



LOVELAND PLANNING COMMISSION MEETING AGENDA

**Monday, March 24, 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

c. Committee Reports

d. Commission Comments

IV. APPROVAL OF MINUTES

Review and approval of the March 10, 2014 Meeting minutes

V. REGULAR AGENDA:

1. Sweetbriar Planned Unit Development (PUD)

The applications propose to: 1) rezone 2.15 acres of land, located on the east side of S. Wilson Avenue between 5th Street SW and Carlisle Drive, from R1-Developing Low Density Residential to Planned Unit Development (PUD); and 2) subdivide the 2.15 acres into 12 separate lots (for single family attached units) and one large tract for common area improvements, to be owned and maintained by a Home Owners Association. These are quasi-judicial actions that require a public hearing.

2. Les Schwab GDP/PDP

The applications propose to: 1) amend the Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP) for allowing use of vehicle minor repairs, servicing and maintenance within the PUD; and 2) amend a Preliminary Development Plan (PDP) for Lot 4, Block 1, Amended Plat of Peakview Commercial Park First Subdivision containing 1.21 acres of land, located on the west side of N. Garfield Avenue, south of W. 64th Street. The amendment proposes to change the approval drive-thru restaurant use to a *Les Schwab* tire store. These are quasi-judicial actions that require a public hearing.

VI. ADJOURNMENT

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
March 10, 2014

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 10, 2014 at 6:30 p.m. Members present: Chairman Meyers; and Commissioners, Massaro, Molloy, Dowding, Forrest, Ray and Prior. Members absent: Commissioners Crescibene and Middleton. 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. **Election of Officers-** **Commissioner Ray** made a motion to nominate **Commissioner Forrest** as the ZBA hearing officer alternate. Upon a 2nd from **Commissioner Dowding** the motion was passed unanimously.
2. **Mr. Bob Paulsen, Current Planning Manager** explained that interviews for the Planning Commission seat currently held by **Commissioner Massaro** will be held April 10, 2014.
3. **Mr. Paulsen** queried the Commission and asked about their interest in using electronic devices in place of paper packets. **Commissioner Massaro** explained that he uses his tablet for packets, but plats would be difficult to read on such a small screen. **Commissioner Ray** stated there are negative and positives to both but would like the packets to be interactive. **Commissioner Dowding** stated that because of the large pdf files, the resolution might be compromised on a tablet. **Commissioner Prior** requested that the 11 x 17 maps be printed and agreed a blended option might be a good solution.
4. **Mr. Paulsen** announced that **Ms. Kimber Kreutzer, Planning Commission Secretary**, was taking another opportunity within the City. **Ms. Kreutzer** explained she accepted a new position at the museum and thanked the Commission for the time she spent working with them.

COMMITTEE REPORTS

There were no committee reports.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Chair Meyers asked if there were any corrections needed in the February 24, 2014 meeting minutes. No corrections were requested. **Commissioner Ray** made a motion to approve the February 24, 2014 meeting minutes; upon a 2nd from **Commissioner Dowding** the minutes were unanimously approved.

REGULAR AGENDA

1. Wintergreen 2nd Sub GDP and PDP Amendment

Commissioner Dowding made a motion 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 p.m. Upon a 2nd from **Commissioner Massaro**, the motion was unanimously approved.

Commissioners took a 10 min recess to read ad-hoc materials provided on the dais for the Jayhawker Addition Annexation project.

2. Jayhawker Addition Annexation

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 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, 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.

NOTE: In order to accommodate the property owner, Mr. Lee Swisher, a word for word transcription of this meeting was transcribed by an outside contractor. The full transcript takes 7-10 business days to complete. The Planning Commission Secretary will forward this

transcription to the Commissioner's and Mr. and Mrs. Swisher immediately upon its completion.

After a lengthy discussion, **Commissioner Ray** made a motion to continue a decision on the Jayhawker Addition Annexation for a period of 60 days. During that 60 day period the two parties, the City of Loveland Parks and Recreation Department and Mr. and Mrs. Swisher, agree to enter into good faith negotiations on the acquisition of their 1.87 acre parcel by the City of Loveland.

Mr. Rob Burdine accepted the conditions on behalf of the Parks and Recreation department.

Mrs. Pat Swisher accepted the conditions on behalf of herself and **Mr. Lee Swisher**.

Upon a 2nd from **Chair Meyers**, the motion was unanimously approved.

The Jayhawker Addition Annexation was continued to the May 12, 2014 Planning Commission meeting. **Mr. Paulsen** stated that the Planning Department would re-notice that hearing.

ADJOURNMENT

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

Approved by: _____
Buddy Meyers, Planning Commission Chairman

Kimber Kreutzer, Planning Commission Secretary

LOVELAND PLANNING COMMISSION HEARING

March 10, 2014

6:30 p.m.

City Council Room
500 East Third Street
Loveland, Colorado 80537

PRESENT:

COMMISSIONERS:

Buddy Meyers - Chairman
Carol Dowding
Adam Prior
Rob Molloy
Bob Massaro
Mike Ray
Michele Forrest

Judy Schmidt - Deputy City Attorney

Bob Paulsen - Current Planning Manager

Kimber Kreutzer - Planning Commission Secretary

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PROCEEDINGS

2 (The following is a partial transcript of the
3 Commission hearing.)

* * * *

5 CHAIRMAN MEYERS: Calling back to order, we will
6 go back to our regularly scheduled agenda starting out
7 with the Jayhawker addition and annexation. This is a
8 public hearing item on a legislative and a quasi-judicial
9 matter. This item was continued from March 24, 2014 -- it
10 should be February 24th, 2014 Planning Commission meeting
11 at the request of Patricia Swisher.

12 The City of Loveland is requesting an annexation
13 and zoning of a 33-acre area located along the south side
14 of West 1st street. The property is adjacent to the
15 River's Edge Natural Area. The annexation is being
16 presented as a unilateral annexation of an enclave as
17 permitted by state law.

18 The subject property consists of two parcels, the
19 first being a 30.7-acre Jayhawker Pond that is owned by
20 the City, which is proposed to be zoned PP, Public Park,
21 and, two, the 1.82-acre site owned by Lee and Patricia
22 Swisher, which is proposed to be zoned DR, Developing
23 Resource.

24 The Swishers have objections to the annexation.
25 The Planning Commission's role is to review the proposed

1 annexation and zoning requests to make a recommendation
2 for final action by the City Council.

3 At this time we'll go ahead and open up the
4 hearing to the representative from the City, Troy Bliss.

5 TROY BLISS: Yes. Good evening, Chairman Meyers
6 and members of the Planning Commission. I'm Troy Bliss
7 with the current Planning Department.

8 As mentioned, the Jayhawker addition enclave is a
9 continuation from our meeting that we had last month,
10 February 24th, 2014, at the request of Patricia Swisher,
11 who is an owner that is involved in properties going
12 through this particular annexation and zoning.

13 That request was based upon allowing for some
14 opportunities in which to give her husband, Lee Swisher,
15 who is also involved in the ownership, an opportunity to
16 participate in these proceedings, based upon his illness
17 that evening as well as hearing loss that he experiences.

18 From our meeting on the 24th up until now for
19 planning was, I made arrangements in which would provide
20 for what we call a direct transcriptionist to assist
21 Mr. Swisher in order to participate in this evening's
22 hearing. However, we were informed last week that
23 Mr. Swisher would not be attending this evening's hearing
24 and subsequently we canceled that accommodation.

25 I am however thankful to say that Mr. Swisher is

1 in the audience this evening. And while we did, of
2 course, cancel those accommodations, and the Swishers are
3 aware of that, we have a transcriptionist available this
4 evening and we will make that available to both Patricia
5 and Lee Swisher following this meeting. I just wanted do
6 make mention of that as a point of reference as we
7 continue.

8 So I just want to touch on a few of the basics as
9 we approach our discussion this evening concerning this
10 application. As mentioned, we are looking at a request
11 for annexation and zoning that as being submitted by the
12 City and this is to look at the annexation of
13 approximately 33 acres.

14 And it consists of two parcels. One parcel being
15 a City parcel which is known as the Jayhawker Ponds,
16 containing about 30.7 acres, and the other parcel of land
17 being the Swisher parcel, and that contains approximately
18 1.8 acres in size.

19 Annexation is a legislative action. And it is an
20 action that ultimately is considered by City Council
21 through adoption of an ordinance. Likewise, the
22 complementary component to annexation is zoning. Zoning,
23 on the other hand, is considered to be a quasi-judicial
24 action, also considered by City Council and adopted
25 through ordinance.

1 The Planning Commission is being tasked this
2 evening with providing the recommendation to the City
3 Council concerning annexation and zoning. And we are
4 currently scheduled to be in front of the City Council for
5 this particular item on April the 1st, 2014, so in a
6 couple weeks.

7 I really want to stress the importance of
8 basically the Planning Commission's role this evening.
9 There is probably going to be a lot of discussion and
10 topics related to this particular item that are on the
11 periphery, but it's important that we all understand
12 really the findings that need to be made with respect to
13 this particular application.

14 And I've kind of captured it in two main points
15 here, and it's going to be the basis of my presentation
16 this evening. One is, there are a set of statutory
17 findings that have to be made with respect to not only
18 this annexation but any annexation that the City will
19 accept.

20 And more particularly there is some specific
21 criteria that we will look at as it relates to the
22 enclave. And the question being asked here is: Does this
23 constitute an eligible enclave annexation?

24 The other finding that the Planning Commission is
25 going to need to evaluate during the course of discussion

1 this evening is compliance with the City's Comprehensive
2 Plan and Municipal Code.

3 And I'll identify, you know, elements of that,
4 which is the City's ability to provide services, the land
5 use and zoning component, the environmental
6 characteristics that are applicable to these parcels.
7 And also if there is an interest in terms of the City for
8 annexing this property.

9 Again, this is really the crux and the focus of
10 our discussion this evening and important that we keep in
11 mind these particular findings that need to be made with
12 respect to annexation.

13 So what I want to do is, I want to identify what
14 an enclave is, as this is kind of a big component of this
15 particular application. Basically an enclave is a parcel
16 or parcels that are completely surrounded by the city
17 municipal boundaries for at least three years. And this
18 is based upon the state statute requirements.

19 In addition to that, there is also some findings
20 or criteria that have to be met with respect to a
21 unilateral annexation of an enclave. And those consist of
22 two items here (indicating). One, if we're looking at an
23 annexation of property adjacent to public right-of-way,
24 which we are, that being West 1st Street and South Taft
25 Avenue, the properties on the opposite side of those

1 public rights-of-way must be in the city. That's criteria
2 one that has to be met with respect to a unilateral
3 annexation.

4 Criteria No. 2 is that all of the properties
5 surrounding the enclave must have been annexed into the
6 city in compliance with the Colorado constitution. And
7 basically what that means is that for all properties that
8 were annexed into the city after December 19th, 1980,
9 which the majority of them around this property were, they
10 have to have had a petition signed by 50 percent of the
11 landowners holding 50 percent of an interest in the land.

12 You'll note that -- and I should point out that
13 every time I refer to an attachment, I'm referring to the
14 Planning Commission's staff work from our last meeting
15 dated February 24th, 2014.

16 What you'll notice as Attachment 11 to that Staff
17 Report, there is a whole series of resolutions and
18 petitions that respond to this particular item. I'm not
19 going to go into detail with respect to those, but I think
20 it's important to point out that this identifies those
21 particular properties that have been annexed after
22 December 19, 1980, and the fact that all the petitions
23 that were signed for those annexations were done by 100
24 percent of the property owners.

25 So that is evidence there that the Criteria No. 2

1 is being met with respect to unilateral annexation.

2 The other thing I want to point out relative to
3 the criteria here is that this really is the basis for
4 that first finding that I identified, the state statutory
5 compliance. So identifying whether or not this enclave
6 has been surrounded by properties for more than three
7 years in the city limits, and also to identify whether or
8 not it complies with the two criterias for unilateral
9 enclave annexation.

10 One thing that is not mentioned here but I do
11 think it's important to point out, because it is an
12 allowance that is built into the state statute provisions,
13 is the fact that if the City chooses to move forward with
14 a unilateral annexation, they are not required to do any
15 type of notifications or public hearings beyond City
16 Council.

17 So technically speaking, we could have taken this
18 straight to City Council at a public hearing, but we chose
19 to go through the neighborhood meeting process and even
20 present this information to the Planning Commission to
21 give folks more of an opportunity to participate in this
22 process because there is a lot of interest involved here.

23 So, you know, while it's not part of the
24 presentation, I do think it's important that we point that
25 out relative to the Municipal Annexation Act and the

1 provisions that allow cities to annex enclaves.

2 So I want to go through generally just the
3 location of the property and kind of touch on a little
4 bit with respect to compliance for the statutory
5 provisions.

6 So, of course, everything identified in red
7 (indicating) is the parcels, the Jayhawker addition
8 enclave representing the City parcel and, of course, the
9 Swisher parcel (indicating). This property sits generally
10 on the south side of -- here's West 1st Street, east of
11 South Taft Avenue, directly across from the city's
12 baseball fields and directly across from the city's
13 River's Edge Natural Area (indicating).

14 It's also important to point out with respect to
15 this map the fact that we do have complete surrounding
16 municipal boundaries of this particular enclave, meeting
17 not only the City of Loveland Natural Area, which is
18 annexed and zoned Public Park, but we also have the
19 mineral addition directly to the south (indicating), which
20 is a PUD. And a number of the folks in the audience here
21 are residents of that particular subdivision.

22 Directly to the west is the Happiness Plaza
23 (indicating). Most of this property is zoned B for
24 developing business, with the exception of some DR zoning
25 up in here (indicating). Also to the kind of east and

1 north is the Happiness Plaza 4th Addition, again another
2 commercial area, which currently includes a car wash and a
3 convenient store/gas station (indicating). And then
4 directly to the north and west is also property that is
5 incorporated into the city that is zoned both DR and in
6 business (indicating).

7 So everything around this particular enclave is
8 currently in the city. And again, if you're interested in
9 going through the resolutions and the petitions, you'll
10 see that they're all identified based upon the applicable
11 annexation name that they went through during the process
12 in order to determine compliance with unilateral
13 annexation.

14 So I think probably one of the biggest questions
15 here is, well why annex? Well, you know, one of the
16 things that it's important to point out with respect to
17 this approach the City is taking is the fact that we have
18 what is referred to an intergovernmental agreement between
19 the City of Loveland and Larimer County.

20 And in that agreement basically it states that
21 the City is to pursue the annexation of enclaves
22 throughout the community as expeditiously as possible.
23 And so we believe that this constitutes that particular
24 provision, and we are following suit with respect to the
25 intergovernmental agreement.

1 Additionally, the annexation allows us to apply
2 some jurisdictional integration with respect to this
3 property. And that's relative -- and I'll get into this
4 in a little bit in the presentation -- managing our
5 floodplain and floodways, because both of these properties
6 or parcels are encumbered by both the floodplain and
7 floodway areas.

8 It also gives us an ability to manage our
9 surrounding open space areas a little bit better. And
10 that's with respect to the Jayhawker Ponds and, of course,
11 the city's River's Edge Natural Area. Basically those two
12 parcels are seen at some point as being integrated, and
13 that would be with the annexation of this particular
14 property -- integrated in the all natural area that the
15 City owns.

16 Additionally, it gives us an opportunity to look
17 at planned use and zoning management a little bit better
18 in terms of identifying comparability with the planned
19 uses down that particular area. So we see that as kind of
20 a big push, so to speak, in terms of why we should look at
21 annexing this property as an enclave.

22 I want to go through and do a little bit of
23 analysis with respect to zoning. On the screen right now
24 you have a snapshot of our zoning map and the properties
25 that are identified. Of course, the Swisher property and

1 then the city parcel of land (indicating).

2 Again, this just further points out the fact that
3 the property is completely surrounded by the city, based
4 upon all the colors and what the different zoning
5 designations are surrounding them.

6 So currently the River's Edge property is all
7 zoned Public Park. It's the same selenium that is being
8 proposed in conjunction with the city parcel, to match up
9 with that, and we get a little bit more integration there,
10 as the two being cohesive as one natural area. And then,
11 too, the proposed zoning of DR on the Swisher property,
12 consistent with a lot of the zoning of DR around these
13 properties. And I'll get into the reasons why.

14 It's important to point out that currently both
15 of these properties are zoned FA, farming, in the county
16 right now. So generally that limits use to agricultural
17 type uses. So county zoning is concerned.

18 So when we were looking at the Public Park zoning
19 designation on the city parcel, again we really felt that
20 that was the best zoning designation that aligns well with
21 the River's Edge area -- and, of course, the intent being
22 to integrate that as part of River's Edge. So the Public
23 Park zoning designation made a lot of sense.

24 Also, too, Public Park is a type of zoning that
25 aligns with the underlying land use of the Comprehensive

1 Plan. You'll notice that there is a snapshot of this on
2 Page 2 of your Staff Report dated February 24th, 2014.

3 The land uses identified on this property are
4 basically open space, parks, wetlands -- you know, any
5 type of open space areas. And then there is also the
6 floodway designation on the property.

7 That zoning designation of Public Park aligns
8 with the underlying land use, and it also aligns with the
9 floodway characteristics of this particular property,
10 which I'll get into in a little bit here.

11 Also, too, when we're evaluating the zoning with
12 respect to the Swisher property, the driving component to
13 that was, you know, the fact, that -- and I think this is
14 really important to point out. Regardless of annexation
15 and zoning, land use on the Swisher property effectively
16 would not change as a result of the action that the City
17 is taking.

18 The current use of the property as a salvage
19 yard/storage area is not an authorized use under the
20 county, FA, Farming zone. Likewise, it would not be an
21 authorized under DR zoning, which the City is proposing on
22 this property. So effectively there is nothing changed
23 from the zoning and land use standpoint to that regard. I
24 think that's an important point to make.

25 Also, too, you know, the DR zoning, it aligns

1 with the floodway characteristics of this property. This
2 property is encumbered by a floodway. The only other
3 zoning designation that would be permissible on this
4 property, given that encumbrance, would be the Public Park
5 zoning designation. But because this is not a Public
6 Park, the only zoning that we felt was appropriate for
7 this particular property was the DR zone.

8 DR zone does not allowed in any type of use by
9 right. All it does is effectively allow uses being more
10 of an agricultural sense. And they all have to go through
11 a special review process by the City. So it is very
12 restrictive in terms of that.

13 But again, it aligns with the land use
14 designation, the Comprehensive Plan and also the natural
15 characteristics of this particular property, which I think
16 we should probably get into a little bit so we understand
17 a little bit with respect to the floodplain and the
18 floodway.

19 You have a copy of this exhibit in your Staff
20 Report (indicating), but I think it's important just to
21 point out where the properties are in relationship to this
22 map and what some of the designations mean on here.

23 So, of course, we've highlighted the Swisher
24 parcel and also the city parcel (indicating). And what
25 this map identifies is the actual floodplain and floodway

1 boundaries affecting these properties.

2 I'm just going to give a brief overview on this.

3 And I will mention that Kevin Gingery, who is our storm
4 water engineer, is available here this evening, should you
5 have more detailed questions about this, he can respond.

6 But essentially what you see here on this map --
7 and I'm going to go to a different shot, giving a little
8 bit more blown-up version of this. But again, here is the
9 city parcel, the Jayhawker Ponds, and, of course, the
10 Swisher parcel (indicating).

11 But This yellow line that you see (indicating),
12 everything south of it is considered floodway. And you
13 can tell that it encumbers almost 100 percent of the
14 Jayhawker Ponds and the City parcel and about roughly 75,
15 80 percent of the Swisher parcel.

16 The floodway characteristic is important to
17 identify because it does not permit any type of
18 development. Essentially all development is not allowed
19 to be within that floodway area. The only opportunities
20 for potential development could be within the floodplain,
21 and that would be areas that are north of this kind of
22 blue line (indicating).

23 So there is a little bit of potential with
24 respect to development on the Swisher parcel. But when
25 you factor in building setbacks, things of that nature, it

1 really does impact any type of development of the
2 property.

3 So this is a big characteristic that is applied
4 to these properties and a big driver as to why we are
5 looking at the zoning designations we are on this
6 property. It's by no means to strip away property
7 rights. It's simply to respond to some of the natural
8 characteristics that these properties are encumbered by --
9 that being the floodway.

10 And as we all know, we experienced a pretty
11 significant flood this past fall. And this photograph
12 right here (indicating) is a great example of why we
13 follow our floodplain maps. Basically what we saw in the
14 flood is exactly what we're seeing on those maps.

15 So this is West 1st Street looking west
16 (indicating). There is the Swisher parcel, there are the
17 Jayhawker Ponds (indicating). And you can see the
18 flooding occurred basically right along the lines of where
19 that floodway boundary is identified, so a pretty clear
20 and accurate representation of what can and does happen
21 with respect to properties in the floodway and why we say
22 development is not allowed.

23 I just want to go through some additional
24 photographs to give you a little better perspective.
25 Again, this is looking kind of southwest. So here in the

1 Jayhawker Ponds (indicating). You can see the back
2 portion of the Swisher parcel, River's Edge, and here are
3 the folks on mineral issues (indicating).

4 COMMISSIONER RAY: So a point of clarification,
5 please.

6 Are these photographs taken at the height of the
7 flood?

8 TROY BLISS: I would defer that question to Kevin
9 Gingerly, as these were supplied to us by him. And I
10 think, you know, he has a better understanding of when
11 these photographs were actually taken.

12 But I believe the first two that I showed you are
13 during kind of the peak of the flood, and then I've got
14 some additional data on that after the flood.

15 COMMISSIONER RAY: Then we'll follow up then.

16 TROY BLISS: So here's a photograph of the
17 Swisher parcel (indicating) after the flood. And you can
18 see, of course, some damage done with respect to the
19 flooding and the implications around the Jayhawker Ponds.
20 And again, just another look at kind of, the whole area
21 down around River's Edge, Jayhawker Ponds, Centennial Park
22 (indicating), just the magnitude of what this flood
23 actually did.

24 And again, emphasizing the reasons why we
25 respect those natural land characteristics when we are not

1 only looking at annexation but also zoning.

2 So we were, of course, spending a little bit of
3 time this evening going through some additional
4 documentation. I just want to briefly identify those
5 items that you have before you.

6 The Swishers did, of course, provide us some
7 information. One was some proposed options or recommended
8 petitions from the City to take a look at with respect to
9 this annexation.

10 A lot of the items that were identified in that
11 overview are things that the City either cannot consider
12 or effectively from a staff perspective would not
13 consider -- for example, zoning the property anything
14 other than DR because of the whole analysis that I just
15 did with respect to the floodway.

16 However, you know, the City is certainly amenable
17 to discussing with the Swishers, and preferably prior to
18 the City Council meeting on April 1st, opportunities to
19 look at a time frame in which to clean up or bringing the
20 property into compliance after annexation. And that would
21 be something that we would be happy to discuss further
22 with them if that is of interest.

23 Also, too, there is a transcription provided to
24 you regarding an initial meeting that the City had with
25 the Swishers back in June of 2013. Basically this was the

1 first time in which we presented to the Swishers the
2 City's intent in which to move forward with unilateral
3 annexation of their property in conjunction with the
4 Jayhawker addition.

5 Also in front of you is a memorandum that our
6 Parks and Recreation Open Lands Department provided to
7 you. And this is in response to the City's efforts we've
8 spent in terms of negotiating purchase of the Swisher
9 parcel.

10 The City has had a number of opportunities in
11 which to try and work with the Swishers to purchase that
12 property at fair market value. However, those were never
13 agreed to between both parties.

14 Additionally, I want to point out the fact that
15 the City still remains interested in purchasing the
16 Swisher parcel and, you know, we certainly would be
17 amenable to looking at doing another appraisal on that
18 property to pursue purchase at fair market value.

19 I will say that, you know, the Swisher parcel is
20 not an integral part to this River's Edge Natural Area
21 that the City owns. The City does not have to purchase
22 this property. There is an interest there, but it's
23 nothing that the city effectively needs or really has to
24 have at this point, but there is an interest there.

25 And if you have further questions with respect to

1 those negotiations, Rob Burdine of our Parks Department is
2 here this evening, he can address those for you.

3 Also, too, you should have a letter in front of
4 you that we just received actually today from Larimer
5 County, and this is in response to the unauthorized use
6 that is currently occurring on the Swisher parcel.
7 Basically they are pursuing a code enforcement action on
8 the property and have indicated that the Swisher parcel
9 needs to be cleaned up and the use effectively
10 discontinued by a certain date. And I can't remember for
11 sure what that date was. I want to say it's something
12 like April 14th.

13 KIMBER KREUTZER: That's correct.

14 TROY BLISS: So, you know, again, I want to just
15 kind of recap the information that I've shared with you
16 relative to this annexation based upon our findings and
17 conclusions.

18 We believe that with the information I've
19 presented to you this evening that the annexation is, in
20 fact, in compliance with state statutes governing enclaves
21 and the provisions that apply to unilateral annexations.

22 We also believe it's in the best interest of the
23 city to annex this property and apply city services and
24 incorporated as part of our management of it to look at
25 compatibility with respect to land uses and having that

1 integration relative to our jurisdiction.

2 And again, you know, I want to emphasize the fact
3 that we believe we're following the provisions that are
4 outlined in the intergovernmental agreement with Larimer
5 County in pursuing annexation of these enclaves.

6 And in considering the land use designations that
7 we have placed on these properties through our
8 Comprehensive Plan, and also the natural characteristics
9 that are applied to these properties with respect to the
10 floodplain and the floodway, we believe the zoning that
11 we're presenting on both parcels is appropriate.

12 So again, we're asking the Planning Commission to
13 review findings and, again, those two major components
14 that are in front of you this evening, the state statutory
15 findings in compliance with the City Comprehensive Plan
16 and the Municipal Code findings.

17 Those are outlined in the Staff Report beginning
18 on Page 10 for further information relative to the
19 analysis. But hopefully the presentation that was
20 provided to you gives you a good basis as to why we are
21 approaching this the way we are.

22 So with that, I'm happy to take any questions
23 that the Planning Commissioners have.

24 CHAIRMAN MEYERS: Any questions for Troy at this
25 time? I know Mike wanted to have Kevin Gingery come up

1 and address questions you had on the water. Would you
2 like to have him come up and to do that now, or does
3 anybody have questions for Troy while he's up here at this
4 point in time?

5 COMMISSIONER RAY: I guess the only point for
6 clarification, because I see this letter from the County
7 and it's dated today. So do they change their land use
8 designation based on this now being identified in the
9 floodway? It seems interesting that today of all days we
10 would receive this letter about the code enforcement
11 violation.

12 TROY BLISS: Commissioner, that's a good
13 question. And I will also reference Attachment 6 to the
14 Staff Report. We also prior did receive a letter from the
15 County indicating the current use was unauthorized and
16 that, you know, basically the County addresses the code
17 violations more on a complaint basis. So once a complaint
18 was filed, then the County kicked off this code violation,
19 so to speak.

20 But I do believe that as referenced in their
21 letter, they had indicated not only the use not in
22 conformance with the county zoning but also not in
23 conformance with the floodway regulations.

24 CHAIRMAN MEYERS: Any other questions for Troy
25 while he's up here?

1 COMMISSIONER RAY: As we work our way through
2 this, we can bring him back, is that correct, sir?

3 CHAIRMAN MEYERS: Kevin Gingery, if you would
4 come up to the other podium and address the questions that
5 Commissioner Ray set for you, we would appreciate it.

6 KEVIN GINGERY: Good evening, Commissioners. I'm
7 Kevin Gingery, the City's Floodplain Administrator.

8 CHAIRMAN MEYERS: Mike, you had a question?

9 COMMISSIONER RAY: Thank you, Mr. Chair.

10 So my first question was, I'm looking at these
11 pictures, and I can't determine -- I don't know -- were
12 these pictures taken at the height of the flood?

13 KEVIN GINGERY: No. The peak of the flood
14 occurred at 2:00 a.m. on Friday, September 13th. These
15 pictures were taken by the airport director sometime
16 mid-morning on Saturday, September 14th.

17 COMMISSIONER RAY: So what I'm trying to get from
18 this visual then is -- because I went down after the flood
19 had subsided and you could drive down Taft, and I saw
20 debris that had pushed the baseball fields' fences in like
21 it had flowed -- it had flowed over the baseball fields.

22 So is that true or is that untrue?

23 KEVIN GINGERY: That it had flowed over --

24 COMMISSIONER RAY: Flowed over the baseball
25 fields to the north of 1st Street.

1 KEVIN GINGERY: I believe that I saw the same
2 debris. I did witness it in person. But it does appear
3 that it flowed across the northeast corner of that
4 intersection and part of that ball field.

5 COMMISSIONER RAY: So I'm just trying to
6 understand what really got flooded there, right? And
7 we're trying to use these pictures to make us understand
8 that.

9 So my next question becomes, did part of that
10 Texaco station and car wash, was that also flooded at that
11 time?

12 KEVIN GINGERY: I believe it was shallowly
13 flooded. I haven't verified that.

14 COMMISSIONER RAY: So how do those pieces of
15 property not become part of the FA designation, but this
16 piece of property does -- is what I'm trying to get to.

17 KEVIN GINGERY: I'm not sure I understand that
18 question.

19 COMMISSIONER RAY: Well, if the water -- if at
20 the height of the flood water flowed over the Texaco
21 station area and over the baseball fields, but when we
22 look on the flood map, it looks like we designated the
23 area, this Swisher property, but I'm not sure we
24 designated the area that is the Texaco station.

25 And I'm wondering if you could explain that for

1 me so that I understand better.

2 KEVIN GINGERY: Yes. On the photograph that's on
3 the screen, the cross-hatched area is part of the
4 floodplain, and it's designated shallow flooding, so it's
5 less than or equal to 2 feet of water.

6 The areas of the floodway are the areas with the
7 greatest depth of water and the greatest velocity.

8 So anything you see there cross-hatched was, in
9 fact, shallowly flooded during the flood. But the areas
10 that are in the lakes and things, they were much greater
11 depth of water that went in those directions.

12 So the greater depth of water went through the
13 Baptist Church across the street's parking lot, turned and
14 went east across Taft, and the other greater depth of
15 water went from around Centennial Park to the north and
16 then across Taft on the east side of Centennial Park.

17 So there was an area of Centennial Park that sits
18 below that higher, and it's kind of like an island, and it
19 did not get flooded. But part of this southwest -- or
20 northeast corner of the intersection where the ballparks
21 were had that real shallow flooding, which ran into the
22 fence and it came across that property to the south of 1st
23 Street, which you were referencing.

24 COMMISSIONER MALLOY: So this map is from 2005,
25 the one we're looking at; is that correct?

1 KEVIN GINGERY: It's from December of 2006.

2 COMMISSIONER MALLOY: So are they planning on
3 updating this map since the flood has gone through, at
4 all?

5 KEVIN GINGERY: No, not at this time. Because
6 the flood that we experienced hit within the 100-year
7 floodplain of the Big Thompson River throughout the
8 Loveland community.

9 There is only one area that escaped from that,
10 which is over to 14th Street and Taft in the 287 area,
11 because we had a breach of the river at Fairgrounds Park
12 by the fire training grounds, and it had eroded an
13 embankment out so actually it split in two directions
14 there and sent a little more water to the southeast than
15 the floodplain maps had shown.

16 But other than that area that's -- I think it's
17 called the Waterford Apartments there that had a little
18 more water than was anticipated. Throughout the rest of
19 the community it was inside our 100-year floodplain
20 limits.

21 COMMISSIONER RAY: So is this a 500-year event or
22 a 100-year event? I believe that I heard on the news that
23 it was a 500-year event.

24 KEVIN GINGERLY: I think to quantify it, we have
25 two rating curves and early flood warning system stations,

1 one at Glade Road and Highway 34, and one at Rossum Drive
2 and the Big Thompson River.

3 And we had our consultant take the high water
4 marks out at the Glade Road and determine the approximate
5 flow value, and they came up with somewhere around 18,500
6 cfs, cubic feet per second, of water. And our 100-year
7 flood value is 19,000. And at Rossum Drive we verified
8 that it's about 18,500.

9 And then I know that the Colorado Department of
10 Transportation through independent analyses came up with a
11 flow value crossing I-25 of 19,000 cfs, which is right at
12 our 100-year value. And so did the U.S. Geological
13 Service, USGS. They came up with 19,000 at St. Louis and
14 the Big Thompson River where their gauge is.

15 So there is four estimates there that put it
16 right around the 100-year flood.

17 COMMISSIONER RAY: Thank you.

18 COMMISSIONER MALLOY: So in the floodway, you
19 know, you can't put buildings or permanent structures.
20 You know, you can't fill that area, raise that area --

21 KEVIN GINGERLY: That's correct.

22 COMMISSIONER MALLOY: Yes. Well, actually what
23 is -- in the floodplain you can raise the earth but in a
24 floodway you're not allowed to?

25 KEVIN GINGERLY: Yes. The Federal Emergency

1 Management Agency established the floodway as the area
2 that has the greatest potential for erosion, the greatest
3 velocity, the greatest depth.

4 Therefore, they -- if you have a new piece of
5 land in the floodway, you're unable nationwide to
6 construct any structures, put anything in there that's
7 going to float away, nor raise and fill it. It has to be
8 left as is.

9 And outside of the floodway, between the floodway
10 and the floodplain boundary, is called the flood fringe.
11 And that area nationwide under the National Flood
12 Insurance Program allows properties to be raised up and
13 filled and be removed from the floodplains.

14 So, for example, the Waterford -- I believe
15 that's the correct name, Waterford Apartments over on 14th
16 Street just to the east of 285, that whole piece of
17 property used to be in the flood fringe outside of the
18 floodway. So they went through a formal FEMA -- gave them
19 a submittal process and raised it up and then went back to
20 FEMA to verify they had been successful. So then they
21 could build their apartments on the raised up land, and it
22 was officially removed from the floodplain.

23 So that's an example of property outside of the
24 floodway that can be developed by raising it up and making
25 it safe for the people.

1 COMMISSIONER RAY: So the last question for
2 clarity. Nothing about this 2013 flood has anything to do
3 with adjusting the floodway lines on this map relative to
4 the Swisher property; is that correct?

5 KEVIN GINGERY: Yes, sir.

6 COMMISSIONER RAY: Thank you.

7 CHAIRMAN MEYERS: Kevin, I do have one question.

8 In your professional opinion as our
9 floodway/floodplain manager, had a business or a residence
10 been on that Swisher property at the height of the flood
11 at that midnight, late night time flame, any idea what
12 would have happened to it, and how much water would have
13 been inundated with it?

14 KEVIN GINGERLY: I do not know the depth. I do
15 know that it would have been damaged.

16 CHAIRMAN MEYERS: Extensively or to the point of
17 non-liveable or nonusable.

18 KEVIN GINGERY: It would depend on how high the
19 structure was above. You know, it was, like, a two-story
20 structure, the lower structure would have been needing to
21 completely be repaired and the upper level may have been
22 out of it.

23 You know, for example, there were some homes in
24 the Cottonwood Meadows subdivision that were outside of
25 the floodplain, but the floodplain got right up into their

1 properties and into their window wells and filled up their
2 basements and ruined everything in the basements. So the
3 home above the basement was okay, but everything in the
4 basement was completely ruined and had to be removed and
5 reconstructed.

6 So that type of a scenario could have occurred
7 there. It depends on vertically where something might
8 have been placed.

9 CHAIRMAN MEYERS: But some type of damage would
10 have occurred. Okay.

11 KEVIN GINGERY: Yes -- to a structure. And that
12 did occur to the structures just to the west of Taft. The
13 Comcast building was inundated and some of the businesses
14 right around it, and they had to go in and take out the
15 drywall and carpet and electrical wiring there. So that
16 was in the stream. And the Baptist Church had 2 feet of
17 water and mud in its sanctuary, and they had to redo it.
18 That type of damage.

19 COMMISSIONER MALLOY: Is the City looking at any
20 adjustments to what happened to the flood to control it a
21 little bit more? I guess like Fort Collins when they had
22 the Spring Creek flood, they did a major overhaul on all
23 their storm water systems.

24 Is this the way it's supposed to work, and it
25 basically did what it was supposed to do?

1 KEVIN GINGERY: Yes. This is the way it's
2 supposed to work and it did what it was supposed to do.
3 But since the duration of the water that we experienced
4 was so long, it caused a great amount of erosion. Like in
5 1976 when they had their flood, it was a much shorter
6 duration so it caused less erosion.

7 This one went on for a number of hours causing
8 more erosion. So this is known as an erosive flood. The
9 '76 flood was known as a flash flood. So they are two
10 different floods. But a flood is a very destructive
11 situation.

12 And I know that there is a forum, a Big Thompson
13 River Watershed Forum, that's working on a master plan
14 from Estes Park to the South Platte River where
15 restoration of flooded properties, and they are trying to
16 come up with a guiding document for all the different
17 communities. And that's currently being worked on. So at
18 this time there aren't any plans on the table for any
19 improvements to do anything.

20 The Spring Creek flood in Fort Collins was much
21 different because it came down through the campus and
22 through the middle of the community, and they had
23 irrigation ditches overtopping. And it was just kind of a
24 different type of a situation, so . . .

25 COMMISSIONER MALLOY: I guess I was just getting

1 back to, you don't see any measurable change to property
2 basically the way the water flow is diverting.

3 KEVIN GINGERY: No. I would say throughout the
4 Loveland community there won't be any measurable change to
5 anything in the floodplain, other than trying to, you
6 know, reestablish vegetation and address in helping
7 things.

8 COMMISSIONER MALLOY: Thanks.

9 CHAIRMAN MEYERS: Any other questions for Kevin?
10 Kevin, thank you very much.

11 KEVIN GINGERY: You bet.

12 CHAIRMAN MEYERS: Anything for Troy before he
13 sits down? Thank you very much, Troy.

14 Okay. At this time -- excuse me, did you have a
15 point?

16 JUDY SCHMIDT: I think at this point we should
17 see if the applicant would like to make a statement.

18 CHAIRMAN MEYERS: Sure. At this point in time I
19 would invite Mrs. Swisher to come forward to the podium,
20 go ahead and sign in and address the Commission as the
21 party with the property potentially being annexed or
22 requesting to be annexed by the City.

23 PATRICIA SWISHER: Good evening. I'm Patricia
24 Swisher and Lee, my husband, and I have owned the 1st
25 Street property since 1971.

1 Since our purchase of the property, we have
2 consistently utilized it for our enjoyment, as well as
3 constantly working to control the weed growth and spread,
4 maintaining our livestock and the associated equipment and
5 supplies that goes with that, maintaining the fences and
6 the boundaries. Utilization of the property for hay
7 storage and equipment was done at one time. And there was
8 also a garden there. Outsiders moving into this area have
9 been able to see the characteristics of this area.

10 We are in our 70s now. Mr. Swisher is now under
11 doctor's care.

12 This property was kept for its potential use and
13 its value, so we're requesting a resolution to this
14 annexation and zoning be accomplished as soon as possible.

15 I want to go through -- I have a little overview
16 of the conversations and the messages and so forth that
17 we've had with the City personnel.

18 Early in 2012 Mr. Hayes of the City of Loveland
19 staff contacted us by phone regarding the purchase of this
20 property by the City.

21 From Mr. Hayes, open space regulations don't give
22 the City authority for condemnation of properties for open
23 space for natural areas, thus the City offered to purchase
24 the property without the value determined by appraisal.

25 According to Mr. Hayes, the City had a Great

1 Outdoor Colorado grant to purchase or develop properties
2 for open space and natural area projects.

3 The properties to be added to the lands already
4 in the Loveland parks system were this one 1.81 acre
5 parcel that we owned, a 117 acre parcel opened by Loveland
6 Ready Mix. There was a pond west of Railroad Avenue owned
7 by CGRW Investments, which is also know as Sportsman's
8 Club. They also wanted to develop the ponds at River's
9 Edge.

10 Mr. Hayes said he would propose a possible
11 purchase, the price, the conditions and the terms, but he
12 first wanted to visit the property. So we arranged for a
13 meeting, February 14th, 2012 at 9:45 a.m. It was a cold
14 blustery day.

15 Mr. Hayes said that they wanted the property so
16 that they would have a continuous piece of property
17 between the Jayhawker Ponds and these ponds, access to the
18 Jayhawker Ponds without trespass over private property as
19 is presently occurring. And he again reiterated that they
20 had the Great Outdoors Colorado grant to purchase various
21 properties.

22 And he also reiterated that open space property
23 regulations do not authorize governments to condemn such
24 as for roads, bridges, et cetera. If you cannot condemn,
25 then you cannot require an appraisal.

1 Mr. Hayes and Ms. Hilgenberg didn't have any
2 negative comments to us, at least then on the property at
3 the time. The City's anticipated use, in addition to
4 making a contiguous parcel for the natural area would be
5 for a possible parking, entrance into the park area,
6 necessary facilities for the parking. The front portion
7 along 1st Street is about 5 feet above the road level.

8 We did not discuss price during that visit. The
9 end of the meeting was positive. The City was interested
10 in purchasing the property and the Swishers were willing
11 to sell.

12 Then telephone calls from Mr. Hayes after
13 visiting the property were ever changing as to what the
14 committee would agree to purchase the property for. We
15 countered with the value established in the City of
16 Loveland's 2000 appraisal, the highest and best use for
17 the 1.82 acres, and the committee wasn't interested in
18 that.

19 So now we get to April 19, 2013. The message
20 from Troy Bliss said the City of Loveland was planning a
21 project on a property west of our property, give him a
22 call back. We replied with a letter asking him if he
23 would explain the project. The project for Mr. Bob
24 Paulsen's reply letter was to pursue annexation of the
25 enclaves.

1 Responding to Mr. Paulsen in a letter dated May
2 9th, we stated we could meet, but Mr. Swisher needed an
3 assistive hearing device to be able to participate in the
4 meeting.

5 Mr. Paulsen's letter of June 6th stated that he
6 had arranged for appropriate accommodations to enable
7 Mr. Swisher to attend and participate in a meeting
8 concerning the annexation of the Jayhawker addition.

9 In his letter Mr. Paulsen stated, "At the meeting
10 we will have a recorder available that accommodates
11 headphones that should enable Mr. Swisher to amplify sound
12 to a desired level. With the recording of the meeting, we
13 will be able to have the meeting transcribed so a written
14 record of the discussion can be provided to you within a
15 few days following the meeting."

16 The meeting was held, the headphones were
17 provided. Present at the meeting was Troy Bliss, Greg
18 George, Kimber Kreutzer, and Lee and Patricia Swisher.

19 But unfortunately the feedback into Mr. Swisher's
20 hearing aids caused screeching by the hearing aids and so
21 he was unable to clearly hear a lot of what was being said
22 unless somebody was directly across from him or sitting
23 next to him.

24 Building and annexation was discussed, but no
25 specific time tables were given at that time, and the City

1 preferred not to force the annexation.

2 For the intergovernmental agreement with Larimer
3 County, the City is obligated to actively pursue these
4 county enclaves.

5 During the meeting, the City staff said that
6 without approval of the landowner for annexation, the City
7 cannot put any special conditions on the annexation. They
8 can make a provision for the present use for a time, and
9 they said we may want to think about that.

10 Also Mr. George said, whatever zoning we put on
11 that property today is not going to have any effect on the
12 existing use. That is going to be grandfathered in when
13 it comes to the City -- no cost to the Swishers.

14 Now, these zoning annexation and regulations are
15 pretty complicated, and they do need a lot of
16 clarification and understanding. So at that meeting the
17 City agreed to furnish copies of the codes, the
18 annexation, the regulations and the flood map.

19 The City staff left us with the impression that
20 because we had owned the property and used the property
21 since 1971, the City would have to take it in as it is
22 being used presently and could continue per the
23 grandfather clause.

24 Well, no transcription was sent of that meeting
25 within a few days.

1 But during that meeting discussion was also added
2 of some concerns that we had been having for some time.
3 One of those concerns was the noxious weeds and the dry
4 grass which had been allowed to grow waist high, out of
5 control, they weren't cut down. And this was on the HP
6 property, or what was the HP property, as well as the
7 Jayhawker Ponds. Weed pollution and the fire problem does
8 exist with these weeds. Canadian thistle weeds have been
9 in bloom and will within in a couple of days go to seed.
10 Grass and various weeds have been allowed to become tall
11 and dry, making them a fire hazard, which concerns us
12 because of the upcoming July 4th holiday.

13 We were assured these problems would be taken
14 care of within the week by a Park's staff member. And he
15 has been invited, and I'm sorry, I do not know his name.
16 But nothing was done about the weeds or the dry grass for
17 the remainder of the summer. When the flood came through,
18 then it took care of the weeds and the dry grass.

19 The walking path you have down there is not
20 patrolled in any way. Dogs are allowed to run. They go
21 down in the ponds, they chase the geese, they poop all
22 over the path. Nobody else is down there except the guy
23 who goes down and dumps the trash.

24 But we were assured that City and staff would be
25 working with Larimer County and the police department, the

1 Park's maintenance to get these things under control by
2 2018.

3 Now Mr. Hayes called numerous times between June
4 and September with some kind of offers. Now these were
5 offers on the telephone, and then he would have excuses
6 why the City couldn't purchase the property with our terms
7 considered, and the terms seemed to vary with every call.

8 All of the contacts that Mr. Hayes had with us
9 after February were telephone contacts. The price and the
10 conditions varied, authority to come to the negotiation
11 table and make a definitive decision was apparently not
12 his.

13 Our 2000 appraisal did provide a basis for the
14 value of that property. You paid us for 20 feet of our
15 frontage per that appraisal, and it was for the highest
16 and best use, which is what an appraisal should do.

17 Hewlett Packard is industrially zoned just to the
18 south of the property. Other businesses are located in
19 the area. We believe that the City's purchase value is
20 based on opinion. It is not based on an appraisal.

21 July 7, 2013, we received a packet from
22 Mr. Bliss, and it contained zoning and annexation rules
23 and regulations but no transcript of that June 18th
24 meeting.

25 August 9th Mr. Bliss stated by an e-mail, "I

1 wanted to follow up with you from the information you
2 received in the mail from me on July 3rd, 2013. I have
3 hoped to have had an opportunity in which to review it.
4 Upon review of the information, and as we discussed in our
5 meeting on June 18th, 2013, we wanted to hear from you
6 regarding what zoning designation you would like
7 considered for your property, as well as considerations
8 that you may want in terms of negotiating the terms of an
9 annexation phase. We are anticipating scheduling a
10 neighborhood meeting for the Jayhawker addition the first
11 part of September with public hearings from the Planning
12 Commission and City Council likely to occur in late
13 September and into October. If you would please get back
14 to me on your thoughts for zoning and any considerations
15 to annexations, I would greatly appreciate it. If you
16 would like to arrange another meeting, I am happy to do
17 that as well. Thank you."

18 That packet of zoning information and annexation
19 was detailed, but we still hadn't received a transcript of
20 that June 18th meeting, which was vital to what we
21 understood -- what we thought we understood at that
22 meeting. We took our time to go over the information, but
23 before we replied to Mr. Bliss the flood occurred.

24 Now negotiations with the City had not been --
25 had not proved successful. In addition, the City

1 personnel hadn't fulfilled our request. And we had made a
2 number of requests for this June 18th meeting, because it
3 was vital to our thinking and to what we believed was
4 said.

5 It did not also fulfill this or Mr. Paulsen's
6 promise that we would receive it within a few days.
7 Without this transcript we had not been able to fully
8 review the City's position on this project.

9 Now Mr. Hayes called us on September 25th -- that
10 was 12 days after the flood -- to advise us that due to
11 the flood our property had lost value. He spoke of the
12 extensive damage that they had suffered at River's Edge,
13 all of the buckling, all of the loss of fill, all of the
14 silt. I know it well. The silt sucked my boots off every
15 time I walked down there.

16 Our position remained. Even though the flood
17 water rushed over much of the land in that portion of the
18 West 1st Street, that land is still there. And in need of
19 the City for their use of the land is exactly the same as
20 it was before -- to make a contiguous parcel, not one
21 broken with a piece of private property in the middle of
22 it.

23 One of the reasons that I see as a person who is
24 down there in the flood where I can see the height of the
25 flood on the fence, one of the reasons there was so much

1 damage is because the water could not flow over those
2 dikes that are on the east side of the Jayhawker Ponds.

3 Once those dikes broke, that water went flooding
4 down for people downstream. But once the dikes broke, the
5 water went down. The water backed up and came in our
6 front gate because it couldn't go around the back side.
7 That was part of the problem of the flooding in that area.

8 It would be appreciated if when the City does
9 their work there that they consider the height of those
10 dikes and how they do affect the flow of the water.

11 Now the annexation and zoning project originally
12 for the September through October term apparently was
13 cancelled. We don't have any record of calls or a note.

14 But I want to make something very clear. At no
15 time during our scattered inconsistent conversations with
16 City staff, Mr. Hayes in particular, regarding purchase of
17 this property did the City encourage or even mention,
18 let's get together, let's have a private sit-down, let's
19 negotiate it, either at a city facility or an office
20 somewhere or in a park -- never -- for a much needed
21 resolution to this project.

22 October 16th Mr. Hayes sent a purchase agreement
23 for the property. This was, in our opinion, the only
24 offer he ever sent, the only true offer. I can phone
25 somebody up and say, "Hey, I'll give you \$5 for your

1 dog." That doesn't mean I've made an offer.

2 This purchase agreement that Mr. Hayes sent was
3 strictly for the benefit of the City, everything about it
4 was, the terms, the condition the price, everything. And
5 it was simply a formality forbearing the City's intentions
6 to continue their aggressive pursuit to either obtain or
7 obtain the zone and annex this property.

8 Our reply to Mr. Hayes was adamant. This
9 agreement was not acceptable. And we still hadn't
10 received a transcript of the June 18th meeting to help us
11 understand what had happened.

12 January 2014 Larimer County contacted us saying a
13 complaint had been received regarding the use of our
14 property. The complaint was the next in a series of
15 actions to annex and zone our property forcefully. And in
16 what time frame? The December 6th, 2013 complaint was
17 prepared by Rockford Deden for the City of Loveland for
18 pushing an annexation and a zoning again.

19 Now, we have the February 20th neighborhood
20 meeting -- 2014. At the neighborhood meeting the
21 consensus of the Split Rock subdivision was that they
22 would like to see negotiations resume for the City to
23 purchase our 1.81 acres. And we clearly stated, we were
24 not opposed to negotiating an agreement. And I suggested
25 somebody from the City staff give me a call, and nobody

1 called.

2 Our rights as property owners do not stop because
3 the City chooses to proceed with a forced annexation. The
4 forced annexation and the zoning is being done by the City
5 of Loveland because it can. It must be able to negotiate
6 fair treatment through this annexation and zoning process
7 without fear of rebuttal.

8 The terms and conditions must allow landowners
9 the ability to perform what is needed for determining,
10 even when regulations are set forth through adverse
11 conditions.

12 So here's what I've pointed out. The City began
13 trying to purchase this property in 2012, but it is not
14 forcing the annexation and zoning, even though we have
15 continued contact. In its best interest the City's
16 purchase of the property at a price agreed upon, the terms
17 agreed upon, and conditions agreed upon by both parties is
18 an excellent solution.

19 Set up negotiation, continue until an agreement
20 which can be adhered to by all is accomplished. No more
21 skipping around, no more telephone tag, no more changing
22 terms or the conditions or the value.

23 Now, Mr. Swisher and I have not yet received the
24 transcript of that June 18th meeting. We requested it
25 several times. It was pertinent, and I think that those

1 of you that have seen it realize why. Mr. Swisher has not
2 been able to avail of a factual clear understanding of the
3 ramifications of that meeting through the -- I was going
4 to say "neglect," but I think it was probably more
5 inability of the City to make some kind of a transcript.

6 But I feel that there has been constant
7 persistent aggressive bullying, intimidation through this
8 contact by the City. And all of this while we were
9 attempting to work through the flood. All of this
10 exacerbated our emotional and our physical stresses.

11 A transcript of that June 18th meeting was
12 finally sent via e-mail -- thank you to Kimber here --
13 Friday, March 7th, 2014. She sent it at 6:49 p.m. We got
14 the e-mail on March 8th, and it was too late to add a copy
15 of this transcript to your packet, so I did e-mail Kimber
16 early this morning and asked her if she would do it. I
17 suspected she had already done it.

18 Now you do have those suggested options. I
19 believe Troy went over those for me. Purchase of the
20 property by the City of Loveland. Your reasons for
21 purchasing that property are just as valid now as they
22 were before the flood.

23 You needed to have a contiguous piece of property
24 between the Jayhawker Ponds and the ponds east of that; to
25 provide a place for users of the walking paths and the

1 ponds in the area to be able to assemble, possibly to park
2 and not trespass over private property in order to get to
3 the pond or across the street to the baseball fields. And
4 you could also provide for parking for the overflow of the
5 baseball parking, if you wanted to.

6 This also will address the issue of privacy that
7 property ownership should surround this. The disruption
8 of the privacy and solitude of property ownership should
9 hold is a real issue here, and the purchase of this parcel
10 by the City would eliminate that disruption.

11 The conditions of the purchase would be at a
12 price, conditions and terms would be negotiated and agreed
13 to by all parties; provide adequate a fair time span to
14 move from the property, and that would be adjusted
15 depending upon the value that you put on expediency; allow
16 full use of the property until the moving is complete.

17 The property will be purchased as is, where it
18 is -- no exceptions. Terms that were in that October
19 contract were so restrictive that nobody in their right
20 mind would sign it. Annexation and zoning would not be an
21 issue if you purchased the property.

22 Now we have asked if you were to consider
23 annexing the property and zoning it Business. There is a
24 piece of property on the front portion that is
25 considerably higher, and it certainly didn't get wet. And

1 you see it. It's just north of that little yellow line
2 there (indicating). And more of the property would not
3 have been wet except for the dikes.

4 The redevelopment could allow for an art studio
5 or art park or maybe some art sales for other business
6 property in the area. Parking could be available
7 throughout the remainder of the property.

8 Another thing that if I understood the June 18th
9 meeting allowing annexation but the use which has occurred
10 over the last four years be grandfathered in. Zoning
11 could be compatible with livestock, equipment, the present
12 continuous use, et cetera; allow screening of the areas of
13 the property; the fencing around the total property would
14 be reestablished to keep the trespassers out, give a
15 strong message that trespassing isn't okay; and provide
16 barriers for anyone who might attempt to trespass on or
17 become injured on the property and therefore will create
18 reducing our liability; allow us full use of the
19 property.

20 The front gate will remain locked. Trespassers
21 will not be tolerated. Paramount is our privacy and
22 solitude on the property. It may be DR zoned, but it's
23 still ours. And no tax increase on the property that
24 apparently is not worth anything.

25 In conclusion, Mr. Swisher's severe hearing loss

1 and request for assistance either with assistive listening
2 devices as well as the transcript of the final meeting in
3 June 2013 are issues which haunt this. Moving forward
4 with forced annexation and zoning and Mr. Swisher has been
5 unable to satisfactorily participate in the process, which
6 affects his right to ownership of this parcel of land is
7 not acceptable.

8 It is for this very reason that the City should
9 in all fairness either purchase the property or allow the
10 full use of the property as it exists. The City must do
11 something as soon as possible.

12 So please contact us as soon as possible,
13 establish a date, a place and a time so that we can
14 negotiate the price and the terms and the conditions, if
15 the City desires to purchase the property.

16 We would also like if we do start with the
17 purchase of the property that you contact the County back
18 and let them know that their violation -- notice of
19 violation should be stopped.

20 I'd like to have you begin negotiations on this
21 if you want to purchase the property probably before April
22 14th but before then. And please let us know your
23 decision as soon as possible. Thank you.

24 CHAIRMAN MEYERS: Any questions for Mrs. Swisher?

25 COMMISSIONER MALLOY: So have you gotten an

1 appraisal since 2000?

2 PATRICIA SWISHER: No.

3 COMMISSIONER MALLOY: Have you worked with a
4 lawyer with everything that's been going on, at all?

5 PATRICIA SWISHER: You know, that is kind of
6 funny that you ask that. I think the question that comes
7 to mind is important -- do I need one?

8 COMMISSIONER MALLOY: Well, I'm just thinking.

9 So is it then your intention to sell property if it's a
10 marketable price?

11 PATRICIA SWISHER: You mean to the City?

12 COMMISSIONER MALLOY: Yes.

13 PATRICIA SWISHER: Yes. If we can negotiate
14 agreements that are agreeable to everyone -- not just the
15 City.

16 COMMISSIONER MALLOY: And your current use is
17 storage, and what else do you do on that property?

18 PATRICIA SWISHER: We do have horses there.

19 COMMISSIONER MALLOY: You do have horses.

20 PATRICIA SWISHER: Absolutely. And we have had
21 livestock there almost continuously since we've owned the
22 property.

23 That's the one reason I do not quite understand
24 why the County -- unless it was from something that
25 somebody did not perceive here and gave the County the

1 information. Why the County says that we can't keep a
2 horse there because it is FA farming, and we can keep a
3 trailer there for that horse, and the trailers are
4 licensed for that. I'm kind of questioning that.

5 COMMISSIONER MALLOY: Have you ever had any
6 complaints prior to this one?

7 PATRICIA SWISHER: No, we have not.

8 COMMISSIONER MALLOY: If you end up staying
9 there, do you just plan on continuing with what you're
10 doing for what's going on out there? I guess I'm
11 questioning this. In order for the County to contact you,
12 as you know, a complaint needs to be filed. No complaints
13 filed usually means you can continue with what you're
14 doing for an indefinite period of time. And since a
15 complaint has been filed, the County will not stop until
16 things are fixed to where they need code -- with what the
17 code compliances are.

18 So the question is, if you end up not selling,
19 not getting annexed in, you realize that your worries
20 aren't over that, the County will continue to badger you.

21 PATRICIA SWISHER: Well, we certainly do
22 understand that. And, you know, it's kind of funny, and
23 we've seen it written in a number of places over and over,
24 that we have not been for annexation, and I'm not too sure
25 why you really think that.

1 I think that we have not received information and
2 we've kind of waited for it and we waited for it and we
3 waited for it and we wanted things clarified through that
4 meeting. And so somebody assumed that we did not want to
5 be annexed.

6 But if we're annexed in and it's a fair
7 annexation, or if you want to purchase the property and
8 you want to annex it, you want it zoned in any way you
9 want to, that would certainly be fine with us.

10 COMMISSIONER MALLOY: Right. I understood that
11 with the transcripts and everything else that were sent to
12 us today. Okay.

13 COMMISSIONER DOWDING: So I brought my County
14 Land Use Code Book tonight, and so you can know, I am
15 going to read this right from the FA Farming Zoning:
16 Equestrian operations require a site plan approved by the
17 County. And that's why just because it says farming, we
18 just can't put horses there.

19 PATRICIA SWISHER: What is an "equestrian
20 operations"?

21 COMMISSIONER DOWDING: I will read the definition
22 of an equestrian operation.

23 CHAIRMAN MEYERS: But again just for
24 clarification, that's outside of our purview. That's in
25 the County's purview.

1 COMMISSIONER DOWDING: "An equestrian operation
2 is a facility or place used for horse boarding, including
3 equestrian pasture boarding and/or equestrian activities
4 for a fee and/or for an exchange of goods or services.
5 Activities associated with an equestrian operation may
6 include, but are not limited to, on or off-site
7 advertisement of the operations, a website describing
8 services for operation for the operation, and are
9 incorporating or filing taxes as a business."

10 Do you need anymore? Is that sufficient?

11 PATRICIA SWISHER: It is quite sufficient. It
12 absolutely throws this right out the window, because we do
13 not do this for any kind of business. This is our
14 personal use.

15 COMMISSIONER DOWDING: I understand that. But
16 you can't put "board horses" as . . .

17 PATRICIA SWISHER: But we . . .

18 CHAIRMAN MEYERS: I recommend you address that
19 with the County.

20 COMMISSIONER DOWDING: It's a complicated issue,
21 and I don't know that equestrian -- that horses on the --
22 well, I'm not even going to say anymore, because I will
23 probably just put my foot in my mouth.

24 CHAIRMAN MEYERS: Do you have another question or
25 statement, Carol?

1 COMMISSIONER DOWDING: I wanted to know why,
2 since you have been having conversations with the City for
3 about two years, no one has approached doing an
4 appraisal. It's been 14 years.

5 PATRICIA SWISHER: When the City approached us,
6 they said that this is not a condemnation and, therefore,
7 an appraisal was not necessary for open lands, for natural
8 areas. They couldn't condemn and so they weren't
9 requiring an appraisal.

10 COMMISSIONER DOWDING: No, I understand that.
11 But how do you determine what the fair market value of the
12 land is?

13 PATRICIA SWISHER: We had an appraisal in 2000.

14 COMMISSIONER DOWDING: That's 14 years old.

15 PATRICIA SWISHER: Land values have gone up.

16 COMMISSIONER DOWDING: Well, again, that was 14
17 years ago. For your own benefit, I would think that an
18 appraisal of that property would be a good thing so that
19 you could have a positioning -- a point to negotiate
20 from. That would be to your benefit.

21 PATRICIA SWISHER: Thank you for that.

22 COMMISSIONER DOWDING: That's the only thing I
23 have.

24 CHAIRMAN MEYERS: Are there any other questions
25 for Mrs. Swisher?

1 COMMISSIONER RAY: Point of clarification. I
2 just want to make sure. If we had an appraisal from a
3 third party appraising comparables to that piece of
4 property and sat down with you to negotiate, would that be
5 a good right -- would that be the right starting point or
6 not?

7 And then what are the conditions that seem to be
8 so difficult for all of us to come to on the sale of this
9 property?

10 PATRICIA SWISHER: Yeah, I think an appraisal
11 probably would be a fair thing, a third-party appraisal.

12 COMMISSIONER RAY: So what would be the
13 conditions that would be so bad? What are the conditions
14 that you see as stumbling blocks for a purchase? What
15 would be those?

16 PATRICIA SWISHER: A time limit to move off the
17 property, the cost of moving off of the property. You're
18 forcing the annexation, and you're forcing us to move off
19 the property, and we think that has some value.

20 Being able to utilize the property, going to and
21 from the property as we need to. One of the things that
22 they want to do is inspect the property anytime they want
23 to. And I guess that's okay. But as long as they haven't
24 purchased the property, I think that those things need to
25 be negotiated and need to be understood.

1 As far as -- and we've said, purchase the
2 property as is and where it is. One of the things that
3 they finally decided that they wanted to do was to have an
4 environmental impact study on it. I don't think there
5 would be a problem with it, but I think that it is an
6 expense that's probably not needed.

7 COMMISSIONER RAY: If the City were to buy it and
8 they chose to have an environmental impact statement done,
9 you would not be -- you would be willing to accept that,
10 right?

11 PATRICIA SWISHER: I think we -- if we could sit
12 down and discuss it, I think that we could come to terms
13 with it.

14 COMMISSIONER RAY: I did want to thank
15 Mrs. Swisher. I know that it's very difficult to come to
16 a place like this in front of a group, especially led by
17 Commissioner Chairman Meyers, and it's probably a bit
18 overwhelming. I really appreciate you coming here and
19 giving us your input on this. It's a big deal, so thank
20 you.

21 COMMISSIONER MALLOY: I have one more question
22 for you. You purchased the property in 1971. Was it part
23 of the mining operation when you purchased it, or what was
24 that piece of property? I mean it just kind of stuck out
25 there.

1 PATRICIA SWISHER: It was just out there. They
2 mined all around us. They didn't mine it at all.

3 COMMISSIONER MALLOY: But I mean that whole area,
4 including the lakes and your property, was part of the
5 mining opera -- the landowner?

6 PATRICIA SWISHER: I don't know. We purchased it
7 from an individual, but, no, it wasn't part of that.

8 COMMISSIONER MALLOY: Because you were there
9 prior to HP being built, correct?

10 PATRICIA SWISHER: I'm not sure when HP was
11 built. When we bought that property, the city dump was
12 across the street. That's why the baseball fields are
13 high. That's why it's up there, because there was a dump
14 there. And when they built the baseball field, they
15 covered it up.

16 COMMISSIONER MALLOY: Which is a good use for a
17 dump.

18 CHAIRMAN MEYERS: I have one question, ma'am. Is
19 there anything just on principle that if this land was
20 annexed that would preempt still going through with the
21 transaction and negotiation?

22 PATRICIA SWISHER: Pardon me? Say that again in
23 terms I can understand.

24 CHAIRMAN MEYERS: If the property was annexed by
25 the City as a result of action by this Commission and

1 subsequently by the City Council, is there anything that
2 would preempt keep you from still selling that land to the
3 City at a later date?

4 PATRICIA SWISHER: Well, probably not, but it
5 doesn't seem to be an effective use of the City's time and
6 efforts if you don't do it all at once.

7 CHAIRMAN MEYERS: From your perspective. I
8 understand that.

9 PATRICIA SWISHER: Uh-huh.

10 CHAIRMAN MEYERS: Thank you. Any other questions
11 for Mrs. Swisher? Thank you very much, ma'am, appreciate
12 it.

13 And at this time we will open the floor up for
14 public hearing. Any citizens wishing to address the
15 Commission on this matter can do so by coming forward to
16 either of the two podiums -- there are two. So in order
17 to expedite things, come up to address the Commission,
18 announce your name, your home address, also sign in the
19 sign-in form and address the Commission. I would ask you
20 to limit your comments to a three-minute period so that we
21 can accommodate everyone being able to speak.

22 COMMISSIONER RAY: Mr. Chair, if I might just
23 interject for a moment, if I may. We heard some dialogue
24 about how the Parks and Rec Department plays into this.
25 And I was wondering if it wouldn't be worth our while to

1 respond to some of those before.

2 CHAIRMAN MEYERS: Before public comment?

3 COMMISSIONER RAY: Yes.

4 CHAIRMAN MEYERS: We can do that. I don't think
5 that's an issue. I would invite Troy and/or Kevin, either
6 one, also to come up from the City to respond.

7 So, Rob, if you would come up since Parks and Rec
8 was mentioned, we would appreciate it.

9 COMMISSIONER RAY: Do you want us to ask
10 questions, or do you want to make a statement based on
11 what you've heard here this evening and then we'll ask
12 questions? It's your call.

13 ROB BURDINE: I'll take questions.

14 CHAIRMAN MEYERS: Do you want to go ahead and
15 announce yourself, your role.

16 ROB BURDINE: Yeah. I'm Rob Burdine. I'm from
17 the City of Open Lands Management.

18 CHAIRMAN MEYERS: Mike, please.

19 COMMISSIONER RAY: Rob, thanks for coming. We
20 really appreciate it.

21 So from your perspective, why were we unable to
22 come to a purchase resolution on this property?

23 ROB BURDINE: First, I think the basis of the
24 initial appraisal in 2000 is inaccurate -- the appraisal
25 was inaccurate. And it established zoning for the

1 property as Industrial, and that's we feel would --
2 especially if they're basing their appraised value on.
3 And we're of the opinion that a new appraisal would be
4 necessary. We've never had one done for the Parks and Rec
5 Department for this property, and that would be the basis
6 for future negotiations, to establish a market value of
7 the property, which we could work from to negotiate on the
8 sale of that property.

9 COMMISSIONER RAY: Okay. So for clarity then, if
10 you were going to get an appraisal, it would be for the
11 larger percentage of the property to be farming/
12 agriculture designation -- kind of designation with that
13 small piece up front being still commercial, and you would
14 be willing to accept that appraisal of the property; is
15 that right?

16 ROB BURDINE: That's correct. And I believe we
17 would look to rezone it at that time.

18 COMMISSIONER RAY: Okay. So do you feel the
19 major head-butting component of this is the price?

20 ROB BURDINE: Yes.

21 COMMISSIONER RAY: Okay. So that set about
22 asking about appraised value. That's not why we're here,
23 right? The impression that we get from the Swishers'
24 statement would be that Parks and Rec is being
25 heavy-handed in trying to force them to give up their

1 piece of property at an unfair cost.

2 So I want you to respond to that as you think you
3 can.

4 ROB BURDINE: We established a value based on
5 comparables in the region, as well as the contract itself
6 that was sent to the Swishers is the same exact contract
7 that we establish for all of our acquisitions, so there
8 was no extenuating circumstances or conditions on this
9 contract. And it was based on what we feel is fair market
10 value based on comparables in the area.

11 And like I said, we would like to pursue a new
12 appraisal on the property to establish what that price is
13 and then work from that number in negotiations with the
14 Swishers going forward.

15 COMMISSIONER RAY: What I just heard was Parks
16 and Rec would be happy to sit down in the park, in an
17 office, in someplace not owned by either party, some
18 neutral place and you would be willing to negotiate that
19 price and terms and conditions; is that correct?

20 ROB BURDINE: After we initiate and receive a new
21 appraisal on the property, yes, that is correct.

22 COMMISSIONER RAY: Mr. Bliss, can I ask you to
23 come up and speak to the same statements because I mean
24 part of it is Parks and Rec and part of it is annexation
25 and is zoning. So from your perspective can you try and

1 answer the same questions.

2 My allegation for this question is that the City
3 is heavy-handed in their negotiations. That's what has
4 been presented -- something to that effect. Can you speak
5 to that, please.

6 TROY BLISS: Commissioner, well, you know, from
7 our perspective we're looking at it more from a land use
8 standpoint, and we hadn't planned getting into the
9 purchase negotiations, at all.

10 And what we look at from the land use standpoint
11 is like I mentioned throughout the course of my
12 presentation, the conformance to our City Comprehensive
13 Plan, the conformance to our Municipal Code, including
14 floodplain and floodways. And that is a primary basis as
15 to why we're arriving at this particular position we are
16 with respect to recommending annexation, as well as other
17 things that we have in place, the IGA with Weld County.

18 So, no, from a land use standpoint, I do not
19 believe that we've ever been heavy-handed.

20 COMMISSIONER RAY: Thank you.

21 BOB PAULSEN: Commissioner Ray, just to clarify,
22 the Planning Office hasn't had any conversations relative
23 to price or acquisition with the Swishers or any others.
24 It's the Parks and Rec office that has had that.

25 COMMISSIONER RAY: Excellent point to make, by

1 the way.

2 COMMISSIONER MALLOY: I've got have a question on
3 a timing issue. I agree with everything you say about the
4 annexation and everything else, but were you approached
5 for the annexation or was this something on the
6 timelines? Do you have a timeline of getting these
7 properties?

8 And I guess what I'm getting at is, what it seems
9 to me is HP -- we had a tremendous opportunity to buy HP
10 and develop it and we ended up selling it and ended up
11 with all this land basically free to the City because we
12 sold the HP for the price that we paid for it, minus all
13 the land. So what are we going to do to this land? Well,
14 this is a great opportunity for open space and parks and
15 everything else. What a benefit to the City. It's a
16 tremendous benefit. I don't deny it.

17 But if that had never happened, would we be here
18 at the table today talking about annexation of this
19 property I guess is what I'm getting at. Because it seems
20 to me that that's what kind of kicked everything in. Open
21 Lands said, "Hey, we've got this little piece in here, we
22 need to take care of and how can we take care of it?"

23 And I'm not saying there is -- well, it seems to
24 me there is a little bit of dirty pool going on, although
25 I'm not saying that park was part of it. It would be a

1 great -- this piece of property would be a great addition
2 to fulfill he whole park. But basically it seems like, to
3 me, that there is a push going on here. Something doesn't
4 smell right to me basically.

5 So back to my question, is this annexation
6 something that we have attended to without the park being
7 developed, or is it something that's triggered because
8 it's a park?

9 TROY BLISS: Commissioner Molloy, you know, I'll
10 take a stab at this and maybe Rob or if the Deputy City
11 attorney wants to chime in, but certainly you can't
12 presume anything with respect to the approach taken here.
13 What I can tell you is that we were presented with an
14 application and, of course, being an interest on the City
15 to incorporate the Jayhawker Ponds into our municipal
16 boundaries, because it made sense for it to be part and
17 consistent and included with the River's Edge Naural Area,
18 so there was a nexus there.

19 And in doing so and in looking at that potential
20 annexation, we also evaluated the enclave status and in
21 looking at all the other policies that come along with
22 that, including conformance with the IGA.

23 But I can't go back so many years when the
24 Agilent properties which are now city parcels and
25 everything around it to presume why this is now taking

1 place.

2 COMMISSIONER MALLOY: Okay. But I was just
3 basically wanted to know what if the Planning Department
4 had instigated, as you say, an application was applied for
5 and that's through the Open Space?

6 TROY BLISS: Effectively it's the City of the
7 Loveland that's the applicant but, you know, more
8 particularly the Parks and Recreation Department is the
9 official applicant for the annexation because there is an
10 interest in terms of bringing the Jayhawker Ponds into the
11 city and incorporating it into the overall River's Edge
12 Natural Area.

13 COMMISSIONER MALLOY: And that all makes sense to
14 me. But as far as the application process, when did that
15 kick in? Did you all of a sudden see this piece of
16 property and --

17 ROB BURDINE: It took place in February of 2012.

18 COMMISSIONER MALLOY: But I mean did you see this
19 piece of property and say that this needs to be either --
20 well, we need these lakes brought into it, and since
21 you're doing that, you talked to the Planning Department
22 and they said, "Well, we need go get an enclave there?"

23 ROB BURDINE: It was our goal as an open lands
24 division of the Parks and Rec Department to bring
25 Jayhawker into the River's Edge Natural Area so we could

1 manage and police and create the same policies for the
2 property as one big properties. We have several fishing
3 ponds that we're managing the same.

4 So it was our goal just to bring everything in
5 line together so there would be an opportunity for us to
6 better manage and police that property.

7 So that was the goal of the annexation at that
8 time. And then the enclave was then brought into the mix
9 after that time.

10 COMMISSIONER PRIOR: Why wasn't an appraisal done
11 at the initial discussions of purchasing the property.

12 ROB BURDINE: It's not something we always
13 pursue. It's we try to work on negotiations with the
14 landowner before pursuing an appraisal because they do
15 cost several thousand dollars to initiate and obtain.

16 So once we determine that we were not going to be
17 able to come to negotiations with the landowners, that at
18 that time we determined that now an appraisal is probably
19 the way for us to move forward and agreeing to a market
20 price for the property.

21 So we did not pursue one initially because we
22 first made an offer and the Swishers did a counteroffer,
23 and at that time -- we never changed our offer from that
24 time until the post-flood offer that Mrs. Swisher had
25 described. It was the same offer from the beginning

1 through the entire process.

2 COMMISSIONER PRIOR: So in your letter to Troy
3 Bliss stating in October that it was requested that no
4 more communications did you ever offer prior to that to do
5 a new appraisal?

6 ROB BURDINE: No.

7 COMMISSIONER PRIOR: Thank you.

8 COMMISSIONER MASSARO: Moving forward, it looks
9 like we have kind of a semi-agreement here that a new
10 appraisal could be done, and if so, Mrs. Swisher seemed to
11 be willing to at least look at that new appraisal and
12 start negotiations.

13 And I guess my question is, is there anything
14 critical about a timing? In other words, can we have a
15 continuance -- and I don't know if that's proper or not --
16 to let some time pass by to get an appraisal before the
17 annexation is to take place? Is that a question we should
18 have on the table?

19 Because I think we have two parties that look
20 like they may be willing to negotiate at this point in
21 time. And especially if an appraisal is done, we have
22 something to work from, from both sides.

23 So that becomes a question on the table because
24 of a continuance. In other words, our time is so critical
25 to get this to City Council or can that be delayed?

1 BOB PAULSEN: I think if it's agreeable from
2 Parks and from a planning perspective, as long as we
3 continue moving forward in effort -- not necessarily
4 meaning going to Council as scheduled on April 1st.

5 One of the reasons we wanted to go to Council on
6 April 1st is that's what we noticed. We can change that
7 but, you know, we haven't talked to the Park's office
8 about this. I would think that a short delay wouldn't
9 hurt anything, but I can't speak for Rob. From a planning
10 perspective, that adds a little bit of time on the
11 subject.

12 COMMISSIONER MASSARO: And I realize we may not
13 be able to make that decision tonight as far as Parks is
14 concerned, but is it something we can consider and
15 possibly agree with about that?

16 ROB BURDINE: Well, that's a discussion I would
17 have to have with the director of the Parks and Rec.

18 COMMISSIONER RAY: However, I believe that we can
19 put a motion up front that says that we want to delay this
20 action after the public hearing, if we wanted to do it.

21 CHAIRMAN MEYERS: Any other questions for Troy or
22 Rob?

23 BOB PAULSEN: Mr. Chairman, if I could,
24 Mrs. Swisher has raised a number of concerns about the
25 June 18th meeting that was held with the planning staff,

1 and I would like to clarify some things there.

2 I did in a letter, and she is correct, indicate
3 to Mrs. Swisher and Mr. Swisher that a transcribed copy of
4 that meeting would be available. I think this is -- I'm
5 the one that's responsible for not getting that done, and
6 I'll tell you, I went on -- I would have been in
7 attendance in the meeting had I not been on vacation when
8 that meeting occurred and the transcription didn't -- we
9 did record it, you have a copy of it before you, the
10 Swishers now have a copy, everyone has a copy.

11 The simple fact is that I neglected to follow up
12 to ensure that we made a transcript. And I apologize for
13 that, I apologize to the Swishers for that, and Troy and
14 Kimber and those of us that are associated with the
15 Planning Office. Believe me, there is nothing devious in
16 this effort.

17 Having this information called to such great
18 attention at this meeting, I wouldn't have -- you know,
19 had I been able to do anything about that, I would have
20 done it. Mrs. Swisher has requested in the recent past,
21 in the last several weeks, to have a transcript, and that
22 was provided. There was some delays because we thought
23 there was some software that could do this automatically.
24 What ended up occurring is that Kimber did this basically
25 by hand.

1 So again, I apologize. It was not requested of
2 the Planning Department for many months until very
3 recently that that transcript occurred. Had we been
4 requested in July again or August or October or something
5 to that effect, I feel very certain that we would have
6 provided that information to the Swishers.

7 We're not withholding it. Again, it was not
8 intentional. It was just something, because I was not at
9 the meeting I forgot to follow up. I just wanted to make
10 sure -- and Troy is certainly not responsible, nor
11 Kimber. It's me that is responsible for that.

12 So if you have questions about what's in that
13 material, we did it word for word. I trust completely
14 Kimber's work on this.

15 And I also want to express that although I was
16 not in this meeting, we did everything that we could to
17 accommodate Mr. Swisher's needs and Mrs. Swisher's needs
18 at that meeting. We had a director there. It was
19 preliminary for the Planning division to comment on a
20 number of things, including the use of the property. We
21 hadn't fully done our research.

22 As you might imagine -- I want to kind of give
23 you a sense of this. The Parks Office has been in contact
24 with the Swishers for some time in their negotiations.
25 Planning came in, in June because we were looking at the

1 property and looking at it as an enclave. So we started
2 proceeding. And what happened was the flood that
3 disrupted the process. And we just put everything on
4 hold. And then we were told let's move forward with the
5 annexation and then we started preparing more materials.

6 But I think Troy followed up in the duration
7 providing information to the Swishers in terms of maps and
8 other materials. We weren't trying to neglect keeping
9 people in the loop, particularly the Swishers.

10 I think that our responsiveness to their
11 communications, to their needs and so forth has been well
12 documented. The one piece was these minutes from this
13 meeting. And again, that was not withheld intentionally.
14 We just weren't reminded of it until the last few weeks.

15 KIMBER KREUTZER: A month ago.

16 BOB PAULSEN: A month ago. And since that point
17 we realized we needed to take care of it and that's the
18 trouble. So again, I just wanted to make sure that you
19 understood that.

20 And again, going back to that meeting in June,
21 our analysis was not completed at that time. I think what
22 we wanted to do was to give the Swishers as much
23 information as we could about that annexation process --
24 and I don't want to speak for Troy because he was in the
25 meeting -- about what that might mean to them.

1 There is some information in that meeting that's
2 -- you know, is a little bit different than today, but
3 we've worked to always keep the Swishers up-to-date as we
4 proceeded with how we see this going forward and work to
5 help them. Maybe they haven't received enough assistance,
6 but we've tried to provide information to them as we can
7 to give them updates.

8 So if you have any more questions of me, I would
9 be happy to respond further, if you'd like. But again, I
10 do apologize to the Swishers for not getting that. I do
11 wish they had contacted our office. They hadn't contacted
12 me about this at any point, nor our office, until a month
13 ago to get those minutes.

14 COMMISSIONER MALLOY: We have had time to review
15 it, and it was very clear on what the conversation was and
16 such, which, you know, having a transcriber in a meeting
17 and getting those notes is huge -- if we could do that for
18 every meeting.

19 CHAIRMAN MEYERS: I wouldn't count on it.

20 COMMISSIONER MALLOY: I mean that was a great
21 benefit to us to see what was going on, on June 18th -- I
22 guess it was a meeting. So I got a lot of information
23 from that.

24 When I talked, I said something about "dirty
25 pool," I was more referring to this code compliance, you

1 know. I don't understand this because that's why I asked
2 her if she has received complaints before. And at first
3 when I read through it, I thought, oh, someone did
4 complain about it and that's what instigates the whole
5 process of the County getting involved.

6 When I saw it came from the City, I thought, wow
7 this -- I didn't think this was right because this puts --
8 to me, this puts undue stress on the property owners that
9 they never re -- since 1971 never received knowledge -- if
10 this came from the residents that had just built the
11 houses over there, it might have had some validity. But I
12 just thought this was dirty pool because if I wait now
13 they're involved with the County and they've got to make a
14 decision on something, and I don't like the -- I don't
15 like the way that that -- that's what I meant by "dirty
16 pool."

17 CHAIRMAN MEYERS: Any other questions for Bob or
18 Troy or Rob?

19 I've got one just real quick for Rob. Rob, as a
20 result of the flood did anything come up on Swishers'
21 property that the City had to clean up that ended up in
22 the ponds downstream that you're aware of?

23 ROB BURDINE: I'm not sure exactly what washed
24 into the pond that's adjacent to their property. Some of
25 the belongings did wash on to the River's Edge Open Space

1 property, yes. The extent is unknown, and what was in
2 those belongings or that property is unknown as well.

3 CHAIRMAN MEYERS: In regards to the City buying
4 the property, is there anything that concerns the City in
5 regards to anything stored in that ground. Is there an
6 immediate opinion based upon visualization?

7 ROB BURDINE: Yeah. Well, one of the things that
8 we require through a purchase is a Phase I environmental
9 analysis done, and that's something that we would require
10 for this purchase as well. But that's standard across all
11 of our property purchases.

12 So that may be something that is of concern to
13 the landowners. And it's a concern of ours, so that's
14 something we would require.

15 CHAIRMAN MEYERS: Okay. There isn't anything
16 that anybody has seen visually yet or it could even make
17 an assessment at this time that the City wants to clean.

18 ROB BURDINE: No, not at this time. But we had
19 plans to test the water of the ponds, specifically the
20 pond adjacent to that property. We work with Colorado
21 Parks and Wildlife to -- initially we had stocked that
22 pond in April with 1600 trout, and that's going to be the
23 location of our kids fishing derby going forward with the
24 Loveland Fishing Club.

25 So we have concerns about not just that pond, but

1 all the ponds on the property after the floods, so we are
2 going to move forward with testing that water and
3 obtaining those samples.

4 TROY BLISS: And, Chairman, if I can interject,
5 we did have a Phase I Environmental Assessment report done
6 in conjunction with the city parcel. So there was one
7 performed on that. And the conclusions that were
8 identified in that report suggested there could be some
9 contamination associated with the nearby abutting Swisher
10 parcel. It's not confirmed, but there is possibility in
11 that report.

12 CHAIRMAN MEYERS: Are there any other questions
13 for them? Thank you, gentlemen.

14 All right. At this point we will go ahead and
15 open the public hearing. This is an opportunity for
16 citizens wishing to address the Commission, either pro or
17 opposed to this action, before the Commission to do so.
18 If you would come forward to either one of the two
19 podiums, sign in, announce your name and your address.
20 Please limit your comments to three minutes so that we can
21 get everybody processed through this evening.

22 And the public hearing at this point is open.

23 LONNIE MADDUX: My name is Lonnie Maddux. I live
24 at 506 Split Rock Drive, and I'm one of 58 residents that
25 look on to the property.

1 I want to be sure that people understand when we
2 talk about the Swisher property, we are talking about a
3 junkyard. There are over a dozen abandoned cars in there,
4 there are RVs that are stripped to the outside shell.
5 There are parts of trucks, parts of tractor/trailer.
6 There are gears out there and large metal pieces and all
7 sorts of junk. So it's not a very eye-pleasing thing
8 there.

9 The 15-foot poles with the link chain fencing
10 that goes around it looks like a prison. It's an
11 eyesore. It's totally inappropriate to be next to the
12 natural area.

13 I applaud what the City has been doing with the
14 river's edge. I think that we all agree. In fact, Pat
15 Swisher stood up at the neighborhood meeting and said she
16 agrees it's inappropriate. But she basically said it's an
17 issue of the value of that property that we've already
18 talked about here tonight.

19 My point is that they have been in violation of
20 that zoning for over 15 years. They knew they were in
21 violation because they asked for a zoning change and it
22 was denied, but still they put all this junk on those
23 properties.

24 So if I could summarize it very quickly, I would
25 say that what we want is to get rid of that junkyard,

1 whether we annex it or whether we don't annex it, whether
2 it's purchased or not, we really should not have a
3 junkyard in that location.

4 I want to mention also about the complaints --
5 there was a concern about that. A lot of the residents
6 here have submitted complaints. We submitted them, and we
7 actually spoke to Mayor Gutierrez at one point and said,
8 "Why is that there?" He said, "Well, there is a process
9 for that."

10 We didn't really understand it. It took us a
11 while to put out our complaints, and it's not just
12 originating from the City. It's originating from those
13 folks who look at that property.

14 CHAIRMAN MEYERS: You understand how the
15 complaints have to go to the County on that particular
16 property because it's a County issue.

17 LONNIE MADDUX: We submitted complaints to the
18 County, and we wrote letters to the City Planning.

19 CHAIRMAN MEYERS: The County did respond.

20 LONNIE MADDUX: The County responded to that. I
21 spoke to Tony Brooks. He told me that he visited that
22 site 15 years ago, and there was nothing on the property.
23 And since then they have not had the resources to police
24 and enforce that.

25 He said they certainly would have been back had

1 they had the resources. And he did go back. And the day
2 I spoke to him he had been at the site the day before
3 taking pictures. And he said that he agrees, it's totally
4 inappropriate, should not have been allowed, and it's a
5 shame. And he said that he will initiate the enforcement,
6 which is the letter we got about two weeks ago.

7 So you just received the letter yesterday. We
8 received it two weeks ago.

9 COMMISSIONER PRIOR: When were your complaints
10 filed?

11 LONNIE MADDUX: I don't remember the exact date,
12 but it was -- I'd say it was about two weeks ago.

13 COMMISSIONER PRIOR: Do you know when the file
14 for a zoning with the County was done, by chance?

15 LONNIE MADDUX: No. It's in the public records
16 that there was zoning change requests, and Tony Brooks
17 told me that they did request and were denied that change.

18 COMMISSIONER MALLOY: That was years back.

19 I had the same question. I agree that, you know,
20 times change -- as times change it's tough when you've got
21 a piece of property that's been used for a long time.
22 It's out of compliance and has been for a long time.

23 But I don't think it's about getting it all
24 cleaned up. It's more of just a typical process of
25 negotiations. The City has been in that type of situation

1 numerous times before -- well, as far as back as I can
2 remember, 20 years.

3 Are you a new homeowner?

4 LONNIE MADDUX: I am a new homeowner over there.

5 COMMISSIONER MALLOY: I wanted to ask you, in
6 that neighborhood -- and this is a little bit off base but
7 I wanted to ask. That concrete wall that's in that
8 neighborhood that's incomplete, is there plans for
9 finishing that?

10 LONNIE MADDUX: No. I was told that that wall is
11 complete as it stands, and that's what the builder told us
12 as well.

13 COMMISSIONER MALLOY: All right.

14 LONNIE MADDUX: And I want to mention one other
15 thing and that was about the -- you were talking about the
16 toxins and potential liquids and things going in the soil.
17 Again, you've got a lot of abandoned vehicles there, so
18 it's very likely that during the flood as the water went
19 through that property, liquids from those vehicles and
20 engines and so on probably did go into there. For all we
21 know it's still leaching, and that's another reason that
22 we need to try and address removing that equipment.

23 CHAIRMAN MEYERS: Thank you, sir.

24 Are there any other citizens that would like to
25 come and provide testimony before the Commission?

1 Okay. Not seeing anyone come forward, we'll go
2 ahead and close this section of the public hearing and
3 bring it back up here for discussion amongst the
4 commissioners.

5 So we're open for discussion. Anyone want to --
6 Rob, you pushed the button first, you're up.

7 COMMISSIONER MALLOY: I agree that -- like I
8 said, that the area needs to be -- come back into
9 compliance and that's a County issue right now.
10 Unfortunately it's going to be a difficult one since a
11 complaint has been filed.

12 But this whole process seems -- I don't know, it
13 just seems funny to me that everything has kind of come to
14 fruition right now based over a two-year period, like I
15 said, that the City purchased HP and is developing this
16 property and all of a sudden, oh, since we're doing this,
17 we got to do this.

18 If HP -- if the City never bought the property
19 from HP, would we be here right now looking at annexing
20 this piece of property? And I strongly feel that we would
21 not.

22 It sounds like the negotiation has not gone like
23 it should have, and that's not right either. We've seen
24 the 402 corridor, things that have gone on there. We've
25 annexed property on 402 that looks like a disaster area

1 and the City allowed it to continue being a disaster area
2 for some, just so we could get it annexed. So there is no
3 give and take basically.

4 I think we need to get in there and negotiate
5 with the people for this property before we annex it. I
6 think we should be annexing it as a City, not annexing it
7 as for a private property owner.

8 Obviously they want to sell the property. I
9 think fair market value needs to be established. It has
10 not been established. So I think we're kind of putting
11 the cart before the horse by trying to annex a piece of
12 property that the City does not own yet.

13 So, I mean, I'm against the annexation at this
14 point. I think it can be done, but it needs to be done
15 right.

16 CHAIRMAN MEYERS: Anybody else have any comments
17 on this?

18 COMMISSIONER MASSARO: Well, I'm going to kind of
19 back up on what Rob just said.

20 It seems we brought everything together finally
21 and maybe we can get through this thing to actually get a
22 purchase agreement -- establish it. The appraisal I think
23 is the key, and once that's done there is a point that we
24 can work on.

25 So I'm kind of inclined to agree with Rob here

1 against the annexation at this point in time, as long as
2 there is not any critical thing in front of us that says,
3 guess what, if this doesn't happen, we have a bigger
4 problem. And so far I haven't seen that. So that would
5 be my position.

6 CHAIRMAN MEYERS: And Michele.

7 COMMISSIONER FORREST: Well, my position is the
8 same as the other two commissioners. I think that we need
9 to be fair to the property owners and to our community in
10 lands that they own, and I feel like if we annexed it,
11 it's kind of taking the property underneath them in some
12 way.

13 I think for annexation we actually come to a fair
14 agreement with the property owners on a price.

15 CHAIRMAN MEYERS: Mike.

16 COMMISSIONER RAY: So I've been pining over this
17 since our last meeting, right, because it's about
18 individual's rights that live in the city versus the
19 rights of the rest of us in the community to have
20 something that we consider goodness.

21 I challenge anybody here that lives up along that
22 HP Drive or South Taft Avenue, if that was your piece of
23 property how you would feel about us attempting to annex
24 that to make this go better, faster for the City.

25 I think that if it was my piece of property I

1 would have the same difficulty that the Swishers have
2 regarding trying to negotiate a sale. And I want to thank
3 Commissioner Malloy because he said everything I wanted to
4 say and said it better than I could.

5 Now that said, I don't want the Parks and Rec
6 Department to think if people own this and ask them to go
7 and enter into negotiation that that means that -- you
8 know, that we want the City to take a substantial loss and
9 overpay for a piece of property. What we would like if we
10 tried to postpone this action until a resolution could be
11 had that would allow the Swishers to join us in this
12 annexation so that it was not a forced annexation but was
13 rather a joint annexation, I would want both parties to
14 know that we want a fair and reasonable purchase, because
15 we don't want to send them back and end up, you know,
16 paying some crazy amount of money for this property.

17 So with that said, I'm against this annexation
18 action. I would like to propose as soon as everybody else
19 gets an opportunity to talk that maybe we make a motion
20 similar to what Commission Massaro had suggested, which is
21 postpone this action.

22 So that's all I've got to say.

23 COMMISSIONER DOWDING: I can only concur with my
24 fellow commissioners. It just seems like we're jumping
25 the gun.

1 COMMISSIONER PRIOR: I would say that I agree
2 with everything said here, but I want to reiterate that
3 both sides come to the table because the Swisher property
4 is out of compliance and has been for a long time.

5 In the future I would not be against annexing it
6 if required to or it came back to this table, due to the
7 fact that it is in an enclave and it should be annexed and
8 it's out of compliance with the county and the city in
9 future development.

10 So I would encourage both sides to come to a fair
11 market value in that and annex it in the future. Thank
12 you.

13 CHAIRMAN MEYERS: I'm kind of torn on this one,
14 because I see it from the City's perspective pursuant to
15 the statutes and the intergovernmental agreement we've got
16 to annex. I mean, that's a fact. Regardless of the
17 emotion we feel, that is fact that we should rule on in
18 some way.

19 The other is, I have some significant, you know,
20 concerns as Commission Molloy pointed out in regards to
21 some of the events, how they occurred. But I also have
22 significant issues in regards to the property owner. I do
23 not like the idea that, one, this can to be used as a
24 negotiation point over the top of the City. I think the
25 two parties should come together and reach and determine

1 that part of the binding agreement is, the annexation
2 would take place before any types of funds transferred
3 hands between the two parties to assure that that took
4 place.

5 Also, that the fees to go faster to get off the
6 property is unacceptable to the City. That would be my
7 personal recommendation to Parks and Rec or others. And
8 the property should be not encumbered by any type of
9 issues with cleanup. I mean, as a property owner, if I
10 sell a home, I take and clean up the yard and remove my
11 things from it and I get out of there, especially if its
12 noncomplying uses has been pointed out both by the City
13 and by the County.

14 That's just part of ownership. You know, you're
15 going to clean it up, you're going to have to take care of
16 it. And after that Phase I EPA review -- I mean, having
17 been involved with commercial properties and industrial
18 properties, that when you find something like that it's
19 like, I'm sorry, I'm not paying the price you wanted
20 because it's going to cost a heck of a lot to clean this
21 prop up.

22 So those would be kind of my comments. So I'm
23 kind of -- I'm up in the air, I'm mixed. I'm completely
24 mixed on this.

25 COMMISSIONER MASSARO: Mr. Chairman, I think

1 those are excellent points to bring up, that this is a
2 negotiation, that I think both sides have to be willing to
3 give something in order to get some agreement. And you're
4 correct, this is not an indication that it is a done
5 deal. There has got to be negotiations to get to an
6 agreeable conclusion.

7 So I advise the Swishers also to come to the
8 table with that in mind.

9 CHAIRMAN MEYERS: If the recommendation was made
10 any earlier was to continue it, that it would be
11 continued, that at least there is an agreement in
12 principle in regards to, you know, pulling together a deal
13 that can be done by a certain date. And if it's not, then
14 we move forward with the annexation depending on where the
15 two parties are at.

16 COMMISSIONER MASSARO: I fully agree with your
17 position.

18 COMMISSIONER MALLOY: And don't let it slide that
19 if it doesn't get annexed and it stays in the county, the
20 county's doors have been knocked on so there basically no
21 letting up from there. They will end up cleaning up that
22 property or the County will put a lien on it and take over
23 it. I've seen that happen with something very similar,
24 very close to where you guys are basically where the
25 County came in and if you didn't clean up by a certain

1 date, they shut it down.

2 So that's why I think that a negotiation needs to
3 happen with the City pretty quickly. I think there is a
4 lot of value to the City for this property. I don't know
5 about private owners, but I didn't get to the point of
6 asking what the City plans about doing with it but, I
7 mean, they are looking at parking lots and whatever else.
8 I mean it's a great access to the lakes and such, put
9 docks on those areas.

10 So there is value to the City so, you know, I
11 wouldn't shut that off. I think everything else said is
12 good.

13 COMMISSIONER RAY: So here's the perplexion for
14 me. If we postpone this and we continue this and ask the
15 Swishers to enter into some sort of negotiations with the
16 City -- we can only ask that, right? And if both parties
17 come back in, for example in two weeks, and decide that
18 they didn't want to negotiate, you know, what happens when
19 it comes back up here then?

20 CHAIRMAN MEYERS: Then we can vote on the
21 annexation.

22 COMMISSIONER RAY: Then we vote on the annexation
23 at that time. I think that's very good. Okay.

24 CHAIRMAN MEYERS: Legal counsel.

25 JUDY SCHMIDT: Well, listening to the discussion

1 I guess I have a few comments for your consideration.

2 You've talked about whether or not this could be
3 continued. I think that the Commission could certainly
4 say, one, we're not ready to make a recommendation under
5 the circumstances. We would like you to come back in a
6 period of time and let us revisit that recommendation.

7 Because I don't think we're under any particular time
8 frame here for a recommendation.

9 Another alternative would be to say we're ready
10 to vote on a recommendation of annexation, but we would
11 also recommend a period of time be inserted after our vote
12 for the parties to negotiate before it goes up to Council.
13 That's another thought that came to my mind as I was
14 listening to your discussion.

15 For example, we would recommend annexation, but
16 would recommend that this not be taken to Council for
17 consideration for a period of 30 days while the parties
18 see if there is something they can work out. If they
19 can't, we would still recommend that Council consider
20 annexing. That's also a possibility.

21 I think that -- you know, we're not really
22 continuing a hearing. We're holding a hearing now, and so
23 the question is really whether the Commission is ready to
24 make a recommendation with some condition that a time
25 period be allowed for some discussion, or whether you want

1 to wait, allow some time to pass, and then consider
2 whether or not you want to vote to recommend.

3 Does that make sense?

4 CHAIRMAN MEYERS: The latter one means voting on
5 a Commission recommendation for a period of time to pass
6 before City Council votes on it personally gives me the
7 unfairness thing, because we don't know where Rob's boss
8 is going to be at. Until we know that -- I mean, they may
9 not want to negotiate it and we've delayed it and it comes
10 back here for a recommendation vote.

11 COMMISSIONER MALLOY: That's why I'm wondering if
12 we deny annexation, that gives us the opportunity for the
13 City to decide if they want to move on with City Council
14 with that recommendation or come back and renegotiate.
15 And if they end up purchasing the property, then the
16 application changes.

17 JUDY SCHMIDT: Of course. And that's certainly
18 an alternative.

19 COMMISSIONER MALLOY: But I think that's a lot of
20 guess work in that. If we deny annexation, it can either
21 go to City Council.

22 JUDY SCHMIDT: Correct.

23 COMMISSIONER MALLOY: It doesn't have to go to
24 City Council.

25 COMMISSIONER RAY: My preference is we have to

1 make no decision at all and continue it, simply because --
2 we've heard a lot from both sides to enter into an
3 negotiation on some sort of equal terms.

4 If we deny -- if we voted and we denied, it puts
5 the Swishers at a better point in the negotiation than it
6 does the City. If we vote to approve it, then we put the
7 City at a higher point in negotiation than we do the
8 Swishers.

9 CHAIRMAN MEYERS: Then there is no motivation for
10 the City to come forward and annex than the other way
11 around?

12 COMMISSIONER FORREST: Is there any value to put
13 some sort of a time frame on it, either some sort of a
14 decision? I just feel like this has gone on for so long,
15 and if we don't put some kind of a time frame for
16 direction of some sort, then I think it's just going to
17 continue to continue.

18 CHAIRMAN MEYERS: If I had a vote, it would be to
19 continue for 45 days. That's a reasonable amount of
20 period for the City to make adjustments on what they want
21 to do, the Swishers can figure out what they want to do --
22 an appraisal to take place again. Because a property
23 appraisal make take longer than 45 days. Perhaps it can
24 be expedited.

25 COMMISSIONER FORREST: It comes from a better

1 statement. The Commission is wanting us to move forward
2 and that we're giving them another time frame.

3 COMMISSIONER MASSARO: I was just going to ask:
4 Do we have any idea how long an appraisal takes.

5 ROB BURDINE: About 45 days.

6 CHAIRMAN MEYERS: So at least you can negotiate
7 all the other terms and conditions and things all around
8 it as you wait to get your price established.

9 JUDY SCHMIDT: I guess one other thing to
10 consider here is that, of course, the real issue is to
11 avoid, as I think you've pointed out trying to
12 disadvantage either party in continued discussions.
13 Because the bottom line is here that the parties have not
14 reached agreement. They may reach agreement, they may not
15 reach agreement. I don't have any idea whether it will
16 happen or it won't happen.

17 And so I think what the Commission is being asked
18 to do tonight is to say, have the standards to annex been
19 satisfied and would you make a recommendation to Council
20 to annex or not, and have the standards for zoning been
21 satisfied and would you make a recommendation to Council
22 or not.

23 COMMISSIONER RAY: So you're asking us to vote on
24 it even though we said that we would not like to put any
25 person in a different position than they are in right

1 now.

2 I would prefer to bring a motion that says
3 continue for 60 days and encourage both parties to enter
4 into an agreement, and at that time vote upon these
5 conditions in 60 days.

6 JUDY SCHMIDT: And I think then that in 60 days,
7 whether the parties reach an agreement or not, if this is
8 back here --

9 CHAIRMAN MEYERS: Okay. I think your point is,
10 they make a decision, period. We don't continue this on
11 and on.

12 COMMISSIONER RAY: Yes. And it is a decision for
13 or against annexation at that time?

14 COMMISSIONER DOWDING: I was just looking at the
15 violation letter from the County, and I believe that what
16 we do here tonight will affect what the County's Board of
17 Commissioners decide how they decide to proceed. And I
18 think we can make a positive effect in perhaps slowing
19 this whole things down by saying, "Let's take a breath,
20 let's give good time for negotiations."

21 And I think if that is our decision tonight, that
22 will affect what the County Board of Commissioners decide
23 to do on the 14th of April.

24 CHAIRMAN MEYERS: At the end of the day my
25 motivation is to affect the County's effective best

1 resolution for the citizens in the City of Loveland and
2 for the county citizens, who are also citizens of
3 Loveland. So in whatever way they can come together --
4 whether it slows them down, it would be great.

5 COMMISSIONER FORREST: So how -- just out of
6 curiosity, because of that letter from the County it
7 states that the Swishers have 30 days --

8 CHAIRMAN MEYERS: It's outside of our purview.
9 It's like saying, you know, I want to get involved in
10 Crimea and I really can't. We have no effect. It's
11 outside of our purview.

12 COMMISSIONER RAY: So I'd like to make a motion
13 if we're ready, Mr. Chairman.

14 JUDY SCHMIDT: May I make one suggestion. The
15 provisions of Title 17 do call for -- now this is for an
16 application as opposed to an enclave annex, but I think
17 this is applicable in this circumstance. It calls for the
18 Commission to recommend approval or denial of the
19 application as submitted or its concurrence of the
20 applicants to continue the application and refer the
21 matter back for further study.

22 So I guess it may be useful in this setting if
23 the will of the Commission is to say come back in 60 days,
24 to ask if that is acceptable to the applicant.

25 CHAIRMAN MEYERS: Which you defined earlier by

1 default as being Mrs. Swisher.

2 JUDY SCHMIDT: Well, actually in this case the
3 applicant was the City for a portion of the parcel, and
4 essentially there is no applicant. But I think in all
5 fairness we are treating the Swishers as having -- they
6 clearly have an interest in this annexation. It's an
7 involuntary annexation.

8 And I guess my recommendation would be to ask the
9 Swishers whether they are willing to agree to a delay of a
10 determination for a period of 60 days to allow for a
11 discussion.

12 COMMISSIONER RAY: So a point of order would be
13 to make the motion and ask then for a sub-recommendation
14 and then we would vote on it?

15 JUDY SCHMIDT: Yes.

16 COMMISSIONER MASSARO: My position is that they
17 enter into good fair negotiation with the City before
18 doing that.

19 COMMISSIONER PRIOR: And an appraisal.

20 And I guess the other question is, does it need
21 to be also accepted by the Parks and Rec.

22 JUDY SCHMIDT: Yeah. I think the motion would be
23 to delay a decision of the Planning Commission for 60 days
24 and to request concurrence by the Swishers as the owner of
25 one parcel, and by the City as the owner of the other

1 part.

2 COMMISSIONER RAY: What you've said.

3 JUDY SCHMIDT: And we have a transcriptionist
4 here tonight.

5 COMMISSIONER RAY: So for the record, my motion
6 would be that we postpone the decision on this action for
7 60 days to allow the City Parks and Rec Department and the
8 Swishers to enter in good faith negotiation that would
9 include a property appraisal -- there was one more --
10 Phase I EPA.

11 JUDY SCHMIDT: I think just "good faith
12 negotiation."

13 COMMISSIONER RAY: Good faith negotiation.

14 JUDY SCHMIDT: And we leave the discussions to
15 the parties to determine what they needed to get there.

16 COMMISSIONER RAY: So at this point you would
17 ask --

18 CHAIRMAN MEYERS: For a second

19 COMMISSIONER MASSARO: I second.

20 CHAIRMAN MEYERS: Okay. Before we vote on this,
21 if the representative from the City Parks and Rec would
22 come forward and indicate their acceptance of the
23 additional conditions and representative for the Swishers
24 come forward to the microphone -- make sure it's turned on
25 -- and enter your acceptance or refusal to those

1 conditions to the record before we vote on the motion.

2 ROB BURDINE: Would you please state those again
3 for me.

4 CHAIRMAN MEYERS: The motion that's currently on
5 the table is, one, that we will delay or continue a
6 decision on this motion for a period of 60 days. During
7 that 60-day period the Commission expects the two parties,
8 the City of Loveland Parks and Recreation Department and
9 Lee and Patricia Swisher to enter into good faith
10 negotiations on the acquisition of their 1.87-acre parcel
11 by the City of Loveland.

12 ROB BURDINE: Yes, that's our intentions.

13 CHAIRMAN MEYERS: And you're acceptable to those
14 terms.

15 ROB BURDINE: Yes, sir.

16 CHAIRMAN MEYERS: Okay. Mrs. Swisher.

17 PATRICIA SWISHER: We're acceptable to those
18 terms.

19 CHAIRMAN MEYERS: Okay. If you would indicate so
20 in the record, Kimber.

21 At this time we'll go ahead and take a vote on
22 the continuance.

23 (Vote taken.)

24 The continuance passes. We will reconvene 60
25 days from this date which is what Kimber -- or the closest

1 meeting thereof.

2 BOB PAULSEN: Mr. Chairman, the closest date
3 would be May 12th. We will renoteice that hearing and
4 resign it. Since it's so far out that I would feel
5 uncomfortable without her notes.

6 CHAIRMAN MEYERS: All right. That will be fine.
7 We will reconvene on this matter on the 12th of May, 2014
8 in these chambers with the Planning Commission.

9 That concludes all of the items on the regular
10 agenda.

11 (The meeting adjourned at 9:24 p.m., March 10,
12 2014.)

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2 REPORTER'S CERTIFICATE

3 STATE OF COLORADO)

4)

5 COUNTY OF LARIMER)

6

7 I, KATHERINE RICHMOND, Certified Court Reporter
8 and Notary Public within and for the State of Colorado, do
9 hereby attest the foregoing proceedings were taken on
10 Monday, March 10, 2014; that I am not related to, employed
11 by, nor of counsel for any of the parties herein, nor
12 otherwise interested in the result of the within action.

13

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15 Katherine Richmond
16 Certified Court Reporter

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Development Services Current Planning

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Planning Commission Staff Report

March 24, 2014

Agenda #:	Regular Agenda - 1
Title:	Sweetbriar Planned Unit Development (PUD)
Applicant:	Sweetbriar on Wilson LLC, John Baker
Request:	Preliminary Development Plan and Preliminary Subdivision Plat
Location:	East side of S. Wilson Avenue (directly north of Fire Station 3) between 5 th Street SW and Carlisle Drive
Existing Zoning:	R1-Developing Low Density Residential
Staff Planner:	Troy Bliss

Staff Recommendation

APPROVAL of the rezoning to Planned Unit Development pursuant to the Preliminary Development Plan and Preliminary Plat.

Recommended Motions:

- Move to make the findings listed in Section VIII of the Planning Commission staff report dated March 24, 2014, and based on these findings recommend that City Council approve the rezoning of Lot 2, Block 1, Sweetbriar 1st Subdivision from R-1 Developing Low Density Residential to Sweetbriar Planned Unit Development and approve the Sweetbriar PUD Preliminary Development Plan, subject to the conditions listed in Section IX, as amended on the record.*

And

- Move to make the findings listed in Section VIII of the Planning Commission staff report dated March 24, 2014, and based on these findings approve the Sweetbriar Third Subdivision Preliminary Plat, subject to the conditions listed in Section IX, as amended on the record.*

Summary of Analysis

The applications propose to: 1) rezone 2.15 acres of land, located on the east side of S. Wilson Avenue between 5th Street SW and Carlisle Drive, from R1-Developing Low Density Residential to Planned Unit Development (PUD); and 2) subdivide the 2.15 acres into 12 separate lots (for single family attached units) and one large tract for common area improvements, to be owned and maintained by a Home Owners Association. These are quasi-judicial actions that require a public hearing.

The application proposes re-zoning of the subject property to a non-phased PUD, so only a preliminary development plan, and no general development plan, is required under Loveland Municipal Code (LMC) 18.41.050. The Planning Commission is charged with making a recommendation to City Council on all applications for rezoning under LMC 18.04.040.C and where there is no general development plan, making a recommendation to City council regarding the approval, conditional approval, or denial of a preliminary development plan under LMC 18.41.050-3.B. Because this is essentially a rezoning application, City Council must approve the rezoning and PDP through adoption of an ordinance.

The Preliminary Plat is an application subject to approval, conditional approval, or denial by the Planning Commission under LMC 16.20.060 as a final decision, appealable to City Council. However, because it is being presented in conjunction with the PDP, any decision of the plat is contingent upon the City Council's decision of the PDP.

I. SUMMARY

The application proposes to rezone 2.15 acres of land, located on the east side of S. Wilson Avenue (directly north of Fire Station 3) between 5th Street SW and Carlisle Drive, from R1-Developing Low Density Residential to Planned Unit Development (PUD). The PUD would establish zoning for a single-family attached development consisting of 12 dwelling units in six separate two family structures. All units would be on their own individual lots with all common areas/open spaces being retained by a master association on a single tract. As the configuration of the site is narrow with site constraints created by the Home Supply Ditch along the eastern boundary and S. Wilson Avenue along the western boundary, the building orientation and landscaping were designed to increase privacy for the dwellings and create an attractive streetscape along S. Wilson Avenue. The proposed dwellings will be buffered from S. Wilson Avenue by substantial landscaping including meandering berms.

Fire Access and Circulation: The Fire Protection Division has reviewed the PDP and has indicated that fire protection will be served with fire trucks parked along the eastern curb of S. Wilson Avenue rather than attempting to design the site with internal fire access along the private drives. The distance from the roadway to the residential structures is sufficient to accommodate fire protection.

Density: The gross density of the proposed development is 5.6 units per acre. This is above the targeted density of 2 to 4 units per acre for LDR – Low Density Residential land uses identified in the City Comprehensive Plan. The current R1 zoning designation does not regulate density. Through allowances established by the PUD process, any combination of uses may be permitted in a PUD, so as long as the City Council determines that such uses are compatible. Further, residential development shall not exceed a gross density of 16 units per acre. Essentially, rezoning to PUD allows for greater density to be achieved.

Setbacks: The PDP proposes a minimum 10 foot rear yard setback from the Home Supply Ditch easement. The typical rear yard setback in a residential zone district is 15 feet, however within a PUD, modified setbacks can be implemented. Staff is supporting the requested rear setback in light of the open character of the adjacent ditch and the athletic fields.

Site Access and Parking: The PDP proposes two separate access points from S. Wilson Avenue, with private drives leading to each unit from these accesses. Off-street parking is provided for each single-family attached unit in attached garages, driveways, and designated parking areas. The site is in compliance with the off-street parking requirements in the Municipal Code that require a minimum of two parking spaces per unit.

Architecture: The PDP proposes single-story units with garden level basements. There would be a combination of single and two car garage units. Architectural details in the form of front porches and pergolas are being incorporated to provide greater exterior space and minimize the dominance of garages.

The Preliminary Plat is an application subject to approval, conditional approval, or denial by the Planning Commission under LMC 16.20.060 as a final decision, appealable to City Council. However, because it is being presented in conjunction with the application for rezoning and approval of the PDP, any decision on the Preliminary Plat is contingent upon the City Council's approval of the rezoning and the PDP.

II. KEY ISSUES

Staff believes that all key issues relative to applicable City requirements and standards have been addressed through the review process and captured in the recommended conditions of approval. However, as evidenced from a neighborhood meeting held on February 13, 2014, some residents believe the proposed use is not compatible with surrounding single-family use. A summary of the neighborhood meeting is provided in Section VII of this staff report.

III. ATTACHMENTS

1. Project Narrative provided by Applicant
2. August 12, 2002, Planning Commission Minutes
3. 2002 Sweetbriar Planned Unit Development (PUD) Preliminary Development Plan
4. Sweetbriar Planned Unit Development (PUD) Preliminary Development Plan
5. Sweetbriar Third Subdivision, Preliminary Subdivision Plat
6. Traffic Memorandum

IV. VICINITY MAP



V. SITE DATA

ACREAGE OF PUD SITE GROSS	2.15 AC
NUMBER OF PLATTED LOTS.....	12 (PROPOSED)
MASTER PLAN DESIGNATION	LDR - LOW DENSITY RESIDENTIAL
EXISTING ZONING	R1 – DEVELOPING LOW DENSITY RESIDENTIAL
EXISTING USE	VACANT/UNDEVELOPED
EXIST ADJ ZONING & USE - NORTH	R1 – DEVELOPING LOW DENSITY RESIDENTIAL, SINGLE-FAMILY
EXIST ADJ ZONING & USE - SOUTH.....	DR – DEVELOPING RESOURCE, FIRE STATION #3
EXIST ADJ ZONING & USE - WEST.....	R1 – DEVELOPING LOW DENSITY RESIDENTIAL AND R2 – DEVELOPING MEDIUM DENSITY RESIDENTIAL, SINGLE-FAMILY
EXIST ADJ ZONING & USE - EAST.....	R1 – DEVELOPING LOW DENSITY RESIDENTIAL, WALT CLARK MIDDLE SCHOOL
UTILITY SERVICE.....	CITY OF LOVELAND

VI. BACKGROUND

The site lies between the Home Supply Ditch and S. Wilson Avenue, just beyond the west end of the athletic fields for Walt Clark Middle School and is currently vacant. Fire Station #3 lies adjacent on the south. An existing single-family residence is adjacent to the north. The land was annexed and platted in 1978. The land that is part of this proposal was originally platted as Tract 1, and was zoned DR-Developing Resource. A subsequent subdivision in 1989 created this lot separate from the remainder of Tract 1. In 1994, the property was rezoned from DR to R1, which is the current zoning on the property.

A previous application for approval of a Sweetbriar Planned Unit Development (PUD) was originally considered by the Planning Commission on August 12, 2002 (see **Attachment 2**). The only distinguishing differences from the plan submitted in 2002 (see **Attachment 3**), compared to the current proposal (see **Attachment 4**), is slight adjustments to the building locations and two-story buildings (current proposal includes single-story buildings with garden level basements). After receiving applicant, staff and public testimony, the Planning Commission unanimously recommended approval of the PDP. The application was never presented to the City Council for final approval. Reasons as to why the project did not proceed through the process are unknown.

The current owner of the property is not the applicant. The applicant is seeking to purchase the property from the current owner, subject to approval of the proposed applications. No PUD may be approved without the consent of the owner of the property to which it applies as set forth in LMC 18.41.030. With respect to these applications, the owner of the property did sign the applications providing their consent.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification: An affidavit was received from John Baker, Sweetbriar on Wilson LLC, certifying that written notice was mailed to all property owners within 1,200 feet of the property on March 4,

2013 and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on March 8, 2014.

B. Neighborhood Response: A neighborhood meeting was held at 5:30 p.m. on February 13, 2014, in the Gertrude Scott meeting room at the City library. The meeting was attended by 7 neighbors, along with City staff and the applicant. The following were discussion points brought up by neighbors during the meeting:

- Who is the current owner of the property? (Sierra Builders)
- Fencing should be considered along the back of the property for safety reasons associated with the ditch.
- How much width is between the ditch and S. Wilson Avenue? (width varies – greatest distance is approximately 168 feet)
- Will all the units be for sale or are they to become rentals? (for sale)
- Snow plowing is going to be a problem on-site, particularly given the space to pile it. Concerns that this will be dumped on adjacent property to the north.
- Rear yard building setbacks are too small. No space for children to play.
- How many bedrooms will the units have? (2)
- Will the basements be finished or unfinished? (unfinished)
- This type of development is too dense, considering surrounding single-family. It is not compatible with the surrounding land uses. Single-family development is preferred on this property.

Neighbors who attended the meeting that live directly north of the proposed development do not support the project. The other neighbors who own property surrounding the site or within proximity did not have strong objections to the project, rather suggestions that could improve the overall development such as incorporating fencing around the perimeter of the site (particularly along the ditch) or considerations to decrease the number of units.

VIII. FINDINGS AND ANALYSIS

In this section of the report, the applicable findings contained in the Municipal Code and the Comprehensive Master Plan are specified in italic print followed by the staff analysis as to whether the findings are met by the submitted application.

A. City Utilities and Services

1. Loveland Municipal Code

a. Section 18.41.050.E.2:

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

(ii) *Whether development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.*

b. **Chapter 16.41:** *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made in accordance with Section 16.41.100 for fire protection and emergency rescue services, Section 16.41.120 for water facilities and services, Section 16.41.130 for wastewater facilities and services, Section 16.41.140 for storm drainage facilities, and Section 16.41.150 for power.*

Fire:

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

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

Water/Wastewater:

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

- The proposed development will not negatively impact City water and wastewater facilities.
- The proposed development is in harmony with existing and future development and incorporates public infrastructure designed so that the proposed development will not negatively impact the levels of service of the City utilities adjacent to the development.
- The proposed facilities shown on the Preliminary PICPs have been designed pursuant to the City's Development Standards.
- The proposed facilities have been design to minimize flood damage and infiltration.

PW-Stormwater:

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

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

Power:

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

- The proposed development will have no negative impact on the City electric utilities. The proposed development meets the criteria for level of service as outlined in the ACF ordinance, Section 16.41.150.

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B. Transportation

1. Section 18.41.050.E.2:

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

2. **Section 16.41.110:** *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made for transportation facilities in accordance with Chapter 16.41 of the Loveland Municipal Code.*

Transportation Engineering:

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

- A Traffic Impact Study has been submitted with the application which demonstrates that the existing transportation system, can adequately serve the proposed land use.
- Primary access to the site will be from two full-movement accesses to Wilson Avenue.
- The applicant's traffic engineer, Joseph Delich, P.E., has submitted a Traffic Impact Study (TIS) that indicates that the traffic associated with the proposed development will meet the City's standards. The proposed subdivision is estimated to generate approximately 150 daily trips, 18 weekday AM peak hour trips, and 16 weekday PM peak hour trips.

C. Land Use

1. Loveland Comprehensive Master Plan

Section 4.1 -Growth Management Plan

- (iii) *Whether the PDP discourages leapfrog, scattered-site, and flagpole development.*
- (iv) *Whether the PDP encourages infill development.*
- (vi) *Whether the PDP is contiguous to other land that is already receiving public services.*
- (vii) *Whether the PDP is at least 1/6 contiguous with existing development, as defined in Section 4.1 GM:3(D-1) of the Comprehensive Master Plan.*

2. Section 18.41.050.E.2:

The PDP conforms to the intent and objectives of Title 18 with regard to Planned Unit Developments and any applicable area plan.

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

- The PDP is supporting infill development, considering everything around the site is developed and has public services. As a result, the PDP is contiguous to existing development.
- The recommended land use and density for this area of the City is LDR. This category recommends an overall residential density of 2-4 dwelling units per acre. While the gross

density of the PDP is 5.6 dwelling units per acre, the LDR land use classification “bubble” in this area covers almost the entire land area between Highway 287 and the western perimeter of the City, and extending from W. 1st Street to 28th Street SW. Existing development in this area is low to very low density residential. Some areas not currently annexed are presently in agricultural uses or very low density rural residential uses. Twelve dwelling units on this site will not cause a significant change to the gross density within the total perimeter of land recommended for LDR development. In light of other applicable City policies, staff believes that the PDP is consistent with the Land Use policies in the Comprehensive Master Plan.

3. **Section 18.41.050.E.2:** *Development permitted by the PDP will not have detrimental impacts on property that is in sufficient proximity to the PDP to be affected by it. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*
4. **Section 16.20.030:** *The subdivision does not create, or mitigates to the extent possible, negative impacts on the surrounding property.*

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

Section 16.41.110, the Adequate Community Facilities (ACF) ordinance, requires a proposed development to comply with one of the five standards in order for a positive determination of adequacy to be made: (i) all transportation facilities are currently in place or will be in place prior to issuance of a building permit for the development; **OR** (ii) provision of transportation facilities are a condition of the development approval and are guaranteed to be provided at or before the approval of a final plat or issuance of the first building permit for the proposed development; **OR** (iii) transportation facilities are under construction and will be available at the time that the impacts of the proposed development will occur; **OR** (iv) provision of transportation facilities needed to achieve the Adopted Level of Service are guaranteed by an executed and enforceable development agreement which ensures that such facilities will be in place at the time that the impacts of the proposed development will occur; **OR** (v) transportation facilities needed to achieve the adopted level of services are included in the Capital Improvement Program (CIP) and the CIP contains a financially feasible funding system from available revenue sources to fund the needed improvements and the transportation facilities are likely to be constructed and available at the time that the impacts of the proposed development will occur, or at the time the City extends the transportation facilities to provide a logical link to the project.

Two access points onto S. Wilson Avenue are proposed for this development with each access providing ingress/egress to a cluster of three two family structures. The developer's traffic engineer has prepared a traffic memorandum to analyze the traffic impacts at the intersection of Wilson Avenue and 6th Street SW (see **Attachment 6**). This memorandum concluded that the location of the two access points would not negatively impact traffic in the area. In addition, pursuant to Section 16.41.020 of the City of Loveland Municipal Code, applications for development approval of a preliminary or final development plan containing twelve dwelling units or less are exempt from demonstrating compliance with the transportation ACF requirements. Therefore, as per the ACF ordinance, uses of this limited scope have no anticipated negative impacts on the City's transportation system.

5. **Section 18.41.050.E.2:** *Development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by:*
 - a. *Incorporating natural physical features into the PDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.*
 - b. *Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Master Plan.*
 - c. *Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*
 - d. *Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*
6. **Section 16.20.030:** *The subdivision provides desirable settings for buildings, protects views, and affords privacy, protect from noise and traffic, and uses resources such as energy and water in keeping with responsible resource stewardship.*

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

- There are no existing natural physical features on the site. The only natural physical feature is the Home Supply Ditch adjacent to the east, which is not a part of the PDP. This site design is compatible with the ditch and its operation. Based on the revised design, the proposed open space for Sweetbriar PUD is now over 60% of the overall site. This open space is distributed throughout the site as part of the lots narrow configuration. Much of this open space lies between the units and S. Wilson Avenue, but also between the two clusters of units in the middle of the site. The inclusion of this substantial open space will lend a sense of openness to the rear of the site as well. The amount, type and location of the open space are appropriate for the type and density of development.
- Inclusion of higher density housing is generally recognized as a positive factor for encouraging efficient land use and a balanced transportation system. The location of the site along a major arterial will provide immediate connection to the City's primary transportation system, without the need to travel through existing neighborhoods to reach a collector or minor arterial in the system. If future routes are established for public transportation, they will almost certainly travel along S. Wilson Avenue. In almost all cases, cost effective delivery for all City services is directly related to the density of housing.
- The landscape buffers included in the landscape plan provide appropriate transitions to the development. Meandering berms will be located within the S. Wilson Avenue streetscape. These berms are designed to lend increased privacy for the dwellings, without creating a "walled in" look along S. Wilson Avenue. The berms will also help to mitigate the visual impact of the front-loaded garages on the S. Wilson Avenue streetscape.
- The scale and architectural character for the units lends a similarity with adjacent and nearby single-family development. Due to the narrowness of the property, diminished setbacks are proposed along the ditch. A landscape bufferyard is also proposed along the

south and north property lines to buffer the dwelling units from other existing uses. The most notable existing use to the south is the City of Loveland Fire Station #3. The southernmost units would be approximately 25 feet from the fire station building. The adjacent use along the north perimeter is a detached single-family dwelling. The PDP shows the separation between the northern most units and this existing home to be approximately 60 feet between dwellings.

7. **Section 18.41.050.E.2:** *The PDP complies with applicable land use and development regulations in effect as of the date that the GDP was approved and any land use and development regulations adopted by the City after that date if the Planning Division and Planning Commission expressly find that compliance with such regulations is necessary to protect public health, safety, and welfare.*

Current Planning Division: Staff believes that this finding is not applicable due to the following:

- There is no GDP in conjunction with this project. Because this is being presented as a non-phased PUD, the PDP essentially serves as the GDP. The proposed standards established for this PUD are set forth in the PDP.

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

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

- Lots and tracts are laid out to allow an efficient use of the property and maximize open space.

10. **Section 16.24.120:**
 - a. *Landscaping complies with the requirements set forth in the GDP and bufferyards required pursuant to the GDP are within separate tracts of land, separate from individual residential lots.*
 - b. *Street trees are located in compliance with the City's Site Development Performance Standards and guidelines, unless waived by the Director.*
 - c. *The subdivision plat includes open space fields in compliance with the requirements set forth in Section 16.24.150, unless waived by the Planning Commission. The open space play fields are designed with respect to size, dimension, topography, and general character to be suitable for outdoor play activities*

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

- Landscaping will comply with the requirements set forth in the City's Site Development Performance Standards by including landscape bufferyards along the north, south, and west boundaries of the site.
- Open space primarily consists of internal private common areas. Per Section 16.24.150 of the Loveland Municipal Code, common open spaces also will include play fields/areas

required for subdivision's containing more than fifty (50) single family lots. Since this proposed development is not containing more than 50 units, designated play fields/areas are not provided.

D. Environmental Impacts:

1. **Section 18.41.050.E.2:** *The PDP incorporates environmentally sensitive areas, including but not limited to wetlands and wildlife corridors, into the project design. "Environmentally sensitive areas" are defined in Section 18.41.110 as: slopes in excess of 20%; floodplain; soils classified as having high water table; soils classified as highly erodible, subject to erosion or highly acidic; land incapable of meeting percolation requirements, land formerly used for land fill operations or hazardous industrial use; fault areas; stream corridors; estuaries; mature stands of vegetation; aquifer recharge and discharge areas; habitat for wildlife; and other areas possessing environmental characteristics similar to those listed above.*

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

This section indicates that the City will identify, preserve, protect and enhance natural areas and other significant lands; and, that innovative techniques will be used which accomplished the objectives while respecting the rights of private property owners. While there are no significant environmentally sensitive areas on the site, the Home Supply Ditch runs along the site's entire eastern boundary. This ditch corridor intervenes between the development site and the athletic fields of Walt Clark Middle School, further to the east. This ditch corridor is currently vegetated with various grasses and a number of mature cottonwood trees. The value of this area is very limited due to its limited size, scope, and the lack of connections to other natural areas, as well as the surrounding urban level development. Development of the proposed PDP will lie entirely outside of the ditch corridor with no disturbance to the ditch and its habitat elements anticipated. The additional landscaping along the eastern perimeter of the site will further enhance the limited value of the ditch corridor.

IX. RECOMMENDED CONDITIONS

Preliminary Development Plan

Current Planning

1. The Developer shall install all curbside bufferyards, common open space landscape, private walks and/or paths and other open space amenities, as shown on the PDP. These improvements shall be installed prior to issuance of the first building permit in any given construction phase, as shown on the subsequent FDP and Final Public Improvement Construction Plans (PICPs), unless the Developer has filed adequate financial security with the City.
2. All earthwork performed on the site and/or all landscaping of the site shall be performed in a manner that prevents any encroachment or other negative effect(s) to the Home Supply Ditch or irrigation water in the ditch.
3. Rear decks shall not be allowed to intrude into the rear setback shown on the PDP.

4. No parking shall be allowed in front of the garage of any dwelling unit(s) which, upon final site plan approval, cannot provide a 20-foot clearance between the garage door and the private drive lane. The Developer shall also include this provision in the covenants for the property.

Transportation Engineering

5. All public improvements shall comply with the Larimer County Urban Area Street Standards.

Preliminary Plat

Current Planning

1. The Commission's approval of the Preliminary Plat for the subject property is subject to and expressly conditioned on approval by the Loveland City Council of the PDP by adoption of an ordinance and such ordinance becoming effective in accordance with the City of Loveland Charter, Municipal Code, and Colorado statute, as evidenced by recording of such ordinance.

PROJECT NARRATIVE

PROJECT:

SWEETBRIAR 3RD SUBDIVISION LOT 2, BLOCK 1 OF SWEETBRIAR FIRST SUB

LOCATION:

Lot 2, Block 1 of Sweetbriar First Sub, City of Loveland, County of Larimer, State of Colorado.

DESCRIPTION:

The proposed 2.154 acre property is an infill project which will consist of 6 duplex buildings for a total of 12 residential units. Each unit will be on its own individual lot with the greater area being an outlot and an HOA will maintain the entire outside area of the homes. Architecturally all buildings will be built with similar construction type, color and style. All landscaping will be seamless throughout the project. This project is an infill property and will complete the seamless residential mix of the south Wilson area.

The project will be completed with a single phase and built in two groups (the south 6 units followed by the north 6 units). We feel this project and submittal meets the intent of the Loveland Municipal Code. As demonstrated in the Traffic Impact Study attached to this project, there is sufficient roadway capacity with minimal impact to the roadway system. Also as noted in the CRT comments, there will be minimal impact on any public utility with adequate capacity.

The project layout consists of two 'clusters' of building separated by an open space allowing an open natural feel to the layout. It also does include a variety of street and canopy trees along Wilson Ave and neighboring property lines to help blend the project into the surrounding properties and dramatically improve the streetscape along Wilson.

Overall we feel the buildings will compliment the existing neighboring uses and will contribute to the improvement of the area.

**CITY OF LOVELAND
PLANNING COMMISSION MINUTES
August 12, 2002**

The meeting of the City of Loveland Planning Commission was held in the City Council Chambers of the Civic Center on August 12, 2002 at 6:30 p.m. Members present: Vice Chairman Grant; and Commissioners Reeves, Woodward, Schoch, DiMichel, and Krueger. Members with excused absences: Chairman Warnock and Commissioners Morey and Clark. City Staff present: Greg George, Current Planning Manager and Acting Director of Community Services; Caroline Schmiedt, Assistant City Attorney; Kerri Burchett, Brian Burson and Richard Goecke, Current Planning; Pam Miller, Transportation Engineering; Gary Wilson, Long Range Planning Manager; and Matt Robenalt, Long Range Planning.

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

APPROVAL OF AGENDA

Commissioner DiMichel moved to reverse the order of Agenda Items 1 and 2. Upon a second by Commissioner Schoch, the motion passed unanimously.

APPROVAL OF MINUTES

Commissioner Reeves moved to approve the Minutes of the July 22, 2002 meeting. Upon a second by Commissioner Schoch, the motion passed unanimously.

CITIZEN REPORTS

There were no citizen reports.

COMMISSIONER COMMENTS

Commissioner DiMichel congratulated Greg George on his temporary assignment as Acting Director of Community Services.

Vice Chairman Grant added his congratulations and his thoughts that the Planning Commission is looking forward to that being a permanent position for Mr. George.

1 2. **SWEETBRIAR 1ST SUBDIVISION PUD**

2
3 **Vice Chairman Grant** advised that this public hearing is to consider an application for a rezoning
4 and non-phased PUD Preliminary Development Plan. Notice of the application and this hearing
5 have been published and posted as required by law. The name of the applicant is Sierra Builders,
6 Ltd., and Mr. Denny Meyer, and the property is located along the east side of South Wilson Avenue
7 approximately 450 feet south of 5th Street SW. Vice Chairman Grant explained the procedure for
8 this public hearing.

9
10 **Opening Statement:**

11
12 **Brian Burson of Current Planning** presented the Staff Report for this application, which proposes
13 to rezone 2.15 acres of land. The PUD would establish zoning for a multi-family development
14 consisting of 12 dwelling units in six separate two-family structures. The Sweetbriar Subdivision
15 PDP was originally considered by the Planning Commission on November 19, 2001, and tabled due
16 to concerns for a neighborhood meeting, improved fire access and circulation, decrease in density, a
17 full 15-foot rear setback from the ditch easement, the preference of two access points and the need
18 for more parking. A neighborhood meeting has been held and changes were made to the application.
19 Staff believes that all key issues have been resolved through recommended conditions of approval.

20
21 **Presentation of the Applicant:**

22
23 **John Freeman of Architecture One, P.C., on behalf of the applicant**, presented the application.
24 He related the five-year history of this project. It is a troubled piece of ground, very long and narrow.
25 The applicant has worked with City Staff on changes to the application and is now requesting
26 approval of a PUD, 12 units in six-duplex units. The units will be condos with a homeowners'
27 association. The applicant has worked with Randy Starr, the attorney for Consolidated Home Supply
28 Ditch & Reservoir Company for an easement agreement. The Ditch Company's property is adjacent
29 to this project. The agreement is prepared, and it is expected that it will be signed soon. Mr.
30 Freeman found the Staff Report to be well worded and concise and the conditions are all acceptable.

31
32 **Questions by the Planning Commission:**

33
34 Questions by the Planning Commissioners concerned the following: the price range of units; could
35 the units be rentals or owner-occupied; Home Supply Ditch Company's previous issue of 100'
36 buffer; meaning of PLF and KIPS; individual water metering of each unit; and that grass is included
37 in the low water usage in Condition 9.

38
39 **Vice Chairman Grant**, referring to the last time the Planning Commission heard the application on
40 this property, asked if the issue of the 100' buffer with the Ditch Company had been resolved.
41 **Current Planning Manager Greg George and Assistant City Attorney Caroline Schmiedt**

1 advised that this issue is outside the scope of this new application. It is not a City requirement; it
2 is a legal matter between the Ditch Company and the applicant.

3

4 **Public Comment:**

5

6 **Don Coseo of 578 South Wilson Avenue.** Mr. Coseo lives directly north and adjacent to this site.
7 Mr. and Mrs. Coseo also own the entire parcel of land east of this site, 2.5 acres, referred to as the
8 Home Supply Ditch. The Ditch Company has a long-standing easement with them. He resents the
9 way this matter has been handled. No one has contacted him to acquire an easement, and the
10 application has been in process for four years.

11

12 **Assistant City Attorney Schmiedt** advised that the applicant is required to obtain the necessary
13 easements from the Ditch Company and from Mr. and Mrs. Coseo, the underlying property owners.

14

15 **Mr. Coseo** continued. He submitted pictures to be identified as Exhibit "A" to illustrate the
16 following concerns: (1) the parking situation at similar units; (2) that the applicant has not kept the
17 property mowed; (3) non-compatibility of his home and other homes to the proposed units; (4)
18 reduction in value of surrounding homes - comparison of units in Vice-Chairman Grant's
19 neighborhood; (5) location of 20' right of way on the front of the site; and (6) Ditch property owned
20 by Mr. and Mrs. Coseo since 1971.

21

22 **Mr. Coseo** believes the City has shown favoritism to the applicant – he believes that the applicant
23 does not have to comply with normal requirements such as those of setbacks and of the Fire
24 Department. He elaborated on his other concerns with density, open space, size of patios and yards
25 and that the Ditch is an extremely dangerous situation.

26

27 **Mr. Coseo** related the history of his ownership of the property and the easements.

28

29 **Mr. Coseo** related the issues identified at the neighborhood meeting: density, lack of recreation
30 open space, no access to Walt Clark athletic fields, danger to children due to busy street, no arterial
31 to ditch, no compatibility to blend with neighbors' homes to the north. Mr. Coseo believes the
32 proposed units are two-story rectangular boxes. The applicant has saved money by adding the
33 second entrance. Mr. Coseo believes the duplex units are too large for the amount of land and in no
34 way comparable to the homes to the north. The project should instead be four or five large single-
35 family homes consistent with the Sweetbriar Subdivision started in 1978 with covenants to ensure a
36 quality subdivision. It is not a location for multi-family homes. He asked that the Planning
37 Commission deny the project as presented as he believes this was a waste of time since no one has
38 approached him and his wife about an easement to property that he owns.

39

40 **Gail Racine of 528 South Wilson.** Mr. Racine lives directly north of Mr. Coseo. He reminded the
41 Planning Commission that the previous issue was density and it remains the same with this
42 application – 12 units. 8 to 12 was the preferred as noted in the Minutes of the previous meeting.

1 The applicant was given another entrance and more parking. He has concern about drainage with the
2 detention pond in the center of this project.

3

4 **Questions by the Planning Commission:**

5

6 Additional questions by the Planning Commissioners concerned the following: prior ownership and
7 sale of the site and surrounding area by Mr. Coseo; restrictions of sale; date of Mr. Coseo's present
8 home; recent improvements to Mr. Coseo's home; signed copy of the easement between Coseos and
9 the Ditch Company; separation of Mr. Coseo's property from the Ditch; development of present site;
10 characterization of the neighborhood to the west and to the south; the legitimacy of the 25' easement;
11 developer's requirement to connect to sidewalks; sidewalk requirement of Mr. Coseo four years ago;
12 20' right of way requirement to the City; and ACF ordinance application to this development.

13

14 **Closing Remarks of the Applicant:**

15

16 **John Freeman of Architecture One, P.C., on behalf of the applicant,** responded. Mr. Starr has
17 advised him to retain an attorney to resolve the issue of an easement from the underlying owners.
18 The Ditch Company's easement is entirely outside this proposed development. This has been
19 difficult to negotiate because are there no easements of record. Mr. Freeman believes the units are
20 compatible with the homes directly across the street. The applicant preferred to develop ten single-
21 family homes, however, the City did not want ten driveways onto Wilson Avenue. Density cannot
22 be lowered or the project may fall apart financially. The detention will drain into the Ditch.

23

24 **Pam Miller of Transportation Engineering and Mr. George** explained the need for the additional
25 20' right of way and the sidewalk connection requirement of the developer. Mr. Coseo's home was
26 not subject to the ACF ordinance, however this development is.

27

28 **Deliberation and Decision of the Commission:**

29

30 **Commissioner Reeves** bases his decision on if the project was next door to his home. Based on
31 that, he can't support this development, as he doesn't believe it fits in.

32

33 **Commissioner Krueger** feels ambiguous about his decision. He understands the opposition, as it
34 doesn't fit in with the neighbors to the north; however he likes the way the developer and the
35 architect used this unique piece of property. There are only a few ways this piece could be
36 developed. Commissioner Krueger suggested more windows on some units and a separation in Units
37 C and E.

38

39 **Commissioner Schoch** stated that all of these units are 50 percent larger than his home; therefore, he
40 couldn't use Commissioner Reeves' criteria. He visited the site and noted that the Ditch does not
41 have a fence now. If it is dangerous, it seems to him that it should have been fenced previously. It is
42 not the same development as Mr. Coseo's, however; it does seem to be compatible to the west and

1 south. Commissioner Schoch believes it fits the concept of feathering. He also noted that if the units
2 are larger, that should be a plus.

3
4 **Commissioner DiMichel** lives to the west of this proposal and believes it does fit in. He also
5 believes that it provides housing that is affordable, which is desperately needed in Loveland so that
6 our young people don't leave. This is a good transition for the area. Considering the fact that all the
7 appropriate easements must be resolved, Commissioner DiMichel is having a difficult time not
8 approving the application.

9
10 **Commissioner Woodward** echoed the statements of Commissioners DiMichel and Schoch.
11 Whether you consider if you live next door, you must also consider the rights of the owner of the
12 property. This is the best use of this very awkward piece of property that was passed off in the past
13 because of the difficulties in developing. Commissioner Woodward suggested consideration for
14 eliminating the requirement of the chain link fence. He believes it is unnecessary and detracts from
15 the beauty of the area.

16
17 **Vice Chairman Grant** reviewed his comments from the last consideration of this property for
18 development. He still feels it is compatible as townhomes are in his neighborhood. This makes for a
19 nice transition for the area. Previously he preferred fewer units, however there is now separation by
20 the arrangement and the detention pond in the middle. Vice Chairman Grant likes the development
21 and believes it is time to get it done. If Mr. Coseo is the underlying property owner, it appears
22 nothing will happen anyway if he doesn't give an easement. Vice Chairman Grant recommended
23 locating Units A-1 and A-2 further away from Mr. Coseo's property.

24
25 *Commissioner Schoch moved to make the findings listed in Section VII of this report dated
26 August 12, 2002 and, based on these findings, recommend that City Council approve the rezoning
27 of Lot 2, Block 1, Sweetbriar 1st Subdivision from R-1 Developing Low Density Residential to
28 Sweetbriar 1st Subdivision PUD, subject to the conditions listed in Section VIII of said report, as
29 amended on the record. Upon a second by Commissioner DiMichel, the motion passed
30 unanimously.*

31
32 **John Freeman, on behalf of the applicant**, agrees and accepts the conditions.

33
34 Discussion was held on the Planning Commission adding conditions. **Brian Burson and Kerri**
35 **Burchett of Current Planning** gave input and recommendation. Mr. Burson also advised that the
36 word "west" in Condition No. 9 should be changed to "east".

37
38 **Commissioner Schoch moved to amend the Motion and add the following conditions:**

39
40 (1) *The minimum setback from the northern property line to a residential structure shall
41 be 35 feet*
42 (2) *The minimum offset for the garages between Units C-1 & C-2 and Units E-1 & E-2
43 shall be a minimum of three feet*

1 ***Upon a second by Commissioner DiMichel, the amendment to the Motion passed unanimously.***

2

3 ***The main motion also passed unanimously.***

4

5 **Revised Conditions:**

6

7 **Stormwater**

8

9 1. Prior to approval of a Final Development Plan and Final Plat, the Developer shall add notes
10 to each document indicating that the detention pond and its outlet pipe shall be privately
11 owned and maintained by the Developer and/or the Home Owners Association.

12

13 2. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the
14 Stormwater Utility with written correspondence from the Home Supply Ditch Company
15 approving the proposed storm drainage improvements associated with their ditch.

16

17 3. The application will not be scheduled for consideration by the City Council until such time as
18 the Applicant has submitted signed agreements indicating that the off-site stormwater
19 easement necessary on Lot 2, Block 1 Sweetbriar 2nd Subdivision can be acquired and the
20 ditch company will allow stormwater to be routed into the ditch.

21

22 **Engineering**

23

24 4. The developer shall widen the eastern edge of South Wilson Avenue. The design shall
25 include curb, gutter, and sidewalk along the entire west frontage of the property as well *as* a
26 sufficient distance to the north establishing a connection with the existing curb, gutter, and
27 sidewalk.

28

29 5. Prior to approval of final Public Improvement Construction Plans, the owner shall dedicate,
30 at no cost to the City, additional right-of-way along the property frontage on South Wilson
31 Avenue such that the total east ½ of the right-of-way is 70 feet.

32

33 **Current Planning**

34

35 6. The Developer shall install all curbside bufferyards, common open space landscape, private
36 walks and/or paths and other open space amenities, including all fences and/or walls located
37 in, or along the edge of, bufferyards and open space, as shown on the PDP. These
38 improvements shall be installed prior to issuance of the first building permit in any given
39 construction phase, as shown on the FDP and Final PICPs, unless the Developer with the
40 City has filed adequate financial security.

41

42 7. The landscape phasing, as shown on Sheet 2 of the PDP, shall be revised on the FDP to

1 include the Wilson Ave. curbside bufferyard as appropriate parts of Phase 1 and Phase 2.

2

3 8. All earthwork performed on the site and /or all landscaping of the site shall be performed in a

4 manner that prevents any encroachment or other negative effect(s) to the Home Supply Ditch

5 or irrigation water in the ditch.

6

7 9. The FDP landscape plan shall depict plant species that require low water usage. Landscape

8 species along and near the east property line shall also be compatible, at full maturity, with

9 the provisions of the ditch company easement.

10

11 10. Rear decks shall not be allowed to intrude into the rear setback shown on the PDP. Rear

12 porches and patios constructed of concrete or other masonry type material may extend into

13 the rear setback provided that they are limited to 8' X 14', the 8' dimension being that which

14 is, more or less, perpendicular to the abutting wall of the primary structure from which it

15 extends. Said porches and patios shall not be constructed higher than 10 inches above grade,

16 and shall allow no roof or wall elements, including no lattice shades or enclosures, as

17 determined by the Current Planning Manager at the time of building permit.

18

19 11. No parking shall be allowed in front of the garage of any dwelling unit(s) which, upon final

20 site plan approval, cannot provide a 20 foot clearance between the garage door and the

21 easternmost edge of the adjacent private drive lane. The Developer shall also include this

22 provision in the covenants for the property.

23

24 12. The FDP shall depict and describe additional architectural features and elements on the west

25 side elevation of Unit D1 and D2 to provide a quality presentation to the street that is, more

26 or less, equal to the architecture on the front of these units, as determined by the Current

27 Planning Manager.

28

29 13. The FDP shall include provisions identifying the responsibility for the maintenance of all

30 landscaping and open space on the site.

31

Planning Commission

32

33 14. The minimum setback from the northern property line to a residential structure shall be 35

34 feet.

35

36 15. The offset for the garages between Units C-1 & C-2 and Units E-1 & E-2 shall be a

37 minimum of three feet.

38

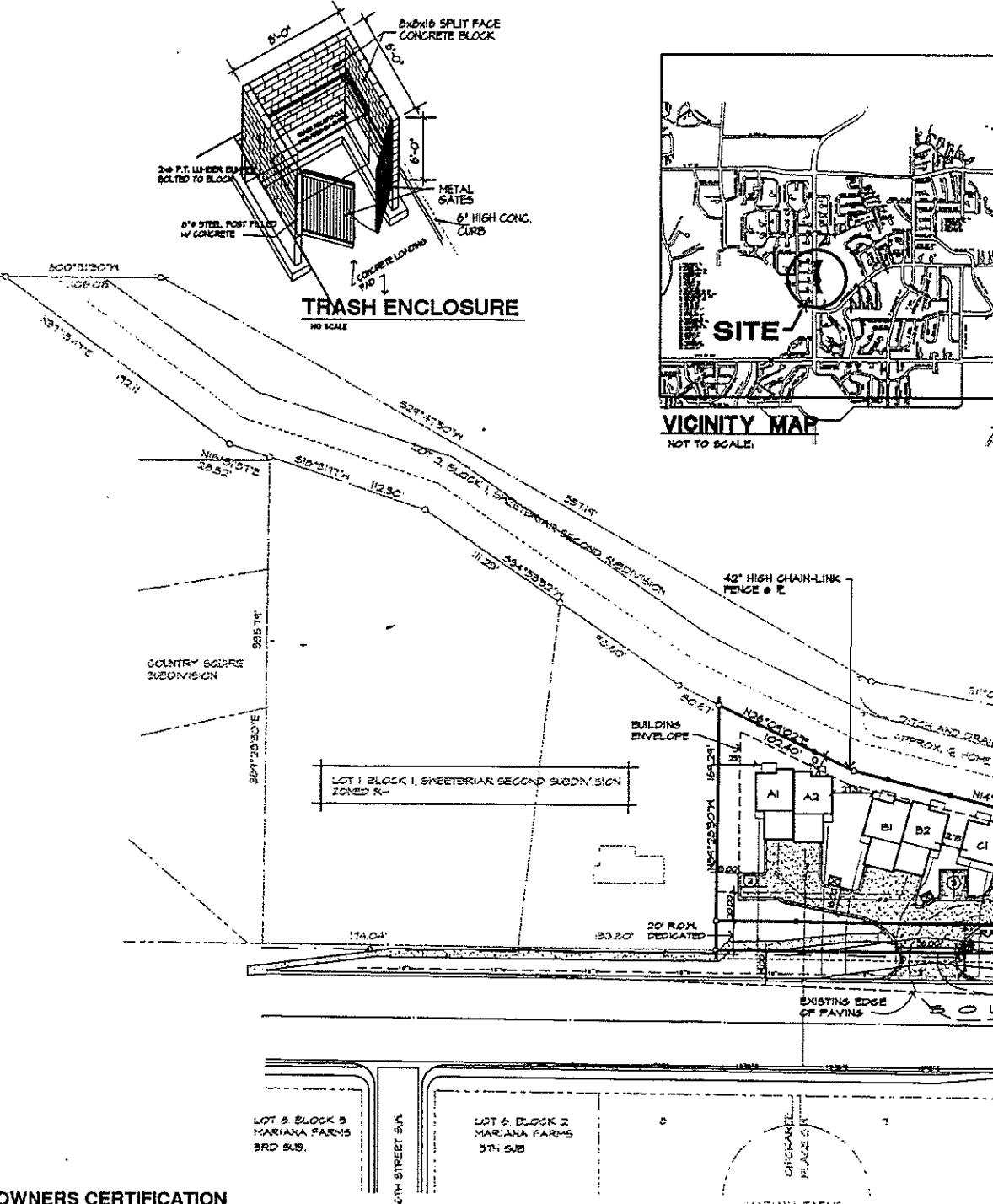
39

40

41

42

SWEETBRIAR P.U.D. PRELIMINARY DEVELOPMENT PLAN (PDP)



OWNERS CERTIFICATION

KNOWN ALL MEN BY THESE PRESENTS THAT:

Being at the lawful record owners of the property shown on this P.U.D., except any existing public streets, roads, or highways, do hereby certify that we accept the conditions and restrictions set forth on said plan and in the conditions of approval by the City of Loveland, dated _____, and that we consent to the recording of any information pertaining thereto.

Owner _____
Owner _____
STATE OF COLORADO _____
COUNTY OF LARIMER _____
The foregoing instrument was acknowledged before me this _____ day of _____, 20_____.
Witness my hand and official seal.
My commission expired _____
Notary Public _____
Address _____

LEGAL DESCRIPTION LOT 2, BLOCK 1, SWEETBRIAR FIRST SUBDIVISION SITE DEVELOPMENT DATA

LOT AREA:	15,520 S.F. = 2.154 ACRES	100%
BUILDING FOOTPRINT	A: 2450 S.F. B: 2450 S.F. C: 2450 S.F. D: 2450 S.F. E: 2450 S.F. F: 2450 S.F.	
TOTAL	14,710 S.F.	15,708
PARKING/ WALKS/DRIVES:	22014 S.F.	2230%
LANDSCAPING:	37058 S.F.	60.00%
MAXIMUM BUILDING HEIGHT	30'-0"	
EXISTING ZONING:	R4	
PROPOSED ZONING:	P.U.D.	
EXISTING USE:	VACANT	
UNITS:		
BUILDING A	2 UNITS	
BUILDING B	2 UNITS	
BUILDING C	2 UNITS	
BUILDING D	2 UNITS	
BUILDING E	2 UNITS	
BUILDING F	2 UNITS	
TOTAL	12 UNITS	
DENSITY:	5.6 DU/FA	

GENERAL NOTES:

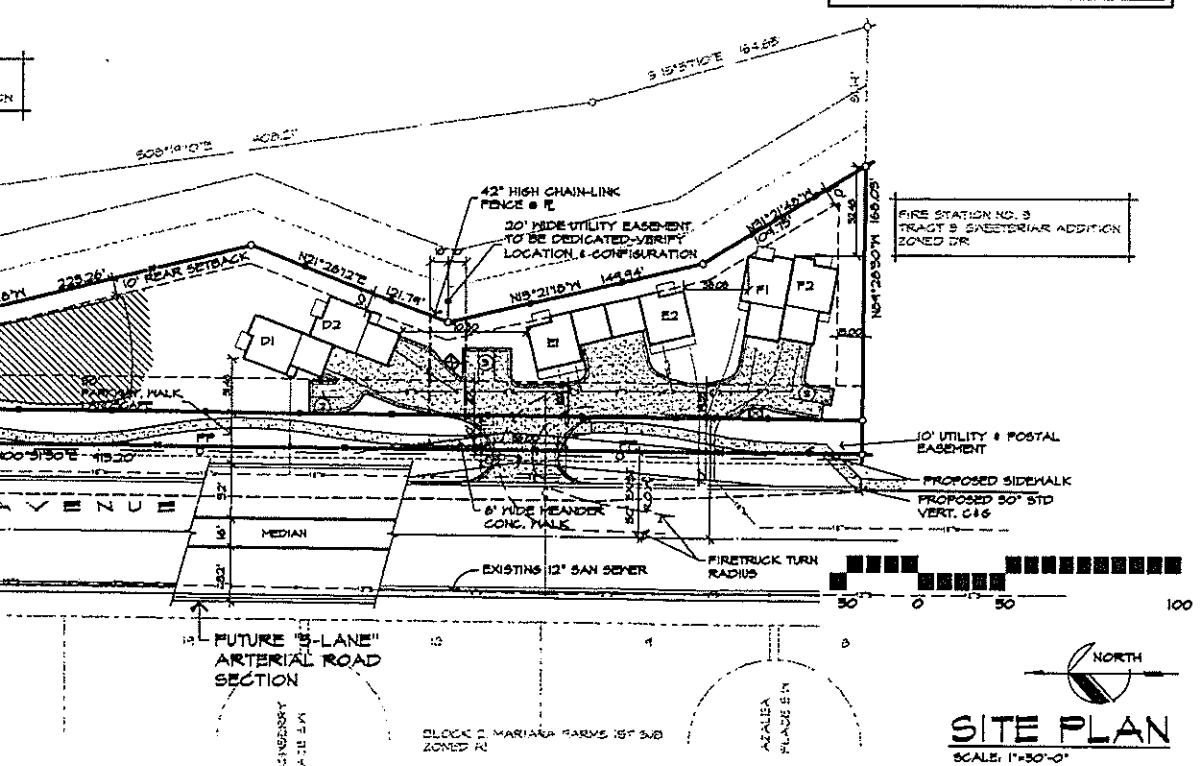
- REFERS TO LANDSCAPING PLAN FOR ALL LANDSCAPING IMPROVEMENTS AND RELATED NOTES.
- REFER TO SITE DRAINAGE PLAN FOR DRAWDING AND DRAINAGE INFORMATION.
- MAXIMUM HEIGHT OF BUILDINGS NOT TO EXCEED 30'-0".
- ALL TRASH TO BE DETERMINED AT ALL TIMES WITHIN ENCLOSURES SHOWN ON THIS DRAWING AND NOT TO EXCEED 30'-0".
- ALL DRAWDINGS SHALL CONFLICT WITH THE RECOMMENDATIONS OF THE SUBSURFACE SOILS INVESTIGATION AND REPORT.
- DAMAGED CURB, GUTTER AND SIDEWALK MUST BE REPLACED TO CONFORM TO CITY STANDARDS.
- POSTAL DELIVERY SHALL BE TO GATE MAILBOXES FOR THIS USE.
- WATER, SEWER AND ELECTRICAL UTILITIES ARE BY THE CITY OF LOVELAND, COLORADO. TELEPHONE SERVICE IS PROVIDED BY AT&T, COLORADO. TELEPHONE SERVICE BY U.S. WEST COMMUNICATIONS.
- THE THREE OVERHEAD POWER LINE CROSSINGS THE PROPERTY WILL BE RELOCATED UP/HIGHGROUND AT THE DEVELOPERS EXPENSE.
- NO SUBDIVISION OR OTHER SUBDIVISION IS PROPOSED WITHIN THIS PROJECT.
- ALL BARTHWORK PERFORMED ON THE SITE AND FOR ALL LANDSCAPING OF THE SITE SHALL BE PERFORMED IN A MANNER THAT PREVENTS ANY ENCROACHMENT OR OTHER HAZARDOUS EFFECTS ON THE HOME SUPPLY DRAWDINGS OR PLANS FOR THE DRAWDINGS.
- IN ADDITION TO THE ARCHITECTURAL CONDITIONS IN THE DRAWDINGS, ALL DEVELOPMENT ON THE SITE SHALL ALSO COMPLY WITH ALL ARCHITECTURAL STANDARDS FOR MULTI-FAMILY DEVELOPMENT AS MENTIONED IN THE CITY OF LOVELAND MUNICIPAL CODE IN EFFECT AT THE TIME OF THE APPLICATION.
- REAR DECKS SHALL NOT BE ALLOWED TO INTRUDE INTO THE REAR BACK YARD ON THE PROPERTY. PRIVATE PORCHES AND PATIOS CONSTRUCTED ON THE PROPERTY SHALL NOT INTRUDE INTO THE REAR BACK YARD PROVIDED THAT THEY ARE LIMITED TO 12'-0" IN THE PRIMARY STRUCTURE FROM WHICH IT EXTENDS. SAYD PORCHES AND PATIOS SHALL NOT BE CONSTRUCTED HIGHER THAN 10 INCHES ABOVE GROUND AND SHALL ALSO NOT CONTAIN OR HALL ELEMENTS, INCLUDING NO LATTICE SHADING OR ENCLOSURES.
- NO PARKING SHALL BE ALLOWED IN FRONT OF THE GARAGE OR ANY DWELLING UNITS WHICH UPON FINAL SITE PLAN APPROVAL, CANNOT PROVIDE A 20' FOOT CLEARANCE BETWEEN THE GARAGE DOOR AND THE EXTERIOR EDGE OF THE ADJACENT PRIVATE DRIVE LANE.

OWNER AND APPLICANT:

SIERRA BUILDERS LTD.
ATTN: DENNY MEYER
1444 1/2 10TH STREET
FORT COLLINS, CO 80522
PH: (402) 444-8742

PREPARED BY: ARCHITECTURE ONE, P.C.
150 E 21ST STREET, STE 200
LOVELAND, CO 80538
(402) 664-1080

UNIT MIX					
UNIT	STORED	GARAGE	BDRMS.	SQ. FT.	
A1	2	2	3	1813	
A2	2	2	3	1813	
B1	2	2	3	1813	
B2	2	2	3	1813	
C1	2	2	3	1813	
C2	2	2	3	1813	
D1	2	2	3	1813	
D2	2	2	3	1813	
E1	2	2	3	1813	
E2	2	2	3	1813	
F1	2	2	3	1813	
F2	2	2	3	1813	



SITE PLAN

SCALE: 1'-0"=30'-0"

VARIANCE REQUEST

To vary from the requirements for a roadway width of eight (80') feet for a 4-Lane Arterial Street.

The west end of the street has been constructed in its entirety from 14th Street S.W. to West 1st Street. The east end of the street has been constructed from the southern limits of the site to 14th Street S.W. and from the northern limits of the Sweetbriar 2nd Subdivision to West 1st Street. Therefore, the only portion of Wilson Avenue that has not been completed with curb and gutter and sidewalks is that section immediately adjacent to Lots 1 and 2, Block 1 of Sweetbriar 2nd Subdivision and Lot 2, Block 1 of Sweetbriar 1st Subdivision. The constructed width of the completed street both north and south of the site is forty-four (44') feet. The existing street section, four (4) travel lanes, two (2) bike lanes, and a painted median.

If the street is to be improved to the ultimate width of eighty (80') feet, the design and construction would require that the existing curb and gutter be shifted. The shift in the curb and gutter would move traffic to the north side of the street in the location of the proposed sidewalk. The north side of the street would also require that the improvements be tapered to meet the existing curb and gutter. The minima design speed for 4-Lane Arterial is 30 Miles Per Hour. At this design speed, the minima top width is 58.00 feet. A lane shift of 12' feet in each direction would require a taper length of 120' feet. The taper to the south would extend into the existing driveway for Fire Station #3. Therefore, it is my professional opinion that the requirement to widen the street to its ultimate width would impede traffic flow and create unsafe conditions.

The justification for the requested variance is that by retaining the established street width the desired lane and shoulder can be obtained (as demonstrated by the existing condition), traffic will flow smoothly, and the shoulder and shoulder headroom caused by the changes in the alignment of the street will be avoided.

PROJECT NO.	DRIVEN	REMOVED	REV'D	REV'D
1	✓	✓	✓	✓
2	✓	✓	✓	✓
3	✓	✓	✓	✓
4	✓	✓	✓	✓

1 3

PC ATTACHMENT 3
ATTACHMENT 10

**ARCHITECTURE
ONE**

970/669-9050

PALMER GARDENS, SUITE 200
150 EAST 29TH STREET, LOVELAND, COLORADO 80538

Sweetbriar P.U.D.
SOUTH WILSON AVENUE
LOVELAND, CO

SWEETBRIAR P.U.D. PRELIMINARY DEVELOPMENT PLAN (PDP)

LANDSCAPING SCHEDULE

KEY	COMMON NAME	LATIN NAME	SIZE
AP	Austrian Pine	<i>Pinus nigra</i>	6' Height
AM	American Hornbeam	<i>Carpinus caroliniana</i>	6' Height
AM	American Apple	<i>Acer ginnala</i>	7' Col.
BB	Baltic Beech	<i>Acer platanoides</i>	1 1/2' Col.
CBG	Colorado Blue Spruce	<i>Picea pungens glauca</i>	2' Col.
HH	Hophornbeam	<i>Ostrya virginiana</i>	2' Col.
HA	Marshall's Seedless Ash	<i>Fraxinus pennsylvanica 'Marshall's Seedless'</i>	2' Col.
NP	Pine, Hugo	<i>Pinus rugosa rugosa</i>	5' Height
NA	Norway Maple	<i>Acer platanoides</i>	7' Col.
GA	Golden Apen	<i>Populus tremuloides</i>	1 1/2' Col.
RA	Radicle Crab	<i>Holcus sp. 'Radicle'</i>	1 1/2' Col.
SC	Spring Snow Crab	<i>Holcus sp. 'Spring Snow'</i>	1 1/2' Col.
BS	Blue Mist Spirea	<i>Corylus avellana</i>	5 gallon
CP	Cheesewee Privet	<i>Ligustrum vulgare 'Cheesewee'</i>	3 gallon
DC	Dwarf European Cranberry	<i>Vaccinium oxycoccos nigrum</i>	5 gallon
SD	Sold Drop Potentilla	<i>Potentilla fruticosa formen 'Sold Drop'</i>	5 gallon
DU	Old Gold Juniper	<i>Juniperus chinensis 'Old Gold'</i>	5 gallon
PR	Princess of Wales Juniper	<i>Juniperus scopulorum 'Blue Haven'</i>	5 gallon
SS	Snowmound Spirea	<i>Spiraea nipponica 'Snowmound'</i>	5 gallon
TI	Japanese Tamarisk		

HATCHING INDICATES SODDED LAWN AREAS

LANDSCAPE NOTES

1. ALL PLANT MATERIAL SHALL COMPLY WITH CURRENT AAM SPECIFICATIONS FOR NO. 1 MATERIAL NURSERY STOCK. PLANTS TO BE HEFT OR EXCELS SIZES SPECIFIED.

2. SOG SHALL BE KENTUCKY BLUEGRASS BLEND FREE FROM NEEDLE, SOG SHALL NOT BE 10% LAWN GRASS THAN 24" FROM CENTER OF SHREWS AND LT 12" FROM CENTER OF TREES. SOG SHALL BE PROTECTED FROM DRYING OUT.

3. ADD TO ALL SCODED AREAS WELL DISCARDED RANCH CATTLE MANURE AT A UNIFORM RATE OF 8 CUBIC YARDS PER 1000 SF. TILL TO A DEPTH OF 6" RAKE TO ACCEPTABLE GRADE. ALL DEBRIS AND ROCK NOT PASSING THROUGH A HANDBALL SHALE SHALL BE REMOVED.

4. ALL SHREWS GROUPINGS PLACED IN SOGGED AREAS SHALL BE DIVIDED FROM SOG BY 4" X 12" THICK STEEL EDGARD SET PTH TOP OF SOG.

5. ALL SHREWS PLANTINGS SEED TO BE FILLED WITH GRAVEL. GRAVEL AREAS TO BE FILLED OVER EX (8) ML FILTER PAVING NEED BARRENS. GRAVEL SHALL BE MINIMUM 1/2" DIA. HASHED RIVER BOTTOM AGGREGATE.

6. FERTILIZER PLANTS WITH 21 GRAN AIRPORT SLOW RELEASE 20-10-8 TABLETS. PLACES PLANTS IN BAGGOL, MX.

7. PLANTING PIT TWICE THE DIAMETER OF FOOTBALL AND BACKFILL WITH 1 PART AGGREGATE MOUNTAIN PEAT AND 2 PARTS EXCAVATED TOPSOIL.

IRRIGATION LATERALS. LANDSCAPE CONTRACTOR SHALL PROVIDE IRRIGATION SYSTEM SHOP DRAWINGS AND SPECIFICATIONS FOR OWNER REVIEW AND APPROVAL PRIOR TO INSTALLATION.

4. VACUUM DRAINAGE AND BACKFLOOR PREVENTER SHALL MEET ALL APPLICABLE PLUMBING CODES AND LARIMER COUNTY BUILDING REGULATIONS. ALL CONTROL VALVES SHALL BE SET IN STANDARD SIZE VALVE BOXES.

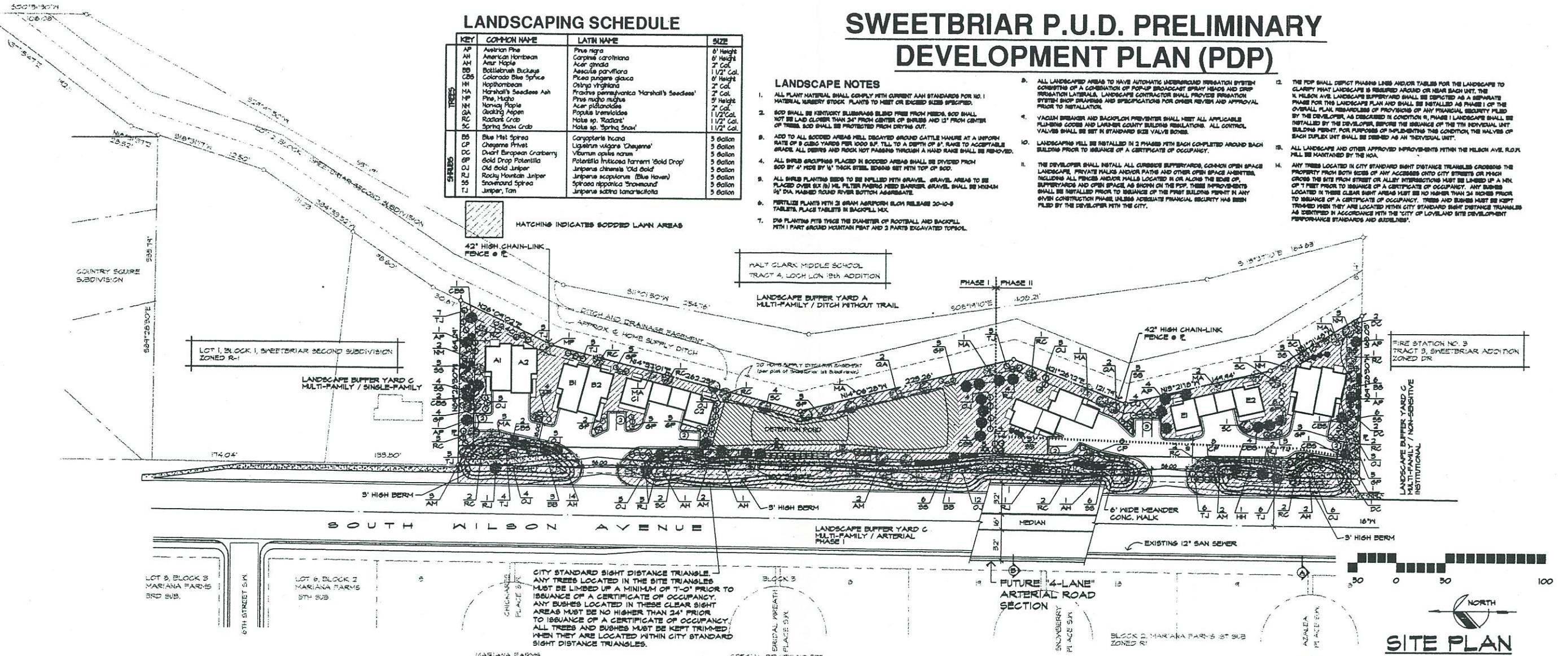
10. LANDSCAPING PILL BE INSTALLED IN 2 PHASES WITH EACH COMPLETED AROUND BACK BUILDING PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY.

11. THE DEVELOPER SHALL INSTALL ALL CURBSTONE BUMPYARDS, COMMON OPEN SPACE LANDSCAPE, PRIVATE WALKS AND/OR PATHS AND OTHER OPEN SPACE AMENITIES, INCLUDING ALL WALKS AND/OR PATHS LOCATED IN OR ALONG THE EDGES OF, BUMPYARDS AND COMMON OPEN SPACES ON THE PTH. THESE IMPROVEMENTS SHALL BE INSTALLED PRIOR TO ISSUANCE OF THE PTH BUILDING PERMIT IN ANY GIVEN CONSTRUCTION PHASE UNLESS APPROPRIATE FINANCIAL SECURITY HAS BEEN FILLED BY THE DEVELOPER WITH THE CITY.

K. NELSON AVE. LANDSCAPE SURFACING SHALL BE DEPICTED AS A SEPARATE PHASE FOR THIS LANDSCAPE PLAN AND SHALL BE INSTALLED AS PHASE 1 OF THE OVERALL PLAN, REGARDLESS OF PROVISIONS OF ANY FINANCIAL SECURITY FILLED BY THE DEVELOPER, AS DESCRIBED IN CONDITION K, PHASE 1. LANDSCAPE SHALL BE INSTALLED BY THE DEVELOPER, BEFORE THE ISSUANCE OF THE TH INDIVIDUAL BUILDING PERMIT, FOR PURPOSES OF IMPLEMENTING THIS CONDITION, THE HALVES OF EACH DUPLICATED UNIT SHALL BE DESIRED AS AN INDIVIDUAL UNIT.

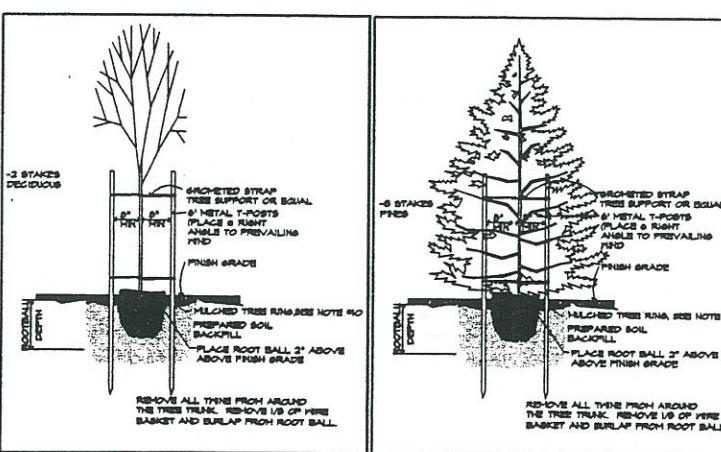
13. ALL LANDSCAPE AND OTHER APPROVED IMPROVEMENTS WITHIN THE NELSON AVE. PLOT, PLS. MAINTAINED BY THE HOA.

14. ANY TREES LOCATED IN CITY STANDARD SIGHT DISTANCE TRIANGLES CROSSING THE PROPERTY FROM BOTH SIDES OF ANY ACCESSES INTO CITY STREETS OR PTHS CROSS THE SITE FROM STREET OR ALLEY INTERSECTIONS MUST BE LINED UP A MIN. OF 12' FROM THE CENTER OF A PTH OR A CERTIFICATE OF OCCUPANCY. ANY TREES LOCATED IN CITY STANDARD SIGHT DISTANCE TRIANGLES CROSSING THE PROPERTY FROM THE CENTER OF A PTH OR A CERTIFICATE OF OCCUPANCY, TREES AND BUSHES MUST BE KEPT TRIMMED WHEN THEY ARE LOCATED WITHIN CITY STANDARD SIGHT DISTANCE TRIANGLES AS IDENTIFIED IN ACCORDANCE WITH THE "CITY OF LOVELAND SITE DEVELOPMENT PERFORMANCE STANDARDS AND GUIDELINES".

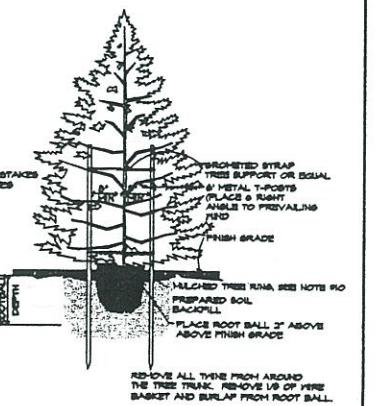


Sweetbriar P.U.D.

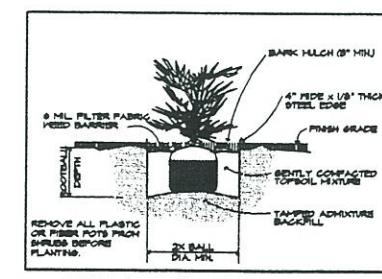
YOUTH WILSON AVENUE
LOVELAND, CO



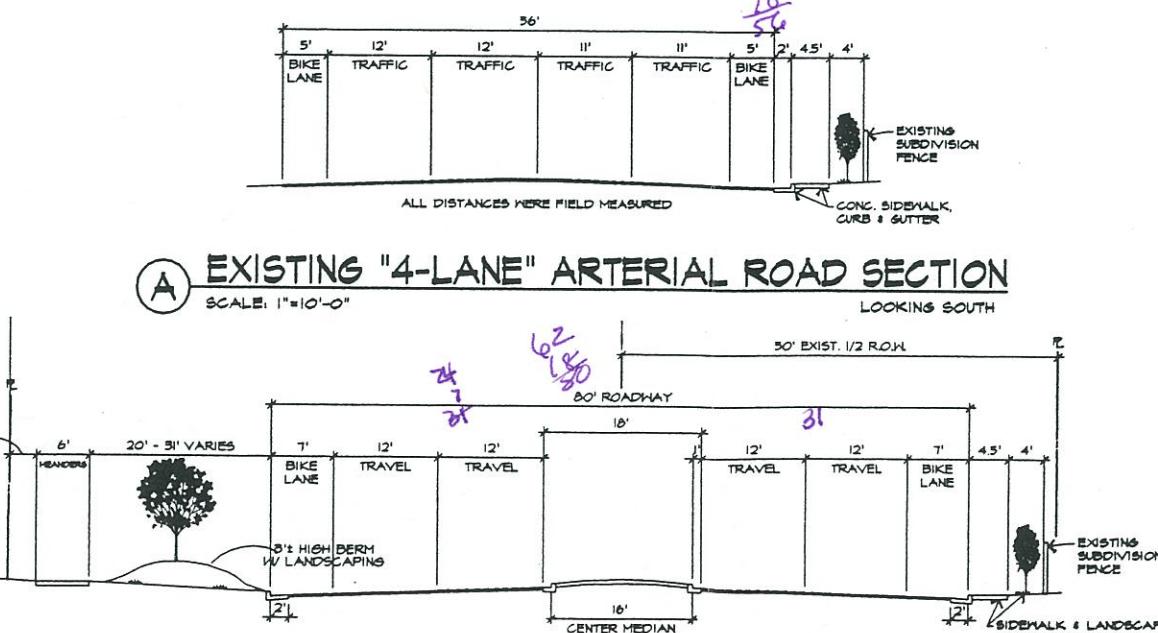
DECIDUOUS TREE DETAIL:



EVERGREEN TREE DETAIL



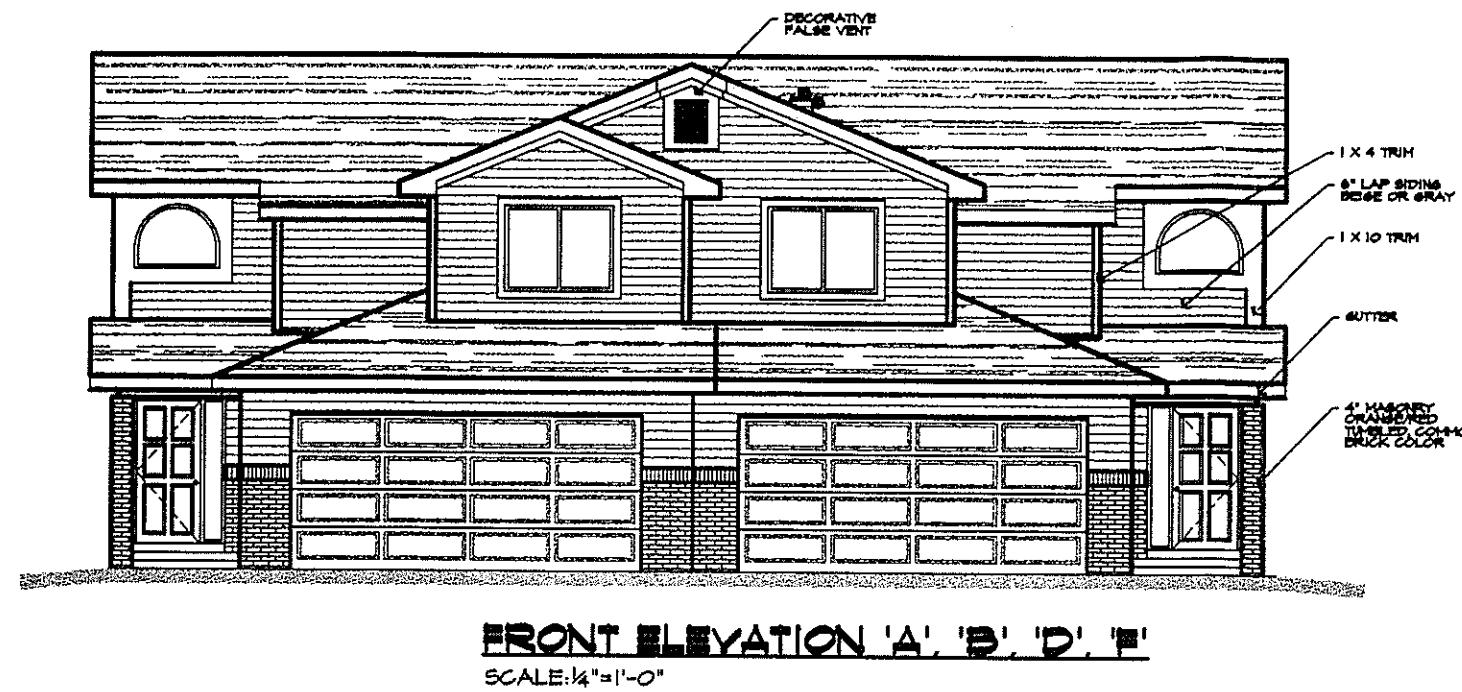
SHRUB DETAIL:



B FUTURE "4-LANE" ARTERIAL ROAD SECTION
SCALE: 1" = 10'-0"

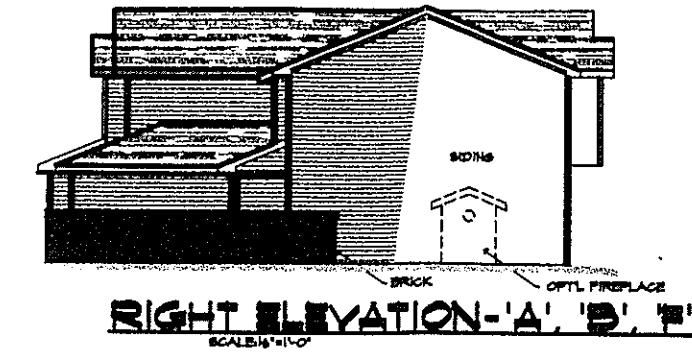
PC ATTACHMENT 3

PROJECT NO.	DRAWH	04/04/04
REVISIONS	7	04/10/04
VER	1	04/04/04
BUD	4/10/04	
BUD	4/25/04	
BUD	10/12/04	
REVISED	DAT	B-02-021



FRONT ELEVATION 'A', 'B', 'D', 'E'

SCALE: $\frac{1}{4}'' = 1'-0''$



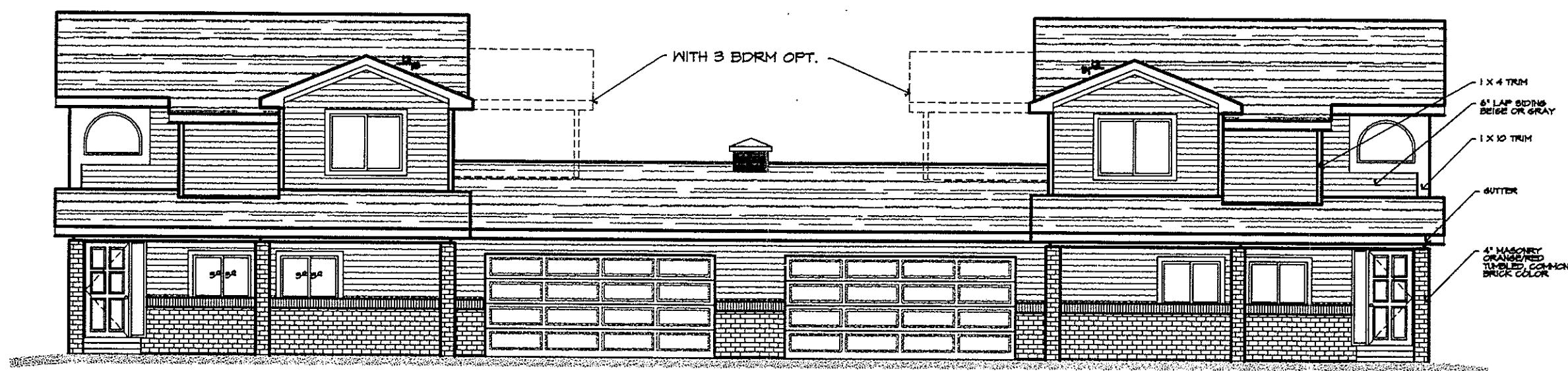
RIGHT ELEVATION - A, B, C

1000 J. POLYMER SCIENCE: PART A



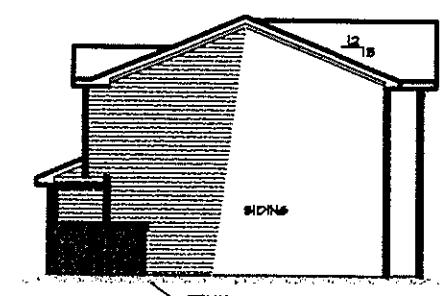
LEFT ELEVATION - 'D'

SCALE: 1/4"



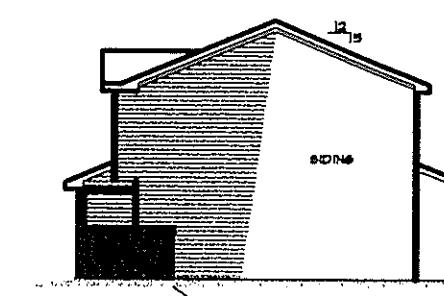
FRONT ELEVATION- 'C'. 'E'

SCALE 5.4" = 1



RIGHT ELEVATION - 'C' 4 'H

SCALE 1" = 10' 0" 3' 0" FROM ELEVATION



RIGHT ELEVATION - 'C' 4 'H'

SCALE: 1/8" = 1'-0" 2 BORN. ELEVAT.

URE
ONE

ARCHITECT

100

AMERICAN LAW ATTORNEY, INC.

Sweetbriar SOUTH WILSON AVENUE

SOUTH WILSON AVENUE
LOVELAND, CO

PROJECT #2	SPRING	DAT 3-20-02
	REMOVED	DAT 3-20-02

SWEETBRIAR P.U.D.

PRELIMINARY DEVELOPMENT PLAN (PDP)

UNIT MIX						
LOT	LOT SQ. FT.	STORIES	PROPOSED GARAGE	BDRMS.	FOOT PRINT SQ. FT.	
1	2,394	1	1.5	2	2,406	
2	2,410	1	1.5	2	2,406	
3	2,357	1	1.5	2	1,392	
4	2,368	1	1.5	2	1,392	
5	2,394	1-2	2	3	1,406	
6	2,394	1-2	2	3	1,406	
7	2,368	1	1.5	2	1,392	
8	2,368	1	1.5	2	1,392	
9	2,394	1-2	2	3	1,406	
10	2,394	1-2	2	3	1,406	
11	2,368	1	1.5	2	1,392	
12	2,368	1	1.5	2	1,392	

RESIDENTIAL BUILDING SETBACK REQUIREMENTS

Front Setback: 3' Minimum Setback from the property line to (Front Loaded Garage) face of principle structure or face of garage, whichever is closer.

Side Setback: 0' minimum setback as measured from the common wall lot line of paired structure.

Side Setback: 3' minimum setback as measured from the side lot line to face of principal structure.

Rear Setback: 3' minimum setback as measured from the side lot line to face of principal structure.

GENERAL SETBACK NOTES

1. The entire PUD property line setbacks (20' front, 15' side, 10' rear) shall supersede any individual lot line setbacks.
2. Front setbacks shall be measured from the front lot line or Right - of - Way to face of the principal structure, or face of garage, whichever is closer.
3. Minor architectural features which do not exceed 2' in overall projection from the principle structure (i.e.: roof overhangs, fascias, eaves, fireplace, bay windows, cantilevered walls, decks, etc.) are allowed to encroach into the front, rear or side setbacks, but are not allowed to encroach into an easement regardless of setback requirements.
4. Window wells may protrude into setbacks but are not allowed to encroach into any easements.

LEGAL DESCRIPTION

LOT 2, BLOCK 1, SWEETBRIAR FIRST SUBDIVISION ADDITION
TO CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

LAND USE DATA

LOT AREA:	93,820 S.F. = 2.154 ACRES	=100%
APROX. BUILDING FOOTPRINT	1-2: 2,920 S.F. 3-4: 2,920 S.F. 5-6: 2,920 S.F. 7-8: 2,920 S.F. 9-10: 2,920 S.F. 11-12: 2,920 S.F.	
TOTAL	17,520 S.F.	18.67%
PARKING / WALKS/DRIVES:	19,242 S.F.	20.51%
LANDSCAPING:	57,058 S.F.	60.82%
OFF-SITE LANDSCAPING:	7,320 S.F.	
MAXIMUM BUILDING HEIGHT	30'-0"	
EXISTING ZONING:	R-1	
PROPOSED ZONING	P.U.D. - PAIRED SINGLE FAMILY RESIDENTIAL	
EXISTING USE:	VACANT	
UNITS:	12 UNITS (6 BUILDINGS)	
DENSITY:	5.6 D.U.P.A. (gross)	

GENERAL NOTES:

- 1.) REFER TO LANDSCAPING PLAN FOR ALL LANDSCAPING IMPROVEMENTS AND RELATED NOTES.
- 2.) REFER TO SITE DRAINAGE PLAN FOR GRADING AND DRAINAGE INFORMATION.
- 3.) MAXIMUM HEIGHT OF BUILDINGS NOT TO EXCEED 30'-0".
- 4.) ALL TRASH AND WASTE IS TO BE TAKEN OUT WITHIN THE CLOUDS WHICH INDICATE A UNIT. THERE IS TO BE NO OUTSIDE ENCLOSURE FOR COMMUNITY COLLECTION.
- 5.) ALL DEVELOPMENT SHALL COMPLY WITH THE RECOMMENDATIONS OF THE SUBSURFACE SOILS INVESTIGATION AND REPORT.
- 6.) DAMAGED CURB, GUTTER AND SIDEWALK MUST BE REPLACED TO CONFORM TO CITY STANDARDS.
- 7.) POSTAL DELIVERY SHALL BE TO GANG MAILBOXES FOR THIS USE.
- 8.) WATER, SEWER AND ELECTRICAL SERVICES ARE PROVIDED BY THE CITY OF LOVELAND. TELEPHONE SERVICE BY CENTURY LINK COMMUNICATIONS.
- 9.) ANY SUBDIVISION OR OTHER SIGNAGE SHALL BE OUT OF ANY RIGHT OF WAY AND SHALL BE APPROVED BY THE CITY OF LOVELAND.
- 10.) ALL EARTHWORK PERFORMED ON THE SITE AND/OR ALL LANDSCAPING OF THE SITE SHALL BE PERFORMED IN A MANNER THAT PREVENTS ANY ENCROACHMENT OR OTHER NEGATIVE EFFECT(S) TO THE HOME SUPPLY DITCH AND DRAINAGE EASEMENT AND DRAINAGE EASEMENT.
- 11.) IN ADDITION TO THE ARCHITECTURAL REQUIREMENTS IN THE PUD, ALL DEVELOPMENT ON THIS SITE SHALL ALSO COMPLY WITH ALL ARCHITECTURAL STANDARDS FOR MULTI-FAMILY DEVELOPMENT AS SET FORTH IN TITLE 18 OF THE LOVELAND MUNICIPAL CODE IN EFFECT AT THE TIME OF SUBMISSION.
- 12.) REAR DECKS SHALL NOT BE ALLOWED TO INTRIDE INTO THE REAR SETBACK SHOWN ON THE PUD. REAR PORCHES AND PATIOS CONSTRUCTED OF CONCRETE OR OTHER MASONRY TYPE MATERIAL MAY EXTEND INTO THE REAR SETBACK PROVIDED THAT THE DECK IS LOWER THAN THE REAR SETBACK IS LOWER THAN THE X - SAWD PATCHES AND PATIOS SHALL NOT BE CONSTRUCTED HIGHER THAN 10 INCHES ABOVE GRADE, AND SHALL ALLOW NO ROOF, WALL ELEMENTS (EXCLUDING LATTICE) OR ENCLOSURES.
- 13.) NO PARKING SHALL BE ALLOWED IN FRONT OF THE GARAGE OF ANY DWELLING UNITS WHICH, UPON FINAL SITE PLAN APPROVAL, CANNOT PROVIDE A 20' FOOT CLEARANCE BETWEEN THE GARAGE DOOR AND THE EASTERN MOST EDGE OF THE ADJACENT PRIVATE DRIVE LANE.

OWNER AND APPLICANT:

SWEETBRIAR ON WILSON LLC
JOHN & GARY BAKER
5015 ST. ANDREWS DR.
LOVELAND, CO 80537
PH: (970) 290.8485

PREPARED BY:
BAKER WESTERN GROUP LLC
2105 WEST CR 14
LOVELAND, CO 80537
(970) 613.8485

INDEX OF DRAWINGS			
P.U.D. DRAWINGS			
1 of 4 SITE PLAN			
2 of 4 GENERAL NOTES			
3 of 4 LANDSCAPE PLAN			
4 of 4 BUILDING ELEVATIONS			

PREPARED JULY 12, 2013
REVISED OCTOBER 8, 2013
REVISED JANUARY 12, 2014

SWEETBRIAR P.U.D.
SWEETBRIAR ON WILSON, LLC
JOHN & GARY BAKER
SOUTH WILSON AVENUE LOVELAND, CO 80537

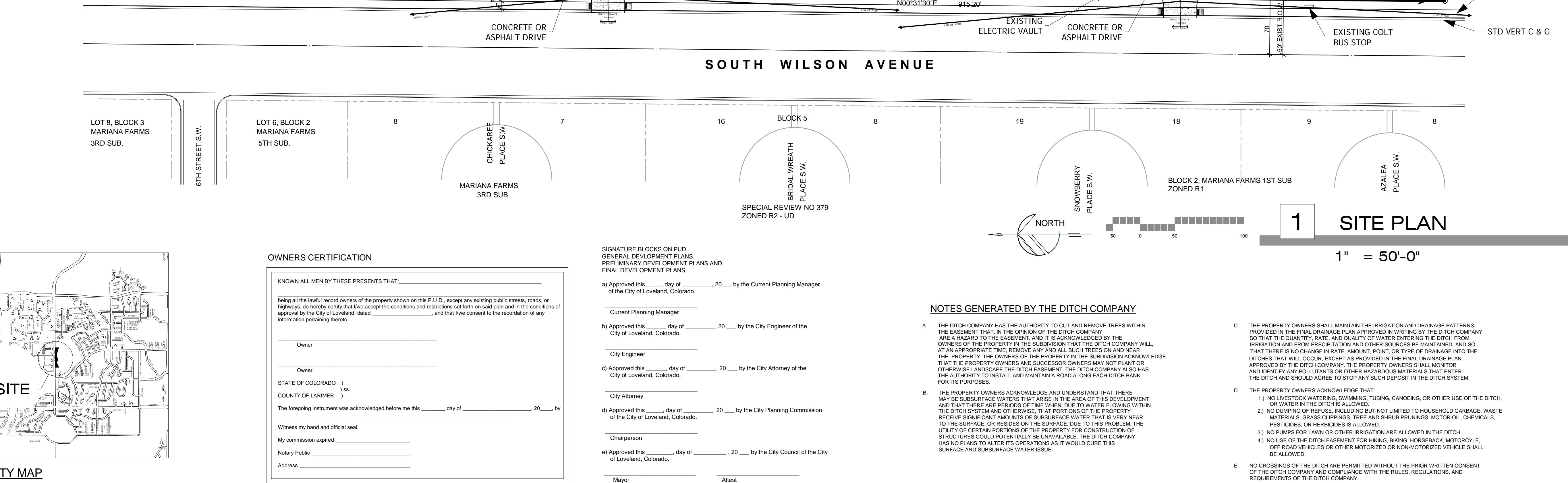
Sheet Title:

SITE PLAN

1 of 4

PC ATTACHMENT 4

BAKER
WESTERN GROUP LLC
John R. Baker vox/fax 970.613.8485
2105 West CR 14 Loveland, CO 80537
www.bakerwestern.com



PRELIMINARY DEVELOPMENT PLAN NARRATIVE

PROJECT LOCATION:

Sweetbriar 3rd Subdivision PUD is a 2.154 acre residential community located in the 600-800 Block of South Wilson Ave.

The project is bordered to the East by Conrad Ball Middle School; to the South is Loveland Fire Station; to the North a single Family Residence; and to the West is Wilson Avenue.

LAND USE:

Sweetbriar 3rd Subdivision PUD will be a maintenance free community. This community will have a total of 12 Residential Lots ranging in size from 2,357-2,394 s.f. (approx.) Complete with landscaped common space, it will provide both privacy, security and spaciousness while unifying the residences into the overall surrounding area. Upon completion of each paired home the developer / home builder will fully landscape the private lot with trees, shrub beds, and irrigated turf which will be maintained by the Home Owner's Association. This project will meet a housing need present within Loveland for maintenance free paired single family homes within an estate like community.

CIRCULATION:

The project is accessed from the existing South Wilson Avenue (an Arterial Roadway). Pedestrian circulation shall be accommodated by an existing 7' attached walk along S. Wilson Avenue. Pedestrian circulation shall be further enhanced with multiple access walkways connecting Wilson Ave and the private drives.

With all current public improvements being currently installed and complete, no significant road improvements will be made to S. Wilson Ave. with the exception of the installation / alteration of the curb cut entrances to the two private drives. Both drives will be private driveways and will be installed by the developer / home builder and shall be maintained by the Home Owner's Association.

PUBLIC FACILITIES PROVIDERS:

Police: City of Loveland
Fire & Rescue: City of Loveland
School: Thompson School District R2-J
Parks: City of Loveland

PUBLIC UTILITIES:

Basic utilities required for this development have been extended to the site or exist near the property and are available to the property. Adequate capacity currently exists within the City's infrastructure utilities to serve the project. The following is a list of utilities, their providers and service availability:

WATER: City of Loveland
Service:
Existing 16 in. waterline service is available in S. Wilson Ave.
Improvements:
At the commencement of development, two 8" waterlines shall be extended into the site.

SEWER: City of Loveland
Service:
Existing 12" sanitary sewer service is available in S. Wilson Ave.
Improvements:
At the commencement of development, an 8" line shall be extended through the site.

ELECTRIC: City of Loveland
Service & Improvements:
Existing service and vault is available in S. Wilson Ave and shall be extended through the site.

GAS: X-Cel Energy
Service & Improvements:
Existing service is available in S. Wilson Ave and shall be extended through the site.

TELEPHONE: Century Link
Service & Improvements:
Existing service is available in S. Wilson Ave and shall be extended through the site.

STORM DRAINAGE:

Generally, drainage for the developed site will flow from the north and south to a central detention basin where it is eventually discharged into a 12-inch HDPE pipe and the Home Supply Irrigation Ditch.

Many of the lots have been designed to accommodate garden level architecture to take advantage of slope of the land to the east. Fine lot grading will be determined at time of building permit plan submittal and will be reviewed by the City of Loveland Building Department prior to issuance of building permits.

LANDSCAPE (General):

The project shall be landscaped with regionally appropriate plant materials. In open space and buffer yard areas a "water wise" and naturalistic design approach shall be used. These areas shall include informal plantings of trees and shrub / ornamental grass beds. Turf areas will incorporate low water use drought tolerant seed and sod varieties. Common open space areas and individual lot landscaping shall be maintained by the Home Owner's Association.

Proposed street trees (along S. Wilson Ave) will link the various areas and individual residential landscapes into a unified system. A variety of tree species shall be used throughout the development to insure visual interest.

Landscaping shown on the landscape plan including: private lot landscaping, landscaping of common open space areas, buffer areas, landscaping within public R.O.W., streetscapes (both trees and sod), as well as entry landscaping shall be installed by the developer / home builder and shall be maintained by the Home Owner's Association. All trees shall be planted a minimum of 10' from public utilities. Shrubs to be planted a minimum of 5' from all public utilities.

DESIGN AND ARCH. DEVELOPMENT STANDARDS (ADS)

The following is intended as an outline of Design and Architectural Development Standards (ADS) that will apply to the construction of Sweetbriar 3rd Subdivision PUD. Prototypical architectural elevations have been provided with this submittal in order to help illustrate the aforementioned design standards. The covenants for the development will require that a homeowner submit to ARC, plans and specifications for review and approval prior to the construction of any improvements on any lot.

The ADS are not intended to supersede applicable Federal, Colorado, or Loveland codes or ordinances. In case of conflict or discrepancy, or for subjects not addressed in the ADS, the more restrictive ADS, governing agencies, codes and/or regulations shall take precedence. The ADS are to be used by owners when modifying or upgrading homes or landscaping on individual paired residential properties within the Sweetbriar 3rd Subdivision PUD. The ADS will also be used by the Architectural Review Committee (ARC) in reviewing proposals to determine their relative conformance to the overall design objectives and criteria. The ADS are intended to cover each site-specific or lot-specific issue, and community issues such as edge treatments and relationships to adjacent land uses.

INTRODUCTION

Purpose and Intent:
The architectural character of the paired single family homes in the Sweetbriar 3rd Subdivision PUD is intended to reflect regional character with a variety of interesting and compatible relationships of form, texture and within a consistent overall architectural style. Additionally, economic factors, environmental concerns, and construction practices prevalent in the industry are important influences. The following ADS are intended to establish and promote a high level of design quality, assure compatibility between residential products within the community, and guide the character and form of the paired residential architecture. The following architectural design objectives shall be incorporated into the community and shall be considered when designing the final architectural building elevations, as well as when making improvements to the individual homes and landscape.

Building Height:

Height as allowed by City Code - Section 18.54

Building Area:

The minimum floor plan shall not be less than 900 s.f. for finished floor area devoted to living purposes (exclusive of roofed or unroofed porches, terraces, basements and garages). Garden level basement designs are encouraged.

Architectural Theme, Elements and Styles:
A unified design theme is exemplified primarily in the facades of the residences within the Sweetbriar 3rd Subdivision PUD. Although unified in character, each of the paired single family homes shall maintain a quality community appearance.

Garages:

The visual impact of a front access garage upon the neighborhood streetscapes can be offset by the incorporation of several key architectural features such as: covered front porches, trellises, landscaping and garage recesses. All of these architectural techniques will help to reduce dominance of garage doors.

The building architecture shall de-emphasize the garages as much as possible. Garage doors shall be painted the same color as the primary structure or trim color, not a contrasting color. Also, all garage doors shall have a window feature in them.

Pergolas:

Any residence that contains only a one car garage shall incorporate in the design, a pergola structure to be used in combination of additional parking area and or outside patio area. Pergola shall be sized large enough to accommodate one standard size car parking. It shall be constructed of natural wood material and shall contain a variant of material sizes to create the lattice work. The structure shall be wholly contained within the individual lot. Any maintenance, repair, upkeep and or refinishing shall be the responsibility of each homeowner. The pergola shall not be covered (permanent or temporarily) or be enclosed with any material.

Accessory Structures:

Accessory structures of any type and/or size shall not be allowed.

Materials:

Materials used on exterior surfaces are a key design element in Sweetbriar 3rd Subdivision PUD. All materials shall be high quality and be compatible with the surrounding community and the landscape.

Siding:

A combination of hard coat / synthetic stucco, horizontal lap siding (hardboard or composite), vertical board and batten siding (hardboard or composite), simulated shingle shake siding and masonry / synthetic stone shall be used as the predominant siding material of each paired home. A combination of at least 2-3 of the listed materials shall be used to create a multi-textured facade.

Roofing:

Roofing materials on sloped roofs shall be, at a minimum, 25 year high profile dimensional asphalt shingles or better. Roof pitch of the structure shall be 4:12 minimum.

Colors:

The color of exterior materials shall generally be of a neutral tone to blend with the colors of the landscape. Generally muted color tones are recommended, although deeper / boulder color variations and accent colors used judiciously and with restraint shall be allowed. No two adjacent paired structures shall be painted the same color/shade. Use of highly chromatic or "bright" colors are to be limited to small accents.

Porches:

A covered front porch element shall be included on all front elevations of paired homes.

Rear Elevations:

Design elements to be utilized may include covered rear patios, raised decks, chimneys, roof gables, etc.

Windows:

Windows shall be used to create interest on large surface areas. Multi-pane windows (simulated) are encouraged on large surface area windows. Accent windows are highly encouraged.

Building Projections and Vents:

All buildings projections including, but not limited to, chimney flues, vents, cupolas, gutters, down spouts, porches, railings and exterior stairways shall match the color of the surface from which they project or shall be of an approved complementary color. All roof-mounted and wall-mounted building vents and flues are to be located on the non street side of the residences to the greatest degree possible. Vents are to be painted to blend with the wall color roofing from which they extend.

Air Conditioning Units:

Ground level air conditioning units shall be located in rear or side yards (minimum of 10' from neighboring building) and shall be appropriately screened by landscaping. Window and roof mounted air conditioning units are not permitted.

Antenna / Satellite Dishes / Solar Panels:

Two mini satellite dishes are allowed per home, as approved by the ARC. Large satellite dishes are prohibited in favor of the smaller (18") mini dish varieties unless otherwise approved by the ARC. Solar panels shall be flush mounted or laid flat on the same plane as the roof. Solar panels shall not project above the pitch of the roof. Exterior antennas are prohibited.

LANDSCAPE AND SITE DESIGN

Purpose and Intent:

The Landscape Design criteria are intended to supplement the Site Planning and Architectural Design criteria in order to integrate all the paired residential structures into a harmonious maintenance free community. Additionally, landscaping should have compatibility with adjacent properties and the project's streetscape. The ARC reserves the right to require landscape components as a part of the architectural approval, if in the opinion of the ARC, the architectural design needs specific assistance to meet the intent of the design guidelines.

Landscape and Materials:

All landscaping on individual residential lots shall be installed by the developer / home builder and shall be maintained by the Home Owner's Association. If an individual owner would like to change / alter the landscaping within their lot, a plan must be presented to and approved by the ARC prior to any modification. It is the intent that each property be fully landscaped with low maintenance 'waterwise' plant materials suitable for this climate and irrigated with an automatic underground irrigation system. Plant material selection should be made from locally available nursery or garden center stock. The Colorado Nurserymen's Association Rocky Mountain Plant Guide lists acceptable materials.

Lawn:

Lawn areas should be kept at least three (3) feet away from the foundation of the home or as recommended by a professional soils engineer or landscape professional, to ensure proper drainage is maintained.

Rock and Mulch:

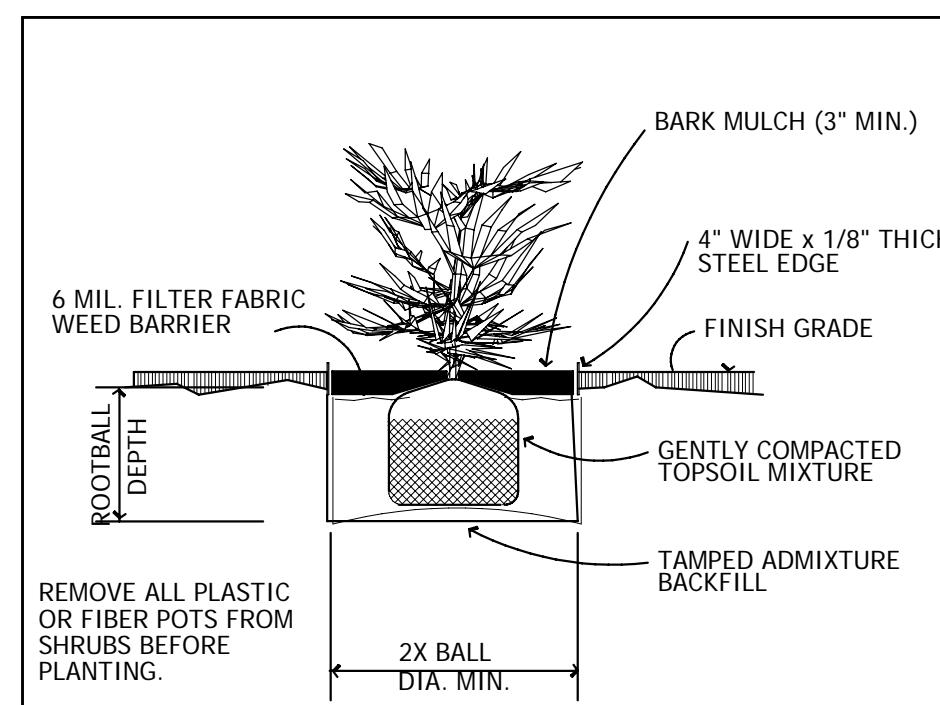
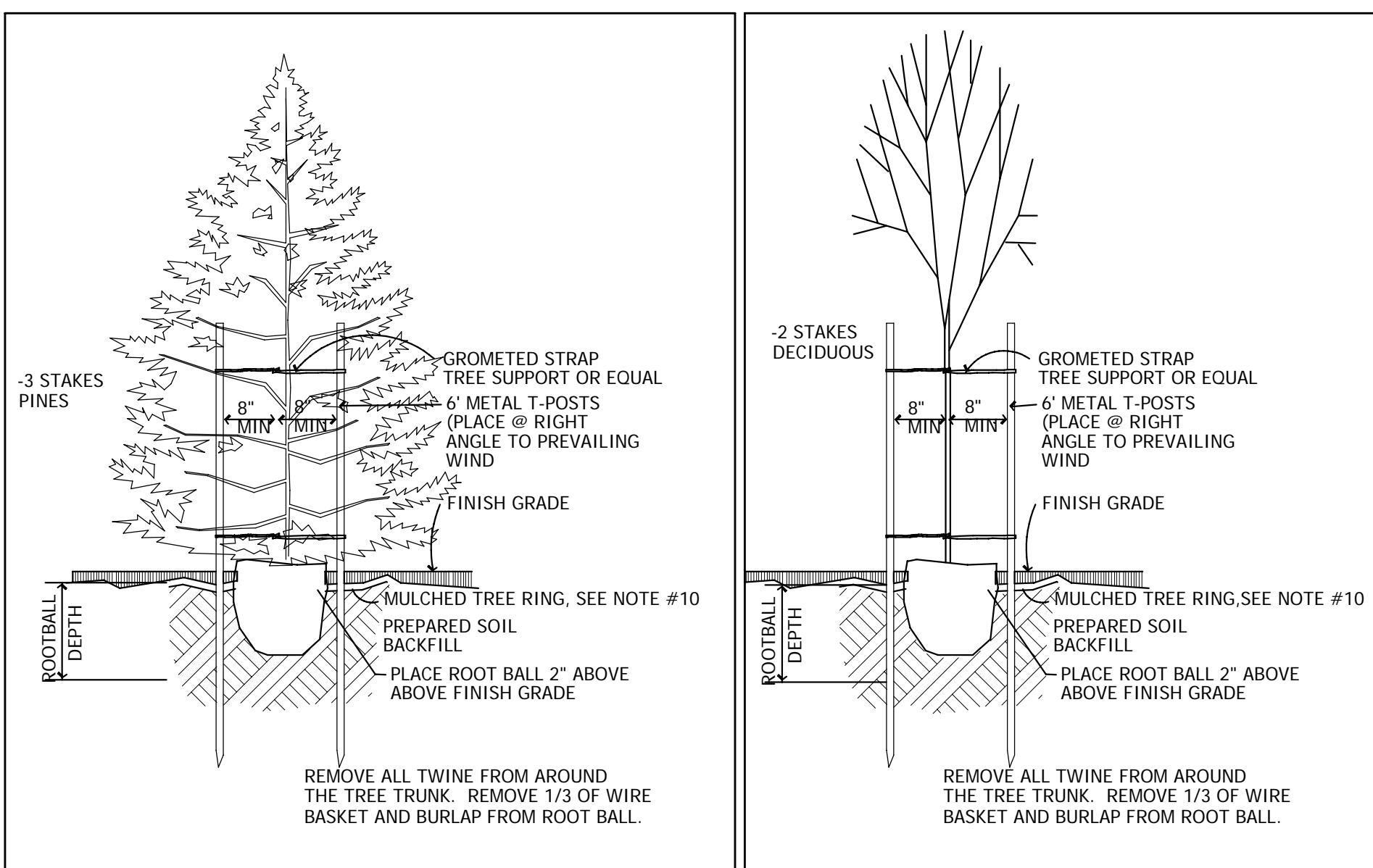
Shrub planting beds may utilize wood or rock mulch. Wood mulch provides a favorable environment for plants and reduces irrigation requirements and minimizes long-term maintenance costs. Large six inch (6") in diameter or greater river rock, moss rock, or other "feature" rock may be used as part of the landscape. Wood mulch and rock should be placed over a weed barrier fabric and be kept in place with a steel, plastic or brick edger. All edging should be installed in such a way as to prevent damming of water near the foundation.

Concrete Driveways:

Concrete driveways and parking areas are not to be expanded without the prior written approval of the ARC.

Fencing:

Fencing shall be limited to project perimeter fencing installed by the developer / home builder at builder's discretion. Any architectural walls and or screen fencing must integrate into the surrounding landscape and must be approved by the Architectural Review Committee.



FENCING

Fencing shall be limited to project perimeter fencing installed by the developer / home builder at builder's discretion. Fencing material shall be limited to chain link, metal or wood rail material. Any fence shall not be over 4' in height. Any interior lot architectural walls and or screen fencing must integrate into the surrounding landscape and must be approved by the Architectural Review Committee.

BUFFERYARD CALCULATION TABLE

TYPE C BUFFER

TYPE OF PLANTING	SUGGESTED	PROVIDED IN BUFFER	PROVIDED IN ENTIRE SITE
CANOPY TREE	16	24	27
FLOWERING TREE / LARGE SHRUB	16	62	83
SHRUBS	80	26	32
EVERGREEN / CONIFER	16	16	16

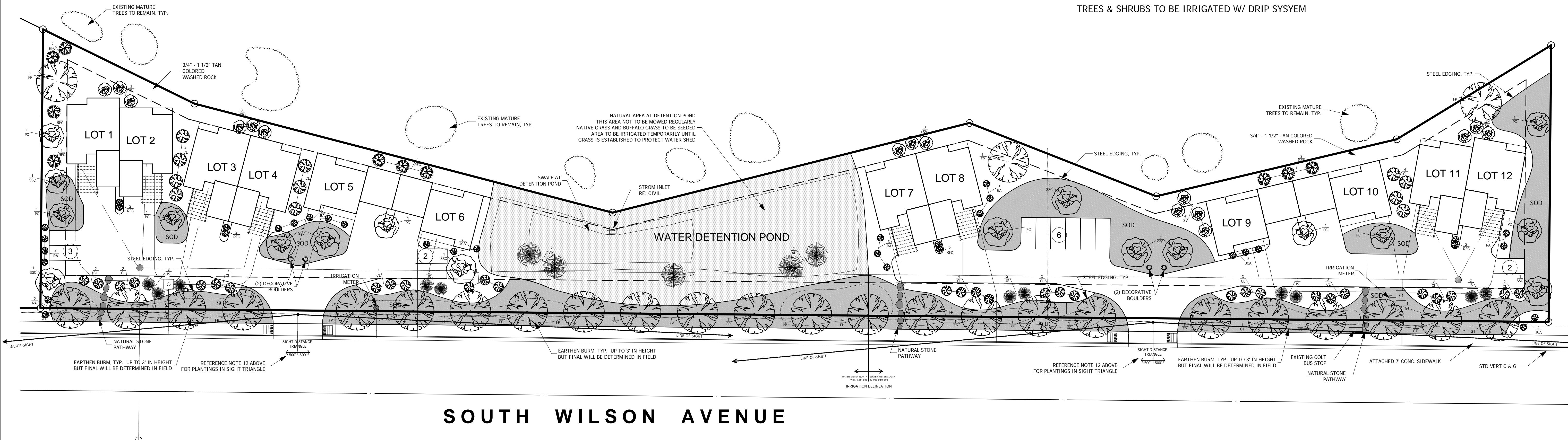
LANDSCAPE NOTES:

- ALL PLANT MATERIAL SHALL COMPLY WITH CURRENT AAH STANDARDS FOR NO. 1 MATERIAL NURSERY STOCK PLANTS TO MEET OR EXCEED SIZES SPECIFIED.
- SOD SHALL BE KENTUCKY BLUEGRASS BLEND FREE FROM WEEDS. SOD SHALL NOT BE LAID CLOSER THAN 24' FROM CENTER OF SHRUBS AND 12' FROM CENTER OF TREES. SOD SHALL BE PROTECTED FROM DRYING OUT.
- ADD TO ALL SODDED AREAS WELL DECAYED GROUND CATTLE MANURE AT A UNIFORM RATE OF 3 CUBIC YARDS PER 1000 S.F. TILL TO A DEPTH OF 6". RAKE TO ACCEPTABLE GRADE. ALL DEBRIS AND ROCK NOT PASSING THROUGH A HAND RAKE SHALL BE REMOVED.
- ALL SHRUB GROUPINGS PLACED IN SODDED AREAS SHALL BE DIVIDED FROM SOD BY 4" WIDE BY 1/8" THICK STEEL EDGING SET WITH TOP OF SOD.
- ALL SHRUB PLANTING BEDS TO BE INFILLED WITH GRAVEL. GRAVEL AREAS TO BE PLACED OVER SIX (6) MIL FILTER FABRIC WEED BARRIER. GRAVEL SHALL BE MINIMUM 3/4" DIA. WASHED ROUND RIVER BOTTOM AGGREGATE.
- FERTILIZE PLANTS WITH 21 GRAM AGRIFORM SLOW RELEASE 20-10-5 TABLETS. PLACE TABLETS IN BACKFILL MIX.
- DIG PLANTING PITS TWICE THE DIAMETER OF ROOTBALL AND BACKFILL WITH 1 PART GROUND MOUNTAIN PEAT AND 2 PARTS EXCAVATED TOPSOIL.
- ALL LANDSCAPED AREAS TO HAVE AUTOMATIC UNDERGROUND IRRIGATION SYSTEM CONSISTING OF A COMBINATION OF POP-UP BROADCAST SPRAY HEADS AND Drip IRRIGATION LATERALS. LANDSCAPE CONTRACTOR SHALL PROVIDE IRRIGATION SYSTEM SHOP DRAWINGS AND SPECIFICATIONS FOR OWNER REVIEW AND APPROVAL PRIOR TO INSTALLATION.
- VACUUM BREAKER AND BACKFLOW PREVENTER SHALL MEET ALL APPLICABLE PLUMBING CODES AND LARIMER COUNTY BUILDING REGULATIONS. ALL CONTROL VALVES SHALL BE SET IN STANDARD SIZE VALVE BOXES.
- MINIMUM 10' CLEARANCE FOR TREES AND A MINIMUM 5' CLEARANCE FOR SHRUBS FROM ALL WATERLINES, METER PITS, AND STORM SEWER SYSTEMS.
- ALL LANDSCAPING INSTALLATION, MAINTENANCE, AND REPLACEMENT SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.
- ANY TREES LOCATED IN CITY STANDARD SIGHT DISTANCE TRIANGLES CROSSING THE PROPERTY FROM BOTH SIDES OF ANY ACCESSES ONTO CITY STREETS OR WHICH CROSS THE SITE FROM STREET OR ALLEY INTERSECTIONS MUST BE LIMBED UP A MIN. OF 8 FEET PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY. ANY BUSHES LOCATED IN THESE CLEAR SIGHT AREAS MUST BE NO HIGHER THAN 30 INCHES PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY. (TREES AND BUSHES MUST BE KEPT TRIMMED WHEN THEY ARE LOCATED WITHIN CITY STANDARD SIGHT DISTANCE TRIANGLES AS IDENTIFIED IN ACCORDANCE WITH THE "CITY OF LOVELAND SITE DEVELOPMENT PERFORMANCE STANDARDS AND GUIDELINES".
- ANY BUSHES OR BOULDERS WITHIN THE SIGHT DISTANCE TRIANGLES SHALL BE MAINTAINED TO A MAXIMUM HEIGHT OF 30".
- THE NORTH 'CLUSTER' OF 6 UNITS AND THE SOUTH 'CLUSTER' OF 6 UNITS SHALL EACH HAVE THEIR OWN IRRIGATION METER. THEY SHALL BE SEPARATE SYSTEMS AND WILL NOT INTERCONNECT.

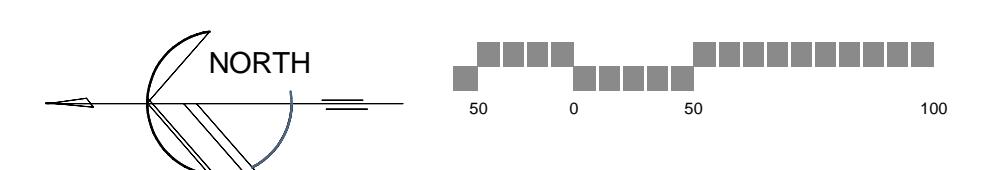
LANDSCAPING SCHEDULE

KEY	#	COMMON NAME	LATIN NAME	SIZE
TREES	GT	20	Sunburst Honeylocust 'Sunburst Honeylocust'	2" Cal.
	FP	7	Marshall's Seedless Ash	2" Cal.
	SSC	9	Spring Snow Crab	1 1/2" Cal.
	PC	9	Autumn Blaze Pear	1 1/2" Cal.
	AP	5	Austrian Pine	6-8' Height
SHRUBS	CL	42	Hedge Cotoneaster	5 Gallon
	RA	19	Alpine Currant	5 Gallon
	SV	16	Common Purple Lilac	5 Gallon
	RFC	18	Columnar Buckthorn	5 Gallon
	JCA	8	Armstrong Juniper	5 Gallon
	JS	11	Rocky Mountain Juniper	5 Gallon

AUTO. POP-UP SPRAY SPRINKLER SYSTEM
TREES & SHRUBS TO BE IRRIGATED W/ DRIP SYSTEM



SOUTH WILSON AVENUE



1

Landscape Plan

1" = 30'-0"

PREPARED JULY 12, 2013
REVISED OCTOBER 8, 2013
REVISED JANUARY 12, 2014
REVISED FEBRUARY 24, 2014

SWEETBRIAR P.U.D.
SWEETBRIAR ON WILSON, LLC
JOHN & GARY BAKER
SOUTH WILSON AVENUE LOVELAND, CO 80537

Sheet Title:
LANDSCAPE PLAN
3 of 4



PLAN 1 - BACK



PLAN 1 - FRONT



PLAN 2 - BACK



PLAN 2 - FRONT

PREPARED	JULY 12, 2013
REVISED	OCTOBER 8, 2013
REVISED	JANUARY 12, 2014

SWEETBRIAR P.U.D.
SWEETBRIAR ON WILSON, LLC
JOHN & GARY BAKER
SOUTH WILSON AVENUE LOVELAND, CO 80537

Sheet Title:
ELEVATIONS
4 of 4

SWEETBRIAR THIRD SUBDIVISION

BEING A SUBDIVISION OF LOT 2, BLOCK 1, SWEETBRIAR FIRST SUBDIVISION, SITUATE IN THE WEST HALF OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

PREPARED BY AND ON BEHALF OF:

INTERMILL LAND SURVEYING, INC.
1301 North Cleveland Avenue
Loveland, Colorado 80537
P: (970) 669-0516
F: (970) 635-9775
E: intermill@qwestoffice.net

Robert George Perschitte

Colorado PLS 34174

Date: _____

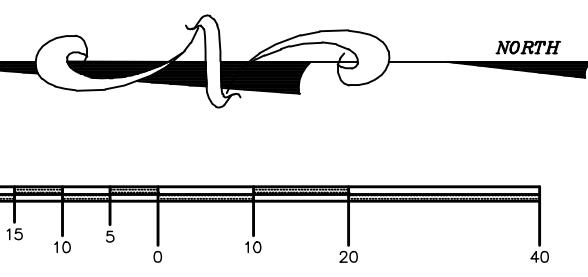
MONUMENTATION LEGEND

SET A: Found No. 4 rebar (length unknown) with 1" dia. yellow plastic cap marked LS 11989. Found No. 4 rebar (LS 12374) bears S89°28'30"E 0.16' from True Corner position. Did not accept position of Found No. 4 rebar (LS 11989) as boundary corner. Used position of Found No. 4 rebar (LS 11989) to establish the North-South position of the Northerly boundary line of this Plat.

SET B: Found No. 4 rebar (length unknown) with 1" dia. yellow plastic cap marked LS 12374. Found No. 4 rebar (LS 12374) bears S89°28'30"E 0.67' from True Corner position. Did not accept position of Found No. 4 rebar (LS 12374) as boundary corner. Used position of Found No. 4 rebar (LS 12374) to establish the North-South position of the Southerly boundary line of this Plat.

SET: _____

Indicates Set No. 4 rebar (16" long) with 1" dia. blue plastic cap marked LS 34174.



NORTH

DATE: 01-09-14

RGP

12-19-13

RGP

01-09-14

SWEETBRIAR THIRD SUBDIVISION

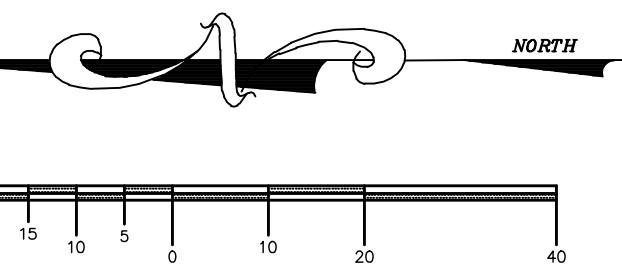
BEING A SUBDIVISION OF LOT 2, BLOCK 1, SWEETBRIAR FIRST SUBDIVISION, SITUATE IN THE WEST HALF OF SECTION 22, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

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SET B: Found No. 4 rebar (length unknown) with 1" dia. yellow plastic cap marked LS 12374. Found No. 4 rebar (LS 12374) bears N89°28'30"E 0.67' from True Corner position. Did not accept position of Found No. 4 rebar (LS 12374) as boundary corner. Used position of Found No. 4 rebar (LS 12374) to establish the North-South position of the Southerly boundary line of this Plat.

SET : Indicates Set No. 4 rebar (16" long) with 1" dia. blue plastic cap marked LS 34174.

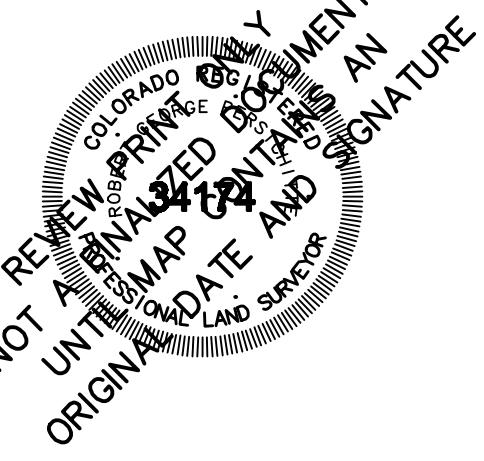


ORIGINAL SCALE : 1" = 20'

Date of Initial Preparation: June 11, 2013

STATEMENT OF LINEAR UNITS USED:
Linear units used for this survey - U.S. Survey feet

PREPARED BY AND ON BEHALF OF:
INTERMILL LAND SURVEYING, INC.
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Loveland, Colorado 80537
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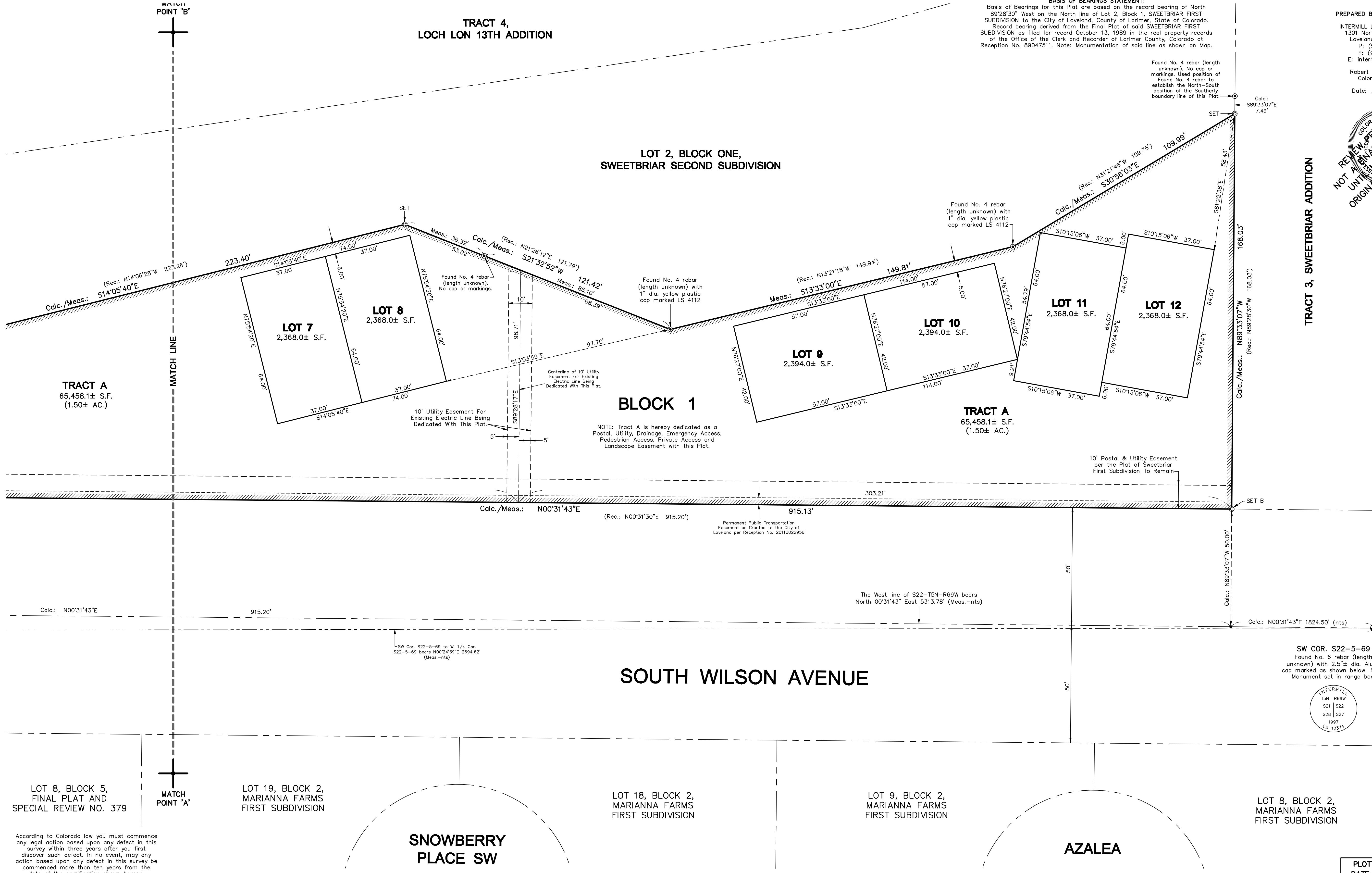


INTERMILL LAND SURVEYING, INC.
1301 NORTH CLEVELAND AVENUE
LOVELAND, COLORADO 80537
BUS. (970) 669-0516 / FAX (970) 635-9775

CLIENT: LOVELAND SURVEYING, INC.
LOVELAND, COLORADO 80537

TITLE: SWEETBRIAR THIRD SUBDIVISION
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

DRAWN BY: RGP
CHECKED BY: _____
APPROVED BY: _____
DATE: 06-11-2013
SCALE: 1"=20'
PROJECT NO.: P-13-7381
PLOTTED FOR RESUBMITTAL
SHEET 3 OF 3
DATE: 01-09-14 BY: RGP



**MEMORANDUM**

TO: John Baker, Baker Western Group LLC
Gary Baker
Jeff Bailey, City of Loveland Engineering Division

FROM: Joseph Delich

DATE: July 11, 2013

SUBJECT: Sweetbriar PUD Traffic Impact Study
(File: 1362ME01)

The Loveland Engineering Division has requested a traffic memorandum, as described in the Larimer County Urban Area Street Standards (LCUASS), for the proposed Sweetbriar PUD, located on the east side of Wilson Avenue north of Fire Station Number 3 in Loveland, Colorado. The site location is shown in Figure 1. A scoping discussion/email exchange was held with Jeff Bailey, Loveland Engineering Division. The scope of the study would be similar to the "Sweetbriar PUD Traffic Impact Study," dated August 21, 2008, with no variance request.

Existing Conditions

This is a narrow (east/west) property with 915 feet of frontage on Wilson Avenue. Wilson Avenue is classified as a four-lane arterial street. In front of this site, Wilson Avenue has two lanes in each direction and a two-way left-turn lane (TWLTL). There are two access driveways to/from Wilson Avenue that serve two residential dwelling units north of the Sweetbriar PUD site. There are two driveways that serve Fire Station Number 3, to the south of the site. There are no streets or driveways on the west side of Wilson Avenue across from the site. The posted speed on Wilson Avenue is 35 mph.

Recent weekday peak hour traffic counts at the Wilson/6th St. SW (minor) intersection are shown in Figure 2. Raw count data is provided in Appendix A. These peak hour counts were obtained in July 2013. This count was obtained when school was not in session, therefore the morning peak hour through traffic was increased based on a March 2008 count when school was in session. Factored recent weekday peak hour traffic counts at the Wilson/6th St. SW intersection are shown in Figure 3. Table 1 shows the operation at the Wilson/6th St. SW intersection. Calculation forms are provided in Appendix B. This intersection operates acceptably during the morning and afternoon peak hours. Acceptable operation is defined by the City of Loveland as level of service (LOS) C or better overall. At minor intersections, any leg can operate at level

of service E and any movement can operate at level of service F. At driveway intersections, there are no level of service limits. A description of level of service at unsignalized intersections is also provided in Appendix B. The Loveland Motor Vehicle LOS Standards are also provided in Appendix B.

Site Proposal

The site plan for Sweetbriar PUD is shown in Figure 4. The Sweetbriar PUD is a twelve dwelling unit development consisting of six duplex buildings. As indicated in Figure 4, there are two “pods” of three duplex buildings each. Two access points are proposed to/from Wilson Avenue. Single-Family Detached (Code 210) from Trip Generation, 9th Edition, ITE was used to estimate the daily and peak hour trip generation for the Sweetbriar PUD. A trip is defined as a one-way vehicle movement from an origin to a destination. Table 2 shows the calculated trip generation for the proposed Sweetbriar PUD development. The trip generation of Sweetbriar PUD resulted in 150 daily trip ends, 18 morning peak hour trip ends, and 16 afternoon peak hour trip ends.

The trip distribution for the Sweetbriar PUD is shown in Figure 5. The trip distribution was determined using the existing traffic counts, knowledge of the existing and planned street system, development trends, and engineering judgment. Figure 6 shows the site generated traffic that is associated with the proposed Sweetbriar PUD. Since the weekday peak hour traffic is less than 35 vehicles per hour, the driveways are not “high volume” driveways.

Short Range Future

Pending approvals, it is expected that the proposed Sweetbriar PUD would be built in the next 1-2 years. Therefore, the short range future analysis year is considered to be 2015. Traffic on Wilson Avenue was increased at the rate of 1.0% per year. Figure 7 shows the short range (2015) background peak hour traffic at the Wilson/6th St. SW intersection. As shown in Table 3, the Wilson/6th St. SW intersection will operate acceptably with the short range (2015) background peak hour traffic. Calculation forms are provided in Appendix C.

Figure 8 shows the short range (2015) total peak hour traffic at the Wilson/6th St. SW, Wilson/North Access, and Wilson/South Access intersections. These traffic forecasts were derived by adding the traffic in Figures 6 and 7. Table 4 shows the weekday peak hour operation at the key intersections. Calculation forms are provided in Appendix D. The key intersections will continue to operate acceptably.

Table 5 shows the existing and short range (2015) link volumes for key street segments. Table 5 also shows the ACF volume thresholds for key street segments and whether the segments meet the Adequate Community Facilities Ordinance. The threshold volumes shown were calculated for this study. Calculations for the ACF threshold volumes are provided in Appendix E. Table 5 indicates that all links meet the requirements of the Adequate Community Facilities Ordinance.

The recommended short range geometry is shown in Figure 9. Based upon LCUASS, exclusive left-turn lanes are required on all arterial streets. However, due to intersection spacing installed prior to the adoption of LCUASS, a two-way left-turn lane was striped in Wilson Avenue from south of Carlisle Drive to 6th Street SW. It is recommended that this striping remain as it currently exists.

The site access driveways are approximately 580 feet apart, on-centers. The north driveway is approximately 350 feet south of 6th Street SW, on-centers. The south driveway is approximately 425 feet north of 9th Street SW, on-centers. The south driveway is approximately 320 feet north of the Fire Station #3 driveway, on-centers. The Fire Station #3 driveway is approximately 105 feet north of 9th Street SW, on-centers. According to the Larimer County Urban Area Street Standards (LCUASS), Table 7-4, the minimum spacing between driveway edges is 660 feet, and the minimum corner clearance between driveways or alleys and intersections is 1320 feet, on-centers. A cursory review of the site plan indicates that the site driveways are located at the only practicable locations in order to develop this property. The TIS demonstrated that the subject driveway intersections will operate acceptably in the short range future. In front of this site, Wilson Avenue has two southbound lanes, two northbound lanes, and a two-way left-turn lane (TWLTL). The TWLTL in this segment of Wilson Avenue is the recommended median striping. The proposed driveway spacing will not be detrimental to the public health, safety, and welfare.

Pedestrian/Bicycle Facilities

There is a sidewalk along the both sides of Wilson Avenue. This site will be served by Sarah Milner Elementary School, Walt Clark Middle School, and Thompson Valley High School. All of these schools are east of the site. Appendix F shows school routing plans to each of these schools. These routes do not require crossing an arterial street. There is a short segment (\approx 300 feet) along the north side of Carlisle, east of Wilson Avenue, that does not have sidewalk. This is adjacent to residential properties. It is the responsibility of these properties to build this sidewalk. If the City of Loveland does not require this, the City should provide the sidewalk. There is both a bike lane and parking lane in this segment, which is used by existing pedestrians, including school children. Since no sidewalk has been installed in this short segment, it is assumed that this existing situation has been deemed acceptable by the City. There are bike lanes on both sides of Wilson Avenue. These are adequate to serve this site.

Conclusion

The Sweetbriar PUD will have minimal impact on traffic on the key streets and operation at the key intersections. A schematic of the recommended short range (2015) geometry is shown in Figure 9. There is adequate intersection sight distance at the site access intersections. All intersections and links will meet the Loveland Adequate Community Facilities Ordinance criteria. The Wilson/Site Driveway intersections will operate safely.



Development Services Current Planning

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(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

Planning Commission Staff Report

March 24, 2014

Agenda #: Regular Agenda - 2

Title: Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP) Amendment

AND

Peakview Commercial Park PUD Preliminary Development Plan (PDP) Amendment

Applicant: SFP-E, LLC (dba Les Schwab Tire Center) – c/o Galloway & Company, Inc.

Request: **GDP Amendment and PDP Amendment for *Les Schwab* Tire Store**

Location: West side of N. Garfield Avenue and south of W. 64th Street

Existing Zoning: P-95 Peakview Commercial Addition PUD

Proposed Use: Tire Store

Staff Planner: Troy Bliss

Staff Recommendation

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

Recommended Motions:

1. *Move to make the findings in Section VIII of the Planning Commission staff report dated March 24, 2014, and, based on those findings; recommend that City Council approve the Peakview Commercial Park PUD General Development Plan Amendment, subject to the conditions listed in Section IX, as amended on the record*

AND

2. *Move to make the findings listed in Section VIII of the Planning Commission staff report dated March 24, 2014, and, based on those findings, adopt resolution #R 14-02, approving the Peakview Commercial Park PUD Preliminary Development Plan Amendment, subject to the conditions listed in Section IX, as amended on the record.*

Summary of Analysis

The applications propose to: 1) amend the Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP) for allowing use of vehicle minor repairs, servicing and maintenance within the PUD; and 2) amend a Preliminary Development Plan (PDP) for Lot 4, Block 1, Amended Plat of Peakview Commercial Park First Subdivision containing 1.21 acres of land, located on the west side of N. Garfield Avenue, south of W. 64th Street. The amendment proposes to change the approval drive-thru restaurant use to a *Les Schwab* tire store. These are quasi-judicial actions that require a public hearing.

The proposed amendment to the GDP is akin to a rezoning action. The GDP serves as the zoning for the Peakview Commercial Park PUD. Currently, the GDP does not authorize the proposed tire store use within the PUD. Final action to amend the GDP is at the discretion of City Council. The proposed amendment to the PDP, establishes initial details for the tire store development including site layout, parking, landscaping, and building design. This is captured through adoption of a resolution by Planning Commission (see **Attachment 1**).

The PDP is an application subject to approval, conditional approval, or denial by the Planning Commission under LMC 16.20.060 as a final decision appealable to City Council. However, because it is being presented in conjunction with the GDP, any decision of the PDP is contingent upon the City Council's decision of the GDP.

I. SUMMARY

Les Schwab is proposing to develop a 10,000 square foot tire store on Lot 4, Block 1, Amended Plat of Peakview Commercial Park First Subdivision containing 1.21 acres of land, located on the west side of N. Garfield Avenue, south of W. 64th Street. The property is located within the CC - Corridor Commercial land use designation of the Comprehensive Plan. It borders N. Garfield Avenue (U.S. 287) along its eastern boundary which is designated as a Major Arterial. The first steps in this process involve applications to amend both a General Development Plan (GDP) and Preliminary Development Plan (PDP), associated with the Peakview Commercial Park Planned Unit Development (PUD). The applications propose to:

- Amend the Peakview Commercial Park PUD GDP for allowing use of vehicle minor repairs, servicing and maintenance within the PUD; and
- Amend a PDP to change the approval of a drive-thru restaurant use to a *Les Schwab* tire store.

GDP Amendment

Amending the GDP is essentially a zoning change. The GDP is the zoning document associated with the PUD. Currently, a tire store use is not permitted within the PUD. The documents that capture this proposed change are reflected in **Attachment 5**. Planning Commission is to evaluate the proposed use in context of uses within the GDP based upon the following general criteria:

- Determine if the use complies with the PUD requirements of LMC 18.41 (refer to PUD objectives listed in LMC 18.41.020) and the Comprehensive Plan (consider CC land use designation and Major Arterial corridors);
- Determine adequacy of and negative impacts to transportation systems and City services; and
- Determine compatibility with respect to surrounding land uses.

Planning Commission's evaluation of the proposed GDP amendment is a recommendation that will be forwarded to City Council on April 15, 2014.

PDP Amendment

Amending the PDP proposes to change a previously approved drive-thru restaurant use to a tire store use. The plan set (see **Attachment 6**) details site layout, parking, landscaping, and building architecture. All of which are components that the Planning Commission is to evaluate based upon the following general criteria:

- Determine if the proposed development is complementary to and in harmony with existing development;
- Determine that there are adequate City services and facilities to the subject property; and
- Determine that the PDP poses not detrimental impacts to surrounding uses and the environment.

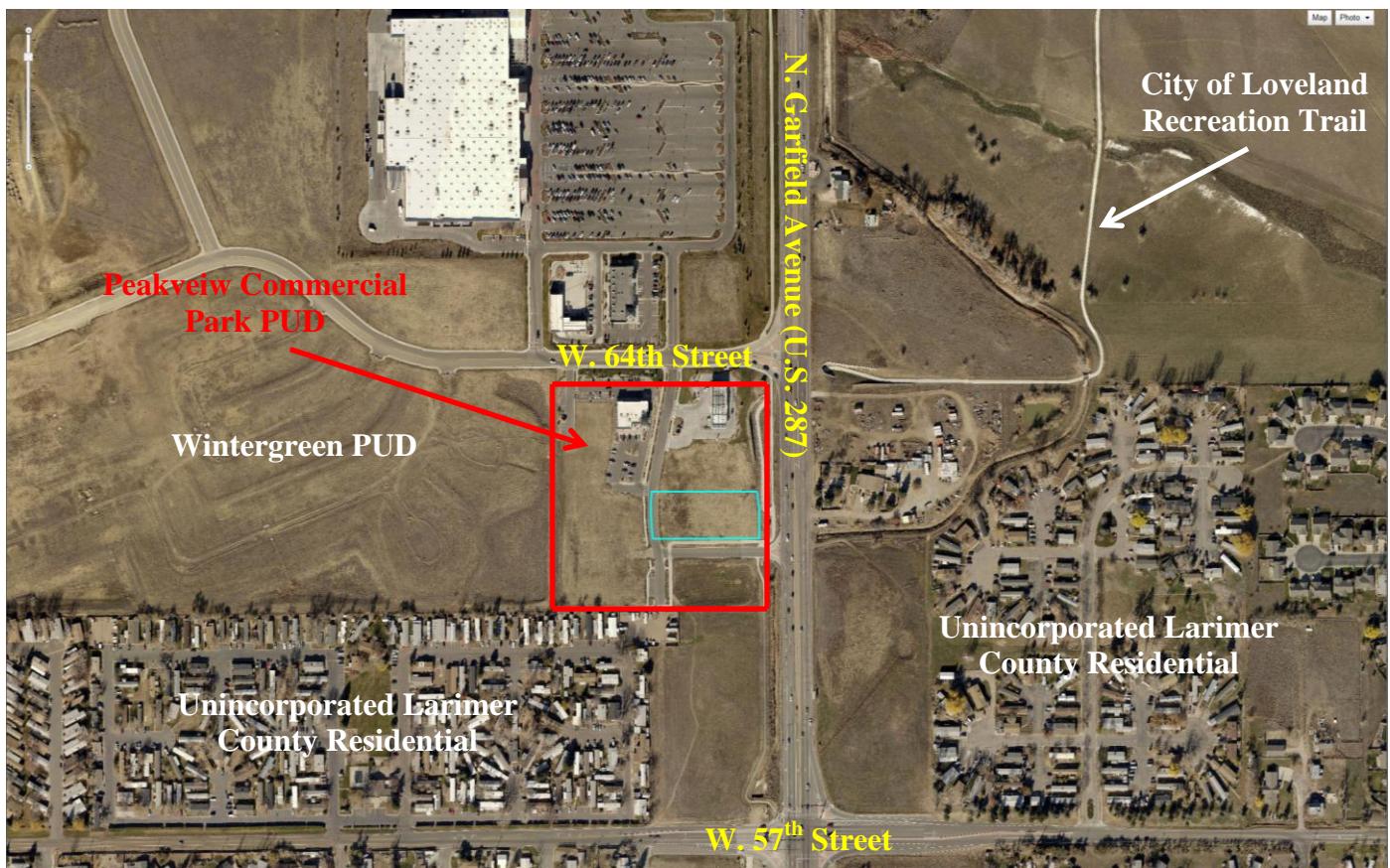
Planning Commission's evaluation of the proposed PDP amendment shall become a final decision, appealable to City Council and contingent upon City Council's decision of the GDP amendment.

Further evaluation and analysis is provided by City staff in Section VIII (below) of this staff report concerning the GDP and PDP amendments. If approved, applications for a Boundary Line Adjustment (BLA) and Final Development Plan (FDP)/Site Development Plan (SDP) would need to be submitted to the City for review and approval, prior to building permits and beginning construction. The BLA and FDP/SDP are administrative actions.

II. ATTACHMENTS

1. Resolution #14-02
2. Project Narrative provided by Applicant
3. Architectural & Building Design Analysis provided by Applicant
4. Noise Analysis provided by Applicant
5. General Development Plan Amendment
6. Preliminary Development Plan Amendment
7. Traffic Memorandum

III. VICINITY MAP



IV. SITE DATA

ACREAGE OF PUD SITE GROSS.....	1.21 AC
NUMBER OF PLATTED LOTS	1 (LOT 4, BLOCK 1, AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK 1 ST SUBDIVISION
MASTER PLAN DESIGNATION	CC-CORRIDOR COMMERCIAL
EXISTING ZONING	P-95-PEAKVIEW COMMERCIAL ADDITION PUD
EXISTING USE	VACANT/UNDEVELOPED
EXIST ADJ ZONING & USE - NORTH.....	P-95, VACANT/UNDEVELOPED LOT
EXIST ADJ ZONING & USE - SOUTH	P-95, VACANT/UNDEVELOPED LOT

EXIST ADJ ZONING & USE - WEST	P-95, VACANT/UNDEVELOPED LOTS
EXIST ADJ ZONING & USE - EAST	P-99, CITY OF LOVELAND RECREATION TRAIL –
 ACROSS N. GARFIELD AVENUE IS UNINCORPORATED
 LARIMER COUNTY, UNDEVELOPED/OUTDOOR
 STORAGE/RESIDENTIAL
UTILITY SERVICE	CITY OF LOVELAND

V. KEY ISSUES

Staff believes that all key issues relative to applicable City requirements and standards of the PUD have been addressed through the review process and captured in the recommended conditions of approval. City staff had concerns with respect to building architecture conforming to the requirements of the GDP, through the review process. As presented, City staff does find that the proposed architecture complies with the provisions of the GDP and is in support of the building's design. The applicant has provided a justification statement analyzing architectural compliance (see **Attachment 3**). Additionally, the PUD does include an Architectural Control Committee (ACC). The ACC has reviewed the proposed *Les Schwab* building design, finding the architecture to be in compliance with the PUD.

The operation of the tire store would be in proximity to residential uses (located to the southwest of the proposed site). City staff required preparation of a noise analysis in conjunction with the PDP (see **Attachment 4**). The noise analysis was completed by *Hankard Environmental* (dated November 15, 2013), which indicates all noise levels produced from the *Les Schwab* tire store will conform to City noise standards. The tire store will only operate during daytime hours and is expected to generate a noise level of 44 dBA at the closest residence (worst case scenario). This is well below the maximum permissible noise level of 65 dBA.

VI. BACKGROUND

The Peakview Commercial Park Planned Unit Development (PUD) was annexed into the City in 2006, as the Peakview Commercial Park Addition. The entire PUD includes approximately 10.6 acres, located at the southwest corner of N. Garfield Avenue and W. 64th Street. At the time of annexation, the GDP was also established, creating the zoning on the property. The overall PUD is completely commercial, offering opportunities for a variety of retail, financial institutions, restaurants, and professional offices.

Initial developments within the PUD included a multi-tenant building at the northwest corner of the site, which currently includes a *Subway* restaurant. In 2009, an amendment to the GDP was approved authorizing gas station use within the PUD. Subsequently, a *Murphy Oil* gas station was approved and developed at the northeast corner of the PUD. Currently, these are the only developments that exist within the PUD. With the exception of a detention pond located at the southeast corner of the PUD, the southern three-quarters remain undeveloped. However, the two lots south of the gas station (including the proposed *Les Schwab* lot) do have PDP approvals in place for drive-thru restaurants. This is why the proposed PDP for *Les Schwab* is specified as an amendment.

Another key element that has occurred with respect to the development in and around the PUD includes the City trail located along the eastern edge and under N. Garfield Avenue. This trail (including the underpass connection) was completed in 2011. Introducing a retail tire store with associated minor

vehicle repairs, servicing, and maintenance is compatible to the nature of the PUD and will correlate well with the auto-dominant uses on the eastern portion of the PUD (gas station and drive-thru restaurant).

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification: An affidavit was received from Courtney Colbert, Galloway, on behalf of the applicant, certifying that written notice was mailed to all surface owners within 1200 feet of the site and notices were posted in a prominent location on the perimeter on March 4, 2014. In addition, a notice was published in the Reporter Herald on March 8, 2014.

B. Neighborhood Response: A neighborhood meeting was held at 6:30 p.m. on February 6, 2014, in the Gertrude Scott meeting room at the City library. The meeting was attended by 1 neighbor and interested parties along with City staff and the applicant. The neighbor in attendance was the owner of the carwash located to the northwest of the project site. They voiced their support of the project, stating that it was nice to see more development interest in the area.

VIII. FINDINGS AND ANALYSIS

In this section of the report, the applicable findings contained in the Municipal Code and the Comprehensive Master Plan are specified in italic print followed by the staff analysis as to whether the findings are met by the submitted applications.

General Development Plan (GDP) Amendment

Section 18.41.050.D(4) of the Loveland Municipal Code requires that the Current Planning Division make findings that accompany its recommendation and that address the issues listed below. With respect to items 2, 3, and 4, below, Section 18.41.050.D(4)(b) of the Loveland Municipal Code requires if such impacts exist, the Current Planning Division must recommend either disapproval of the general development plan or reasonable conditions designed to mitigate the negative impacts.

Finding 1. *Whether the general development plan conforms to the requirements of this Chapter 18.41, to the City's master plans and to any other applicable area plan.*

Current Planning

The site is located within the Peakview Commercial Park First Subdivision at the southwest corner of the N. Garfield Avenue (Highway 287) and West 64th Street intersection and is designated as a Commercial Corridor land use within the Loveland Comprehensive Plan. The proposed use is consistent with the uses identified for Commercial Corridor areas.

The proposed *Les Schwab* tire store will be the second tenant to construct within Phase Two of the Peakview Commercial Park First Subdivision PUD and will provide convenient service to the surrounding established neighborhoods. The following objectives of a PUD (LMC 18.41.020) are captured through the proposed amendment to the GDP:

- Provide for necessary commercial facilities conveniently located to housing;
- Encourage innovation in commercial development so that the growing demands of the population may be met by greater variety in type, design, and layout of building and by the conservation and more efficient use of open space ancillary to said buildings;
- Encourage the building of new developments incorporating the best features of modern design;

- Provide a procedure which can relate the type, design, and layout of commercial development to the particular site, thereby encouraging preservation of the site's natural characteristics;
- Encourage integrated planning in order to achieve the above purposes; and
- Encourage a land use pattern that supports the cost effective delivery of public services and facilities

Finding 2. *Whether the proposed development will negatively impact traffic in the area.*

Transportation Engineering Division

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

- A Traffic Compliance Memorandum has been submitted with the Les Schwab Tire Center GDP which demonstrates that the existing transportation system, can adequately serve the land uses proposed.
- The lot was previously approved for a fast food restaurant with drive through window. The current proposal of a tire superstore generates significantly less traffic than the previous approval.
- The proposed development is estimated to generate approximately 206 daily trips, 13 weekday AM peak hour trips, and 21 weekday PM peak hour trips.

In conclusion, the development of the subject property pursuant to any of the uses permitted by right under the zoning district will not adversely impact any existing City infrastructure. The proposed application has demonstrated compliance with the City's ACF Ordinance for traffic.

Finding 3. *Whether the proposed development will negatively impact City utilities.*

Fire

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

- The development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The Peakview Commercial Park 1st Subdivision, will not negatively impact fire protection for the subject development or surrounding properties. The proposed use as a minor vehicle repair, and tire sales fits within requirements related to fire protection in this area.

Water/Wastewater

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

- The GDP is consistent with the Department's Water and Wastewater master plan by being consistent with the 2005 Comprehensive Master Plan.
- The proposed development will not negatively impact City water and wastewater facilities

Power

The proposed project is located at 184 West 64th Street. There is an electric vault with three-phase power located near the southwest corner of the proposed development. Power will be extended from this vault at onto the site at the developer's cost per City Municipal Codes.

The existing underground feeder is an available and adequate source of electric distribution for the proposed development. No negative impacts on the City's electric system are foreseen. The

proposed development meets the criteria for level of service outlined in the ACF ordinance.

Stormwater

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

- Proposed stormwater facilities will adequately detain and release stormwater runoff in a manner that will eliminate off-site impacts.
- When designed and constructed, the development will not negatively affect City storm drainage utilities.

Parks and Recreation

The Parks and Recreation Department maintains the City Recreation Trail. Because of this, the Parks and Recreation standards shall be followed in order for this amenity to be properly maintained. Once constructed, the applicant will meet the intent of providing adequate community facilities.

Finding 4. *Whether the proposed development will have detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it.*

Current Planning

The proposed facility is compatible with the character of the surrounding uses and will not have a detrimental impact on property within close proximity to the site. The site is bounded by N. Garfield Avenue (Highway 287) to the east, undeveloped land that is part of the PUD to the north and west, and the Peakview Commercial Park regional detention pond to the south. Surrounding public infrastructure is sufficient to accommodate full build-out of the PUD. Development of this site will have no negative impacts on the adjacent areas due to its internal location within the PUD. This is evidenced through associated information provided in conjunction with the application such as a Noise Analysis (see Attachment 4), Traffic Memorandum (see Attachment 7), and the outcome of the neighborhood meeting.

Finding 5. *The proposed development will be complimentary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:*

5a. *Incorporating natural physical features into the development design and providing sufficient open spaces considering the type of intensity of use.*

5b. *Incorporating site planning techniques that will foster the implementation of the City's Master Plans, and encourages a land use pattern that will support a balanced transportation system, including auto, bike and pedestrian traffic, public mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the City.*

5c. *Incorporating physical design features in the development that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions.*

5d. *Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design.*

5e. *Incorporating elements of community-wide significance as identified in the town image map.*

5f. *Incorporating public facilities or infrastructure, or cash-in-lieu, which are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's service facilities.*

5g. *Incorporating an overall plan for the design of the streetscape within the project. Including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

Current Planning

- This amendment will not affect the overall land use concept in the GDP, which is to provide a combined use development allowing for office, commercial, retail, and other uses, along with perimeter landscape buffers and local/regional trail connectivity. Open space has been previously dedicated with the Peakview Commercial Park 1st Subdivision, via Tract A. No additional park or open space dedication is required for Lot 4 as a result of this amendment.
- Site planning techniques have been incorporated in order to foster the implementation of the City's master plans through a variety of methods such as providing for a unified development that blends with the surrounding context, size and location of commercial development is in keeping with road capacities, and promotes development that creates a positive and attractive image to the U.S. 287 corridor. Additionally, the site is located within a development that previously addressed the support of a balanced transportation system. Parking and access requirements within the City of Loveland Municipal Code have been incorporated into the project.
- Overall, the entire PUD will continue to create a combined use development including commercial, retail and office uses. The PUD will provide variety in the type, design and layout of buildings, with circulation systems and parking designed to allow convenience access to the various uses, while acting as a gateway to Loveland from the north. Open space/trail system located along the U.S. 287 frontage provides transition to the commercial development. Architectural design is governed by the GDP design standards incorporating architectural requirements that are captured in the proposed *Les Schwab* building design.
- There are no environmentally sensitive areas, threatened/ endangered species or wetlands on the site.
- A system of pedestrian walkways has been provided as part of the final development plan currently in effect for the property, including an undercrossing below N. Garfield Avenue, a regional trail along the west right of way line of N. Garfield Avenue and generally following the south property line of the PUD (connecting to the Wintergreen Subdivision to the west), an attached walk along the south side of W. 64th Street, and detached walks along both sides of private drives. Nothing in this amendment will affect previously agreed upon easements, reimbursement agreements, design standards, maintenance agreements, etc., for trails and pedestrian connections outside of Lot 4.
- The existing City infrastructure and private improvements are anticipated to adequately handle traffic generated by this facility. Water and Sewer are provided through the City of

Loveland Department of Water & Power. The existing utility infrastructure is designed to adequately handle development of the development as proposed.

- A direct connection to the Recreation Trail has been proposed at the southwest corner of the site as shown on the site plan. This connection will provide an extension for pedestrians for the entirety of the western property edge along the north-south private access drive. Furthermore, a direct connection to the existing Recreation Trail is also provided from the emergency exit located at the south side of the building. Perimeter landscape bufferyards are proposed in compliance with City standards. Parking is located internal to the site to foster appropriate access to the tire store, utilizing perimeter landscaping for screening.

Finding 6. *The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.*

Current Planning

This site contains no viable commercial mineral deposits and therefore anticipated not to interfere with future extraction opportunities.

Preliminary Development Plan (PDP) Amendment

A. City Utilities and Services

1. Loveland Municipal Code

a. Section 18.41.050.E.2:

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

(ii) Whether development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.

b. Chapter 16.41: *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made in accordance with Section 16.41.100 for fire protection and emergency rescue services, Section 16.41.120 for water facilities and services, Section 16.41.130 for wastewater facilities and services, Section 16.41.140 for storm drainage facilities, and Section 16.41.150 for power.*

Fire

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

- The development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The Peakview Commercial Park 1st Subdivision, will not negatively impact fire protection for the subject development or surrounding properties. The proposed use as a minor

vehicle repair, and tire sales fits within requirements related to fire protection in this area.

Water/Wastewater

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

- The GDP is consistent with the Department's Water and Wastewater master plan by being consistent with the 2005 Comprehensive Master Plan.
- The proposed development will not negatively impact City water and wastewater facilities

Power

The proposed project is located at 184 West 64th Street. There is an electric vault with three-phase power located near the southwest corner of the proposed development. Power will be extended from this vault at onto the site at the developer's cost per City Municipal Codes.

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

Stormwater

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

- Proposed stormwater facilities will adequately detain and release stormwater runoff in a manner that will eliminate off-site impacts.
- When designed and constructed, the development will not negatively affect City storm drainage utilities.

Parks and Recreation

The Parks and Recreation Department maintains the City Recreation Trail. Because of this, the Parks and Recreation standards shall be followed in order for this amenity to be properly maintained. Once constructed, the applicant will meet the intent of providing adequate community facilities.

B. Transportation

1. Section 18.41.050.E.2:

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

2. Section 16.41.110: A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made for transportation facilities in accordance with Chapter 16.41 of the Loveland Municipal Code.

Transportation Engineering:

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

A Traffic Compliance Memorandum has been submitted with the Les Schwab Tire Center application which demonstrates that the existing transportation system, can adequately serve the land uses proposed.

- The lot was previously approved for a fast food restaurant with drive through window. The current proposal of a tire superstore generates significantly less traffic than the previous approval.
- The proposed development is estimated to generate approximately 206 daily trips, 13 weekday AM peak hour trips, and 21 weekday PM peak hour trips.

In conclusion, the development of the subject property pursuant to any of the uses permitted by right under the zoning district will not adversely impact any existing City infrastructure. A positive determination of adequacy for transportation facilities for the proposed application has been made under the provisions above.

C. Land Use

1. Loveland Comprehensive Master Plan

Section 4.1 -Growth Management Plan

- (iii) *Whether the PDP discourages leapfrog, scattered-site, and flagpole development.*
- (iv) *Whether the PDP encourages infill development.*
- (vi) *Whether the PDP is contiguous to other land that is already receiving public services.*
- (vii) *Whether the PDP is at least 1/6 contiguous with existing development, as defined in Section 4.1 GM:3(D-1) of the Comprehensive Master Plan.*

2. Section 18.41.050.E.2:

The PDP conforms to the intent and objectives of Title 18 with regard to Planned Unit Developments and any applicable area plan.

Current Planning:

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

- The PDP seeks to develop a vacant lot within an established PUD avoiding any type of leapfrog, scatter, or flagpole development;
- Due to the location on the north end of Loveland, the subject property is not considered infill. However, it is within an established subdivision that has access to adequate City services and facilities. Moreover, the PDP is completely surrounded by properties receiving public services; and
- The PDP is contiguous with existing development including its entire eastern boundary (City Recreation Trail and N. Garfield Avenue) and development that has occurred within the PUD such as a restaurant and gas station.

3. Section 18.41.050.E.2: *Development permitted in the PDP Amendment will not have detrimental impacts on property that is in sufficient proximity to the PDP to be affected by it. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*

Current Planning:

The proposed facility is compatible with the character of the surrounding uses and will not have a detrimental impact on property within close proximity to the site. The site is bounded by N. Garfield Avenue (Highway 287) to the east, undeveloped land that is part of the PUD to the north and west, and the Peakview Commercial Park regional detention pond to the south. Surrounding public infrastructure is sufficient to accommodate full build-out of the PUD. Development of this site will have no negative impacts on the adjacent areas due to its internal location within the PUD. This is evidenced through associated information provided in conjunction with the application such as a Noise Analysis (see **Attachment 4**), Traffic Memorandum (see **Attachment 7**), and the outcome of the neighborhood meeting.

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

Current Planning:

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

- The PDP site does not include any natural physical features of importance. However, the site design and layout does provide adequate perimeter landscape bufferyards to incorporate open spaces as well as using the landscaping to screening parking areas and accentuate building design.
- The PDP has included site planning that respects the intent of the City's Major Arterials (N. Garfield Avenue) through the inclusion of greater landscape bufferyards along the corridor. The design of the PDP is also in scale and character to that of surrounding developments and fits well into the context of the PUD.
- Building design of the PDP was important in terms of this site. City staff and the applicant worked to create a building that was not only compliant with the architectural standards of the PUD but also respected orientation relative to surrounding existing features. For example, the building includes 360-degree architecture with architectural enhancements on the highly visible portions of the building (north, south, and east). Landscaping is also be used to soften the building and provide more texture and treatment to the facades (particularly the south and east). Additionally, care was given to the site design in terms of protecting and relating to the City Recreation Trail.
- The primary focus towards streetscape design is seen along N. Garfield Avenue. The design incorporated into the PDP with canopy street trees and turf areas, is consistent with the overall design for this section of corridor. Internal private drives (along the south and west) also include the same general design with canopy street trees and turf areas. Connections to

the public sidewalks and recreation trail have also been incorporated to tie the PDP into the design of the streetscape.

5. **Section 18.41.050.E.2:** *The PDP complies with applicable land use and development regulations in effect as of the date that the GDP was approved and any land use and development regulations adopted by the City after that date if the Planning Division and Planning Commission expressly find that compliance with such regulations is necessary to protect public health, safety, and welfare.*

Current Planning:

Contingent upon approval of the associated proposed GDP amendment, the PDP will be in compliance. Introducing a tire store use within this commercial PUD is consistent and compatible with the type of uses already permitted (i.e. variety of retail, financial institutions, restaurants, and professional offices, and gas stations.)

D. Environmental Impacts:

1. **Section 18.41.050.E.2:** *The PDP incorporates environmentally sensitive areas, including but not limited to wetlands and wildlife corridors, into the project design. "Environmentally sensitive areas" are defined in Section 18.41.110 as: slopes in excess of 20%; floodplain; soils classified as having high water table; soils classified as highly erodible, subject to erosion or highly acidic; land incapable of meeting percolation requirements, land formerly used for land fill operations or hazardous industrial use; fault areas; stream corridors; estuaries; mature stands of vegetation; aquifer recharge and discharge areas; habitat for wildlife; and other areas possessing environmental characteristics similar to those listed above.*

Current Planning:

No environmentally sensitive areas (including habitat for wildlife) exist on the site. The site is relatively flat, with the exception of grade changes east off of the property surrounding the City Recreation Trail. A soils report was provided in conjunction with this site. Generally, it identified the presence of expansive soils with attention being given to slabs-on-grade to control the risk of damage. Typical of what is seen throughout the Front Range. The property does not include any contamination due to fill operations or hazardous materials.

IX. RECOMMENDED CONDITIONS

General Development Plan Amendment

Transportation Engineering

1. All public improvements shall comply with the Larimer County Urban Area Street Standards.

Preliminary Development Plan Amendment

Current Planning

1. Approval of the Peakview Commercial Park PUD Preliminary Development Plan (PDP) Amendment is subject to, and expressly conditioned upon approval by City Council of the

Parks and Recreation

2. This project is adjacent to the future City of Loveland recreation trail (between Taft Ave. and the existing Railroad Tracks along 57th Street). No permanent structures or landscape shall be permitted within the easement without Parks and Recreation permission. The City may allow some permanent landscape improvements if such improvements meet the Parks and Recreation Department planting standards. Any improvements shall be owned and maintained by the project.
3. A wall has been proposed as part of this project within the Recreation Trail easement. The easement already contains several walls as part of the U.S. 287 underpass, constructed in 2011. The existing walls used along the underpass were mechanically stabilized.
 - a. The fabric, backfill, and moisture content within the stabilized areas behind the walls shall not be modified in any way. Irrigation shall not be permitted within the stabilized areas.
 - b. The existing walls shall be repaired at the Owner's expense if damaged during construction or maintenance of the proposed wall and/or adjacent landscape.

Transportation Engineering

4. All public improvements shall comply with the Larimer County Urban Area Street Standards.

RESOLUTION #14-02

A RESOLUTION APPROVING PEAKVIEW COMMERCIAL ADDITION PUD PRELIMINARY DEVELOPMENT PLAN AMENDMENT, LOCATED WITHIN THE P- 95 PEAKVIEW COMMERCIAL ADDITION PUD GENERAL DEVELOPMENT PLAN AMENDMENT, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

WHEREAS, a General Development Plan Amendment (“GDP Amendment”) for the P-95 Peakview Commercial Addition Planned Unit Development (“PUD”) has been submitted to the Planning Commission for consideration, pursuant to Chapter 18.41 of the Loveland Municipal Code (“Code”); and

WHEREAS, a Preliminary Development Plan Amendment (“PDP Amendment”) for the P-95 Peakview Commercial Addition PUD has also been submitted to the Planning Commission for consideration pursuant to Chapter 18.41 of the Code; and

WHEREAS, pursuant to section 18.41.050(E)(2) of the Loveland Municipal Code, the City of Loveland Planning Commission held a public hearing on March 24, 2014, regarding the GDP Amendment and the PDP Amendment; and

WHEREAS, at said hearing the recommendations of the Current Planning Division were received and duly considered by the Commission, as well as all necessary testimony by the applicant and public; and

WHEREAS, the Commission has considered the application for the GDP Amendment in light of the intent and objectives of Chapter 18.41 of the Code, and more specifically the factors set forth in Code Section 18.41.050.D, and adopted a motion making the necessary findings and, based on those findings, recommended that City council approve the GDP Amendment; and

WHEREAS, the Commission has considered the application for the PDP Amendment in light of the intent and objectives of Chapter 18.41 of the Loveland Municipal Code, and more specifically the factors set forth in sections 18.41.050(E)(2)(a-c) and expressly including those set forth in sections 18.41.050(D)(4)(b) and (c), and has determined that pursuant to said factors the PDP Amendment may be approved, subject to and expressly conditioned upon the approval of the GDP Amendment..

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

Section 1. That P-95 Peakview Commercial Addition PUD Preliminary Development Plan Amendment for 1.21 acres, more or less, being a portion of the P-95 Peakview Commercial Addition PUD General Development Plan Amendment, which PDP Amendment is on file in the office of the City of Loveland Planning Division and is incorporated herein by reference, is hereby conditionally approved, consistent with the recommendations of the Planning Staff

Report, as amended on the record by the Planning Commission at the public hearing on March 24, 2014 (the “Staff Report”).

The P-95 Peakview Commercial Addition PUD Preliminary Development Plan Amendment applies to the following described real property:

Lot 4, Block 1, Amended Plat of Peadview Commercial Park First Subdivision Amendment #2, City of Loveland, County of Larimer, State of Colorado containing +/- 1.210 acres.

Section 2. That the Planning Commission hereby makes the findings regarding the PDP Amendment set forth in Section VIII of the Staff Report for the reasons set forth therein, and hereby adopts this resolution, including the findings set forth in Section VIII of the Staff Report as its written findings and conclusions in support of its approval pursuant to Section 18.41.050.E of the Loveland Municipal Code.

Section 3. That the conditions to approval of the P-95 Peakview Commercial Addition PUD Preliminary Development Plan Amendment provide that the Commission’s approval is subject to, and expressly conditioned upon, approval by the Loveland City Council of the General Development Plan Amendment for the P-95 Peakview Commercial Addition Planned Unit Development by adoption of an ordinance and such ordinance becoming law in accordance with the City of Loveland Charter, Municipal Code, and Colorado statute, as evidence by recording of such ordinance.

Section 4. This Resolution shall be recorded with the Clerk and Recorder for Larimer County, Colorado, as soon as is reasonably possible after the expiration of the ten (10) day appeal period set forth in Code Section 18.41.050.E.3 and satisfaction of the condition set forth in Section 3. above..

Resolved this 24th day of March, 2014.

ATTEST:

PLANNING COMMISSION:

Planning Commission Secretary

Buddy Meyers, Chairperson
City of Loveland Planning Commission

APPROVED AS TO FORM:

J. Yost Schmidt
Deputy City Attorney

Les Schwab Tire Center
184 West 64th Street, Loveland, Colorado
Lot 4 and Part of Lot 5, Peakview Commercial Park
November 26, 2013

PROJECT NARRATIVE

Property Owner/Applicant Information

SFP-E Colorado LLC ("Les Schwab"), 20900 Cooley Road, P.O. Box 5350, Bend, OR 97701, is under contract to purchase Lot 4 and a portion of Lot 5, Peakview Commercial Park ("Property") for construction of a Les Schwab Tire Center. The site is located within the Peakview Commercial Park subdivision located at the southwest corner of Highway 287 (North Garfield Avenue) and West 64th Street in Loveland, CO. The current property owner is K & G Development, LLC ("K & G"). GBD Architects represents Les Schwab as corporate architect. Galloway & Company, Inc. represents Les Schwab for project entitlement, engineer, landscape architect, and photometric design and will serve as the main point of contact through the development review and permitting approval processes.

Project Description

Zoning

The property is currently zoned P-95 (PUD) under the Peakview Commercial Park PUD 1st Amended General Development Plan ("GDP"). Les Schwab intends to construct a center for the sale, installation and servicing of tires, wheels, shocks, brakes, batteries and alignment. Les Schwab does not provide oil, transmission, or other hazardous fluid services.

A tire center is not currently a permitted use on the site as the GDP does not list "vehicle minor repair, servicing and maintenance" as a permitted use for the subdivision. A second amendment to the GDP is being proposed with this application to include this use as a permitted use on Lot 4. This amendment will not affect the overall land use concept in the Peakview Commercial Park GDP, which is to provide a combined use development allowing for office, commercial, retail, and other uses, alone with perimeter landscape buffers and local/regional trail connectivity. Furthermore, an amendment to the approved Preliminary Development Plan ("PDP") is also being requested for Lot 4 at this time.

Subdivision/Lot Line Adjustment

The current property owner, K & G, is responsible for creating the proposed property as a separate legal parcel through the formal subdivision process, as defined by the City of Loveland. It is the understanding of Les Schwab that the subdivision will include the re-platting of Lots 4 and 5 to adjust the current lot line position. The new Lot 4 will include 52,700 square feet.

Access

Parking and access requirements within the City of Loveland Municipal Code have been incorporated into the project. Primary vehicular access to Lot 4 will be from the north-south private drive to the west of the site, while secondary access will be provided from the east-west private drive to the south of the site.

The site is proposing a new curb cut along the north-south private drive at the northwest corner of the site. The proposed curb cut will align with the existing curb cut across the private drive. Les Schwab is also proposing an internal connection to the adjacent Lot 5 at the northwest corner of the site. This site will not have direct access to Highway 287 (N. Garfield Avenue) or West 64th Street.

Parking

The applicant proposes a 10,377 square foot tire center, which includes 6 fully enclosed service bays. Thirty-two (32) parking spaces are provided on site, which includes two handicap accessible spaces. The number of parking spaces provided exceeds the code requirement for the site of twenty-three (23) parking spaces in order to achieve a satisfactory amount of parking for operating purposes.

Landscaping

Approximately 17% of the lot will be landscaped internal to Lot 4, with an additional landscape area exceeding 5,500 square feet which will be installed, maintained and irrigated by Les Schwab. Landscaping will consist of a combination of deciduous and evergreen trees and shrubs to provide appropriate screening as well as provide an aesthetic presentation, compatible with the overall development. The trash and recycle enclosures will be screened with landscaping along the west side of the property.

Please also note that both the south and east property frontages already include a detached sidewalk (e.g. City Recreation Trail) located within the existing community trail easements. Both sidewalks were installed in conjunction with the original PDP for Peakview Commercial Park PUD and will remain undisturbed with the development of this site. The landscaping within the tree lawn along the south side of the property will be installed, maintained and irrigated by Les Schwab as proposed on the included Landscape Plan. The landscaping to be installed outside of the Les Schwab lot along Highway 287 (N. Garfield Ave.) within Tract A and the tree lawn is to be installed, maintained and irrigated by K & G.

Pedestrian Connectivity & Existing Recreation Trail

As noted above, the site is located directly adjacent to the City's Recreation Trail along the south and east property frontages. Due to the grade difference and existing retaining wall at the east, a direct connection cannot be accomplished from the adjacent City Recreation Trail to the east of the property and the building entrance.

A direct connection to the Recreation Trail has been proposed at the southwest corner of the site as shown on the site plan. This connection will provide an extension for pedestrians for the entirety of the western property edge along the north-south private access drive. Furthermore, a direct connection to the existing Recreation Trail is also provided from the emergency exit located at the south side of the building.

The trail to the east of the property will remain undisturbed with the development of this site.

Lighting

Site lighting will be proposed as part of the Final Development Plan ("FDP") application and has not been included as part of this submittal.

Building Architecture

The use of quality building materials, varied textures and harmonious colors is intended to capture the theme of the Peakview Commercial Park development as well as to provide visual identity for the tire center.

Compliance of the performance standards for Lot 4 as amended in the proposed 2nd Amendment to the GPD is demonstrated per the following:

Building Materials:

- *Roofing materials, windows, building materials, and finish will be of a high quality, and coordinated to achieve a cohesive appearance.*

The complete building envelop is designed to be durable, low maintenance and provide a long building life. The exterior material pallet was carefully selected to compliment the building as a whole. Materials include premium ground face, split face and glazed face concrete blocks, structural brick, prefinished metal panels, commercial storefront window system and concealed, flat membrane roofing.

A trash enclosure and recycling enclosure are proposed on the site, both of which are enclosed on all four sides. The enclosures will be eight (8) feet in height and will be constructed with masonry materials and painted metal gates to match the Les Schwab building materials.

- *All exterior building materials shall be of a high quality. Composite metal panels shall be permitted as accent building materials.*

Materials proposed are designed to last decades before extensive maintenance is needed. Variation in texture and scale are achieved by ground face block, split face block, structural brick, ceramic glazed face block and metal panel. Visual texture and scale are each uniquely different.

- *Materials for facades shall be varied and provide interest through changes in texture, materials, or an obvious change in plane.*

Proposed pallet is five (5) colors with five (5) different visual textures, which provide a varied façade, yet also cohesive in appearance. The form is carefully articulated into 3 components: showroom, service and storage. Each component is offset in plane with minimum of approximately 2 ft. Additional architectural variety is provided on the south elevation through the oversized trellises featuring a diagonal pattern.

- *Building colors for structures shall be low-reflective, native Colorado earth tone colors. Bright accent colors, intended to express corporate or business logos, shall be used only on a limited basis and shall not be internally illuminated, except for any portions thereof that are permitted as signs, per this G.D.P.*

The body of the building provides a variety of textures with integrally colored combination of reds – “Mahogany,” “Terra Cotta,” “Colonial Red,” and “Cottage Red” – all of which can be found in the natural soils from the region. Other building colors include bronze, charcoal, and cream which can also be found in the natural soils from the region. All colors are compatible with the approved and existing colors and hues intended to be found throughout Peakview Commercial Park.

Architectural Design:

- *Building form and character shall be of an appropriate scale. Design considerations should include the scale and form of the building's major elements, including roofs, walls, and openings.*

The northeast-facing store showroom is designed at pedestrian scale, featuring clear, insulated glass, with low-E coating appearing as light colored green. The showroom is designed to engage and invite the community and showcase Les Schwab's products.

Furthermore, offset planes articulate massing which breaks the scale down, while varied materials delineating the base, middle and cap further break down the scale.

A thick, prominent cornice has been incorporated above the showroom on the north, east and south elevations. The cornice is approximately 24-inches in height and further varies the roofline and provides additional articulation.

- *All building designs shall provide architectural features on all facades visible from public rights of way or adjacent developments to increase visual interest and provide for an attractive development. Screening and buffering may be utilized.*

Proposed facades are thoughtfully broken down and consist of layering and recesses in plane on all four sides. No elevation or horizontal mass exceeds 30 feet without variation in massing including change in height and projecting/recessed elements, or architectural elements to provide visual interest and break up large building masses.

- *The architectural design shall be sensitive to the context of the site, and provide a compatible design.*

The context of the site is largely undeveloped. However, the proposed design provides a simple and straight forward design. The project will positively impact the community as part of the overall Peakview Commercial Park Shopping Center and is compatible with the character of surrounding uses.

- *Parapets and/or screens shall be required to screen all rooftop mechanical equipment from pedestrian view.*

All rooftop mechanical equipment is fully screened through the use of mechanical screening made of compatible materials and colors as found elsewhere on the building. Furthermore, this equipment and screening cannot be seen from pedestrian view as it is setback from the edge of the building at least eighteen (18) feet from the south elevation, twenty-one (21) feet from the east elevation, and more than twenty-seven (27) feet from the north elevation.

A "View Distance Diagram" exhibit has been included with this submittal to further illustrate that the rooftop mechanical equipment and screening of such cannot be seen from pedestrian view until at least two hundred and fifty (250) feet away from the building.

- *Awnings used primarily for the purpose of advertising and signage are limited to the width of a single storefront. All awnings should relate to the articulation of the building façade.*

Awnings are not proposed, however, a metal and glass building entry canopy is proposed to articulate and pronounce the main building entry and provide exterior shelter.

- *Primary building entrances shall be defined with recesses or projections with such elements as awnings, canopies or porticos.*

The proposed main building entrance projects from the building under an entry canopy. The metal entry canopy projects out from the building approximately 114-inches, while the glass entrance extends out nearly 80-inches. The building entrance successfully engages pedestrians through its defined and projecting glass entryway and added metal architectural canopy.

Facades:

- *Facades along N. Garfield Ave. shall be articulated and proportioned using architectural elements and/or features such as windows, entrances, arcades, arbors, or trellis screens along no less than fifty (50) percent of the façade.*

The adjacent public right of way, Highway 287 (N. Garfield Ave.), is to the east. This building elevation consists nearly entirely of glass window storefront with view of the entry door and architectural canopy.

- *Side or rear facades not facing a public right of way may be articulated and proportioned using architectural elements and/or features such as windows, entrances, arcades, arbors, or trellis screens.*

The south elevation includes a series of modulated wall plane recesses, which emulate window openings. Oversized trellises have also been utilized on the south elevation and feature a diagonal pattern. Furthermore, the showroom is also featured on the south elevation, spanning more than twenty-one (21) feet with glass window storefront.

- *All facades shall have four or more of the following:*

- **thicker wall, ledges, or sills (yes, all 4 elevations)**
- **integrally textured materials such as stone, CMU or other architectural masonry (yes, all 4 elevations)**
- **integrally colored and patterned materials such as smooth-finished tile or faux stone (yes, all 4 elevations)**
- **lighter or darker colored materials, mullions or panels (yes, all 4 elevations)**
- **planters**
- **cornice treatments, other than just colored stripes or bands, which may include integrally textured materials such as stone, masonry, or other textured materials (yes, the north, east and south elevations)**
- **sloping roofs with overhangs**
- **stepped parapets**
- **flash capping shall be permitted in addition to cornice treatments (yes, all 4 elevations)**

Land Use Data

	Area	Percent
Lot Size (anticipated)	52,700 s.f.	100.0 %
Building Coverage	10,377 s.f.	20.0 %
Walkways, Parking, Drives	33,223 s.f.	63.0 % (Includes trash & recycle encl.)
Landscape/Open Space	9,100 s.f.	17.0 %
 Parking Spaces		
1 space / 450 SF	Required 23	Provided 32 (Includes 2 HC accessible spaces)
 Bicycle Parking (2/25 spaces)	2	2
Max Building Height	40'	22'-8.5"
 Building Setbacks		
East (front)	25'	28'-10"
West (rear)	5'	115'-10" (property line) / 100'-3" (back of curb)
Bullpen		33'-1" (property line) / 17'-6" (back of curb)
Trash Enclosure		33'-4" (property line) / 17'-10" (back of curb)
North (side)	5'	169'-3"
Trash Enclosure		63'-8" (property line)
South (side)	5'	5'

Trash & Recycle Enclosures

Please note, the trash and recycle enclosures are located in separate locations from one another as shown on the site plan due to a 5-foot setback requirement of the trash enclosure from the recycle enclosure by the fire department.

The fire department also requires the recycle enclosure be located a minimum of 50 feet from both the property line and the building. Due to the narrowness of the site and adjacent private access drives, fire has indicated they will accept a location of the recycle enclosure closer than 50 ft. to the property line, so long as the 50 ft. setback distance from the building is maintained.

Utilities

Water service is provided through the City of Loveland Department of Water & Power through the use of a new 8-inch water main extension off of the 12-inch main on the east side of the north-south private access drive. The new main will stub into Lot 4 and provide sourcing for a new fire hydrant as well as the domestic and fire suppression taps to service the building; reference the included Utility Plan, Sheet S.6. The existing 1-inch water stub into the lot is to be removed and replaced with a 1.5-inch service tap off of the new main.

Sanitary sewer service is also provided through the City of Loveland Department of Water & Power and will be provided through the use of an existing 6-inch sanitary sewer stub into the southwest corner of the lot from the 8-inch main across the north-south private access drive.

All dry utility main lines that will be connected to are currently located along the south and west property lines. Electric service is provided by the City of Loveland Department of Water & Power, gas service is provided by Xcel Energy, and phone service is provided by CenturyLink. The utility providers have all indicated that serving Les Schwab will not be an issue.

Drainage

A storm drain trunk line exists on east side of the property and provides for collection and conveyance of developed runoff from Lots 4, 5, 6 and parts of Tract A of the Peakview Commercial Subdivision. That line follows the Garfield ROW south before jogging west, crossing the private drive on the south side of Lot 4, and discharging into an existing water quality and detention pond. The pond was designed to provide mitigation for the overall Peakview development.

In general, runoff from impervious areas of the developed lots will sheet flow across parking lots to the curb lines which will direct concentrated flows to on-site inlets. The inlets will connect to a piping system which will convey flow to the existing drain system on the east side of Lot 4. At an existing inlet site flows combine with those from Lots 5 and 6 and Tract A and are routed to the existing pond in Tract A further to the south as previously described. Periphery areas, private drives and landscaping, continue to be intercepted as detailed in the North Star report, only at reduced rates due to assumption of portions of those basin areas into the on-site Lot 4 collection system.

Anticipated Number of Employees

Les Schwab anticipates between 15 and 20 employees for this store location. Up to 12-15 employees can be expected during peak store hours in order to provide adequate customer service. Employees will park within the designated parking spaces on the Les Schwab property.

Anticipated Number of Vehicles and/or Truck Deliveries/Traffic

The anticipated number of truck deliveries is typically once per week for deliveries of tires to stock the warehouse. Additionally, recycled tires are also picked up on a weekly basis. Exact times and deliveries are coordinated by the store manager once store is open.

A Traffic Compliance Letter has been prepared by Kimley-Horn and Associated, Inc. and included as part of this submittal to provide a trip generation comparison to identify conformance with the original traffic impact study for the proposed Les Schwab Tire Center. Trips generated by the proposed Les Schwab on Lot 4 will significantly reduce the traffic generated by the Peakview Commercial Park from what was previously studied in the original traffic study. Therefore, the proposed Les Schwab Tire Center is believed to be in traffic compliance with the original "Peakview Commercial Park (Lots 4, 5, and 6) Revised Traffic Impact Study" from September 2009, prepared by Kimley-Horn and Associated, Inc.

Hours of Operation

Les Schwab is open Mondays through Saturdays from 7:00 AM until 7:00 PM, and is closed on Sundays.

Signage

A Sign Program has not been included as part of this submittal as it is being revised and will be submitted as part of the Final Development Plan (“FDP”) application.

Noise Study

A Sound Study has been prepared by Hankard Environmental and included as part of this submittal to provide an analysis and assessment of Les Schwab's compliance with the City of Loveland's condition of approval as set forth in the 1st Amended GDP which states, “each PDP application for development within 250 feet of the perimeter of the existing mobile home park shall include a complete noise assessment prepared by a qualified professional.”

The Sound Study sets forth that the noise levels from the proposed Les Schwab Tire Center on Lot 4 of the Peakview Commercial Park are predicted to be in compliance with the aforementioned conditions of approval as a variety of best-management practices and noise mitigation measures have been included with the project.

Sustainable Design

As a result of the new prototype design, all Les Schwab stores are proud to identify their buildings as LEED Silver equivalent. This is accomplished through the buildings incorporation of day lighting, high performance glazing, and water-saving plumbing materials.

ARCHITECTURAL & BUILDING DESIGN ANALYSIS
FOR LES SCHWAB AT PEAKVIEW COMMERCIAL PARK
184 W. 64th STREET, LOVELAND, COLORADO

LOT 4 & A PORTION OF LOT 5, PEAKVIEW COMMERCIAL PARK FIRST SUBDIVISION

SFP-E Colorado LLC ("Les Schwab"), 20900 Cooley Road, P.O. Box 5350, Bend, OR 97701, is under contract to purchase Lot 4 and a portion of Lot 5, Peakview Commercial Park First Subdivision ("Property") for construction of a Les Schwab Tire Center. The site is located within the Peakview Commercial Park shopping center located at the southwest corner of Highway 287 (N. Garfield Ave.) and West 64th Street in Loveland, CO. The current property owner is K and G Development Company, LLC ("K&G"). GBD Architects represents Les Schwab as corporate architect. Galloway & Company, Inc. represents Les Schwab for project entitlement, engineer, landscape architect, and photometric design and will serve as the main point of contact through the development review and permitting approval processes.

The proposed development for the site includes construction of a 10,066 square foot Les Schwab Tire Center and construction of parking areas with associated drive lanes, parking stalls, trash/recycling enclosure, utilities and landscaping. These proposed improvements would provide a viable retail business to enhance the economic and aesthetic benefits to the City of Loveland, provide a service facility to the community and otherwise further the public health, safety, convenience and general welfare of the residents of the City.

Les Schwab at Peakview Commercial Park requests your cursory feedback and comments on the proposed Architecture and Building Design based on compliance with the requirements of the criteria as specified in the General Development Plan (GDP) and Preliminary Development Plan (PDP) affecting Peakview Commercial Park.

Building Materials

- *Roofing materials, windows, building materials, and finish will be of a high quality, and coordinated to achieve a cohesive appearance.*
The complete building envelop is designed to be durable, low maintenance and provide a long building life. The exterior material pallet was carefully selected to compliment the building as a whole. Materials include premium ground face and glazed face concrete blocks, prefinished metal panels, commercial storefront window system and concealed membrane roofing.
- *All exterior building materials shall be of high quality but shall not include prefabricated steel panels. Smooth face concrete block may be used, in a limited fashion, to provide variation in texture in combination with other textural materials.*
Materials proposed are designed to last decades before extensive maintenance is needed. Variation in texture and scale are achieved by ground face block, ceramic glazed face block and metal panel. Visual texture and scale are each uniquely different.

- Materials for facades shall be varied and provide interest through changes in texture, materials, or an obvious change in plane.
Proposed pallet is (5) colors with (3) different visual textures, which provide a varied façade, yet also cohesive in appearance. The form is carefully articulated into 3 components: showroom, service and storage. Each component is offset in plane with minimum of approximately 2 ft.
- Building colors for structures shall be low-reflective, neutral earth tone colors. Bright accent colors, intended to express corporate or business logos, shall be used only on a limited basis and shall not be internally illuminated, except for any portions thereof that area permitted as signs, per the GDP. Signage.
Building colors are bronze, charcoal, cream, and light/dark red. All colors can be found in the natural soils from the region.

Potential building materials for structures and architectural elements are outlined below:

- Siding – brick, stone, hardboard lap siding, wood siding, vinyl, stucco or synthetic stucco, split face CMU, concrete panels, smooth face CMU, glass or similar, compatible materials as approved by the Director.
Exterior materials are ground face concrete block and glazed face (tile like), clear glass and metal panel accents.
- Roofing – asphalt shingles, concrete tile, standing-seam metal or 'flat' membrane materials.
Flat membrane roof.

Recommendations:

- Building form and character shall be of an appropriate scale. Design considerations should include the scale and form of the building's major elements, including roofs, walls, and openings.
Refer to elevations. Offset planes articulate massing which breaks the scale down. In addition varied materials delineating the base, middle and cap further break down the scale.
- All building designs shall provide architectural features on all facades visible from public rights of way or adjacent developments to increase visual interest and provide for an attractive development. Screening and buffering may be utilized.
Proposed facades are thoughtfully broken down and consist of layering and recesses in plane on all four sides.
- The architectural design shall be sensitive to the context of the site, and provide a compatible design.
The context of the site is largely undeveloped. However, the proposed design provides a simple and straight forward design. The project will positively impact the community as part of the overall Peakview Commercial Park Shopping Center and is compatible with the character of surrounding uses.

- Awnings used primarily for the purpose of advertising and signage are limited to the width of a single storefront. All awnings should relate to the articulation of the building facade.

Awnings are not proposed, however, a building entry canopy is proposed to articulate and pronounce the main building entry and provide exterior shelter.

Facades:

- Facades that face public rights of way or connecting pedestrian frontage shall be subdivided and proportioned using features such as windows, entrances, arcades, arbors, awnings, or trellises with vines, along no less than 50% of the facade.
Public right of way is to the east, facing 287, which consists primarily of glass window store front with entry door and canopy.
- Side or rear walls that face walkways may include false windows and door openings defined by frames, sills and lintels, or similarly proportioned modulations of the wall, only when actual doors and windows are not feasible due to the nature of the use of the building.

The south elevation includes a series of modulated wall plane recesses, which emulate window openings.

- All facades shall have four or more of the following:
 - thicker wall, ledges, or sills **(yes, all 4s)**
 - integrally textured materials such as stone, CMU or other architectural masonry **(yes, all 4s)**
 - integrally colored and patterned materials such as smooth-finished tile or faux stone **(yes, all 4s)**
 - lighter or darker colored materials, mullions or panels **(yes, all 4s)**
 - planters
 - cornice treatments, other than just colored stripes or bands, which may include integrally textured materials such as stone, masonry, or other textured materials
 - sloping roofs with overhangs
 - stepped parapets
 - flash capping shall be permitted in addition to cornice treatments **(yes, all 4s)**

Building Entrances:

- Primary building entrances shall be defined with recesses or projections with such elements as awnings or porticos.
The proposed main building entrance projects from the building under an entry canopy.
- At least one main entrance of any commercial or mixed use building shall face and open directly onto a connecting walkway with pedestrian frontage.
Due to the grade difference and existing retaining wall, a direct connection cannot be accomplished from the adjacent City Recreation Trail to the east of the property and the building entrance. A direct connection to the Recreation Trail has been proposed at the southeast corner of the site as shown on the site plan.

- *Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all mixed-use, institutional, and commercial buildings.*

This site is located directly adjacent to the City's Recreation Trail and is designed to connect to that trail system by extending it for the entirety of the western property edge along the internal access drive. A direct connection to the existing Recreation Trail to the south of the property will be provided as shown on the site plan.

Furthermore, the trail to the east of the property will remain undisturbed with the development of this site.



November 15, 2013

Courtney Colbert
Senior Due Diligence Coordinator
Galloway
5300 DTC Parkway, Suite 100
Greenwood Village, Colorado 80111

Re: Sound Study for Les Schwab Tire Center in Loveland, Colorado

Dear Ms. Colbert:

This letter summarizes the results of a sound study conducted by Hankard Environmental for the proposed Les Schwab Tire Center (LSTC) to be located within the Peakview Commercial Park in Loveland, Colorado. The purpose of this study is to assess the LSTC's compliance with the City of Loveland's condition of approval which limits the facility's sound level to 65 dBA during its proposed operating hours at the existing mobile home park (Cherry Ridge Village) located 250 feet to the southwest. The results of our analysis show that sound levels from the proposed LSTC in the Peakview Commercial Park will be in compliance with the applicable City of Loveland noise level limit at the residences in Cherry Ridge Village. The following describes our qualifications to conduct this analysis, the site, the applicable noise regulations, the sound level measurements, the noise level predictions, and the noise level compliance assessment.

QUALIFICATIONS

Hankard Environmental has been conducting noise and vibration studies in Colorado for over 17 years. We have conducted sound level measurements and/or analyses for more than 200 projects across the United States. This has included the assessment of compliance with a variety of noise regulations. We have conducted studies for commercial and residential developments, power industry (wind and fossil) project, mines, oil and gas operations, and transportation projects. More specifically, we have measured, predicted, and assessed compliance for a number of gas stations and tire centers in Colorado. We represent our clients at both public and governmental hearings, and have been used as expert witnesses in civil lawsuits. Additional qualifications and information can be viewed on our website at www.hankardinc.com.

SITE DESCRIPTION

The proposed LSTC is located in the Peakview Commercial Park on the west side of US 287 between 57th Street and 64th Street in Loveland, Colorado, as shown in Figure 1. The proposed site is primarily surrounded by commercial properties with the nearest existing residential properties being the mobile home park (Cherry Ridge Village) about 250 feet to the southwest. The LSTC building is orientated with all of the maintenance bays on the north side of the building, facing away from these residences. The west side of the building has access for receiving deliveries and waste removal, and the south side of the building has minimal access.



FIGURE 1: SITE OF PROPOSED LSTC IN LOVELAND, COLORADO

APPLICABLE NOISE REGULATIONS

The City of Loveland defined the applicable noise limits for this project to be no greater than 65 dBA during the daytime (7 am to 9 pm) and 60 dBA during the nighttime (9 pm to 7 am) at the mobile home park (Cherry Ridge Village). This limitation was a part of the *condition of approval* for the Peakview Commerical Park Preliminary Development Plan (PDP) and General Development Plan (GDP) in lieu of the *City of Loveland Sound Limitations (Chapter 7.32)*. The GDP condition of approval stated:

Each PDP application for development within 250 ft. of the perimeter of the existing mobile home park shall include a complete noise impact assessment prepared by a qualified professional. The assessment shall evaluate the anticipated noise levels that would result for all proposed activities normally associated with the proposed use, along with the cumulative impact of noise from all uses that are approved at the time that the PDP application is submitted to the City. No use may be approved if the report indicates that noise impacts to the mobile home park will exceed 65 dBA for daytime operations, and 60 dBA for nighttime operations, unless the PDP includes noise mitigation measures that will assure that noise levels will not exceed these sound levels at the perimeter of the mobile home community.

The LSTC proposed hours of operation are Monday through Friday from 8 am to 6 pm, Saturdays 8 am to 5 pm, and closed on Sunday. The City of Loveland (*Sound Limitations - Chapter 7.32*) defines daytime hours from 7 am to 9 pm. Thus the LSTC will operate only during the daytime, and the maximum permissible noise level from LSTC operations at the Cherry Ridge Village is 65 dBA.

SOUND LEVEL MEASUREMENTS

Sound level measurements were taken at a representative and recently (2013) constructed LSTC facility located in Highlands Ranch, Colorado. The measurements were taken on November 13, 2013. A picture of the facility is shown in Figure 2. Sound measurements were taken of individual pieces of equipment (e.g., air hammer, air gun, bead blaster, etc.) at specific distances (e.g., 3 feet and 25 feet). All measurements were taken using a real-time sound analyzer and microphones conforming to Type 1 requirements of the American National Standards Institute (ANSI S1.4 – General Purpose Sound Level Meters). Specifically, factory and field calibrated Larson Davis Model 831 Sound Level Meters were used for all measurements. The detailed results of these measurements are not documented herein.



FIGURE 2: PHOTOGRAPH OF LES SCHWAB TIRE CENTER IN HIGHLANDS RANCH, COLORADO

NOISE LEVEL PREDICTIONS

To predict the maximum noise level at Cherry Ridge Village, a three-dimensional acoustic model of the proposed LSTC was created using the SoundPLAN v7.3 software program. The model employed the ISO 9613 propagation method (typical accuracy ± 3 dBA) with input sound source data from the sound level measurements taken at the LSTC facility in Highlands Ranch, Colorado, other similar tire centers, and from published manufacturer data. The noise model takes into consideration terrain, ground type, and atmospheric conditions.

First, a base building systems-only acoustical model of the LSTC was created. These systems included three rooftop air handling units (two Trane YCH 120 packaged rooftop air conditioners and one Mitsubishi Electric R410A Heat Pump) centrally located behind a solid plastic screen and multiple rooftop vents. The noise input data for the air handling units were gathered from the manufacturers, with Hankard Environmental measurement data from another project used for the air vents. It was assumed that the noise from the solid plastic screen achieved a 5 dB noise reduction from the three air handling units which is a reasonable estimate based on noise reduction data for other similar barriers. The maximum noise level at Cherry Ridge Village resulting from the building rooftop systems is 33 dBA as shown in Table 1.

Next, individual noise models were created for each of the primary noise sources associated with maintenance operations. This included: $\frac{1}{2}$ " air gun (three assumed to be simultaneously in operation), air hammer, tire buffer, bead blaster, public address system (i.e.: phone and intercom), horn honk (from inside facility, safety procedure when backing out), and delivery/trash truck. For all cases, it was assumed that all maintenance bay doors were open. Each source was modeled individually, and the model included the LSTC building acting as a barrier. The maximum noise level at Cherry Ridge Village resulting from each individual maintenance operation ranges from 10 dBA to 41 dBA, as listed in Table 1.

Finally, an overall "worst case scenario" was predicted which included all of the noise sources described above operating at one instant. The maximum noise level at Cherry Ridge Village for this "worst case scenario" is predicted to be 44 dBA as shown in Table 1. Additionally, noise contour level predictions were calculated and plotted in Figure 3. As shown, noise levels at the residences will be below the 65 dBA limit.

TABLE 1
Predicted Maximum Noise Levels from the Proposed Les Schwab Tire Center

Condition	Description	Maximum Sound Pressure Level (dBA)
Delivery or Waste Truck	One delivery or waste truck on the west side of the building.	41
Air Hammer	One air hammer inside open bay.	37
Air Guns	Three 1/2" Air Guns operating near open bay.	37
Rooftop Air Handling Systems	Two air conditioners and one heat pump behind a screen plus four exhaust vents.	33
Bead Blaster	One bead blaster operating within an open bay. Generally lasts less than ten seconds.	27
Public Address System	Phone or Intercom inside all six open bays.	20
Horn Honk	Horn honk when backing out a vehicle in open bay.	10
Worst Case Scenario	Assumes all conditions occur instantaneously.	44

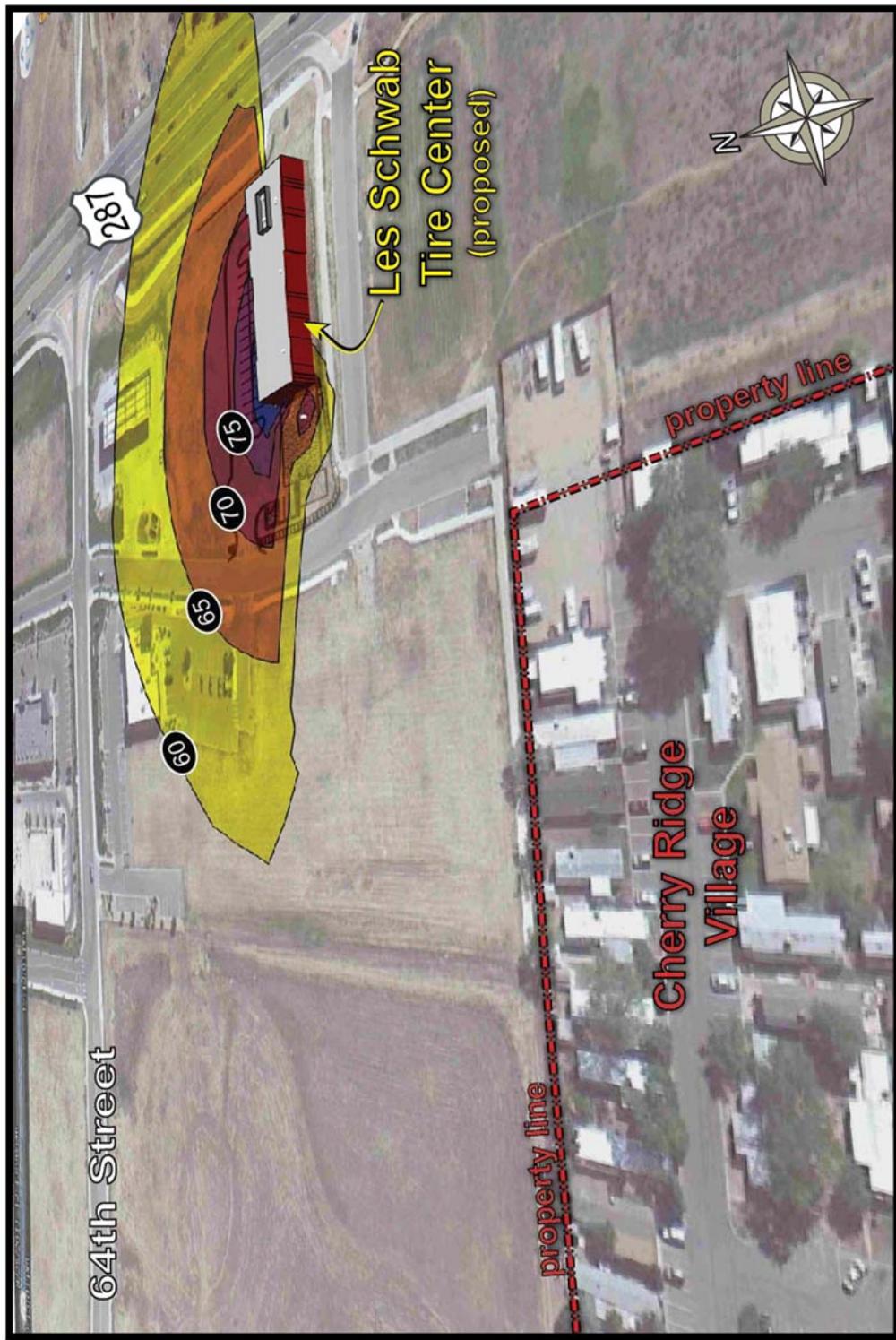


FIGURE 3: "WORST CASE SCENARIO" MAXIMUM SOUND LEVEL CONTOURS FROM LSTC (dBA)

NOISE LEVEL ASSESSMENT

As described in the Applicable Noise Regulations section above, the maximum permissible noise level for the LSTC at the Cherry Ridge Village is 65 dBA. The 60 dBA nighttime limit is not applicable because all LSTC operations will be conducted during the daytime hours, as defined by the City of Loveland. The predicted maximum "worst case" noise level at the nearest residences is 44 dBA. This is assuming that all noise-producing equipment is operating at simultaneously at one instant. This "worst case" level is below the maximum permissible noise level of 65 dBA.

This result is not unexpected as the project included a variety of best-management practices and noise mitigation measures, including orientation of the building with all maintenance bays facing away from the residences, locating the building at least 250 feet from the residences, limiting its operating hours to daytime hours only, shielding the rooftop air handling equipment with a barrier, locating the air compressor unit inside the building, and providing little to no access or activity on the south side of the building facing the existing residences.

Considering all of this, noise levels from the proposed LSTC in the Peakview Commercial Park in Loveland, Colorado are predicted to be in compliance with the conditions of approval.

If you have any questions about the results of this analysis, or if you need any further assistance, please do not hesitate to call our main office at (303) 666-0617.

Sincerely,



Jeff M. Cerjan
Senior Consultant

Cc: Mike Hankard, Hankard Environmental, Inc.

Peakview Commercial Park P.U.D.

2nd Amended General Development Plan

for
Lot 4 of the Peakview Commercial Park 1st Subdivision Amendment #1

in the
City of Loveland, Larimer County, Colorado

OWNERS SIGNATURE BLOCK

KNOW ALL PERSONS BY THESE PRESENT THAT:

K & G DEVELOPMENT COMPANY, LLC, A WYOMING LIMITED LIABILITY COMPANY, BEING THE LAWFUL RECORD OWNER OF THE PROPERTY SHOWN ON THIS AMENDED GENERAL DEVELOPMENT PLAN, EXCEPT ANY EXISTING PUBLIC STREETS, ROADS, OR HIGHWAYS, DO HEREBY CERTIFY THAT IT ACCEPTS THE CONDITIONS SET FORTH ON SAID PLAN AND IN THE CONDITIONS OF APPROVAL BY THE CITY OF LOVELAND, DATED _____, 20_____, AND THAT IT CONSENTS TO THE RECORDATION OF ANY INFORMATION THERETO.

KRIS FLEISCHLI, MANAGER

STATE OF COLORADO)) SS

COUNTY OF LARIMER)

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

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

(LIENHOLDER)

STATE OF COLORADO)) SS

COUNTY OF LARIMER)

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

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

SIGNATURE BLOCK

APPROVED THIS _____ DAY OF _____, 20_____, BY THE CURRENT PLANNING MANAGER OF THE CITY OF LOVELAND, COLORADO.

CURRENT PLANNING MANAGER

APPROVED THIS _____ DAY OF _____, 20_____, BY THE CITY ENGINEER OF THE CITY OF LOVELAND, COLORADO.

CITY ENGINEER

APPROVED THIS _____ DAY OF _____, 20_____, BY THE CITY ATTORNEY OF THE CITY OF LOVELAND, COLORADO.

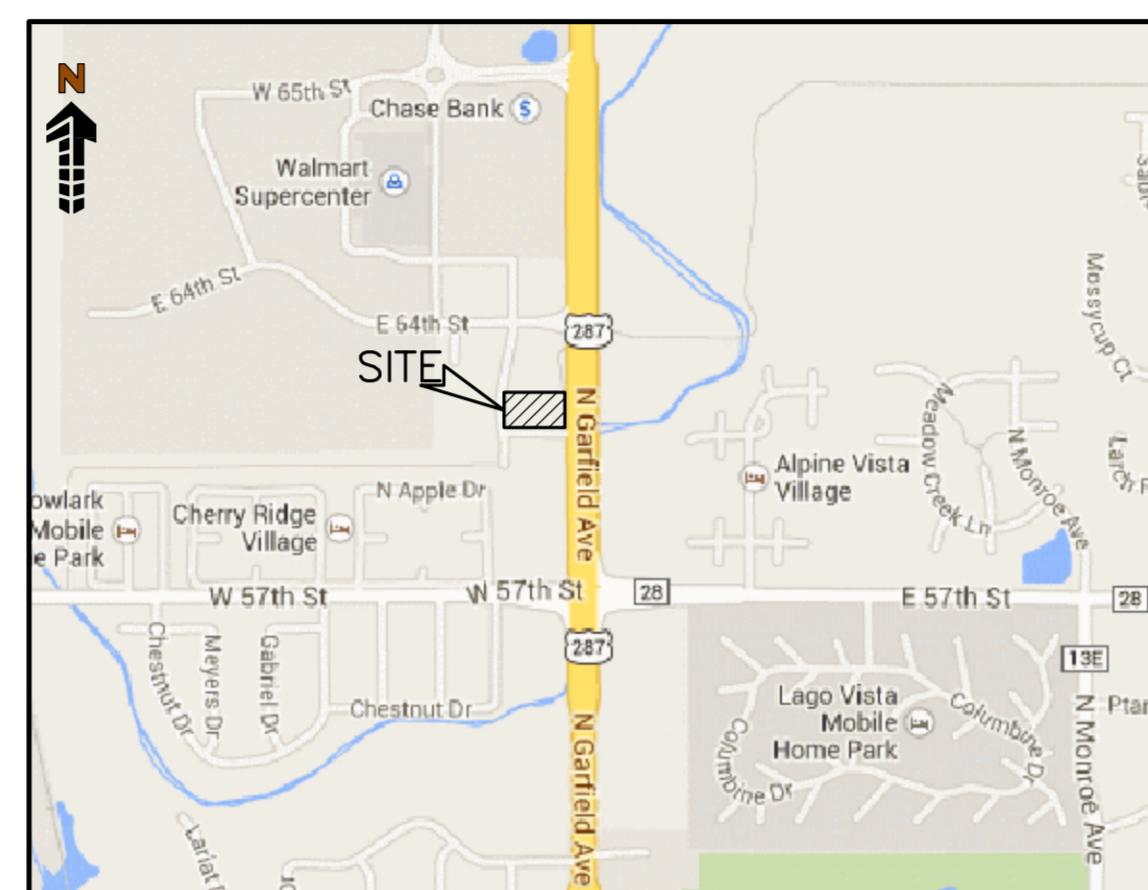
CITY ATTORNEY

APPROVED THIS _____ DAY OF _____, 20_____, BY THE CITY PLANNING COMMISSION OF THE CITY OF LOVELAND, COLORADO.

CHAIRPERSON

APPROVED THIS _____ DAY OF _____, 20_____, BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO.

MAYOR



SECTION 1: PURPOSE OF THE PROJECT

THE PURPOSE OF THIS AMENDMENT IS TO ADD THE FOLLOWING USE TO LOT 4 OF THE G.D.P.: "VEHICLE MINOR REPAIRS, SERVICING AND MAINTENANCE," AS DEFINED IN THE LOVELAND MUNICIPAL CODE AND AS RESTRICTED BELOW, TO MAKE THE PROJECT MORE SUCCESSFUL BY ALLOWING ADDITIONAL FLEXIBILITY. OVERALL, THE ENTIRE PEAKVIEW COMMERCIAL PARK PROJECT WILL CONTINUE TO CREATE A COMBINED USE DEVELOPMENT INCLUDING COMMERCIAL, RETAIL AND OFFICE USES. PEAKVIEW COMMERCIAL PARK WILL PROVIDE VARIETY IN THE TYPE, DESIGN AND LAYOUT OF BUILDINGS, WITH CIRCULATION SYSTEMS AND PARKING DESIGNED TO ALLOW CONVENIENT ACCESS TO THE VARIOUS USES, WHILE ACTING AS A GATEWAY TO LOVELAND FROM THE NORTH. THE REMAINDER OF THE PEAKVIEW COMMERCIAL PARK (LOTS 1-3, LOT 5 AND TRACT A) WILL CONTINUE TO BE SUBJECT TO THE ORIGINAL G.D.P. UPON WHICH THIS AMENDMENT IS BASED AND LOT 6 WILL CONTINUE TO BE SUBJECT TO THE 1st AMENDED G.D.P.

SECTION 2: LAND USE

A. OVERALL CONCEPT

DUCE TO THE PROXIMITY AND ACCESS TO HIGHWAY 287 / NORTH GARFIELD AVENUE, A "VEHICLE MINOR REPAIRS, SERVICING AND MAINTENANCE" AS DEFINED BY LOVELAND MUNICIPAL CODE MAY BE THE HIGHEST AND BEST USE FOR LOT 4 AS DEFINED BELOW, AS LONG AS THE SAME LEVEL OF QUALITY FOR ARCHITECTURE AND SITE DESIGN IS MAINTAINED FOR THE SITE DESIGN FOR THIS USE. THIS AMENDMENT DOES NOT AFFECT THE OVERALL LAND USE CONCEPT IN THE PEAKVIEW COMMERCIAL PARK G.D.P., WHICH IS TO PROVIDE A COMBINED USE DEVELOPMENT ALLOWING OFFICE, COMMERCIAL, RETAIL, AND OTHER USES, ALONG WITH PERIMETER LANDSCAPE BUFFERS AND LOCAL / REGIONAL TRAIL CONNECTIVITY.

B. LAND USE CATEGORIES AND DEFINITIONS

THE DEVELOPMENT IS WITHIN A CORRIDOR COMMERCIAL AREA THAT ALLOWS A WIDE RANGE OF COMMERCIAL, RETAIL, PROFESSIONAL AND RESIDENTIAL USES ALONG MAJOR TRANSPORTATION CORRIDORS. THE LAND USE CATEGORIES PERMITTED INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING: (REFER TO SECTION 2.C FOR SPECIFIC PERMITTED AND PROHIBITED USES.)

COMMERCIAL – FINANCIAL AND SERVICE ORIENTED COMMERCIAL USES CONVENIENT TO THE NEIGHBORHOOD AND SURROUNDING COMMUNITY.

RETAIL – PROVISION OF NEIGHBORHOOD RETAIL, SHOPPING, SERVICES AND DINING OPPORTUNITIES TO THE NEIGHBORHOOD AND SURROUNDING COMMUNITY, AND WHICH IS NOT CONSIDERED "LARGE RETAIL".

OFFICE – AN OFFICE FOR PROFESSIONALS SUCH AS PHYSICIANS, DENTISTS, LAWYERS, ARCHITECTS, ENGINEERS, ARTISTS, MUSICIANS, DESIGNERS, TEACHERS, ACCOUNTANTS OR OTHERS WHO THROUGH TRAINING ARE QUALIFIED TO PERFORM SERVICES OF A PROFESSIONAL NATURE AND WHERE NO SALE OF MERCHANDISE OR REPAIR OF ARTICLES OR VEHICLES OCCURS, INCLUDING ESTABLISHMENTS WHERE PATIENTS ARE ADMITTED FOR EXAMINATION AND/OR TREATMENT ON AN OUTPATIENT BASIS BY ONE OR MORE PHYSICIANS, DENTIST, OTHER MEDICAL PERSONNEL, PSYCHOLOGISTS, OR SOCIAL WORKERS, AND WHERE PATIENTS ARE NOT ON THE PREMISES OVERNIGHT.

LOT 4 – VEHICLE MINOR REPAIRS, SERVICING AND MAINTENANCE AS DEFINED BY LMC 18.04.390.1 AS THE USE OF ANY BUILDING, LAND AREA, PREMISES OR PORTION THEREOF, WHERE LIGHT MAINTENANCE ACTIVITIES SUCH AS ENGINE TUNE-UPS, LUBRICATION, CARBURETOR CLEANING, BRAKE REPAIR, CAR WASHING, DETAILING, POLISHING OR THE LIKE ARE CONDUCTED IS HEREIN AMENDED BY THIS G.D.P. AMENDMENT TO ALSO INCLUDE THE SALE, INSTALLATION AND SERVICING OF TIRES, WHEELS, SHOCKS, BRAKES, BATTERIES AND ALIGNMENT.

C. LAND USES PERMITTED

THE FOLLOWING ARE PERMITTED USES ALLOWED WITHIN LOT 4. ADDITIONAL USES MAY BE CONSIDERED, BUT MAY REQUIRE AN AMENDMENT TO THE G.D.P.

1. BANKS AND FINANCIAL INSTITUTIONS AND COMPANIES (DRIVE-THROUGH FACILITIES PERMITTED)
2. MEDICAL/DENTAL LABS AND CLINICS
3. OFFICES AND CLINICS
4. PERSONAL SERVICE SHOPS (I.E., BEAUTY SALON)
5. RETAIL SHOPS (LESS THAN 25,000 S.F.)
6. INDOOR/OUTDOOR RESTAURANTS
7. FAST FOOD RESTAURANTS (DRIVE-THROUGH FACILITIES PERMITTED PER 7.B.2 REQUIREMENTS)
8. DAYCARE CENTERS – ADULT OR CHILD
9. UTILITY FACILITIES
10. MEMBERSHIP CLUBS
11. PUBLIC AND PRIVATE SCHOOLS
12. GOVERNMENT OR SEMIPUBLIC USES
13. RETAIL LAUNDRIES
14. WHOLESALE STORES
15. GAS STATION, AS DEFINED BY LMC 18.04.181 (SEE NOTE 2 BELOW)
16. VEHICLE MINOR REPAIRS, SERVICING AND MAINTENANCE, AS DEFINED BY LMC 18.04.390.1 AND AS AMENDED HEREIN

NOTES:

1. UNTIL SUCH TIME AS COMPLETE DEVELOPMENT OF THE LAND OCCURS, THE SITE, OR PORTIONS THEREOF, MAY BE USED FOR AGRICULTURAL PURSUITS.
2. ONE (1) GAS STATION IS ALLOWED WITHIN LOT 6.

D. SITE STRUCTURE

AS INDICATED ABOVE, THE SITE IS PLANNED FOR COMBINED USAGE, INCLUDING COMMERCIAL, RETAIL AND OFFICE USES. UNIFYING ELEMENTS INCLUDE COMMON ARCHITECTURAL ELEVATION FEATURES AND WALKING ACCESS TO ADJACENT TRAILS.

E. SUBSEQUENT LOT LINE ADJUSTMENT AND/OR SUBDIVISION WITHIN THIS G.D.P.

THE NOTATION AS USED WITHIN THIS AMENDMENT DESCRIBES LOT 4 OF THE PEAKVIEW COMMERCIAL PARK 1ST SUBDIVISION AMENDMENT #1, AS RECORDED. IF THE NORTHERN LOT LINE OF LOT 4 IS ADJUSTED THROUGH SUBSEQUENT REPLAT(S), THE NEW LOT CREATED WILL CONTINUE TO BE SUBJECT TO THIS AMENDMENT, WITH THE MAXIMUM BUILDING COVERAGE RECALCULATED BASED UPON THE NEW LOT AREA. IN THE EVENT THAT THE LOT DESCRIBED ABOVE IS RENUMBERED THROUGH A SUBSEQUENT REPLAT, THIS AMENDMENT SHALL APPLY TO THE LOT CREATED.

SECTION 3: CIRCULATION

A. OVERALL CONCEPT

PRIMARY VEHICULAR ACCESS TO LOT 4 WILL BE FROM THE NORTH-SOUTH PRIVATE DRIVE. SECONDARY ACCESS MAY BE PROVIDED BETWEEN LOTS ALONG THE NORTH PROPERTY LINE OF LOT 4.

B. COMPONENTS

1. VEHICULAR: AN EXISTING PRIVATE ACCESS DRIVE RUNNING NORTH (FROM WEST 64TH STREET) TO SOUTH, BISECTING THE DEVELOPMENT, DISTRIBUTES AND COLLECTS TRAFFIC TO AND FROM THE COMMERCIAL SITES WITHIN THE DEVELOPMENT. THE EXISTING NORTH GARFIELD RIGHT IN/RIGHT OUT ACCESS PROVIDES SECONDARY VEHICULAR ACCESS TO THE SITE. AN ADDITIONAL PRIVATE ACCESS DRIVE ON WEST 64TH STREET WILL SERVE PARCEL A. ANY PRIVATE DRIVES, PRIVATE STREETS, PARKING LOT ACCESS POINTS AND DRIVE THROUGH ENTRANCES WILL BE DESIGNED TO PROVIDE EASY ACCESS TO THE PRIVATE ACCESS DRIVE. THE PRIVATE ACCESS DRIVE MAY VARY IN WIDTH, ACCORDING TO THE UTILITY EASEMENTS, THE AMOUNT OF TRAFFIC TO BE ACCOMMODATED AND THE SPECIFIC DESIGN REQUIREMENTS OF EACH COMMERCIAL SITE, AS APPROVED WITH THE SPECIFIC PRELIMINARY & FINAL DEVELOPMENT PLANS.

A. ACCESS POINTS SHOWN ARE ILLUSTRATIVE IN NATURE AND ARE NOT GUARANTEED BY THE CITY. ACTUAL ACCESS POINTS WILL BE DETERMINED WITH EACH P.D.P.

b. OFF-SITE IMPROVEMENTS SHALL BE DETERMINED WITH CITY REVIEW OF SUBSEQUENT P.D.P.s.

c. COMMERCIAL SITES WILL BE ACCESSED BY PRIVATE DRIVES.

2. PEDESTRIAN: A SYSTEM OF PEDESTRIAN WALKWAYS HAS BEEN PROVIDED AS PART OF THE FINAL DEVELOPMENT PLAN CURRENTLY IN EFFECT FOR THE PROPERTY, INCLUDING AN UNDERCROSSING BELOW NORTH GARFIELD AVENUE, A REGIONAL TRAIL ALONG THE WEST RIGHT OF WAY LINE OF NORTH GARFIELD AVENUE AND GENERALLY FOLLOWING THE SOUTH PROPERTY LINE OF THE PEAKVIEW COMMERCIAL PARK PUD (CONNECTING TO THE WINTERGREEN SUBDIVISION TO THE WEST), AN ATTACHED WALK ALONG THE SOUTH SIDE OF WEST 64TH STREET, AND DETACHED WALKS ALONG BOTH SIDES OF PRIVATE DRIVES. NOTHING IN THIS AMENDMENT WILL AFFECT PREVIOUSLY AGREED UPON EASEMENTS, REIMBURSEMENT AGREEMENTS, DESIGN STANDARDS, MAINTENANCE AGREEMENTS, ETC., FOR TRAILS AND PEDESTRIAN CONNECTIONS OUTSIDE OF LOT 4.

WITHIN LOT 4, CLEAR PEDESTRIAN ACCESS ROUTE(S) FROM THE PRIVATE DRIVE DETACHED SIDEWALKS ARE TO BE PROVIDED TO THE PRIMARY BUILDING ENTRY. WHEN CROSSING A DRIVING LANE, THE PEDESTRIAN ROUTE SHALL BE DISTINGUISHED FROM THE DRIVING SURFACE THROUGH THE USE OF DURABLE, LOW-MAINTENANCE SURFACE SUCH AS COLORED, SCORED CONCRETE, PAVERS, BRICK, AND/OR SIMILAR SURFACE TREATMENT. PEDESTRIAN CONNECTIONS TO THE REGIONAL TRAIL ALONG THE SOUTH PROPERTY LINE OF LOT 4 ARE ENCOURAGED WITHIN LOT 4, BUT NOT REQUIRED.

C. PERFORMANCE STANDARDS

NORTH GARFIELD AVENUE, WHICH ABUTS THE SITE, IS DEVELOPED TO MAJOR ARTERIAL STANDARDS. STREET IMPROVEMENTS AND NEW STREETS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE LARIMER COUNTY URBAN AREA STREET STANDARDS.

SECTION 4: PUBLIC AND PRIVATE UTILITIES

A. OVERALL CONCEPT

UTILITIES WILL BE INSTALLED UNDERGROUND AND WILL BE PROVIDED FOR AS DESCRIBED BELOW.

B. WATER AND SEWER

WATER AND SANITARY SEWER SERVICE WILL BE PROVIDED BY THE CITY OF LOVELAND. A 12" WATER LINE AND A 8" SANITARY SEWER LINE HAVE BEEN INSTALLED WITHIN THE NORTH-SOUTH PRIVATE DRIVE. THESE WERE DESIGNED TO ACCOMMODATE DEVELOPMENT WITHIN LOT 4 WITH SIMILAR DEMANDS TO THE ADDITIONAL USE PROPOSED THROUGH THIS AMENDMENT. THEREFORE, THIS AMENDMENT IS NOT ANTICIPATED TO AFFECT THE DEMAND FOR WATER AND SANITARY SEWER. DETAILS OF CONNECTIONS AND LOCATIONS OF SUCH WILL BE PROVIDED WITH SUBSEQUENT PRELIMINARY AND FINAL DEVELOPMENT PLANS FOR LOT 4.

C. STORM DRAINAGE

THE PEAKVIEW COMMERCIAL PARK PUD SITE, INCLUDING LOT 4, HAS BEEN GRADED AT AN 'OVERLOT' LEVEL OF COMPLETION AT THE TIME OF THIS AMENDMENT. THE DETENTION POND AT THE SOUTHEASTERN CORNER OF THE PUD WAS DESIGNED TO ACCOMMODATE RUNOFF FROM LOT 4, OUTFALLING TO THE LOUDEN DITCH, AS PREVIOUSLY APPROVED. THEREFORE, THIS AMENDMENT SHOULD HAVE NO EFFECT UPON THE STORM DRAINAGE SYSTEM FOR THE PEAKVIEW COMMERCIAL PARK; HOWEVER, DETAILED GRADING AND DRAINAGE DESIGN SUBMITTED WITH SUBSEQUENT PRELIMINARY AND FINAL DEVELOPMENT PLANS WILL CONFIRM THIS.

D. ELECTRIC

THE CITY OF LOVELAND LIGHT AND POWER DEPARTMENT WILL PROVIDE ELECTRIC POWER SERVICE.

E. PRIVATE UTILITIES

COMMERCIAL UTILITIES INCLUDING NATURAL GAS, TELEPHONE, AND CATV WILL BE PROVIDED BY XCEL ENERGY, QWEST, AND COMCAST, RESPECTIVELY.

F. IRRIGATION DITCHES

THE LOUDEN IRRIGATING CANAL & RESERVOIR COMPANY OWNS AND MAINTAINS WHAT IS COMMONLY REFERRED TO AS THE LOUDEN DITCH, WHICH ENTERS THE PEAKVIEW COMMERCIAL PARK AT THE SOUTHEAST CORNER OF THE SITE FROM THE SOUTH, EXTENDS NORTHWARD ALONG THE EASTERN EDGE OF THE PUD FOR A DISTANCE OF APPROXIMATELY 140 FEET TO ENTER A CONCRETE BOX CULVERT CROSSING BELOW NORTH GARFIELD AVENUE TO THE EAST. FLOWS IN THIS OPEN, EARTHEN CHANNEL ARE TYPICALLY ON THE ORDER OF 100 CUBIC FEET PER SECOND DURING IRRIGATION SEASONS. THIS AMENDMENT WILL HAVE NO EFFECT UPON THE LOUDEN DITCH OR OUTFALL TO THE DITCH BEYOND THAT WHICH WAS PREVIOUSLY APPROVED.

SECTION 5: PUBLIC AND PRIVATE FACILITIES

A. PARKS AND OPEN SPACE

OPEN SPACE HAS BEEN PREVIOUSLY DEDICATED WITH THE PEAKVIEW COMMERCIAL PARK 1ST SUBDIVISION, VIA TRACT A. NO ADDITIONAL PARK OR OPEN SPACE DEDICATION IS REQUIRED FOR LOT 4 AS A RESULT OF THIS AMENDMENT.

B. SCHOOLS

NO SITE IS IDENTIFIED IN THIS PARCEL PER THE THOMPSON SCHOOL DISTRICT.

C. FIRE AND POLICE

THE DEVELOPMENT WILL BE SERVICED BY THE CITY OF LOVELAND POLICE AND FIRE DEPARTMENTS WITH SERVICE AREAS AS DETERMINED TO BE APPROPRIATE.

SECTION 6: LANDSCAPING & FENCING

A. OVERALL CONCEPT

THE LANDSCAPE DESIGN FOR LOT 4 WILL BE DESIGNED TO CONTINUE THE THEMES PREVIOUSLY ESTABLISHED AND CURRENTLY IN EFFECT FOR THE REMAINDER OF THE PEAKVIEW COMMERCIAL PARK.

- THE PROJECT ENTRY/IDENTITY FEATURES WILL BE DESIGNED TO COMPLEMENT THE SITE DESIGN, NOT OVERPOWER IT.
- THE PRIVATE DRIVE WILL BE DESIGNED WITH STREET TREES AND TREE LAWNS BETWEEN THE WALK AND THE CURB.
- THE PRIVATE DRIVE WILL REFLECT A TREE-LINED STREET OF EARLY, ESTABLISHED COMMUNITIES TYPICAL OF NORTHERN COLORADO.

B. EDGE TREATMENT

1. ARCHITECTURE

ONE OF THE MOST IMPORTANT ASPECTS OF THE DEVELOPMENT'S OVERALL APPEARANCE AS VIEWED FROM ITS EDGE IS THE APPEARANCE OF THE STRUCTURES. ELEVATIONS OF STRUCTURES VISIBLE FROM PUBLIC RIGHTS OF WAY WILL BE DETAILED OR SCREENED TO PROVIDE VISUAL INTEREST AND AVOID UNATTRACTIVE VIEWS AS SET FORTH IN THE FOLLOWING GUIDELINES. ALL MECHANICAL EQUIPMENT LOCATED ON THE EXTERIOR OF ANY BUILDING OR STRUCTURE SHALL BE SCREENED FROM VIEW OF ABUTTING PUBLIC STREETS AND PROPERTIES WITH APPROPRIATE USAGE OF WALLS AND/OR LANDSCAPE PLANTINGS. ROOFTOP MECHANICAL EQUIPMENT IS SUBJECT TO THIS REQUIREMENT AS WELL. BUILDING ORIENTATION AND SITE DESIGN WILL PREVENT DIRECT VIEWS OF GARAGE BAYS, LOADING DOCKS, ETC., FROM W. 64TH STREET, N. GARFIELD AVE., AND ADJACENT RESIDENTIAL PROPERTIES.

2. LANDSCAPING

PERIMETER LANDSCAPING AND GRADING HAS A NUMBER OF EDGE FUNCTIONS, INCLUDING SEPARATION OF USES, NOISE MITIGATION, RECREATIONAL OPPORTUNITIES, AESTHETIC (VISUAL) QUALITIES, AND STORM DRAINAGE MANAGEMENT. LANDSCAPING/BERMS MUST BE PLACED BETWEEN THE PUBLIC RIGHTS-OF-WAY AND THE PARKING AREAS, TO DECREASE THE VISUAL IMPACT OF THE PARKING AREAS. PARKING AREAS SHALL BE SCREENED FROM VIEW OF ADJACENT STREETS AND RESIDENCES. SCREENING CAN BE ACHIEVED BY BUILDING PLACEMENT, THE USE OF BERMS (MINIMUM 3' HIGH), AND/OR LANDSCAPE PLANTINGS.

3. ENTRIES

THE MAIN ENTRY POINT TO LOT 4 IS FROM THE NORTH-SOUTH PRIVATE DRIVE BISECTING THE PEAKVIEW COMMERCIAL PARK SITE. MULTIPLE ENTRIES FROM THIS PRIVATE DRIVE MAY BE PROPOSED, IN ADDITION TO VEHICULAR CONNECTION(S) FROM PRIVATE LOTS TO THE NORTH. ENTRIES, WHICH MAY INCLUDE MONUMENTS AND / OR SIGNS TO BE APPROVED AT THE P.D.P. / G.D.P. STAGE, WILL BE DESIGNED WITH THE PEAKVIEW COMMERCIAL PARK'S OVERALL THEME IN TERMS OF LANDSCAPE AND ARCHITECTURAL/HARDSCAPE TREATMENT.

4. PERIMETER FENCING

NO PERIMETER FENCING IS PROPOSED IN LOT 4.

C. ARTERIAL AND COLLECTOR STREETSCAPE

THE TREATMENT OF THE FRONTRAGE ALONG NORTH GARFIELD AVE. (U.S. 287) IS VITAL TO THE APPEARANCE OF THIS DEVELOPMENT AND ITS IDENTITY. TO PROVIDE A TRANSITION ALONG NORTH GARFIELD AVE., A TYPE 'C' BUFFERYARD SHALL BE PROVIDED WEST OF THE REGIONAL TRAIL WITHIN LOT 6, WITH A MINIMUM WIDTH OF 15 FEET. A STAGGERED SETBACK, ALONG WITH A VARIETY OF WALL PLANES ON THE VARIOUS LOTS WITHIN PEAKVIEW COMMERCIAL PARK AND MATERIALS, SHALL BE UTILIZED WHERE APPROPRIATE TO PROVIDE VARIETY AND INTEREST ALONG NORTH GARFIELD AVENUE. THE MINIMUM STAGGERED SETBACK SHALL BE 8' BUILDING TO BUILDING. A TYPE 'B' BUFFERYARD SHALL BE PROVIDED ALONG WEST 64TH STREET, WITH A MINIMUM SETBACK WIDTH OF 15 FEET.

LARGE CLUSTERS OF CONIFEROUS TREES MIXED WITH A VARIETY OF SHRUBS AND GRASSES, WITH LARGE SHADE TREES PLANTED IN COLONNADE FASHION IN THE TREE LAWNS ALONG THE INTERNAL PRIVATE DRIVE, WILL BE DESIGNED TO CREATE A SENSE OF NATURE WITHIN THE MORE URBAN CONTEXT OF THE CITY AND NEIGHBORHOOD. THE USE OF NATIVE PLANT SPECIES IS ENCOURAGED AND WILL BE EMPLOYED WHERE PRACTICAL.

WHILE THIS LANDSCAPE AREA WILL LIKELY BE UTILIZED AS A PART OF THE SITE DRAINAGE SYSTEM, IT WILL PROVIDE A SUFFICIENT BUFFER AND MAINTAIN A SENSE OF OPENNESS AS ONE ENTERS THE CITY OF LOVELAND.

D. MAINTENANCE

1. THE LANDSCAPED AREAS OF THE DEVELOPMENT, INCLUDING PERIMETER AREAS, COMMON OPEN SPACE, AND ENTRY FEATURES, WILL BE MAINTAINED BY AN OWNERS ASSOCIATION (OR OTHER APPROPRIATE ENTITY).

2. RIGHT-OF-WAY LANDSCAPING WILL BE MAINTAINED BY THE ADJACENT OWNER OR BY THE OWNERS ASSOCIATION.

3. MAINTENANCE OF THE CITY TRAIL AND ADJOINING EASEMENT SHALL BE SHARED BY THE CITY AND OWNERS ASSOCIATION (OR OTHER APPROPRIATE ENTITY). THE CITY (PARKS & RECREATION) SHALL MAINTAIN THE RECREATION TRAIL SURFACE AND ALL STRUCTURAL APPURTENANCES. THE CITY SHALL PROVIDE SNOW REMOVAL FOR THE RECREATIONAL TRAIL SURFACE. THE CITY SHALL NOT BE RESPONSIBLE FOR DAMAGE TO IRRIGATION HEADS WITHIN 5 FEET OF THE TRAIL EDGE. THE OWNERS ASSOCIATION (OR OTHER APPROPRIATE ENTITY) WILL BE RESPONSIBLE FOR MAINTENANCE OF THE ASSOCIATED LANDSCAPING, IRRIGATION AND GROUND COVER. SHOULD REPAIRS TO UTILITIES UNDERNEATH THE CONCRETE TRAIL NEED TO TAKE PLACE, THE OWNERS ASSOCIATION SHALL REPAIR THE RECREATION TRAIL TO ITS ORIGINAL CONDITION WITHOUT ANY ADDITIONAL COST TO THE CITY. THE OWNERS ASSOCIATION SHALL GIVE THE CITY A TWO DAY NOTICE OF ANY TRAIL CLOSURES. ALL SIDEWALK OR TRAIL CONNECTIONS TO THIS RECREATION TRAIL WILL BE MAINTAINED BY THE OWNERS ASSOCIATION.

E. PRIVATE FENCING

NO PRIVATE FENCING IS PROPOSED AT THIS TIME ON LOT 4. PRIVATE FENCE DESIGNS MAY BE APPROVED IN SUBSEQUENT P.D.P. / F.D.P. APPLICATIONS IF THE FENCE DESIGN COMPLEMENTS OR IS CONSISTENT WITH THE ARCHITECTURAL THEME FOR THE PRINCIPAL BUILDING IN LOT 4.

SECTION 7: ARCHITECTURAL & SITE REQUIREMENTS

A. OVERALL CONCEPT

THE OVERALL DESIGN CONCEPT WILL EMPHASIZE THE FOLLOWING ELEMENTS:

1. BUILDING FORM AND CHARACTER SHALL BE OF AN APPROPRIATE SCALE. DESIGN CONSIDERATIONS SHALL INCLUDE THE SCALE AND FORM OF THE BUILDING'S MAJOR ELEMENTS, INCLUDING ROOFS, WALLS, AND OPENINGS.
2. BUILDING MATERIALS, WINDOWS, BUILDING MATERIALS, AND FINISH WILL BE OF A HIGH QUALITY, AND COORDINATED TO ACHIEVE A COHESIVE APPEARANCE.

B. PERFORMANCE STANDARDS

1. COMMERCIAL, GENERAL BUSINESS, RESTAURANT, RETAIL, OFFICE AND/OR CLINIC
 - a. ALL EXTERIOR BUILDING MATERIALS SHALL BE OF A HIGH QUALITY BUT SHALL NOT INCLUDE PREFABRICATED STEEL PANELS. SMOOTH FACE CONCRETE BLOCK MAY BE USED, IN A LIMITED FASHION, TO PROVIDE VARIATION IN TEXTURE IN COMBINATION WITH OTHER TEXTURAL MATERIALS.
 - b. ALL BUILDING DESIGNS SHALL PROVIDE ARCHITECTURAL FEATURES ON ALL FACADES VISIBLE FROM PUBLIC RIGHTS OF WAY OR ADJACENT DEVELOPMENTS TO INCREASE VISUAL INTEREST AND PROVIDE AN ATTRACTIVE DEVELOPMENT. SCREENING AND BUFFERING MAY BE UTILIZED.
 - c. A SINGLE, LARGE, DOMINANT BUILDING MASS SHALL BE AVOIDED. HORIZONTAL MASSES, VISIBLE FROM PUBLIC RIGHTS OF WAY, SHALL NOT EXCEED 30 FEET WITHOUT

3. GAS STATION
LMC SECTION 18.52.060 AND THE PERFORMANCE STANDARDS DESCRIBED IN B.1 ABOVE SHALL APPLY TO ANY 'GAS STATION' PROPOSED IN PEAKVIEW, IN ADDITION TO THE STANDARDS BELOW:

- ONE (1) SUCH FACILITY IS ALLOWED WITHIN LOT 6.
- THE MAXIMUM GROSS FLOOR AREA RATIO, INCLUDING CANOPY STRUCTURES, SHALL BE 0.20.
- REVERSE MODE DESIGN (PUMPS AWAY FROM N. GARFIELD AVE.) IS REQUIRED.
- GARAGE BAYS SHALL BE ORIENTED AWAY FROM N. GARFIELD AVE. AND W. 64TH STREET, AND SHIELDED FROM ADJACENT RESIDENTIAL PROPERTIES THROUGH BUILDING PLACEMENT OR OTHER MEANS TO THE MAXIMUM EXTENT POSSIBLE.
- THE CANOPY SHALL INCLUDE A SLOPING ROOF FORM, STEPPED PARAPETS, AND / OR SIMILAR ARCHITECTURAL FEATURES.
- UP TO TWO (2) CANOPY SIGNS TOTAL MAY BE INSTALLED TO FACE W. 64TH STREET AND N. GARFIELD AVE.
- A NOISE STUDY WILL BE REQUIRED AT THE PDP / FDP STAGE TO DEMONSTRATE COMPLIANCE WITH CITY OF LOVELAND NOISE LIMITS AT ADJACENT RESIDENTIAL PROPERTY LINES.

4. MINOR VEHICLE REPAIR, SERVICING AND MAINTENANCE
THE PERFORMANCE STANDARDS DESCRIBED BELOW SHALL APPLY TO ANY 'MINOR VEHICLE REPAIR, SERVICING AND MAINTENANCE' USE PROPOSED IN PEAKVIEW:

- GARAGE BAYS SHALL NOT BE ORIENTED TOWARD N. GARFIELD AVE., AND SHIELDED FROM ADJACENT RESIDENTIAL PROPERTIES THROUGH BUILDING PLACEMENT.
- A NOISE STUDY WILL BE REQUIRED AT THE PDP/FDP STAGE TO DEMONSTRATE COMPLIANCE WITH CITY OF LOVELAND NOISE LIMITS AT ADJACENT RESIDENTIAL PROPERTY LINES.
- ALL EXTERIOR BUILDING MATERIALS SHALL BE OF A HIGH QUALITY. COMPOSITE METAL PANELS SHALL BE PERMITTED AS ACCENT BUILDING MATERIALS.
- ALL BUILDING DESIGNS SHALL PROVIDE ARCHITECTURAL FEATURES ON ALL FACADES VISIBLE FROM PUBLIC RIGHTS OF WAY OR ADJACENT DEVELOPMENTS TO INCREASE VISUAL INTEREST AND PROVIDE FOR AN ATTRACTIVE DEVELOPMENT. SCREENING AND BUFFERING MAY BE UTILIZED.
- HORIZONTAL MASSES, VISIBLE FROM PUBLIC RIGHTS OF WAY, SHALL NOT EXCEED 30 FEET WITHOUT (1) VARIATION IN MASSING INCLUDING CHANGE IN HEIGHT AND PROJECTING/RECESSED ELEMENTS, OR (2) ARCHITECTURAL ELEMENTS TO PROVIDE VISUAL INTEREST AND BREAK UP LARGE BUILDING MASSES.
- THE ARCHITECTURAL DESIGN SHALL BE SENSITIVE TO THE CONTEXT OF THE SITE, AND PROVIDE A COMPATIBLE DESIGN.
- MATERIALS FOR FACADES SHALL BE VARIED AND PROVIDE INTEREST THROUGH CHANGES IN TEXTURE, MATERIALS, OR AN OBVIOUS CHANGE IN PLANE.
- BUILDING COLORS FOR STRUCTURES SHALL BE LOW-REFLECTIVE, NATIVE COLORADO EARTH TONE COLORS. BRIGHT ACCENT COLORS, INTENDED TO EXPRESS CORPORATE OR BUSINESS LOGOS, SHALL BE USED ONLY ON A LIMITED BASIS AND SHALL NOT BE INTERNALLY ILLUMINATED, EXCEPT FOR ANY PORTIONS THEREOF THAT ARE PERMITTED AS SIGNS, PER THIS G.D.P.
- PARAPETS AND/OR SCREENS SHALL BE REQUIRED TO SCREEN ALL ROOFTOP MECHANICAL EQUIPMENT FROM PEDESTRIAN VIEW.
- FACADES
 - FACADES ALONG N. GARFIELD AVE. SHALL BE ARTICULATED AND PROPORTIONED USING ARCHITECTURAL ELEMENTS AND/OR FEATURES SUCH AS WINDOWS, ENTRANCES, ARCADES, ARBORES, OR TRELLIS SCREENS ALONG NO LESS THAN FIFTY (50) PERCENT OF THE FAÇADE.
 - SIDE OR REAR FACADES NOT FACING A PUBLIC RIGHT OF WAY MAY BE ARTICULATED AND PROPORTIONED USING ARCHITECTURAL ELEMENTS AND/OR FEATURES SUCH AS WINDOWS, ENTRANCES, ARCADES, ARBORES, OR TRELLIS SCREENS.
 - ALL FACADES SHALL HAVE FOUR (4) OR MORE OF THE FOLLOWING:
 - THICKER WALL, LEDGES, OR SILLS;
 - INTEGRALLY TEXTURED MATERIALS SUCH AS STONE, CMU OR OTHER ARCHITECTURAL MASONRY;
 - INTEGRALLY COLORED AND PATTERNED MATERIALS SUCH AS SMOOTH-FINISHED TILE, MASONRY BLOCK OR FAUX STONE;
 - LIGHTER OR DARKER COLORED MATERIALS, MULLIONS OR PANELS;
 - PLANTERS;
 - CORNICE TREATMENTS, OTHER THAN JUST COLORED STRIPES OR BANDS, WHICH MAY INCLUDE INTEGRALLY TEXTURED MATERIALS SUCH AS STONE, MASONRY, OR OTHER TEXTURED MATERIALS;
 - SLOPING ROOFS WITH OVERHANGS;
 - STEPPED PARAPETS;
 - FLASH CAPPING SHALL BE PERMITTED IN ADDITION TO CORNICE TREATMENTS.
- PRIMARY BUILDING ENTRANCES SHALL BE DEFINED WITH RECESSES OR PROJECTIONS WITH SUCH ELEMENTS AS AWNINGS, CANOPIES OR PORTICOES.
- AT LEAST ONE (1) MAIN ENTRANCE OF ANY COMMERCIAL OR MIXED USE BUILDING SHALL FACE AND OPEN DIRECTLY ON TO A CONNECTING WALKWAY WITH PEDESTRIAN FRONTAGE OR MAIN PARKING FIELD SERVING THE DEVELOPMENT.
- BUILDING MASS SHALL NOT EXCEED A HEIGHT/WIDTH RATIO OF 1:3 WITHOUT SUBSTANTIAL VARIATION IN MASSING THAT INCLUDES A CHANGE IN HEIGHT AND PROJECTING OR RECESSED ELEMENT.
- CONTINUOUS INTERNAL PEDESTRIAN WALKWAYS, NO LESS THAN FIVE (5) FEET IN WIDTH, SHALL BE PROVIDED FROM THE PUBLIC SIDEWALK OR RIGHT-OF-WAY TO THE PRINCIPAL CUSTOMER ENTRANCE OF ALL MIXED-USE, INSTITUTIONAL, AND COMMERCIAL BUILDINGS TO THE EXTENT POSSIBLE IN ORDER TO MINIMIZE PEDESTRIAN/VEHICLE CONFLICTS.
- NO DELIVERY, LOADING, TRASH REMOVAL OR COMPACTATION, OR OTHER SUCH OPERATIONS SHALL BE PERMITTED BETWEEN THE HOURS OF 9:00 PM AND 7:00 AM UNLESS SOUND BARRIERS REDUCE SOUND LEVELS TO THOSE SPECIFIED IN THE CODE.

5. PARKING LOT LIGHTING
PARKING LOT LIGHTING SHALL MEET THE FOLLOWING PERFORMANCE STANDARDS:

- LIGHT SOURCES SHALL BE CONCEALED AND FULLY SHIELDED AND SHALL FEATURE SHARP CUT-OFF CAPABILITY SO AS TO MINIMIZE UP-LIGHT, SPILL-LIGHT, GLARE AND UNNECESSARY DIFFUSION ON ADJACENT PROPERTY.
- PARKING LOT LIGHTING SHALL BE DESIGNED TO PROVIDE THE MINIMUM LIGHTING NECESSARY TO ENSURE ADEQUATE VISION AND COMFORT IN PARKING AREAS AND TO NOT CAUSE GLARE OR DIRECT ILLUMINATION INTO ADJACENT PROPERTIES OR STREETS.
- THE STYLE OF LIGHT STANDARDS AND FIXTURES SHALL BE CONSISTENT WITH THE STYLE AND CHARACTER OF ARCHITECTURE PROPOSED ON THE SITE. POLES SHALL BE ANODIZED (OR OTHERWISE COATED) TO MINIMIZE GLARE FROM THE LIGHT SOURCE.
- LIGHT SOURCES SHALL MINIMIZE CONTRAST WITH THE LIGHT PRODUCED BY SURROUNDING USES, AND MUST PRODUCE AN UNOBTRUSIVE DEGREE OF BRIGHTNESS IN BOTH ILLUMINATION LEVELS AND COLOR RENDITION. INCANDESCENT, METAL HALIDE, AND HIGH-PRESSURE SODIUM LIGHT SOURCES ALL CAN PROVIDE ADEQUATE ILLUMINATION WITH LOW CONTRAST AND BRIGHTNESS AND ARE PERMITTED LIGHT SOURCES.
- LIGHT LEVELS MEASURED TWENTY (20) FEET BEYOND THE PROPERTY LINE OF THE DEVELOPMENT SITE (ADJACENT TO RESIDENTIAL USES OR PUBLIC RIGHTS-OF-WAY) SHALL

NOT EXCEED ONE-TENTH (0.1) FOOT-CANDLE AS A DIRECT RESULT OF THE ON-SITE LIGHTING.

- CUT-OFF FIXTURES, MEETING THE SPECIFICATION ESTABLISHED BY THE ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IESNA) SHOULD BE USED IN PARKING LOTS, AND THE MOUNTING HEIGHT OF SUCH FIXTURES SHOULD NOT EXCEED TWENTY (20) FEET.
- MINIMUM ILLUMINATION LEVELS SHALL BE NO LESS THAN 0.3 FOOT CANDLES.
- THE UNIFORMITY RATIO (RATIO OF AVERAGE TO MINIMUM ILLUMINANCE) SHALL BE NO GREATER THAN FOUR TO ONE (4:1).
- THE MINIMUM COLOR RENDERING INDEX (CRI) SHALL BE 20.

C. MATERIALS
POSSITIONAL BUILDING MATERIALS FOR STRUCTURES AND ARCHITECTURAL ELEMENTS ARE OUTLINED BELOW:
SIDING - BRICK, STONE, HARDBOARD LAP SIDING, WOOD SIDING, VINYL, STUCCO OR SYNTHETIC STUCCO, SPLIT FACE CMU, CONCRETE PANELS, SMOOTH FACE CMU, GLASS, OR SIMILAR, COMPATIBLE MATERIALS AS APPROVED BY THE DIRECTOR.

ROOFING - ASPHALT SHINGLES, CONCRETE TILE, STANDING-SEAM METAL OR 'FLAT' MEMBRANE MATERIALS.

D. MINIMUM SETBACKS
THE FOLLOWING MINIMUM SETBACKS SHALL APPLY TO LOT 4. SETBACKS SHALL BE MEASURED FROM THE NEAREST PROPERTY OR RIGHT-OF-WAY LINE, UNLESS NOTED OTHERWISE. ACCESSORY STRUCTURES WILL BE APPROVED AS PART OF FDP (I.E. TRASH ENCLOSURE).

PRIMARY STRUCTURES

- FROM PUBLIC RIGHT-OF-WAY - 25 FEET
- FROM OTHER PROPERTY LINES - 5 FEET

RELATED PARKING FIELDS

- FROM PUBLIC RIGHT-OF-WAY - 15 FEET
- FROM PRIVATE STREETS - 15 FEET
- FROM PROPERTY LINE - 5 FEET

E. BUILDING HEIGHT
BUILDING HEIGHT IS DEFINED AS THE VERTICAL DISTANCE FROM EXISTING GRADE TO THE HIGHEST POINT OF THE COPING OF A FLAT ROOF, OR TO THE AVERAGE HEIGHT OF THE HIGHEST GABLE OR HIP ROOF, OR TO THE HIGHEST POINT OF A CURVED ROOF.

THIS MEASUREMENT SHALL BE EXCLUSIVE OF SPIRES, CHIMNEYS, VENTILATORS, PIPES, SIMILAR MECHANICAL OR DECORATIVE ELEMENTS. REFER TO THE LOVELAND MUNICIPAL CODE SECTION 18.54 FOR INFORMATION ON CALCULATING BUILDING HEIGHTS. BUILDING HEIGHTS ARE LIMITED TO 40 FEET FOR STRUCTURES.

F. PARKING & DRIVES
PARKING FOR USES WILL BE ACCOMMODATED ON EACH LOT AND/OR ON-STREETS AS PERMITTED BY CODE. PARKING AREAS SHALL BE VISUALLY SEPARATED FROM PUBLIC STREETS BY A COMBINATION OF BERMS, LANDSCAPING, SETBACKS OR BY OTHER MEANS PER THE INDIVIDUAL SITE PLANS AND AS APPROVED BY THE CITY.

SECTION 8: LANDFORM MODIFICATION

THE PEAKVIEW COMMERCIAL PARK PUD HAS BEEN OVERLOT GRADED AT THE TIME OF THIS AMENDMENT. THE GRADING PLAN SHOWN AS PART OF THIS AMENDMENT REFLECTS THE OVERLOT GRADING AS APPROVED, WITH MINOR MODIFICATIONS FOR THE PHASE 1 BUILDING PERMIT APPLICATION. THE ULTIMATE GRADING DESIGN FOR LOT 4 WILL BE DETERMINED WITH SUBSEQUENT PRELIMINARY AND FINAL DEVELOPMENT PLAN APPLICATION(S) FOR LOT 4.

SECTION 9: DRAINAGE STATEMENT

THIS G.D.P. AMENDMENT WILL NOT AFFECT DRAINAGE FROM THE SITE. DRAINAGE DESIGN CONFORMS TO THE CITY OF LOVELAND MASTER DRAINAGE BASIN STUDY (1986), AS COMPLETED FOR THE CITY OF LOVELAND BY WRC ENGINEERING, INC. THE ENTIRE SITE LIES WITHIN THE HORSESHOE BASIN, HOWEVER, A SMALL PORTION OF THE STORMWATER RUNOFF FROM THE SITE MAY BE DIRECTED TO THE DRY CREEK BASIN.

ON-SITE DETENTION HAS BEEN PROVIDED AT THE SOUTHEASTERN CORNER OF THE SITE FOR ALL OF THE PEAKVIEW COMMERCIAL PARK, INCLUDING LOT 4. DISCHARGE FROM THIS DETENTION POND TO THE LOUDEN DITCH WAS DESIGNED TO OUTFALL AT THE TWO-YEAR HISTORIC RATE. THE OWNERS OF THE LOUDEN DITCH HAVE INDICATED THEIR AGREEMENT WITH THIS PROPOSAL TO DISCHARGE THIS SITE'S STORMWATER TO THEIR FACILITIES.

SECTION 10: IMPLEMENTATION

THE FOLLOWING REGULATORY PROCEDURES SHALL APPLY TO ALL DEVELOPMENT THAT OCCURS WITHIN THE PEAKVIEW COMMERCIAL PARK PUD. IT IS THE INTENT OF THIS PLAN TO PROVIDE A MECHANISM BY WHICH LAND CAN BE DEVELOPED IN A MANNER THAT ENCOURAGES FLEXIBILITY AND INNOVATIVE DESIGN OF DEVELOPMENT, IN COMPLIANCE WITH OTHER APPLICABLE LAND USE AND DEVELOPMENT REGULATIONS IN EFFECT AT THE TIME OF APPROVAL OF THIS PLAN.

ALL LAND WITHIN THIS G.D.P. WILL BE GOVERNED BY THE PROVISIONS OF THE CITY OF LOVELAND SITE DEVELOPMENT PERFORMANCE STANDARDS AND GUIDELINES, UNLESS OTHER SPECIFIC STANDARDS AND PROVISIONS ARE SET FORTH IN THIS PLAN.

A. PROCEDURES

ALL PROPOSED DEVELOPMENT OF ANY TYPE WITHIN THE PEAKVIEW COMMERCIAL PARK PUD WILL BE PROCESSED IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN CHAPTER 18.41 OF THE LOVELAND MUNICIPAL CODE.

SECTION 11: SUPPLEMENTARY REGULATIONS

A. SIGNS

THE PURPOSES OF THESE SUPPLEMENTARY REGULATIONS ARE: TO ENCOURAGE THE EFFECTIVE USE OF SIGNS IN THE DEVELOPMENT; TO IMPROVE PEDESTRIAN AND TRAFFIC SAFETY; TO MINIMIZE THE POTENTIAL FOR ADVERSE IMPACTS OF SIGNS; TO ENCOURAGE THE CREATIVE USE OF SIGNING AND ENVIRONMENTAL GRAPHICS AS A PART OF A UNIFIED OVERALL DEVELOPMENT IMAGE; AND TO ENSURE THE SUCCESS OF THE PROJECT AS A WHOLE.

1. PERMITTED SIGNS - SIGNS PERMITTED WITHIN THIS PUD SHALL INCLUDE:
 - a. ALL SIGNS AS ALLOWED BY THE CITY OF LOVELAND SIGN CODE SHALL BE PERMITTED,

INCLUDING PROJECT IDENTIFICATION SIGNS, FREESTANDING SIGNS, JOINT IDENTIFICATION SIGNS, WALL SIGNS, PROJECTING SIGNS, MENU BOARDS, CANOPY SIGNS, EXIT / ENTRY SIGNS, DIRECTIONAL & REGULATORY SIGNS, AND TEMPORARY SIGNS.

- b. DIRECTIONAL AND REGULATORY SIGNS - AS NEEDED AND PERMITTED PER CITY CODE.
- c. TEMPORARY SIGNS SHALL BE PERMITTED PER THE CITY OF LOVELAND SIGN CODE.

2. MATERIALS - APPROPRIATE SIGN MATERIALS MAY INCLUDE, BUT ARE NOT BE LIMITED TO: WOOD, BRICK, STONE, ARCHITECTURAL BLOCK, STUCCO OR SYNTHETIC STUCCO, BRASS OR OTHER DECORATIVE METALS. WATER FEATURES AND / OR OTHER SPECIAL IDENTITY FEATURES MAY BE INCORPORATED INTO THE PROJECT IDENTIFICATION SIGN(S).

3. APPLICATION - OTHER THAN AS NOTED ABOVE, SIGNS SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE LOVELAND MUNICIPAL CODE, WITH REGARD TO SIZE, LOCATION, HEIGHT, AND OTHER APPLICABLE STANDARDS.

THE U.S. HIGHWAY 34 CORRIDOR PLAN SIGNAGE REGULATIONS ARE APPLICABLE TO FREESTANDING SIGNS: MAXIMUM HEIGHT OF 12 FEET, PREFERRED HORIZONTAL PROFILE, APPROPRIATE LANDSCAPING, NATURE-SYMPATHETIC MATERIALS AND COLORS.

B. OUTDOOR STORAGE

LIMITED OUTDOOR STORAGE IS PERMITTED AS AN ACCESSORY USE TO THE PERMITTED USE. THESE MUST BE IN DESIGNATED AREAS IDENTIFIED ON THE PDP AND SUBJECT TO ALL CITY STANDARDS.

RECYCLING AREA PERMITTED IF FULLY ENCLOSED ON ALL SIDES WITH STACKING OF RECYCLED MATERIALS NOT VISIBLE FROM OUTSIDE THE ENCLOSURE.

SECTION 12: REGULATORY PROCEDURES

THE FOLLOWING REGULATORY PROCEDURES SHALL APPLY TO ALL DEVELOPMENT, WHICH OCCURS WITHIN THE PEAKVIEW COMMERCIAL PARK PUD, IN ACCORDANCE WITH CHAPTER 18.41 OF THE LOVELAND MUNICIPAL CODE. IT IS THE INTENT OF THIS PLAN TO PROVIDE A MECHANISM BY WHICH LAND CAN BE DEVELOPED IN A MANNER THAT ENCOURAGES FLEXIBILITY AND INNOVATIVE DESIGN OF COMMERCIAL DEVELOPMENT IN COMPLIANCE WITH OTHER APPLICABLE LAND USE AND DEVELOPMENT REGULATIONS IN EFFECT AT THE TIME OF APPROVAL OF THIS PLAN.

A. VARIANCES

NO VARIANCES ARE REQUESTED AT THIS TIME.

1ST AMENDED G.D.P. CONDITIONS OF APPROVAL

POWER:

1. A NOTE SHALL BE ADDED TO ALL FINAL PLATS OF ANY PORTION OF THIS PROPERTY THAT READS AS FOLLOWS:
"A SURCHARGE OF 5% WILL BE ADDED TO ALL BILLS FOR THE SALE OF ELECTRIC POWER TO ADDITIONAL SERVICES WHICH CAME INTO THE EXISTENCE AFTER JANUARY 31, 1987, WITHIN THE TERRITORY HEREIN ANNEXED WHICH SURCHARGE WILL EXPIRE TEN YEARS AFTER EFFECTIVE DATE OF THIS ANNEXATION."

PARKS AND RECREATION:

2. THE DEVELOPER SHALL PROVIDE A CONSTRUCTION STAGING AREA AS DETERMINED BY THE PARKS AND RECREATION DIRECTOR, MINIMIZING US HWY 287 LANE CLOSURES.
3. THE DEVELOPER SHALL DEDICATE AN ADDITIONAL PEDESTRIAN EASEMENT TO THE CITY OF LOVELAND PRIOR TO PDP APPROVAL FOR ANY OF THE FOLLOWING SITUATIONS, AS DETERMINED BY THE PARKS AND RECREATION DIRECTOR.
 - g. REQUIRED RETAINING WALLS ESSENTIAL TO THE UNDERPASS EXTEND BEYOND THE CURRENT PEDESTRIAN EASEMENT. SUCH MAY BE THE CASE IN THE NORTHEAST CORNER OF THE SITE.
 - b. UNKNOWN UTILITIES WHICH ARE UNFEASIBLE TO RELOCATE OBSTRUCT TRAIL ALIGNMENT WITHIN THE CURRENT EASEMENT.
 - c. ADDITIONAL EASEMENT IS NEEDED FOR THE SAFE CONSTRUCTION OF THE UNDERPASS AND TRAIL.
 - d. ADA MINIMUM REQUIREMENTS (I.E. 5% MAX GRADE SLOPE) ARE UNATTAINABLE WITHIN THE CURRENT EASEMENT.
 - e. CITY OF LOVELAND PARKS AND RECREATION TRAIL STANDARDS (I.E. TRAIL WIDTH, MAX 3:1 GRADE SLOPE ETC.) ARE UNATTAINABLE WITHIN THE CURRENT EASEMENT.

4. THE DEVELOPER SHALL DEDICATE ADDITIONAL CONSTRUCTION EASEMENT(S) TO THE CITY OF LOVELAND PRIOR TO PDP APPROVAL FOR ANY OF THE FOLLOWING SITUATION DETERMINED BY THE PARKS AND RECREATION DIRECTOR.
 - a. ADDITIONAL EASEMENT IS NEEDED FOR THE SAFE CONSTRUCTION OF THE UNDERPASS AND TRAIL.
 - b. ADDITIONAL EASEMENT IS NEEDED FOR REASONS DESCRIBED ABOVE.
5. THE DEVELOPER SHALL CONSTRUCT WITHOUT ANY ADDITIONAL COST TO THE CITY, ANY WALLS, ON THE WEST SIDE OF THE PEDESTRIAN EASEMENT, NEEDED BEYOND TWO 6' HEIGHT MAXIMUM WALLS PROVIDED BY THE CITY.
6. THE DEVELOPER SHALL COORDINATE WITH THE CITY AND THE CITY'S CONSULTING DESIGN TEAM TO MAXIMIZE CONSTRUCTION COST EFFECTIVENESS IN TERMS OF CONSTRUCTION AND TIMING,
7. THE DEVELOPER SHALL COMPLETE OVER-LOT GRADING BEFORE COMMENCEMENT OF RECREATIONAL TRAIL AND UNDERPASS CONSTRUCTION.
8. THE DEVELOPER SHALL INSTALL SECTIONS OF TRAIL WHICH ARE PROPOSED AS SHARED PUBLIC IMPROVEMENTS. THE CITY OF LOVELAND WILL REIMBURSE THE DEVELOPER FOR UPSIZING THE SIDEWALK TO MEET THE 10' WIDE MINIMUM STANDARDS OF THE TRAIL.
9. THE DEVELOPER SHALL PROVIDE ENHANCED CROSSWALKS AND APPROPRIATE TRAIL CROSSING STREET SIGNAGE FOR BOTH TRAIL CROSSINGS AS DETERMINED BY THE PARKS AND RECREATION DIRECTOR.

10. THE EDGE OF THE RECREATION TRAIL SHALL BE COMPLETELY SEPARATED FROM THE DETENTION POND BY A MINIMUM OF 4 FEET.

TRANSPORTATION:

11. NOTWITHSTANDING ANY INFORMATION PRESENTED IN THE GENERAL DEVELOPMENT PLAN (G.D.P.) AMENDMENT (TEXT OR GRAPHICAL DEPICTIONS), ALL PUBLIC STREET IMPROVEMENTS SHALL CONFORM TO THE LARIMER COUNTY URBAN AREA STREET STANDARDS (LCUASS) AS AMENDED, UNLESS SPECIFIC VARIANCES ARE REQUESTED AND APPROVED IN WRITING.

12. NOTWITHSTANDING ANY INFORMATION PRESENTED IN THE TRAFFIC IMPACT STUDY FOR THE G.D.P., THE DEVELOPER SHALL PROVIDE ANY ADDITIONAL TRAFFIC INFORMATION, CORRECTIONS, REVISIONS AND ANALYSIS REQUIRED BY THE CITY TO VERIFY COMPLIANCE WITH THE ADEQUATE COMMUNITY FACILITIES ORDINANCE AND OTHER APPLICABLE CODES OR REQUIREMENTS AT THE TIME OF REVIEW OF SITE SPECIFIC DEVELOPMENT PLANS. FUTURE TRAFFIC IMPACT STUDIES FOR SITE SPECIFIC DEVELOPMENT PLANS SHALL USE A STUDY AREA DETERMINED BY CONSIDERING THE CUMULATIVE TRIP GENERATION WITHIN THE ENTIRE G.D.P. (I.E. -TRAFFIC FROM THE PROPOSED USE PLUS TRAFFIC FROM PREVIOUSLY APPROVED SITE SPECIFIC DEVELOPMENT PLANS).

13. NOTWITHSTANDING ANY CONCEPTUAL INFORMATION PRESENTED IN THE G.D.P. AMENDMENT, STREET LAYOUTS, STREET ALIGNMENTS, ACCESS LOCATIONS, TURNING MOVEMENTS, INTERSECTION CONFIGURATIONS AND INTERSECTION OPERATIONS (TRAFFIC CONTROLS) SHALL BE DETERMINED AT THE TIME OF APPLICATION FOR SITE SPECIFIC DEVELOPMENT.

14. THE DEVELOPER AGREES TO ACQUIRE, AT NO COST TO THE CITY, ANY OFF-SITE RIGHT-OF-WAY NECESSARY FOR MITIGATION IMPROVEMENTS. PRIOR TO THE APPROVAL OF ANY SITE-SPECIFIC DEVELOPMENT APPLICATIONS WITHIN THIS G.D.P. AMENDMENT, THE DEVELOPER SHALL SUBMIT DOCUMENTATION SATISFACTORY TO THE CITY, ESTABLISHING THE DEVELOPER'S UNRESTRICTED ABILITY TO ACQUIRE SUFFICIENT PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION AND MAINTENANCE OF ANY REQUIRED STREET IMPROVEMENTS TO BOTH ADJACENT AND OFF-SITE STREETS.

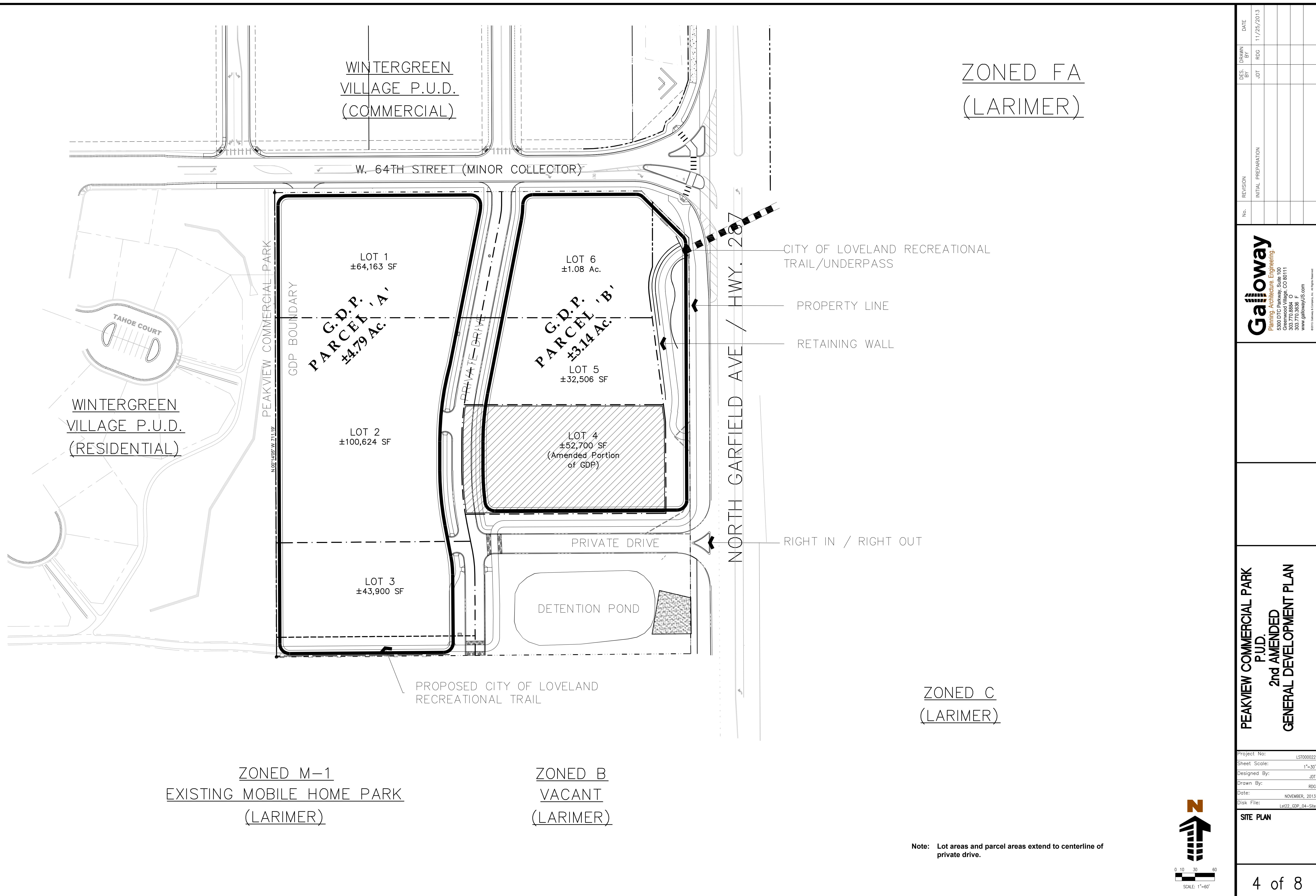
CURRENT PLANNING:

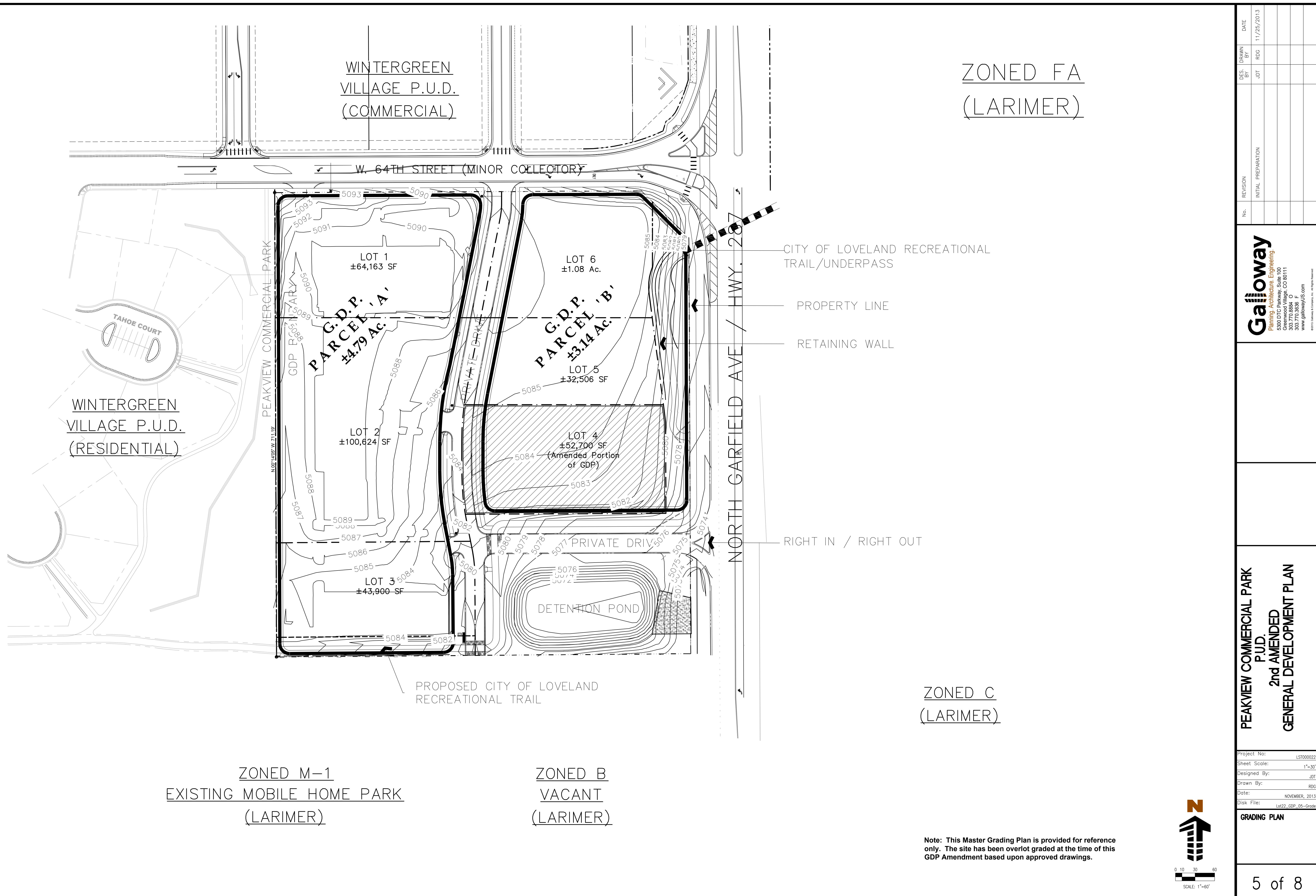
15. THE DEVELOPER SHALL INSTALL ALL OPEN SPACE IMPROVEMENTS OR AMENITIES, SUCH AS PRIVATE WALKS, FENCES, WALLS, ETC. AS SHOWN ON THE APPROVED PLANS BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY PERMANENT STRUCTURES, UNLESS FINANCIAL SECURITY IS FILED BY THE DEVELOPER WITH THE CITY TO ASSURE INSTALLATION AT A LATER DATE ACCEPTABLE TO THE CITY.

16. BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY PERMANENT STRUCTURE, THE DEVELOPER SHALL INSTALL ALL PAVING, STRIPING AND SIGNAGE FOR THE PARKING LOT, AS SHOWN ON THE APPROVED PLANS.
17. ALL SIGNS THAT ARE VISIBLE AT THE PROPERTY LINE OF THE EXISTING MOBILE HOME PARK MUST BE EITHER NON-ILLUMINATED OR HAVE THE ILLUMINATION EXTINGUISHED NO LATER THAN 9:00PM ON EACH WEEK DAY, AND 10:00PM ON WEEK-ENDS. THIS SHALL BE DECIDED ON A CASE-BY-CASE BASIS AT THE TIME OF SIGN PERMIT REVIEW OR AT TIME OF CITY INSPECTION OF AN INSTALLED SIGN PERMITTED BY THE CITY.

18. NO SIGNS THAT ARE VISIBLE AT THE PERIMETER OF THE EXISTING MOBILE HOME PARK MAY BE ILLUMINATED CHANGEABLE SIGNS. THIS SHALL BE DECIDED ON A CASE-BY-CASE BASIS AT THE TIME OF SIGN PERMIT REVIEW OR AT TIME OF CITY INSPECTION OF AN INSTALLED SIGN PERMITTED BY THE CITY.

19. EACH PDP APPLICATION FOR DEVELOPMENT WITHIN 250 FEET OF THE PERIMETER OF THE EXISTING MOBILE HOME PARK SHALL INCLUDE A COMPLETE NOISE IMPACT ASSESSMENT PREPARED BY A QUALIFIED PROFESSIONAL. THE ASSESSMENT SHALL EVALUATE THE ANTICIPATED NOISE LEVELS THAT WOULD RESULT FOR ALL PROPOSED ACTIVITIES NORMALLY ASSOCIATED WITH THE PROPOSED USE. THE REPORT SHALL INCLUDE ASSESSMENT OF THE NOISE LEVELS OF PROPOSED USE, ALONG WITH THE CUMULATIVE IMPACT OF NOISE FROM ALL USES THAT ARE APPROVED AT THE TIME THAT THE PDP APPLICATION IS SUBMITTED TO THE CITY. NO USES MAY BE APPROVED IF







EXAMPLE: VARIATION IN FAÇADE TEXTURE, MATERIALS AND CHANGE IN PLANE.



EXAMPLE: PRIMARY BUILDING ENTRANCE DEFINED WITH RECESS OR PROJECTIONS SUCH AS AWNINGS OR PORTICOS.



EXAMPLE: CORNICE TREATMENT INCLUDING INTEGRALLY TEXTURED MATERIALS AND VARIATIONS IN ELEVATION.



EXAMPLE: HIGH QUALITY EXTERIOR BUILDING MATERIALS INCLUDING SMOOTH FACE CONCRETE BLOCK USED TO PROVIDE VARIATION IN COMBINATION WITH OTHER TEXTURED MATERIALS.



EXAMPLE: VARIATION IN MASSING INCLUDING CHANGE IN HEIGHT AND PROJECTING OR RECESSED ELEMENTS.



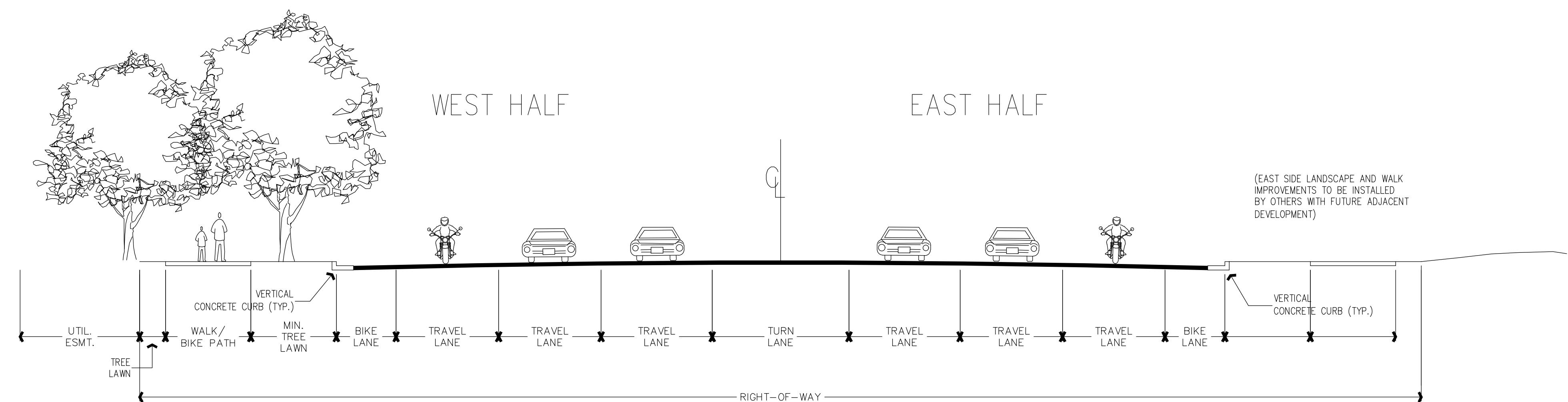
EXAMPLE: AWNINGS AND SIGNAGE LIMITED TO THE WIDTH OF A SINGLE STORE FRONT.

**PEAKVIEW COMMERCIAL PARK
P.U.D.
2nd AMENDED
GENERAL DEVELOPMENT PLAN**

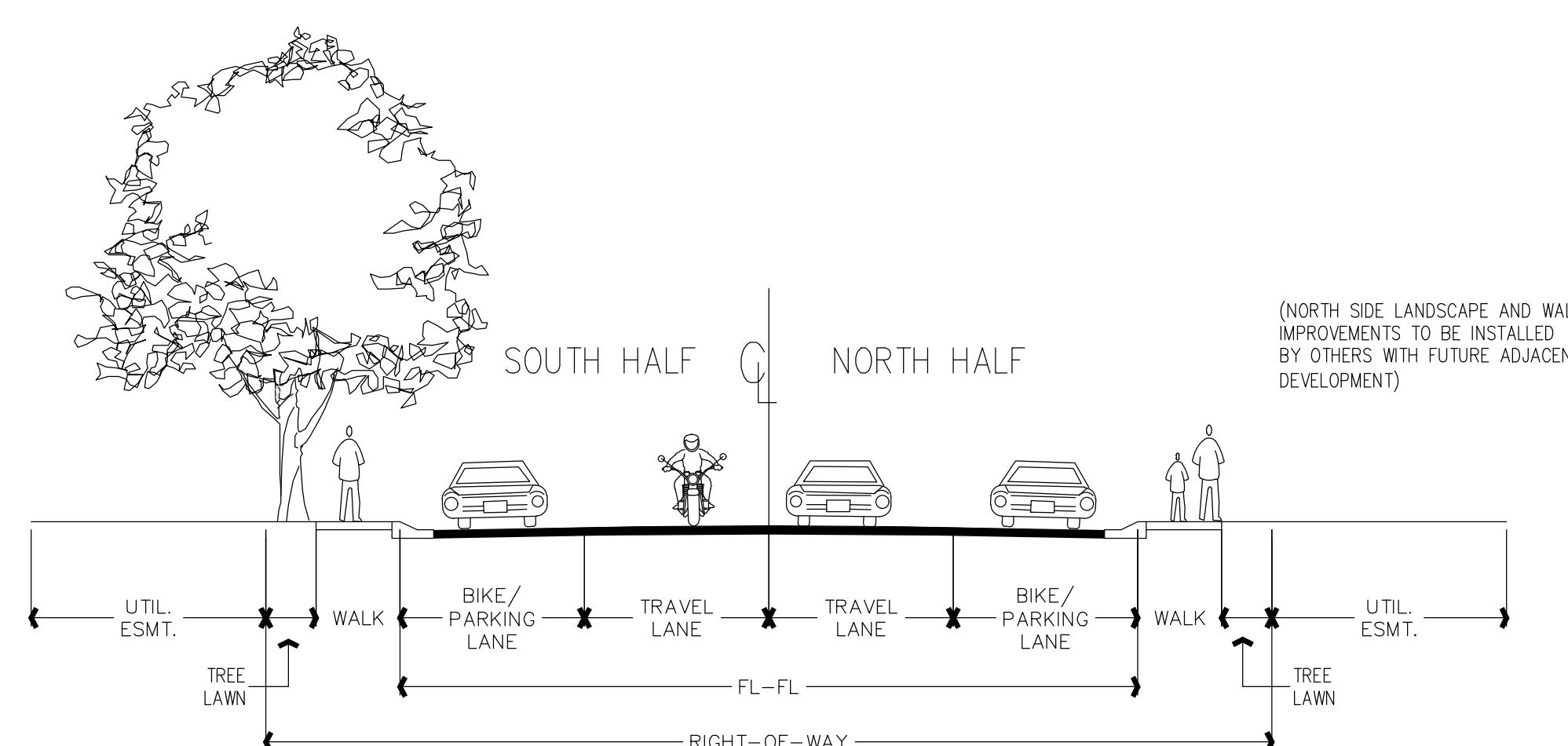
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Designed By: JDT
Drawn By: RDC
Date: NOVEMBER, 2013
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BUILDING ELEVATIONS

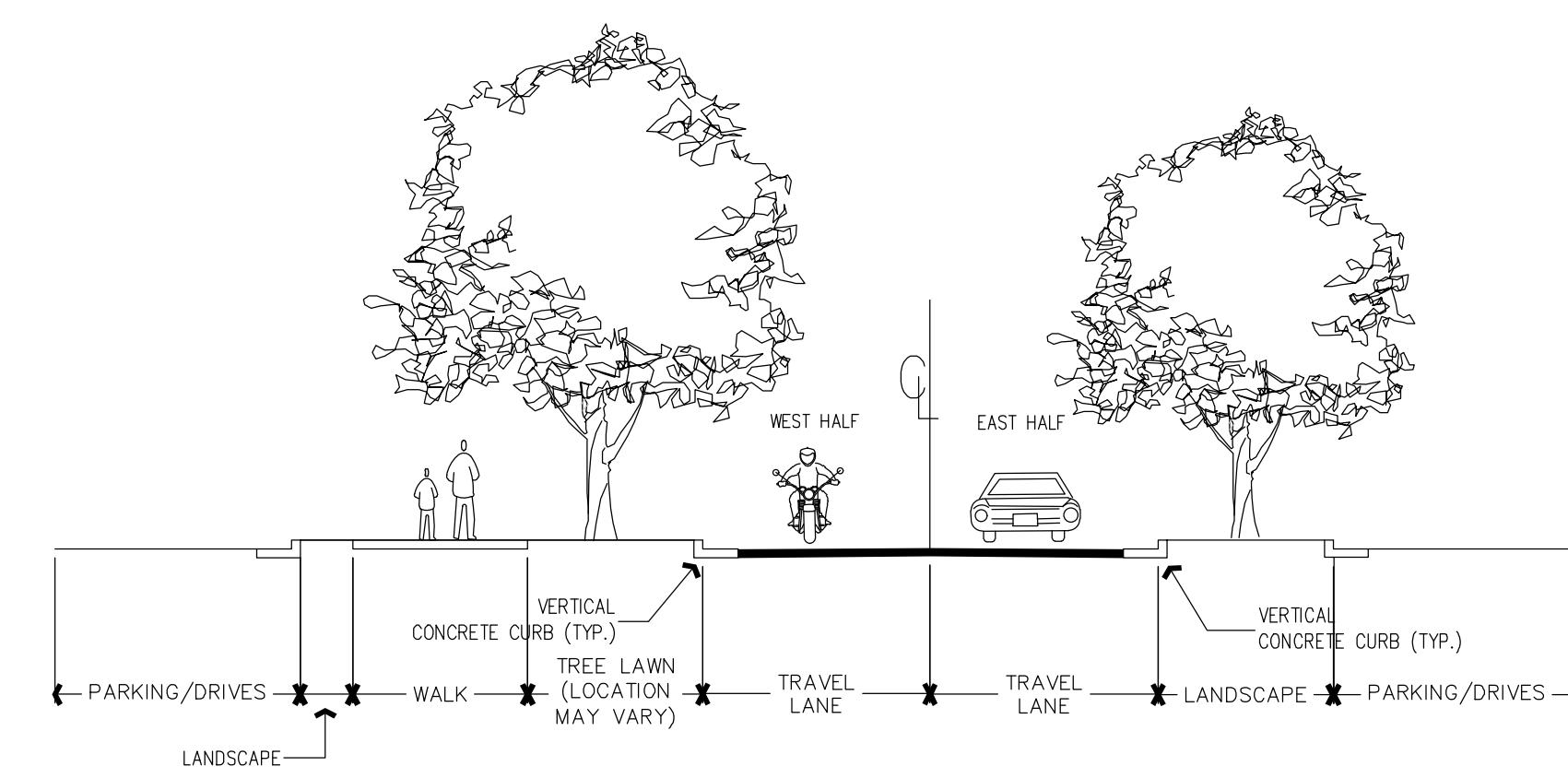
No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDC	11/25/2013



MAJOR ARTERIAL (GARFIELD AVE/U.S. 287)
DIMENSIONS TO BE DETERMINED AT P.D.P.



MAJOR COLLECTOR (W. 64TH STREET)
DIMENSIONS TO BE DETERMINED AT P.D.P.



PRIVATE DRIVE
DIMENSIONS TO BE DETERMINED AT P.D.P.

**PEAKVIEW COMMERCIAL PARK
P.U.D.
2nd AMENDED
GENERAL DEVELOPMENT PLAN**

Project No: LST000022
Sheet Scale: AS NOTED
Designed By: JDT
Drawn By: RDC
Date: NOVEMBER, 2013
Disk File: Lst22_GDP_08-Sect

STREET SECTIONS

No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDC	11/25/2013

PEAKVIEW COMMERCIAL PARK P.U.D.
 1st AMENDED PRELIMINARY DEVELOPMENT PLAN
 FOR LOT 4, BLOCK 1 OF THE
 AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK 1st SUBDIVISION AMENDMENT #1

SIGNATURE BLOCK

APPROVED THIS ____ DAY OF _____, 20____ BY THE CURRENT PLANNING MANAGER OF THE CITY OF LOVELAND, COLORADO.

CURRENT PLANNING MANAGER

APPROVED THIS ____ DAY OF _____, 20____ BY THE CITY ENGINEER OF THE CITY OF LOVELAND, COLORADO.

CITY ENGINEER

APPROVED THIS ____ DAY OF _____, 20____ BY THE CITY ATTORNEY OF THE CITY OF LOVELAND, COLORADO.

CITY ATTORNEY

APPROVED THIS ____ DAY OF _____, 20____ BY THE CITY PLANNING COMMISSION OF THE CITY OF LOVELAND, COLORADO.

CHAIRPERSON

APPROVED THIS ____ DAY OF _____, 20____ BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO.

MAYOR

ATTEST

OWNERS SIGNATURE BLOCK

KNOW ALL PERSONS BY THESE PRESENT THAT:

K & G DEVELOPMENT COMPANY, LLC, A WYOMING LIMITED LIABILITY COMPANY, BEING THE LAWFUL RECORD OWNER OF THE PROPERTY SHOWN ON THIS AMENDED GENERAL DEVELOPMENT PLAN, EXCEPT ANY EXISTING PUBLIC STREETS, ROADS, OR HIGHWAYS, DO HEREBY CERTIFY THAT IT ACCEPTS THE CONDITIONS SET FORTH ON SAID PLAN AND IN THE CONDITIONS OF APPROVAL BY THE CITY OF LOVELAND, DATED _____, 20____ AND THAT IT CONSENTS TO THE RECORDATION OF ANY INFORMATION THERETO.

KRIS FLEISCHLI, MANAGER

STATE OF COLORADO)

) SS

COUNTY OF LARIMER)

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

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC

(LIENHOLDER)

STATE OF COLORADO)

) SS

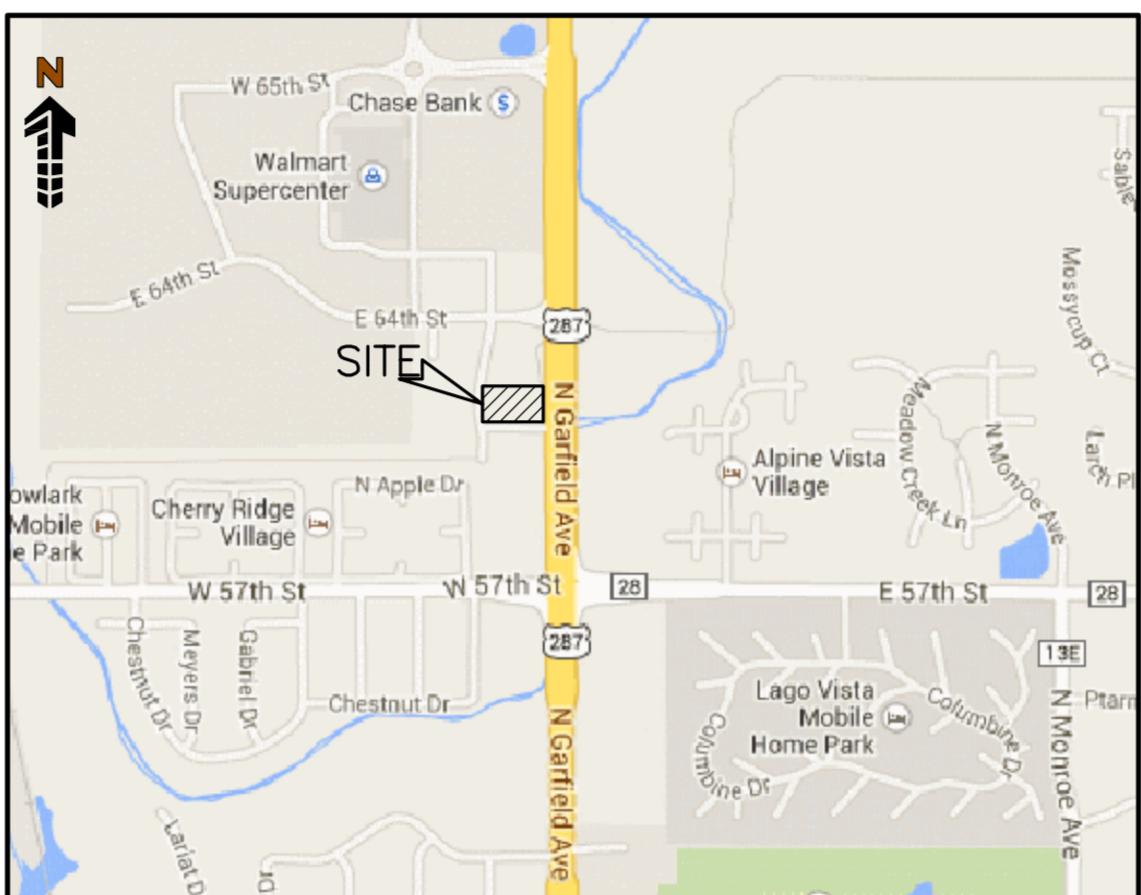
COUNTY OF LARIMER)

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

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC



VICINITY MAP

SCALE: 1'=1000'

LEGAL DESCRIPTION

LOT 4, BLOCK 1, AMENDED PLAT OF PEAKVIEW COMMERCIAL PARK FIRST SUBDIVISION AMENDMENT #1, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.

PROJECT TEAM

OWNER:

K & G DEVELOPMENT, LLC
 P.O. BOX 1046
 LOVELAND, COLORADO 80539
 970.218.7717
 CONTACT: KRIS FLEISCHLI

DEVELOPER/APPLICANT:

SFP-E, LLC (DBA LES SCHWAB TIRE CENTER)
 P.O. BOX 5350
 BEND, OR 97708
 541.416.5432
 CONTACT: MICHELLE B. HOLM

ENTITLEMENT CONSULTANT:

GALLOWAY & COMPANY, INC.
 5300 DTC PARKWAY, SUITE 100
 GREENWOOD VILLAGE, COLORADO 80111
 303.770.8884
 303.770.3636 FAX
 CONTACT: COURTNEY COLBERT

CIVIL ENGINEER:

GALLOWAY & COMPANY, INC.
 5300 DTC PARKWAY, SUITE 100
 GREENWOOD VILLAGE, COLORADO 80111
 303.770.8884
 303.770.3636 FAX
 CONTACT: JOEL D. TOMPKINS, PE

ARCHITECT:

GBD ARCHITECTS, INC.
 1120 NW COUCH STREET, SUITE 300
 PORTLAND, OR 97209
 503.224.9656
 CONTACT: CRAIG P. STOCKBRIDGE

LANDSCAPE ARCHITECT:

GALLOWAY & COMPANY, INC.
 5300 DTC PARKWAY, SUITE 100
 GREENWOOD VILLAGE, COLORADO 80111
 303.770.8884
 303.770.3636 FAX
 CONTACT: JOE WILSON, PLA, CID, ASLA

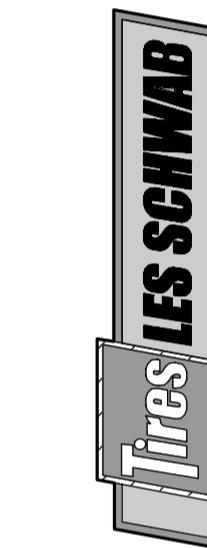
SIGN PROGRAM:

CARLSON SIGN COMPANY
 1605 N.E. FORBES ROAD
 BEND, OREGON 97707
 541.382.2182
 541.382.2196 FAX
 CONTACT: DARRYL COX

LAND USE BREAKDOWN

LOT 4	REVISION	INITIAL PREPARATION	COMMENT RESPONSE UPDATE	COMMENT RESPONSE UPDATE
BUILDING COVERAGE	10,377 S.F.	(20%)		
WALKWAYS, PARKING AND DRIVES	33,127 S.F.	(63%)		
LANDSCAPE AREA / OPEN AREA	9,196 S.F.	(17%)		
GROSS SITE AREA:	52,700 S.F. / 1.210 ACRES	(100%)		
STANDARD PARKING	23	REQUIRED	PROVIDED	
HANDICAP PARKING	2 (INCL.)	2		
TOTAL PARKING	23	32		
BICYCLE PARKING	2	2		
TOTAL FLOOR AREA	10,377 SF			
FLOOR AREA RATIO	0.20			

Galloway
 Planning, Architecture, Engineering,
 5300 DTC Parkway, Suite 100
 Greenwood Village, CO 80111
 303.770.8884 O
 303.770.3636 F
www.gallowayus.com



PEAKVIEW COMMERCIAL PARK P.U.D.
 1st AMENDED PRELIMINARY DEVELOPMENT PLAN
 FOR LOT 4, BLOCK 1 OF THE
 AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK
 1st SUBDIVISION AMENDMENT #1
 LES SCHWAB TIRE CENTER
 184 West 64th Street

Project No: LST000022
 Sheet Scale: AS NOTED
 Designed By: JDT
 Drawn By: ROD
 Date: NOVEMBER, 2013
 Disk File: Lst22_PDP_01-Cover

COVER SHEET

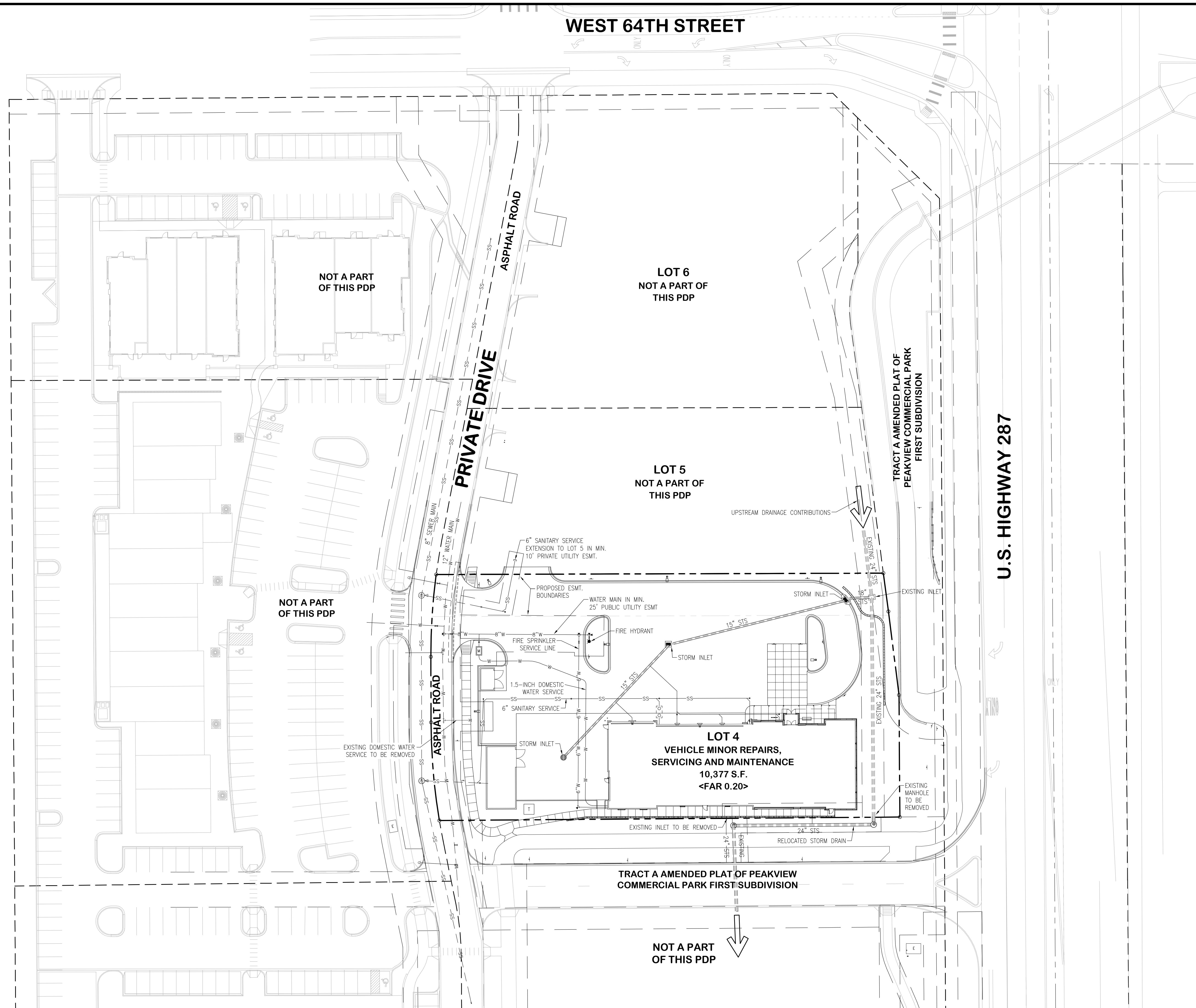
SHEET 1 OF 11

S.1

PC ATTACHMENT 6

PEAKVIEW COMMERCIAL PARK PUD 1ST AMENDED PRELIMINARY DEVELOPMENT PLAN #1 – LOT 4 1. PURPOSE OF THE PROJECT THIS PRELIMINARY DEVELOPMENT PLAN IS FOR LOT 4 OF THE PEAKVIEW COMMERCIAL PARK 1ST SUBDIVISION AMENDMENT #1 PUD. THIS PROJECT WILL INCLUDE A TIRE CENTER USE AS PLANNED IN THE PEAKVIEW COMMERCIAL PARK PUD 2ND AMENDED GENERAL DEVELOPMENT PLAN (GDP). 2. LAND USE A. OVERALL CONCEPT THIS PRELIMINARY DEVELOPMENT PLAN (PDP) AMENDMENT BOUNDARY ENCOMPASSES ±1.210 ACRES, DEFINED AS LOT 4 IN THE PEAKVIEW COMMERCIAL PARK 2ND AMENDED GENERAL DEVELOPMENT PLAN. B. LAND USE CATEGORIES AND DEFINITIONS THE DEVELOPMENT IS WITHIN A COMMERCIAL AREA THAT ALLOWS A WIDE RANGE OF COMMERCIAL, RETAIL, PROFESSIONAL, AND RESIDENTIAL USES ALONG MAJOR TRANSPORTATION CORRIDORS. THE LAND USE CATEGORIES PERMITTED INCLUDE, BUT ARE NOT LIMITED TO THE FOLLOWING: (REFER TO SECTION 2.C FOR SPECIFIED PERMITTED AND PROHIBITED USES.) C. LAND USES THE FOLLOWING ARE PERMITTED USES ALLOWED BY THE 2ND AMENDED GDP. - BANKS AND FINANCIAL INSTITUTIONS AND COMPANIES (DRIVE-THROUGH FACILITIES PERMITTED) - OFFICES AND CLINICS - PERSONAL SERVICE SHOPS (I.E., BEAUTY SALON) - RETAIL SHOPS (LESS THAN 25,000 SF.) - INDOOR/OUTDOOR RESTAURANTS - FAST FOOD RESTAURANTS (DRIVE-THROUGH FACILITIES PERMITTED PER REQUIREMENTS OF 7.B.2) - DRIVERS' EDUCATION – ADULT OR CHILD - UTILITY FACILITIES - MEMBERSHIP CLUBS - GOVERNMENT OR SEMIPUBLIC USES - RETAIL - PHARMACIES - CONVENIENCE STORES - CONVENIENCE STORES WITH FUEL SALES - VEHICLE MINOR REPAIRS, SERVICING AND MAINTENANCE, AS DEFINED BY LMC 18.04.390.1 AND AS AMENDED HEREIN D. SITE STRUCTURE AS INDICATED ABOVE, THE SITE IS PLANNED FOR COMBINED USAGE, INCLUDING CONVENIENCE STORE WITH FUEL SALES AND TWO FAST FOOD RESTAURANT USES. UNIFYING ELEMENTS INCLUDE COMMON ARCHITECTURAL ELEVATION FEATURES AND WALKING ACCESS FOR THE FUTURE WINTERGREEN RESIDENTIAL DEVELOPMENT, TWO W. 64TH ACCESS POINTS, ONE N. GARFIELD AVE ACCESS POINT, AND A PRIVATE DRIVE ROUTED NORTH TO SOUTH PROVIDING INTERNAL ACCESS TO EACH OF THE SITES. E. SUBSEQUENT LOT LINE ADJUSTMENT AND/OR SUBDIVISION WITHIN THIS GDP THE NOTATION AS USED WITHIN THIS AMENDMENT DESCRIBES LOT 4 OF THE PEAKVIEW COMMERCIAL PARK 1ST SUBDIVISION AMENDMENT AS "AS FORDED". THE NORTHERN LINE OF LOT 4 IS ADJUSTED THROUGH SUBSEQUENT REPLAT. THE NEW LOT CREATED WILL CONSTITUTE TO THIS AMENDMENT, WITH THE MAXIMUM BUILDING COVERAGE RECALCULATED BASED UPON THE NEW LOT AREA. IN THE EVENT THAT THE LOT DESCRIBED ABOVE IS RENUMBERED THROUGH A SUBSEQUENT REPLAT, THIS AMENDMENT SHALL APPLY TO THE LOT CREATED. F. CIRCULATION A. OVERALL CONCEPT PRIMARY VEHICULAR ACCESS TO LOT 4 WILL BE FROM THE NORTH-SOUTH PRIVATE DRIVE. SECONDARY ACCESS MAY BE PROVIDED BETWEEN LOTS ALONG THE NORTH PROPERTY LINE OF LOT 4. B. COMPONENTS VEHICULAR: A PRIVATE DRIVE ORIENTED NORTH FROM WEST 64TH STREET TO SOUTH, BISECTING THE DEVELOPMENT, DISTRIBUTES AND COLLECTS TRAFFIC TO AND FROM THE COMMERCIAL SITES WITHIN THE DEVELOPMENT. THE NORTH GARFIELD RIGHT IN/RIGHT OUT ACCESS PROVIDES SECONDARY VEHICULAR ACCESS TO SITE. PEDESTRIAN: AN OVERALL SYSTEM OF PEDESTRIAN WALKWAYS IS PROVIDED. A DETACHED SIDEWALK IS PROVIDED ALONG NORTH GARFIELD AVENUE. A DETACHED SIDEWALK IS PROVIDED ON THE WEST SIDE OF THE NORTH-SOUTH ORIENTED PRIVATE DRIVE. THIS OVERALL SYSTEM IS CONNECTED TO THE CITY OF LOVELAND RECREATION TRAIL ON THE SOUTHERN PORTION OF THE SITE. WHERE INTERNAL PEDESTRIAN WALKWAYS CROSS A DRIVING LANE, THE PEDESTRIAN ROUTE SHALL BE DISTINGUISHED FROM THE DRIVING SURFACE THROUGH THE USE OF DURABLE, LOW-MAINTENANCE SURFACE SUCH AS COLORED, SCORED CONCRETE, PAVERS, BRICK, OR SIMILAR SURFACE TREATMENT. WITHIN LOT 4, CLEAR PEDESTRIAN ACCESS ROUTE(S) FROM THE PRIVATE DRIVE DETACHED SIDEWALKS ARE TO BE PROVIDED TO THE PRIMARY BUILDING ENTRY. WHEN CROSSING A DRIVING LANE, THE PEDESTRIAN ROUTE SHALL BE DISTINGUISHED FROM THE DRIVING SURFACE THROUGH THE USE OF DURABLE, LOW-MAINTENANCE SURFACE SUCH AS COLORED, SCORED CONCRETE, PAVERS, BRICK, AND/OR SIMILAR SURFACE TREATMENT. PEDESTRIAN CONNECTIONS TO THE REGIONAL TRAIL ALONG THE SOUTH PROPERTY LINE OF LOT 4 ARE ENCOURAGED WITHIN LOT 4, BUT NOT REQUIRED. AN EXTENSION OF THE CITY OF LOVELAND RECREATION TRAIL HAS BEEN DESIGNED TO REQUIREMENTS OF THE GDP, EXTENDING FROM THE POINT THE TRAIL EXITS THE WINTERGREEN DEVELOPMENT ON THE SOUTHERN PORTION OF THE WEST PROPERTY BOUNDARY TO FUTURE NORTH GARFIELD AVENUE UNDERPASS ON THE NORTHERN PORTION OF THE EAST PROPERTY BOUNDARY. THE TRAIL LOCATION HAS BEEN DETERMINED IN COORDINATION WITH THE CITY OF LOVELAND PARKS AND RECREATION DEPARTMENT. THE TRAIL DESIGN MEETS CURRENT MINIMUM ADA REQUIREMENTS (MAXIMUM 5% SLOPE AND 2% CROSS SLOPE). THE CITY OF LOVELAND RECREATION TRAIL AND ALL STRUCTURAL APPEARANCES WILL BE PAID FOR AND CONSTRUCTED BY THE CITY OF LOVELAND. THE ONLY EXCEPTION IS THAT THE DEVELOPER SHALL CONSTRUCT, WITHOUT ANY ADDITIONAL COST TO THE CITY, ANY WALLS ON THE WEST SIDE OF THE PEDESTRIAN EASEMENT NEEDED BEYOND TWO 6-FOOT HIGH MAXIMUM WALLS PROVIDED BY THE CITY, IF NECESSARY. ALL SIDEWALK OR TRAIL CONNECTIONS TO THE CITY OF LOVELAND RECREATION TRAIL WILL BE CONSTRUCTED BY THE DEVELOPER AND MAINTAINED BY THE OWNERS ASSOCIATION (OR OTHER APPROPRIATE ENTITY). THE DEVELOPER SHALL PROVIDE RAISED ENHANCED CROSSWALKS AND APPROPRIATE TRAIL CROSSING STREET SIGNAGE FOR BOTH TRAIL CROSSINGS AS DETERMINED BY THE PARKS AND RECREATION DIRECTOR. ALL LANDSCAPING WITHIN THE CITY OF LOVELAND TRAIL EASEMENT SHALL BE APPROVED PRIOR TO INSTALLATION, MUST MEET THE CITY OF LOVELAND TRAIL STANDARDS, AND SHALL BE MAINTAINED BY THE OWNERS ASSOCIATION FOR THIS PROJECT. THE "AS-BUILT" TRAIL LOCATION SHALL BE THE DETERMINING FACTOR IN THE PLACEMENT OF ALL PLANT MATERIAL LOCATED WITHIN THE TRAIL EASEMENT, PER THE PARKS AND RECREATION TRAIL STANDARDS. RELOCATION OF EXISTING LANDSCAPING WITHIN THE TRAIL EASEMENT NECESSITATED BY THE FINAL TRAIL LOCATION WILL BE AT THE OWNERS' ASSOCIATION/DEVELOPER'S EXPENSE. PERFORMANCE STANDARDS NORTH GARFIELD AVENUE, WHICH ABUTS THE SITE, IS DEVELOPED TO MAJOR ARTERIAL STANDARDS. STREET IMPROVEMENTS AND NEW STREETS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE LARIMER COUNTY URBAN STREET STANDARDS, OR AS MODIFIED BY THIS PDP. G. PUBLIC AND PRIVATE UTILITIES A. OVERALL CONCEPT UTILITIES WILL BE INSTALLED UNDERGROUND AND WILL BE PROVIDED FOR AS DESCRIBED BELOW. B. WATER AND SEWER WATER AND SANITARY SEWER SERVICE WILL BE PROVIDED BY THE CITY OF LOVELAND. THE FOLLOWING IMPROVEMENTS WILL BE CONSTRUCTED BY THE DEVELOPER FOR THIS PROJECT, UNLESS COMPLETED OR FINANCIALLY SECURED BY OTHERS PRIOR TO THE TIME THE IMPROVEMENTS ARE NEEDED BY THIS PROJECT. WATER SERVICE WILL BE PROVIDED BY THE INSTALLED SERVICE TAP FROM AN EXISTING 12-INCH WATER MAIN LOCATED IN AN ACCESS AND UTILITY EASMENT RUNNING NORTH TO SOUTH THROUGH THE CENTER OF THIS SITE. THIS EXISTING 12-INCH WATER MAIN WAS INSTALLED AS PART OF THE WINTERGREEN WATER AND SEWER MAIN EXTENSIONS. THE SANITARY SEWER SERVICE FOR THIS SITE WILL BE PROVIDED BY CONNECTING TO THE EXISTING GRAVITY SERVICE LINES FROM AN EXISTING 8-INCH SANITARY SEWER LINE LOCATED IN AN ACCESS AND UTILITY EASMENT RUNNING NORTH TO SOUTH THROUGH THE CENTER OF THIS SITE CONSTRUCTED AS PART OF THE WINTERGREEN WATER AND SEWER MAIN EXTENSIONS. DETAILS OF THESE SERVICE CONNECTIONS AND SPECIFIC ALIGNMENTS ARE SHOWN IN THE PUBLIC IMPROVEMENTS CONSTRUCTION PLANS ACCOMPANYING THIS PDP. C. STORM DRAINAGE A PRELIMINARY DRAINAGE REPORT WAS PREPARED FOR THE PDP. THE PRELIMINARY DRAINAGE REPORT PROPOSES TO CONVEY STORM RUNOFF FROM THIS SITE TO ON-SITE DETENTION FACILITIES IN THE SOUTHEASTERN CORNER OF THE PEAKVIEW SITE. STORMWATER WILL BE DISCHARGED FOLLOWING DETENTION TO THE LOUDEN DITCH WHICH RUNS THROUGH THE SOUTHEASTERN CORNER OF THE SITE ADJACENT TO THE PROPOSED DETENTION POND IN CONFORMANCE WITH THE CITY OF LOVELAND SITE DEVELOPMENT PLAN AND THE LOVELAND MASTER DRAINAGE PLAN. THE LOUDEN DITCH IS OWNED BY THE LOUDEN DITCH COMPANY. THIS SITE IS LOCATED WITHIN THE HORSESHOE BASIN AS DEFINED BY THE CITY OF LOVELAND MASTER DRAINAGE PLAN. D. ELECTRIC THE CITY OF LOVELAND LIGHT AND POWER DEPARTMENT WILL PROVIDE ELECTRIC POWER SERVICE. E. PRIVATE UTILITIES COMMERCIAL UTILITIES INCLUDING NATURAL GAS, TELEPHONE, AND CATV WILL BE PROVIDED BY XCEL ENERGY, QWEST, AND COMCAST, RESPECTIVELY. F. IRRIGATION DITCHES THE LOUDEN DITCH, A & RESERVE COMPANY, OWNERS OF THE MASTERSITE, IS COMMONLY REFERRED TO AS THE LOUDEN DITCH, WHICH OWNERS THE LEADERSHIP CHANNEL PART AT THE SOUTHEAST CORNER OF THE SITE FROM THE SOUTH PROPERTY LINE. ALONG THE EASTERN EDGE OF THE SITE FOR A DISTANCE OF APPROXIMATELY 140 FEET TO WHERE IT LEAVES THE SITE TO ENTER A CONCRETE CULVERT CROSSING NORTH GARFIELD AVENUE TO THE EAST. FLOWS IN THIS OPEN, EARTHEN CHANNEL ARE TYPICALLY ON THE ORDER OF 100 CUBIC FEET PER SECOND DURING IRRIGATION SEASONS. G. PUBLIC AND PRIVATE FACILITIES A. PARKS AND OPEN SPACE TRACT 1 PROVIDES APPROXIMATELY 20,645 USABLE OPEN SPACE FOR THE OVERALL PEAKVIEW COMMERCIAL PARK PUD, EXCEEDING THE 15% MINIMUM OPEN SPACE REQUIRED FOR SIMILAR ZONING DISTRICTS. ADDITIONAL OPEN SPACE BUFFERING IS PROVIDED ON THE EAST PROPERTY BOUNDARIES AS SHOWN IN THE PDP PLANS. PEDESTRIAN ACCESS FOR THE NEIGHBORING RESIDENTS IS PROVIDED VIA THE RECREATION TRAIL ON THE EAST-WEST PRIVATE DRIVE AND WEST 64TH STREET SIDEWALK ON THE NORTH PROPERTY BOUNDARIES. B. SCHOOLS NO SITE IS IDENTIFIED IN THIS PARCEL PER THE THOMPSON SCHOOL DISTRICT. C. FIRE AND POLICE THE DEVELOPMENT WILL BE SERVICED BY THE CITY OF LOVELAND POLICE AND FIRE DEPARTMENTS WITH SERVICE AREAS AS DETERMINED TO BE APPROPRIATE. 6. LANDSCAPING & FENCING A. OVERALL CONCEPT LANDSCAPING IS DESIGNED WITH A COMPREHENSIVE CONCEPT FOR THE ENTIRE DEVELOPMENT. OPEN SPACES AND BUFFERYARDS ARE LANDSCAPED TO MEET OR EXCEED THE LOVELAND STANDARDS. THE PROJECT ENTRY/IDENTITY FEATURES IS DESIGNED TO COMPLEMENT THE SITE, NOT OVERPOWER IT. BY THOUGHTFULLY LOCATING THE OPEN SPACES, A SENSE OF OPENNESS HAS BEEN ACHIEVED. THE PRIVATE DRIVE IS DESIGNED WITH STREET TREES AND TREE LAWNS ENTWINED WITHIN THE CURB. THE OVERALL CONCEPT IS TO TREAT THE PRIVATE DRIVE AS TREE-LINED LANES REFLECTIVE OF EARLY, ESTABLISHED COMMUNITIES TYPICAL OF NORTHERN COLORADO. B. EDGE TREATMENT A. FAÇADE ONE OF THE MOST IMPORTANT ASPECTS OF THE DEVELOPMENT'S OVERALL APPEARANCE AS VIEWED FROM ITS EDGE IS THE APPEARANCE OF THE STRUCTURES. ELEVATIONS OF STRUCTURES VISIBLE FROM PUBLIC RIGHTS OF WAY ARE DETAILED AND/OR SCREENED TO PROVIDE VISUAL INTEREST AND AVOID UNATTRACTIVE VIEWS AS SET FORTH IN THE FOLLOWING GUIDELINES. ALL MECHANICAL EQUIPMENT LOCATED ON THE EXTERIOR OF ANY BUILDING OR STRUCTURE ARE SCREENED FROM VIEW OF ADJACENT PUBLIC STREETS AND PROPERTIES WITH APPROPRIATE USAGE OF WALLS AND/OR LANDSCAPE PLANTINGS. LANDSCAPING PERIMETER LANDSCAPING AND GRADING HAS A NUMBER OF EDGE FUNCTIONS, INCLUDING SEPARATION OF USES, NOISE MITIGATION, RECREATIONAL OPPORTUNITIES, AESTHETIC VISUAL QUALITIES, AND WORM DRAINAGE MANAGEMENT. LANDSCAPING HAS BEEN PLACED BEYOND THE PUBLIC RIGHT-OF-WAY AND THE PARKING AREAS, TO DECREASE THE VISUAL IMPACT OF THE PARKING AREAS. PARKING AREAS ARE SCREENED FROM VIEW OF ADJACENT STREETS AND RESIDENCES. SCREENING HAS BEEN ACHIEVED BY BUILDING PLACEMENT, AND LANDSCAPE PLANTINGS. ENTRIES THE MAIN ENTRY POINT TO LOT 4 IS PROPOSED FROM THE NORTH-SOUTH PRIVATE DRIVE WHICH CAN BE ACCESSED FROM 64TH STREET OR THE EAST-WEST PRIVATE DRIVE FROM NORTH GARFIELD AVENUE. THE ENTRY IS DESIGNED WITH THE DEVELOPMENT'S OVERALL THEME IN TERMS OF LANDSCAPE AND ARCHITECTURAL/HAROSCAPE TREATMENT. PERIMETER FENCING PERIMETER FENCING IS NOT PLANNED AS A PART OF THIS PDP. C. ARTERIAL AND COLLECTOR, LOCAL STREET STREETSCAPE ON THE SOUTH SIDE OF W. 64TH STREET A TYPE 'B' BUFFERYARD, WITH A MINIMUM WIDTH OF 15 FEET IS PROVIDED WEST OF THE NORTH-SOUTH ORIENTED PRIVATE DRIVE INTERSECTION WITH WEST 64TH TO THE EAST PROPERTY BOUNDARY. ALONG THE PRIVATE DRIVE TO THE SOUTH A TYPE 'A' BUFFERYARD WITH A MINIMUM WIDTH OF 15' FEET IS PROVIDED. ALONG HIGHWAY 287 THE EAST A TYPE 'C' BUFFERYARD WITH A MINIMUM WIDTH OF 15 FEET IS PROVIDED WITHIN TRACT A. D. INTERNAL NORTH-SOUTH ORIENTED PRIVATE DRIVE A COLONNADE OF SHADE TREES SHALL BE PLANTED ALONG THE INTERNAL NORTH-SOUTH ORIENTED PRIVATE DRIVE. GROUPINGS OF SHRUBS AND GRASSES SHALL ALSO BE INCORPORATED TO PROVIDE ADDITIONAL SCREENING AND FOR AESTHETICS. E. MAINTENANCE THE LANDSCAPED AREAS OF THE DEVELOPMENT, INCLUDING PERIMETER AREAS, COMMON OPEN SPACE, AND ENTRY FEATURES, WILL BE MAINTAINED BY AN OWNERS ASSOCIATION (OR OTHER APPROPRIATE ENTITY). RIGHT-OF-WAY LANDSCAPING, WHERE INSTALLED, WILL BE MAINTAINED BY THE ADJACENT OWNER, OR BY THE OWNERS ASSOCIATION (OR OTHER APPROPRIATE ENTITY) AS DETERMINED IN THE FINAL COVENANTS. MAINTENANCE OF THE CITY OF LOVELAND RECREATION TRAIL AND ADJACENT EASEMENT SHALL BE SHARED BY THE CITY AND OWNERS ASSOCIATION (OR OTHER APPROPRIATE ENTITY). THE CITY PARKS & RECREATION SHALL MAINTAIN THE RECREATION TRAIL SURFACE AND ALL STRUCTURAL APPURTENANCES. THE CITY SHALL PROVIDE SNOW REMOVAL FOR THE RECREATION TRAIL SURFACE. THE CITY SHALL NOT BE RESPONSIBLE FOR DAMAGE TO IRRIGATION HEADS OR TURF WITHIN 5 FEET OF THE TRAIL EDGE. THE OWNERS ASSOCIATION (OR OTHER APPROPRIATE ENTITY) WILL BE RESPONSIBLE FOR MAINTENANCE OF THE ASSOCIATE LANDSCAPING, IRRIGATION AND GROUND COVER. ACCESS TO THE RECREATION TRAIL UTILIZED UNDERNEATH THE CONCRETE TRAIL NEED TO TAKE PLACE, THE OWNERS ASSOCIATION SHALL REPAIR THE RECREATION TRAIL TO THE OWNERS ASSOCIATION WITH ANY ADDITIONAL COST TO THE CITY. THE OWNERS ASSOCIATION SHALL GIVE THE CITY A TWO DAY NOTICE OF ANY TRAIL CLOSURES. ALL SIDEWALK OR TRAIL CONNECTIONS TO THE CITY OF LOVELAND RECREATION TRAIL WILL BE MAINTAINED BY THE OWNERS ASSOCIATION. F. PRIVATE FENCING NO PRIVATE FENCING IS PROPOSED AT THIS TIME ON LOT 4. PRIVATE FENCE DESIGNS MAY BE APPROVED IN SUBSEQUENT PDP/FDP APPLICATIONS IF THE FENCE DESIGN COMPLIANTS OR IS CONSISTENT WITH THE ARCHITECTURAL THEME FOR THE PRINCIPAL BUILDING IN LOT 4. G. ARCHITECTURAL & SITE REQUIREMENTS A. OVERALL CONCEPT THE OVERALL DESIGN CONCEPT WILL EMPHASIZE THE FOLLOWING ELEMENTS: BUILDING FORM AND CHARACTER SHALL BE OF AN APPROPRIATE SCALE. DESIGN CONSIDERATIONS SHALL INCLUDE THE SCALE AND FORM OF THE BUILDING'S MAJOR ELEMENTS, INCLUDING ROOFS, WALLS, AND OPENINGS. ROOFING MATERIALS, WINDOWS, BUILDING MATERIALS, AND FINISH WILL BE OF A HIGH QUALITY, AND COORDINATED TO ACHIEVE A COHESIVE APPEARANCE. B. PERFORMANCE STANDARDS COMMERCIAL, GENERAL BUSINESS, RESTAURANT, RETAIL, OFFICE, AND/OR CLINIC C. ALL BUILDING MATERIALS SHALL BE OF A HIGH QUALITY BUT SHALL NOT INCLUDE PREFABRICATED STEEL PANELS. SMOOTH FACE CONCRETE BLOCK MAY BE USED, IN A LIMITED FASHION, TO PROVIDE VARIATION IN TEXTURE IN COMBINATION WITH OTHER MATERIALS. D. ALL BUILDING DESIGNS SHALL PROVIDE ARCHITECTURAL FEATURES ON ALL FAÇADES VISIBLE FROM PUBLIC RIGHTS OF WAY OR ADJACENT DEVELOPMENTS TO INCREASE VISUAL INTEREST AND PROVIDE FOR AN ATTRACTIVE DEVELOPMENT. SCREENING AND BUFFERING MAY BE UTILIZED. E. NO DOMINANT BUILDING MASS SHALL BE AVOIDED. HORIZONTAL MASSES, VISIBLE FROM PUBLIC RIGHTS OF WAY, SHALL NOT EXCEED 30 FEET WITHOUT VARIATION IN MASSING, INCLUDING CHANGE IN HEIGHT AND PROJECTING/RECESSED ELEMENTS. F. THE ARCHITECTURAL DESIGN SHALL BE SENSITIVE TO THE CONTEXT OF THE SITE, AND PROVIDE A COMPATIBLE DESIGN. G. MATERIALS FOR FAÇADES SHALL BE VARIED AND PROVIDE INTEREST THROUGH CHANGES IN TEXTURE, MATERIALS, OR AN OBVIOUS CHANGE IN PLACEMENT. H. COLOR COATINGS FOR STRUCTURES SHALL BE LOW-REFLECTIVE, NEUTRAL EARTH TONE COLORS, BRIGHT ACCENT COLORS, INTENDED TO EXPRESS CORPORATE OR BUSINESS LOGOS, SHALL BE USED ONLY ON A LIMITED BASIS AND SHALL NOT BE INTERNALLY ILLUMINATED, EXCEPT FOR ANY PORTIONS THEREOF THAT ARE PERMITTED AS SIGNS, PER THIS FDP. I. THE COMMERCIAL PROFESSIONAL OFFICE/CLINIC FLOOR AREA RATIO SHALL NOT EXCEED 0.35:1. J. PARAPETS AND/OR SCREENS SHALL BE REQUIRED TO SCREEN ALL ROOF/ROOFTOP MECHANICAL EQUIPMENT. K. FAÇADES THAT FACE PUBLIC RIGHTS OF WAY OR CONNECTING PEDESTRIAN FRONTRAGE SHALL BE SUBDIVIDED AND PROPORTIONED USING FEATURES SUCH AS WINDOWS, ENTRANCES, ARCADES, ARBORIS, AWNINGS, OR TRELLIS WITH VINES, ALONG NO LESS THAN FIFTY (50) PERCENT OF THE FAÇADE. L. SIDE OR REAR WALLS THAT FACE WALKWAYS MAY INCLUDE FALSE WINDOWS AND DOOR OPENINGS DEFINED BY FRAMES, SILLS AND LINTELS, OR SIMILARLY PROPORTIONED MODULATIONS OF THE WALL, ONLY WHEN ACTUAL DOORS AND WINDOWS ARE NOT FEASIBLE DUE TO THE NATURE OF THE USE OF THE BUILDING. M. ALL FAÇADES SHALL HAVE FOUR (4) OR MORE OF THE FOLLOWING: - THICKER WALL, LEDGES, OR SILLS; - INTEGRALLY TEXTURED MATERIALS SUCH AS STONE, CMU OR OTHER ARCHITECTURAL MASONRY; - INTEGRALLY COLORED AND PATTERNED MATERIALS SUCH AS SMOOTH-FINISHED TILE OR FAUX STONE; - PLANTERS; - LIGHTER OR DARKER COLORED MATERIALS, MULLIONS OR PANELS; N. CORNICE TREATMENTS, OTHER THAN JUST COLORED STRIPES OR BANDS, WHICH MAY INCLUDE INTEGRALLY TEXTURED MATERIALS SUCH AS STONE, MASONRY, OR OTHER TEXTURED MATERIALS; O. SLOPING ROOFS WITH OVERHANGS OR STEPPED PARAPETS; P. FLASHING SHALL BE PERMITTED IN ADDITION TO CORNICE TREATMENTS. Q. PRIMARY BUILDING ENTRANCES SHALL BE DEFINED WITH RECESSES OR PROJECTIONS WITH SUCH ELEMENTS AS AWNINGS OR PORTICOES. AWNINGS USED PRIMARILY FOR THE PURPOSE OF AWNING AND SIGNAGE ARE LIMITED TO THE WIDTH OF A SINGLE STOREFRONT. R. OUTDOOR RESTAURANT FACILITIES SHALL BE SCREENED FROM ADJACENT RESIDENTIAL USES SO AS TO NOT ADVERSELY IMPACT THE RESIDENTIAL USE. S. AT LEAST ONE (1) MAJOR ENTRANCE TO A COMMERCIAL OR MIXED USE BUILDING SHALL FACE AND OPEN DIRECTLY ONTO A CONCRETE WALKWAY WITH PEDESTRIAN FRONTRAGE. T. BUILDING MASS SHALL NOT EXCEED A HEIGHT/WIDTH RATIO OF 1:3 WITHOUT SUBSTANTIAL VARIATION IN MASSING THAT INCLUDES A CHANGE IN HEIGHT AND PROJECTING OR RECESSED ELEMENT. U. CONTINUOUS INTERNAL PEDESTRIAN WALKWAYS, NO LESS THAN FIVE (5) FEET IN WIDTH, SHALL BE PROVIDED FROM THE PUBLIC SIDEWALK OR RIGHT-OF-WAY TO THE PRIVATE DRIVE. THE INTERNAL PEDESTRIAN WALKWAY SHALL BE CONNECTED TO THE INTERNAL PEDESTRIAN WALKWAY ON THE PRIVATE DRIVE. PEDESTRIAN WALKWAYS SHALL BE PROVIDED IN CONFORMANCE WITH THE CITY OF LOVELAND PEDESTRIAN WALKWAY STANDARDS. V. CART CORRALS, CART STORAGE AREAS, VENDING MACHINES, NEWSPAPER RACKS, VIDEO AND BOOK RETURN CONTAINERS, AND WALL MOUNTED TELEPHONES SHALL BE PLACED INSIDE THE PRINCIPAL BUILDING, OR SCREENED WITH WALLS AND LANDSCAPING. DRIVE-THROUGH FACILITIES IN ADDITION TO THE PERFORMANCE STANDARDS FOR ALL COMMERCIAL AREAS AS LISTED ABOVE, DRIVE-THROUGH FACILITIES SHALL MEET THE FOLLOWING PERFORMANCE STANDARDS: C. DRIVE-THROUGH FAÇADES ENTER OR EXIT DIRECTLY INTO A PUBLIC RIGHT-OF-WAY. DRIVE-THROUGH LANES SHALL BE INTEGRATED WITH THE ON-SITE CIRCULATION AND DRIVE LANES PRIOR TO REACHING THE STREET RIGHT-OF-WAY. D. DRIVE-THROUGH LANES AND MENU BOARDS SHALL BE SCREENED FROM PUBLIC RIGHTS-OF-WAY AND LANDSCAPING SHALL BE USED TO MINIMIZE THE VISUAL IMPACTS. DRIVE-THROUGH LANES MAY BE LOCATED BETWEEN THE PRINCIPLE BUILDING AND ADJACENT PUBLIC ROADS, PROVIDED THAT THE DRIVE-THROUGH LANES ARE LOCATED AT LEAST 10 FEET FROM ANY ADJACENT PUBLIC ROADWAY OR SIDEWALK, LANDSCAPED AND BERMED WITH A MINIMUM THREE (3) FEET HIGH BERM OR A HIGH LANDSCAPING. LANES ADJACENT TO PUBLIC STREETS OR SIDEWALKS SHALL BE SEPARATED FROM SUCH STREETS OR SIDEWALKS BY WALLS, RAILINGS, OR EVERGREEN HEDGES AT LEAST 3 FEET HIGH. E. MENU BOARDS SHALL BE A MAXIMUM AREA OF FIFTY (50) SQUARE FEET, WITH A MAXIMUM HEIGHT OF SIX (6) FEET. F. DESIGN AND LAYOUT OF DRIVE-THROUGH FACADES SHALL MINIMIZE PEDESTRIAN/VEHICLE CONFLICTS AND PROVIDE ADEQUATE DIRECTIONALITY TO PROVIDE A FREE-FLOW THROUGH THE FACILITY TO THE EXTENT FEASIBLE. G. PEDESTRIAN WALKWAYS SHALL INTERSECT DRIVE-THROUGH LANES ONLY AT LOCATIONS WHERE BOTH THE PEDESTRIANS AND DRIVERS HAVE CLEAR VISIBILITY OF THE INTERSECTION. H. NO DRIVE-THRU LANE SHALL BE WITHIN 50' OF A RESIDENTIAL LOT LINE (THIS RESTRICTION EXCEEDS THE REQUIRED SETBACK OF 25' BY 100'). MINOR VEHICLE REPAIR, SERVICING AND MAINTENANCE THE PERFORMANCE STANDARDS DESCRIBED BELOW SHALL APPLY TO ANY MINOR VEHICLE REPAIR, SERVICING AND MAINTENANCE USE PROPOSED IN PEAKVIEW: a. GATEWAYS: GATES, NOT BE ORIENTED TOWARD N. GARFIELD AVE., AND SHIELDED FROM ADJACENT RESIDENTIAL PROPERTIES THROUGH BUILDING PLACEMENT. b. A NOISE STUDY WILL BE REQUIRED AT THE PDP/OP STAGE TO DEMONSTRATE COMPLIANCE WITH CITY OF LOVELAND NOISE LIMITS AT ADJACENT RESIDENTIAL PROPERTY LINES. c. ALL EXTERIOR BUILDING MATERIALS SHALL BE OF A HIGH QUALITY, COMPOSITE METAL PANELS SHALL BE PERMITTED AS EXTERIOR BUILDING MATERIALS. d. ALL BUILDING DESIGNS SHALL PROVIDE ARCHITECTURAL FEATURES ON ALL FAÇADES VISIBLE FROM PUBLIC RIGHTS OF WAY OR ADJACENT DEVELOPMENTS TO INCREASE VISUAL INTEREST AND PROVIDE FOR AN ATTRACTIVE DEVELOPMENT. SCREENING AND BUFFERING MAY BE UTILIZED. e. HORIZONTAL MASSES, VISIBLE FROM PUBLIC RIGHTS OF WAY, SHALL NOT EXCEED 30 FEET WITHOUT (1) VARIATION IN MASSING INCLUDING CHANGE IN HEIGHT AND PROJECTING/RECESSED ELEMENTS; OR (2) ARCHITECTURAL ELEMENTS TO PROVIDE VISUAL INTEREST AND BREAK UP LARGE BUILDING MASSES. f. THE ARCHITECTURAL DESIGN SHALL BE SENSITIVE TO THE CONTEXT OF THE SITE, AND PROVIDE A COMPATIBLE DESIGN. g. MATERIALS FOR FAÇADES SHALL BE VARIED AND PROVIDE INTEREST THROUGH CHANGES IN TEXTURE, MATERIALS, OR AN OBVIOUS CHANGE IN COLOR. h. BUILDING COLORS FOR STRUCTURES SHALL BE LOW-REFLECTIVE, NEUTRAL EARTH TONE COLORS, BRIGHT ACCENT COLORS, INTENDED TO EXPRESS CORPORATE OR BUSINESS LOGOS, SHALL BE USED ONLY ON A LIMITED BASIS AND SHALL NOT BE INTERNALLY ILLUMINATED, EXCEPT FOR ANY PORTIONS THEREOF THAT ARE PERMITTED AS SIGNS, PER THIS FDP. i. FAÇADES ALONG N. GARFIELD AVE. SHALL BE ARTICULATED AND PROPORTIONED USING ARCHITECTURAL ELEMENTS AND/OR FEATURES, SUCH AS WINDOWS, ENTRANCES, ARCADES, ARBORIS, AWNINGS, OR TRELLIS SCREENS. j. SIDE OR REAR FAÇADES NOT FACING A PUBLIC RIGHT OF WAY MAY BE ARTICULATED AND PROPORTIONED USING ARCHITECTURAL ELEMENTS AND/OR FEATURES, SUCH AS WINDOWS, ENTRANCES, ARCADES, ARBORIS, AWNINGS, OR TRELLIS SCREENS. k. A FAÇADE SHALL HAVE FOUR (4) OR MORE OF THE FOLLOWING: - INTEGRALLY TEXTURED MATERIALS SUCH AS STONE, CMU OR OTHER ARCHITECTURAL MASONRY; - INTEGRALLY COLORED AND PATTERNED MATERIALS SUCH AS SMOOTH-FINISHED TILE OR FAUX STONE; - PLANTERS; - CORNICE TREATMENTS, OTHER THAN JUST COLORED STRIPES OR BANDS, WHICH MAY INCLUDE INTEGRALLY TEXTURED MATERIALS SUCH AS STONE, MASONRY, OR OTHER TEXTURED MATERIALS; - SLOPING ROOFS WITH OVERHANGS OR STEPPED PARAPETS; - FLASHING SHALL BE PERMITTED IN ADDITION TO CORNICE TREATMENTS. MINOR VEHICLE REPAIR, SERVICING AND MAINTENANCE THE PERFORMANCE STANDARDS DESCRIBED BELOW SHALL APPLY TO ANY MINOR VEHICLE REPAIR, SERVICING AND MAINTENANCE USE PROPOSED IN PEAKVIEW: a. GATEWAYS: GATES, NOT BE ORIENTED TOWARD N. GARFIELD AVE., AND SHIELDED FROM ADJACENT RESIDENTIAL PROPERTIES THROUGH BUILDING PLACEMENT. b. A NOISE STUDY WILL BE REQUIRED AT THE PDP/OP STAGE TO DEMONSTRATE COMPLIANCE WITH CITY OF LOVELAND NOISE LIMITS AT ADJACENT RESIDENTIAL PROPERTY LINES. c. ALL EXTERIOR BUILDING MATERIALS SHALL BE OF A HIGH QUALITY, COMPOSITE METAL PANELS SHALL BE PERMITTED AS EXTERIOR BUILDING MATERIALS. d. ALL BUILDING DESIGNS SHALL PROVIDE ARCHITECTURAL FEATURES ON ALL FAÇADES VISIBLE FROM PUBLIC RIGHTS OF WAY OR ADJACENT DEVELOPMENTS TO INCREASE VISUAL INTEREST AND PROVIDE FOR AN ATTRACTIVE DEVELOPMENT. SCREENING AND BUFFERING MAY BE UTILIZED. e. HORIZONTAL MASSES, VISIBLE FROM PUBLIC RIGHTS OF WAY, SHALL NOT EXCEED 30 FEET WITHOUT (1) VARIATION IN MASSING INCLUDING CHANGE IN HEIGHT AND PROJECTING/RECESSED ELEMENTS; OR (2) ARCHITECTURAL ELEMENTS TO PROVIDE VISUAL INTEREST AND BREAK UP LARGE BUILDING MASSES. f. THE ARCHITECTURAL DESIGN SHALL BE SENSITIVE TO THE CONTEXT OF THE SITE, AND PROVIDE A COMPATIBLE DESIGN. g. MATERIALS FOR FAÇADES SHALL BE VARIED AND PROVIDE INTEREST THROUGH CHANGES IN TEXTURE, MATERIALS, OR AN OBVIOUS CHANGE IN COLOR. h. BUILDING COLORS FOR STRUCTURES SHALL BE LOW-REFLECTIVE, NEUTRAL EARTH TONE COLORS, BRIGHT ACCENT COLORS, INTENDED TO EXPRESS CORPORATE OR BUSINESS LOGOS, SHALL BE USED ONLY ON A LIMITED BASIS AND SHALL NOT BE INTERNALLY ILLUMINATED, EXCEPT FOR ANY PORTIONS THEREOF THAT ARE PERMITTED AS SIGNS, PER THIS FDP. i. FAÇADES ALONG N. GARFIELD AVE. 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WEST 64TH STREET



PEAKVIEW COMMERCIAL PARK PUD.
1st AMENDED PRELIMINARY DEVELOPMENT PLAN
FOR LOT 4, BLOCK 1 OF THE
AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK
1st SUBDIVISION AMENDMENT #1
LES SCHWAB TIRE CENTER
184 West 64th Street

Project No.: LST000022
Sheet Scale: 1"=30'
Designed By: JDT
Drawn By: ROD
Date: NOVEMBER, 2013
Disk File: Lst22_PDP_05_001

UTILITY PLAN

SHEET 5 OF 11

S.5

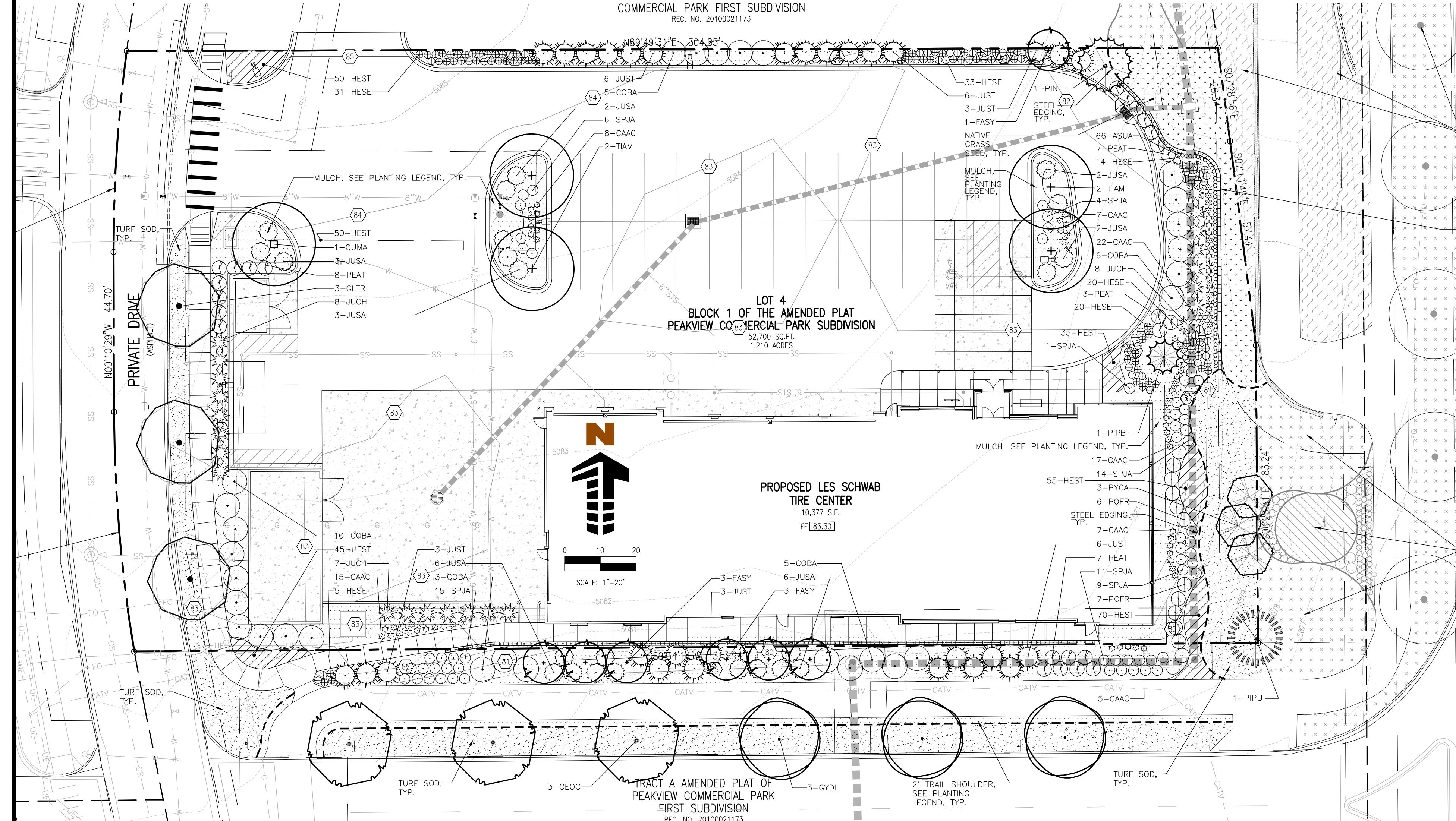
CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987
CALL 2-BUSINESS DAYS IN ADVANCE BEFORE
YOU DIG, GRADE, OR EXCAVATE FOR THE
MARKING OF UNDERGROUND MEMBER UTILITIES

PC ATTACHMENT 6

DES. BY	REVISION
JDT	INITIAL PREPARATION
RDG	COMMENT RESPONSE UPDATE
JDT	COMMENT RESPONSE UPDATE
RDG	03/06/2014
JDT	DATE
RDG	11/25/2013
JDT	01/31/2014
RDG	03/06/2014

Galloway
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Greenwood Village, CO 80111
303.770.0255
www.galloway.us.com

LES SCHWAB
Tires



PLANTING LEGEND

SYMBOL	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	WATER REQ.	HEIGHT	SPREAD	REMARKS
OVERSTORY DECIDUOUS TREES								
GLTR	3	GLEIDES TRIACANTHOS INERMIS 'SHADEMASTER'	SHADEMASTER LOCUST	2.0'-6" CAL B&B	LOW	50'X35'		WELL BRANCHED W/ STRAIGHT TRUNK & CENTRAL LEADER
TIAM	3	TILA AMERICANA 'REDMOND'	REDMOND LINDEN	2.0'-6" CAL B&B	MODERATE	75'X50'		WELL BRANCHED W/ STRAIGHT TRUNK & CENTRAL LEADER
GYDI	3	GYMNOCLADUS DIOICUS 'ESPRESSO'	ESPRESSO KENTUCKY COFFEE TREE	2.0'-6" CAL B&B	LOW	50'X40'		WELL BRANCHED W/ STRAIGHT TRUNK & CENTRAL LEADER
QUMA	1	QUERCUS MACROCOPA	BUR OAK	2.0'-6" CAL B&B	LOW	70'X50'		WELL BRANCHED W/ STRAIGHT TRUNK & CENTRAL LEADER
CEOC	3	CELTIS OCCIDENTALIS	WESTERN HACKBERRY	2.0'-6" CAL B&B	LOW	50'X40'		WELL BRANCHED W/ STRAIGHT TRUNK & CENTRAL LEADER
EVERGREEN TREES								
PIPU	1	PICEA PUNGENS var. GLAUC	COLORADO BLUE SPRUCE	6'-8" HT. B&B	LOW/MODERATE	60'X25'		WELL BRANCHED
PINI	1	PINUS NIGRA	AUSTRIAN PINE	6'-8" HT. B&B	LOW	50'X25'		WELL BRANCHED
PIPB	1	PICEA PUNGENS "BABY BLUE EYES"	BABY BLUE EYES BLUE SPRUCE	6' HT. B&B	LOW/MODERATE	18'X8'		WELL BRANCHED
ORNAMENTAL DECIDUOUS TREES								
FASY	7	FAGUS SYLVATICA "FASTIGIATA"	EUROPEAN BEECH	1.5'-6" CAL B&B	MODERATE	50'X13'		WELL BRANCHED W/ STRAIGHT TRUNK & CENTRAL LEADER
PYCA	3	PYRUS CALLERYANA "AUTUMN BLAZE"	AUTUMN BLAZE PEAR	1.5'-6" CAL B&B	MODERATE	30'X25'		WELL BRANCHED W/ STRAIGHT TRUNK & CENTRAL LEADER
DECIDUOUS SHRUBS								
SPJA	60	SPIRAEA JAPONICA "ANTHONY WATERER"	ANTHONY WATERER SPIRAEA	5 GALLON	LOW/MODERATE	3'X3'		2'-18" HT. CONT. FULL & WELL BRANCHED
PEAT	25	PEROVSKIA ATRIPLICIFOLIA	RUSSIAN SAGE	5 GALLON	LOW	4'X4'		12"-18" HT. CONT. FULL & WELL BRANCHED
POFR	13	POTENTILLA FRUTICOSA "GOLD DROP"	GOLD DROP POTENTILLA	5 GALLON	LOW/MODERATE	3'X4'		12"-18" HT. CONT. FULL & WELL BRANCHED
COBA	29	CORNUS BAILEYI	REDTWIG DOGWOOD	5 GALLON	LOW/MODERATE	15'X8'		18"-21" HT. CONT. FULL & WELL BRANCHED
127								
EVERGREEN SHRUBS								
JUCH	23	JUNIPERUS CHINENSIS "ARMSTRONG"	ARMSTRONG JUNIPER	5 GALLON	XERISCAPE	4'X4'		CONT. FULL & WELL BRANCHED
JUSA	24	JUNIPERUS SABINA "BUFFALO"	BUFFALO JUNIPER	5 GALLON	XERISCAPE	1'X6'		WELL BRANCHED
JUST	29	JUNIPERUS SABINA "TAMARISCIFOLIA"	TAMMY JUNIPER	5 GALLON	XERISCAPE	3'X5'		CONT. FULL & WELL BRANCHED
76								
ORNAMENTAL GRASSES								
CAAC	81	CALAMAGROSTIS X ACUTIFLORA "KARL FOERSTER"	KARL FOERSTER FEATHER REED GRASS	1 GALLON	LOW	4'X2'		12" HT. FULL, WELL ROOTED
HESE	123	HELICOTRITON SEMPERVIRENS	BLUE OAT GRASS	1 GALLON	LOW	2.5'X3'		8" HT. FULL, WELL ROOTED
ASUA	66	AURINA SAXATILIS	BASKET-OF-GOLD	1 GALLON	LOW	0.75'X1'		FULL & WELL ROOTED, PLANT @ 12" D.C. OR RECOMMENDED SPACING
HEST	255	HEMEROCALLIS STELLA-D'ORO (NOTE: ANNUAL FLOWERS MAY BE SUBSTITUTED PER PROJECT OWNER, TYP.)	STELLA D'ORO DAISY	2-1/4" POTS	LOW	2'X1'		FULL & WELL ROOTED, PLANT @ 12" D.C. OR RECOMMENDED SPACING
459								
SEED AND MULCH								
17.85 SF OUTSIDE LOT 2,561 SF	RFT WATER SAVER TALL FESCUE SOD, SEE PLANTING NOTES, THIS SHEET	FESCUE SOD	SOD	MODERATE	---	---	---	TOLERATES FULL SUN TO MODERATE SHADE
1,134 SF	NON-IRRIGATED NATIVE GRASS SEED MIX, SEE SPEC NOTES	NATIVE GRASS SEED	SEED	LOW	---	---	---	DROUGHT TOLERANT, LOW MAINTENANCE
6,314 SF OUTSIDE LOT 3,027 SF	4" GORILLA HUT SHREDDED BARK MULCH, 4" MIN. ROCK MULCH SHOULD NOT BE PLACED ALONG THE RECREATION TRAIL	PLANT BEDS	MULCH	XERISCAPE	---	---	---	
425 LF	STEEL EDDING: SEE LANDSCAPE NOTES	PLANT BED EDGING	STEEL EDDING	---	---	---	---	

PLANTING NOTES

GENERAL

1. CALL UNCT AT (303) 232-1991 PRIOR TO ANY EXCAVATION.
2. ALL WORK SHALL CONFORM TO ALL APPLICABLE STATE AND LOCAL CODES, STANDARDS, AND SPECIFICATIONS.
3. LANDSCAPE DESIGN IS DIAGRAMMATIC IN NATURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR HIS OWN TAKEOFFS AND QUANTITY CALCULATIONS. IN THE EVENT OF A CONFLICT, THE CONTRACTOR'S QUANTITY SHALL BE ACCEPTED. THE PLANT QUANTITY AS SHOWN ON THE PLAN SHALL TAKE PREDENCE AND NOTIFY THE LANDSCAPE ARCHITECT OF THESE DISCREPANCIES. MINOR ADJUSTMENTS MAY BE MADE BY THE CONTRACTOR. PLANTS WHICH MAY BE PROPOSED FOR CITY CONSIDERATION AT THE CONSTRUCTION DOCUMENT STAGE TO BE RESPONDED TO MARKET AND FIELD CONDITIONS. HOWEVER, THERE SHALL BE NO REDUCTION IN THE PLANT QUANTITY.

SHALL BE UNSHEARED AND FULL TO THE GROUND; UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR BROKEN. REMOVE ALL DAMAGED LEADERS AFTER PLANTING.

20. PLANTS WITH SPECIFIC COLOR, SIMILAR, AND SHAPES BE OF A TYPICAL SPECIES FOR THE SPECIES. ANY PLANT DEEMED UNACCEPTABLE BY THE LANDSCAPE ARCHITECT SHALL BE IMMEDIATELY REMOVED FROM THE SITE AND SHALL BE REPLACED WITH AN ACCEPTABLE PLANT OF THE SAME TYPE. THE CONTRACTOR'S OWN EXPENSE. ANY PLANTS APPEARING TO BE UNHEALTHY, EVEN IF DETERMINED TO STILL BE ALIVE, SHALL NOT BE ACCEPTED. THE LANDSCAPE ARCHITECT SHALL BE THE SOLE JUDGE AS TO THE ACCEPTABILITY OF PLANT MATERIAL.

21. ALL TREES SHALL BE STAKED AS PER DETAILS. NO 'T-STAKES' SHALL BE USED FOR TREES.

22. ALL PLANT MATERIALS SHALL BE TRUE TO TYPE, SIZE, SPECIES, QUALITY, AND FREE OF INJURY, BROKEN ROOT BALLS, PESTS, AND DISEASES, AS WELL AS CONFORM TO THE MINIMUM REQUIREMENTS DESCRIBED IN THE "AMERICAN STANDARD FOR NURSERY STOCK". FOLLOW GREENCOO RE PLANTING RECOMMENDATIONS FOR ALL OTHER PLANT MATERIALS.

23. ALL TREE AND SHRUB BED LOCATIONS ARE TO BE STAKED OUT ON SITE FOR APPROVAL BY THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.

24. ALL TREES PLANTED ADJACENT TO PUBLIC AND/OR PEDESTRIAN WALKWAYS SHALL BE PRUNED CLEAR OF ALL BRANCHES BETWEEN GROUND AND A HEIGHT OF EIGHT (8) FEET FOR THAT PORTION OF THE PLANT LOCATED OVER THE SIDEWALK AND/OR ROAD.

25. ALL TURF IS RECOMMENDED THROUGH GREENLY TURF COMPANY, 17730 HWY 60, PLATTEVILLE, CO 80851. TURF SHOULD BE PLANTED AND MAINTAINED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS. DO NOT PLANT ON MODERATE HYDROZINE PLANT MATERIAL. INSTALL AND MAINTAIN IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

26. ALL PLANT MATERIAL SHALL NOT BE PLANTED PRIOR TO INSTALLATION OF TOPSOIL.

27. ALL PLANT BEDS SHALL BE CONFINED WITH STEEL EDDING. STEEL EDDING IS REQUIRED FOR CURB AND GUTTER PLANT BEDS. PLANT BEDS SHALL OVERLAP AT JOINTS A MINIMUM OF 6-INCHES, AND SHALL BE FASTENED WITH A MINIMUM OF 4 PINS PER EACH 10 FOOT SECTION. THE TOP OF ALL EDDING SHALL BE PLANTED AND ROLLED TO A 1/2" INCH ABOVE THE FINISHED GROUND. SEE PLANT BEDS FOR DETAILS.

28. THE DEVELOPER, HIS SUCCESSOR, OR ASSIGNEE SHALL BE RESPONSIBLE FOR ESTABLISHING AND CONTINUING A REGULAR PROGRAM OF MAINTENANCE FOR ALL LANDSCAPED AREAS. SEE LANDSCAPE GUARANTEE AND MAINTENANCE NOTE.

29. A 3-FOOT CLEAR SPACE SHALL BE MAINTAINED AROUND THE CIRCUMFERENCE OF ALL FIRE HYDRANTS.

30. LANDSCAPE CONTRACTOR TO SUBMIT SAMPLES OF MISCELLANEOUS LANDSCAPING MATERIALS TO THE LANDSCAPE ARCHITECT AND OWNER'S REPRESENTATIVE FOR APPROVAL PRIOR TO INSTALLATION, I.E., MULCH, EDGING, LANDSCAPE FABRIC, ETC.

MULCHING

31. AFTER PLANTING IS COMPLETE, THE CONTRACTOR SHALL INSTALL A MINIMUM 4" THICK LAYER OF MULCH AS SPECIFIED IN THE PLANTING LEGEND. INSTALL A 4" THICK RING OF DOUBLE SHREDDED CEDAR MULCH AROUND ALL PLANT MATERIALS. DO NOT USE WHERE LANDSCAPING IS SHOWN. THE PLANT BEDS, MULCH, MULCH BEDS, WHERE LANDSCAPING IS SHOWN, THE PLANTS, SHRUBS, PERENNIALS, AND ORNAMENTAL GRASSES. TREE RING SIZE SHALL BE GREEN INDUSTRIES OF COLORADO INDUSTRY STANDARD WIDTH.

32. ALL MULCH SHALL BE HARVESTED IN A SUSTAINABLE MANNER FROM A LOCAL SOURCE.

33. INSTALL DEWITT PRO-5 WEED BARBARI FABRIC UNDER ALL ROCK MULCH BEDS. DEWITT PRO-5 WEED BARBARI FABRIC SHALL NOT BE USED IN WOOD MULCH AREAS. NO PLASTIC WEED BARRIERS SHALL BE SPECIFIED.

34. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED.

35. ALL PLANTING AREAS WITH LESS THAN A 1:1 GRADIENT SHALL RECEIVE A LAYER OF MULCH, TYPE AND DEPTH PER PLANS. SUBMIT 1 CUBIC FOOT SAMPLE TO THE LABORATORY ALONG WITH THE SOIL SAMPLES. THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE POLYMER, FERTILIZER, AND OTHER SOIL AMENDMENTS. PRE-PLANT FERTILIZER MIXES, PRE-PLANT FERTILIZER APPLICATIONS, AND ANY OTHER SOIL RELATED ISSUES. THE REPORT SHALL ALSO PROVIDE A FERTILIZER PROGRAM FOR THE ESTABLISHMENT PERIOD AND FOR LONG-TERM MAINTENANCE.

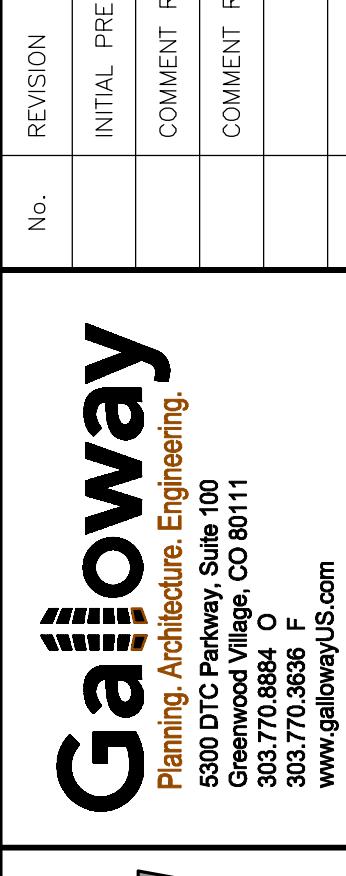
36. ALL PLANTING AREAS ON SLOPES OVER 4:1 SHALL RECEIVE COCONUT FIBER EROSION CONTROL NETTING FROM ROLLS. NETTING SHALL BE #CT-125, AS MANUFACTURED BY NORTH AMERICAN GREEN (OR EQUAL). INSTALL AND STAKE PER MANUFACTURER'S SPECIFICATIONS. SEE ALSO THE CIVIL ENGINEER'S EROSION CONTROL PLAN.

37. THE CONTRACTOR SHALL RECOMMEND INSTALLATION OF SOIL AMENDMENTS AND FERTILIZER PER THE SOIL REPORT FOR THE OWNER/OWNER'S REPRESENTATIVE.

38. AT A MINIMUM, ALL TOPSOIL SHALL BE REQUIRED TO BE AMENDED WITH NITROGEN STABILIZED ORGANIC AMENDMENT COMPOST AT A RATE OF 5.0 CUBIC YARDS PER 1,000 SF. AT RATES OTHER THAN THIS, THE CONTRACTOR SHALL BE MECHANICALLY INTEGRATED INTO THE TOP 6" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSSING THE GROUND COVER. PERENNIAL BEDS SHALL BE AMENDED AT A RATE OF 6 CUBIC YARDS PER 1,000 SF. ADDITIONAL FEET OF NITROGEN STABILIZED ORGANIC AMENDMENT AND 10 LBS. OF 12-12-12 FERTILIZER PER CU. YD. ROTOTILLED TO A DEPTH OF 8". NO MANURE OR ANIMAL-BASED PRODUCTS SHALL BE USED FOR ORGANIC AMENDMENTS.

39. ALL DECIDUOUS TREES SHALL HAVE FULL, WELL-SHAPED HEADS/ALL EVERGREENS

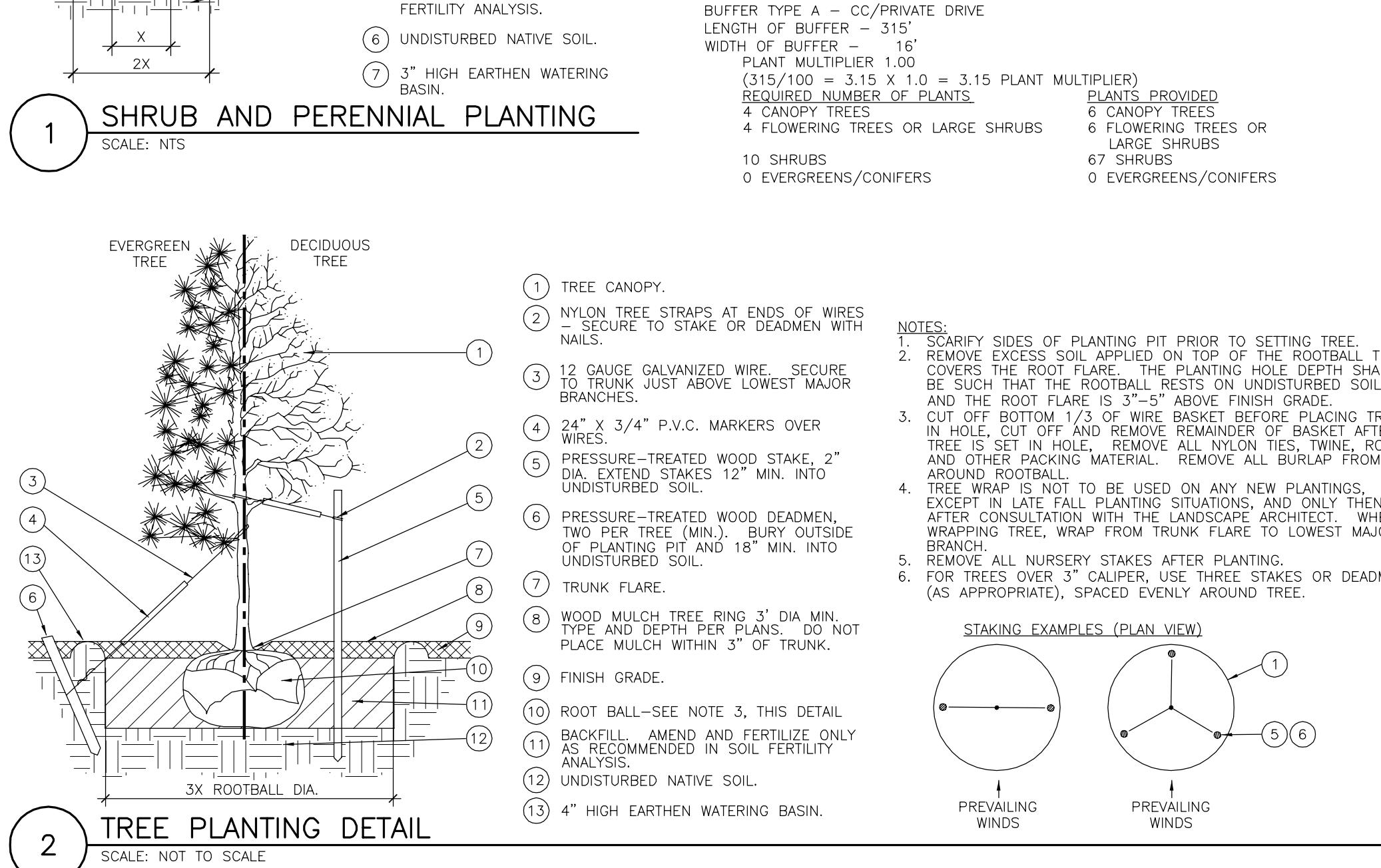
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JDT	11/25/2013	JDT	11/25/2013
JDT	01/31/2014	JDT	01/31/2014
JDT	03/07/2014	JDT	03/07/2014



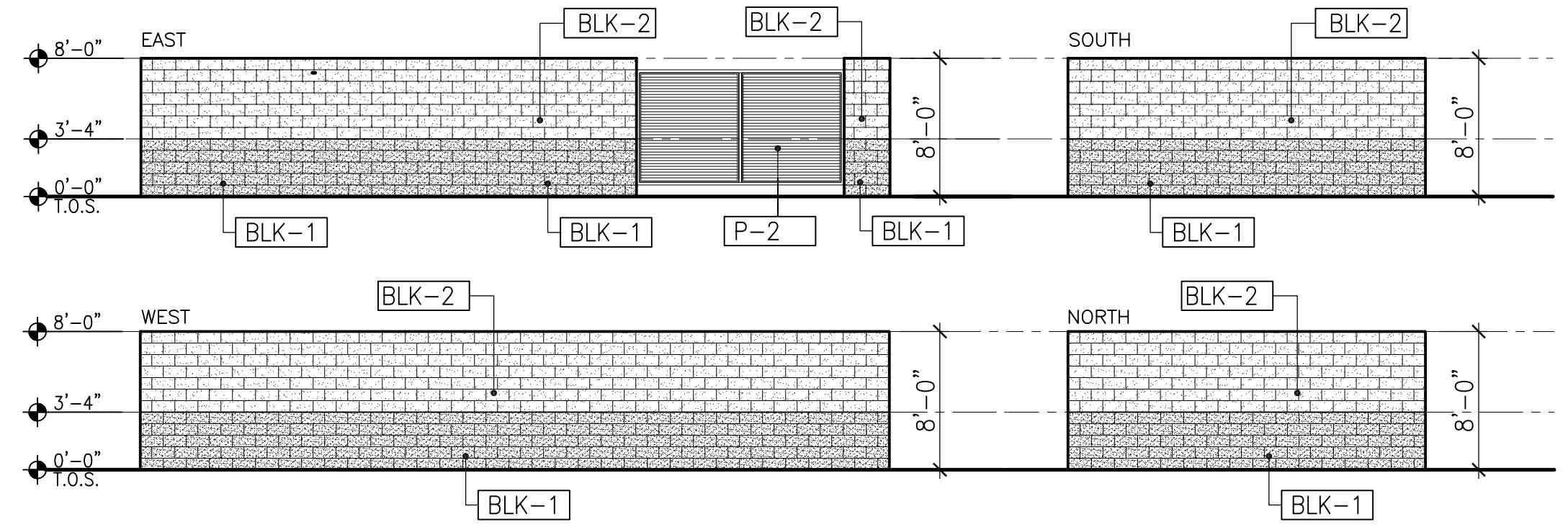
PEAKVIEW COMMERCIAL PARK PUD.
1st AMENDED PRELIMINARY DEVELOPMENT PLAN
FOR LOT 4, BLOCK 1 OF THE
1st SUBDIVISION AMENDMENT
LES SCHWAB TIRE CENTER
184 West 6th Street

CONCEPTUAL LANDSCAPE PLAN
SHEET 6 OF 11

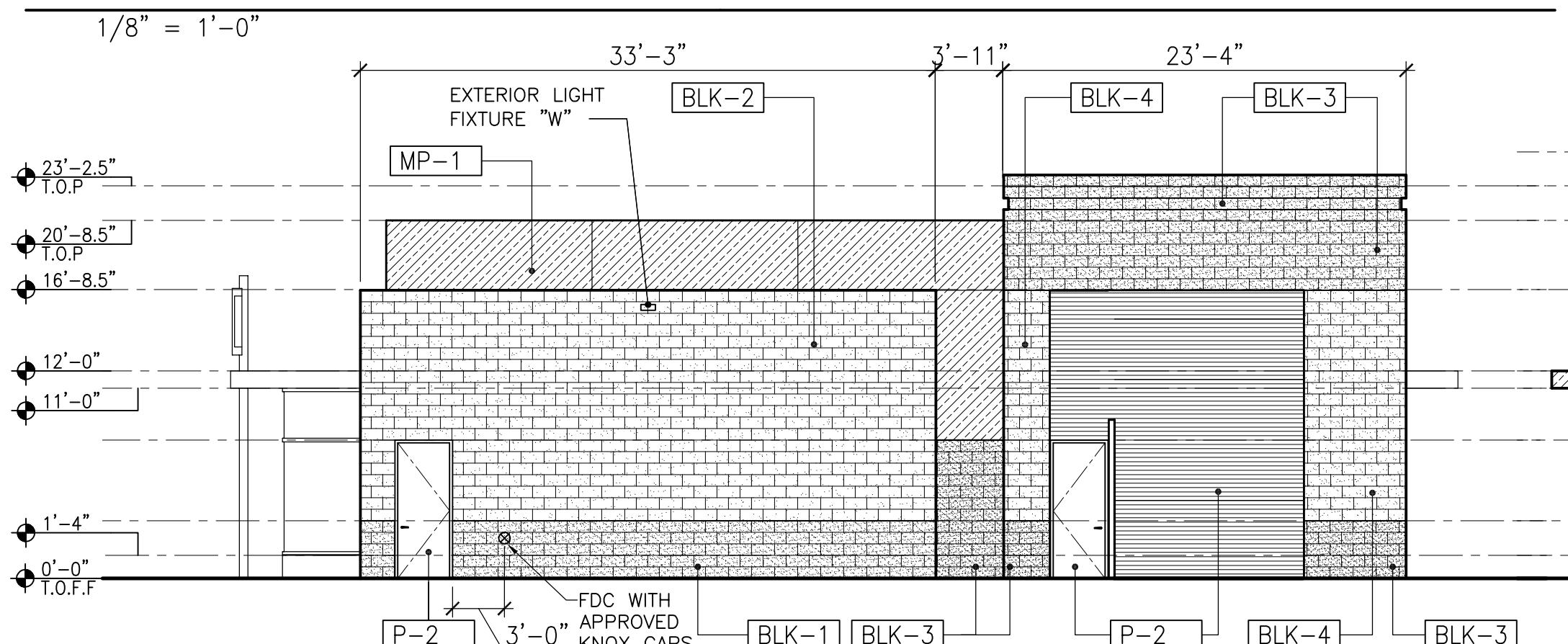
S.6
PC ATTACHMENT 6



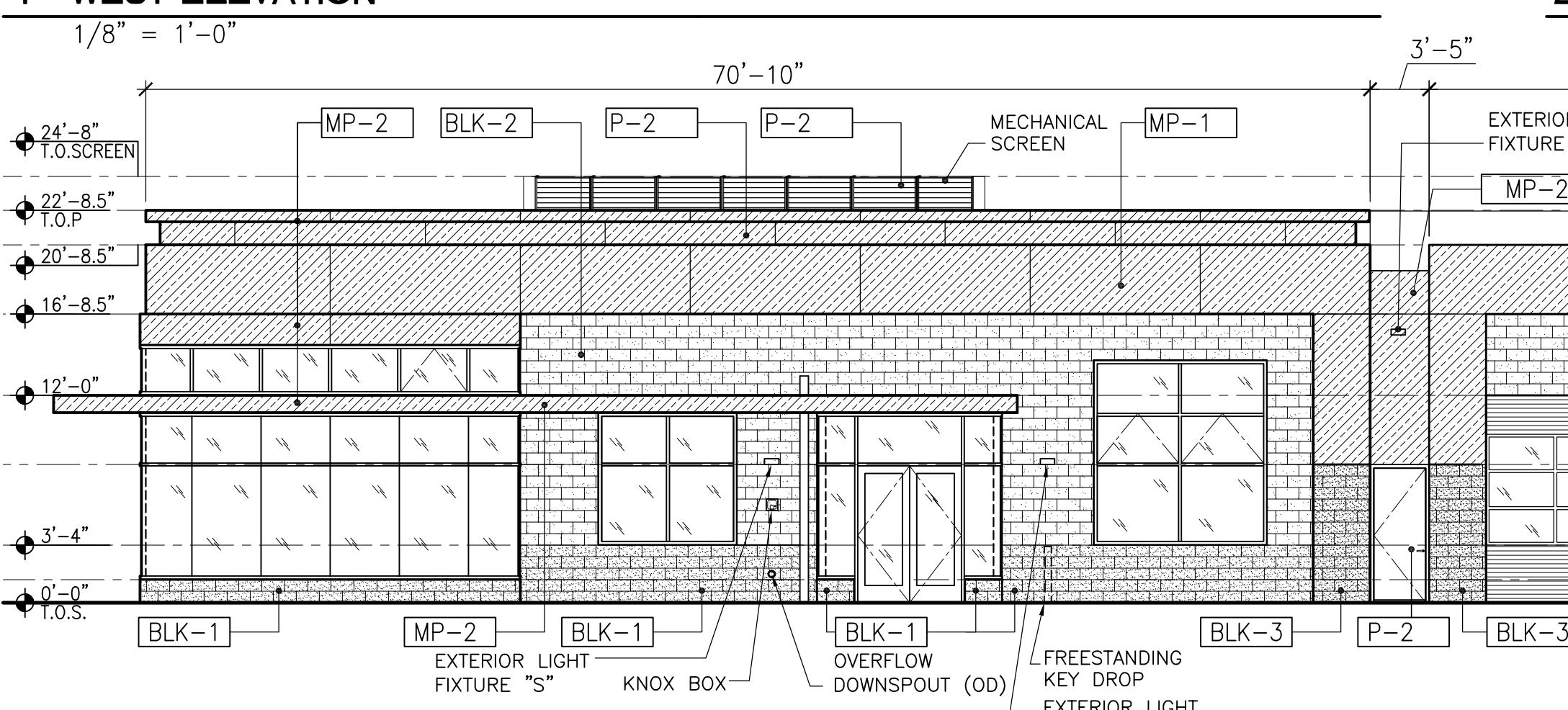
PEAKVIEW COMMERCIAL PARK PRELIMINARY DEVELOPMENT PLAN
FOR LOT 4, BLOCK 1 OF THE
AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK SUBDIVISION
LES SCWAB TIRE CENTER
184 WEST 64th STREET



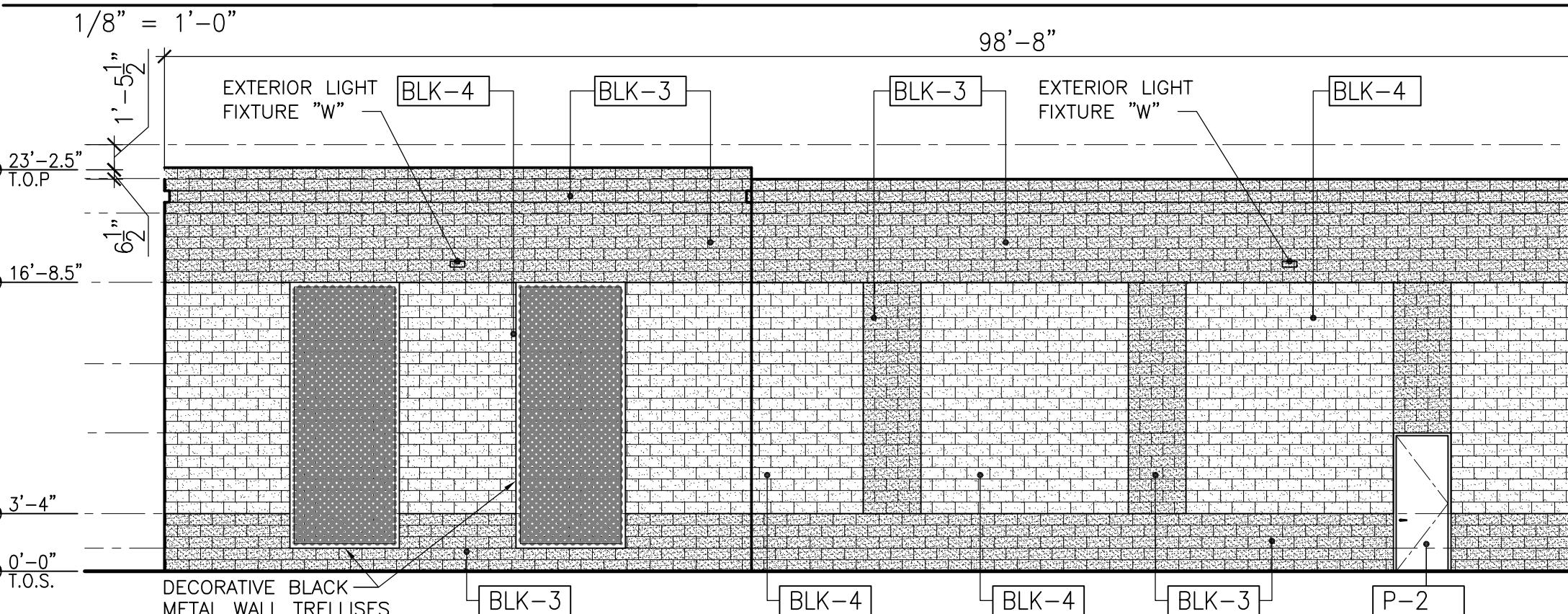
3 RECYCLE ENCLOSURE ELEVATIONS



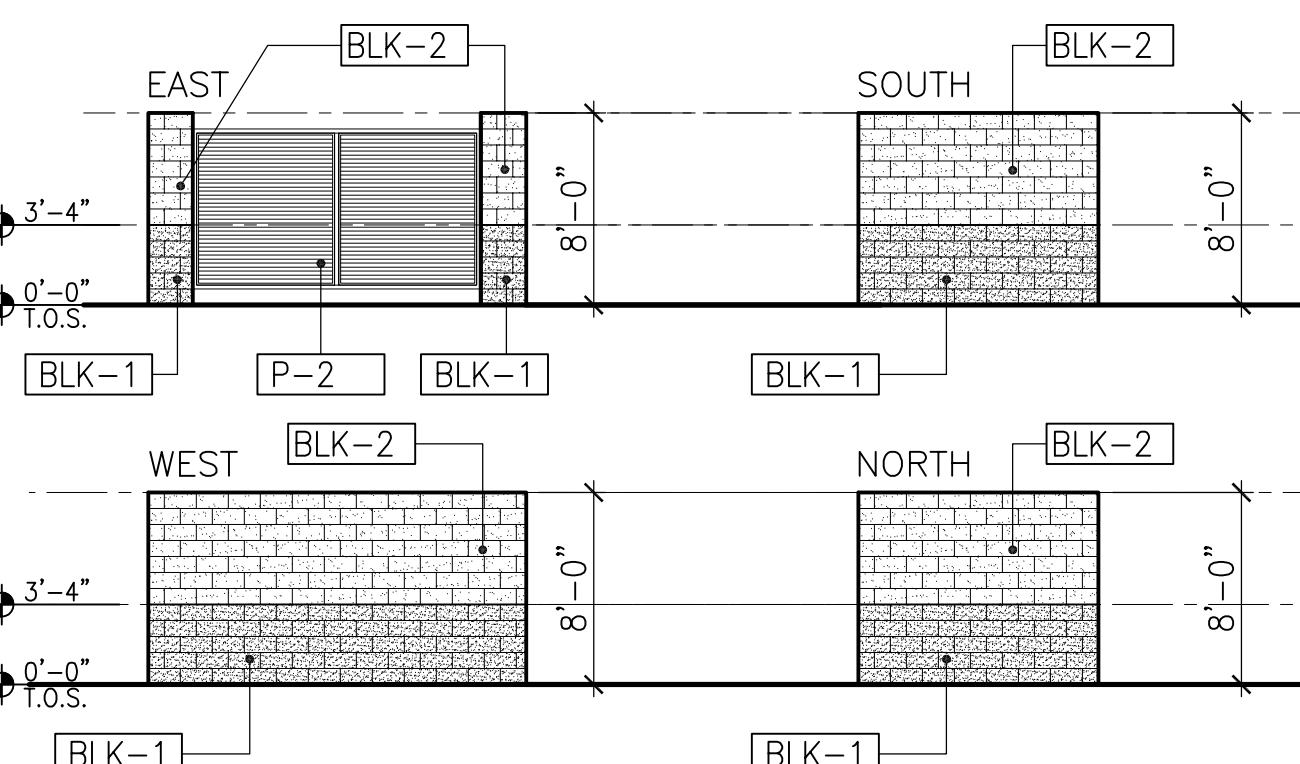
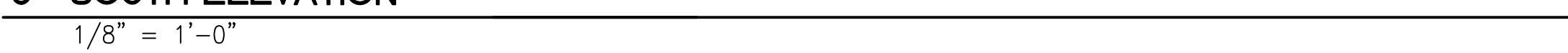
4 WEST ELEVATION



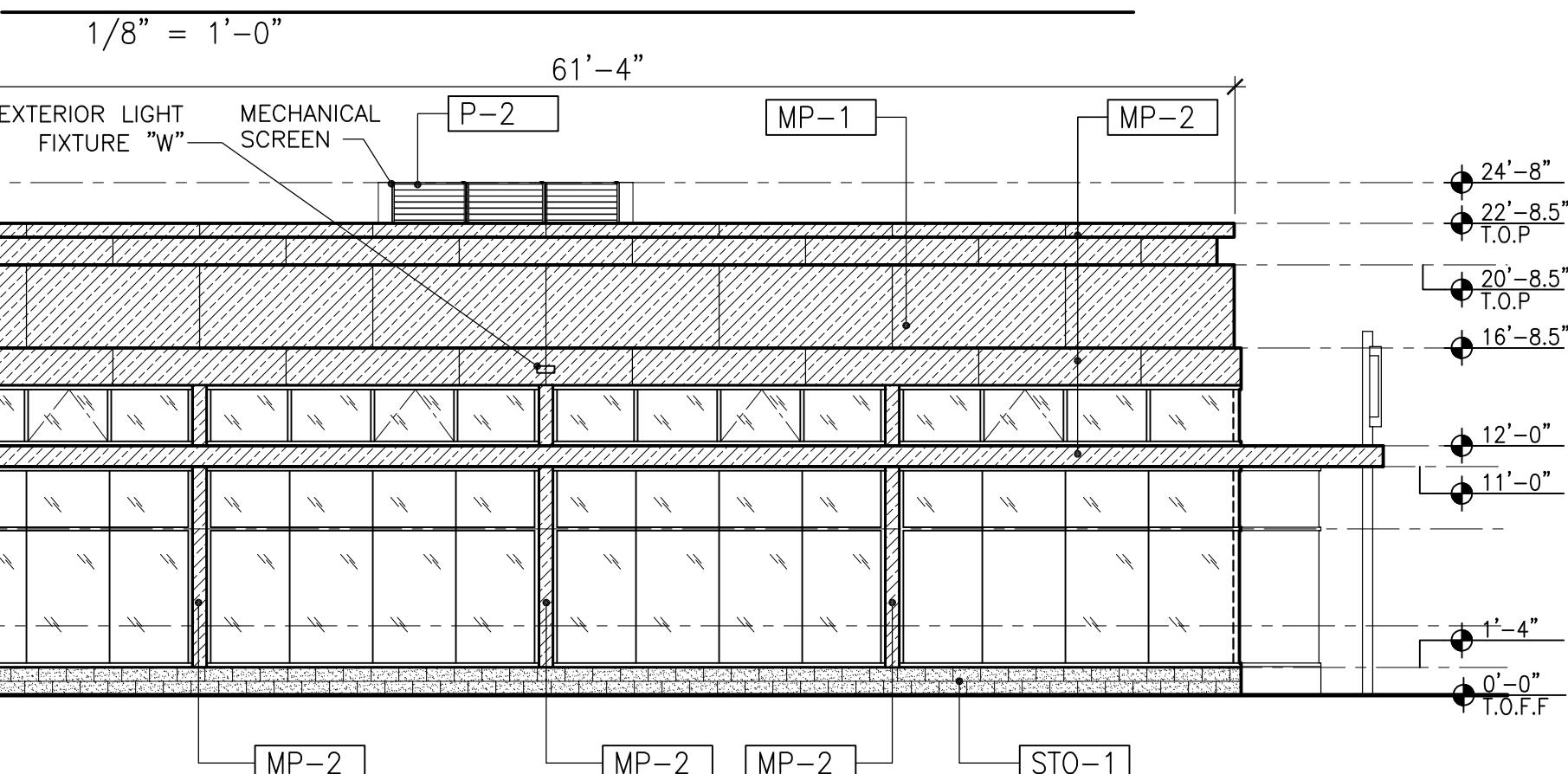
5 NORTH ELEVATION



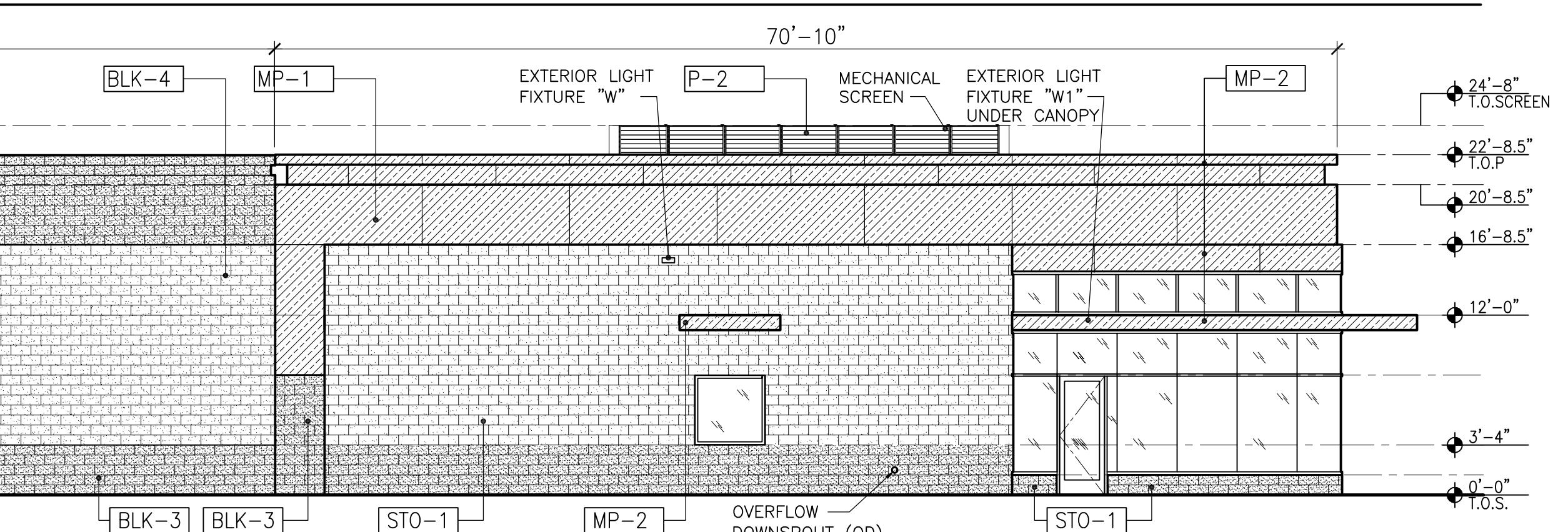
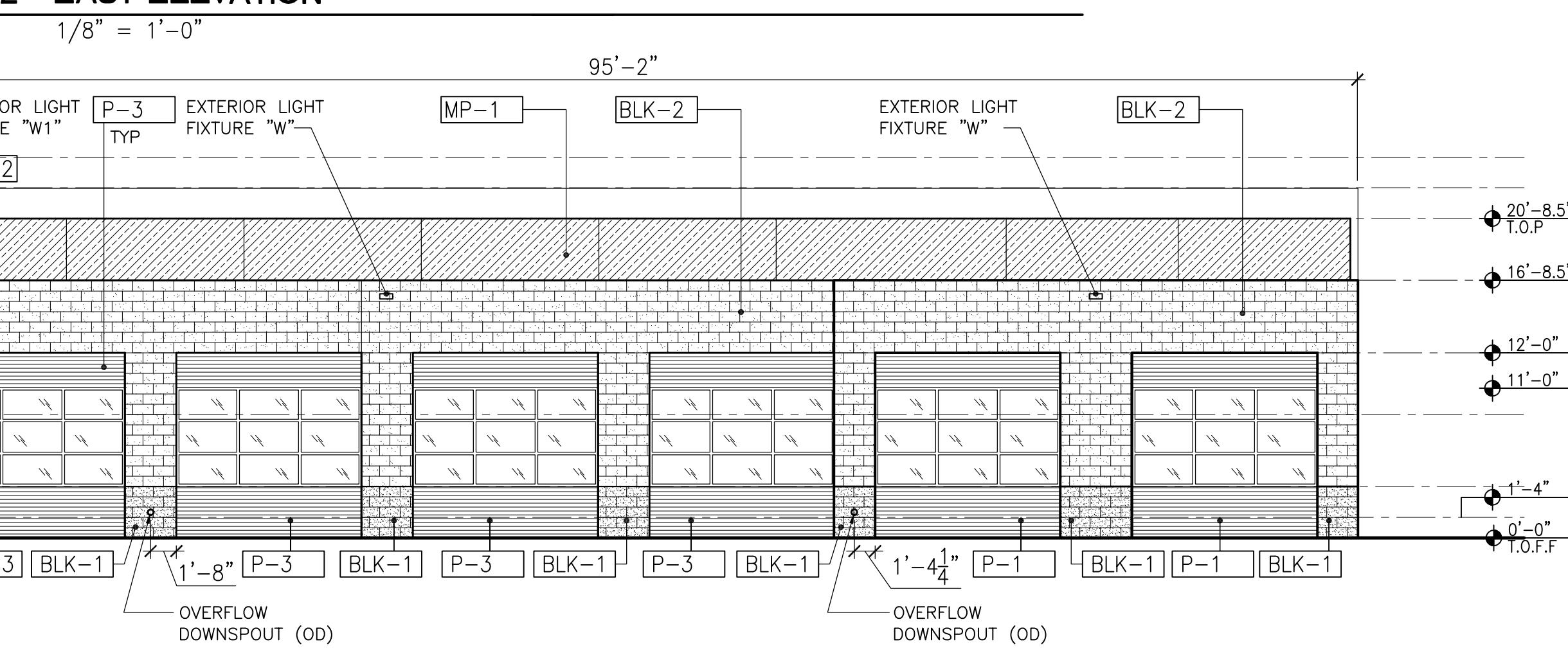
6 SOUTH ELEVATION



1 TRASH ENCLOSURE ELEVATIONS



2 EAST ELEVATION



NOTES

- GLASS - CLEAR INSULATED GLASS
- ALL SIGNAGE TO BE DESIGN BUILD.
- SEE SHEET 12 FOR EXTERIOR LIGHT FIXTURES

MATERIAL LEGEND

No.	Revision	DATE
BLK-1		
BLK-2		
BLK-3		
BLK-4		
MP-1		
MP-2		
P-1		
P-2		
P-3		

• SPLIT FACE PREMIUM CONCRETE BLOCK TYPE-1 (RUTHERFORD)
• POLISHED GROUND FACE PREMIUM CONCRETE BLOCK TYPE-2 (MISSION WHITE)
• GLAZED FACE PREMIUM CONCRETE BLOCK TYPE-3 (MAHOGANY)
• STRUCTURAL BRICK 8"x8"x16" TYPE-4 (TERRA COTTA)
• COMPOSITE METAL PANEL TYPE-1(COLONIAL RED) - CITADEL ARCH. PRODUCT
• COMPOSITE METAL PANEL TYPE-2 (TO MATCH KAWNEER "CLASSIC BRONZE" UC 109850)
• EXTERIOR PAINT TYPE-1 (BENJAMIN MOORE "COTTAGE RED E-22")
• EXTERIOR PAINT TYPE-2 (TO MATCH KAWNEER "CLASSIC BRONZE" UC 109850)
• EXTERIOR PAINT TYPE-3 (BENJAMIN MOORE "SAIL CLOTH E-77")

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Broomfield, Colorado 80020
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www.gallowayus.com

Tires SCHWAB

GBD

PEAKVIEW COMMERCIAL PARK
PRELIMINARY DEVELOPMENT PLAN
Lot 4, Block 1, of the Amended Plat
Peakview Commercial Park Subdivision
LES SCWAB TIRE CENTER
184 West 64th Street

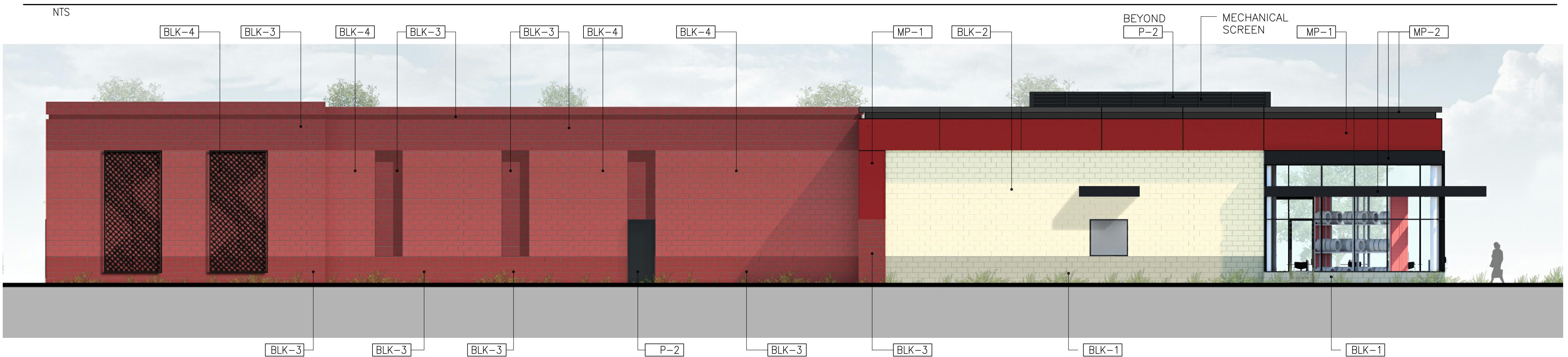
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Drawn By: DAW
Date: NOVEMBER, 2013
Disk File: ARCHITECTURAL ELEVATIONS

A.1

PEAKVIEW COMMERCIAL PARK PRELIMINARY DEVELOPMENT PLAN
FOR LOT 4, BLOCK 1 OF THE
AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK SUBDIVISION
LES SCWAB TIRE CENTER
184 WEST 64th STREET



4 NORTH ELEVATION

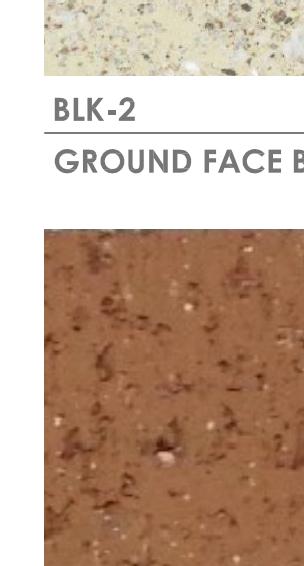
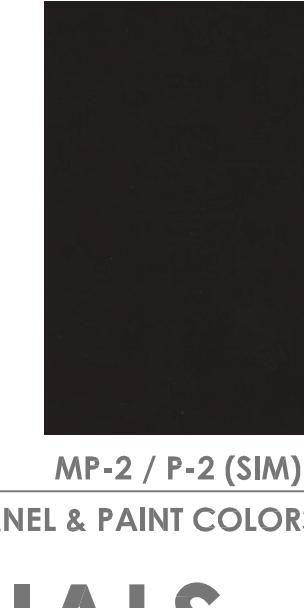


5 SOUTH ELEVATION



6 FAST EVALUATION

3 WEST ELEVATION

No.	REVISION	DES. BY	DRAWN BY	DATE
BLK-1				
SPLIT FACE BLOCK				
				
BLK-2				
GROUND FACE BLOCK				
				
BLK-3				
GLAZED BLOCK				
				
BLK-4				
STRUCTURAL BRICK				
				
MP-1 / P-1 (SIM)				
MP-2 / P-2 (SIM)				
COMPOSITE METAL PANEL & PAINT COLORS				
				
				
MATERIALS				
OTE: SEE PAGE 8 FOR MATERIALS LEGEND & FURTHER INFORMATION				
PEAKVIEW COMMERCIAL PARK PRELIMINARY DEVELOPMENT PLAN Lot 4, Block 1, of the Amended Plat Peakview Commercial Park Subdivision				
G B D				
Tires Les Schwab				
LES SCHWAB TIRE CENTER				
184 West 64th Street				
Project No.: LST000022				
Sheet Scale: NOT TO SCALE				
Designed By: DAN				
Drawn By: DAN				
Date: NOVEMBER 2013				
Disk File:				
COLOR ELEVATIONS (FOR REFERENCE ONLY)				
A.2				

PEAKVIEW COMMERCIAL PARK PRELIMINARY DEVELOPMENT PLAN
 FOR LOT 4, BLOCK 1 OF THE
 AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK SUBDIVISION
 LES SCHWAB TIRE CENTER
 184 WEST 64th STREET



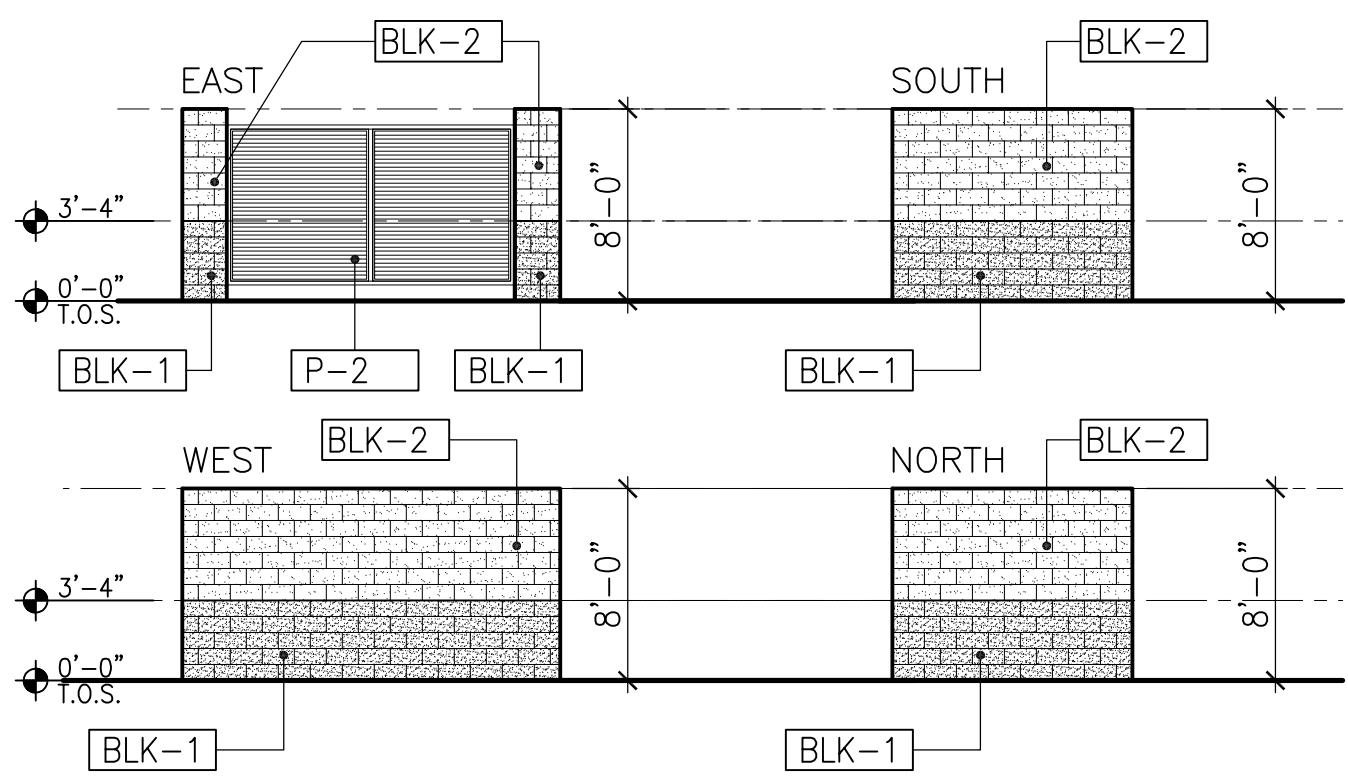
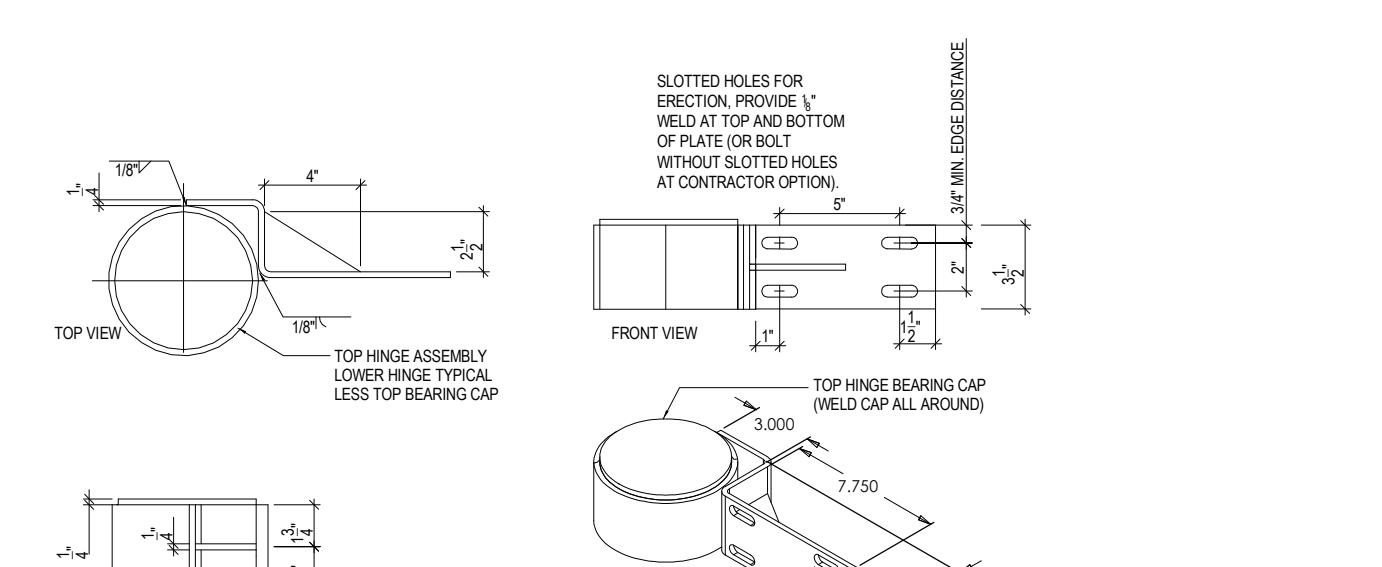
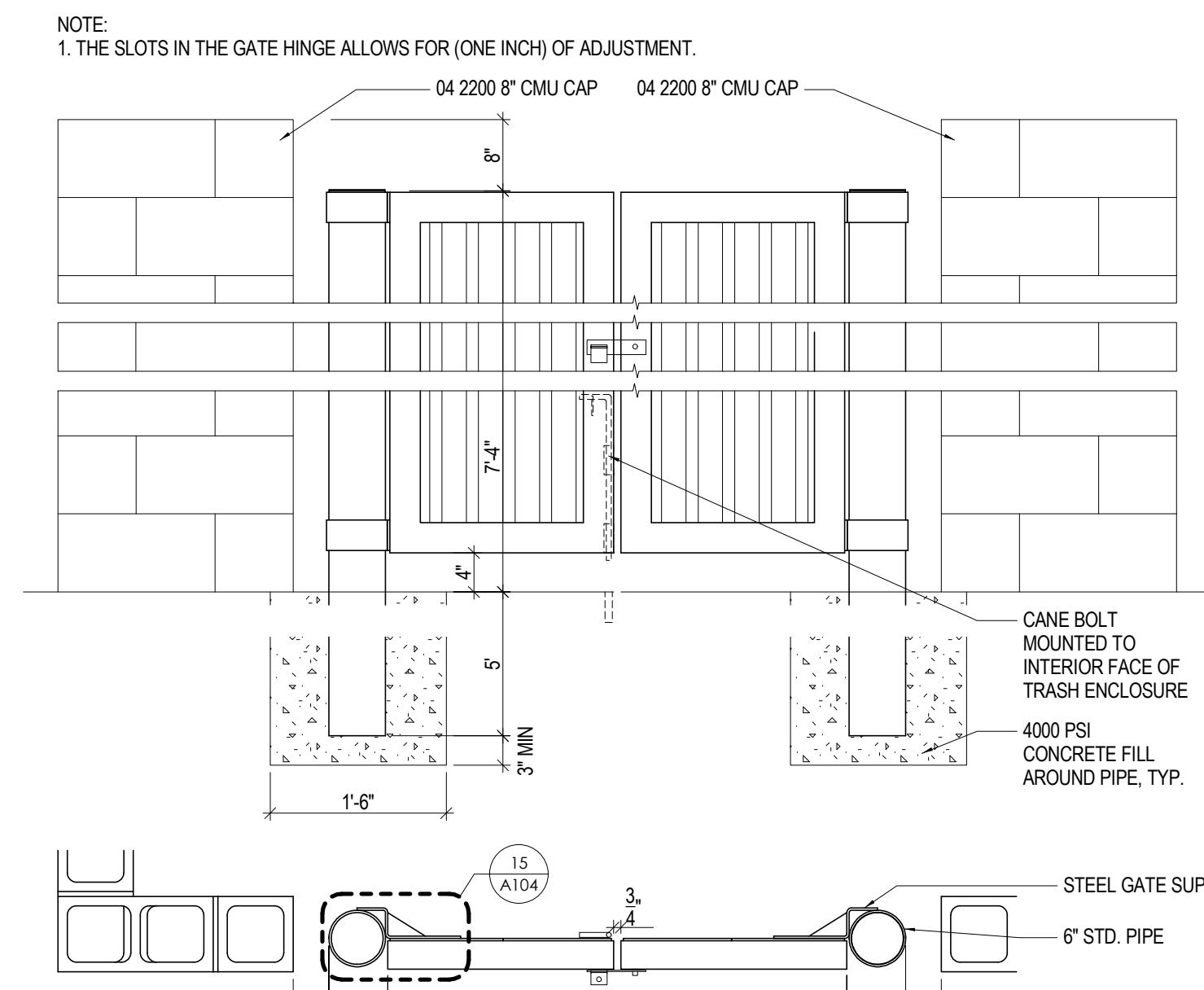
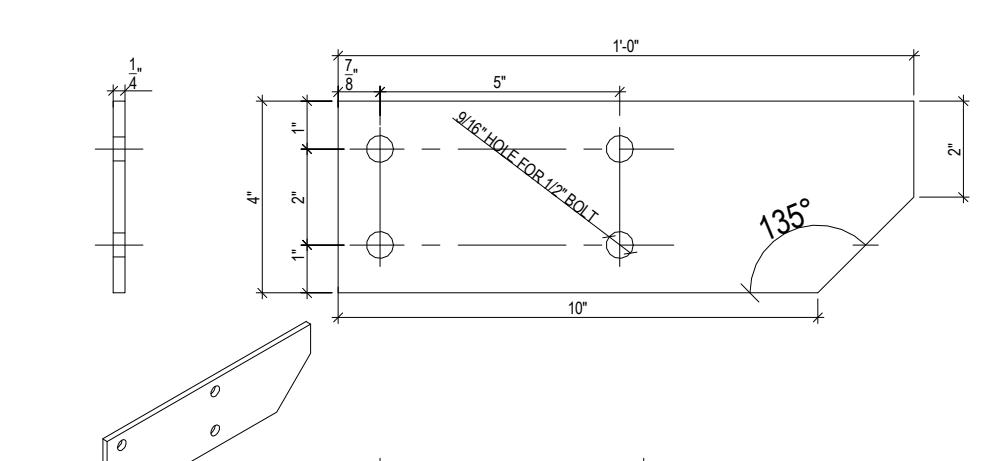
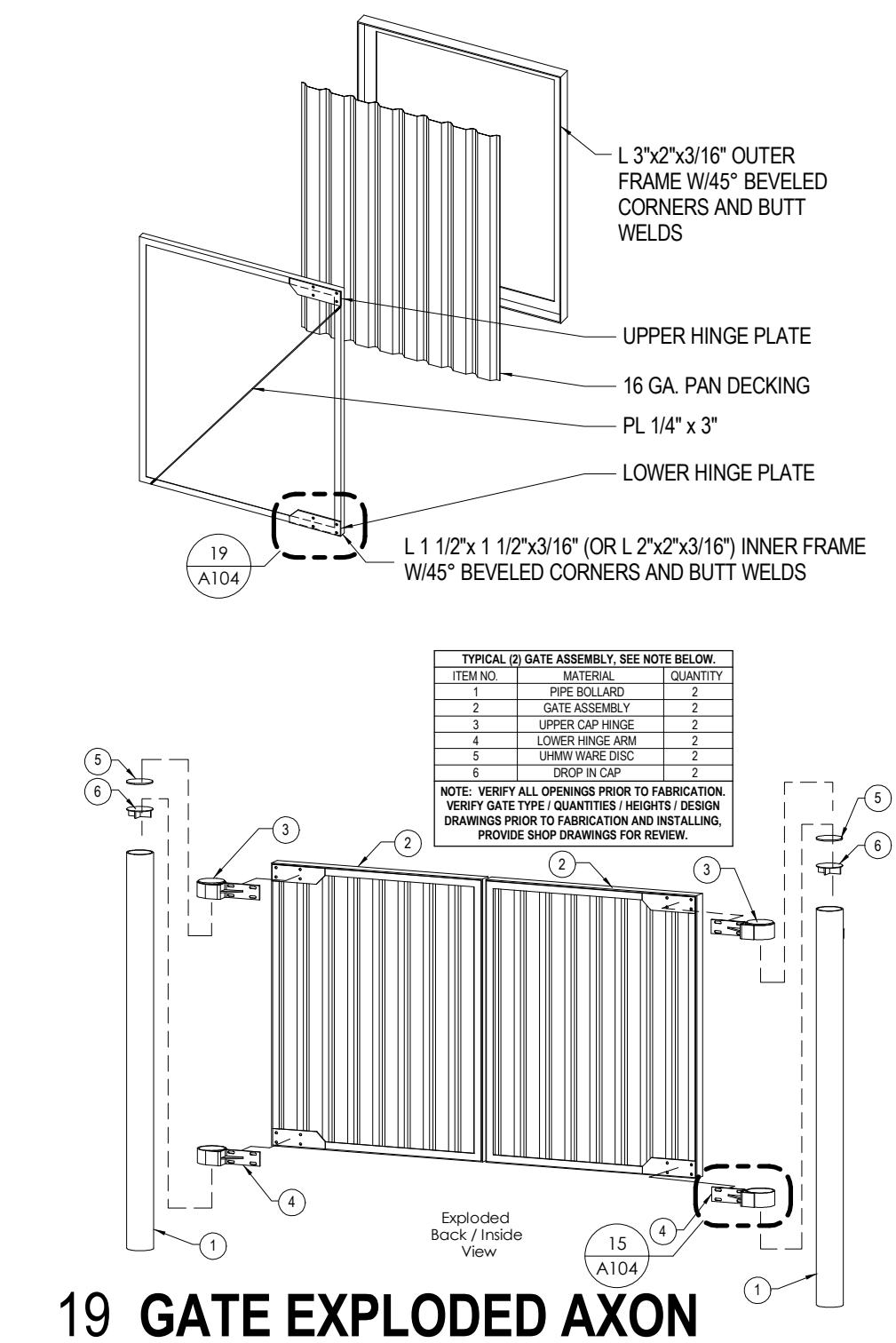
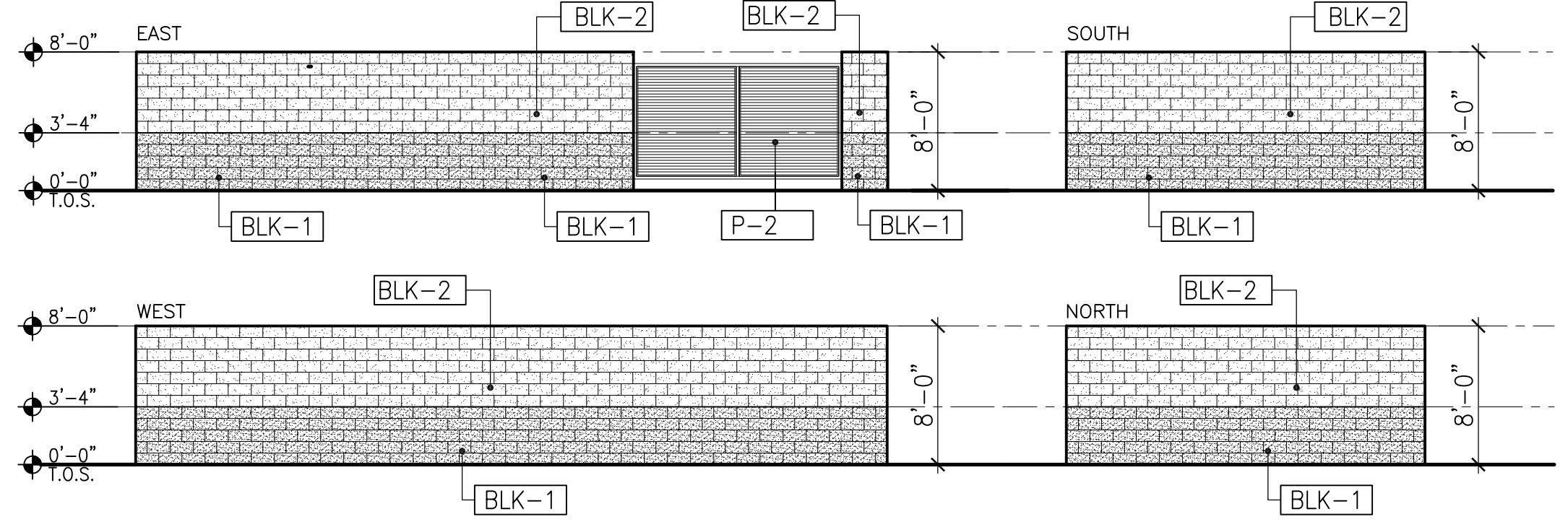
1 NORTHEAST CORNER PERSPECTIVE
 NTS



2 NORTHWEST CORNER PERSPECTIVE
 NTS

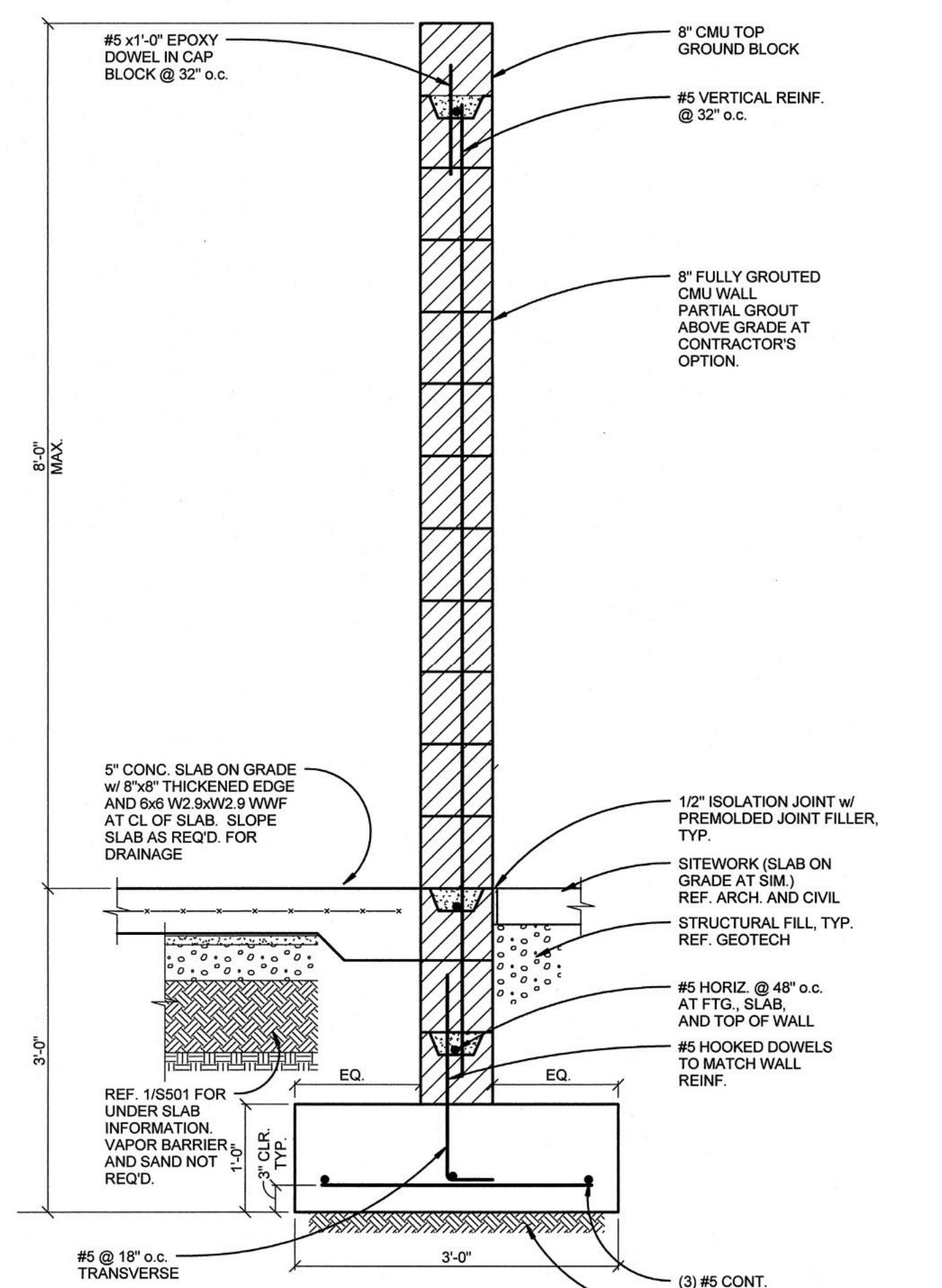
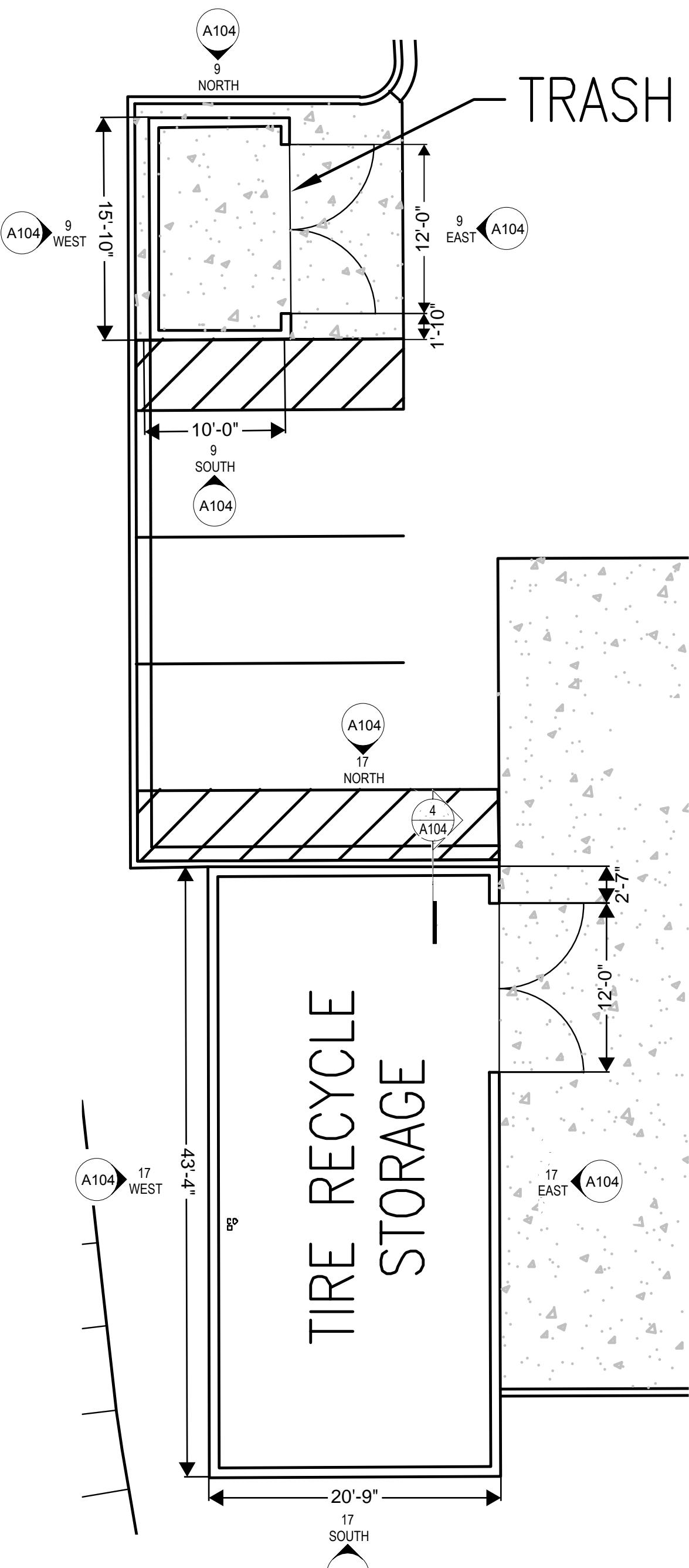
No.	REVISION	DES. BY	DRAWN BY	DATE
G	B	D	Tires LES SCHWAB	Galloway Planning, Architecture, Engineering, 5380 UTC Parkway, Suite 100 Broomfield, Colorado 80011 303.771.3338 E www.gallowayjus.com
PEAKVIEW COMMERCIAL PARK PRELIMINARY DEVELOPMENT PLAN Lot 4, Block 1, of the Amended Plat Peakview Commercial Park Subdivision LES SCHWAB TIRE CENTER 184 West 64th Street	LST000022	AS NOTED	DAN	DAN
Project No:	Sheet Scale:	Designed By:	Drawn By:	Date:
Sheet Scale:	AS NOTED			NOVEMBER, 2013
Designed By:				
Drawn By:				
Date:				
Disk File:				
PERSPECTIVES (FOR REFERENCE ONLY)				

A.3



MATERIAL LEGEND

	DES. BY	DRAWN BY	DATE
BLK-1			
BLK-2			
BLK-3			
BLK-4			
MP-1			
MP-2			
P-1			
P-2			
P-3			



Galloway
Planning, Architecture, Engineering,
5380 UTC Parkway, Suite 100
Broomfield, Colorado 80021
303.771.3636 | E-mail: info@galloway.us.com
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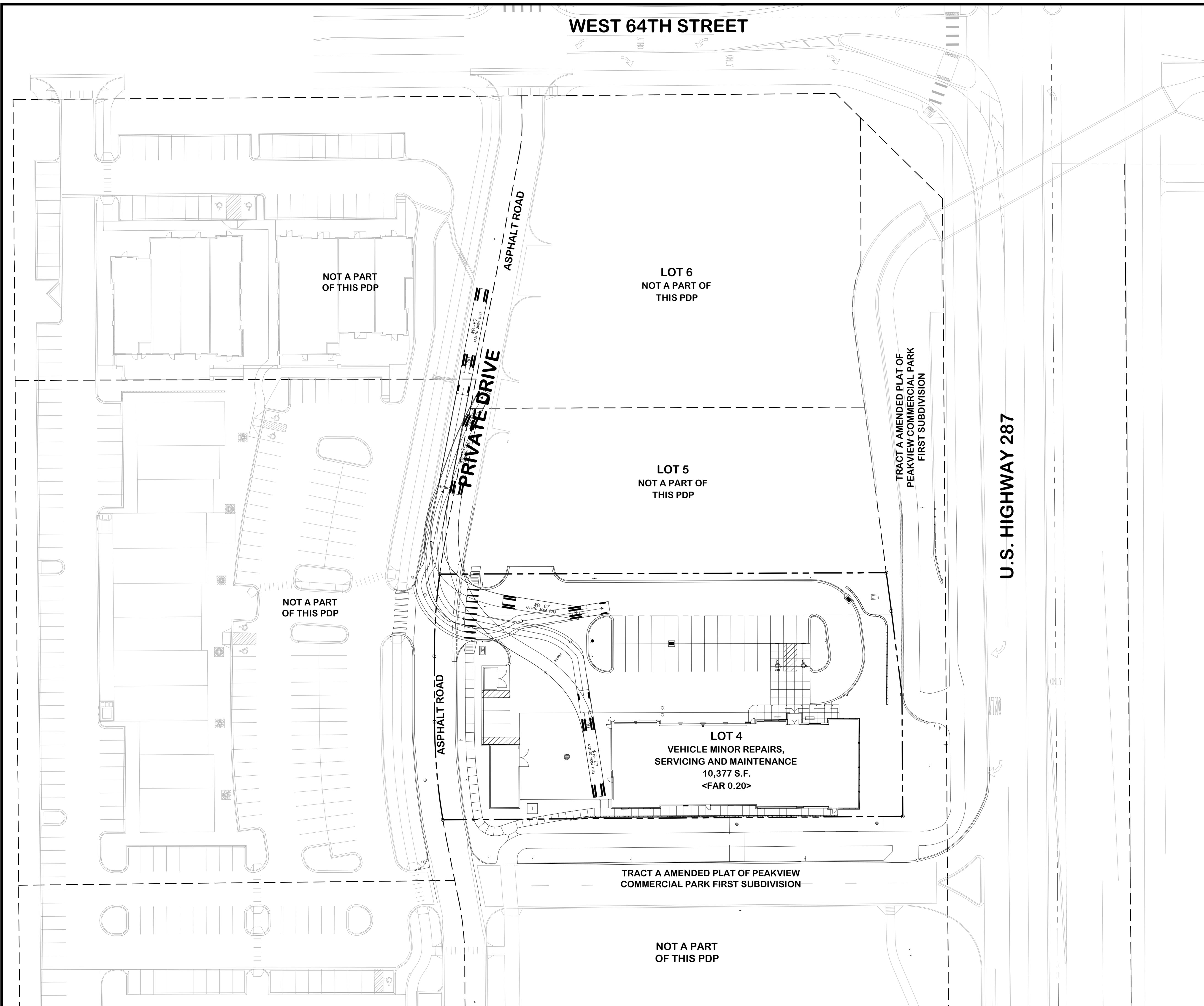
Tires & Schwab

GBD

Project No: LST000022
Sheet Scale: AS NOTED
Designed By: DAW
Drawn By: DAW
Date: NOVEMBER, 2013
Disk File: TRASH / RECYCLE ENCLOSURES

A.4

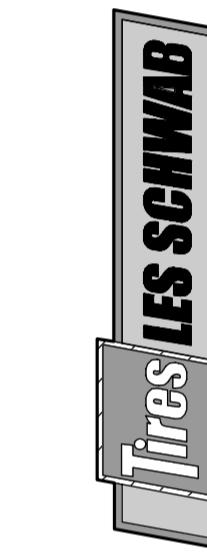
WEST 64TH STREET



DES. DRAWN
 BY BY DATE
 JDT RUG 11/25/2013
 JDT RUG 01/31/2014
 JDT RUG 03/06/2014

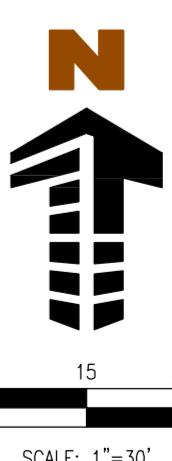
No. REVISION
 INITIAL PREPARATION
 COMMENT RESPONSE UPDATE
 COMMENT RESPONSE UPDATE

Galloway
 Planning, Architecture, Engineering,
 5300 DTC Parkway, Suite 100
 Greenwood Village, CO 80111
 303.703.8844 O
 303.703.8846 F
 www.gallowayus.com
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PEAKVIEW COMMERCIAL PARK PUD.
 1st AMENDED PRELIMINARY DEVELOPMENT PLAN
 FOR LOT 4, BLOCK 1 OF THE
 AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK
 1st SUBDIVISION AMENDMENT #1
 LES SCHWAB TIRE CENTER
 184 West 64th Street

Project No: LST000022
 Sheet Scale: 1"=30'
 Designed By: JDT
 Drawn By: RUG
 Date: NOVEMBER, 2013
 Disk File: Lst22_PDP_11-Trk.Rte



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 YOU DIG, GRADE, OR EXCAVATE FOR THE
 MARKING OF UNDERGROUND MEMBER UTILITIES

SHEET 11 OF 11

TR



November 6, 2013

■
Suite 200
990 South Broadway
Denver, Colorado
80209

Ms. Courtney Colbert
Galloway & Company, Inc.
5300 DTC Parkway
Suite 100
Greenwood Village, CO 80111-3006

Re: Les Schwab, Lot 4 Peakview Commercial Park
Highway 287 and W. 64th Street
Loveland, Colorado
Traffic Compliance Letter

Dear Ms. Colbert:

The purpose of this letter is to provide a trip generation comparison to identify conformance with the original traffic impact study for a proposed Les Schwab Tire Center to be located on Lot 4 within the Peakview Commercial Park in Loveland, Colorado. Les Schwab is proposing an approximate 10,066 square foot tire store, located along Highway 287, south of its intersection with W. 64th Street. The "Peakview Commercial Park (Lots 4, 5, and 6) Revised Traffic Impact Study" that included this outparcel development area was completed in September 2009 by Kimley-Horn and Associates, Inc. The trip generation of the proposed Les Schwab Tire Center will be compared with the trip generation for the use evaluated as part of the original traffic study.

The original traffic impact study assumed development of the three outparcels within this area with a 16-fueling position gas station and two 3,000 square foot fast food restaurants with drive through windows. At the time of the original traffic impact study, the ultimate development of two of the three outparcels (Lots 4 and 5) was unknown. The fast food restaurant use was assumed for these lots to be conservative. The original traffic impact study trip generation rates were based on the previous ITE Trip Generation, 8th Edition, for Fast Food Restaurant with Drive-Through Window (ITE Land Use Code 934), which was the current Trip Generation edition in 2009. Now that the proposed development on Lot 4 is a Les Schwab Tire Center, it is assumed for purposes of this study that use on Lot 4 will be Tire Superstore (ITE Land Use Code 849) based on the ITE Trip Generation, 9th Edition (most current edition).

As previously identified, an approximate 10,066 square foot Les Schwab Tire Center is currently proposed on Lot 4 of the Peakview Commercial Park. The following table summarizes the total trip generation for the current proposed project compared with the total trip generation for the previously approved development within the original traffic impact study to provide a direct comparison. Actual external trip generation is anticipated to be less as an internal sharing of customers and traffic between Walmart, Murphy Oil, and Les Schwab would likely and naturally occur. Trip generation calculations are attached.

■
TEL 303 228 2300

PC ATTACHMENT 7



Trip Generation Comparison
Les Schwab Tire Center - Peakview Commercial Park

Use and Size	Daily Vehicle Trips	Weekday Vehicle Trips					
		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Previous Study 3,000 SF Fast Food Restaurant with Drive Through Window	1,099	61	59	120	43	39	82
Current Proposal 10,066 SF Tire Superstore	206	8	5	13	10	11	21
Net New Trips	-893	-53	-54	-107	-33	-28	-61

As summarized in the table, the currently proposed Les Schwab Tire Center project is anticipated to generate 206 daily weekday trips. Of these, 13 trips are expected to occur during the AM peak hour while 21 trips are expected to occur during the PM peak hour. Based on the previous traffic study assuming development of one of the outparcels with a 3,000 square foot fast food restaurant with drive through, the project is anticipated to generate 893 fewer trips during the average weekday than previously studied. During the weekday morning and afternoon peak hours, 107 and 61 less peak hour trips, respectively, are anticipated than previously studied.

Based on these results, development of a Tire Superstore on Lot 4 will significantly reduce the traffic generated by the Peakview Commercial Park from what was previously studied in the original traffic study. Therefore, the proposed Les Schwab Tire Center is believed to be in traffic compliance with the original "Peakview Commercial Park (Lots 4, 5, and 6) Revised Traffic Impact Study" from September 2009, prepared by Kimley-Horn and Associates, Inc. It is believed that all potential traffic impacts with the proposed project have been previously addressed within the original traffic impact study. Likewise, traffic volumes to be generated by the Les Schwab Tire Center are less than the traffic volumes identified within the CDOT State Highway Access Permit for the access along Highway 287. Based on this, we believe that no further traffic analysis is needed based on this proposal. If you have any questions or require anything further, please feel free to call me at (303) 228-2300.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.


Curtis D. Rowe, P.E., PTOE

Vice President





Project Les Schwab Tire Center
Subject Trip Generation for Tire Superstore
Designed by BCP Date November 06, 2013 Job No. _____
Checked by CDR Date November 06, 2013 Sheet No. 1 of 1

TRIP GENERATION MANUAL TECHNIQUES

ITE Trip Generation Manual 9th Edition, Average Rate Equations

Land Use Code - Tire Superstore (849)

Independant Variable - 1000 Square Feet Gross Floor Area (X)

Gross Floor Area = **10,066** Square Feet

X = 10.066

T = Average Vehicle Trip Ends

Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 a.m. (Page 1637)

T = 1.34 (X)	10.066	Directional Distribution: 65% ent. 35% exit.
T = 1.34 *		T = 13 Average Vehicle Trip Ends
		8 entering 5 exiting
		8 (*) · 5 = 13

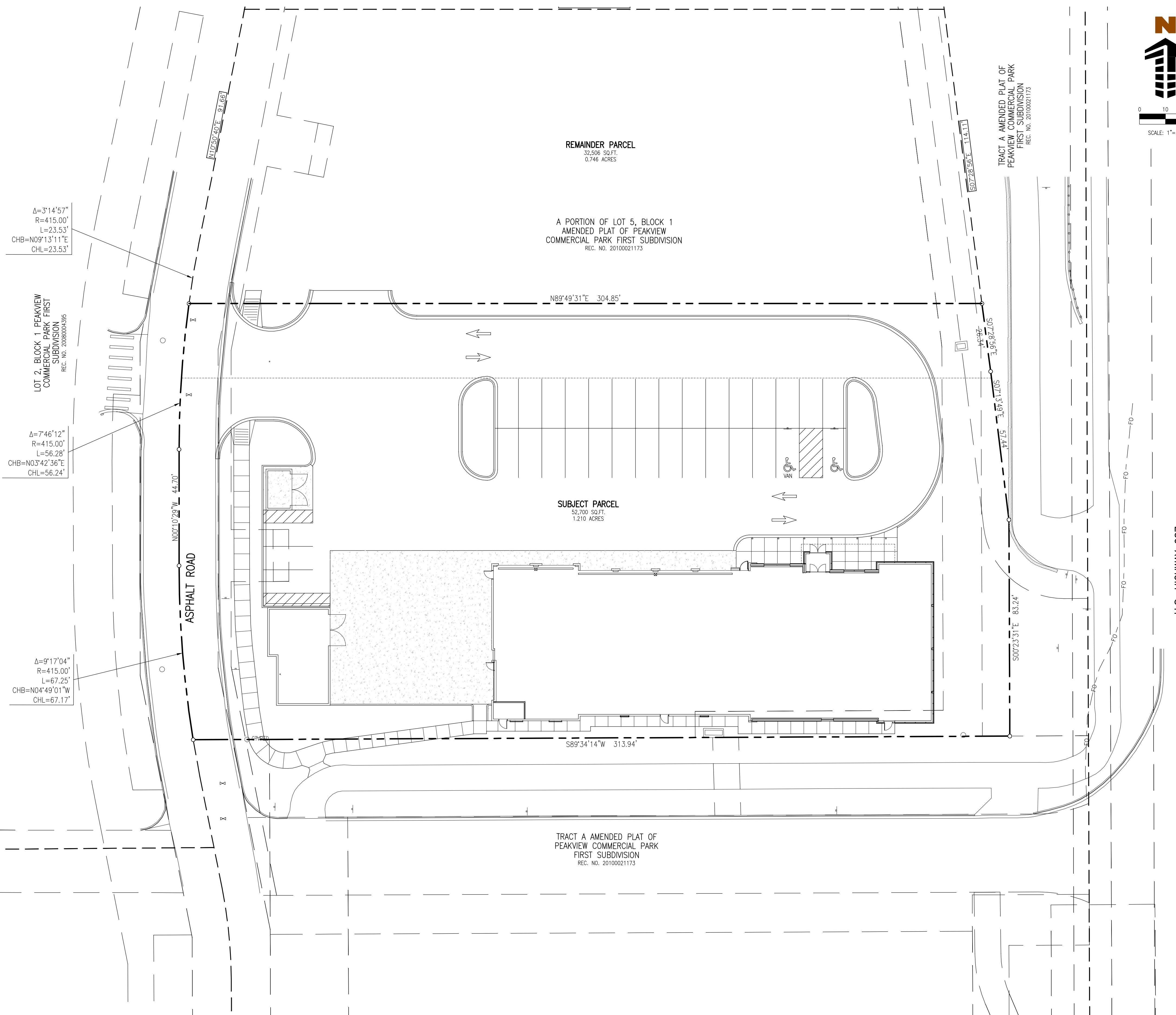
Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 p.m. (page 1638)

T = 2.11 (X)	10.066	Directional Distribution: 47% ent. 53% exit.
T = 2.11 *		T = 21 Average Vehicle Trip Ends
		10 entering 11 exiting
		10 + 11 = 21

Weekday (page 1636)

Average Weekday		Directional Distribution: 50% entering, 50% exiting
T = 20.36 (X)		T = 206 Average Vehicle Trip Ends
T = 20.36*	10.066	103 entering 103 exiting
		103 + 103 = 206

MAJOR MODIFICATION TO SPECIAL REVIEW
#311/SITE DEVELOPMENT PLAN
LES SCHWAB TIRE CENTER
U.S. HGWY 287 AND W. 64th ST., LOVELAND, COLORADO



SITE LEGEND	
	PROPERTY BOUNDARY LINE
	ADJACENT PROPERTY BOUNDARY LINE
	SECTION LINE
	CENTER LINE
	EASEMENT BOUNDARY LINE
	EXISTING TO REMAIN
	EXISTING RETAINING WALL
	EXISTING TO BE REMOVED
	PROPOSED NEW
	TRAFFIC DIRECTION
	PARKING COUNT
	SITE LIGHTING
	PROPOSED FIRE HYDRANT
	EXISTING MANHOLE COVER
	PROPOSED MANHOLE COVER
	EXISTING CABLE PEDESTAL
	EXISTING INLET
	PROPOSED INLET

SCHEDULE:

(1) -

Galloway
Planning, Architecture, Engineering,
Greenwood Village, CO 80111
303.777.5555
www.galloway.us.com



**PEAKVIEW COMMERCIAL PARK
FIRST SUBDIVISION**
U.S. HGWY 287 AND W. 64th ST.
LOVELAND, COLORADO

U.S. HGWY 287 AND W. 64th ST.

LOVELAND, COLORADO

BENCHMARK

NGS/City of Loveland H-409 Elevation: 5055.69 (Datum=NGVD1929).

BASIS OF BEARINGS

ASSUMING THE SOUTH LINE OF LOT 4, AMENDED PLAT OF PEAKVIEW COMMERCIAL PARK FIRST SUBDIVISION, BEING MONUMENTALIZED BY A #4 REBAR WITH A RED PLASTIC CAP STAMPED "KSI 38106" ON THE EAST END AND BY A #4 REBAR WITH A BROKEN RED PLASTIC CAP ON THE WEST END, AS BEARING SOUTH 89°34'14" WEST, BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/2007, A DISTANCE OF 313.94 FEET, WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

THE LINEAL DIMENSIONS AS CONTAINED HEREIN ARE BASED UPON THE "U.S. SURVEY FOOT."

LEGAL DESCRIPTION

LOT 4 AND THE SOUTH TWENTY-EIGHT AND SIXTY-EIGHT HUNDREDTHS (28.68) FEET OF LOT 5, BLOCK 1, AMENDED PLAT OF PEAKVIEW COMMERCIAL PARK FIRST SUBDIVISION, RECORDED APRIL 16, 2010 AS RECEPTION NO. 20100021173 OF THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER, LOCATED IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION TWENTY-SIX (26), TOWNSHIP SIX NORTH (T.6N.), RANGE SIXTY-NINE WEST (R.69W.) OF THE SIXTH PRINCIPAL MERIDIAN (6TH P.M.), CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.

SAID PARCEL CONTAINS 52,700 SQUARE FEET OR 1.210 ACRES, MORE OR LESS.

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MARKINGS OF UNDERGROUND MEMBER UTILITIES

Project No.: LST000022

Sheet Scale: 1"=20'

Designed By: JDT

Drawn By: ROD

Date: SEPTEMBER 2013

Disk File: Lst22_P_03-Site

SITE PLAN