



LOVELAND PLANNING COMMISSION MEETING AGENDA

**Monday, March 10, 2014
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

- **Election of ZBA Hearing Officer Alternate**
- **Interviews for Planning Commission position**
- **Commission interest in electronic devices**
- **Departure of Kimber Kreutzer**

c. Committee Reports

d. Commission Comments

IV. APPROVAL OF MINUTES

Review and approval of the February 24, 2014 Meeting minutes

V. REGULAR AGENDA:

1. Jayhawker Addition Annexation

This is a public hearing item on a legislative and a quasi-judicial matter. This item was continued from the March 24, 2014 Planning Commission meeting at the request of Patricia Swisher. The City of Loveland is requesting the annexation and zoning of a 33-acre area located along the south side of west First Street. The property is adjacent to the River's Edge Natural Area. The annexation is being presented as a unilateral annexation of an enclave as permitted by State law. The subject property consists of two parcels: (1) the 30.77-acre Jayhawker Pond that is owned by the City which is

proposed to be zoned PP (Public Park); and (2) the 1.82-acre site owned by Lee and Patricia Swisher which is proposed to be zoned DR (Developing Resource). The Swishers have objections to the annexation. The Planning Commission's role is to review the proposed annexation and zoning request and make a recommendation for final action by the City Council.

2. Wintergreen 2nd Sub GDP and PDP Amendment

This is a public hearing regarding quasi-judicial matters pertaining to the consideration of amendments to the General Development Plan (GDP) for Wintergreen 1st Addition PUD, and the Preliminary Development Plan (PDP) for the related Wintergreen 2nd Subdivision. Wintergreen 2nd Subdivision is an approved and platted single family residential phase of the Wintergreen 1st Addition PUD, located along the south side of West 64th Street, approximately 1,200 lf. west of North Garfield Avenue (Hwy 287). The subject property is located to the south and west of the Super WalMart. The amendments propose to adjust building design standards and setback allowances to accommodate the model homes the Applicant is building in other front-range communities and in portions of the Millennium PUD. More specifically, the adjustments include allowances for garage frontages facing the street and the protrusion of garages beyond the front living portion of the homes. The proposed adjustments are proposed for all lots in this development, regardless of lot size or lot width. The applicant is Babcock Land Corporation, Jeff Mark.

Staff believes that, if the recommended conditions are adopted, all key issues will be adequately resolved. At the neighborhood meeting, no objection was voiced concerning the proposed house designs. If the GDP and PDP are amended, staff will subsequently also amend the pertinent FDP for this development.

VI. ADJOURNMENT

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
February 24, 2014**

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on February 24, 2014 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners Middleton, Massaro, Molloy, Dowding, Crescibene, Forrest, Ray and Prior. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney.

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

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. Code Amendment status- **Mr. Bob Paulsen, Current Planning Manager**, shared that the City Council approved on first reading the code amendments that the Commission recommended for approval in late. Second reading of the ordinances will be on 3/4/14.
2. Development Center plans-City staff is looking to develop a one stop shop development review center. This effort will occur as Public Works staff moves to the expanded service center, therefore opening up a space at the Fire Administration Building on 5th Street. The purpose of the Development Center is to improve convenience and review efficiency for customers. ETA is mid-year 2015. Staff is seeking the Planning Commission and Construction Advisory Board to conduct a joint workshop this spring to obtain input from the two boards and their customers. A second workshop is planned for the latter part of the summer.
3. Development Project update-two big projects in the queue, which are both at Centerra. The Lakes at Centerra residential project and the Bass Pro retail outlet and associated development adjacent to the Promenade Shops. These projects will not be brought to the Planning Commission because the Millennium GDP allows for administrative review only.
4. Planning Commission Vacancy-one seat has not been determined. City Council will discuss this matter at the 3/4/14 meeting and make a decision on who should conduct Planning Commission interviews. Applications were accepted until 2/10/14 and have since closed.
5. **Ms. Judy Schmidt, Deputy City Attorney** announced that **Mr. John Duvall, City Attorney**, has submitted his resignation. City Council will address this item at the 3/4/14 City Council meeting.

COMMITTEE REPORTS

Commissioner Molloy shared that the Title 18 Committee discussed plans for the City Development Review Center at their last meeting. Other topics of discussion questioned how long Commissioners should serve on the Title 18 Committee, and what the goal of the Title 18 Committee should be going forward. **Mr. Paulsen** will send out summary minutes to the

Planning Commission after each Title 18 Committee meeting, held once a month. He would also be willing to send out the minutes to City council if they wish.

Commissioner Forrest spoke of the 287 corridor study and shared that there have been two meetings so far, to establish goals. There are several workshops to be held on 2/26/14 for community feedback and questions.

Chair Meyers attended a meeting organized by the City to help set priorities for a new priority based budgeting process. He shared that it was an interesting meeting and feedback would be provided by the City Council in the next few weeks.

COMMISSIONER COMMENTS

Commissioner Molloy stated that he listened to the last Planning Commission meeting and explained he took exception some of the items that were discussed, including some apparent criticism of his involvement on multiple committees. He stated he has been on the Planning Commission for seven years and has been chair, vice-chair, and the ZBA hearing officer. He felt that he has had a good reputation during his tenure on the Commission. He stated he would like to remove himself as the ZBA hearing officer alternate.

Chair Meyers stated he supports **Commissioner Molloy** and the work he has done on the Commission.

Commissioner Middleton clarified that the concern he brought up at the last Planning Commission meeting questioned if one Commissioner should serve on three different committees at the same time.

Commissioner Molloy felt he has been appropriate in his involvement on the committees and explained the only thing he gets from the committees is the satisfaction of volunteering.

APPROVAL OF THE MINUTES

Chair Meyers asked if there were any corrections needed in the January 13, 2014 meeting minutes. No corrections were requested. **Commissioner Ray** made a motion to approve the January 13, 2014 meeting minutes, upon a 2nd from **Commissioner Crescibene** the minutes were approved 8-1 with **Commissioner Molloy** recusing himself since he was absent from the January 13, 2014 meeting.

REGULAR AGENDA

1. Jayhawker Addition Annexation

Mr. Troy Bliss, City Planner II, introduced **Mrs. Swisher**, the owner of the 1.8-acre property located adjacent to the Jayhawker ponds that is included within the annexation site. **Mrs. Swisher** requested that the Jayhawker Addition Annexation project be continued to the March 10, 2014 Planning Commission meeting due to the fact that her husband was ill and unable to attend tonight's meeting. **Commissioner Middleton** made a motion to continue the Jayhawker

Addition project to the March 10, 2014 Planning Commission meeting. Upon a 2nd by **Commissioner Ray**, the motion was unanimously adopted and the item was continued.

2. Affinity/Fox Pointe Rezoning

This is a public hearing item on a quasi-judicial matter. The applicant is requesting to rezone 12.72 acres from PUD to MAC (Mixed-Use Activity Center). The property is currently vacant and is located along the west side of Lincoln Avenue between 33rd Street and Polk Drive. The rezoning and associated concept master plan would allow development of a 3-story, 155-unit apartment complex for independent senior living. The complex would consist of one building with associated amenities. The Planning Commission's role is to review the proposed zoning and concept plan and make a recommendation for final action by the City Council.

Ms. Noreen Smyth, Senior Planner, explained that the applicant is proposing an independent senior housing development. The proposal consists of one three story, 155,815 sq. ft. multifamily apartment building on a 12.73 acre lot. The development will consist entirely of rental units with residents restricted to age 55 and above. It is anticipated that the development will include 155 units, with the concept plan indicating a range of 153-165 units to allow for the mix of two bedroom, one bedroom and studio units to be decided at time of building permit. The footprint of the building would remain unchanged from that shown in the conceptual plan within this range of units. The development is intended for seniors who are able to live independently, rather than for people who need assistance with daily living.

All units within the building will have full kitchens, full laundry facilities, and all other characteristics expected in standard apartments. The property will not include features of a nature found in assisted living facilities such as on-site caregivers or a dining area with meal service. However, the intent of the development is to encourage a community lifestyle among residents and there will be a number of on-site communal facilities and services to promote this. There will be full-time and part-time staff members organizing activities for residents. Indoor and outdoor common areas are designed to allow for resident interaction. While the specific amenities may change, the intent of the applicant at this time is to include the following:

- A separate pool building with a pool, hot tub, pool changing area, woodshop and yoga studio
- An outdoor raised garden
- A barbecue area
- A walking path circulating the grounds

MAC allows the proposed use by right, the district requires a conceptual master plan to be submitted in conjunction with a request for rezoning, and the rezoning approval is subject to compliance with the associated conceptual master plan. In the event that the master plan approved with the MAC zoning does not proceed to construction, a developer would have to bring a new conceptual master plan before the Planning Commission and City Council for approval before developing the site in a significantly different manner, or with a different use, than that in the approved plan.

Commissioner Molloy asked if 37th Street would be included in the traffic study for this project. **Ms. Smyth** explained that in the 2005 traffic study, the original plan stated the traffic would be fine. She noted that plans for this development are smaller with less traffic impact.

Mr. Sean Kellar addressed traffic concerns on 37th Street. He explained senior housing typically produces 30% less traffic (via trip generation rates). The 2035 traffic plan stated the improvement on 37th Street would not be needed until 2035 and would be a \$2.4 million project.

Commissioner Massaro asked if they completed a study to ensure the increased traffic would not impact the area. **Mr. Kellar** explained that it would not be needed until 2035.

Mr. Scott Morris stated that he represents the applicant, along with **Todd Johnson**. He explained the Affinity project would be for seniors 55 years and older. He shared that there will be no health care or food service on site, making it a hybrid of an assisted living facility. Nine other Affinity projects are in operation today, including one in Lafayette and are at 95% capacity. He stated he is not seeking any variances or setbacks. He shared that the developer would be providing adequate parking.

A neighborhood meeting was held on 2/10/14 and most citizens felt this project was a much more acceptable project than those previously proposed. **Mr. Morris** pointed out that traffic flow would not be impacting peak traffic times.

Commissioner Middleton asked what the timeframe of the project would be. **Mr. Morris** explained that their building permits would be pulled around the August timeframe, after going through the process with both the Planning Commission and City Council.

Commissioner Middleton asked what the rental cost would be. **Mr. Morris** explained rental costs would range between \$1,100 and \$1,600 per month. He stated they look for a 93%-97% occupancy rate.

Commissioner Middleton asked if the applicant would be providing meter spaces for electric cars. **Mr. Morris** stated that could be considered.

Commissioner Crescibene asked how many Affinity projects have been completed. **Mr. Morris** stated the first Affinity project was started in 2009. **Mr. Morris** also explained that his company does 8-9 projects per year, and stated that since 2000, none of the other development projects have been sold; all have remained in the portfolio. All amenities are included in the rent with the exception of a garage, phone and additional storage units.

Commissioner Forrest asked if the design included sustainability options. **Mr. Morris** stated green building standards were included, but it is not a LEED certified project.

Commissioner Massaro asked if a walkway area was included in the site plan to allow for a shorter walk to shopping amenities and bus stops to the south. **Mr. Morris** stated they are attempting to work out a solution to allow for that access.

Commissioner Massaro asked if there was power to the garages, suggesting that 110v circuit would be adequate for electric cars. **Commissioner Middleton** stated that a 220v circuit would be needed.

Commissioner Forrest asked if there were any concerns regarding the retaining ponds. She questioned if there would be a concern with small children in the area. **Mr. Morris** stated the majority of the time the ponds would be dry.

Commissioner Crescibene asked how large the units are. **Mr. Morris** explained that the studios are 600 sf., 1 bedroom is about 725 sf., and 2 bedrooms are 900-950 sf. He stated that the design of the community is designed to encourage community involvement.

Chair Meyers asked if the project has a privacy/or security fence surrounds the property. Access to Lincoln would be open rather than secured. Mr. Morris indicated that there will be no security fencing and there are no plans to have on-site security personnel.

Commissioner Dowding asked for a description of the pub since there is no food service. **Mr. Morris** explained that each Thursday there would be a social gathering for a few hours and that the alcohol served would be complimentary.

Commissioner Massaro questioned about bike storage. **Mr. Morris** explained there are bike racks on site, and that most residents could store bikes in the garage.

Commissioner Ray asked why the pitch of the roof was not considered to be lower since there may be concerns about the blockage of views. **Mr. Morris** stated the architectural pitch was for aesthetics, and **Ms. Smyth** explained that the pitch and elevation met city standards. The applicant stated that a 3 story building allowed for a smaller footprint and greater green space.

Chair Meyers opened the meeting for Public Hearing.

Mr. Rob Lindley, 400 Polk Dr. thanked the Commission for their time and explained that he did not know about the original neighborhood meeting. He shared the project wasn't as bad as he thought it would be. He stated he bought his house (in the neighborhood) because of the view of the Rocky Mountains. He stated that if he sells his house, he cannot advertise the house with a view of the mountains. He stated he would be in favor of a 2 story building. He asked if the city did a study to show how much of his view would be destroyed with a 3 story building. His second concern is the traffic on North Lincoln and stated the traffic has been getting worse each year.

Commissioner Molloy explained to the applicant that most likely he would not lose value in the home, but agreed he might but might lose a selling point. He also explained that the walk to Orchards is a safe walk.

Mr. Gilbert Villavicencio , 280 Harding Court, explained that he is for the project and would feel it would be good for the neighborhood, both from a density perspective and amenities. He stated he would welcome the project.

Ms. Kathie Swanson, 264 Harding Court, stated that compared to the project that was proposed prior to this, this project is much, much better. She feels this project is a better fit for the neighborhood and knows that something inevitably will be built here. She feels this project will fill a great need in the community.

Ms. Lori Jimison, 422 Prairie Fire Dr., stated she felt development at the proposed site might consist of light commercial use, rather than residential. She had concerns about the height of the building, snow removal, and the entering and exiting from the property.

Commissioner Molloy asked about the walk to King Soopers, and wanted to know how much of the sidewalk is missing on the West side of the sidewalk. **Mr. Morris** explained that approximately 200 feet is missing.

Mr. John Davis, 298 Harding Court, stated he likes the project and shared that this would be a good fit for the neighborhood. He explained that he empathizes with property owners who will lose their view, because he lost his view when his trees grew taller.

Chair Meyers closed the public hearing.

Mr. Todd Johnson responded to the concerns addressed by the neighbors. He explained that there are areas on the site that would accommodate snow storage after removal. He stated the sidewalk on the east side of the building would be continuous. He explained the traffic study showed this project would have 20-40% less impact than the previously proposed project. He stated the supporting street network would be adequate for traffic. He stated the traffic generated by the project would primarily be off peak. A more detailed traffic study would be done to determine if a turn lane would be required along Lincoln Avenue to facilitate ingress and egress from the project.

Commissioner Molloy asked if the sidewalk on the east side would be fully extended. **Mr. Johnson** stated there would be a full connection along the project frontage on Lincoln.

Commissioner Middleton asked if the property owner would be doing the snow removal. **Mr. Morris** explained the property owner is responsible for snow removal.

Mr. Morris addressed the building height concerns and stated he takes citizen concerns seriously. He understood that it would be hard for the surrounding neighborhood to lose the open space. He explained that a two story building would create a more spread out footprint and stated the 3-story design was chosen to preserve more green space. When you consider the landscaping, setbacks and the use, the building height and impact on views was mitigated as much as possible.

Commissioner Middleton stated that he feels this is a well thought out, well managed project and feels the developer would do a great job. He likes the floor plan and foot print and would be supporting it.

Commissioner Forrest shared she also likes this project, and felt a lot of effort and care went into the design of it. The amount of landscape on the project was very well done.

Commissioner Molloy shared that the landscaping will be better managed than most residential neighborhoods, and felt it would be an asset to the neighborhood. He shared that he likes the idea that it is near The Orchards shopping center, which provides residents conveniences. He would like to see 37th Street completed sooner than later.

Commissioner Crescibene agreed it is a good project that meets the needs of the community. He felt the amenities are great and the applicant put a lot of thought into what residents would need.

Commissioner Prior stated he felt that overall the project was good. He explained he would like to see a continuance of the walkway on Lincoln as the sidewalk in front of the property to the south does not exist.

Commissioner Ray talked about the height, and explained that no height requirements had been exceeded. He agreed with the buffer setbacks at the facility and liked how it will be oriented. He stated that if the height allowances had been exceeded, he would support objections about building elevations.

Chair Meyers stated that he also would be supporting the project. He felt it provided easy access to neighborhood businesses and would help stimulate the commerce at The Orchards.

Commissioner Middleton made a motion to make the findings listed in Section IX of this report dated February 24, 2014 and, based on those findings, recommend approval of the rezoning of Lots 2 through 53, Block 1 and Tracts A through L, Fox Pointe First Subdivision, and approval of the associated conceptual master plan, subject to the condition listed in Section X of this report, as amended on the record. **Commissioner Ray** seconded the motion.

Commissioner Ray made a motion to amend the motion, to add a condition that the developer negotiate in good faith to seek an agreement with the current property owner to the south, to add a 200 foot section of sidewalk on the west side of the property to connect with pedestrian access to The Orchards shopping center. Upon a 2nd from **Commissioner Middleton** the motion was unanimously approved.

As the applicant, **Mr. Morris** was asked to accept conditions.

After a short discussion, **Mr. Morris** agreed to the conditions, both the condition in the staff report and the new, amended condition.

Vote for motion, as amended was unanimously approved.

OTHER BUSINESS MATTERS:

Commissioner Crescibene voiced support for **Commissioner Molloy** to remain on the Title 18 Committee.

Commissioner Ray strongly encouraged the City to renegotiate with Mr. and Mrs. Swisher regarding the Jayhawker property between now and March 10th.

Commissioner Massaro agreed with **Commissioner Ray**'s comments.

Mr. Paulsen explained that real time captioning transcription will be available to **Mr. Swisher** at the next Planning Commission meeting to accommodate his hearing needs, as the city takes this concern very seriously.

ADJOURNMENT

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

Approved by: _____
Buddy Meyers, Planning Commission Chairman

Kimber Kreutzer, Planning Commission Secretary



**Development Services
Current Planning**

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www.cityofloveland.org

MEMORANDUM

March 10, 2014 – Jayhawker Addition Addendum, Regular Agenda 1 (continued from February 24, 2014)

To: Loveland Planning Commission
From: Troy Bliss, City Planner II
Subject: Jayhawker Addition (PZ #13-00029)

SUMMARY

This memorandum is an update to the information provided at the February 24, 2014, Planning Commission hearing. The Planning Commission staff report and the position of staff relative to the Jayhawker annexation and zoning remain as presented in the February 24, 2014, staff report.

On Monday, February 24, 2014, the Planning Commission continued the public hearing to March 10, 2014, for Jayhawker Addition, at the request of Patricia Swisher (owner of Swisher Parcel), as a result of her husband Lee Swisher's absence. The continuation of the hearing also allowed Current Planning to further research additional accommodations that would assist in Mr. Swisher's participation due to his hearing loss. Through this research, Current Planning was able to coordinate a state-of-the-art accommodation, based on using a direct transcriptionist which provides captioning of all verbal communication on a monitor.

On Wednesday, March 5, 2014, Current Planning was informed by Lee and Patricia Swisher (see **Attachment 1**) that Mr. Swisher will not be able to attend the Planning Commission hearing on March 10, 2014. Consequently, services which were to be provided have been cancelled. Mrs. Swisher will however attend the hearing on March 10, 2014, perhaps accompanied by legal counsel. Current Planning requests that the hearing proceed so that City Council will still be able to review the Jayhawker Addition on April 1, 2013.

Additionally, at the February 24, 2014 Planning Commission hearing, questions were asked by members of the Commission regarding the City's efforts in terms of negotiations to purchase the Swisher Parcel. Included with this memorandum (see **Attachment 2**), is a communication from the City of Loveland Parks and Recreation Open Lands Division summarizing these efforts and the City's current position with respect to any associated purchase interest.

Troy Bliss

From: Troy Bliss
Sent: Wednesday, March 05, 2014 3:42 PM
To: 'p.swisher@q.com'
Subject: RE: City of Loveland-Closed Captioning for Meetings

Lee and Patricia,

Thank you for your email. I wanted to let you know that I received your email this morning. Please keep in mind that if you ever need to reach out to me, in the event there is a problem with email, I always provide my phone number in all communications. You are always welcome to call or even stop by the office, should you need to get a hold of me.

Thank you for alerting us to the fact that Mr. Swisher will not be able to attend the Planning Commission hearing on Monday, March 10, 2014, and all future meetings that would follow. This gives us sufficient time to cancel having the direct transcriptionist at the Planning Commission hearing. I certainly hope Mr. Swisher gets to feeling better and am sorry to hear of his condition. I look forward to seeing you Patricia, at the Planning Commission hearing on Monday. I wanted to let you know that we extended our preparation of Planning Commission materials to tomorrow. If you do have any information you would like included in the materials, so that the Planning Commission has time to review it, please have it to me tomorrow morning (Thursday, March 6, 2014) by 9:00 a.m. If you have any questions or need additional information, please let me know. Thank you.

Troy Bliss
City Planner II
Current Planning
Development Services
City of Loveland
(970) 962-2579
Troy.Bliss@cityofloveland.org

From: p.swisher@q.com [mailto:p.swisher@q.com]
Sent: Wednesday, March 05, 2014 6:33 AM
To: Troy Bliss
Cc: Kimber Kreutzer
Subject: Re: City of Loveland-Closed Captioning for Meetings

Mr. Bliss,

Today, I sent an e-mail to Mr. Brooks of Larimer County Planning and Building Services with copy to you concerning their pursuit of our property use on West First. I cc: to you but it came back undeliverable! However, this is the best method I have of contacting you and having a record of the contact. So, with this letter to you I will cc: to Kimber Kreutzer and hope SOMEONE gets our message.

This was the e-mail to Mr. Brooks: "Because we were given the impression when speaking with the Loveland Planning people, the County was not interested in pursuing property/property owners within enclaves of the City of Loveland. Therefore, we believed any issues with the county were not being pursued. Because the zoning/annexation of this parcel is presently in the process of consideration with the City of Loveland, I would hope the County discontinue pursuit of its issues with this property and allow the annexation/zoning continue unimpeded through the City of Loveland channels. If you have questions concerning this, please contact Mr. Bliss at the City of Loveland, but also keep us in the loop. There are issues here of which we were completely unaware."

Mr. Swisher is under his Doctor's care and, because of his serious health issues, will NOT be able to attend any more meetings and/or conferences - that includes the March 10 meeting - therefore no need for the transcriptionist. I will attend the meeting on March 10 with a short presentation and proposal. Beyond that, we are looking into hiring an attorney to advise us on various issues which we feel have clouded our ability to understand and fully participate through all that is being done in this un-necessarily complicated process regarding our rights as landowners and Americans.

Lee and Patricia Swisher

From: "Troy Bliss" <Troy.Bliss@cityofloveland.org>
To: "p.swisher@q.com" <p.swisher@q.com>
Sent: Friday, February 28, 2014 2:52:44 PM
Subject: RE: City of Loveland-Closed Captioning for Meetings

Lee and Patricia,

Thank you for your email. As we proceed through the discussion at the Planning Commission hearing, we will make it a point to mention that the conversation maintain a slow steady pace. We are hopeful that this will be a good solution to Mr. Swisher.

The transcription from the meeting in June 2013 should be available on Monday, March 3, 2014. When it is, I will be sure to email it to you.

As far as presenting information to the Planning Commission, no need to be high-tech. Any documents or information you would like them to have ahead of time, please have those to me by Tuesday, March 4, 2014, so that I can insert in their packets. Otherwise, any information would have to be given to them at the hearing which they are not going to have the time to review ahead of time. Thank you.

Troy Bliss
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From: p.swisher@q.com [mailto:p.swisher@q.com]
Sent: Thursday, February 27, 2014 3:58 PM
To: Troy Bliss
Subject: Re: City of Loveland-Closed Captioning for Meetings

Mr. Bliss,

We have looked at the one closed captioning demo (access to the other was not possible) which Lee said might work - as long as the conversation does not get too fast so he can ask for clarification, etc. on what he may not understand. We can only try this as none of us are familiar with this sort of thing.

Since you asked if we have other questions. In his June 6, 2013 letter to us, Bob Paulsen, AICP, Current Planning Manager, stated: "With the recording of the meeting, we will be able to have the meeting transcribed so a written record of the discussion can be provided to you within a few days following the meeting." To date we have not received this transcription. Please provide this early next week.

Also, for our presentation, is it permissible to go un-hi-tech and just present information, etc. to the Commission? Do we share hard copies to them? Or do we need to present it on Power Point so they can read it as we read it to them?

Lee and Pat Swisher

From: "Troy Bliss" <Troy.Bliss@cityofloveland.org>
To: "p swisher" <p.swisher@q.com>
Cc: "Kimber Kreutzer" <Kimber.Kreutzer@cityofloveland.org>
Sent: Thursday, February 27, 2014 1:22:50 PM
Subject: FW: City of Loveland-Closed Captioning for Meetings

Lee and Patricia,

I wanted to alert you as to the City's intent in moving forward on a contract with *Caption First* to provide accommodations for Mr. Swisher on **March 10, 2014**. This is a state-of-the-art system and the only alternative the City has in terms of moving forward. I would like to request a response from you by tomorrow (Friday, February 28, 2014), concerning your feedback on the demo and your thoughts on this addressing Mr. Swisher's needs. We need to begin coordinating this for the upcoming Planning Commission hearing. Please let me know if you have any questions. Thank you.

Troy Bliss
City Planner II
Current Planning
Development Services
City of Loveland
(970) 962-2579
Troy.Bliss@cityofloveland.org

From: Kimber Kreutzer
Sent: Tuesday, February 25, 2014 2:09 PM
To: 'p.swisher@q.com'
Cc: Troy Bliss; Robert Paulsen; Judy Schmidt
Subject: City of Loveland-Closed Captioning for Meetings

Good Afternoon Mrs. Swisher,

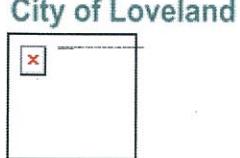
Per our conversation last night, below are links to two websites that offer demonstrations for real time captioning that we hope will accommodate Mr. Swisher's needs at future meetings with the City of Loveland. Please take a moment to review the demonstrations and provide feedback regarding these services. If you could please respond to us by the end of the week, we would greatly appreciate it so arrangements can be made to have this service in place by the March 10, 2014 Planning Commission meeting. If you have any questions, please do not hesitate to contact me at the number below. I look forward to hearing from you. Have a great day!

<http://www.captionfirst.com/Demo>

<http://captionedtext.com/client/event.aspx?EventID=99999999&ParticipantId=7ad2a58b-7f6d-4773-88f0-b02efa81a315>

Regards,
Kimber Kreutzer

Administrative Specialist
Planning Department
City of Loveland
500 E. Third Street
970-962-2523
Kimber.Kreutzer@cityofloveland.org



INTEROFFICE MEMORANDUM

TO: CITY OF LOVELAND PLANNING DEPARTMENT
ATTN: TROY BLISS
FROM: ROB BURDINE, P&R OPEN LANDS
SUBJECT: SWISHER PROPERTY ON WEST 1ST STREET IN LOVELAND
LARIMER COUNTY PARCEL #95232-00-011
DATE: 3/6/2014
CC: GARY HAVENER

Troy,

Beginning in the first quarter of 2012, Parks and Recreation Open Lands Staff initiated contact with the property owners of the above-referenced 1.61-acre parcel of land regarding a possible purchase. Since that time, several verbal and written offers to purchase the subject property were declined by the owners. In October 2013, Open Lands staff received a voice mail message from the property owners requesting that staff cease contact with them regarding a possible sale of the property. It is the City's Open Lands acquisition policy to only work with willing sellers.

Parks and Recreation is still interested in purchasing the property at "fair market value" and is willing to proceed with an appraisal as a basis for future discussions and completion of a sale.

Rob Burdine
Open Lands Manager



**DEVELOPMENT SERVICES
Current Planning**

500 East Third Street, Suite 310 • Loveland, CO 80537
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MEMORANDUM

TO: City of Loveland Planning Commission

FROM: Brian Burson, Current Planning Division

DATE: March 10, 2014

RE: GDP and PDP Amendments for Wintergreen 2nd Subdivision PUD

SUMMARY:

Item #2 on the Regular Agenda for March 10, 2014 is proposed amendments to the General Development Plan and Preliminary Development Plan for Wintergreen 2nd Subdivision PUD. These amendments are solely related to side yard setbacks and certain architectural requirements for the only single-family portion of this PUD that has been developed. Since scheduling the hearing, Current Planning staff have continued to consider and discuss the adjustments requested by the new Developer. These efforts have resulted in what staff believes are potential solutions that could be handled as minor amendments, therefore an administrative matter. In order to allow time to further pursue these potential solutions, the Developer has agreed to request a continuance of this hearing until another date certain. Staff agrees with this request.

STAFF RECOMMENDATION:

Recommended Motion:

“Move to Open and Continue the March 10, 2014 hearing for the Wintergreen 1st Addition PUD-General Development Plan Amendment #4; and, Wintergreen 2nd Subdivision, Preliminary Development Plan-Amendment #1 to the Planning Commission meeting of March 24, 2014 at 6:30 pm”.



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MEMORANDUM

March 10, 2014 – Jayhawker Addition Addendum, Regular Agenda 1 (continued from February 24, 2014)

To: Loveland Planning Commission
From: Troy Bliss, City Planner II
Subject: Jayhawker Addition (PZ #13-00029)

SUMMARY

This memorandum is an update to the information provided at the February 24, 2014, Planning Commission hearing. The Planning Commission staff report and the position of staff relative to the Jayhawker annexation and zoning remain as presented in the February 24, 2014, staff report.

On Monday, February 24, 2014, the Planning Commission continued the public hearing to March 10, 2014, for Jayhawker Addition, at the request of Patricia Swisher (owner of Swisher Parcel), as a result of her husband Lee Swisher's absence. The continuation of the hearing also allowed Current Planning to further research additional accommodations that would assist in Mr. Swisher's participation due to his hearing loss. Through this research, Current Planning was able to coordinate a state-of-the-art accommodation, based on using a direct transcriptionist which provides captioning of all verbal communication on a monitor.

On Wednesday, March 5, 2014, Current Planning was informed by Lee and Patricia Swisher (see **Attachment 1**) that Mr. Swisher will not be able to attend the Planning Commission hearing on March 10, 2014. Consequently, services which were to be provided have been cancelled. Mrs. Swisher will however attend the hearing on March 10, 2014, perhaps accompanied by legal counsel. Current Planning requests that the hearing proceed so that City Council will still be able to review the Jayhawker Addition on April 1, 2013.

Additionally, at the February 24, 2014 Planning Commission hearing, questions were asked by members of the Commission regarding the City's efforts in terms of negotiations to purchase the Swisher Parcel. Included with this memorandum (see **Attachment 2**), is a communication from the City of Loveland Parks and Recreation Open Lands Division summarizing these efforts and the City's current position with respect to any associated purchase interest.

ATTACHMENTS

1. Email communications between City staff and Lee and Patricia Swisher
2. City of Loveland Parks and Recreation Open Lands Memorandum

Troy Bliss

From: Troy Bliss
Sent: Wednesday, March 05, 2014 3:42 PM
To: 'p.swisher@q.com'
Subject: RE: City of Loveland-Closed Captioning for Meetings

Lee and Patricia,

Thank you for your email. I wanted to let you know that I received your email this morning. Please keep in mind that if you ever need to reach out to me, in the event there is a problem with email, I always provide my phone number in all communications. You are always welcome to call or even stop by the office, should you need to get a hold of me.

Thank you for alerting us to the fact that Mr. Swisher will not be able to attend the Planning Commission hearing on Monday, March 10, 2014, and all future meetings that would follow. This gives us sufficient time to cancel having the direct transcriptionist at the Planning Commission hearing. I certainly hope Mr. Swisher gets to feeling better and am sorry to hear of his condition. I look forward to seeing you Patricia, at the Planning Commission hearing on Monday. I wanted to let you know that we extended our preparation of Planning Commission materials to tomorrow. If you do have any information you would like included in the materials, so that the Planning Commission has time to review it, please have it to me tomorrow morning (Thursday, March 6, 2014) by 9:00 a.m. If you have any questions or need additional information, please let me know. Thank you.

Troy Bliss
City Planner II
Current Planning
Development Services
City of Loveland
(970) 962-2579
Troy.Bliss@cityofloveland.org

From: p.swisher@q.com [mailto:p.swisher@q.com]
Sent: Wednesday, March 05, 2014 6:33 AM
To: Troy Bliss
Cc: Kimber Kreutzer
Subject: Re: City of Loveland-Closed Captioning for Meetings

Mr. Bliss,

Today, I sent an e-mail to Mr. Brooks of Larimer County Planning and Building Services with copy to you concerning their pursuit of our property use on West First. I cc: to you but it came back undeliverable! However, this is the best method I have of contacting you and having a record of the contact. So, with this letter to you I will cc: to Kimber Kreutzer and hope SOMEONE gets our message.

This was the e-mail to Mr. Brooks: "Because we were given the impression when speaking with the Loveland Planning people, the County was not interested in pursuing property/property owners within enclaves of the City of Loveland. Therefore, we believed any issues with the county were not being pursued. Because the zoning/annexation of this parcel is presently in the process of consideration with the City of Loveland, I would hope the County discontinue pursuit of its issues with this property and allow the annexation/zoning continue unimpeded through the City of Loveland channels. If you have questions concerning this, please contact Mr. Bliss at the City of Loveland, but also keep us in the loop. There are issues here of which we were completely unaware."

Mr. Swisher is under his Doctor's care and, because of his serious health issues, will NOT be able to attend any more meetings and/or conferences - that includes the March 10 meeting - therefore no need for the transcriptionist. I will attend the meeting on March 10 with a short presentation and proposal. Beyond that, we are looking into hiring an attorney to advise us on various issues which we feel have clouded our ability to understand and fully participate through all that is being done in this un-necessarily complicated process regarding our rights as landowners and Americans.

Lee and Patricia Swisher

From: "Troy Bliss" <Troy.Bliss@cityofloveland.org>
To: "p.swisher@q.com" <p.swisher@q.com>
Sent: Friday, February 28, 2014 2:52:44 PM
Subject: RE: City of Loveland-Closed Captioning for Meetings

Lee and Patricia,

Thank you for your email. As we proceed through the discussion at the Planning Commission hearing, we will make it a point to mention that the conversation maintain a slow steady pace. We are hopeful that this will be a good solution to Mr. Swisher.

The transcription from the meeting in June 2013 should be available on Monday, March 3, 2014. When it is, I will be sure to email it to you.

As far as presenting information to the Planning Commission, no need to be high-tech. Any documents or information you would like them to have ahead of time, please have those to me by Tuesday, March 4, 2014, so that I can insert in their packets. Otherwise, any information would have to be given to them at the hearing which they are not going to have the time to review ahead of time. Thank you.

Troy Bliss
City Planner II
Current Planning
Development Services
City of Loveland
(970) 962-2579
Troy.Bliss@cityofloveland.org

From: p.swisher@q.com [mailto:p.swisher@q.com]
Sent: Thursday, February 27, 2014 3:58 PM
To: Troy Bliss
Subject: Re: City of Loveland-Closed Captioning for Meetings

Mr. Bliss,

We have looked at the one closed captioning demo (access to the other was not possible) which Lee said might work - as long as the conversation does not get too fast so he can ask for clarification, etc. on what he may not understand. We can only try this as none of us are familiar with this sort of thing.

Since you asked if we have other questions. In his June 6, 2013 letter to us, Bob Paulsen, AICP, Current Planning Manager, stated: "With the recording of the meeting, we will be able to have the meeting transcribed so a written record of the discussion can be provided to you within a few days following the meeting." To date we have not received this transcription. Please provide this early next week.

Also, for our presentation, is it permissible to go un-hi-tech and just present information, etc. to the Commission? Do we share hard copies to them? Or do we need to present it on Power Point so they can read it as we read it to them?

Lee and Pat Swisher

From: "Troy Bliss" <Troy.Bliss@cityofloveland.org>
To: "p swisher" <p.swisher@q.com>
Cc: "Kimber Kreutzer" <Kimber.Kreutzer@cityofloveland.org>
Sent: Thursday, February 27, 2014 1:22:50 PM
Subject: FW: City of Loveland-Closed Captioning for Meetings

Lee and Patricia,

I wanted to alert you as to the City's intent in moving forward on a contract with *Caption First* to provide accommodations for Mr. Swisher on **March 10, 2014**. This is a state-of-the-art system and the only alternative the City has in terms of moving forward. I would like to request a response from you by tomorrow (Friday, February 28, 2014), concerning your feedback on the demo and your thoughts on this addressing Mr. Swisher's needs. We need to begin coordinating this for the upcoming Planning Commission hearing. Please let me know if you have any questions. Thank you.

Troy Bliss
City Planner II
Current Planning
Development Services
City of Loveland
(970) 962-2579
Troy.Bliss@cityofloveland.org

From: Kimber Kreutzer
Sent: Tuesday, February 25, 2014 2:09 PM
To: 'p.swisher@q.com'
Cc: Troy Bliss; Robert Paulsen; Judy Schmidt
Subject: City of Loveland-Closed Captioning for Meetings

Good Afternoon Mrs. Swisher,

Per our conversation last night, below are links to two websites that offer demonstrations for real time captioning that we hope will accommodate Mr. Swisher's needs at future meetings with the City of Loveland. Please take a moment to review the demonstrations and provide feedback regarding these services. If you could please respond to us by the end of the week, we would greatly appreciate it so arrangements can be made to have this service in place by the March 10, 2014 Planning Commission meeting. If you have any questions, please do not hesitate to contact me at the number below. I look forward to hearing from you. Have a great day!

<http://www.captionfirst.com/Demo>

<http://captionedtext.com/client/event.aspx?EventID=999999999&ParticipantId=7ad2a58b-7f6d-4773-88f0-b02efa81a315>

Regards,
Kimber Kreutzer

Administrative Specialist
Planning Department
City of Loveland
500 E. Third Street
970-962-2523
Kimber.Kreutzer@cityofloveland.org



City of Loveland



INTEROFFICE MEMORANDUM

TO: CITY OF LOVELAND PLANNING DEPARTMENT
ATTN: TROY BLISS
FROM: ROB BURDINE, P&R OPEN LANDS
SUBJECT: SWISHER PROPERTY ON WEST 1ST STREET IN LOVELAND
LARIMER COUNTY PARCEL #95232-00-011
DATE: 3/6/2014
CC: GARY HAVENER

Troy,

Beginning in the first quarter of 2012, Parks and Recreation Open Lands Staff initiated contact with the property owners of the above-referenced 1.61-acre parcel of land regarding a possible purchase. Since that time, several verbal and written offers to purchase the subject property were declined by the owners. In October 2013, Open Lands staff received a voice mail message from the property owners requesting that staff cease contact with them regarding a possible sale of the property. It is the City's Open Lands acquisition policy to only work with willing sellers.

Parks and Recreation is still interested in purchasing the property at "fair market value" and is willing to proceed with an appraisal as a basis for future discussions and completion of a sale.

Rob Burdine
Open Lands Manager

Jayhawker Addition Annexation Meeting
June 18, 2013
City of Loveland
Current Planning Conference Room

Attendees:

Troy Bliss-Planner II

Greg George: Director of Development Services

Kimber Kreutzer-Administrative Specialist-Current Planning

Mr. Lee Swisher

Mrs. Pat Swisher

Troy Bliss: So does that help, can you hear okay with that?

Mr. Swisher: Well, I can hear but I don't know how well

Troy Bliss: Okay

I appreciate you taking the time to come by this morning and talk with us. So thanks for taking the time out of your day, I appreciate that.

We've got one other individual joining us here shortly; his name is Greg George. He is the director of this department, so we'll wait for him before we get started.

While we are waiting, I will give you a copy of the map that has been put together showing the properties that we are talking about. Your property is right here. This is the city property report referred to the Jayhawker Ponds that you probably know.

Mrs. Swisher: And these two Jayhawker Ponds are the ones you're going to talk about annexing?

Troy Bliss: Correct.

Mrs. Swisher: Are these something you've just acquired through recent....?

Troy Bliss: The city has owned them, I'm not sure how long the city has owned those properties, but they have been in the county for quite some time and there is interest in bringing them into the city.

Greg George: Hello, I'm Greg George; I am the Director of Development Services.

Mrs. Swisher: Nice to see you, this is my husband Lee.

Greg George: Hi Lee, how are you?

So we are here to talk to you about your property over on 1st Street. We recently had an application submitted by our Parks and Recreation department to annex....

Ms. Swisher: Can you speak up?

Greg George: Is that working?

Mr. Swisher: It's either too loud or...but go ahead.

Greg George: Okay, if you can't hear, just raise your hand and we'll speak louder. Um, we want to talk about your property at 1st St. Now we recently got an application from Parks and Recreation department, to annex the city property around it, including the Jayhawker Ponds which is right next to your property. We have an intergovernmental agreement with Larimer County, it's been in effect for many years and that intergovernmental agreement provides advantages to both the county and the city with respect to how both governments do business, basically. One of the advantages to Larimer County is that we agreed to in the IGA is to aggressively pursue the annexations that are enclaves. An enclave is something that has been completely surrounded by the city for more than three years. And the reason the county amended that in the IGA is because it really helps them as far as providing services, particularly sheriffs and other things. When we get a county enclave in the middle of the city, officially our police don't respond to calls there, it has to be a county sheriff because we have no jurisdiction. And so our agreement with Larimer County is that when we have an opportunity to annex an enclave, we will do that. The Colorado state statutes allow a municipality like Loveland, to annex an enclave when the definition which I gave you is in state law, has to be completely surrounded by the city for more than three years.

Without the approval of the land owner, there are some conditions on that. One of the important conditions is if the city elects to do that, then we cannot put any special conditions on the annexation. The only thing we can do is annex it and we have to zone property when we annex it. We can't put any special conditions on the uses that are on the property or anything like that, it has to be just a straight annexation. So that's, what we are proposing to do, and I think Troy has a copy. This is the annexation map the Parks and Recreation department submitted and you will see your property there in the corner is not included.

What we want to do is, and we will pay for all of this, it won't cost you anything. We are going to have this consultant who drew this map, modify this annexation map and include your property and then we will proceed with that. One opportunity you do have we, we can't put any special conditions on the annexation of your property, but if you would like us to consider something you want us to agree to, for example, some provision for the existing use to continue for a certain period of time, or to give, you know, and you'll have to think about this probably after this meeting. This means that we would be open to reaching some agreements with respect to your property that we both can agree on.

We want to talk a little bit about zoning and I can't make any commitments today on what we might zone the property, but I would like to know if you were going to redevelop that property. Whatever zoning we put on that property today is not going to have any effect on the existing use, that is going to be grandfathered in when it comes when it comes to the city. But if you were going to redevelopment, then, the zoning would be important. So I want you to think a little bit about if you ever redevelop the property, what kind of a use you would think is appropriate, it is located on 1st Street, there is some commercial right around the corner on Taft and 1st. Most of the property adjacent to you is either zoned public park or developing resource which is an open space kind of zoning, so I want you to think about that a little bit, what kind of zoning you would prefer.

There's some other things I wanted to clarify the may be of some confusion and Troy has done a lot of research on this. The property is zoned FA in Larimer County and approximately, I don't know if we have

any maps that show that, approximately as it's mapped by FEMA. The property is mapped showing approximately eighty to eighty-five percent of it being in the floodway.

Troy Bliss: This is the floodway line right here, which you can see everything back in here, is in the floodway. This is the only piece that is outside of the floodway.

Greg George: So there are some development constraints there, that's not really important right now, that is just information that we discovered. What it would do is, let's say you ever would redevelop it, under FEMA regulations, and our regulations here at the city, we can't allow any new structures in the floodway. And so that is a constraint that we have to recognize, and something you ought to consider. As far as zoning and annexing, that would come into play later if you ever wanted to redevelop, you would have some difficulty with that designation by FEMA, as being in the floodway. And that is why a lot of the property around yours is zoned developing resource which is kind of an open space zone. It's used to protect sensitive property like natural habitats and areas in floodways, and flood fringes, and things like that.

The commercial stuff on the corner was developed a long time ago, and I don't know if it shows that it is in the floodway also.

Troy Bliss: No, you can see, here is the flood line that comes down to here so all of that piece is not.

Greg George: So probably prior to these maps being revised, I think FEMA revised their floodplain maps probably 8 years ago, this was already developed and they went out and filled this, which now would be no longer allowed in the floodway. That was just some information I wanted to pass along so you know about that. That's what we would like to proceed with, we would hopefully be able to satisfy some of your needs so this is easier to do, but the city can do that and the city manager has given us direction in order to comply with the IGA with Larimer County. That is important to us to keep a good relationship with the county and go ahead and proceed under our authority under state statutes.

Mrs. Swisher: Do you have your agreement with, in written form, your agreement with Larimer County as well as the state statutes that we can have a copy of.

Greg George: Yes, we can get you that information.

Mrs. Swisher: Okay. Now, do we have an appeal process once this annexation is begun? In other words, lots of times you'll have public input, you have our input, but since this is a forced annexation what is the difference?

Greg George: Yes, just like all annexations, there will be a public hearing in front of the Planning Commission and City Council. I want to state again that there will be no cost to you; the city will cover all the costs of all this stuff. We will notify the neighborhood, and yourselves. The Planning Commission will make a recommendation, so that's kind of an appeal if you are opposed to this, you can come to the Planning Commission meeting and bring people with you, representing your interest to argue to the Planning Commission that you don't want to be annexed; and don't annex us.

The final decision is made by City Council, which is another public hearing, you can do the same thing there, and it's up to Council. They could very well say, well, it's going to create a hardship on these property owners and we don't really see the need, and they would not approve it. Beyond that, there

would have to be litigation. If the Council does approve the annexation your only recourse at that point would be litigation in Larimer County district court.

Mrs. Swisher: Okay, so I am assuming that once the annexation process begins, we can make some agreements in that annexation as to the things that are important to us and to future owners of the property.

Greg George: Yes.

Mrs. Swisher: As far as how it's zoned and how it's used.

Greg George: Yes, and we would encourage you to do that because what we are hoping to accomplish here is when we go to the Planning Commission, we can have some special agreements, in the annexation ordinance itself, and we can say the property owner is okay with this annexation agreement provided that these things remain. And then it will go to the Council that way so we don't have a big uproar at Council. We are going to work with you the best we can to reach an agreement.

Mrs. Swisher: Now what benefit will this annexation be to us?

Greg George: The only thing I can tell you is if it wasn't in the floodway, you would have an opportunity to develop your property, probably with some sort of a commercial use. To be honest with you, if you ever came in and wanted to redevelop it, either in the city or in the county, you would have some real problems because of the floodway designation.

Mrs. Swisher: Not this little portion right up here apparently is not in the flood plain.

Greg George: Yes.

Mr. Swisher: No, there is an area there that is not in the flood plain.

Greg George: Yes, there is.

Mr. Swisher: So that is buildable there.

Greg George: Yes, it is. It all depends on how big it is. There could be some buildable area. If somebody ever comes in and wants to redevelop it, you would have to go through a process with the county or the city, where you do a site plan, and you would locate that line more precisely and then whatever you could squeeze on there, if it meets the county standards and city standards for setbacks and things like that, it could be approved. There could be some development there.

Mrs. Swisher: Okay.

Mr. Swisher: What is the regulation on the fill?

Greg George: Well, FEMA will not and the city can't allow any fill within what's designated as the floodway.

Mrs. Swisher: Why?

Greg George: Because that is the area where, if we have a 100 year flood, there are two designations that FEMA places on private property. One is the floodway, one is the flood fringe. The floodway is if we have a 100 year flood, that's where you will have fast moving water, coming down through that area. Now that is FEMA's mapping, we don't do this, FEMA does. The reason you can't put any structures in there, you also can't put any equipment or anything that would be swept away with flood water, is because it causes worse flooding and things get trapped under bridges, and things like that. So what they try to do is, they try to keep the floodway clear coming through a city. So if there is a flood, the waters have a free flow, down under bridges and over property, wherever it's going to go, and you don't get a lot of debris and that sort of thing. That is the common sense part of it.

The flood fringe is an area where you can build. You have to demonstrate that, you first have to fill it up above the elevation of the flood, and you have to demonstrate in filling it you're not going to create worse flood situations downstream. So we do have some development that happens in the flood fringe, but in the floodway it's an area that the federal government says, and we've adopted our own regulations consistent with that, is that you have to keep it open and free to accept flood waters.

Mr. Swisher: Do you have any, do you have the official information we could have?

Greg George: Yes.

Mr. Swisher: Where do we find it?

Greg George: So I am writing this down, you wanted a copy of the state statute and the IGA, and you also wanted a copy of the FEMA flood map. We will give you their regulations too, okay? It is required by the federal government, we had to create overlay zones. We have an overlay zone called the floodway, and we have an overlay zone called the flood fringe. FEMA has reviewed what our zoning will allow, basically, our zoning is consistent with FEMA regulations for the floodway. It says, nope, we can never issue a building permit for a building, we can't allow any use in there as storage for outside things that could float away and stuff like that. It's probably the most restrictive regulation we have in the city is the floodway.

Mrs. Swisher: It's very restrictive.

Greg George Yes.

Mrs. Swisher: No you said, go back on this map, this is floodway, here? Outside this area?

Troy Bliss: You can see the line, it's labeled on this plan, as floodway. So this is the actual floodway line, it kind of jogs through the property a little bit like this.

Mrs. Swisher: But you are coming this direction, from this.

Troy Bliss: Yes, everything on this side is considered all to be in the floodway.

Greg George: And this is kind of a different area. Typically you'll see a floodway, and outside that you'll see the flood fringe. That's typical. In this particular area, the flood fringe line and the floodway line are coincidental. They are the same. And it's because it's coming through an urban area, there has been a lot of constriction all the way through and so these lines are the same. So there really is no flood fringe in this area that I know of.

Mrs. Swisher: My concern was why we didn't have a fringe area.

Greg George: Yes.

Mr. Swisher: Is that contestable?

Greg George: The only way that can be changed is through FEMA.

Mr. Swisher: The regulation will spell this out. It's just, everything has to have a process.

Greg George: There is a process, unless FEMA changes it's maps, we don't have the expertise to do that. There is a process that FEMA has, and as you can imagine, it takes a long time and it's through the federal government and they did just recently, which is recent for FEMA, to remap an urban area like this, I think it was about 9 years ago, they came in and remapped, they did some studies, and remapped the floodplain, including the flood fringe and the floodway all the way through the Big Thompson floodplain. They remapped it all the way through our city. And before that they recognized that it was not accurate because there had been a lot of stuff done over the years. So there is a process, we can even give you a contact to call FEMA, talk to them about it, go visit them or whatever you would like to do. It's not easy.

Mrs. Swisher: Once this is annexed and you set up some sort of zoning on it, and your property is annexed and becomes part of this whole park, what kind of controls are you going to put onto the park area that is going to protect the park, keep the people from running their dogs loose like they do now. Disturbing the wildlife, and what are you going to do to maintain all the grasses and the weeds in the areas.

Greg George: That is a great question.

Mr. Swisher: You've got weeds waist high in places. That is a fire hazard.

Mrs. Swisher: It is a fire hazard.

Greg George: I would like the people from our Parks and Recreation department who are managing this project to sit and listen what you are going to tell them. I will be gone for just a second. I am going to walk over there and see if Rob or somebody, who is in charge of this project, is available. I will let him answer that question. Okay?

Mrs. Swisher: Okay, that would be good because there is a huge concern here.

Troy Bliss: While Greg is doing that I will share with you some of the maps here so you have a visual of what we have been talking about in terms of the enclave status. This is of course the property as it relates to our zoning map.

Mrs. Swisher: Okay.

Troy Bliss: Everything that you see in the white colors is properties that have not been annexed into the city. They are still county parcels. When Greg was talking about an enclave, an enclave is defined as being completely surrounded by the city. Everything in color is properties that fall in city limits. So you can see this piece is defined as an enclave because everything around it is zoned in part of the city. So I just

wanted to point that out in case you were questioning what, what is he talking about when he keeps saying, "enclave".

Mrs. Swisher: uh-huh

Troy Bliss: And who you are considered and enclave so that is the reason right there. The zoning map helps illustrate that a little bit better.

Mrs. Swisher: So I have a question then. If we are talking about enclaves and talking about annexation of one piece of property and it looks like, as long as you are looking at a property, which this is ours, what about these properties in here?

Troy Bliss: Yes, there are those....

Mrs. Swisher: Are those also going to be forcibly annexed?

Troy Bliss: At some point the city can go in and do so.

Mrs. Swisher: And why not now? There is a difference here. This is a huge 20 acre lake that the sportsman club has and apparently there was no agreement when this initially came up to purchase or use it in some fashion. We want everyone to be treated fairly.

Troy Bliss: Absolutely, there probably will be a push at some point, to annex those because like Greg said, that is part of the Intergovernmental Agreement that we have with Larimer County in which to annex all of these remnant pieces in enclaves around the city. So, while we can't do them all at once, we are periodically proceeding to do that, over time. And they also have to qualify by being completely surrounded by the city for at least 3 years. So we have to go back and do research to determine that is actual the case. I know some of these properties were just recently annexed into the city not too long ago so I don't know if that 3 year time limitation applies.

Mrs. Swisher: I see.

Rob Burdine: I'm Rob, good to meet you.

Mrs. Swisher: This is Lee, and I'm Pat.

Greg George: He is with our Parks and Recreation department, and he is managing this whole new project over there.

Rob Burdine: The Rivers Edge/Jayhawker Ponds is under my management.

Mrs. Swisher: Okay. One of the things that, we are talking about annexing the Jayhawker Ponds and they also want to include our property which is this little piece right here.

Rob Burdine: Okay, I am familiar with it.

Mrs. Swisher: We have, and this has been an ongoing problem for many years.

Rob Burdine: When you say problem, what do you mean, exactly?

Mrs. Swisher: All of this land here is just really wide open, people have used it, they bring their dogs, ride their bicycles through here. A lot of the time they are parking over here on private property. And that seems to be rather encouraged by the city because they don't make any sort of way for people to park on city property. But that is a moot point I guess.

Rob Burdine: That is developing now with the development of Rivers Edge, and we are connecting the two sites.

Mrs. Swisher: Okay

Rob Burdine: So they are making a parking area...

Greg George: They are developing a parking area; do you know where Railroad Ave is?

Mrs. Swisher: Yes.

Greg George: That is where there is going to be, yes, a parking area.

Mrs. Swisher: But what we find to be rather distressing is the fact that none of the weeds and the grasses have been maintained in a safe fashion. Right now we have got cheatgrass that is about this tall and it is dry as a bone.

Rob Burdine: Right.

Mrs. Swisher: About 4th of July we just hold our breath, every, single year that someone is going to set a rocket off and it's going to come over here and burn everything to cinders. So we were wondering in the process of this whole thing what the city's plans are going to be for maintaining, not only the weeds and the grasses, but how are they going to patrol the area to make sure the dogs are on the leashes, and not chasing the wildlife. People are jumping in the ponds.

Rob Burdine: Understand.

Mrs. Swisher: Where they are not supposed to.

Rob Burdine: We are developing a maintenance plan for the site right now. And one thing we are looking at is the weed control issue. I've taken this growing season and identified the weeds that are on my site, and I am currently working with the county weed crews, we are going to contract with them to control the weeds for us this year and probably next year. I have seen the cheatgrass and I have it all over my shoes and I understand the problem with cheatgrass. There is also mustard grass, and thistle, so what we are doing right now is kind of developing an understanding of what is there, and how we want to manage it going forward. We are going to try and contract with the county until we have our own maintenance crew for our open space areas. Right now we use some of the parks guys to help maintain our areas but we don't have a true maintenance program yet.

That is why they brought me here, is part of the reason, to try and grow that part of our program. We have properties but we really haven't opened them up to the public yet or created a management program for certain sites, we are developing that as we go. This site specifically, the weeds are not just a concern of yours but also a concern of mine. We want to be good stewards, good neighbors to everyone who surrounds us. So it is our responsibility to create fire breaks, if that is needed around your property, or

control the noxious weeds so they don't blow into someone else's property. That would be, that is not a good neighbor as far as I'm concerned.

The other thing with the trails and the leash laws, I am working with the police department right now but I still haven't gotten a good idea as to who is going to help us patrol this site. I think once these issues start becoming more prevalent, then they are really going to have to pay attention to us.

Mrs. Swisher: They are, they are.

Rob Burdine: Right now I haven't gotten good response from them. Right now I have a plan in my budget to hire a ranger but that is not until 2018. So I am not scheduled to have that position developed yet, so I am going to have to fill those gaps temporarily with our police department. We are currently working on some kind of an agreement with them.

As far as wildlife issues, and fishing regulations, and those kind of things, Colorado Parks and Wildlife game warden visits the site 2 to 3 times weekly right now and plans on stopping by almost on a daily basis once we open. So any type of wildlife issues or illegal fishing or anything that has to do with a wildlife component, Colorado Parks and Wildlife will be responding and handling those matters. I don't have a good answer for you yet be we are working on that.

Mrs. Swisher: Good. It is a huge issue, and I don't know whether you have, I'm sure your resources are limited, but you are planning to open it this fall, according what I read in the paper. This is really paramount that you get some of these issues under control. There is an abundance of wildlife down there, birds of all kinds. I saw a dog the other day chasing the birds. I could have gone over there and told the person to please get your dog on a leash and leave.

Rob Burdine: The site is closed to the public so anyone on there is trespassing at this point. We had some trespassers last night who our contractor asked to leave. He ended up calling the police but our police department never responded so we really need to work with them going forward and try to make them understand that these needs are only going to grow, once we open this site. We have them now and the site is closed to public access. I share your concerns and we will work on those issues, we will resolve those.

Mrs. Swisher: Good. Thank you, I appreciate that.

Rob Burdine: You're welcome. The weed management, I hope you understand this isn't something we can take care of this year or next year, it's going to be a long process.

Mr. Swisher: If there is a fire though, that's just one of those things we just couldn't do anything about.

Rob Burdine: No, I didn't say that, we could maintain a fire break around your property for sure.

Mrs. Swisher: Yes, I was going to ask if it is possible to have, I know it is horribly hard to mow the cheatgrass; it does wonders to a mower. But if you could get in there and at least mow away from the fence line all the way around it.

Rob Burdine: Sure. We do that on other properties that we abut or are adjacent to throughout the city. And we can certainly get that on our schedule. At this time I haven't had our crews in there to do any type of maintenance because we have been under construction. As soon as we open for the public, you will

see our guys there on a regular basis maintaining the site, cutting fire breaks, mowing along the trails, those types of things.

Greg George: If that is a concern then maybe parks can respond to that, that is something we could consider but I would have to let Parks make that final decision. It could be in the annexation agreement, that the city would maintain a fire break around your property. And it would have to be described 10' wide by whatever, and they could come in with a weed whacker or whatever works. But those are the kind of things that could agree to in an annexation agreement which would give you some certainty and give us some direction.

Rob Burdine: We could do something now if it is a concern now.

Mr. Swisher: Last year there were tumbleweeds that were waist high and I got on the other side of the fence and got rid of them. But all the seeds are on our side now. So we have another problem that needs to be taken care of.

Greg George: Why don't we let Rob think about that and he will have to talk to Gary who is the director and they may be able to go out and do something in the interim right now to fix the problem for you, even before we go through with this annexation. We will report back to you on what we might be able to do now.

Mrs. Swisher: Another concern is, right in this area here, it's a rather low area, it is absolutely full and it is thin over in here, there is an area that has a lot of Canadian thistle, and they are getting to the bloom stage right now. It won't be long and they will be going to seed. We've done all we can on our side to pull them up. But if you come in here and spray, I don't mind spraying because we try to maintain some of the weeds by spraying too. But if you spray, be careful that you don't spray our part. A few years ago, the county or somebody came in, and I had just planted grass over here, and it killed it all.

Rob Burdine: What we would be using on Canadian thistle is a broad leaf select herbicide, probably milestone, it's most effective on thistle, and it doesn't affect grass.

Mrs. Swisher: Right.

Rob Burdine: We maintain a fire break on the property, just over here, currently, so we would have no problem doing the same.

Mrs. Swisher: Yes, just mowing around here and doing something to control that.

Rob Burdine: Do you have any other questions I can answer for you?

Mr. Swisher: Well I've got a lot of them but I don't need you to respond to them right now.

Greg George: That's why I suggest, this is just our initial meeting, and after the meeting you can get together and some advice from other people, and you can come back to us with some ideas about what things you would like us to try to address in this annexation agreement, and if they seem to be feasible and stuff we can do certainly we will try and do it.

Mrs. Swisher: uh-huh.

Rob Burdine: It is our goal to be a good neighbor and good steward of this property, and work with you. Work together on things. Any more concerns, just let us know .

Mr. Swisher: Okay, thank you.

Mrs. Swisher: And your name again is....

Rob Burdine: Rob Burdine, and I can get you a card, I can bring it back up.

Greg George: Yes, could you please? Thanks

Rob Burdine: Yes.

Greg George: Okay, if there is any other...

Mr. Swisher: I've heard part of what you said, whenever she turns her head away, I have no idea what she is saying. If I can look at somebody I can understand pretty much what they are going on. But, we'll have to discuss this.

Greg George: Okay. We are going to be available, anytime you want to meet with us, give us a call. And we will meet with you and we can bring whomever we need to bring in. If we want to have a meeting later on with the police and ask them about what is going on at that property and why they aren't dealing with the trespassers. I can bring in Luke Hecker; he is the chief of police. So you have access to the entire city during this process and we will try and address every issue you have.

So maybe, and this isn't a huge deal, but some of the problems you've been having over the years with weeds, you know, trespassers and things like that. Those little things we might be able to take care of now because we are talking about it. As far as a long term development potential of the property, unless we can figure out something about the floodway there, there is a limited piece in the front, and you know, we have setback requirements from our major arterials, and 1st Street is. So that means building would have to be setback a certain distance. But there is always the possibility that something could be done, and we want to make sure we put zoning on the property to allow you to pursue that. Even though a lot of it is in the floodway, we could put some zoning on it that would give you an opportunity to at least try. If you don't have the zoning, there is nothing we can do.

So we would want to make sure we put a zoning on it so that if somehow, you got around the floodway stuff, or there was enough developable property, then you could develop in our city. Okay? I have a card, Troy has a card.

Troy Bliss: Yes, I've brought one of my cards.

Greg George: And feel free to call me anytime, with questions or...I just wanted to let you know what steps we are going to be taking. We are going to have a consultant revise this annexation map to include your property. We will keep you informed on that and we will send you a copy of it when we get it done. A typical zoning process is that somebody comes in and they talk to the city, and they say we want to develop in your city and, are they are eligible under state law to annex, so they sign a petition. In this process you don't sign a petition because a petition is an indication that you are voluntarily asking to be annexed, but you are not. So you do not have to sign a petition and they have to put together their own

application and have to pay a filing fee. They have to hire a surveyor and prepare all the documents, and you're not involved in that either.

We will keep you informed and we will treat you like an applicant. We will send you all the stuff that we develop. We will certainly notify you of all the hearings and things like that. We would like to spend some time before we actually get into the hearing process, understanding your needs. Trying to bring different people in from departments in the city that address your needs and see what kind of annexation provisions you might be interested in, like the fire break and some other stuff. We want to be sure to put zoning on the property that satisfies you.

Mrs. Swisher: How long does this process take?

Greg George: From this point, we have had this application for a while, but, I would say 5 months. We have to schedule it for Planning Commission, do a 15 day notice, then take it to City Council. What do you think Troy?

Troy Bliss: Yes, I would say 5-6 months is probably pretty accurate. And the reason for that is because all of the hearings that are involved, as well as the meetings. In addition in going to Planning Commission and City Council, which takes time to schedule both of those hearings; we are also going to be presenting this proposal to the neighborhood. So there will be a neighborhood meeting. That is actually, probably going to be, outside just including this property, in the annexation map, for the city during review; that will be the next step in the process.

You're going to get notified of the neighborhood meeting, as well as property owners within a 1200 foot radius of the site. The time and location is still to be determined but the purpose of the neighborhood meeting is to hear from everyone around the area, just to get, you know, feedback from them in terms of the city's perusal of annexation of the property and just to hear any comments or concerns they may have. That's going to be the next step beyond changing this annexation map is going to be the neighborhood meeting. Then like Greg said, following that and before we get to the public hearings with Planning Commission and City Council, we will work with you in terms of coming to, hopefully some agreements on how we want to structure this property.

Mr. Swisher: We made a verbal application for annexation a number of years ago before FEMA came through there. FEMA had already come through there and had some flood plains and so forth. We did not make an official application but we had a meeting similar to this. One of the first things that came up was whether we had to have a fire hydrant within 500 feet of the property. You have fire hydrants on either end of this thing but they are over the 500 feet. And so that was going to be a problem so they were going to make us put a fire hydrant in within 200 feet of another fire hydrant and there were all kinds of restrictions on it. I just wonder how you guys overcome all of that, if we wouldn't have been able to do that.

Greg George: Well, as far as the development the city is doing there, the open space, and they are going to be building some restrooms further south on that same property, and we have to put some fire hydrants in just like anyone else would. If you do develop that property, probably the same requirements will come up. If you submit a development application and the determination is made there is enough room to put something there and you submit an application our fire department looks at that and unless our standards have changed you probably will still run into the same requirement. Our fire marshal can vary that somewhat depending on what you are proposing. Obviously if you are proposing something like people assembling an office building or something like that, you probably are not going to get around the

requirement to put a fire hydrant there. Those questions we will have to answer later. It's just the requirements for doing development.

Mr. Swisher: I guess we just have to talk about it.

Greg George: Yes. We just wanted to have this initial meeting so you knew what we were intending to do, and be as open as we can with you and we want help you and make it as easy as possible. We are going to have to pursue annexing your property.

Mr. Swisher: I guess my whole problem is if we were trying to do this ourselves we'd have all kinds of obstacles to do that and you folks can go ahead and just do it without that and I just wondered why there is so much difference between the ability.

Greg George: Well, it's because it's an enclave and at the state level they recognize that those create some safety issue with response to, about confusion of responding to emergencies and things like that. And so when this situation arises, the state has said that the city can go ahead and annex it to address these public service safety issues, and the county has been insistent. The county will periodically identify this site. They will look at our map and I can show you some other enclaves we have in the city, but about 4 years ago the county commissioners came and talked to our City Council and claimed that we weren't being aggressive enough. That we didn't have an active program for annexing enclaves. That is part of our IGA and they wanted the city to do it. At that point we got some direction from our City Council. We actually, in those days we actually hired someone to do this new annexation program. That person has since been laid off because of the economy, so it is not nearly as aggressive as it used to be but this is a situation where we want to show the county that we are pursuing annexation and this one has been surrounded for quite a while. The decision has been made at the city manager's office and unless the City Council decides that they don't want to do it, all we are doing is putting the application together and trying to figure out what your needs are, and respond to those the best we can. It is the Council's final decision.

If you don't have any other questions...

Mr. Swisher: When can we expect your information that we asked for?

Troy Bliss: How would you like to receive that? I have got your email address. I could assemble it in a series of PDF files and email it to you or is that, would you rather I mail it to you?

Mr. Swisher: I think the mail would be better.

Mrs. Swisher: You want the mail?

Greg George: It's going to include some maps and stuff and those sometimes are clog up emails if they are too big.

Mrs. Swisher: Well, that is true. Old computers don't like that.

Greg George: But we could either mail it to you or let you know when it's ready and you could stop and pick it up.

Mr. Swisher: I didn't hear what you said.

Mrs. Swisher: He said he could mail it or they could call us and let us know we could come by and pick it up.

Greg George: Either one, let us know. We will start assembling it and we should have it by the end of the week.

Troy Bliss: Yes, the biggest thing at least from my standpoint is getting my hands on the FEMA regulations. I think we have the maps easily accessible but I'm not sure...

Greg George: I think Kevin (Gingery) could get those for you.

Troy Bliss: Okay.

Greg George: Kevin is our Stormwater guy at the city. I appreciate your coming in. We will try to make this as painless as possible.

Mrs. Swisher: We've owned the property for many years. Since 1970. We haven't really been able to do anything with it partly because of regulations. And FEMA walked in and just totally destroyed it, as far as what we could do. So it makes it pretty hard for us to do anything there, even to think that we are going to plan on doing something. We know that it actually has a value to you.

Greg George: Yes. I know you have had some discussions in the past with our Parks and Rec department and I think that those negotiations are still on the table.

Mrs. Swisher: Well, considering what the economy has done and considering what housing values have done, what we had ended up with last time and we couldn't make an agreement. We can't accept what they offered even now because of the fact the values have gone up. But, I think considering what would happen, having the public around the property, we don't have a lot of peace and quiet there now. But considering what would happen, we would really consider selling the property to the city.

Greg George: Okay.

Mrs. Swisher: And it is something we will put on the table and let you guys think about it too.

Greg George: Okay, if that is still of city interest, it would probably be Parks and Rec that would contact you, so I will let Gary know, he is the director and I will let him know you mentioned it today.

Mr. Swisher: A couple of years ago, I don't know exactly how long ago, when you plow the sidewalks, they were dumping it in our entry way there. It's one thing to plow the street and do it, but to bring it both directions into the...

Greg George: They were dumping it there?

Mr. Swisher: Oh yes. So I went to the city, downtown by the railroad, I met with who was down there and he was really a smart-aleck with me. He said, "well it's your obligation to move the snow and all of this on your property. I said, "no, we are in the county". Well he argued with me about that, I asked him to see his supervisor who I never got so I finally left. But that is why we are not all that thrilled about working with the city because they have never worked with us.

Greg George: Well, I can assure you that we will be working with you much better now. I can apologize for that but it is not in my department, and oftentimes there is some difficulty when we are dealing with a property owner who for all practical purposes are in our city but is not in our city, they are in the county, but that's no excuse. Just give us an opportunity to work with you on this and you might change your attitude of the city because we are going to work with you and respond and we already have a commitment from Parks and Rec and will probably be out there in the next couple of days working on those weeds.

Mrs. Swisher: Poor guy is going to go out there and have a heart attack. (laughing)

Greg George: Okay, thank you.

Mrs. Swisher: Do you have anything else? Okay, let's go.

Troy Bliss: Thanks again, it was nice to meet you.

Greg George: Nice meeting you.

Mrs. Swisher: Nice meeting you too.

West First Street Annexation/Zoning Options

March 10, 2014

City of Loveland Planning Commission

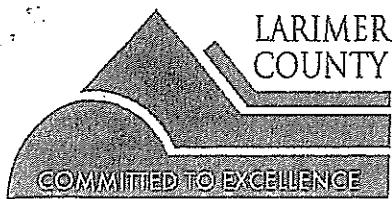
Suggested options:

1. Purchase of the property by City of Loveland
 - a. Reasons for the City's purchase of this property
 - i. Maintain a contiguous land parcel for addition to and use within the River's Edge Natural Area
 - ii. Provide a place for users of the walking paths and ponds in the area to assemble, possibly park, and not trespass over private property as has been done over the last several years
 - iii. Provide overflow parking for the baseball fields across the street
 - iv. Address the issue of private property ownership around which the City encourages public use
 1. The disruption of the privacy and solitude property ownership should hold is a real issue and purchase of this parcel by the City would eliminate this disruption
 - b. Conditions of the purchase
 - i. At a price, conditions and terms to be negotiated and agreed to by all parties concerned
 - ii. Provide adequate, fair time span for our move from the property (this time span can be adjusted depending on the value placed on expediency) and agreed upon purchase terms
 - iii. Allow full use of the property until moving is complete
 - iv. Property purchased "as is, where is, no exceptions"
 - v. Annexation or zoning not an issue
2. If City does not purchase property – Option #1
 - a. Allow annexation but request zoning be changed to business for this property – same as property on the corner of Taft and First
 - i. Approximate 20% of the property, facing W. First Street, is out of the flood zone
 - ii. Elevation of this area is consistent with regulations regarding building in the flood fringe
 - iii. "B" development could allow a possible art studio, art park, art sales, etc., or other business possibilities in this area
 - iv. Parking would be available throughout the remainder of the property
3. If City does not purchase property – Option #2
 - a. Allow annexation but the use which has occurred over the last forty years be grandfathered
 - b. Zoning to be compatible with livestock, equipment, present continuous use, etc.

- c. Allow screening areas on property
- d. Fencing around the total property be re-established
 - i. To keep trespassers out
 - ii. To give a strong message that trespassing is not okay
 - iii. To provide a barrier for anyone who might attempt trespass onto and/or become injured on the property
 - iv. Reduce liability
 - v. Allow full use of the property
- e. The front gate will remain locked at all times
- f. Trespassers, graffiti artists, photographers, etc., will not be tolerated
- g. Paramount is our privacy and solitude on the property
- h. No tax increase on the property

Thank you for your consideration of this matter.

Lee and Patricia Swisher



COMMUNITY DEVELOPMENT DIVISION

P.O. Box 1190
Fort Collins, Colorado 80522-1190
Planning (970) 498-7683 Building (970) 498-7700
Planning Fax (970) 498-7711 Building Fax (970) 498-7667
<http://www.larimer.org/planning>

STATUTORY NOTICE OF VIOLATION OF LARIMER COUNTY REGULATIONS AND NOTICE OF PUBLIC MEETING

RE: Code Compliance Case No: 13-CC0297
Parcel Number: 9523200011
Property Address: Not Addressed
Property Owners: Lee Heath and Patricia Swisher
Legal Description: BEG AT NE COR OF NW 1/4 OF NW 1/4 23-5-69, W 220 FT, S 0 28' 36" W 360 FT, E 220 FT, N 0 28' 36" E 360 FT TPOB;
LESS RD PER 2000070305, 2000070306

Pursuant to Colorado State Statutes, Title 30, Article 28, County Planning and Building Codes, it has been determined you are in violation of the Larimer County Land Use Code by virtue of the following activities being conducted on the property which are not allowed uses in the FA-Farming Zoning District and/or designated floodplain:

1. Outdoor storage of junk and debris and general storage, including but not limited to, used tires, wood and metal materials, generators and forklifts.
2. Outdoor storage of unlicensed and/or inoperable vehicles and vehicle parts, including but not limited to, semi-trailers, recreational vehicles and horse trailers;
3. Pasturing or boarding of a horse on the property; and
4. Building structures in a floodplain without first obtaining Flood Board approval.

This property was vacant in 1987. Based on historical County records, outdoor storage began on the property sometime between 1987 and 1999. This use has expanded since that time to cover much of the property. The property is located in a designated floodplain. There are no approvals for any of the uses or structures on the property. In order to correct these violations, all items on the property must be removed.

If these violations are not corrected within 30 days from the date of this notice, the public meeting noticed below will be held before the Larimer County Board of County Commissioners to authorize legal action to enforce compliance with County regulations. If these violations are corrected within 30 days from the date of this notice, the meeting noticed below will be vacated.

NOTICE OF PUBLIC MEETING

Pursuant to Colorado State Statutes, Sections 30-28-124, 30-28-124.5, 30-28-209 and 30-28-210, you have 30 days from the date of this notice to correct the violations noted above. If the violations noted above are not corrected within 30 days from the date of this notice, the County is authorized to enforce compliance with County regulations through a court action. Therefore, a public meeting has been scheduled before the Larimer County Board of County Commissioners on

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March 3, 2014
Statutory Notice

Monday, April 14, 2014, at 3:00 pm to request authority to commence a legal action. The meeting will be held in the Hearing Room located on the first floor in the Larimer County Courthouse Offices at 200 W. Oak Street, Fort Collins, Colorado, at which time you may want to be present. Legal action may include:

1. Issuing a summons and complaint in court. You may be subject to a misdemeanor punishable by imprisonment and/or the imposition of a civil penalty. In addition, each day after the issuance of an order of the court during which a Land Use Code violation continues will be deemed a separate violation subject to a continuing penalty for each day the violation continues.
2. Filing an action for a court order requiring the removal of objects causing a violation of Larimer County regulations and assessing the costs of the removal as a lien against your property collectible in the same manner and with the same priority as real property taxes.
3. Pursuing any other legal or equitable action or remedy including, but not limited to, damages, injunction, mandamus or abatement to correct the violation.

DATED: 3 - 3 - 14

LARIMER COUNTY, COLORADO

By: Tony Brooks

Tony Brooks, Code Compliance Inspector
Larimer County Community Development Division
200 West Oak Street
P.O. Box 1190
Fort Collins, CO 80522-1190

CERTIFICATE OF MAILING AND POSTING

I hereby certify that a true and correct copy of the above Statutory Notice of Violation of Larimer County Regulations and Notice of Public Meeting was placed in the United States mail, postage prepaid, regular and certified mail, this date addressed to:

Lee Heath and Patricia Swisher
2710 Mango Place
Loveland, CO 80537

I further certify a true and correct copy of the above Statutory Notice of Violation of Larimer County Regulations and Notice of Public Meeting was placed in the United States mail, postage prepaid, regular mail this date addressed to all complainants of record, and a copy of the Statutory Notice was posted on site at the subject property on today's date.

Amy D. White 3/3/14
Amy White, Code Compliance Technician [Date]