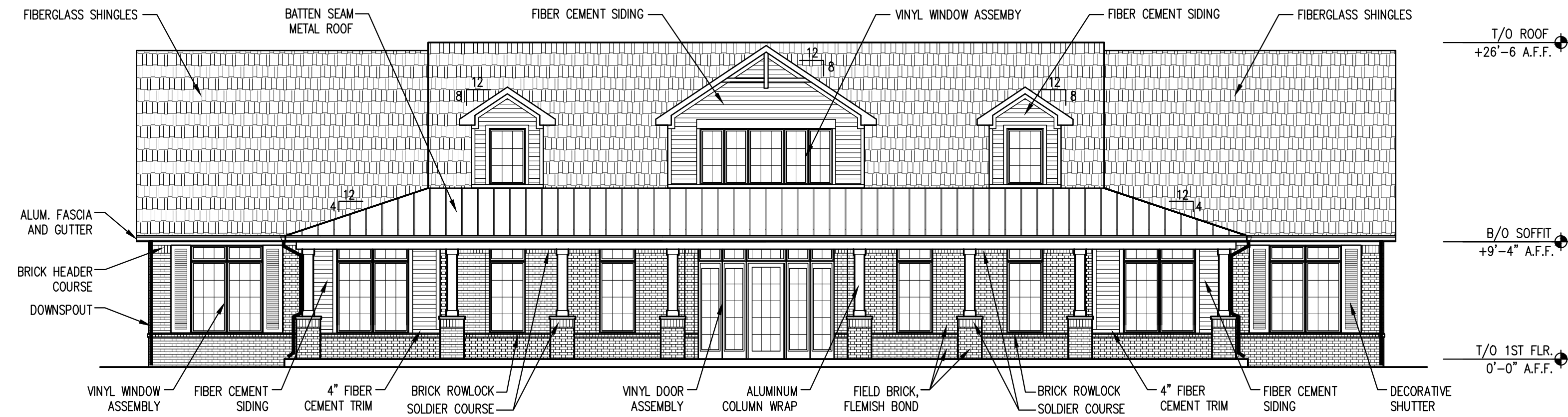
**MATERIAL
LEGEND:**



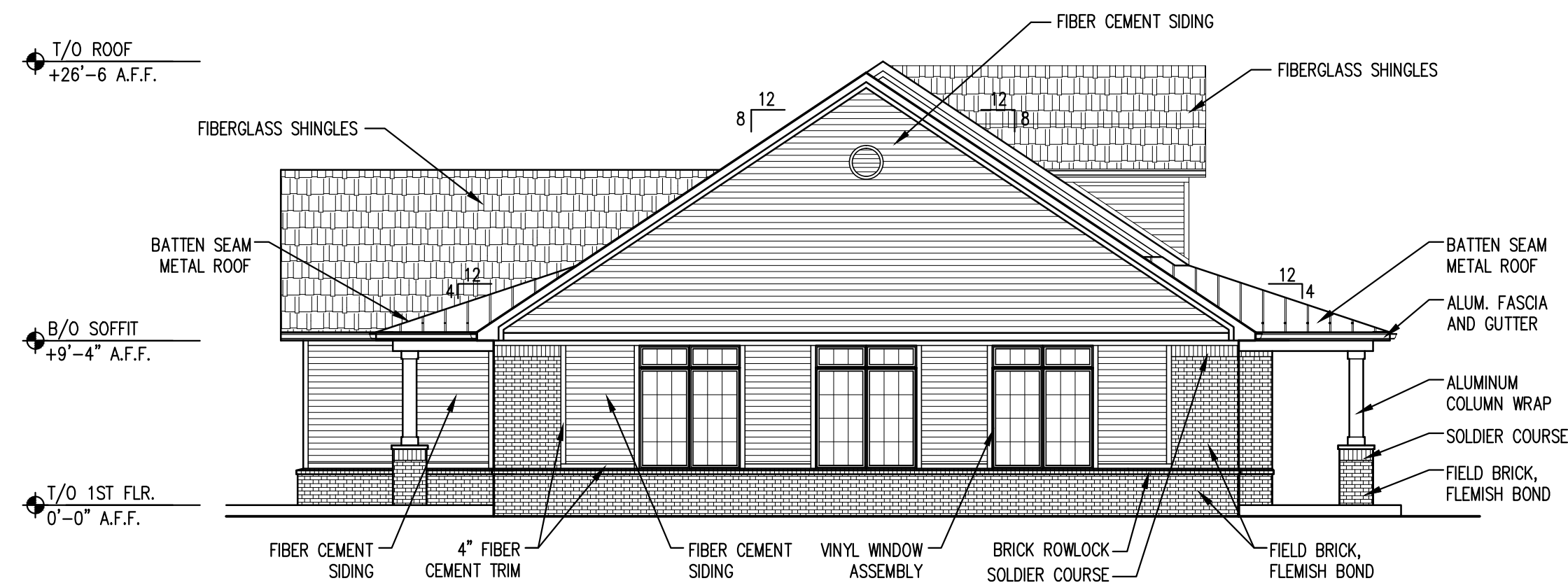
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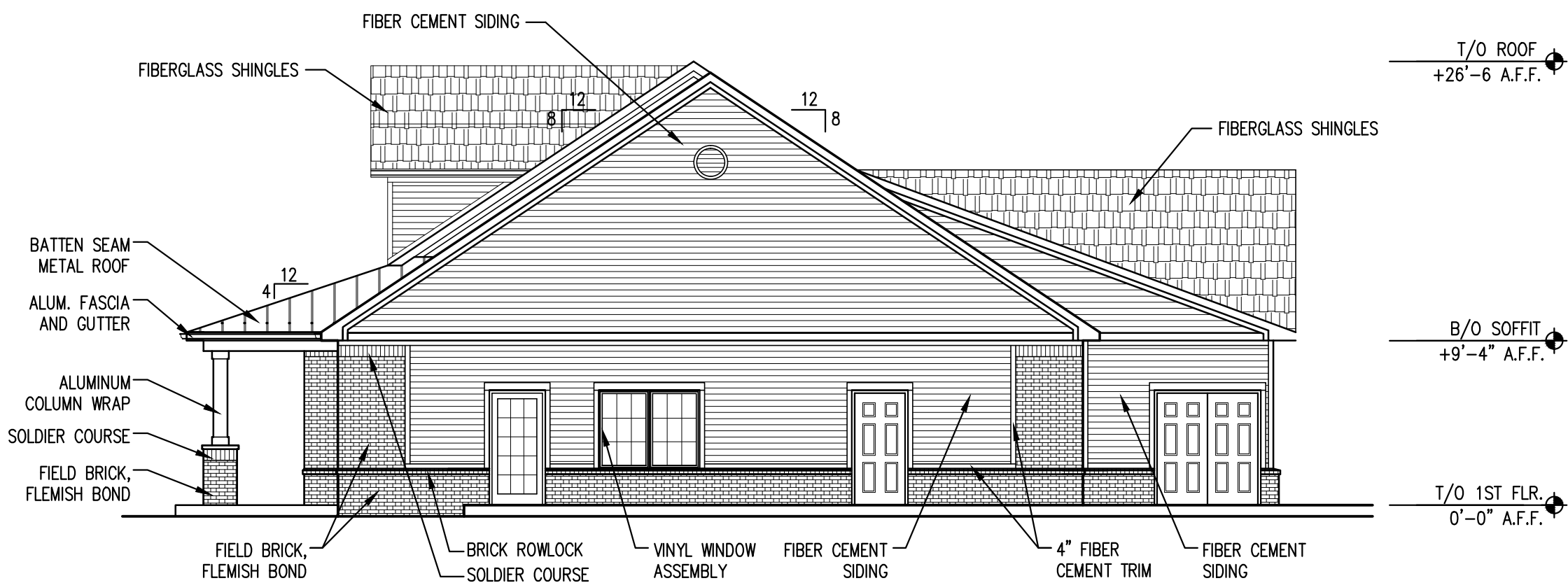
**16C BUILDING
REAR ELEVATION**



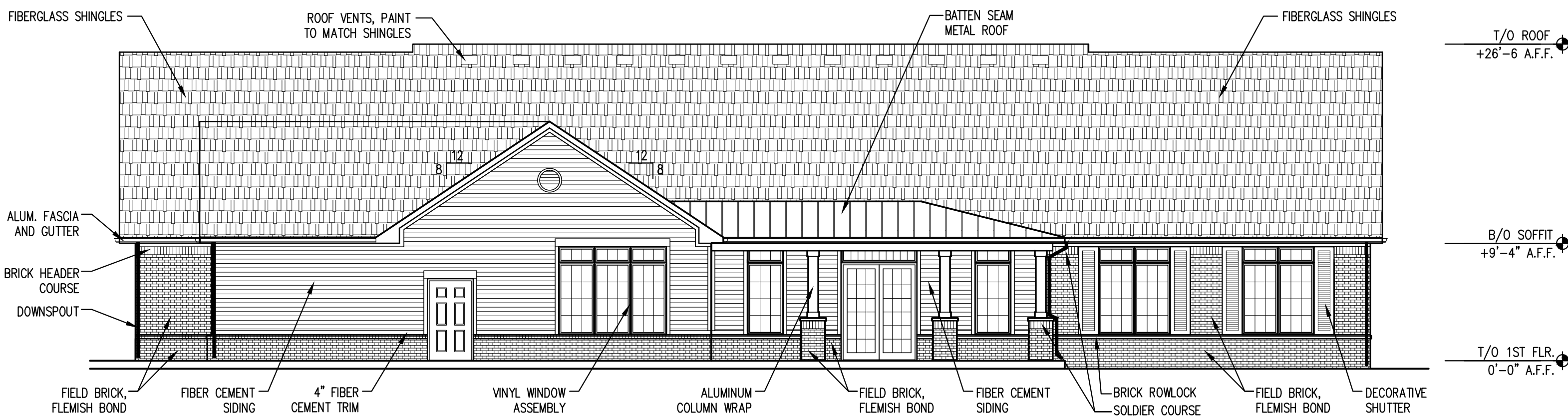
**CLUBHOUSE
FRONT ELEVATION**



**CLUBHOUSE
SIDE ELEVATION**

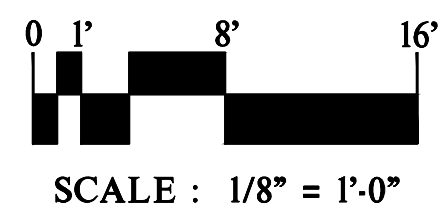
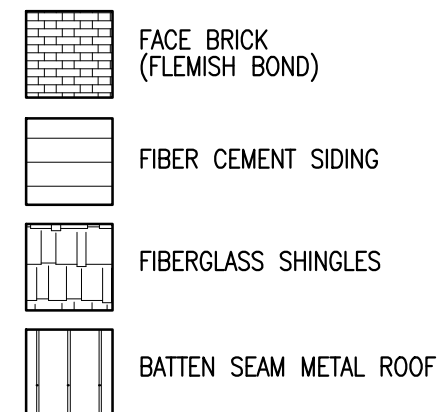


**CLUBHOUSE
SIDE ELEVATION**

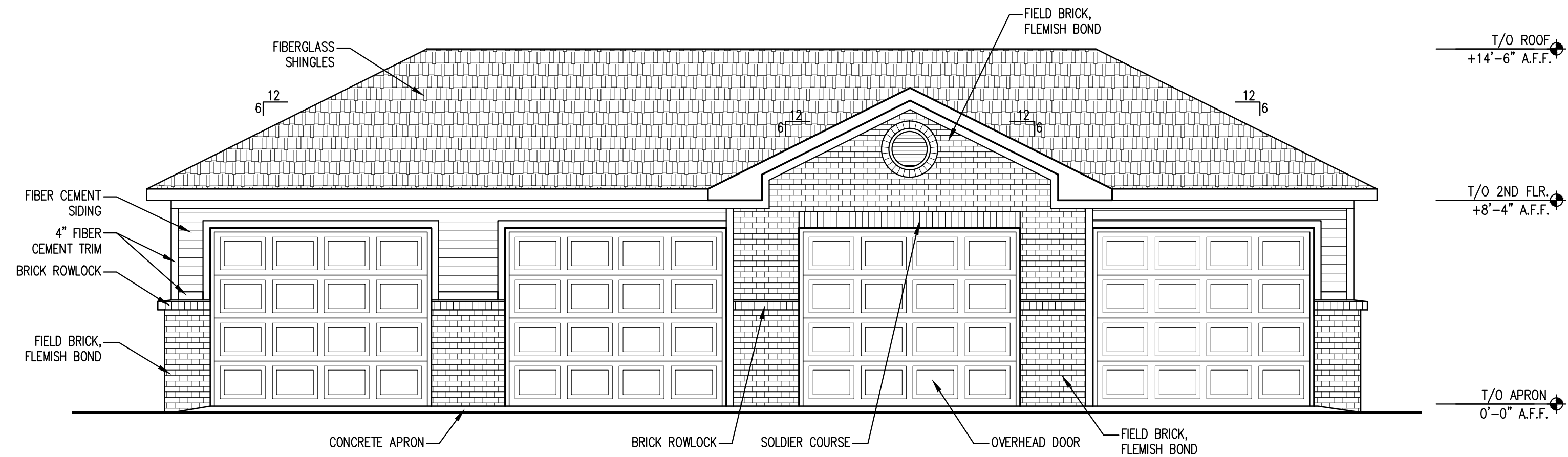


**CLUBHOUSE
REAR ELEVATION**

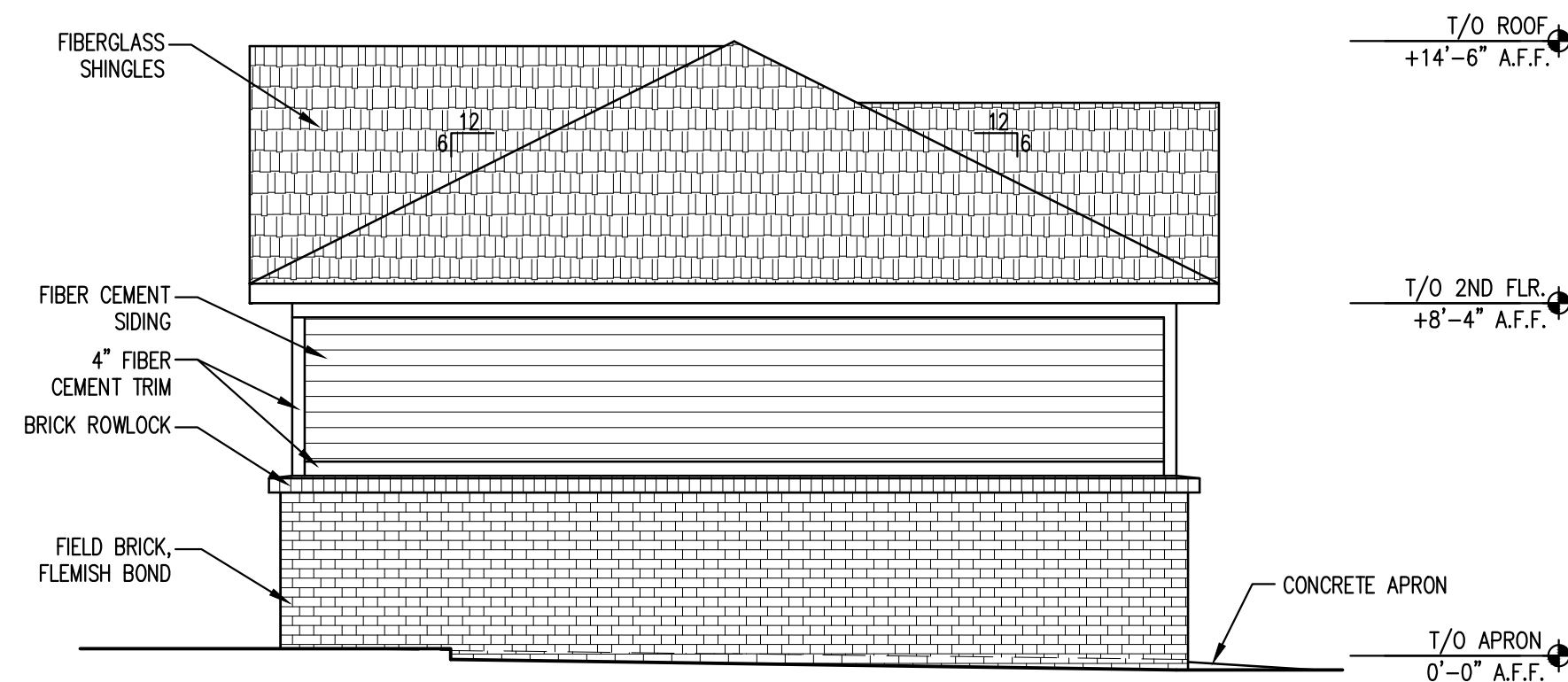
**MATERIAL
LEGEND:**



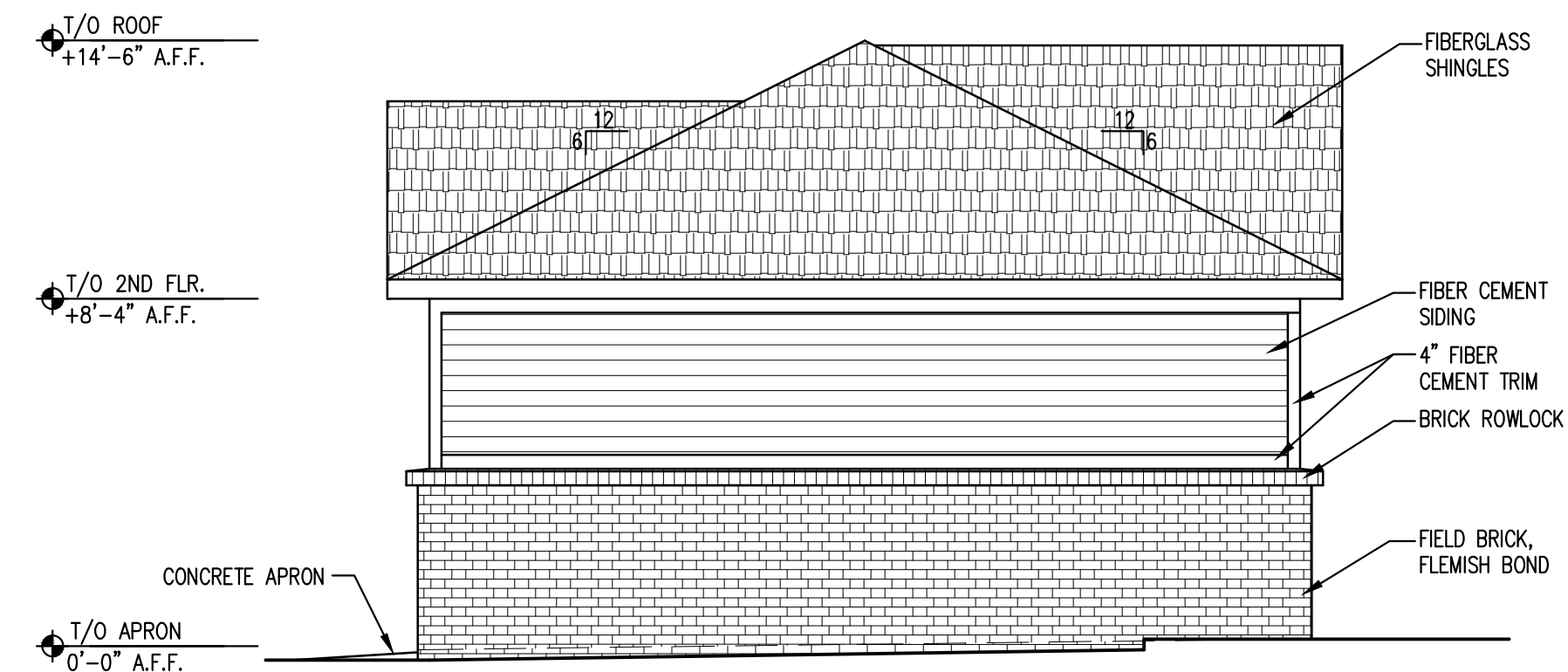
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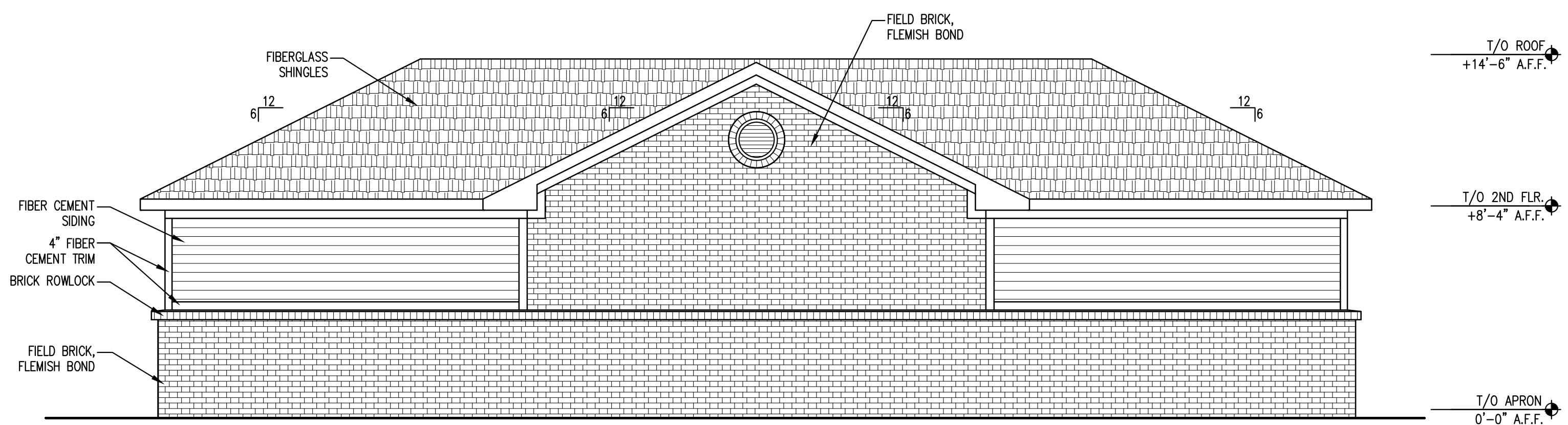
**TYPICAL GARAGE
FRONT ELEVATION**



**TYPICAL GARAGE
SIDE ELEVATION**

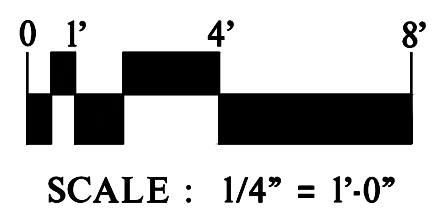
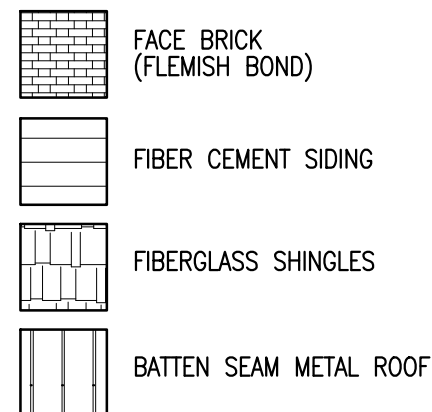


**TYPICAL GARAGE
SIDE ELEVATION**



**TYPICAL GARAGE
REAR ELEVATION**

**MATERIAL
LEGEND:**



Wintergreen Third Subdivision PUD

Preliminary Development Plan

Sheets 2 & 3 Narrative (MS Word Document)

25 MAY, 2013 (revised July, 2013)

Section 1: Purpose of the Project

This Preliminary Development Plan within the Wintergreen Village project, is also known as parcel B of the Wintergreen Village General Development Plan third amendment. This parcel has a gross area of ± 19.82 acres, with a net area of ± 17.6 acres. The purpose of this Preliminary Development Plan (PDP) is to construct a multi-family residential use community.

Section 2: Land Use

A. Overall Concept

Wintergreen Village Third Subdivision is designed to continue the mix of development within Wintergreen Village by providing multi-family housing, a use currently not developed within Wintergreen Village. Parcel B allows for this proposed use per the approved GDP with a maximum allowable density of 11.30 units per gross acre, or 224 units total.

There are three proposed multi-family building types, all two story buildings with 16 units per building for 14 multi-family buildings total. In addition there is a leasing center and detached garages. The design of the community allows for considerable open space and buffers along the perimeter of the project, and also has considerable open space within the community. The community includes a clubhouse/ leasing center, an outdoor pool, gazebo and playground.

B. Definitions

Unless otherwise stated, all terms herein are defined by the City of Loveland Municipal Code.

C. Permitted Land Uses

Permitted uses include the following:

1. Dwelling: Multi-Family
2. Indoor and/or outdoor recreational facilities
3. Open space and play area
4. Private trails and walkways
5. Utilities and drainage improvements

Section 3: Circulation

A. Overall Concept

Public Street access is from North Garfield Avenue via West 64th and 65th Streets and Eden Garden Drive. Internal circulation is all private drives, accessed from West 64th Street and Eden Garden Drive.

B. Components

All internal circulation is provided by a 24 foot wide private drive. There are two access points to the community, one via Eden Garden Drive, and one via West 64th Street.

External public streets are all existing dedicated streets with both Eden Garden Drive and West 64th Street currently constructed. West 65th Street is to be constructed at a future date by others when the properties to the west of Wintergreen Village develop.

An overall system of pedestrian ways will be provided along roadways and through selected open space areas. Attached sidewalks exist on W. 64th Street and Eden Garden Drive. Attached or Detached sidewalks will be provided along W. 65th Street when it is constructed in the future by others. All required street-side sidewalks shall be located wholly within the right-of-way.

C. Performance Standards

Street improvements and new streets will be constructed in accordance with the street-cross sections shown on Sheet 5 of the PDP, which are drawn per the Larimer County urban street standards. On-street parking is permitted on the minor collector streets.

Section 4: Public and Private Utilities

A. Overall Concept

All public facilities and services are readily available to the site. Utilities will be installed underground, and will be provided for as described below.

B. Water and Sewer

- Water and sanitary sewer service will be provided by the City of Loveland. The following improvements are currently available to the site.
- Water service is available in West 64th Street, and Eden Garden Drive. These lines and services were sized and constructed with the Wintergreen Second Subdivision to accommodate this development.
- This project will construct a new waterline that connects to the existing waterline in West 64th Street at our westernmost entrance, loops through the development, and

connects back into the existing water line in Eden Garden Drive at our entrance at this location.

- This project will construct the required water main extension within the W. 65th street right of way to the western edge of Wintergreen Village.
- Sanitary sewer service for this site is available in West 64th Street.
- This project will construct sewer lines within the development that connect to the existing sewer main in West 64th Street at our westernmost entrance.

C. Storm Drainage

Drainage design will conform to the City of Loveland Master Drainage Basin Study (1986), as completed for the City of Loveland by WRC Engineering, Inc. Detention ponds within Parcel A (Wintergreen 2nd Filing) have been designed to accommodate the development this parcel with residential land uses. Additional pond capacity is being provided within this development for discharge to Dry Creek at the 2-year historic rate.

D. Electric

Service will be provided by the City of Loveland Light and Power Department.

E. Private Utilities

Commercial utilities including natural gas, telephone, and CATV will be provided by Xcel Energy, Qwest, and Comcast, respectively.

F. Irrigation Ditches

None on site.

Section 5: Public and Private Facilities

A. Parks and Open Space

This community is designed to maximize the effect of parks and open space upon the neighborhood and continue the concept that has been previously implemented within Wintergreen Village. Open play areas will be provided at the rate of one acre per hundred units. For this development, which has 224 units, 2.24 acres of play area is required, with this development providing 2.58 acres of play area. In addition 47.2% of the site area is being provided as open space.

B. Schools

The Thompson School District has not identified a school site within Wintergreen Village. As such none are being provided within this development.

C. Fire and Police

The development will be served by the City of Loveland Police and Fire Departments.

Section 6: Landscaping & Fencing

A. Overall Concept

Landscaping within this community will fit within the overall Wintergreen Village concept of xeric and naturalized plantings in traditional patterns. The primary emphasis on landscaping will be along the perimeter of the community to create a separation between this community and adjacent residential development in Parcel A, as well as Copper Ridge to the west, and Longview West to the North.

B. Edge Treatment

Landscaping: Perimeter landscaping and grading has a number of edge functions, including separation of uses, noise mitigation, recreational opportunities, aesthetic qualities, and storm drainage. There are very few areas where parking is directly visible from public rights of way. These are screened as listed below:

1. Eden Garden Drive - Parking areas are directly visible from Eden Garden Drive. These are to be screened primarily with planting materials that will be at least 3 feet higher than the parking surface within 3 years of planting.
2. W. 64th Street - The vast majority of the parking areas are screened from this street by the placement of buildings between the street and parking areas. The exception to this is at the entry into the community. Here parking spaces will also be screened with planting materials that will be at least 3 feet higher than the parking surface within 3 years of planting.
3. W 65th Street - In this case, all the parking is screened from the street through the placement of buildings between the street and parking areas, and berms along W. 65th Street.

Entries: Two entries are provided into the site, one on W. 64th Street and one on Eden Garden Drive. These are private drive entries and are enhanced with ornamental trees and perennial and shrub plantings to create an inviting entry.

Perimeter Fencing: No perimeter fencing is being proposed for this development.

C. Collector Streetscape

The treatment of the street frontage is vital to the appearance of this development and its identity.

All collector streets will be planted with a colonnade of shade trees at 30-40 foot spacing 3 feet behind the edge of the walk. This will provide a continuous canopy of trees to shade the street, public sidewalks, and serve as the first visual buffer into the development. Behind this, clusters of coniferous, ornamental, and shade trees will be mixed with masses of coniferous and evergreens shrubs to provide additional buffering, visual interest, and screening. The use of native and low water use plant species will be incorporated into the final landscape design.

D. Installation & Maintenance

The landscaped areas of the development, including perimeter areas, common open space, and entry features, will be maintained by the property owner.

Right-of-way landscaping will be installed by the developer and maintained by the property owner.

E. Water Conservation Measures

As depicted on the preliminary landscape plan, certain areas within this project will be seeded with dryland grasses, mostly on the western edge and within the bottoms of the detention ponds.

The design and species selection for the shrub beds will include the use of native and adapted drought tolerant plant material. Additional measures that will be utilized include the following:

- Grouping plants with similar water requirements together.
- Paying attention to the microclimate, i.e. using shade tolerant plant materials on the north sides of buildings.
- Increasing the amount of soil amendments from 3 to 5 cu yards per 1,000 square feet.
- Using drip irrigation in shrub beds.

F. Noise Mitigation

1. The site currently experiences low levels of noise pollution.
2. To protect against future noise pollution, a berm has been placed along W. 65th Street. The berm is being densely planted with evergreen and ornamental trees to further buffer any noise and to act as a visual barrier. Additional shrub bed screening may also be incorporated into the final landscape plan.

Section 7: Architectural and Site Requirements

A. Overall Concept

One of the most important aspects of the development's overall appearance as viewed from its edge is the appearance of the structures. All of the structures within Wintergreen 3rd have been designed with four sided architecture. This includes the use of masonry on all sides of the buildings and covered patios/ decks that provide offsets and visual interest in the facade. With this, elevations of structures visible from public rights of way are detailed to provide visual interest along the street. The buildings themselves have varying setbacks from the street to avoid a monotonous street scape. The overall design concept emphasizes the following elements:

1. An attractive streets cape to create an identity for the neighborhood, bolstering a sense of place.

2. Building form and character are be of an appropriate scale. All of the residential buildings in this development are two-story in height and feature hipped and gabled roof forms which are very compatible with future residential development in the area. Design considerations shall include the scale and form of the building's major elements, including roofs, walls, and openings. All walls are detailed with windows, masonry, and lap siding to provide full four sided architecture of the buildings.
3. Roofing materials, windows, building materials, and finish will be of a high quality, and coordinated to achieve a cohesive appearance.

B. Performance Standards

1. Residential and Accessory Buildings

- a. Roof forms are primarily hipped to reduce the overall mass of the buildings. However, gable and dutch hips are also used as accents to break up the overall mass of the buildings and to add interest to the facades. Minimum roof pitch shall be 5:12 for primary roofs and 4:12 for shed roofs at porches, etc.
- b. Architectural features are incorporated into all facades of residential structures to provide visual interest. These features include the use of windows, wall off-sets, covered entries and porches, and masonry.
- c. Detached garage structures are designed to be consistent with the materials, colors and architecture of the principal structure.
- d. All mechanical equipment located on the exterior ground level of any building or structure shall be screened from view of adjacent public streets and properties with appropriate usage of walls and/or landscape plantings

2. *Parking lot lighting shall meet the following performance standards:*

- a. Light sources are to be concealed and fully shielded and feature sharp cut-off capability so as to minimize up-light, spill-light, glare and unnecessary diffusion on adjacent property.
- b. Parking lot lighting is designed to provide the minimum lighting necessary to ensure adequate vision and comfort in parking areas and to not cause glare or direct illumination onto adjacent properties or streets.
- c. The style of light standards and fixtures are consistent with the style and character of architecture proposed on the site. Poles shall be anodized (or otherwise coated) to minimize glare from the light source.
- d. Light levels measured twenty (20) feet beyond the property line of the development site (adjacent to residential uses or public rights-of-way) do not exceed one-tenth (0.1) foot-candle as a direct result of the on-site lighting.
- e. Minimum illumination levels are no less than 0.3 foot candles along driveways and parking areas.
- f. The uniformity ratio (ratio of average to minimum illuminance) shall be no greater than four to one (4:1).
- g. The minimum Color Rendering Index (CRI) shall be 20.

- h. See the lighting plan for additional information on fixture types.

3. Materials

Building materials and forms are outlined below:

- a. Residential and Accessory Buildings:
- Siding - Includes the use of brick and hardboard lap siding as the primary siding material. Stone and other siding accents such as board and batten, or synthetic shingles may also be incorporated.
 - Roofing - For all roofs, the primary material is asphalt shingles. Standing-seam metal may be used as accents on porch roofs or dormers.

C. Minimum Setbacks

The following minimum setbacks shall apply to this development. These setbacks are measured from the nearest property or right-of-way line, unless otherwise stated.

Multi-family & Related Off-Street Parking

Building to property line / right of way:	22 feet
Building to building:	30 feet
Building to detached garage:	15 feet
Detached garage to detached garage:	10 feet (between structures; multiple garages may be in one structure)
Building to off-street parking:	15 feet
Off-street parking to ROW:	19 feet

No more than two buildings are placed in a row without changes in setback, building angle, or other similar methods to provide variety and interest along residential streetscapes.

D. Building Height

Building heights are limited to 32 feet for multi-family structures, and 30 feet for accessory buildings (such as the leasing center). The eaves of detached garages do not exceed 10 feet in height, with roof slopes to match the primary buildings. Refer to Loveland Municipal Code Section 18.54 to calculate building height.

E. Parking & Drives

All parking is located internal to the site located on private drives. The parking is visually separated from public streets with a combination of berms, landscaping, setbacks, or primarily with building placed between the public streets and parking areas.

F. Utility Connections

Unless Water and Power requirements for location of meters and other electrical equipment can be met on single family attached and any other building or three or more units per building, the following will apply:

1. For all buildings of three or more units per building, electric meters will be located centrally on or near the building.
2. The developer or his representative will be responsible for installing and maintaining the underground electric service to the meter per the National Electric Code.

Section 8: Landform Modification

This parcel has gently rolling topography, sloping generally from the northwest to the south-southeast at approximately 2.1%. There is an existing storm drainage pond located about midpoint on the south edge of the property along W. 64th Street. The development largely conforms to the existing topography, with some grade changes made to facilitate drainage, building placement, and private drives as noted below:

- Along the western edge of the development, the property has a natural ridge, with the Wintergreen side sloping east, and adjacent property sloping west. While the property line grades are maintained to preserve the natural ridge, the grade is being modified for a steeper slope to accommodate building placement and drainage. These slopes range from 5-25% with the deepest cut being approximately five feet.
- The center of the site largely matches existing grade with cuts or fills of two to three feet occurring in various spots.
- Along W. 65th Street, a berm has been placed along the right of way for privacy and noise control. This berm reaches heights of three feet from the future street.
- Along Eden Garden Drive, towards the north side of the internal private drive, the site has been raised two to three feet to facilitate drainage towards the center of the site, while the southern portion of the drive is largely at grade. There is some berming along Eden Garden Drive to provide screening and visual interest.
- Along W. 64th Street, the most notable change is repositioning of the existing detention basin slightly to the west to accommodate building placement. The detention pond itself has also been enlarged to accommodate the drainage demands of this property.

Section 9: Drainage Statement

Drainage design for Wintergreen Third Subdivision conforms to the City of Loveland Master Drainage Basin Study (1986), as completed for the City of Loveland by WRC Engineering, Inc., as well as the previous approved drainage report for the Wintergreen Second Subdivision. Water quality and detention for the full build-out of the Wintergreen Third Subdivision is provided for in the existing ponds within the Wintergreen Second Subdivision. However, additional, proposed water quality and drainage improvements are being provided for the Wintergreen Third Subdivision to meet the local and state standards in relation to water quality and best management practices. Therefore, the project will entail re-construction of the existing detention pond to the west to accommodate the proposed buildings. The detention pond re-construction will

provide for the existing 7' deep pond being re-graded to provide for a larger footprint while decreasing the pond depth to approximately 5' deep. The Wintergreen Third Subdivision will convey runoff south and into the proposed 1.60 acre-feet detention pond, where site flows will be detained and released at the historic release rate of 8.15 cfs. Pre-sedimentation basins, grass-lined swales, and proposed soft pans will be provided and utilized within the site to promote water quality and provide a mechanism for pollutants to settle out of the storm runoff, prior to flows entering the detention pond and being released downstream.

Please refer to the drainage and erosion control report for the Wintergreen Third Subdivision, as well as the Wintergreen Second Subdivision for additional details.

Section 10: Implementation

The following regulatory procedures shall apply to all development that occurs within Parcel B of the Wintergreen Village P.U.D. It is the intent of this plan to provide a mechanism by which land can be developed in a manner that encourages flexibility and innovative design of development, in compliance with other applicable land use and development regulations in effect at the time of approval of this Plan.

All land within this PDP will be governed by the provisions of the City of Loveland Site Development Performance Standards and Guidelines, unless other specific standards and provisions are set forth in this plan.

Section 11: Supplementary Regulations

A. Signs

Permitted signs: Signs permitted within this P.U.D. shall include:

1. Project Identification Signs as allowed by the City of Loveland Sign Code.
Two project identification signs are proposed, one at West 64th and Eden Garden Drive, and one at West 65th and Eden Garden Drive. These signs are a maximum of 6 feet tall at the tallest point, and have a maximum sign area of 35 square feet as defined in the City of Loveland Sign Code. Brick is the predominate material for these signs to be consistent with the project architecture. Accents of Buff Sandstone are also used. Project Identification Signs are also placed within landscaped beds to soften the effect of the signs.
2. Directional and Entry Signs. Additional entry signs may be placed at the two private drive entrances into the development, limited to one sign per entry. These signs are intended to direct visitors to the leasing center. These signs shall be designed and built to the following standards:
 - Signs must be designed to complement the Project Identification Sign in terms of colors, materials, scale, and general design.
 - Signs shall not exceed 5 feet in height.

- Signs shall not exceed 30 square feet in sign face as defined by the sign code.
3. Directional and Regulatory Signs - as needed and permitted per city code.
 4. Temporary Signs shall be permitted per the City of Loveland Sign Code.

Application: Other than as noted above, signs shall be designed and installed in accordance with the Loveland Municipal Code, with regard to size, location, height, and other applicable standards.

Section 12: Regulatory Procedures

It is the intent of this plan to provide a mechanism by which land can be developed in a manner that encourages flexibility and innovative design of residential development in compliance with other applicable land use and development regulations in effect at the time of approval of this Plan. All development and use of land within this PUD shall be governed by all applicable sections of the Loveland Municipal Code, except as expressly set forth in this plan.

IV. CONCLUSIONS/RECOMMENDATIONS

This study assessed the transportation impacts associated with the development of Ashley Estates Apartments in Loveland, Colorado. This study analyzed the transportation impacts in the short range (2016) and long range (2035) futures. As a result of these analyses, the following is concluded:

- Development of Ashley Estates Apartments is feasible from a traffic engineering standpoint. Full development of the site resulted in 1490 daily trip ends, 114 morning peak hour trip ends, and 139 afternoon peak hour trip ends.
- Current operation at the key intersections is acceptable based upon City of Loveland evaluation criteria.
- It is unlikely that peak hour signal warrants will be met at any of the stop sign controlled intersections, nor do they meet the signalized intersection spacing requirements.
- Using the short range (2016) background traffic, all of the key intersections will operate acceptably during the peak hours.
- Using the background traffic in the long range (2035) future, all of the key intersections operate acceptably, except for various movements and legs at the US287/65th St. intersection during both peak hours.
- With short range (2016) background traffic and development of Ashley Estates Apartments, all of the key intersections will operate acceptably during the peak hours. All street links meet the ACF criteria.
- With long range (2035) background traffic and development of Ashley Estates Apartments, all of the key intersections will operate acceptably during the peak hours, except for various movements and legs at the US287/65th St. intersection during both peak hours.
- Bicycle lanes exist as part of the shoulder along US287. There are bike lanes along Harrison Avenue and 65th Street, west of Harrison Avenue. There will be bike lanes on 64th Street. The sidewalk system in this area exists adjacent to developed parcels of land. As streets are improved, sidewalks will be incorporated to the standard cross sections.
- Table 8 shows a summary of the recommended improvements and the responsibility for that improvement. The short range (2016) and long range (2035) geometry is shown in Figures 12 and 13, respectively.
- No environmental or special studies are required with this development.

TABLE 8 Recommended Improvements Summary			
Improvement Description and Location	Responsible Party		
	Applicant	Background	Master Planned
SHORT RANGE (2016)			
On-site infrastructure	X		
Bike lanes striped on 64 th Street	X		
LONG RANGE (2035)			
On-site infrastructure	X		
Geometric improvements to the US287/65 th St. intersection		X	



**Development Services
Current Planning**

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ITEM NO: 4 - Regular Agenda

PLANNING COMMISSION MEETING: November 25, 2013

TITLE: Amendments to Title 18 of the Municipal Code

APPLICANT: City of Loveland, Current Planning Division

STAFF CONTACTS: Bob Paulsen, Current Planning Manager

APPLICATION TYPE: Amendments to the Municipal Code

ACTION: Legislative Action: Recommend Amendments to the Municipal Code for adoption by City Council

STAFF RECOMMENDATION: Subject to additional evidence at the public hearing, City Staff recommends the following motion:

Move to recommend that City Council approve the amendments to Title 18 of the Municipal Code as specified in the November 25, 2013 Planning Commission staff report, as amended on the record.

I. PURPOSE

A number of amendments to the zoning code have been assembled for consideration by the Planning Commission on November 25, 2013. These amendments are generally modest in size and complexity and are designed to correct minor errors, provide consistency, and to clarify use allowances in the code. These amendments have been reviewed most recently by the Title 18 Committee on November 21st; however, several of the amendments were reviewed by the Committee over the course of the last six months.

The most noteworthy of the amendments address Safety Training Facilities and Indoor Shooting Ranges. This is a topical and important matter as the City is beginning to develop plans for the

High Point Regional Training Campus on the west side of the airport property that will be accessed from Boyd Lake Avenue. The training campus is a law enforcement facility that would include an indoor shooting range and an outdoor drivers training facility. As the zoning code is silent about such facilities, the amendments are designed to clarify allowances and limitations for such uses. In addition to the proposed definitions, associated text amendments are proposed to several non-residential zones to specify allowances for these uses. Based on the recommendation from the Title 18 Committee, the only zoning district where a Safety Training Facility could locate would be in the I-Developing Industrial District as a special review use. Indoor Firing Ranges would be allowed by right in the I-Developing Industrial District and by special review in the Business, Mixed Use Activity Center, and Employment districts.

Another topic addressed by the amendments is drive-in and fast food restaurants. Currently there are two distinct definitions in the zoning code for drive-in and fast food restaurants; this situation results in confusion, so amendments are proposed to eliminate one definition and to adjust the remaining definition. The remaining definition will be combined with use citations in several non-residential zoning districts to clean up ambiguities in the code regarding restaurant use.

The final amendment addresses the scope of authority of the Zoning Board of Adjustment to approve variances. This amendment was also reviewed by the Title 18 Committee and the adjusted text reflects the Committee's recommendation.

II. SUMMARY DESCRIPTION OF THE AMENDMENTS

DEFINITIONS:

18.04.161 Fast food or drive-in restaurant defined.

This definition is proposed to be eliminated. Two definitions for "drive-in or fast food restaurant" currently exist in the zoning code. This definition is therefore unnecessary. See the next item below.

18.04.335 Restaurant, drive-in or fast food defined.

This definition has been clarified to specify that such restaurants have either food and beverage service provided directly to parked vehicles or have drive-through window service. Drive-in and fast food restaurants require special review approval in the B-Developing Business, E-Employment and I-Developing Industrial zoning districts. In association with this amended definition, adjustments have been made to the non-residential zoning districts to provide consistent terminology regarding restaurant uses.

18.04.143.6 Dwelling, two-family defined.

This definition has been amended to include detached residential units; currently, only attached units (conventional duplexes) fit this definition. The amendment will permit two detached dwelling units located on a single lot to occur in the R2, R3e, R3, B, E, and MAC zoning districts as long as setback, lot size and other applicable requirements are met.

18.04.161 Firing range, indoor defined.

Indoor firing ranges are not currently addressed by the zoning code. This definition would apply to publically or privately-operated facilities. Associated with the addition of “indoor firing range” is the inclusion of this use, as a use by right, in the I-Developing Industrial District, and the addition of “indoor firing range” as a special review use in the B-Developing Business, the MAC-Mixed-Use Activity Center District and the E-Employment District.

18.04.342 Safety training facility defined.

Safety training facility is not currently defined in the zoning code. This definition would apply to publically or privately-operated facilities. Associated with this definition is the addition of “safety training facility” as a special review use in the I-Developing Industrial District. This use would not be allowed by right or by special review in any other zoning district. The definition and associated inclusion of this use in the I-Developing Industrial District provides clarification as to which zoning district such facilities can locate within--including the City’s proposed High Point Training Facility.

BE DISTRICT-ESTABLISHED BUSINESS DISTRICT (Chapter 18.24)

Amendments are proposed to clarify the role and authority of the planning commission when reviewing a site development plan as authorized by this chapter. The amendment specifies that neighborhood meetings and public hearing must be noticed and that planning commission decisions are appealable. A minor adjustment to the design standards of the BE District concerning setback allowances for on-site parking lots adjacent to alleys is also provided.

ACCESSORY BUILDINGS AND USES (Chapter 18.48)

An amendment is provided to Section 18.48.050 relating to swimming pools that provides property owners flexibility in providing safety features that prevent unwanted access to pools. The chief building official is given authority to determine if safety features are adequate.

ZONING BOARD OF ADJUSTMENT (Chapter 18.60)

This amendment specifies that the zoning board of adjustment has the authority to approve variances to zoning code standards which are dimensional or numeric in nature (with specified limitations). The amended text broadens the scope of the ZBA’s authority to grant variances.

III. CODE AMENDMENTS

The specific text for inclusion into the code is specified in this section of the report. Proposed code changes are indicated in redline format. Following each proposed amendment, a description of the purpose of the amendment is provided in italic font.

Chapter 18.04 PURPOSE

~~18.04.161 — Fast Food or drive-in restaurant defined.~~

~~“Fast food or drive-in restaurant” means any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either inside or outside the restaurant building or for carry-out for the purpose of consumption off the premises, and whose design and principal method of operation includes at least one of the following characteristics:~~

~~—A. Foods, frozen desserts, or beverages are usually served in edible containers or in paper, plastic or other disposable containers;~~

~~—B. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises or other facilities upon the premises outside the restaurant building is allowed, encouraged or permitted;~~

~~—C. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle by a service attendant, or by other means such as a drive-up service window which eliminates the need for the customer to exit the motor vehicle.~~

Currently, the zoning code contains two definitions for Fast Food / Drive-in Restaurant. The above Fast Food definition is redundant and unnecessary. See the next item below.

18.04.335 Restaurant, drive-in or fast food defined.

A restaurant so developed that patrons can be provided with food or beverage service while remaining in their vehicle, with service provided at on-site parking spaces or through a drive-up service window or similar facility. it provides a driveway approach and service windows or facilities for vehicles to serve patrons food and beverages in a ready-to-consume state from a drive-through window. Such restaurants may or may not also have indoor or outdoor dining areas for patrons. ~~seating or parking spaces for motor vehicles to serve patrons while in the motor vehicle.~~

The adjusted language above clarifies what is meant by “drive-in or fast food restaurant.” Sonic restaurants are an example of drive-in restaurants; a restaurant with a drive-through facility would be considered a “fast food restaurant” under this definition. Fast food restaurants and drive through restaurants require special review approval in the B, E and I zoning districts. Other restaurants (standard as defined by the code) are allowed as a use by right in the non-residential zoning districts. With this new clarified definition, consistency adjustments are provided to the BE, B, MAC, E and I zoning districts to ensure that standard restaurants are allowed by right.

18.04.143.6 Dwelling, two-family defined.

“Two-family dwelling” means a building or lot containing two (2) dwelling units designed for occupancy by two (2) families living independently of each other, which has not less than one bathroom for each family and a minimum of five hundred (500) square feet per dwelling unit.~~A dwelling containing two (2) dwelling units,~~ except that if the dwelling is designed with respect to separate electric, water, and gas utility connections and common wall construction to allow each dwelling unit to be located on its own separate lot through a subdivision after issuance of the building permit, then the dwelling shall be a single-family attached dwelling, following approval of such subdivision.

The adjusted language for two-family dwelling would allow dwelling units that are detached (but located on a single lot) to be considered a “two-family dwelling.” The way the current code definition is stated, only attached units are permitted as a “two-family dwelling.” For example, the R2 zoning district allows two family dwellings by right; under the current definition, the units need to be located in a single structure. With the proposed change, two separate structures each housing a dwelling unit would be allowable if other requirements were satisfied, like setback and off-street parking requirements. This allowance will also apply to two-family dwelling units in the R3e, R3, B, E and MAC districts since two-family dwelling units are listed as a use by right in these zoning districts.

18.04.161 Firing range, indoor defined.

A completely enclosed building or group of buildings which contain facilities for the use of firearms and similar weaponry for training, testing, or recreational purposes. Such facilities may include the use of simulated weaponry and combat scenarios.

This definition is combined with the insertion of text permitting “indoor firing range” as a use by right in the I-Developing Industrial District, and identifying “indoor firing range” as a special review use in the B-Developing Business, the MAC-Mixed-Use Activity Center District and the E-Employment District.

18.04.342 Safety training facility defined.

Outdoor or partially-enclosed facility operated for the purpose of providing training or recreation relating to law enforcement, fire or emergency management, simulated combat , motor vehicle testing or training under high speeds or hazardous conditions, or similar activities that result in the creation of off-site noise, vibration, smoke, light flashes, or hazards.

This definition is combined with the insertion of text in the I-Developing Industrial District identifying “safety training facility” as a special review use. This use would not be allowed by right or by special review in any other zoning district.

Chapter 18.24

BE DISTRICT - ESTABLISHED BUSINESS DISTRICT

18.24/020 Uses permitted by right.

~~PP.—Restaurant, fast food without drive in.~~

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. Applications for development and redevelopment of structures, buildings or additions that meet the criteria specified in one or more of the numbered subsections below require site development plan approval by the planning commission at a public hearing noticed in accordance with Chapter 18.05.~~ Uses listed in Section 18.24.030 as requiring a special review and meeting the thresholds listed in one or more of the numbered subsections

below shall require a noticed neighborhood meeting and approval by the planning commission at a noticed public hearing in lieu of the special review process; notice distance shall be as specified for special review in Chapter 18.05.

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 for 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 commission shall make the findings included in this section.~~ In approving a site development plan application, the planning commission must determine that the following findings have been met:

1. The proposed development complies with the standards of this chapter and any other applicable provisions of the 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*, as updated or as provided in the most current downtown strategic planning policy document adopted by the City Council.
3. The proposed development is compatible with surrounding properties ~~while~~ when considering the allowances for development intensity specified in this Chapter and the urban orientation of the downtown which is its location in an urban environment characterized by a diversity of uses and building types.
4. Adequate infrastructure is available to serve the proposed development.

C. Planning commission decisions may be appealed in accordance with chapter 18.80 of this Title.

18.24.080 General and core character areas urban design standards

Table 18.24.080-1

Dimensional and Intensity Standards for General and Core Character Areas Only								
Use	Minimum yard requirements ^{1,3}				Open space, and lot size			
	Front	Side, Lot line ⁴	Side, right-of-way ⁶	Rear, lot line	Rear Right-of-way ⁶	Useable Open Space	Min Lot Size	Min Lot Width
One-family detached	10	5	5	10	5	None	4,000	35
One-family attached ⁴	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 ²	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 fifteen (15) feet from the face of the 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. 6. Parking setback from side or rear lots adjacent to an alley is zero (0) feet.								

Adjustments to the BE zoning district are summarized as follows:

1. *The listing of “Restaurant, fast food without drive-in” is unnecessary with the proposed amendment to “Restaurant, drive-in or fast food” in chapter 18.04 (definitions) of the zoning code.*
2. *Amendments to Section 18.24.050 requiring site development plan approval by the planning commission are designed to clarify the role of the planning commission in reviewing site development plans that must undergo a public hearing process. A noticed neighborhood meeting would be required by the amendment for uses listed as special review uses. Also, the required findings for approval are clarified and it is specified that planning commission decisions can be appealed in accordance with Chapter 18.80 of the zoning code.*
3. *Minor adjustments to Table 18.24.080-1 are provided to allow parking lots adjacent to alleys along their side lot or rear lot boundaries to occur without setback requirements, ie. “zero setback.” The need for this adjustment was identified with the recent Brinkman and Artspace projects as it was determined that parking lot setbacks in such circumstances are unnecessary.*

Chapter 18.28

B DISTRICT-DEVELOPING BUSINESS DISTRICT

18.28.010 Uses permitted by right.

N. Restaurant, standard, ~~indoor or outdoor~~;

18.28.020 Uses permitted by special review.

~~N. Restaurants and other eating and drinking places, outdoor;~~

S. ~~Restaurant, Drive-in or fast food restaurant;~~

NN. Firing range, indoor.

This adjustment provides consistency with the existing definition for “Restaurant, standard” as the definition includes both indoor and outdoor dining. Adjustment to the B District also eliminates an unnecessary definition, provides consistency with the amended definition for “Restaurant, drive-in or fast food,” and indicates special review allowance for “Firing range, indoor.”

Chapter 18.29

MAC DISTRICT – MIXED-USE ACTIVITY CENTER DISTRICT

18.29.020 Uses permitted by right.

BB. Restaurant, standard ~~indoor~~;

~~CC. Restaurant, standard outdoor;~~

18.29.030 Uses permitted by special review.

P. Firing range, indoor.

This adjustment provides consistency with the existing definition for “Restaurant, standard,” eliminates an unnecessary definition, and provides for “Firing range, indoor” as a special review use.

Chapter 18.30

E DISTRICT – EMPLOYMENT CENTER DISTRICT

18.30.020 Uses permitted by right.

U. Restaurant, standard ~~indoor or outdoor~~;

18.30.030 Uses permitted by special review.

P. Firing range, indoor.

This adjustment provides consistency with the existing definition for “Restaurant, standard, and provides for “Firing range, indoor” as a special review use.

Chapter 18.36

I DISTRICT – DEVELOPING INDUSTRIAL DISTRICT

18.36.020 Uses permitted by right.

II. Restaurant, standard (~~indoor or outdoor~~)

TT. Firing range, indoor.

18.36.030 Uses permitted by special review.

V. Safety training facility.

This adjustment provides consistency with the existing definition for “Restaurant, standard,” and allows “Firing range, indoor” as a use by right, and allows “Safety training facility” as a use by special review.

Chapter 18.48

ACCESSORY BUILDINGS AND USES

18.48.050 Swimming pools.

A. Swimming pools may be located in any zoning district as an accessory use provided that such pools are situated on a lot, tract, or parcel in a manner which is not detrimental to the health, safety and welfare of the users of the pool or the adjacent property owners.

B. All swimming pools shall be completely enclosed with a minimum of a four-foot high fence, ~~or~~ be elevated at least four feet above the ground level, have an automated pool cover, or have alternative safety features that prevent unwanted access to the pool as determined by the chief building official.

C. Gates, ladders, or entrances to the swimming pool area shall be designed to prevent people gaining access to the pool area without the owner's consent.

The additional language provided in subsection 18.48.050.B. above is designed to accommodate means of restricting unwanted access to pools not anticipated by the original code. The chief building official would have the authority to determine the if one or more safety features are sufficient.

Chapter 18.60

ZONING BOARD OF ADJUSTMENT

18.60.010 Board of adjustment established.

The planning commission shall serve as the board of adjustment for the city.

18.60.020 Powers and Duties.

The board of adjustment shall have the powers and duties to grant variances from certain standards set forth in this title 18 subject to and in compliance with this chapter and the laws of the state. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this title, the board of adjustment may vary or modify certain regulations or provisions to the title so that the spirit of the title is observed, public safety and welfare secured, and substantial justice done. The board of adjustment shall have the power to grant variances for properties within each zoning district; however, variances cannot be granted to authorize a special review use or a use not otherwise permitted within a given zoning district. The board of adjustment has the power to vary or modify the application of the regulations or provisions of this title related to the following:

~~A. Standards for lot area, lot dimensions, and setback requirements;~~ and other dimensional and numerical standards within this title, with the exception of standards relating to building height (see chapter 18.54) and limited to standards relating to signs as specified in section 18.60.040 below.

~~B. Square footage of accessory structures;~~

~~C. Percentage of open spaces; and~~

~~D. Setbacks for a freestanding sign, spacing between freestanding signs and the area for freestanding and wall mounted signs.~~

After considering if the proposed variance meets the applicable criteria in Section 18.60.030 and 18.60.040 below, the board shall take action to approve, approve with conditions or deny the application.

This amendment expands the powers of the Zoning Board of Adjustment to include the ability to approve variances for any dimensional and numerical standards specified in the zoning code, with the exception of building height standards which can only be varied by the planning commission and standards relating to signs. Allowances for sign variances are limited as specified later in Chapter 18.60. Absent this adjustment, variances to several zoning standards are not possible,

including variances for the height of fences, the number of plantings in a bufferyard, and the percentage of floor area devoted to home occupation activities.