AGENDA

LOVELAND CITY COUNCIL MEETING
LOVELAND GENERAL IMPROVEMENT DISTRICT #1 BOARD OF DIRECTORS
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
TUESDAY, APRIL 15, 2014
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

The City of Loveland is committed to providing an equal opportunity for citizens and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act. For more information, please contact the City's ADA Coordinator at bettie.greenberg@cityofloveland.org or 970-962-3319.

5:30 P.M. **DINNER - City Manager's Conference Room**
6:30 P.M. **REGULAR MEETING - City Council Chambers**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PROCLAMATION DECLARING APRIL 13-19, 2014 AS NATIONAL LIBRARY WEEK (Liz Lucke, Dawn Miller, Dr. Robert Eatman)

PROCLAMATION DECLARING APRIL 19, 2014 AS THE DAY OF THE ANNUAL SPRING WATERWAY CLEAN-UP EVENT ALONG THE BIG THOMPSON RIVER (Joe Chaplin)

PRESENTATION OF 2013 FINANCE AWARD: CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING (CAFR) (Brent Worthington)

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. Members of the public will be given an opportunity to speak to the item before the Council acts upon it.

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

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit comments to no more than three minutes.

CONSENT AGENDA

1. CITY MANAGER **(presenter: Bill Cahill)**
APPOINTMENT TO CITIZENS' FINANCE ADVISORY COMMISSION
A motion to appoint Andrew Haines to the Citizens' Finance Advisory Commission for a term effective until December 31, 2015

This is administrative action recommending the appointment of a member to the Citizens' Finance Advisory Commission for a partial term effective until December 31, 2015.

2. FINANCE (presenter: John Hartman)

2014 BUDGET ROLLOVER FOR PROJECTS APPROVED BUT NOT COMPLETED

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Reappropriate Remaining Funds for Projects Approved but Not Completed in 2013

This is an administrative action. This second reading ordinance reappropriates funding approved in 2013 for capital, one-time projects and equipment not completed or received prior to the end of the fiscal year. The net expenditures (total expense less transfers) included in the ordinance is $44,379,810. The projects or programs in the ordinance were funded in 2013. Funding is available since the appropriations that did not occur became fund balance at the end of 2013. The appropriation of these projects, do not have an impact on the 2014 Budget since the assumption in developing the 2014 Budget was that these funds would be spent by the end of 2013. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

3. FINANCE (presenter: John Hartman)

SUPPLEMENTAL APPROPRIATION FOR NEW PROJECTS

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Projects or Programs not Anticipated at the Time of Adoption for the 2014 Budget

This is an administrative action. Since the adoption of the 2014 Budget, several issues have emerged that require increased appropriations. This second reading ordinance addresses those issues. The total amount of net appropriation (total expenses excluding transfer between funds) is $1,024,090 primarily funded by available fund balance. Nearly all of the appropriation is funded by fund balance, reducing the flexibility to fund other future projects. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

4. FINANCE (presenter: John Hartman)

2014 BUDGET ROLLOVER FOR THE AIRPORT

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 Ft. Collins-Loveland Municipal Airport Budget to Appropriate Funds for Projects Approved but Not Completed in 2013

This is an administrative action. This second reading ordinance appropriates the remaining balance for capital and one-time projects previously approved in 2013. The total appropriation is $372,470. The appropriation is funded by fund balance within the Airport Fund from grants previously received or to be drawn down and contributions from the two cities. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

ADJOURN AS CITY COUNCIL AND CONVENE AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

5. FINANCE (presenter: John Hartman)

2014 BUDGET ROLLOVER FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)

A Motion to Approve and Order Published on Second Reading an Ordinance Adopting a Supplemental Budget and Appropriation for the 2014 Loveland General Improvement District #1 Budget to Reappropriate Funds for Parking Lot Improvements Approved in 2013 but Not Completed in 2013

This is an administrative action. Funds approved in 2013 for parking lot improvements in the amount of $77,500 are appropriated to complete the projects. Fund balance has resulted from the project not being completed and is reappropriated to fund this project. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

ADJOURN AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 AND CONVENE AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

6. FINANCE (presenter: John Hartman)

2014 BUDGET ROLLOVER FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 Loveland Urban Renewal Authority Budget to Reappropriate the Façade Grant Program and Reimbursement to a Developer for Public Improvements and Funding for Parking Lot Improvements, Approved in 2013 but Not Completed

This is an administrative action. Reserves in the amount of $1,085,740 are reappropriated for the Façade Grant Program, reimbursement to a developer for public improvements and parking lot improvements. Fund balance created as a result of the projects not yet completed. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

ADJOURN AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY AND RECONVENE AS CITY COUNCIL

7. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)

SUPPLEMENTAL APPROPRIATION FOR DOWNTOWN LAND PURCHASES

A Motion to Approve and Order Published on Second Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Earnest Money and Costs Associated with Downtown Land Purchases

This is an administrative action. This second reading ordinance appropriates $250,000 in funding for earnest money and costs associated with land purchases in the Downtown area. Environmental studies will be conducted as part of the standard due diligence per the contracts and will begin once the properties are under contract. The ordinance is funded with Council Reserve and undesignated balance of the General Fund, reducing the flexibility to fund future projects. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

8. FINANCE (presenter: John Hartman)

SUPPLEMENTAL APPROPRIATION FOR LFRA ROLLOVER AND NEW PROJECTS

A Motion to Adopt Resolution #R-27-2014 Approving a Supplemental Budget to the 2014 Loveland Fire Rescue Authority Budget for Additional Funding from the City of Loveland from Remaining Funds for Projects Approved but Not Completed in 2013 and New Projects

This is an administrative action. The resolution provides for Council approval of supplemental changes to the Loveland Fire Rescue Authority 2014 Budget to reappropriate operational expenses not spent in 2013 and add new projects. The

Council approval of the budget is required for the Authority's budget to be in effect. Implementation of the resolution requires an additional contribution from the City of $387,490 to be appropriated from reserves, reducing the flexibility for other projects.

9. DEVELOPMENT SERVICES (presenter: Troy Bliss)
PUBLIC HEARING
PEAKVIEW GDP AMENDMENT
A Motion to Approve and Order Published on First Reading an Ordinance Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Peakview Commercial Park Addition PUD (#P-95) – Amendment #1," and Approving an Amendment to the General Development Plan for the Peakview Commercial Park Addition PUD
This is a quasi-judicial action to adopt an ordinance on first reading amending the Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP) to allow the use "vehicle minor repairs, servicing and maintenance" within Lot 4 of the PUD.

10. CITY ATTORNEY (presenter: Judy Schmidt)
NON-SUBSTANTIAL MODIFICATIONS TO CENTERRA URA
A Motion to Adopt Resolution #R-28-2014 of the Loveland City Council Approving Non-Substantial Modifications to the US 34/Crossroads Corridor Urban Renewal Plan
This is an administrative action. It is a Resolution to approve three non-substantial modifications to the Centerra Urban Renewal Plan. It does this by adding to the Centerra URA Plan area the following parcels: (1) a 13.422-acre parcel owned by the Thompson R2-J School District to be used as a site for a future elementary school; (2) a 23.437-acre parcel consisting of the north half of the I-25/Crossroads Boulevard Interchange together with the adjacent Crossroads Boulevard right-of-way; and (3) a 14.316-acre parcel consisting of a portion of the Boyd Lake Avenue right-of-way. Since the parcels to be added to the boundaries of the Centerra Urban Renewal Plan area consist of publically-owned land and right-of-way, the Centerra URA Plan area will not receive any additional tax increment revenues from these added properties. In addition, while Centerra URA revenues will be available for the construction of improvements on these properties, all of these improvements are currently contemplated and expected under the MFA to be paid for with MFA revenues.

11. CITY CLERK (presenter: Terry Andrews)
BOARD & COMMISSION CHANGES IN HANDBOOK
A Motion to Adopt Resolution #R-29-2014 Amending the City of Loveland Handbook for Boards and Commissions
This is an administrative action to adopt a resolution amending the City of Loveland Handbook for Boards and Commissions ("Handbook"). The proposed amendments to the Handbook address the process for selecting and appointing members, and remove references to the Creative Sector Development Advisory Commission, which expired on December 31, 2013 in accordance with City Code Section 2.60.290.

END OF CONSENT AGENDA
CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

PUBLIC COMMENT *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*

PROCEDURAL INFORMATION

Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA
CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

12. CITY CLERK (presenter: Terry Andrews)

APPROVAL OF CITY COUNCIL MEETING MINUTES

1. A Motion to Approve the Council Meeting Minutes for the March 25, 2014 Study Session

This is an administrative action to approve the City Council meeting minutes for the March 25, 2014 Study Session. Councilors Fogle and Farley were absent.

2. A Motion to Approve the Council Meeting Minutes for the April 1, 2014 Regular Meeting

This is an administrative action to approve the City Council meeting minutes for the April 1, 2014 Regular Meeting. Councilor McKean was absent.

13. DEVELOPMENT SERVICES (presenter: Alison Hade)

PUBLIC HEARING

PEDCOR AFFORDABLE HOUSING DESIGNATION MODIFICATION AND FEE WAIVER

1. A Motion to Approve Resolution #R-30-2014 Modifying a 2010 Affordable Housing Designation for 80 Rental Units, and Approving a New Affordable Housing Designation and Associated Reduction in Development Fees for an Additional 144 Rental Units, to the Constructed on Outlot C, Wintergreen Second Subdivision, City of Loveland, Colorado Within the Project Known as Ashley Estates Apartment Homes; and

This is an administrative action. The resolution will modify an affordable housing designation for the Wintergreen Second Subdivision for 80 of 224 affordable housing units and designate as "affordable" the remaining 144 units in the Ashley Estates Apartment Homes.

2. A Motion to Approve Resolution #R-31-2014 Granting an Exemption from Certain Capital Expansion Fees and Other Development Fees, and Delaying the Payment of Water Rights Applicable to Residential Development, for a Qualified Affordable Housing Development Known as Ashley Estates Apartment Homes

This is an administrative action. The resolution will waive capital expansion fees of $1,333,890 and building permit fees of $178,970 as provided in Section 16.38.080 of the Loveland Municipal Code. None of the waived fees would require back filling from another funding source. The resolution would also delay the payment of water rights as provided for in Section 19.04.021.A.2 of the Loveland Municipal Code.

The applicant is Pedcor Investments from Carmel, Indiana. City staff and the Affordable Housing Commission are recommending that City Council adopt the two resolutions to allow Pedcor Investments to develop an affordable housing project that would provide 224 affordable housing units. Council approval would allow Pedcor Investments to utilize the fee schedule in place in 2010 for 80 of the affordable housing units, and the 2014 fee schedule for the remaining 144 units. The total fee waiver would be $1,512,860; City Code allows a waiver of 70% of fees for an affordable housing project.

This request is for 65.8% waiver of capital expansion fees and building permit fees only. No waived fees would require back filling from another funding source. Granting of the fee waiver would have a negative effect on future fund balances for capital expansion and building permit fees.

BUSINESS FROM CITY COUNCIL *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*

CITY MANAGER REPORT

CITY ATTORNEY REPORT

ADJOURN

City of Loveland

CITY COUNCIL

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www.cityofloveland.org

PROCLAMATION

WHEREAS, our nation's public libraries make a difference in the lives of millions of Americans; and

WHEREAS, librarians work to meet the changing needs of their communities, including providing resources for everyone and bringing services outside of library walls; and

WHEREAS, libraries and librarians bring together community members to enrich and shape the community and address local issues; and

WHEREAS, librarians are trained professionals, providing technology training and access to downloadable content like e-books; and

WHEREAS, libraries offer programs to meet community needs, providing residents with resume writing classes, 24/7 homework help, financial planning services to teens applying for student loans, and programs for older adults planning their retirement; and

WHEREAS, libraries continuously grow and evolve in how they provide for the needs of every member of their communities; and

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, be it resolved that we, the Loveland City Council do hereby proclaim April 13-19, 2014 as

NATIONAL LIBRARY WEEK

and encourage all residents to visit the library to take advantage of the wonderful library resources available.

Signed this 15th day of April, 2014

Cecil A. Gutierrez, Mayor

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City of Loveland

CITY COUNCIL

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PROCLAMATION

WHEREAS, the Annual Spring Waterway Clean-up event is one of the programs listed in the City of Loveland's General Municipal Separate Storm Sewer (MS4) Permit; and

WHEREAS, the event will help restore portions of the Big Thompson River corridor that were damaged during last fall's historic flood event; and

WHEREAS, each of the Adopt-A-Waterway Groups consisting of Bill Reed Middle School, the Loveland High River Watch Club, the Kiwanis Club of Loveland, the Namaqua Unitarian Universalist Congregation, the Loveland Open Lands Advisory Commission, Sylvan Dale Guest Ranch, Reflections for Youth, and Cub Scout Pack 184 will be cleaning their adopted sections of the Big Thompson River, the Morey Wildlife Reserve, and the Reflections for Youth (RFJY) and Meadow Brook Natural Areas; and

WHEREAS, the High Plains Environmental Center; the Big Thompson Watershed Forum; Larimer County; American Rivers; the City of Greeley; the City of Loveland; along with local businesses such as: the Loveland Visitor Center; Loveland Reporter Herald Newspaper; Embassy Suites; Residence, Fairfield, and Hampton Inns; Lamp, Rynearson & Associates; Starbucks; Walgreens; Wash Me Car Wash; Wash Time Car Wash; Big Thompson 4 – Wheelers; Asphlund; Bloedorn Lumber-Loveland; Orchards Ace Hardware; Buffalo Wings; Chili's Grill and Bar; Johnny Carino's; Kroll Factual Data; Target; Constant Contact; Wells Fargo; King GMC; Stan's Auto; Sportsman's Warehouse, and others will be providing their time and materials for the event; and

WHEREAS, the event is planned to coincide with Earth Day and should attract over 350 volunteers; and

WHEREAS, the event will help improve the aesthetics of the community, and the riparian corridor of the Big Thompson River; and

WHEREAS, the event will provide the citizens of Loveland an opportunity to help remove the trash and other assorted debris that was deposited within and along the Big Thompson River during last fall's historic flood event; and

WHEREAS, these efforts will help reduce the pollutants within our community, and improve upon the water quality of the Big Thompson River.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim Saturday, April 19, 2014 as the day of the

ANNUAL SPRING WATERWAY CLEAN-UP EVENT ALONG THE BIG THOMPSON RIVER

at various locations in the City of Loveland.

Signed this 15th day of April, 2014
Cecil Gutierrez, Mayor

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CITY OF LOVELAND
CITY MANAGER'S OFFICE
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: **1**
MEETING DATE: 4/15/2014
TO: City Council
FROM: City Manager's Office
PRESENTER: Bill Cahill, City Manager

TITLE:
Appointment to Citizens' Finance Advisory Commission

RECOMMENDED CITY COUNCIL ACTION:
A motion to appoint Andrew Haines to the Citizens' Finance Advisory Commission for a term effective until December 31, 2015.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action

SUMMARY:
This is administrative action recommending the appointment of a member to the Citizens' Finance Advisory Commission for a partial term effective until December 31, 2015.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
The Citizens' Finance Advisory Commission ("CFAC") has three vacancies. Two applications were received, and one applicant withdrew from consideration. An interview was conducted on April 4, 2014 and the committee recommends the appointment of Andrew Haines to CFAC for a partial term effective until December 31, 2015. Recruiting continues for the remaining two vacancies.

REVIEWED BY CITY MANAGER:
William D Cahill

LIST OF ATTACHMENTS:
None

CITY OF LOVELAND
BUDGET OFFICE
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AGENDA ITEM: **2**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:
An Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Reappropriate Remaining Funds for Projects Approved but Not Completed in 2013

RECOMMENDED CITY COUNCIL ACTION:
Approve the ordinance on second reading.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:
This is an administrative action. This second reading ordinance reappropriates funding approved in 2013 for capital, one-time projects and equipment not completed or received prior to the end of the fiscal year. The net expenditures (total expense less transfers) included in the ordinance is $44,379,810. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

The projects or programs in the ordinance were funded in 2013. Funding is available since the appropriations that did not occur became fund balance at the end of 2013. The appropriation of these projects, do not have an impact on the 2014 Budget since the assumption in developing the 2014 Budget was that these funds would be spent by the end of 2013.

BACKGROUND:
This action is the reappropriation of funds for projects approved in the 2013 Budget that have not been completed or closed out at the end of 2013. By City Charter and state law, all appropriations for any one fiscal year expire on December 31st. Reappropriation is necessary to allow the expenditures of ongoing projects to continue into 2014.

Council approved all of the projects included in the ordinance as a part of the 2013 Budget. The ordinance is organized by fund, with revenues and line item appropriations within each fund shown.

A detailed explanation of each project or program is included in the attached Staff Report. The descriptions are organized by project with the funding source(s) for each project or program identified. The projects or programs are listed in order of dollar amount. Many capital projects are funded by resources in multiple funds. These resources are transferred to the Capital Projects Fund where the total expense for each project is budgeted. This allows the project to be budgeted in one place so the total impact is shown, rather than having to add several components across various funds to the total impact of the project.

Please refer to the Staff Report for details on these recommended appropriations.
http://www.cityofloveland.org/index.aspx?page=20&recordid=49802

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:
1. Ordinance

FIRST READING April 1, 2014

SECOND READING April 15, 2014

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2014 CITY OF LOVELAND BUDGET TO REAPPROPRIATE REMAINING FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2013

WHEREAS, the City's 2013 budget included appropriations for projects not completed or closed out by the end of 2013, when the 2013 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring re-appropriation in 2014 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2014; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2014, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserved funds and grant revenues not yet received at the time of adoption of the budget for 2014 have resulted from expenditures that were budgeted in the 2013 budget but not made. Re-appropriation is necessary to permit expenditure of the funds in 2014 for purposes previously approved by Council. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget
2013 On-Going Projects and Capital Rollover
General Fund 100

Revenues		
Fund Balance		4,985,560
Total Revenue		**4,985,560**
Appropriations:		
City Clerk and Courts		
100-14-116-0000-42015	Comuter Software	20,720
Cultural Services		
100-52-720-0000-41012	Temporary Salaries	4,100
100-52-720-0000-43450	Professional Services	9,040
100-52-720-0000-49399	Other Capital	62,340
100-52-720-0000-43899	Other Purchased Services	21,000
Economic Development		
100-18-180-1500-43176	Incentives/Sales Tax Rebates	492,520
Development Services		
100-19-193-0000-41012	Temporary Salaries	1,840
100-19-193-0000-43450	Professional Services	167,530
100-19-193-0000-43450-SP1301	Professional Services	14,380
100-19-193-0000-43450-SP1104	Professional Services	1,470
100-19-193-0000-43848-SP1103	Historic Preservation	1,500
100-19-195-0000-43840	Grants	224,970
Information Technology		
100-16-161-0000-42015	Computer Supplies	4,150
100-16-161-0000-43569	Repair and Maintenance	10,460
100-16-163-0000-43450	Professional Services	50,920
100-16-161-0000-43450	Profesional Services	12,520
100-16-161-0000-42015-ITEDR	Computer Supplies	14,370
100-16-163-0000-42015-ITEDR	Computer Supplies	15,570
100-16-163-0000-42899-ITEDR	Other Supplies	5,240
100-16-163-0000-43899-ITEDR	Other Purchased Services	15,000
100-16-163-0000-43569	Repair and Maintenance	34,000
100-16-160-0000-43450	Profesional Services	41,180
Parks & Recreation		
100-51-501-0000-43450	Professional Services	7,680
100-51-501-0000-43899	Other Services	35,000
100-51-502-5120-49399	Other Capital	75,000
100-51-502-5200-49399	Other Capital	99,960
100-51-502-5350-49399	Other Capital	73,320
100-51-502-5400-49399	Other Capital	20,000

General Fund Continued:

Police		
100-21-202-2102-42078	Program Supplies	23,050
100-21-202-2102-42033	Tools & Equipment	83,000
100-21-203-2106-43569	Repair & Maintenance	4,000
100-21-203-2107-42033	Tools & Equipment	12,000
Public Works		
100-23-250-1801-49360-FLD913FM01	Construction	181,350
Non-Departmental		
100-91-902-0000-43450	Professional Services	15,000
100-91-902-0000-43450-CFPCEF	Professional Services	56,280
100-91-902-0002-43714	Payment to Outside Agencies	387,490
100-91-999-0000-47106	Transfer to Economic Development Fund	1,414,440
100-91-999-0000-47211	Transfer to Transportation Fund	176,910
100-91-999-1700-47211	Transfer to Transportation Fund	100,000
100-91-999-1701-47211	Transfer to Transportation Fund	996,260
Total Expense		**4,985,560**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Economic Development Fund 106

Revenues		
106-00-000-0000-37100	Transfer from the General Fund	1,414,440
Total Revenue		**1,414,440**
Appropriations		
Economic Development		
106-18-180-1500-43155-EDEPICRIVER	Economic Incentives	15,000
106-18-180-1500-43155-EDTIES4LESS	Economic Incentives	14,500
106-18-180-1500-43155-EDVALUE	Economic Incentives	518,250
Total Appropriations		**547,750**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Park Improvement Fund 200

Revenues		
Fund Balance		286,720
Total Revenue		**286,720**
Appropriations		
Parks & Recreation		
200-51-562-0000-49399	Other Capital	286,720
Total Appropriations		**286,720**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Conservation Trust Fund 201

Revenues		
Fund Balance		1,476,280
Total Revenue		**1,476,280**
Appropriations		
Parks & Recreation		
201-51-562-0000-49399	Other Capital	1,463,520
201-51-567-0000-49352	Engineering	12,760
Total Appropriations		**1,476,280**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Community Development Block Grant Fund 204

Revenues		
204-00-000-0000-32000	Federal Grants	287,480
Total Revenue		**287,480**
Appropriations		
204-19-195-0000-43840	Grants	287,480
Total Appropriations		**287,480**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Art in Public Places Fund 205

Revenues		
Fund Balance		258,560
Total Revenue		**258,560**
Appropriations		
205-52-740-0000-48196-VAC034	Art Commission-Construction	87,000
205-52-740-0000-48196-VAC042	Art Commission-Construction	78,160
205-52-740-0000-48196-VAC041	Art Commission-Construction	41,000
205-52-740-0000-48196-MUS039	Art Commission-Construction	52,400
Total Appropriations		**258,560**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Lodging Tax Fund Fund 206

Revenues		
Fund Balance		147,800
Total Revenue		**147,800**
Appropriations		
Lodging Tax		
206-18-182-1508-42033-EDWAYFIND	Tools and Equipment	147,800
Total Appropriations		**147,800**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Transportation Fund 211

Revenues		
211-23-232-1701-37100	Transfer from General Fund	996,260
211-23-233-0000-37100	Transfer from General Fund	149,180
211-23-235-1704-37100	Transfer from General Fund	27,730
211-23-232-1701-37269	Transfer from Street CEF	1,432,380
211-23-232-1701-32000	Federal Grants	2,216,830
211-23-232-1701-32100	State Grant	139,500
211-23-232-1708-37100	Transfer from General Fund	100,000
Total Revenue		**5,061,880**
Appropriations		
211-23-233-0000-49399	Other Capital	149,180
211-23-235-1704-42317	Traffic Signals	27,730
211-23-232-1701-49360-EN0105	Construction	219,800
211-23-232-1701-49360-EN0112	Construction	9,460
211-23-232-1701-49360-EN0215	Construction	180,000
211-23-232-1701-49360-EN0223	Construction	385,880
211-23-232-1701-49360-EN0330	Construction	446,860
211-23-232-1701-49360-EN0332	Construction	486,170
211-23-232-1701-49360-EN0503	Construction	82,220
211-23-232-1701-49360-EN0606	Construction	61,120
211-23-232-1701-49360-EN0903	Construction	5,100
211-23-232-1701-49360-EN1003	Construction	353,570
211-23-232-1701-49360-EN1302	Construction	495,000
211-23-232-1701-49360-EN1304	Construction	4,000
211-23-232-1701-49360-EN1305	Construction	35,000
211-23-232-1701-49360-EN1307	Construction	30,000
211-23-232-1701-49360-EN1308	Construction	35,000
211-23-232-1701-49360-EN1309	Construction	14,730
211-23-232-1701-49360-EN1310	Construction	7,880
211-23-232-1701-49360-EN0812	Construction	22,790
211-23-232-1701-49360-EN9922	Construction	38,980
211-23-232-1701-49360-FLD913	Construction	78,380
211-23-232-1701-49360-TR1101	Construction	269,980
211-23-232-1701-49360-TS0101	Construction	57,740
211-23-232-1701-49360-TS0501	Construction	23,590
211-23-232-1701-49360-TS1103	Construction	449,760
211-23-232-1701-49360-TS1201	Construction	976,830
211-23-232-1701-49360-ENSR032	Construction	15,130
211-23-232-1708-49360	Construction	100,000
Total Appropriations		**5,061,880**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Park Capital Expansion Fee Fund 260

Revenues		
Fund Balance		3,750,340
Total Revenue		**3,750,340**
Appropriations		
Parks & Recreation		
260-51-501-0000-43450	Professional Services	6,150
260-51-560-0000-49355-PK0802	Design	583,030
260-51-562-0000-47120	Transfer to Capital Projects	3,161,160
Total Appropriations		**3,750,340**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Recreation Capital Expansion Fee Fund 261

Revenues		
Fund Balance		256,150
Total Revenue		**256,150**
Appropriations		
Parks & Recreation		
261-51-501-0000-43450	Professional Services	6,150
261-51-536-0000-47120	Transfer to Captial Projects Fund	250,000
Total Appropriations		**256,150**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Trails Capital Expansion Fee Fund 262

Revenues		
Fund Balance		303,080
Total Revenue		**303,080**
Appropriations		
Parks & Recreation		
262-51-501-43450	Professional Services	3,080
262-51-567-0000-49360	Construction	300,000
Total Appropriations		**303,080**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Open Space Capital Expansion Fee Fund 263

Revenues		
Fund Balance		155,000
Total Revenue		**155,000**
Appropriations		
Parks & Recreation		
263-51-590-0000-43450	Professional Services	5,000
263-51-590-0000-49399	Other Capital	150,000
Total Appropriations		**155,000**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Fire Capital Expansion Fee Fund 264

Revenues		
Fund Balance		59,560
Total Revenue		**59,560**
Appropriations		
Fire & Rescue		
264-91-902-0000-43450-CFPCEF	Professional Services	11,310
264-22-222-0000-49355	Design	48,250
Total Appropriations		**59,560**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Police Capital Expansion Fee Fund 265

Revenues		
Fund Balance		276,220
Total Revenue		**276,220**
Appropriations		
Police		
265-23-250-0000-49355-PDTRNCMP	Design	264,910
265-91-902-0000-43450-CFPCEF	Professional Services	11,310
Total Appropriations		**276,220**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Library Capital Expansion Fee Fund 266

Revenues		
Fund Balance		21,310
Total Revenue		**21,310**
Appropriations		
Library		
266-91-902-0000-43450-CFPCEF	Professional Services	21,310
Total Appropriations		**21,310**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Cultural Services Capital Expansion Fee Fund 267

Revenues		
Fund Balance		31,310
Total Revenue		**31,310**
Appropriations		
Cultural Services		
267-91-902-0000-43450-CFPCEF	Professional Services	31,310
Total Appropriations		**31,310**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
General Government Capital Expansion Fee Fund 268

Revenues		
Fund Balance		5,718,190
Total Revenue		**5,718,190**
Appropriations		
268-91-902-0000-43450-CFPCEF	Professional Services	11,310
268-91-902-0000-47120	Transfer to Capital Projects Fund	5,706,880
Total Appropriations		**5,718,190**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Streets Capital Expansion Fee Fund 269

Revenues		
Fund Balance		1,432,380
Total Revenue		**1,432,380**
Appropriations		
Public Works		
269-23-232-1701-47211	Transfer to Transportation Fund	1,432,380
Total Appropriations		**1,432,380**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Water Enterprise Fund 300

Revenues		
Fund Balance		4,293,500
Total Revenue		**4,293,500**
Appropriations		
Water & Power		
300-46-318-2902-49360-W1300D	Construction	184,020
300-46-318-2902-49352-W1300D	Engineering	194,830
300-46-318-2902-49360-W1257C	Construction	35,970
300-46-310-2903-49360-W1308C	Construction	878,140
300-46-310-2903-49352-W1308C	Engineering	95,450
300-46-310-2903-49360-W1312C	Construction	611,000
300-46-310-2903-49352-W1312C	Engineering	249,720
300-46-318-2902-48245-W1324C	Communication Equipment	171,060
300-46-318-2902-49360-W1325C	Construction	8,660
300-46-310-2903-49360-W1326C	Construction	34,040
300-46-318-2902-49352-W1327C	Engineering	14,000
300-46-318-2902-49360-W1328C	Construction	80,000
300-46-318-2902-49352-W1328C	Engineering	7,310
300-46-318-2903-49360-W1331C	Construction	71,800
300-46-310-2903-49360-W1409C	Construction	124,690
300-45-300-2908-48248-WA930	Computer Equipment	21,000
300-45-304-2908-49399-WA930	Other Capital	354,350
300-46-318-2902-49360-FLW00C	Construction	89,630
300-46-310-2903-49360-FLW02C	Construction	10,410
300-46-310-2903-49360-FLW04C	Construction	57,240
300-46-318-2902-43569-FLWO00	Repair and Maintenance	15,690
300-46-318-2902-43569-FLWO01	Repair and Maintenance	268,500
300-46-313-2903-43569-FLWO06	Repair and Maintenance	4,480
300-46-313-2903-43569-FLWO07	Repair and Maintenance	8,960
300-46-310-2903-43569-WA1101	Repair and Maintenance	452,550
300-46-316-2901-43450	Professional Services	250,000
Total Appropriations		**4,293,500**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Water System Impact Fee Fund 301

Revenues		
Fund Balance		521,060
Total Revenue		**521,060**
Appropriations		
Water & Power		
301-46-318-2902-49360-W1300D		231,010
301-46-318-2902-49352-W1300D		290,050
Total Appropriations		**521,060**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Raw Water Enterprise Fund 302

Revenues		
Fund Balance		1,956,860
Total Revenue		**1,956,860**
Appropriations		
Water & Power		
302-46-316-0000-49352-W038AA	Engineering	1,136,770
302-46-316-0000-49352-W1014A	Engineering	820,090
Total Appropriations		**1,956,860**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Wastewater Enterprise Fund 315

Revenues		
Fund Balance		4,125,740
Total Revenue		**4,125,740**
Appropriations		
Water & Power		
315-46-310-2904-49352-W1110H	Engineering	162,640
315-46-318-2902-49360-W1251G	Construction	1,487,730
315-46-318-2902-49352-W1251G	Engineering	1,215,060
315-46-310-2904-49360-W1303H	Construction	100,000
315-46-310-2904-49352-W1303H	Engineering	28,930
315-46-310-2904-49352-FLZ05G	Engineering	26,430
315-46-310-2904-49360-W1255G	Construction	429,000
315-46-310-2904-49352-W1255G	Engineering	100,000
315-46-310-2904-49360-W1301G	Construction	200,000
315-46-310-2904-49352-W1301G	Engineering	80,380
315-46-313-2908-48240-WW930	Machinery and Equipment	5,830
315-46-310-2904-43569-WW1301	Repair and Maintenance	93,650
315-46-310-2904-49360-FLZ07G	Construction	79,130
315-46-313-2904-43569-FLZO10	Repair and Maintenance	29,590
315-46-318-2902-43569-FLZO13	Repair and Maintenance	16,840
315-46-318-2902-43569-FLZO14	Repair and Maintenance	1,530
315-45-301-2900-42033-WW520	Tools and Equipment	69,000
Total Appropriations		**4,125,740**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Wastewater System Impact Fee Fund 316

Revenues		
Fund Balance		837,450
Total Revenue		**837,450**
Appropriations		
Water & Power		
316-46-310-2904-49352-W1110H	Engineering	200,060
316-46-318-2902-49360-W1251G	Construction	220,000
316-46-318-2902-49352-W1251G	Engineering	182,000
316-46-310-2904-49360-W1303H	Construction	192,000
316-46-310-2904-49352-W1303H	Engineering	43,390
Total Appropriations		**837,450**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Power Enterprise Fund 330

Revenues		
Fund Balance		7,654,180
Total Revenue		**7,654,180**
Appropriations		
Water & Power		
330-45-300-2903-43270-PW388	Training	18,750
330-46-319-2905-43899-FLD913	Other Services	5,013,030
330-47-332-2903-43569-FLD913	Repair and Maintenance	9,870
330-45-301-2900-42034-PW520	Tools and Equipment	114,000
330-47-332-2903-49399-FLDPW	Other Capital	1,231,220
330-47-332-2903-49399-PW913A	Other Capital	227,030
330-47-332-2903-49399-PW914	Other Capital	751,790
330-47-332-2908-48244-PW930		175,000
330-46-311-2908-49399-PW930	Other Capital	113,490
Total Appropriations		**7,654,180**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Power System Impact Fee Fund 331

Revenues		
Fund Balance		797,970
Total Revenue		**797,970**
Appropriations		
Water & Power		
331-47-333-2903-49399-PW920	Other Services	797,970
Total Appropriations		**797,970**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Storm Water Enterprise Fund 345

Revenues		
Fund Balance		2,879,910
Total Revenue		**2,879,910**
Appropriations		
Public Works		
345-23-283-0000-43450-SW0702	Professional Services	10,130
345-23-283-0000-43450-SW0804	Professional Services	17,090
345-23-283-0000-49352-SW1103	Engineering	38,410
345-23-283-0000-49352-SW1204	Engineering	10,550
345-23-283-0000-49360-SW0710	Construction	429,680
345-23-283-0000-49360-SW1401	Construction	1,000,000
345-23-283-0000-49362-SW1004		245,360
345-23-283-0000-49362-SW1005		28,690
345-23-280-0000-47120- GF1107	Transfer to Capital Projects Fund	1,100,000
Total Appropriations		**2,879,910**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Solid Waste Enterprise Fund 360

Revenues		
Fund Balance		2,012,420
Total Revenue		**2,012,420**
Appropriations		
Public Works		
360-23-270-0000-47120	Transfer to Capital Projects Fund	695,000
360-23-271-0000-47120	Transfer to Capital Projects Fund	397,420
360-23-272-0000-47120	Transfer to Capital Projects Fund	720,000
360-23-270-0000-48240	Machinery & Equipment	100,000
360-23-272-0000-48240	Machinery & Equipment	100,000
Total Appropriations		**2,012,420**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Fleet Internal Service Fund 500

Revenues		
Fund Balance		148,060
Total Revenue		**148,060**
Appropriations		
Fleet Services		
500-23-260-0000-48244	Motor Vehicle	148,060
Total Appropriations		**148,060**

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Risk & Insurance Fund 502

Revenues		
Fund Balance		15,270
Total Revenue		**15,270**
Appropriations		
502-17-176-0000-43407	Environmental Services	15,270
Total Appropriations		**15,270**

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 3. That this Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this 15th day of April, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Deputy City Attorney

CITY OF LOVELAND
BUDGET OFFICE
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: **3**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:
An Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Projects or Programs not Anticipated at the Time of Adoption for the 2014 Budget

RECOMMENDED CITY COUNCIL ACTION:
Approve the ordinance on second reading.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:
This is an administrative action. Since the adoption of the 2014 Budget, several issues have emerged that require increased appropriations. This second reading ordinance addresses those issues. The total amount of net appropriation (total expenses excluding transfer between funds) is $1,024,090 primarily funded by available fund balance. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

BUDGET IMPACT:
☐ Positive
☒ Negative
☐ Neutral or negligible

Nearly all of the appropriation is funded by fund balance, reducing the flexibility to fund other future projects.

BACKGROUND:

Since the adoption of the 2014 Budget, there are several issues requiring additional appropriations. The projects are described below.

In the General Fund:

- The Cultural Services Department has received donations or sponsorships for three events: (1) $20,000 is appropriated for the Foote Lagoon Concert Series from a sponsorship by Kaiser Permanente; (2) $2,200 is appropriated for "Strings in the Gallery" sponsored by the Erion Foundation; and (3) $2,000 is appropriated for the Walbye Film Series sponsored by the Walbye Family.

- In the Library Department donations received in 2013, earnings from the Gertrude Scott Trust and donations totaling $56,600 and additional state grant funds of $1,290 are appropriated for books, materials and operating supplies.

- The cost for the Fireworks Program on the 4th of July was not originally budgeted, anticipating a sponsor for the show could be found. At this time we do not have a sponsor and the contracts need to be signed in order to insure delivery for the 4th of July. $27,000 is appropriated for this event.

- $285,480 is appropriated to be transferred to the Fire Capital Expansion Fee Fund. This is an early repayment of the intrafund loan and is the final payment to the Fire CEF Fund.

In the Capital Projects Fund:

- $170,000 is appropriated for the expansion and renovation of the restrooms on the main floor of the Washington School Building.

In the Fire Capital Expansion Fee Fund:

- $745,000 from fund balance and the transfer from the general fund are appropriated for the purchase of land to relocate the Fire training grounds out of the flood plain.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. Ordinance

FIRST READING April 1, 2014

SECOND READING April 15, 2014

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2014 CITY OF LOVELAND BUDGET FOR PROJECTS OR PROGRAMS NOT ANTICIPATED AT THE TIME OF ADOPTION FOR THE 2014 BUDGET

WHEREAS, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2014; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2014, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues and/or reserves of $393,570 in the General Fund 100, $170,000 in the Capital Projects Fund 120, and $454,520 in the Fire CEF Fund 264 are available for appropriation. There is hereby appropriated $1,018,090 for new projects programs and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget
2013 New Capital Projects and Operations
General Fund 100

Revenues		
Fund Balance		369,080
100-52-720-0000-35305	Donations	2,200
100-52-730-0000-35305	Donations	22,000
100-53-750-0000-32100	State Grant	1,290
Total Revenue		**394,570**
Appropriations:		
Executive & Legal		
Cultural Services		
100-52-720-0000-43450	Professional Services	2,200
100-52-730-0000-43450	Professional Services	20,000
100-52-730-0000-43774	Film Rental	2,000
Library		
100-53-752-0000-42014	Books and Materials	5,260
100-53-753-0000-42014	Books and Materials	15,560
100-53-756-0000-42014	Books and Materials	6,000
100-53-750-0000-42018-LBDONA	Books and Materials	4,000
100-53-750-0000-42899-LBDONA	Other Supplies	2,000
100-43-750-0000-43899-LBDONA	Other Purchased Services	7,840
100-53-752-0000-43899-LBDONA	Other Purchased Services	1,500
100-53-753-0000-42014-LB1303	Books and Materials	14,240
100-53-753-0000-42899-LB1303	Other Supplies	180
100-53-753-0000-43833-LB1303	Subscriptions	1,310
Non-Departmental		
100-91-902-0000-43899	Other Purchased Services	27,000
100-91-999-0000-47264	Transfer to Fire CEF	285,480
Total Expense		**394,570**

Supplemental Budget
2013 New Capital Projects and Operations
Capital Projects Fund 120

Revenues		
Fund Balance		170,000
Total Revenue		**170,000**
Appropriations		
Public Works		
120-23-250-1801-49360-GF1401	Construction	170,000
Total Appropriations		**170,000**

Supplemental Budget
2013 New Capital Projects and Operations
Fire Capital Expansion Fee Fund 264

Revenues		
Fund Balance		459,520
264-00-000-0000-37100	Trnsfer from General Fund	285,480
Total Revenue		**745,000**
Appropriations		
Fire & Rescue		
264-22-222-0000-49010	Land	745,000
Total Appropriations		**745,000**

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 3. That this Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this 15th day of April, 2014.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

J. Yost Schmidt
_____
Deputy City Attorney

CITY OF LOVELAND
BUDGET OFFICE
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: **4**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:
An Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2014 Ft. Collins-Loveland Municipal Airport Budget to Appropriate Funds for Projects Approved but not Completed in 2013

RECOMMENDED CITY COUNCIL ACTION:
Approve the ordinance on second reading.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:
This is an administrative action. This second reading ordinance appropriates the remaining balance for capital and one-time projects previously approved in 2013. The total appropriation is $372,470. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

The appropriation is funded by fund balance within the Airport Fund from grants previously received or to be drawn down and contributions from the two cities.

BACKGROUND:
The ordinance provides appropriations for the following projects approved but not completed in 2013:

- $193,270 – Completion of the air service development effort funded the Small Community Air Service Development Grant from the Department of Transportation.

- $98,120 – Completion of the Utility Master Plan funded by the Colorado Department of Transportation Division of Aeronautics.

- $81,080 – Completion of the lighting improvements and pavement maintenance as part of the Ramp Rehabilitation project funded by the Colorado Department of Transportation Division of Aeronautics.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:
1. Ordinance

FIRST READING April 1, 2014

SECOND READING April 15, 2014

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2014 FT. COLLINS-LOVELAND MUNICIPAL AIRPORT BUDGET TO APPROPRIATE FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2013

WHEREAS, the 2013 budget for the Fort Collins-Loveland Municipal Airport included appropriations for projects not completed or closed out by the end of 2013, when the 2013 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring re-appropriation in 2014 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the City also has received funds not appropriated at the time of the adoption of the City budget for 2014; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the Airport budget for 2014, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues and/or reserves in the amount of $372,470 from fund balance and State Grants in the Airport Fund 600 are available for appropriation. Revenues in the total amount of $372,470 are hereby appropriated for projects approved in 2013 but not completed or closed out. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Airport Fund 600

Revenues		
Fund Balance		304,040
600-00-000-0000-38617	Contribution State of Colorado	68,430
Total Revenue		**372,470**
Appropriations		
600-23-290-0000-43450	Professional Services	193,270
600-23-290-0000-43644	Utility Electric	98,120
600-23-290-0000-49360	Construction	81,080
Total Appropriations		**372,470**

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 3. That this Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this 15th day of April, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Deputy City Attorney

CITY OF LOVELAND
BUDGET OFFICE
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AGENDA ITEM: **5**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:
An Ordinance on Second Reading Adopting a Supplemental Budget and Appropriation for the 2014 Loveland General Improvement District #1 Budget to Reappropriate Funds for Parking Lot Improvements Approved in 2013 but Not Completed in 2013

RECOMMENDED CITY COUNCIL ACTION:
Approve the ordinance on second reading.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:
This is an administrative action. Funds approved in 2013 for parking lot improvements in the amount of $77,500 are appropriated to complete the projects. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

Fund balance has resulted from the project not being completed and is reappropriated to fund this project.

BACKGROUND:
Funding was approved to construct a lot at 4th Street and Railroad Avenue. The project was delayed due to the flood reducing the ability to purchase materials for paving projects.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Ordinance

FIRST READING April 1, 2014

SECOND READING April 15, 2014

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET AND APPROPRIATION FOR THE 2014 LOVELAND GENERAL IMPROVEMENT DISTRICT #1 BUDGET TO REAPPROPRIATE FUNDS FOR PARKING LOT IMPROVMENTS APPROVED IN 2013 BUT NOT COMPLETED IN 2013

WHEREAS, the 2013 District budget included appropriations for projects not completed or closed out by the end of 2013 when the 2013 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring re-appropriation in 2014 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the City Council, acting as the ex-officio Board of Directors desires to authorize the expenditure of these funds by enacting a supplementary budget and appropriation to the District budget for 2014, as authorized by Section 11-6(a) of the Loveland City Charter.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, **acting as the ex officio Board of Directors of the Loveland General Improvement District #1:**

Section 1. That revenues from fund balance in the amount of $77,500 are available in the General Improvement District #1 Fund 602. These revenues are appropriated for parking lot improvements. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget
2013 On-Going Projects and Capital Rollover
GID #1 Fund 602

Revenues		
Fund Balance		77,500
Total Revenue		
Appropriations		
602-90--901-0000-49360	Construction	77,500
Total Appropriations		**77,500**

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 3. That this Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this 15th day of April, 2014.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

J. Yost Schmidt
Deputy City Attorney

CITY OF LOVELAND
BUDGET OFFICE
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: **6**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:
An Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the Loveland Urban Renewal Authority Budget to Reappropriate the Façade Grant Program, Reimbursement to a Developer for Public Improvements and Funding for Parking lot Improvements Approved In 2013 But Not Completed

RECOMMENDED CITY COUNCIL ACTION:
Approve the ordinance on second reading.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:
This is an administrative action. Reserves in the amount of $1,085,740 are reappropriated for the Façade Grant Program, reimbursement to a developer for public improvements and parking lot improvements. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

Fund balance created as a result of the projects not yet completed.

BACKGROUND:
Three projects are included in the ordinance:

1a. $49,010 – in 2013, Council approved funding for the Facade Grant program using TIF funds in the Downtown Project Area. Not all of the funds have been disbursed.

1b. $23,360 - Funds remaining unallocated in the Downtown Project Area are appropriated for new potential Façade Grants. The combination of past grants yet to be disbursed and the new allocation makes for a combined funding amount of $72,690 for the Facade Grant Program.

2. $1,000,000 - A loan from the General Fund to the Authority funded an agreement to reimburse the Brinkman Project for public improvements. The loan will be repaid with TIF funds.

3. $13,050 - In 2013, TIF funding was approved to partially fund improvements to the parking lot on the 4th Street and Railroad Avenue. Funding for the three projects is reappropriated.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. Ordinance

FIRST READING April 1, 2014

SECOND READING April 15, 2014

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2014 LOVELAND URBAN RENEWAL AUTHORITY BUDGET TO REAPPROPRIATE THE FAÇADE GRANT PROGRAM AND REIMBURSEMENT TO A DEVELOPER FOR PUBLIC IMPROVEMENTS AND FUNDING FOR PARKING LOT IMPROVEMENTS, APPROVED IN 2013 BUT NOT COMPLETED

WHEREAS, the 2013 Authority budget included appropriations for projects not completed or closed out by the end of 2013 when the 2013 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring re-appropriation in 2014 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the City Council, acting as the Board of Commissioners of the Loveland Urban Renewal Authority, desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the Authority budget for 2014, as authorized by Section 11-6(a) of the Loveland City Charter.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, acting as the Board of Commissioners of the Loveland Urban Renewal Authority:

Section 1. That reserves/revenues in the amount of $1,085,740 from fund balance in the Loveland Urban Renewal Authority Fund 603 are available for appropriation. Revenues in the total amount of $1,085,740 are hereby re-appropriated for the Façade Grant Program and reimbursement to a developer for public improvements and parking lot improvements approved in 2013 but not completed, as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget
2013 On-Going Projects and Capital Rollover
Loveland Urban Renewal Authority Fund 603

Revenues		
Fund Balance		1,085,740
Total Revenue		**1,085,740**
Appropriations		
603-80-870-0000-43840	Grants	59,990
603-80-871-0000-49360-EDBRK1	Construction	1,000,000
603-80-873-0000-43840	Grants	12,700
603-23-232-0000-49360	Construction	13,050
Total Appropriations		**1,085,740**

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 3. That this Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this 15th day of April, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Deputy City Attorney

CITY OF LOVELAND
ECONOMIC DEVELOPMENT OFFICE
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2304 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: **7**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Betsey Hale, Economic Development Department
PRESENTER: Mike Scholl, Economic Development Manager

TITLE:
An Ordinance on Second Reading Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Earnest Money and Costs Associated with Downtown Land Purchases

RECOMMENDED CITY COUNCIL ACTION:
Approve the ordinance on second reading.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:
This is an administrative action. This second reading ordinance appropriates $250,000 in funding for earnest money and costs associated with land purchases in the Downtown area. Environmental studies will be conducted as part of the standard due diligence per the contracts and will begin once the properties are under contract. The ordinance was approved unanimously on first reading by Council at the April 1, 2014 regular meeting.

BUDGET IMPACT:
☐ Positive
☒ Negative
☐ Neutral or negligible

The ordinance is funded with Council Reserve and undesignated balance of the General Fund, reducing the flexibility to fund future projects.

BACKGROUND:
Staff has engaged commercial real estate brokers to assemble property in Downtown Loveland. The property assemblage is for the Larimer County Office Building and the private development project in partnership with the Michaels Development Company. The earnest money deposit will be applied to the purchase price upon closing.

Staff is anticipating completion of the first round of negotiations with the Michaels Development Company by July 31, 2014. The first round will include full conceptual plans and financial analysis. We are working jointly with County staff to identify their needs and the location of the building within the larger development plan. The next phase of the negotiation with Michaels is scheduled to start around August 1, 2014. This second phase would be for the actual development agreement.

The City has approximately seven properties under contract with closing scheduled for the first week of December. There are a total of 18 properties with 12 different owners. The total cost of the acquisition is estimated between $5.2 and $5.7 million, with the final amount still to be negotiated. The contracts are contingent on Council approval of an appropriation for the full purchase price. Staff anticipates a funding action to Council by the end of August. The funding will come from Council Reserve and undesignated balance of the General Fund.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:
1. Ordinance

FIRST READING April 1, 2014

SECOND READING April 15, 2014

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2014 CITY OF LOVELAND BUDGET FOR EARNEST MONEY AND COSTS ASSOCIATED WITH DOWNTOWN LAND PURCHASES

WHEREAS, the City has reserved funds not appropriated at the time of the adoption of the City budget for 2014; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2014, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues and/or reserves in the amount of $250,000 from fund balance in the Council Capital Reserve in the General Fund 100 are available for appropriation. Revenues in the total amount of $250,000 are hereby appropriated and transferred to the Capital Projects Fund 120 for earnest money and costs associated with downtown land purchases. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget
General Fund 100 - Land Purchase

Revenues		
Fund Balance		250,000
Total Revenue		**250,000**
Appropriations		
100-91-999-0000-47120-EDDTLAND	Transfer to Capital Projects Fund	250,000
Total Appropriations		**250,000**

Supplemental Budget
Capital Projects Fund 120 - Land Purchase

Revenues		
120-00-000-0000-37100-EDDTLAND	Transfer from General Fund	250,000
Total Revenue		**250,000**
Appropriations		
120-18-1500-0000-49010-EDDTLAND	Land	250,000
Total Appropriations		**250,000**

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 3. That this Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this 15th day of April, 2014.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

J. Yost Schmidt
_____
Deputy City Attorney

CITY OF LOVELAND
BUDGET OFFICE
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2329 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: **8**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: John Hartman, Budget Officer

TITLE:
A Resolution Approving a Supplemental Budget to the 2014 Loveland Fire Rescue Authority Budget for Additional Funding from the City of Loveland from Remaining Funds for Projects Approved but Not Completed in 2013 and New Projects

RECOMMENDED CITY COUNCIL ACTION:
Adopt the resolution.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:
This is an administrative action. The resolution provides for Council approval of supplemental changes to the Loveland Fire Rescue Authority 2014 Budget to reappropriate operational expenses not spent in 2013 and add new projects. The Council approval of the budget is required for the Authority's budget to be in effect.

BUDGET IMPACT:
☐ Positive
☒ Negative
☐ Neutral or negligible

Implementation of the resolution requires an additional contribution from the City of $387,490 to be appropriated from reserves, reducing the flexibility for other projects.

BACKGROUND:

The Loveland Fire Rescue Authority was created through the Intergovernmental Agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity (IGA). At the Authority's April 2, 2014 meeting the Authority approved a resolution amending the budget by $477,840 for projects approved but not completed and new projects. Reappropriated projects total $251,100. New projects totaling $221,450 include:

- Implementing a peer support program;
- Modification to the Emergency Operation center;
- Additional overtime in the Community Safety Division;
- Funding for firefighter protective gear;
- Equipment for Fire Station 2;
- A plow and controls for a pickup;
- Extension of a part-time position in the Community Safety Division for permit review; and
- Addition of a summer intern.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. A Resolution approving a supplemental budget and appropriation to the Loveland Fire Rescue Authority 2014 budget.
2. Attachment A - Fire Authority Resolution #R-032 enacting a supplemental budget and appropriation to the 2014 Loveland Fire Rescue Authority Budget to appropriate additional funding from both the City of Loveland and the Loveland Rural Fire Protection District, and donations received.
3. LFRA Staff memo requesting the change.

RESOLUTION NO. #R-27-2014

A RESOLUTION APPROVING A SUPPLEMENTAL BUDGET TO THE 2014 LOVELAND FIRE RESCUE AUTHORITY BUDGET FOR ADDITIONAL FUNDING FROM THE CITY OF LOVELAND FROM REMAINING FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2013 AND NEW PROJECTS

WHEREAS, the City's 2013 budget included appropriations for projects not completed or closed out by the end of 2013, when the 2013 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring reappropriation in 2014 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the Rural District's 2014 budget included appropriations for contingency, and approval of specific expenditure in 2014 with respect to ongoing projects; and

WHEREAS, the City and the Rural District have also received or have reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2014, as authorized by Section 11-6(a) of the Loveland City Charter; and

WHEREAS, the Fire Authority is authorized under Section 4.1 of the Authority IGA to adopt an annual budget and to supplement such budget from time to time, provided that the annual budget and any supplemental appropriations shall become effective upon the approval of the governing bodies of the City and the District; and

WHEREAS, on March 13, 2014, the Fire Authority adopted Resolution #R-032, which is attached hereto as **Exhibit A** and incorporated herein by reference, enacting a supplemental appropriation to its 2014 Budget; and

WHEREAS, the City Council desires to approve the Fire Authority's 2014 Supplemental Budget and Appropriation reflected in Resolution #R032.

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

Section 1. That Resolution #R-032 of the Loveland Fire Rescue Authority attached hereto as Exhibit A enacting a Supplemental Budget and Appropriation for the fiscal year 2014, is hereby approved.

Section 2. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 15th day of April, 2014.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

Approved as to form:

Teresa Ablao
Assistant City Attorney

RESOLUTION NO. R-032

A RESOLUTION APPROVING A SUPPLEMENTAL BUDGET TO THE 2014 LOVELAND FIRE RESCUE AUTHORITY BUDGET FOR ADDITIONAL FUNDING FROM THE CITY OF LOVELAND AND FROM LOVELAND RURAL FIRE PROECTION DISTRICT FROM REMAINING FUNDS FOR PROJECTS APPROVED BUT NOT COMPLETED IN 2013 AND NEW PROJECTS

WHEREAS, the City's 2013 budget included appropriations for projects not completed or closed out by the end of 2013, when the 2013 budget appropriations expired in accordance with the City of Loveland Charter and state law, requiring reappropriation in 2014 to permit expenditure of such funds to continue with respect to ongoing projects; and

WHEREAS, the Rural District's 2014 budget included appropriations for contingency, and approval of specific expenditure in 2014 with respect to ongoing projects; and

WHEREAS, the City and the Rural District have also received or have reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2013; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2014, as authorized by Section 11-6(a) of the Loveland City Charter; and

WHEREAS, the Rural District Board desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the Rural District budget for 2014, as authorized by state law; and

WHEREAS, the Authority has requested that City and Rural District reserve funds be appropriated to fund the operations expenditures identified below, according to the provisions of the Intergovernmental Agreement creating the Authority, which provide for allocating the payment of costs and expenses of the Authority between the City at 82% and the Loveland Rural Fire Protection District at 18%; and

WHEREAS, the Loveland Fire Rescue Authority Board desires to authorize the expenditure of these funds from the City of Loveland and the Loveland Rural Fire Protection District for operating expenditures in 2014 as identified below.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE LOVELAND FIRE RESCUE AUTHORITY, STATE OF COLORADO, AS FOLLOWS:

Section 1. That additional funds from donations of $5,290, the City of Loveland at $387,490 and the Loveland Rural Fire Protection District at $85,060 not appropriated at the time of adoption of the budget for 2014 have resulted from expenditures that were budgeted in the 2013 budget but not made. Reappropriation of $477,840 is necessary to permit expenditure of the funds in 2014 for purposes previously approved by Council and the Rural Board and new projects. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

2013 Rollover/Carryover Money

Account Title	Account Number	Amount	Description
Sources of Funds:			
Contribution from the City	604-22-227-1601-38600	$387,490	82% of the operations fund; reappropriated 2013 $'s
Contribution from the Rural District	604-22-227-1601-32402	85,060	18% of the operations fund; approved use of contingency appropriated in 2014 Budget
Donations	604-22-223-1651-35305	5,290	Donations to be applied to smoke & CO detectors
Total Resources		$477,840	

Uses of Funds:			
Tools & Equip/Comm.	604-22-226-1641-42033	7,450	Outstanding purchase order for radios
Computer Supplies	604-22-226-1646-42015	24,700	Technology projects
Computer Equip	604-22-226-1646-48248	31,750	Technology projects
Other Services	604-22-227-1601-43899	7,500	Reserve Firefighter Pension Program Assessment
Vehicle Maint-Internal Services	604-22-226-1647-43534	70,000	Maint on vehicles added to the fleet in 2013 not included in the 2014 budget
Other Services	604-22-226-1647-43899	3,500	Complete the logo replacement for vehicles
Tools & Equip-EM	604-22-227-1600-42033	10,500	Emergency Management Grant
Other Services-EM	604-22-227-1600-43899	23,500	Emergency Management Grant
Other Capital - EM	604-22-227-1600-49399	9,000	Emergency Management Grant
OT-Peer Support	604-22-224-1639-41022 FRSUPS	14,500	Peer Support Program
Other Services-Peer Support	604-22-224-1639-43899 FRSUPS	39,500	Peer Support Program
Travel & Training-Peer Support	604-22-224-1639-43270 FRSUPS	2,000	Peer Support Program
Other Services-EM	604-22-227-1600-43899	15,000	Emergency Operations Center-Modifications
Tools & Equip-EM	604-22-227-1600-42033	11,650	Emergency Operations Center-Modifications
Computer Equip-EM	604-22-227-1600-42015	9,000	Emergency Operations Center-Modifications
Other Capital - EM	604-22-227-1600-49399	34,000	Emergency Operations Center-Modifications
Salaries	604-22-227-1601-41011	24,200	Retirement
Awards/Recognition	604-22-227-1601-43895	4,000	Retirement
OT-C5D	604-22-223-1651-41021	15,000	OT to train up FIT's on shift
Uniforms	604-22-225-1608-42025	28,800	Firefighter protective gear
Fitness Equip	604-22-224-1605-42024 FRSUPF	5,000	Fitness equipment for new crew at new Stat 2
Other Capital	604-22-224-1605-49399	35,000	Compressor that was value engineered out of St 2
Repair & Maint	604-22-224-0000-43569	20,000	Stat 3 dorm privacy dividers and truck room paint
Other Services	604-22-227-1601-43899	15,000	Property purchase professional services
Tools & Equip	604-22-226-1647-42033	1,500	Training BC vehicle to mount snow plow
Non-Benefit Salary	604-22-223-1654-41012	5,100	Part Time assistance with permits
FICA	604-22-223-1654-41544	400	Part Time assistance with permits
Non-Benefit Salary	604-22-227-1601-41012	4,650	Record Mgmt Summer Intern
FICA	604-22-227-1601-41544	350	Record Mgmt Summer Intern
Prog. Supplies	604-22-223-1651-42078	5,290	
Total Uses of Funds:		$477,840	

Section 2. That as provided in Article IV: Section 4.1 of the Intergovernmental agreement for the Establishment and Operation of the Loveland Fire Rescue Authority as a Separate Governmental Entity, this Resolution shall be published in full by the Board Secretary.

Section 3. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 13th day of March, 2014.

Jeffrey M. Swanty, Chairperson

ATTEST:

Secretary

Approved as to form:

Teresa Ablao
Assistant City Attorney

Loveland Fire Rescue Authority
410 East 5th Street
Loveland, Colorado 80537
(970) 962-2471 Fax (970) 962-2922 TDD (970) 663-5144
www.cityofloveland.org

Date: February 20, 2014

TO: Jeff Swanty, Loveland Fire Rescue Authority Board Chairperson
Bill Cahill, City Manager
Dave Legits, Loveland Rural Fire Protection District Board Chairperson
Greg White, Loveland Rural Fire Protection District Administrator

FROM: Randy Mirowski, Fire Chief
Renee Wheeler, PS Administrative Director

Cc: Brent Worthington, City Finance Director
John Hartman, Budget Officer

RE: **Request to Appropriate 2013 Budget Savings in 2014 for Incomplete Projects and High Priority Needs**

The following table is used to calculate the amount of money that remains in the 2013 budget. The partner contributions have been excluded so that the calculation is limited to the revenue that LFRA is expected to generate and expenditure savings.

Calculation of Amount Available for Incomplete Projects/Equipment Purchases Operations Fund (604)		
Revenue Expected to be Generated by LFRA:		
Budget (less budgeted contributions by City and Rural District)	$174,380	
Revenue Collected (less actual contributions by City and Rural District)	290,675	
Actual Collected in Excess of Budget (excluding partner contributions)		$116,295
Expenditures:		
Budget	10,489,010	
Actual	10,056,848	
Allowance for 12/31/13 transaction postings through the end February	20,000	
Budget Exceeds Actual		$412,162
Total Available for Incomplete Projects		$528,457
Requests		$472,550

Summary of Requests

LFRA Operations Fund

Carryover
Several projects that were planned for 2013 budget that were unable to be completed due to our efforts being diverted to respond to the flood or due to partners outside of our organization that had limitations. The table below is the listing of carryover requests. The Exhibit that follows the memorandum provides detailed descriptions of each of the requests.

Description of Request	Operations Fund (604)
Requests:	
Purchase Order for items not received at year end (PO 13-1149 Firecom)	$7,450
Incomplete Technology Projects	56,450
Reserve Firefighter Pension Program Assessment	7,500
Vehicle Maintenance	73,500
EMPG Grant (received grant at the end of the year)	43,000
Peer Support Program	56,000
Emergency Operations Center Modifications	69,650
Retirement	28,200
Overtime in Community Safety Division	15,000
Firefighter Protective gear	28,800
Station 2 (Compressor & Equip)	40,000
Facilities Maintenance Projects	20,000
Appraisals and Other Professional Services for Property Transactions	15,000
Plow controls and attachments	1,500
Extension of Part Time Assistance with Permitting	5,500
Summer Intern for Records Management	5,000
Difference between funds available and requests	**$472,550**
Operations Budget: City Share	$387,490
Operations Budget: Rural District Share	$85,060

The items highlighted in the table above have a $135,000, or 1.2% of the 2015 estimated budget, impact on future year budgets. This will need to be taken into consideration in the update of the ten year financial plan. It will be our objective to revise estimates to absorb these expenditures.

Supplemental Request
LFRA would like to appropriate donations to purchase 250 smoke and 100 carbon monoxide detectors for a total of $5,290. There are no restrictions that have been placed on the use of the donations collected to date. The donations balance currently is $8,876.07 and after this appropriation will be $3,586.07.

- Revenue 604-22-223-1651-35305 $5,290
- Expenditure 604-22-223-1651-42078 $5,290

FUND 264 City Capital Expansion Fee Fund

Carryover
The budget remaining at year end is $2,684,453.11. The anticipated balance (with the Belford Watkins purchase order subtracted out) was already re-appropriated when the construction contract was approved. The Belford Watkins purchase order (PO 13-0133) that had a balance and was rolled over into 2014 for Belford Watkins. The balance was $48,242.83 that needs to be re-appropriated.

- 264-22-222-0000-49355 Design/Architect 48,250

Supplemental Request
LFRA is requesting an appropriation of $740,000 to purchase property to the west of the Training Center. The City has an express interest in a $740,000 property that would enhance our LFRA training center. It includes 4 acres of ground, a 6,000 sq. ft. building and two other buildings at 1500 and 1000 sq. ft. This allows for development of the LFRA training center out of the flood way. It has a great access off Railroad Avenue and a rail spur is included.

- 264-22-222-0000-49010 Land

Exhibit: Carryover Request Descriptions/Justifications

Title of Request:	Purchase Orders Outstanding at Year End	Amount of the Request:	$7,450

Description/Justification:

Valid purchase order balances at the end of the year where the order for a variety of reasons was not received by December 31, 2013.

FireCom PO 13-1149 for 5200D Digital Intercom 2 Radios and 110-5136-30 MR-52X, Motorola, 4 foot cable

Account Number	Account Title	Amount by Acct No.
604-22-226-1641-42033	Tools & Equip in Communications	$7,450

Title of Request:	Technology	Amount of the Request:	$56,450

Description/Justification:

Training Center Fiber : Project Cost $5,000

$40,000 was budgeted in 2013 to improve information transmission and allow for video conferencing training in 2013; however, the boring was significantly more expensive than anticipated making the fiber solution cost prohibitive. An alternate solution was developed at the end of the year using a roofline tower on the RMCIT campus building to provide microwave radio signal service from that location to the LFRA Fire Training Center. A ten year lease was signed for access to the RMCIT roof and equipment will need to be purchased and installed.

WIFI Installation at Stations 3, 5, & Training Center: Project Cost $2,000

WIFI installed will allow for mobile devices (phones and tablets) to be connected to the internet with effective performance strength. In addition, the effort to move towards mobile field reporting will require the use of WIFI to download program data from wireless only devices when those devices are in fire stations. The effort to enhance virtual connectivity for meetings and trainings via the internet will require the use of hardware that connects to the internet wirelessly. Virtual Tele-Conferencing (VTC) will increase connectivity at reduced cost and maximized system coverage for trainings and meetings. Last, emerging technologies in many aspects of the fire service are equipping devices with WIFI connectivity to maximize efficiency with software updates, data downloads and equipment troubleshooting.

Station 5 Fiber: Project Cost $8,000

This project is associated with a grant the Public Works Department received and is subject to that projects construction schedule. Also, during the year it was also discovered by IT that additional equipment would need to be installed within their infrastructure to make the solution operable. They did not have the funds available to purchase that equipment and it had to be deferred to the next budget.

System Status Screens for all stations: Project cost $8,600

The screens allow for:

1. Response Readiness Enhancement – These status screens can provide instant alerts as soon as the first key stroke is entered into CAD, in some cases prior to the pre-alert by 15-60 seconds. By having these in each station, we can use the audio from the systems and feed it into our station alerting systems.
2. Silent Dispatching Configuration – Silent dispatching is a prevalent tool used to reduce workload in the dispatch center. Low priority calls could be initiated by the dispatch center but not 'toned' like an emergency would be. With status screens in the stations and the BC office, a non-emergent service call can be assigned to the incident cue, and can be self-assigned to a company when appropriate.
3. Improved System Status Management - During heavy call volume, non-emergent responses wait in the cue for available apparatus (fire companies) to address.
4. Implementation of call handling procedures across the system.
5. Purchase of a Tri-Tech CAD software license for each location to ensure legal compliance.

Presentation Projectors: Project cost $ 3,500

The projectors allow for:

1. Service enhancement to technology for classroom presentations and future Virtual Training System environments
2. Wireless capability for WIFI connection to handheld devices for presentations
3. HDMI capability for enhanced connectivity to wired devices (HDMI is a digital replacement for existing analog video standards.)
4. Enhanced lumen performance – brighter screens for large room presentations and rooms with ambient light challenges
5. Establishing a replacement schedule for all current projectors within the financial plan.

Plans Scanner: Project Cost $8,000

The existing construction plans scanner has been sitting inoperable for at least three years because there has not been budget money available for replacement. Consequently, plans have not been scanned. There is another plans scanner at City Hall, however, there isn't staff available to perform the scanning function off-site. The carryover request has been included for a summer intern to address the backlog.

ETI Mobile Licenses: Project Cost $1,500

Activate three licenses on a Business Inspections laptop, an Engine laptop and a Fire Investigations laptop to build electronic information necessary for pre-plans that enable effective emergency response. A preplan includes information like utilities shut offs, fire alarm panel location, knox box location, roof construction, hazardous materials risks, and other information specific to the property.

ETI Pre-Plan Pop Up Module: Project Cost $4,100

Once the Community Safety staff gather important information (i.e, fire sprinkler system drawings, hazardous materials information), however that information is not available electronically on scene. This module makes that possible at assist with safer, more efficient and more effective response.

Hot Standby Server Upgrade: LFRA Estimated Share of the Project Cost $15,750

This is a server that LFRA partnered with the Police Department to purchase in 2012. It serves in a backup capacity for the Computer Aided Dispatch. There is a need to upgrade it to an off-site, fully redundant production server that is capable of taking over upon CAD server failure or outage at the Police Department. There are several considerations related to interface options and other setup options that are being evaluated. The estimated cost for the full upgrade would be $63,000 and there are four partners that would need to share in that cost (LFRA is of course one of those partners.).

Account Number	Account Title	Amount by Acct No.
604-22-226-1646-42015	Computer Equip (<$5k/unit)	$24,700
604-22-226-1646-48248	Computer Equip (>$5k/unit)	$31,750

Title of Request:	Reserve Firefighter Pension Program Assessment	Amount of the Request:	$7,500

Description/Justification:

The LFRA Board received information from Moses Garcia, Assistant City Attorney, from Innovest and the Board agreed to proceed.

Assistance with freezing the existing defined benefit plan $2,500

- Determining the type of freeze, adopting the necessary amendments, meeting disclosure requirements, investment considerations of freezing a plan, and defining on-going responsibilities.

Assistance with establishing a LOSAP Defined Contribution Plan $5,000

- Adoption of enabling resolution, plan design, plan documents, plan provider, and plan investments.

Account Number	Account Title	Amount by Acct No.
604-22-227-1601-43899	Other Services in Administration	$7,500

Title of Request:	Vehicle Maintenance	Amount of the Request:	$73,500

Description/Justification:

Fleet Maintenance has notified us that maintenance (including fuel) was not added to the 2014 budget for the vehicles and apparatus purchased in 2013 (BC Command Vehicle-Chevy 2500, Other Command Vehicle-Chevy Tahoe, Type 6-Ford Brush Truck, Squad 2/Heavy Rescue Truck-Spartan/SVI). $70,000

We are also finishing up the logo replacement for Tender 1 (logo only), Tender 5 (logo only), Engine 226 (lettering only-no logo on this truck), 4 staff vehicles, and the van. $3,500

Account Number	Account Title	Amount by Acct No.
604-22-226-1647-43534	Vehicle & Equip. Maint.-Internal Service	$70,000
604-22-226-1647-43899	Other Services – Vehicles & Apparatus	$3,500

Title of Request:	EMPG Grant	**Amount of the Request:**	$43,000

Description/Justification:

The Emergency Management and Performance Grant was received at the end of the year. We did not budget for the receipt of this grant. Capt. Pat Mialy has identified the needs as follows:

- Mobile Command Vehicle (MCV) - **$6,050**
  - ARES needs technological upgrades to meet the increased demands for multiple and simultaneous back up communications between the field and the EOC. These funds are to build an ARES workstation in the cab and move the associated cables and radios; and, to upgrade and/or add equipment to increase the MCVs overall effectiveness during field deployment as a mobile communications center and as an incident command vehicle.

Radios & headsets	1,150
Workstation in Cab	3,600
Whiteboard materials	1,200
Misc. supplies	100

- Backup Emergency Communications - **$900**
  - ARES needs technological upgrades to meet the increased demands for multiple and simultaneous back up communications between the field and the EOC. An increase in local capacity is needed to build out our backup emergency communications as a redundancy for field-based and EOC 911 communications. These funds are to purchase equipment for ARES to build local capacity.

Software	50
Radio cases	275
Headset	60
Shelving	240
Dedicated printer	275

- Repairs to 1610 am radio - **$16,500**
  - The 1610 am radio is one of the primary means for making community emergency notifications. The radio system and equipment is not functioning correctly due to multiple problems. These funds are to make repairs and/or enhancements to the radio system and to move to a less-crowded area of the am frequency.

Move to 530am	15,000
Switch servicing	1,000
Simulcast on website	500

- Repairs to emergency flashing signs - **$12,500**
  - The system is not reliable in its current condition due to multiple known issues. These funds are to make repairs and/or enhancements to the system. On Feb 3, 2014 the flashing sign located on North Wilson Avenue was hit by a vehicle and is in need of replacement and associated repairs. These funds will replace a destroyed flashing sign assembly.

Replace Wilson Ave sign	3,000
New Westbound sign for W Hwy 34	9,000
Batteries	500

- Training and Exercises - **$7,050**
  - The 2013 Flood Improvement identifies the need for multiple, on-going training and exercises to be provided city-wide. A contractor will need to be hired to develop and facilitate several Emergency Operations Center functional exercises. These funds are to retain the services of and Exercise Consultant and to pay for exercise materials and supplies.

Other needs that will be requested in the 2015 budget development process (not included in this request):

- 20 X 20 Shelter Tent for extended deployments $10,000
- Satellite Transmitter $60,000

Account Number	Account Title	Amount by Acct No.
604-22-227-1600-42033	Tools and Equip (everything else)	$10,500
604-22-227-1600-43899	Other Services (repairs to am station, training exercises consultant)	$23,500
604-22-227-1600-49399	Other Capital (Hwy 34 sign)	$9,000

Title of Request:	Peer Support	**Amount of the Request:**	$56,000

Description/Justification:

LFRA is collaborating with the Police Department to provide Public Safety employees with a Peer Support Program. The nature of the work exposes our employees to traumatic incidents. We would like to provide a support system guided by a licensed mental health professional, with a trained group of employees that will serve as Peer Support Team. See the issue paper attached for details about how this program would be developed.

Initial PEER team startup cost estimate for 2014:

Initial Class fee: $2,000.00
Initial class overtime: $8,634.40
Team Training 30 hours for 4 members: $5,865.60
Clinical Supervisor fee: $30,000.00-$35,000.00

Retainer Fee - $500.00/month for 9 months - $4,500.00
Total: $56,000.00 worst case scenario not including call outs

Recurring cost for 2015 and beyond:
Clinical Supervisor fee: $45,000.00 annually
Add 2 more Team members: $2000.00 2015 only
Class overtime for 2 new team members: $3,910.40
36hrs team training for 6 members: $10,558.08
Team Call outs 2 members minimum: $48.88/hour based on need
Total for 2015: $55,186.40 not including call outs
Total for 2016 and beyond: $61,468.48, excluding call outs, inflated annually

Account Number	Account Title	Amount by Acct No.
604-22-224-1639-41021 FRSUPS	OT	$14,500
604-22-224-1639-43899 FRSUPS	Other Services	$39,500
604-22-224-1639-43270 FRSUPS	Travel & Training	$2,000

Title of Request:	Emerg. Oprs. Center Modifications	**Amount of the Request:**	$69,650

Description/Justification:

- Emergency Operations Center (EOC) - **$64,650**
  - The current configuration of the EOC is optimally effective based on functional and communication challenges identified during multiple EOC activations. These funds are to purchase equipment, make technology upgrades, and for sub-contractor services to address multiple functional and communication needs.

3 Mobile radios & antennas	16,000
3 headsets	3,000
1 large screen TV	1,000
Move cable box & service for 2 TVs	200
8 large monitors or 8 medium TVs	3,750
8 brackets	950
Electrician for EOC, cable runs & drops	10,000
Plexiglas and hooks	350
Smart board	8,000
4 medium white boards	400
8 Selector switches	2,000
4 PCs	9,000
Replace tower antenna	10,000

- Recovery Plan - **$5,000**
  - The City of Loveland does not have a Recovery Plan. These funds are to serve as the 25% match for the Hazard Mitigation Grant Program or MAP grant (State grants) to have this document written.

Account Number	Account Title	Amount by Acct No.
604-22-227-1600-43899	Other Services (electrician & recovery plan)	$15,000
604-22-227-1600-42033	Tools and Equipment	$11,650
604-22-227-1600-42015	Computer Equipment	$9,000
604-22-227-1600-49399	Other Capital (antennas, smart board, tower antenna)	$34,000

Title of Request:	Retirement	Amount of the Request:	$28,200

Description/Justification:

When the Chief retires LFRA will be responsible for paying all accumulated balances and we would like to hold a retirement event

Account Number	Account Title	Amount by Acct No.
604-22-227-1601-41011	Salaries	$24,200
604-22-227-1601-43895	Awards & Recognition	$4,000

Title of Request:	Overtime in Community Safety Division	Amount of the Request:	$15,000

Description/Justification:

The Division Chief is implementing a program that will save money in the long run but initially will require overtime dollars for additional training. The objective is to train enough engineer level staff members for fire investigation so that function can be performed while on duty for most fires, rather than call an off duty investigator in on overtime.

Account Number	Account Title	Amount by Acct No.
604-22-223-1651-41021	Overtime	$15,000

Title of Request:	Firefighter Protective Gear	Amount of the Request:	$28,800

Description/Justification:

The three emergency services agencies for Loveland have had strong working relationships for many years. In the later part of 2014, the three chief officers in charge of Fire, Police and EMS began to meet to discuss how we could make things even better and be able to respond to violent incidents with greater safety. Work has begun in 2014 to improve our operations together and build an even stronger emergency services network for our citizens in Loveland.

The funding is to ensure that all engines (9) are outfitted for active shooter protocols. Instead of outfitting each firefighter, the objective is to outfit each seat in the engine. The equipment would include a helmet, vest, armor, and personnel EMS kit. The Police Department has agreed to assist with

this effort and some team members already have gear (reducing a $40,000 project o$28,800). Firefighter safety is a fundamental element of the 4th pillar of success (Human Resource Assets).		
Account Number	**Account Title**	**Amount by Acct No.**
604-22-225-1608-42025	Uniforms	$28,800

Title of Request:	New Station 2 Equipment	**Amount of the Request:**	$40,000
Description/Justification:			
The air compressor had to be value engineered out of the construction project cost but is deemed important to operations. That cost is expected to be $35,000. The construction budget also only has $250 for fitness equipment to add to the current Station 2 equipment. However, the current Station 2 workout room is essentially a large janitorial closet (to create a visual) and the rowing machine has to be stored up right and pulled out of the room to be used. The new Station 2 will be staffed with an additional crew as well. Therefore the balance of $5,000 is for fitness equipment. LFRA has a standing deal with the Recreation Department that as they are retiring their "cardio" equipment, Fire and Police get the first opportunity to buy it. LFRA has purchased a treadmill from them for $1,800 for instance.			

Account Number	**Account Title**	**Amount by Acct No.**
604-22-224-1605-42024 FRSUPF	Fitness Equip	$5,000
604-22-226-1644-49399	Compressor	$35,000

Title of Request:	Facilities Maintenance Projects	**Amount of the Request:**	$20,000
Description/Justification:			

Chief Ward and the City's Facilities Manager surveyed the building maintenance status of all the stations in 2013 to create a plan for projects through 2018. The following projects were identified as necessary for completion in 2013 and 2014:

- Station 3 truck room paint $8,000
- Station 3 dorm room privacy dividers $12,000 (also identified as an issue by the Facilities Master Plan consultants)
- Station 5 carpet in the living areas $12,000

Facilities has agreed to fund the Station 5 carpet out of their project budget. This request is for the Station 3 Dorm room privacy dividers and truck room paint.

Account Number	**Account Title**	**Amount by Acct No.**
604-22-224-0000-43569	Repair and Maint	$20,000

Title of Request:	Property Purchase Professional Services	**Amount of the Request:**	$15,000
Description/Justification:			
This request is included to ensure that LFRA has sufficient funds to cover the cost of appraisals, surveys, title searches and other professional services associated with the transition of the Old Station 2 and the purchase of the training center property.			

Account Number	**Account Title**	**Amount by Acct No.**
604-22-227-1601-43899	Other Services	$15,000

Title of Request:	Plow Controls and Attachments	Amount of the Request:	$1,500

Description/Justification:

A need was identified related to snow removal at the existing training center. We priced out both purchasing a plow for the front of the Training Battalion Chief's vehicle and the cost of contract snow removal. The plow and the related equipment to mount it is estimated to be $7,600. The snow removal contract estimate was based on the amount of snow fall per snow event (1.5"-3" $210, 3" – 6" $350 and 6" or more is billed at an hourly rate of $105/hour). However, we discovered that the City has a plow we could use. We just need to purchase and install the controls and the attachment, which is estimated to cost $1,500. Fleet can perform the installation.

Account Number	Account Title	Amount by Acct No.
604-22-226-1647-42033	Tools and Equip	$1,500

Title of Request:	Extension of Part Time Permit Assistance	Amount of the Request:	$5,500

Description/Justification:

The original plan was to phase out the need for part time assistance with permit review assistance. However, the building activity has been increasing and the feasibility of phasing out the assistance doesn't appear reasonable if the current level of service is to be maintained. Frankly it is likely cheaper to retain the part time assistance than it is to pay overtime for existing staff to perform that function.

Account Number	Account Title	Amount by Acct No.
604-22-223-1654-41012	Non-benefited salaries	$5,100
604-22-223-1654-41544	FICA	$400

Title of Request:	Summer Intern for Records Management	Amount of the Request:	$5,000

Description/Justification:

There are an estimated 1,555 files (building files, planning and zoning files, Centerra files, school files, Johnstown files, fire alarm and fire sprinkler plans, and Juvenile Fire Setting files) that need to be reviewed for compliance with the records retention schedule. Existing staff have not been able to make time available to performance this function. The files would have to be verified for retention regulations, and records that must be retained would need to be scanned and indexed. Records that can be destroyed must be logged and then destroyed. This is a great opportunity to provide a summer job.

Account Number	Account Title	Amount by Acct No.
604-22-227-1601-41012	Non-benefited salaries	$4,650
604-22-227-1601-41544	FICA	$350

CITY OF LOVELAND
DEVELOPMENT SERVICES DEPARTMENT
Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
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AGENDA ITEM: **9**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Troy Bliss, Current Planning
PRESENTER: Troy Bliss, City Planner II

TITLE:
An Ordinance on First Reading Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Peakview Commercial Park Addition PUD (#P-95) – Amendment #1," and Approving an Amendment to the General Development Plan for the Peakview Commercial Park Addition PUD

RECOMMENDED CITY COUNCIL ACTION:
Conduct a public hearing and adopt the ordinance on first reading as presented.

OPTIONS:
1. Take the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:
This is a quasi-judicial action to adopt an ordinance on first reading amending the Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP) to allow the use "vehicle minor repairs, servicing and maintenance" within Lot 4 of the PUD.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
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. The lot is 1.21 acres in size and 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 and borders

North Garfield Avenue (U.S. 287) along its eastern boundary. North Garfield Avenue at this location is designated a Major Arterial.

The proposed amendment to the GDP is akin to a rezoning action. The GDP establishes the zoning for the Peakview Commercial Park PUD. Currently, the GDP would not allow the proposed tire store within the PUD. Final action to amend the GDP is at the discretion of City Council.

In conjunction with the GDP amendment, is an application to amend the Preliminary Development Plan (PDP). The proposed amendment to the PDP establishes initial details for the tire store development including site layout, parking, landscaping, and building design. Final approval of the amendment to the PDP is by the Planning Commission, absent an appeal to City Council. For that reason, the PDP is not being presented to City Council at this time.

The Planning Commission held a public hearing on March 24, 2014, passing the following motions on an adjusted consent agenda:

- Recommended unanimous (7-0) approval of the GDP amendment to City Council, and;
- Approved unanimously the PDP amendment, contingent upon City Council's approval of the GDP amendment.

REVIEWED BY CITY MANAGER:

William D. Cahill

LIST OF ATTACHMENTS:

1. Ordinance
2. Staff Memo with Exhibits A, B, & C

FIRST READING April 15, 2014

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "PEAKVIEW COMMERCIAL PARK ADDITION PUD (#P-95) – AMENDMENT #1," AND APPROVING AN AMENDMENT TO THE GENERAL DEVELOPMENT PLAN FOR THE PEAKVIEW COMMERCIAL PARK ADDITION PUD

WHEREAS, on April 18, 2006, the Loveland City Council adopted on second reading Ordinance No. 5080 annexing and Ordinance No. 5081 zoning that real property designated as Peakview Commercial Park Addition PUD (#P-95) and approving the General Development Plan ("GDP"); and

WHEREAS, on February 3, 2009, the City Council adopted on second reading Ordinance No. 5384 approving a first amendment to a portion of the Peakview Commercial Park Addition PUD (#P-95), now known as the "Peakview Commercial Park Addition PUD (#P-95) – Amendment #1" (and referred to herein as the "PUD"), and approving an amendment to the GDP; and

WHEREAS, SFP-E, LLC, d/b/a Les Schwab Tire Center (the "Applicant"), as owner of Lot 4, Block 1, Amended Plat for Peakview Commercial Park 1st Sudivision, City of Loveland, County of Larimer, State of Colorado (the "Lot"), which is located within the PUD, has filed an application to amend the GDP to allow vehicle minor repairs, servicing, and maintenance on the Lot; and

WHEREAS, after holding a duly-noticed public hearing on March 24, 2014, the Loveland Planning Commission made the findings listed in the Planning Commission staff report dated March 24, 2014 (the "Staff Report"), and based on those findings recommended that City Council approve the proposed amendment to the GDP; and

WHEREAS, the proposed amendment to the GDP to allow vehicle minor repairs, servicing, and maintenance on the Lot is reflected in the First Amendment to the GDP, a copy of which is on file with the City's Current Planning Division and is incorporated herein by this reference (the "GDP Amendment # 2"); and

WHEREAS, the City Council desires to approve the GDP Amendment #2 to allow vehicle minor repairs, servicing, and maintenance on the Lot.

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

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the real property included within the Peakview Commercial Park Addition, City of Loveland, Larimer County, Colorado, described as

Lot 4, Block 1, Amended Plat for Peakview Commercial Park Subdivision, County of Larimer, State of Colorado

shall be included within the boundaries of the district designated as follows: **PEAKVIEW COMMERCIAL PARK ADDITION PUD (#P-95) – AMENDMENT #2**.

The above-described tract of land contains 1.21 acres, more or less, and is subject to all easements and rights-of-way on record or existing.

Section 2. That the City Council hereby makes the findings listed in Section VIII of the Staff Report.

Section 3. That the **PEAKVIEW COMMERCIAL PARK ADDITION PUD (#P-95) – AMENDMENT #2** shall be subject to the GDP Amendment #2, which is hereby approved and is on file in the office of the Current Planning Division and incorporated herein by reference.

Section 4. That the **PEAKVIEW COMMERCIAL PARK ADDITION PUD - SECOND AMENDMENT (#P-95)** shall be subject to all applicable zoning regulations for the City of Loveland except where they conflict with the GDP Amendment #2, and any Preliminary Development Plan or Final Development Plan applicable to the property.

Section 5. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

ADOPTED this _____ day of May, 2014.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

City of Loveland

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M E M O R A N D U M

TO: City Council

FROM: Troy Bliss, City Planner II, Current Planning Division

DATE: April 15, 2014

SUBJECT: Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP) Amendment

---

I. EXHIBITS

A. Planning Commission packet (March 24, 2014 public hearing)
B. Planning Commission resolution – Preliminary Development Plan (PDP) approval (for reference only)
C. Slide presentation

II. KEY ISSUES

The application proposes to amend the Peakview Commercial Park PUD, to allow minor vehicle repairs, servicing and maintenance that will allow development of a *Les Schwab* tire store. Currently, the vehicle repair use is not allowed by the approved General Development Plan. The subject property is 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. This is a quasi-judicial action that requires a public hearing by the City Council. 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.

III. BACKGROUND

There are two applications for amendments associated with the tire store proposal. These applications propose to accomplish the following: 1) amend the Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP) to allow vehicle minor repairs, servicing and maintenance (tire store) within the PUD; and 2) amend a Preliminary

Exhibit 1

Development Plan (PDP) for Lot 4, Block 1, Amended Plat of Peakview Commercial Park First Subdivision for changing an approved drive-thru restaurant use to a Les Schwab tire store. City Council is only evaluating the proposed GDP amendment, as it is a rezoning action. Approval of the PDP was granted by the Planning Commission (contingent on City Council's decision regarding the GDP) on March 24, 2014 (see **Exhibit B**).

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 development 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 within this area is the installation of the City trail located along the eastern edge of the site 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 with the nature of the PUD.

IV. GENERAL DEVELOPMENT PLAN (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 Exhibit **A - Attachment 5**. A detailed analysis is provided by staff in Section VIII of **Exhibit A**. The following is a general overview of the criteria that apply when evaluating the proposed GDP amendment:

- 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.

V. PLANNING COMMISSION REVIEW

On March 24, 2014, the Planning Commission considered both GDP and PDP amendment applications. The Planning Commission adjusted their consent agenda at the end of the public meeting, voting to consider the amendments on consent after noting that there was no one from the public in attendance to speak on the matter. The GDP amendment was unanimously recommended for approval to City Council by a vote of 7 to 0. The PDP amendment received

unanimous approval by a vote of 7 to 0, contingent upon the City Council's decision of the GDP amendment. Because these items were placed on the consent agenda, no minutes are provided in this memorandum.

RECOMMENDATION

The Planning Commission recommends approval of the GDP amendment, as determined in Section VIII of Exhibit A, and subject to the following condition:

Transportation Engineering
1. All public improvements shall comply with the Larimer County Urban Area Street Standards.

City of Loveland

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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.

EXHIBIT A

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.

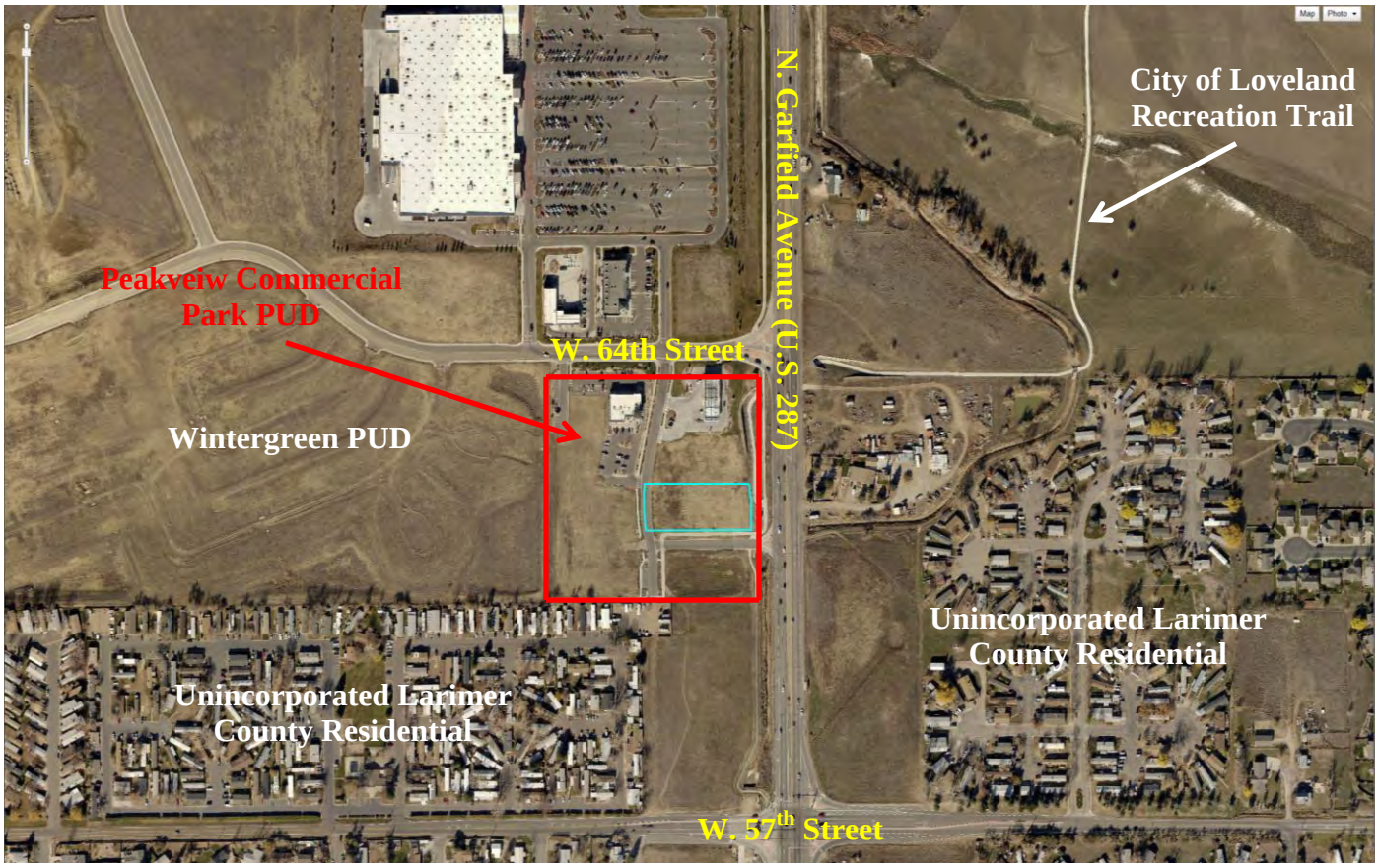
Planning Commission's evaluation of the proposed PDP amendment shall become a final decision, appealable to City Council and contingent upon City Council's decision of the GDP amendment.

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 1ST 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:**
   - **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, 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

Peakview Commercial Park Planned Unit Development (PUD) General Development Plan (GDP) Amendment.

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

EXHIBIT A
PC ATTACHMENT 1

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

EXHIBIT A
PC ATTACHMENT 1

APPROVED AS TO FORM:

J. Yost Schmidt

Deputy City Attorney

EXHIBIT A
PC ATTACHMENT 1

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.

EXHIBIT A
PC ATTACHMENT 2

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.

EXHIBIT A
PC ATTACHMENT 2

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 GDP 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 lotos, 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.

EXHIBIT A
PC ATTACHMENT 2

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.

EXHIBIT A
PC ATTACHMENT 2

- *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 store front 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 store front.

- *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)**

EXHIBIT A
PC ATTACHMENT 2

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	Required	Provided	
1 space / 450 SF	23	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.

EXHIBIT A
PC ATTACHMENT 2

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 significant 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.

EXHIBIT A
PC ATTACHMENT 2

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.

EXHIBIT A
PC ATTACHMENT 2

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.

EXHIBIT A
PC ATTACHMENT 8
Galloway

- *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.

EXHIBIT A
PC ATTACHMENT 3

- *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 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 façade.*
  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.

EXHIBIT A
PC ATTACHMENT 3

- *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 entirely 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.

EXHIBIT A
PC ATTACHMENT 3

HANKARD ENVIRONMENTAL
ACOUSTICS AND VIBRATION CONSULTING

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 is 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: ½" 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.

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ACOUSTICS AND VIBRATION CONSULTING

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

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ACOUSTICS AND VIBRATION CONSULTING

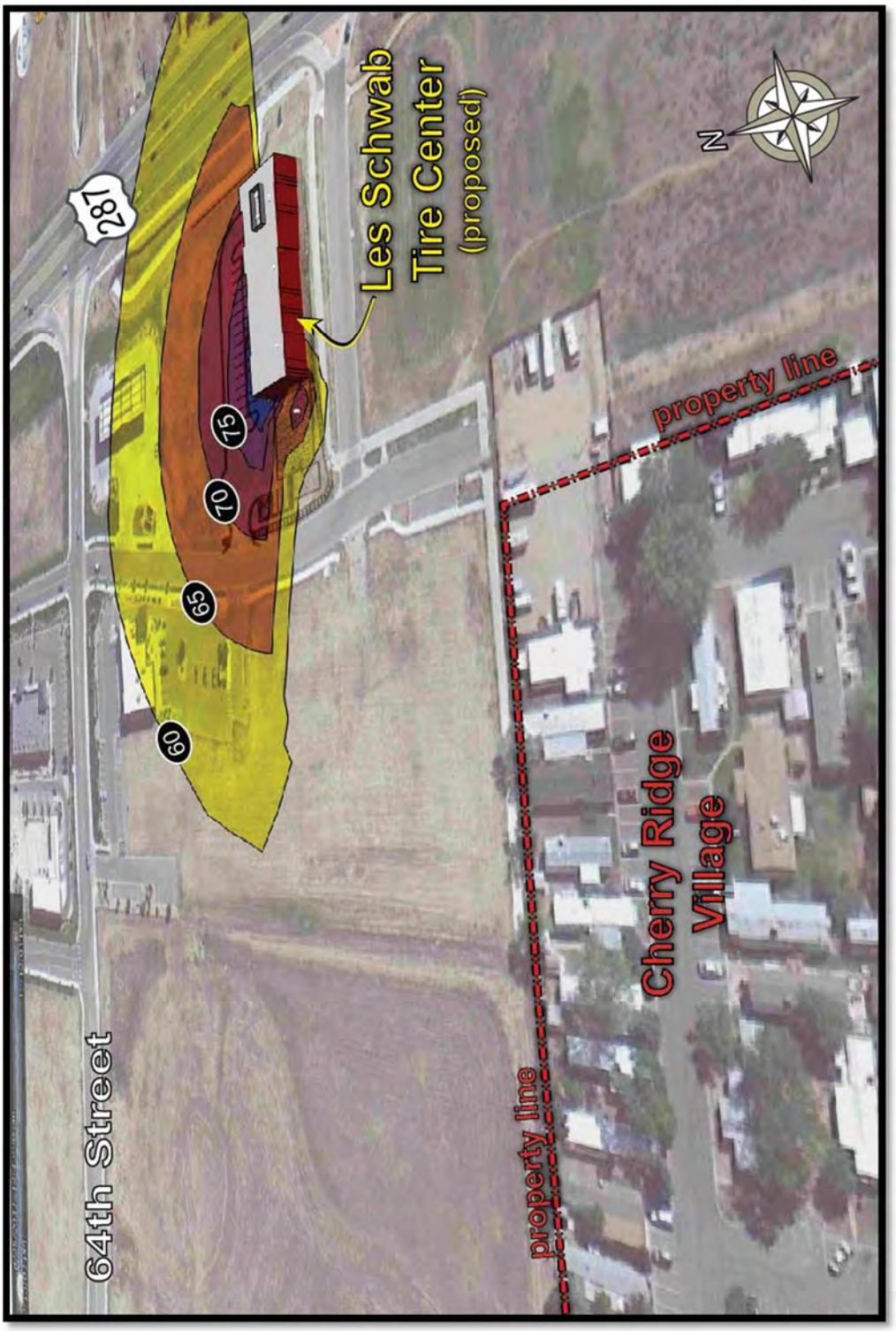


FIGURE 3: "WORST CASE SCENARIO" MAXIMUM SOUND LEVEL CONTOURS FROM LSTC (dBA)

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 COMANY, 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.

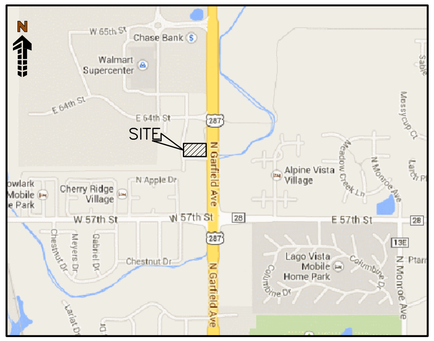
_____
CITY ATTORNEY

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



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.

LAND USE INFORMATION TABLE

GROSS SITE AREA:	±10.27 AC.	(Entire P.U.D.)
LOT 4 AREA:	±52,700 SF	(±1.210 AC.)
OPEN SPACE:	N / A	(Previously dedicated in 1st Sub. Plat)
PUBLIC R.O.W.:	N / A	(Previously dedicated in 1st Sub. Plat)
MAX. BLDG HEIGHT:	40 FEET	
MAX. F.A.R.	0.20:1	(As 'Vehicle Minor Repair, Servicing and Maintenance' use)
MAX. BLDG COVERAGE:	10,377 SF	(As 'Vehicle Minor Repair, Servicing and Maintenance' use)

OWNER

K & G DEVELOPMENT COMPANY, LLC,
A WYOMING LIMITED LIABILITY COMPANY
PO BOX 1046
LOVELAND, CO 80539

CONTACT: KRIS FLEISCHLI
(970) 218 – 7717 PHONE
(970) 266 – 1835 FAX

PLANNING AND CIVIL ENGINEERING CONSULTANT

GALLOWAY & COMPANY, INC
5300 DTC PARKWAY SUITE 100
GREENWOOD VILLAGE, CO 80111

CONTACT: COURTNEY COLBERT
(303) 770-8884 PHONE
(303) 770-3636 FAX

CONDITIONS OF APPROVAL

TO BE COMPLETED FOLLOWING PUBLIC HEARING PROCESS.

SHEET INDEX

SHEET 1	COVER SHEET
SHEET 2	NARRATIVE
SHEET 3	NARRATIVE
SHEET 4	SITE PLAN
SHEET 5	GRADING PLAN
SHEET 6	UTILITY PLAN
SHEET 7	BUILDING ELEVATIONS
SHEET 8	STREET SECTIONS

No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDG	11/25/2013

Galloway
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PEAKVIEW COMMERCIAL PARK
P.U.D.
2nd AMENDED
GENERAL DEVELOPMENT PLAN

Project No:	LST00022
Sheet Scale:	AS NOTED
Designed By:	JDT
Drawn By:	RDG
Date:	NOVEMBER, 2013
Disk File:	Lst22_PDP_01-Cover

COVER SHEET

EXHIBIT A
PC ATTACHMENT 5

SECTION 1: PURPOSE OF THE PROJECT

THE PURPOSE OF THIS AMENDMENT IS TO ADD THE FOLLOWING USE TO LOT 4 OF THE GDP: "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 GDP UPON WHICH THIS AMENDMENT IS BASED AND LOT 6 WILL CONTINUE TO BE SUBJECT TO THE 1st AMENDED GDP.

SECTION 2: LAND USE

A. OVERALL CONCEPT

DUE 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 GDP, 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 GDP 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 GDP

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 PDP.
   b. OFF–SITE IMPROVEMENTS SHALL BE DETERMINED WITH CITY REVIEW OF SUBSEQUENT PDP'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 PDP / GDP 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 FRONTAGE 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 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 PDP / FDP 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. ROOFING 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 FOR 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 VARIATION IN MASSING INCLUDING CHANGE IN HEIGHT AND PROJECTING/RECESSED ELEMENTS.
   d. THE ARCHITECTURAL DESIGN SHALL BE SENSITIVE TO THE CONTEXT OF THE SITE, AND PROVIDE A COMPATIBLE DESIGN.
   e. MATERIALS FOR FACADES SHALL BE VARIED AND PROVIDE INTEREST THROUGH CHANGES IN TEXTURE, MATERIALS, OR AN OBVIOUS CHANGE IN PLANE.
   f. 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 THIS G.D.P.
   g. THE COMMERCIAL, PROFESSIONAL OFFICE/CLINIC FLOOR AREA RATIO SHALL NOT EXCEED 0.35:1, EXCEPT AS MODIFIED IN SECTION 7.B.3.
   h. PARAPETS AND/OR SCREENS SHALL BE REQUIRED TO SCREEN ALL ROOFTOP MECHANICAL EQUIPMENT.
   i. 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 TRELLIS WITH VINES, ALONG NO LESS THAN FIFTY (50) PERCENT OF THE FACADE.
      - 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.
      - 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 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.
   j. PRIMARY BUILDING ENTRANCES SHALL BE DEFINED WITH RECESSES OR PROJECTIONS WITH SUCH ELEMENTS AS AWNINGS OR PORTICOS.
   k. 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.
   l. OUTDOOR RESTAURANT FACILITIES SHALL BE SCREENED FROM ADJACENT RESIDENTIAL USES SO AS TO NOT ADVERSELY IMPACT THE RESIDENTIAL USE.
   m. AT LEAST ONE (1) MAIN ENTRANCE OF ANY COMMERCIAL OR MIXED USE BUILDING SHALL FACE AND OPEN DIRECTLY ONTO A CONNECTING WALKWAY WITH PEDESTRIAN FRONTAGE.
   n. 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.
   o. CONTINUOUS INTERNAL PEDESTRIAN WALKWAYS, NO LESS THAN EIGHT (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.
   p. NO DELIVERY, LOADING, TRASH REMOVAL OR COMPACTION, 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.
   q. 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.

2. 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:
a. NO DRIVE–THROUGH LANE SHALL 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.
b. DRIVE–THROUGH LANES AND MENU BOARDS SHALL BE SCREENED FROM VIEW 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 ROADWAYS OR SIDEWALKS, PROVIDED SUCH LANES ARE SET BACK A MINIMUM OF TWENTY (20) FEET FROM ANY ADJACENT PUBLIC ROADWAY OR SIDEWALK, LANDSCAPED AND BERMED WITH A MINIMUM THREE (3) FOOT HIGH BERM. 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.
c. MENU BOARDS SHALL BE A MAXIMUM AREA OF FIFTY (50) SQUARE FEET, WITH A MAXIMUM HEIGHT OF SIX (6) FEET.
d. THE DESIGN AND LAYOUT OF DRIVE–THROUGH FACILITIES SHALL MINIMIZE PEDESTRIAN/VEHICLE CONFLICTS AND PROVIDE ADEQUATE DIRECTIONAL SIGNAGE TO ENSURE A FREE–FLOW THROUGH THE FACILITY TO THE EXTENT FEASIBLE.
e. PEDESTRIAN WALKWAYS SHALL INTERSECT DRIVE–THROUGH LANES ONLY AT LOCATIONS WHERE BOTH THE PEDESTRIANS AND DRIVERS HAVE CLEAR VISIBILITY OF THE INTERSECTION.
f. NO DRIVE–THRU LANE SHALL BE WITHIN 50' OF A RESIDENTIAL LOT LINE (THIS RESTRICTION EXCEEDS THE REQUIRED SETBACK OF 25' BY 100%).

No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDG	11/25/2013

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PEAKVIEW COMMERCIAL PARK P.U.D. 2nd AMENDED GENERAL DEVELOPMENT PLAN

Project No:	LST000022
Sheet Scale:	AS NOTED
Designed By:	JDT
Drawn By:	RDG
Date:	NOVEMBER, 2013
Disk File:	Lst22_GDP_02–Narra

NARRATIVE

EXHIBIT A
PC ATTACHMENT 5

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:
a. ONE (1) SUCH FACILITY IS ALLOWED WITHIN LOT 6.
b. THE MAXIMUM GROSS FLOOR AREA RATIO, INCLUDING CANOPY STRUCTURES, SHALL BE 0.20.
c. REVERSE MODE DESIGN (PUMPS AWAY FROM N. GARFIELD AVE.) IS REQUIRED.
d. 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.
e. THE CANOPY SHALL INCLUDE A SLOPING ROOF FORM, STEPPED PARAPETS, AND / OR SIMILAR ARCHITECTURAL FEATURES.
f. UP TO TWO (2) CANOPY SIGNS TOTAL MAY BE INSTALLED TO FACE W. 64TH STREET AND N. GARFIELD AVE.
g. 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:
a. GARAGE BAYS SHALL 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/FDP 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 ACCENT BUILDING MATERIALS.
d. 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.
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 FACADES SHALL BE VARIED AND PROVIDE INTEREST THROUGH CHANGES IN TEXTURE, MATERIALS, OR AN OBVIOUS CHANGE IN PLANE.
h. 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.
i. PARAPETS AND/OR SCREENS SHALL BE REQUIRED TO SCREEN ALL ROOFTOP MECHANICAL EQUIPMENT FROM PEDESTRIAN VIEW.
j. 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.
- 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.
- ALL FACADES SHALL HAVE FOUR (4) OR MORE OF THE FOLLOWING:
  - O THICKER WALL, LEDGES, OR SILLS;
  - O INTEGRALLY TEXTURED MATERIALS SUCH AS STONE, CMU OR OTHER ARCHITECTURAL MASONRY;
  - O INTEGRALLY COLORED AND PATTERNED MATERIALS SUCH AS SMOOTH-FINISHED TILE, MASONRY BLOCK OR FAUX STONE;
  - O LIGHTER OR DARKER COLORED MATERIALS, MULLIONS OR PANELS;
  - O PLANTERS;
  - O 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;
  - O STEPPED PARAPETS;
  - O FLASH CAPPING SHALL BE PERMITTED IN ADDITION TO CORNICE TREATMENTS.

k. PRIMARY BUILDING ENTRANCES SHALL BE DEFINED WITH RECESSES OR PROJECTIONS WITH SUCH ELEMENTS AS AWNINGS, CANOPIES OR PORTICOS.
l. 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.
m. 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.
n. 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.
o. NO DELIVERY, LOADING, TRASH REMOVAL OR COMPACTION, 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:
a. 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.
b. 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 ONTO ADJACENT PROPERTIES OR STREETS.
c. 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.
d. 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.
e. 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.
f. 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.
g. MINIMUM ILLUMINATION LEVELS SHALL BE NO LESS THAN 0.3 FOOT CANDLES.
h. THE UNIFORMITY RATIO (RATIO OF AVERAGE TO MINIMUM ILLUMINANCE) SHALL BE NO GREATER THAN FOUR TO ONE (4:1).
i. THE MINIMUM COLOR RENDERING INDEX (CRI) SHALL BE 20.

C. MATERIALS
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.

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 GDP 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 GDP 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 GDP 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.
   a. 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 (GDP) 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 GDP, 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 GDP (I.E. –TRAFFIC FROM THE PROPOSED USE PLUS TRAFFIC FROM PREVIOUSLY APPROVED SITE SPECIFIC DEVELOPMENT PLANS).

13. NOTWITHSTANDING ANY CONCEPTUAL INFORMATION PRESENTED IN THE GDP 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 GDP 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 LATE 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 THE REPORT INDICATES THAT NOISE IMPACT TO THE MOBILE HOME PARK WILL EXCEED 65 DBA FOR DAYTIME OPERATIONS, AND 60 MEASURES THAT WILL ASSURE THAT NOISE LEVELS WILL NOT EXCEED THESE SOUND LEVELS AT THE PERIMETER OF THE MOBILE HOME COMMUNITY.

20. THE DEVELOPER SHALL INSTALL ALL LANDSCAPE SHOWN ON THE APPROVED LANDSCAPE PLANS BEFORE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR ANY PERMANENT STRUCTURE(S), UNLESS FINANCIAL SECURITY IS FILED BY THE DEVELOPER WITH THE CITY TO ASSURE INSTALLATION AT A LATER DATE ACCEPTABLE TO THE CITY. THIS LANDSCAPE MAY BE INSTALLED ON THE BASIS OF A PHASED LANDSCAPE PLAN APPROVED BY THE CURRENT PLANNING MANAGER AS PART OF ANY FDP.

21. DEPICTIONS OF GRADING, STREET LOCATIONS AND ALIGNMENT, VEHICULAR ACCESS POINTS, AND LOCATION AND ALIGNMENT OF THE CITY TRAIL ON SHEET 5 OF 7 OF THE GDP SHALL BE DEEMED AS GRANTING OR IMPLYING APPROVAL OF THOSE DEPICTIONS. FINAL DETERMINATION OF ALL SUCH MATTERS SHALL BE MADE AS PART OF THE SUBSEQUENT PDP AND FDP FOR THIS DEVELOPMENT.

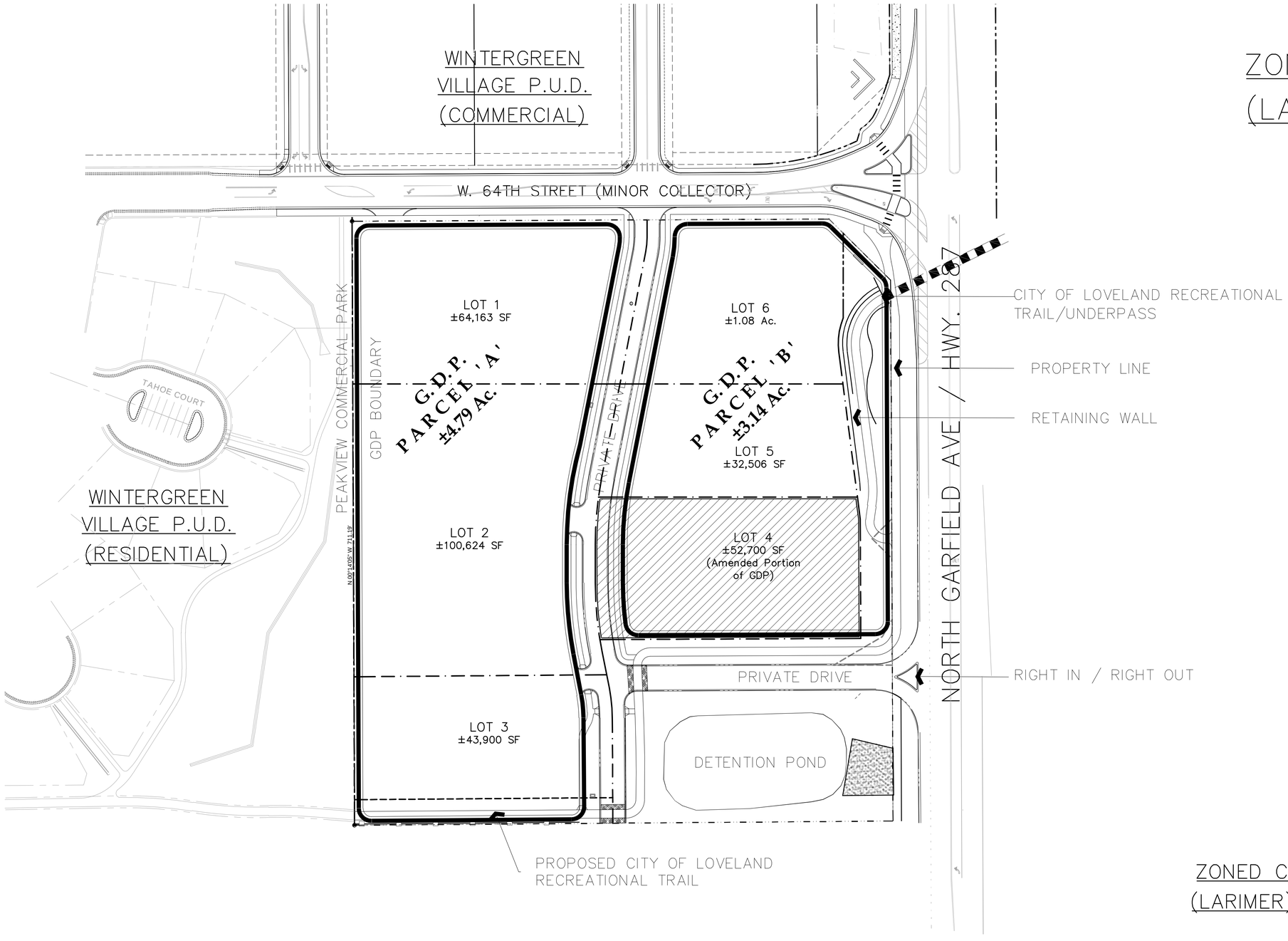
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	INITIAL PREPARATION	JDT	RDG	11/25/2013

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PEAKVIEW COMMERCIAL PARK P.U.D.
2nd AMENDED
GENERAL DEVELOPMENT PLAN

Project No:	LST000022
Sheet Scale:	AS NOTED
Designed By:	JDT
Drawn By:	RDG
Date:	NOVEMBER, 2013
Disk File:	Lst22_GDP_03-Narra

NARRATIVE



Note: **Lot areas and parcel areas extend to centerline of private drive.**

N

0 10 30 60
SCALE: 1"=60'

No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDG	11/25/2013

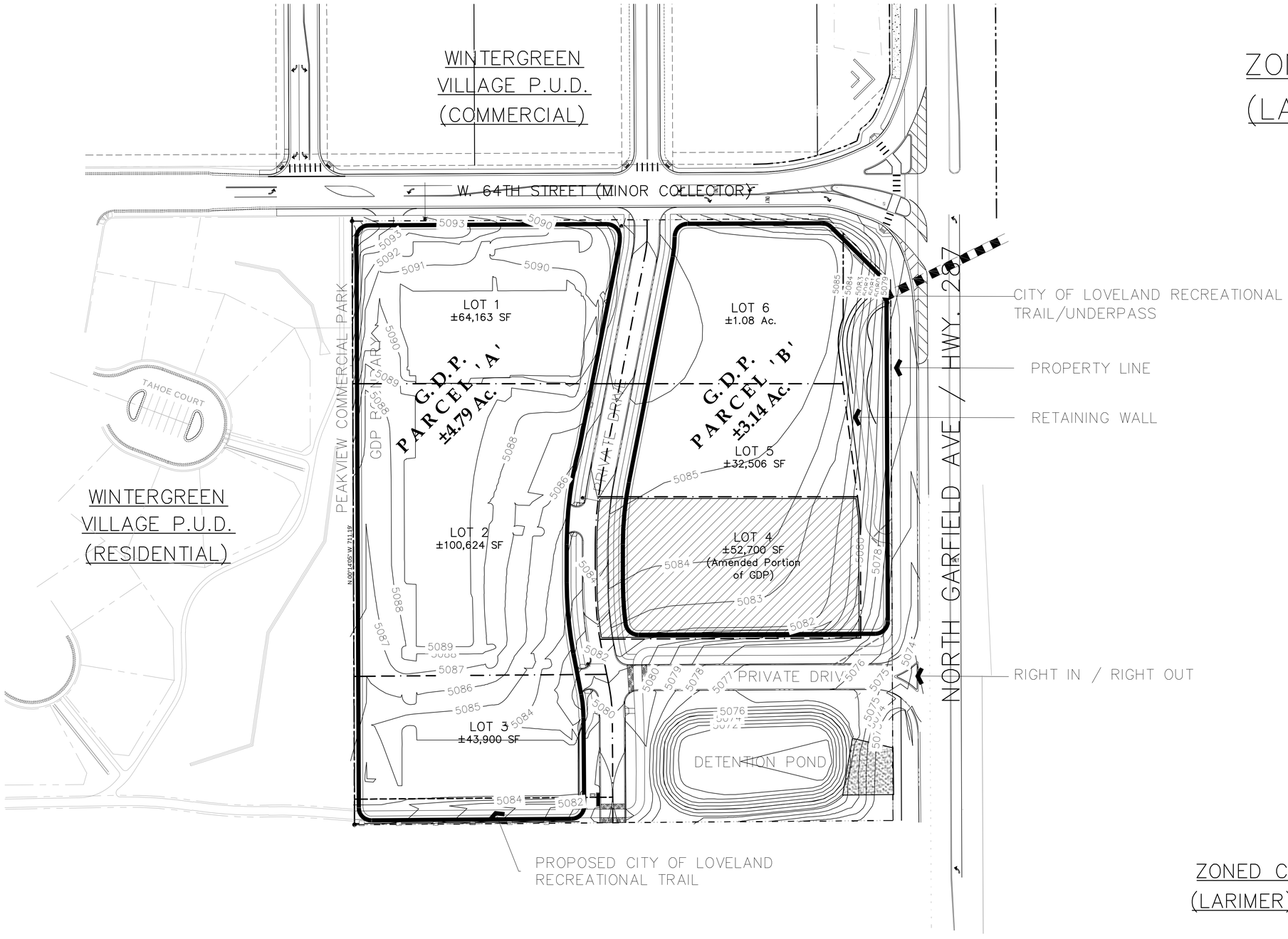
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Sheet Scale:	1"=30'
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Drawn By:	RDG
Date:	NOVEMBER, 2013
Disk File:	Lst22_GDP_04-Site

SITE PLAN

EXHIBIT A
PC ATTACHMENT 5



Note: This Master Grading Plan is provided for reference only. The site has been overlot graded at the time of this GDP Amendment based upon approved drawings.

SCALE: 1"=60'

No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDG	11/25/2013

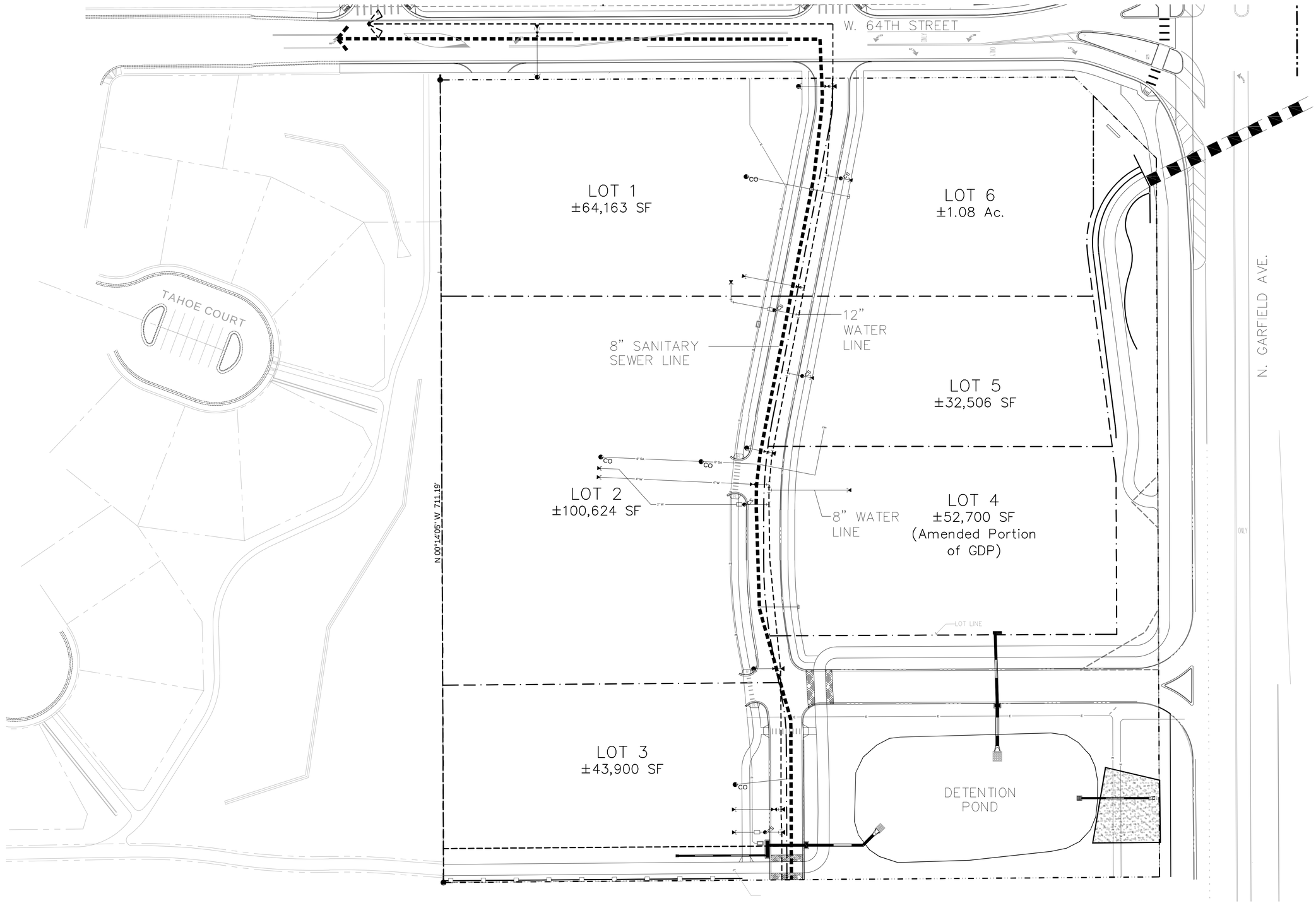
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Disk File:	Lst22_GDP_05-Grade

GRADING PLAN

EXHIBIT A
PC ATTACHMENT 5



Note: This Master Utility Plan is provided for reference only, and is not intended to supercede approved drawings or installed infrastructure.

N

0 20 40

SCALE: 1"=40'

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UTILITY PLAN

EXHIBIT A
PC ATTACHMENT 5



EXAMPLE: VARIATION IN FACADE 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.

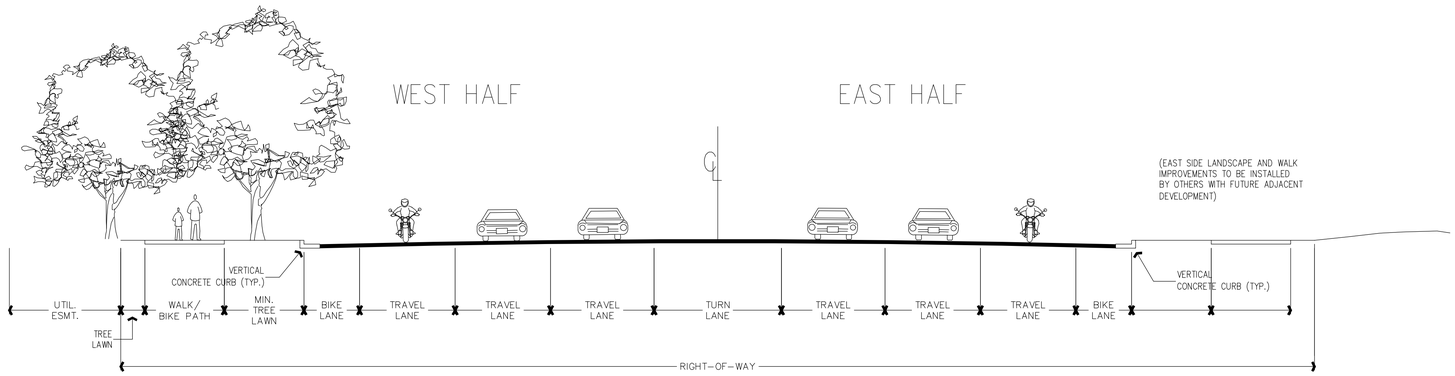
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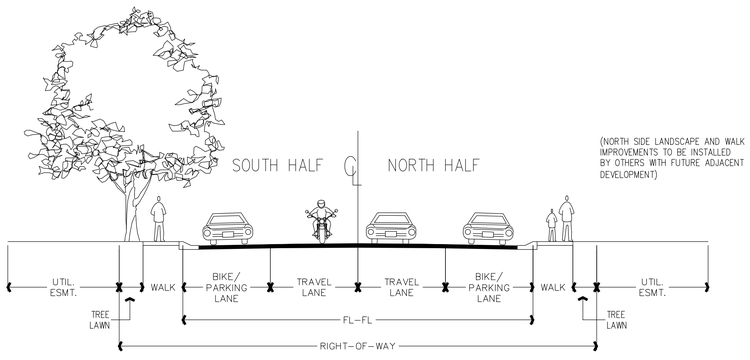
PEAKVIEW COMMERCIAL PARK
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2nd AMENDED
GENERAL DEVELOPMENT PLAN

Project No:	LST000022
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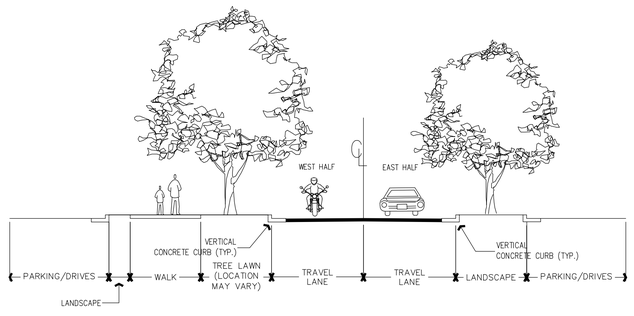
BUILDING ELEVATIONS



MAJOR ARTERAL (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.

No.	REVISION	DES. BY	DRAWN BY	DATE
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PEAKVIEW COMMERCIAL PARK P.U.D. 2nd AMENDED GENERAL DEVELOPMENT PLAN

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Designed By:	JDT
Drawn By:	RDG
Date:	NOVEMBER, 2013
Disk File:	Lst22_GDP_08-Sect

STREET SECTIONS

EXHIBIT A
PC ATTACHMENT 5

PEAKVIEW COMMERCIAL PARK PU.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 COMANY, 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)

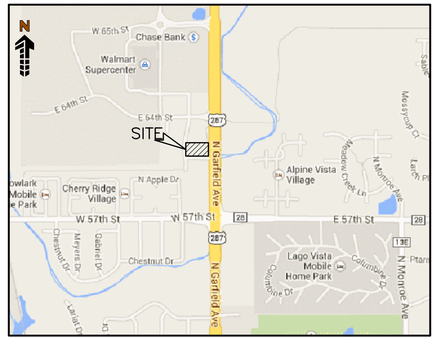
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 20____ BY

_____.

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:

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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.
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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

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%)

	REQUIRED	PROVIDED
STANDARD PARKING	23	30
HANDICAP PARKING	2 (INCL.)	2
TOTAL PARKING	23	32
BICYCLE PARKING	2	2

TOTAL FLOOR AREA	10,377 SF
FLOOR AREA RATIO	0.20

SHEET INDEX

SHEET S.1	COVER SHEET
SHEET S.2	NARRATIVE
SHEET S.3	SITE PLAN
SHEET S.4	GRADING PLAN
SHEET S.5	UTILITY PLAN
SHEET S.6	LANDSCAPE PLAN
SHEET A.1	ARCHITECTURAL ELEVATIONS
SHEET A.2	ARCHITECTURAL COLOR ELEVATIONS (FOR REFERENCE ONLY)
SHEET A.3	ARCHITECTURAL PERSPECTIVES (FOR REFERENCE ONLY)
SHEET A.4	TRASH ENCLOSURE DETAILS FOR LOT 4
SHEET TR	TRUCK TURNING RADIUS EXHIBIT FOR LOT 4
SHEET SP.1	SIGN PROGRAM NOT INCLUDED WITH THIS SUBMITTAL. PLANNED SIGN PROGRAM IS BEING REVISED AND WILL BE SUBMITTED WITH FDP SUBMITTAL.

No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDG	11/25/2013
	COMMENT RESPONSE UPDATE	JDT	RDG	01/31/2014
	COMMENT RESPONSE UPDATE	JDT	RDG	03/06/2014

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LES SCHWAB TIRES

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
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COVER SHEET

SHEET 1 OF 11

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EXHIBIT A
PC ATTACHMENT 6

PEAKVIEW COMMERCIAL PARK PUD
1ST AMENDED PRELIMINARY DEVELOPMENT PLAN OF
PEAKVIEW COMMERCIAL PARK FIRST SUBDIVISION AMENDMENT #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 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 GDP AMENDMENT TO ALSO INCLUDE THE SALE, INSTALLATION AND SERVICING OF TIRES, WHEELS, SHOCKS, BRAKES, BATTERIES AND ALIGNMENT.

C. LAND USES
THE FOLLOWING ARE PERMITTED USES ALLOWED BY THE 2ND AMENDED GDP.
– BANKS AND FINANCIAL INSTITUTIONS AND COMPANIES (DRIVE-THROUGH FACILITIES PERMITTED)
– MEDICAL/DENTAL LABS AND CLINICS
– OFFICES AND CLINICS
– PERSONAL SERVICE SHOPS (I.E., BEAUTY SALON)
– RETAIL SHOPS (LESS THAN 25,000 S.F.)
– INDOOR/OUTDOOR RESTAURANTS
– FAST FOOD RESTAURANTS (DRIVE-THROUGH FACILITIES PERMITTED PER REQUIREMENTS OF 7.B.2)
– DAYCARE CENTERS – ADULT OR CHILD
– UTILITY FACILITIES
– MEMBERSHIP CLUBS
– GOVERNMENT OR SEMIPUBLIC USES
– RETAIL LAUNDRIES
– WHOLESALE 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 ACCESS 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 #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.

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
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 WALKWAY 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 APPURTENANCES 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 HEIGHT 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.

1. 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 OF 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 EASEMENT 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 PLANS.

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 EASEMENT 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 MASTER DRAINAGE PLAN AND THE ASSOCIATED AGREEMENT BETWEEN THE CITY AND 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 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 SITE FOR A DISTANCE OF APPROXIMATELY 140 FEET TO WHERE IT LEAVES THE SITE TO ENTER A CONCRETE BOX 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.

5. PUBLIC AND PRIVATE FACILITIES

A. PARKS AND OPEN SPACE
TRACT A PROVIDES APPROXIMATELY 20,644± 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 BETWEEN THE WALK AND 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
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 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 ABUTTING 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 STORM DRAINAGE MANAGEMENT. LANDSCAPING HAS BEEN PLACED BETWEEN THE PUBLIC RIGHTS–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–SOUT 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/HARDSCAPE 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 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 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 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 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 COMPLIMENTS OR IS CONSISTENT WITH THE ARCHITECTURAL THEME FOR THE PRINCIPAL BUILDING IN LOT 4.

5. 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
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 FOR 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 VARIATION IN MASSING INCLUDING CHANGE IN HEIGHT AND PROJECTING/RECESSED ELEMENTS.
d. THE ARCHITECTURAL DESIGN SHALL BE SENSITIVE TO THE CONTEXT OF THE SITE, AND PROVIDE A COMPATIBLE DESIGN.
e. MATERIALS FOR FACADES SHALL BE VARIED AND PROVIDE INTEREST THROUGH CHANGES IN TEXTURE, MATERIALS, OR AN OBVIOUS CHANGE IN PLANE.
f. 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.
g. THE COMMERCIAL, PROFESSIONAL OFFICE/CLINIC FLOOR AREA RATIO SHALL NOT EXCEED 0.35:1.
h. PARAPETS AND/OR SCREENS SHALL BE REQUIRED TO SCREEN ALL ROOFTOP MECHANICAL EQUIPMENT.
i. 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 TRELLIS WITH VINES, ALONG NO LESS THAN FIFTY (50) PERCENT OF THE FACADE.

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.

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 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 OR STEPPED PARAPETS;
- FLASH CAPPING SHALL BE PERMITTED IN ADDITION TO CORNICE TREATMENTS.

j. PRIMARY BUILDING ENTRANCES SHALL BE DEFINED WITH RECESSES OR PROJECTIONS WITH SUCH ELEMENTS AS AWNINGS OR PORTICOS.
k. 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.
l. OUTDOOR RESTAURANT FACILITIES SHALL BE SCREENED FROM ADJACENT RESIDENTIAL USES SO AS TO NOT ADVERSELY IMPACT THE RESIDENTIAL USE.
m. AT LEAST ONE (1) MAIN ENTRANCE OF ANY COMMERCIAL OR MIXED USE BUILDING SHALL FACE AND OPEN DIRECTLY ONTO A CONNECTING WALKWAY WITH PEDESTRIAN FRONTAGE.
n. 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.
o. 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.
p. NO DELIVERY, LOADING, TRASH REMOVAL OR COMPACTION, OR OTHER SUCH OPERATIONS SHALL BE PERMITTED BETWEEN THE HOURS OF 10:00 PM AND 7:00 AM UNLESS SOUND BARRIERS REDUCE SOUND LEVELS TO THOSE SPECIFIED IN THE CODE.
q. 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:
a. NO DRIVE–THROUGH LANE SHALL 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.
b. DRIVE–THROUGH LANES AND MENU BOARDS SHALL BE SCREENED FROM VIEW 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 ROADWAYS OR SIDEWALKS, PROVIDED SUCH LANES ARE SET BACK A MINIMUM OF TWENTY (20) FEET FROM ANY ADJACENT PUBLIC ROADWAY OR SIDEWALK, LANDSCAPED AND BERMED WITH A MINIMUM THREE (3) FOOT HIGH BERM OR 3' 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.
c. MENU BOARDS SHALL BE A MAXIMUM AREA OF FIFTY (50) SQUARE FEET, WITH A MAXIMUM HEIGHT OF SIX (6) FEET.
d. THE DESIGN AND LAYOUT OF DRIVE–THROUGH FACILITIES SHALL MINIMIZE PEDESTRIAN/VEHICLE CONFLICTS AND PROVIDE ADEQUATE DIRECTIONAL SIGNAGE TO ENSURE A FREE–FLOW THROUGH THE FACILITY TO THE EXTENT FEASIBLE.
e. PEDESTRIAN WALKWAYS SHALL INTERSECT DRIVE–THROUGH LANES ONLY AT LOCATIONS WHERE BOTH THE PEDESTRIANS AND DRIVERS HAVE CLEAR VISIBILITY OF THE INTERSECTION.
f. 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. GARAGE BAYS SHALL 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/FDP 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 ACCENT BUILDING MATERIALS.
d. 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.
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 FACADES SHALL BE VARIED AND PROVIDE INTEREST THROUGH CHANGES IN TEXTURE, MATERIALS, OR AN OBVIOUS CHANGE IN PLANE.
h. 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.
i. PARAPETS AND/OR SCREENS SHALL BE REQUIRED TO SCREEN ALL ROOFTOP MECHANICAL EQUIPMENT FROM PEDESTRIAN VIEW.
j. FACADES
- FACADES ALONG N

WEST 64TH STREET

NOT A PART
OF THIS PDP

ASPHALT ROAD

PRIVATE DRIVE

LOT 6
NOT A PART OF
THIS PDP

LOT 5
NOT A PART OF
THIS PDP

TRACT A AMENDED PLAT OF
PEAKVIEW COMMERCIAL PARK
FIRST SUBDIVISION

U.S. HIGHWAY 287

NOT A PART
OF THIS PDP

5' PARKING
SETBACK

PROPOSED LOT LINE

EXISTING LOT LINE

PROPOSED RETAINING WALL

20.0'
LANDSCAPE
BUFFER
YARD

EXISTING COMMUNITY TRAIL

TRASH ENCLOSURE

ASPHALT

BENCH

BICYCLE RACK

CONCRETE

RETAINING WALL
AND RAIL

TIRE RECYCLE
STORAGE

LOT 4
VEHICLE MINOR REPAIRS,
SERVICING AND MAINTENANCE
10,377 S.F.
<FAR 0.20>

25.0'
BUILDING
SETBACK

10' LANDSCAPE
BUFFER YARD

EXISTING COMMUNITY TRAIL

TRACT A AMENDED PLAT OF PEAKVIEW
COMMERCIAL PARK FIRST SUBDIVISION

NOT A PART
OF THIS PDP

N

0 15 30

SCALE: 1"=30'

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

No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDG	11/25/2013
	COMMENT RESPONSE UPDATE	JDT	RDG	01/31/2014
	COMMENT RESPONSE UPDATE	JDT	RDG	03/06/2014

Galloway
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5300 DTC Parkway, Suite 100
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303.770.8884 p
303.770.3636 f
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Les Schwab Tires

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
164 West 64th Street

Project No:	LST00022
Sheet Scale:	1"=30'
Designed By:	JDT
Drawn By:	RDG
Date:	NOVEMBER, 2013
Disk File:	Lst22_PDP_03-Site

SITE PLAN

SHEET 3 OF 11

S.3
EXHIBIT A

PC ATTACHMENT 6

WEST 64TH STREET

ONLY

ONLY

NOT A PART
OF THIS PDP

ASPHALT ROAD

PRIVATE DRIVE

LOT 6
NOT A PART OF
THIS PDP

LOT 5
NOT A PART OF
THIS PDP

TRACT A AMENDED PLAT OF
PEAKVIEW COMMERCIAL PARK
FIRST SUBDIVISION

U.S. HIGHWAY 287

ONLY

ONLY

NOT A PART
OF THIS PDP

ASPHALT ROAD

LOT 4
VEHICLE MINOR REPAIRS,
SERVICING AND MAINTENANCE
10,377 S.F.
<FAR 0.20>

TRACT A AMENDED PLAT OF PEAKVIEW
COMMERCIAL PARK FIRST SUBDIVISION

NOT A PART
OF THIS PDP

N

0 15 30

SCALE: 1"=30'

CALL UTILITY NOTIFICATION
CENTER OF COLORADO
1-800-922-1987
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LES SCHWAB TIRE CENTER

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1st SUBDIVISION AMENDMENT #1
LES SCHWAB TIRE CENTER
184 West 64th Street

Project No:	LST000022
Sheet Scale:	1"=30'
Designed By:	JDT
Drawn By:	RDG
Date:	NOVEMBER, 2013
Disk File:	Lst22_PDP_04-Grade

GRADING PLAN

SHEET 4 OF 11

S.4

EXHIBIT A
PC ATTACHMENT 6

WEST 64TH STREET

NOT A PART OF THIS PDP

ASPHALT ROAD

PRIVATE DRIVE

LOT 6
NOT A PART OF THIS PDP

LOT 5
NOT A PART OF THIS PDP

TRACT A AMENDED PLAT OF PEAKVIEW COMMERCIAL PARK FIRST SUBDIVISION

U.S. HIGHWAY 287

UPSTREAM DRAINAGE CONTRIBUTIONS

6" SANITARY SERVICE EXTENSION TO LOT 5 IN MIN. 10' PRIVATE UTILITY ESMT.

PROPOSED ESMT. BOUNDARIES

WATER MAIN IN MIN. 25' PUBLIC UTILITY ESMT

8" SEWER MAIN

12" WATER MAIN

FIRE HYDRANT

FIRE SPRINKLER SERVICE LINE

1.5-INCH DOMESTIC WATER SERVICE

6" SANITARY SERVICE

STORM INLET

15" STS

18" STS

24" STS

EXISTING INLET

EXISTING 24" STS

EXISTING DOMESTIC WATER SERVICE TO BE REMOVED

LOT 4
VEHICLE MINOR REPAIRS, SERVICING AND MAINTENANCE
10,377 S.F.
<FAR 0.20>

EXISTING MANHOLE TO BE REMOVED

EXISTING INLET TO BE REMOVED

24" STS

RELOCATED STORM DRAIN

EXISTING 24" STS

NOT A PART OF THIS PDP

N

0 15 30

SCALE: 1"=30'

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

No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDG	11/25/2013
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Les Schwab Tires

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

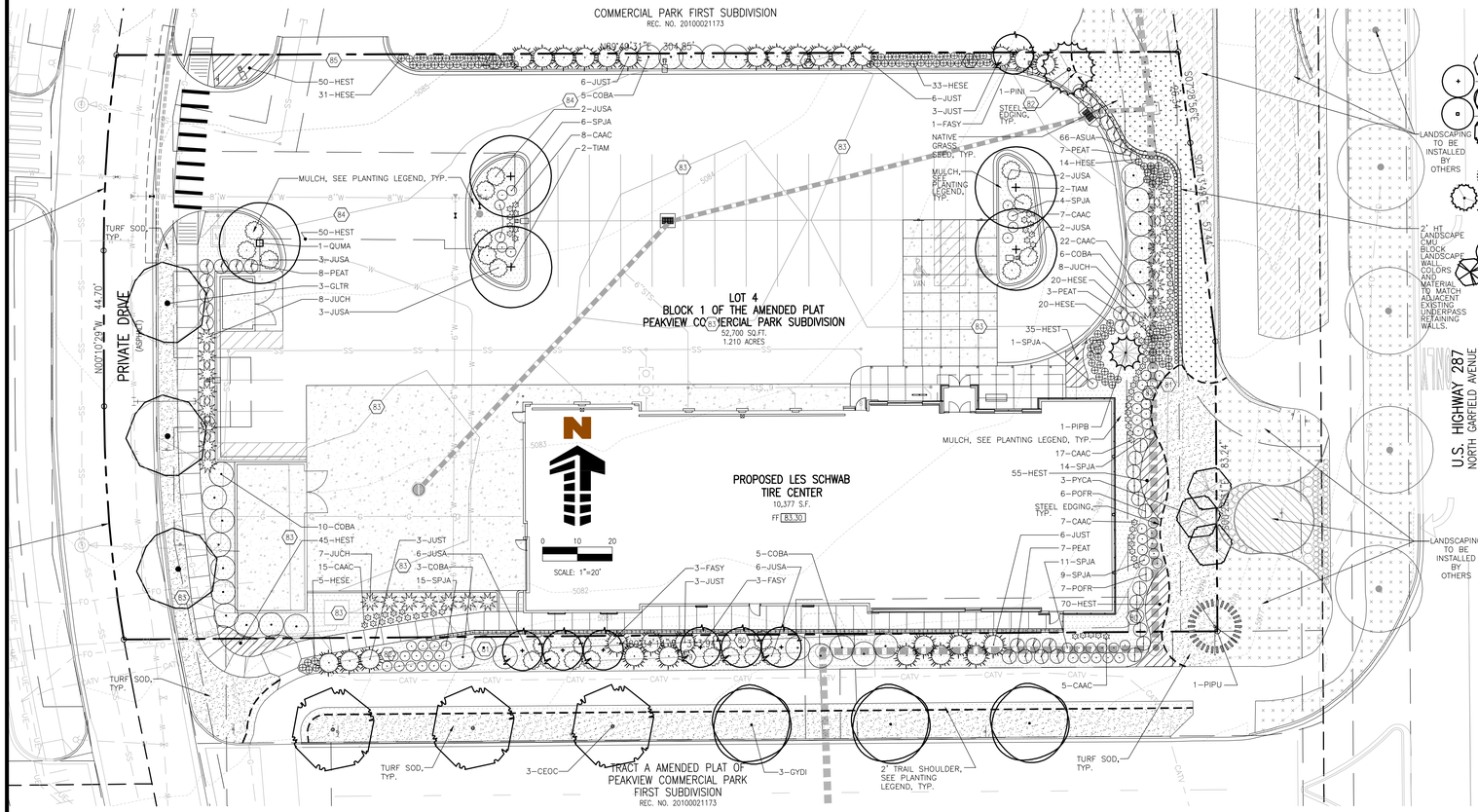
Project No:	LST000022
Sheet Scale:	1"=30'
Designed By:	JDT
Drawn By:	RDG
Date:	NOVEMBER, 2013
Disk File:	Lst22_PDP_05-UNI

UTILITY PLAN

SHEET 5 OF 11

S.5
EXHIBIT A

PC ATTACHMENT 6



PLANTING LEGEND

SYMBOL	QUANTITY	BOTANIC NAME	COMMON NAME	SIZE	WATER REQ.	HEIGHT X SPREAD	REMARKS
OVERSTORY DECIDUOUS TREES							
	GLTR 3	GLEDITSIA TRIACANTHOS INERMIS 'SHADEMASTER'	SHADEMASTER LOCUST	2.0" CAL. B&B	LOW	50'X35'	WELL BRANCHED W/STRAIGHT TRUNK & CENTRAL LEADER.
	TIAM 3	TILIA AMERICANA 'REDMOND'	REDMOND LINDEN	2.0" CAL. B&B	MODERATE	75'X50'	WELL BRANCHED W/STRAIGHT TRUNK & CENTRAL LEADER.
	GYDI 3	GYMNOCLADUS DIOICUS 'ESPRESSO'	ESPRESSO KENTUCKY COFFEE TREE	2.0" CAL. B&B	LOW	50'X40'	WELL BRANCHED W/STRAIGHT TRUNK & CENTRAL LEADER.
	QUMA 1	QUERCUS MACROCARPA	BUR OAK	2.0" CAL. B&B	LOW	70'X50'	WELL BRANCHED W/STRAIGHT TRUNK & CENTRAL LEADER.
	CEOC 3	CELTIS OCCIDENTALIS	WESTERN HACKBERRY	2.0" CAL. B&B	LOW	50'X40'	WELL BRANCHED W/STRAIGHT TRUNK & CENTRAL LEADER.
	13						
EVERGREEN TREES							
	PIPU 1	PICEA PUNGENS var. GLAUCA	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
	3						
ORNAMENTAL DECIDUOUS TREES							
	FASY 7	FAGUS SYLVATICA 'FASTIGIATA"	EUROPEAN BEECH	1.5" CAL. B&B	MODERATE	50'X13'	WELL BRANCHED W/STRAIGHT TRUNK & CENTRAL LEADER.
	PYCA 3	PYRUS CALLERYANA 'AUTUMN BLAZE'	AUTUMN BLAZE PEAR	1.5" CAL. B&B	MODERATE	30'X25'	WELL BRANCHED W/STRAIGHT TRUNK & CENTRAL LEADER.
	10						
DECIDUOUS SHRUBS							
	SPJA 60	SPIRAEA JAPONICA 'ANTHONY WATERER'	ANTHONY WATERER SPIRAEA	5 GALLON	LOW/ MODERATE	3'X3'	12"-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 'ARMSTRONGII'	ARMSTRONG JUNIPER	5 GALLON	XERISCAPE	4'X4'	CONT. FULL & WELL BRANCHED, CONTRACTOR TO INSTALL 3.5' HT MIN. SIZE
	JUSA 24	JUNIPERUS SABINA 'BUFFALO'	BUFFALO JUNIPER	5 GALLON	XERISCAPE	1'X6'	18"-21" HT. CONT. FULL & WELL BRANCHED
	JUST 29	JUNIPERUS SABINA 'TAMARISCIFOLIA'	TAMMY JUNIPER	5 GALLON	XERISCAPE	3'X5'	CONT. FULL & WELL BRANCHED, CONTRACTOR TO INSTALL 3.5' HT MIN. SIZE
	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	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	1 GALLON	LOW	2.5'X3'	8" HT. FULL, WELL ROOTED
	ASUA 66	AURINIA SAXATILIS	BASKET-OF-GOLD	1 GALLON	LOW	0.75'X1'	FULL & WELL ROOTED; PLANT @ 12" O.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" O.C. OR RECOMMENDED SPACING
	459						
SEED AND MULCH							
	1,785 SF OUTSIDE LOT 2,561 SF	RTF 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 SEED NOTES	NATIVE GRASS SEED	SEED	LOW	– – –	DROUGHT TOLERANT, LOW MAINTENANCE
	6,313 SF OUTSIDE LOT 3,027 SF	4" GORILLA HAIR SHREDDED BARK MULCH, 4" INCHES DEEP MIN. ROCK MULCH SHALL NOT BE PLACED ALONG THE RECREATION TRAIL*	PLANT BEDS	MULCH	XERISCAPE	– – –	– – –
	425 LF	STEEL EDGING: SEE LANDSCAPE NOTES	PLANT BED EDGING	STEEL EDGING	– – –	– – –	– – –

*THE SHOULDER MAY USE CRUSHED REFINES, RECYCLED ASPHALT, OR SIMILAR MATERIAL.

PLANTING NOTES

GENERAL

1. CALL UNCC 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 DISCREPANCY BETWEEN THE PLAN AND THE LANDSCAPE LEGEND, THE PLANT QUANTITY AS SHOWN ON THE PLAN SHALL TAKE PRECEDENCE AND NOTIFY THE LANDSCAPE ARCHITECT OF THESE DISCREPANCIES. MINOR ADJUSTMENTS TO THE LANDSCAPE MATERIAL AND LOCATIONS MAY BE PROPOSED FOR CITY CONSIDERATION AT THE CONSTRUCTION DOCUMENT STAGE TO RESPOND TO MARKET AND FIELD CONDITIONS. HOWEVER, THERE SHALL BE NO REDUCTION IN THE NUMBER AND SIZE OF MATERIALS.
4. THE CONTRACTOR SHALL MAKE HIMSELF AWARE OF THE LOCATIONS OF EXISTING AND PROPOSED UTILITIES, AND SHALL BE RESPONSIBLE FOR ANY DAMAGE TO THE UTILITIES AND/OR ANY INJURY TO ANY PERSON.
5. ALL UTILITY EASEMENTS SHALL REMAIN UNOBSTRUCTED AND FULLY ACCESSIBLE ALONG THEIR ENTIRE LENGTH FOR MAINTENANCE EQUIPMENT.
6. THE CONTRACTOR SHALL TAKE EXTREME CARE NOT TO DAMAGE ANY EXISTING PLANTS INDICATED AS "TO REMAIN". ANY SUCH PLANTS DAMAGED BY THE CONTRACTOR SHALL BE REPLACED WITH THE SAME SPECIES, SIZE, AND QUANTITY AT THE CONTRACTOR'S OWN EXPENSE, AND AS ACCEPTABLE TO THE OWNER. REFER TO THE TREE PROTECTION NOTES ON THE PLANS (AS APPLICABLE).
7. LANDSCAPE CONTRACTOR SHALL EXAMINE THE SITE CONDITIONS UNDER WHICH THE WORK IS TO BE PERFORMED AND NOTIFY THE GENERAL CONTRACTOR IN WRITING OF UNSATISFACTORY CONDITIONS. IF SITE CONDITIONS OR PLANT AVAILABILITY REQUIRE CHANGES TO THE PLAN, THEN AN APPROVAL WILL BE OBTAINED FROM THE CITY. DO NOT PROCEED UNTIL CONDITIONS HAVE BEEN CORRECTED.
8. ALL CONSTRUCTION DEBRIS AND MATERIAL SHALL BE REMOVED AND CLEANED OUT PRIOR TO INSTALLATION OF TOPSOIL, TREES, SHRUBS, AND TURF.
9. FOR ALL INFORMATION ON SURFACE MATERIAL OF WALKS, DRIVES, AND PARKING LOTS, SEE THE SITE PLAN. SEE PHOTOMETRIC PLAN FOR FREE STANDING LIGHTING INFORMATION.
10. ALL LANDSCAPE NOTES SHALL BE COORDINATED WITH ALL APPLICABLE SPECIFICATION SECTIONS. ANY DISCREPANCY SHALL BE BROUGHT TO THE ATTENTION OF THE GENERAL CONTRACTOR AND LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH WORK.
11. THE LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT ONE WEEK PRIOR TO BEGINNING CONSTRUCTION.
12. WINTER WATERING SHALL BE AT THE EXPENSE OF THE CONTRACTOR UNTIL SUCH TIME AS FINAL ACCEPTANCE IS RECEIVED.
13. ALL LANDSCAPE CONSTRUCTION PRACTICES, WORKMANSHIP, AND ETHICS SHALL BE IN ACCORDANCE WITH INDUSTRY STANDARDS SET FORTH IN THE CONTRACTORS HANDBOOK PUBLISHED BY THE COLORADO LANDSCAPE CONTRACTORS ASSOCIATION.
14. LANDSCAPE AND IRRIGATION WORK SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF THE FINAL CERTIFICATE OF OCCUPANCY.

FINISH GRADING AND SOIL PREPARATION

15. CONTRACTOR SHALL CONSTRUCT AND MAINTAIN FINISH GRADES AS RECOMMENDED BY THE GEOTECHNICAL REPORT. ALL LANDSCAPE AREAS SHALL HAVE POSITIVE DRAINAGE AWAY FROM STRUCTURES IN THE MINIMUM SLOPES SPECIFIED IN THE REPORT, AND AREAS OF POTENTIAL PONDING SHALL BE REGRADED TO BLEND IN WITH THE SURROUNDING GRADES AND ELIMINATE PONDING POTENTIAL. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GEOTECHNICAL REPORT, THE GRADING PLANS, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.
16. AFTER FINISH GRADES HAVE BEEN ESTABLISHED, IT IS RECOMMENDED THAT THE CONTRACTOR SHALL HAVE SOIL SAMPLES TESTED BY AN ESTABLISHED SOIL TESTING LABORATORY FOR THE FOLLOWING: GENERAL SOIL FERTILITY, PH, ORGANIC MATTER CONTENT, SALT (CEC), LIME, SODIUM ADSORPTION RATIO (SAR) AND BORON CONTENT. EACH SAMPLE SUBMITTED SHALL CONTAIN NOT LESS THAN ONE QUART OF SOIL. CONTRACTOR SHALL ALSO SUBMIT THE PROJECT'S PLANT LIST TO THE LABORATORY ALONG WITH THE SOIL SAMPLES. THE SOIL REPORT PRODUCED BY THE LABORATORY SHALL CONTAIN RECOMMENDATIONS FOR THE FOLLOWING (AS APPROPRIATE): GENERAL SOIL PREPARATION AND BACKFILL 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.
17. THE CONTRACTOR SHALL RECOMMEND INSTALLATION OF SOIL AMENDMENTS AND FERTILIZERS PER THE SOILS REPORT FOR THE THE OWNER/OWNER'S REPRESENTATIVE CONSIDERATION.
18. 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 AND AMMONIUM PHOSPHATE 16-20-0 AT A RATE OF 15 POUNDS PER THOUSAND SQUARE FEET OF LANDSCAPE AREA. COMPOST SHALL BE MECHANICALLY INTEGRATED INTO THE TOP 6" OF SOIL BY MEANS OF ROTOTILLING AFTER CROSS-RIPPING. GROUND COVER & PERENNIAL BED AREAS SHALL BE AMENDED AT A RATE OF 8 CUBIC FEET PER THOUSAND SQUARE 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.

PLANTING

19. ALL DECIDUOUS TREES SHALL HAVE FULL, WELL-SHAPED HEADS/ALL EVERGREENS SHALL BE UNSHEARED AND FULL TO THE GROUND; UNLESS OTHERWISE SPECIFIED. TREES WITH CENTRAL LEADERS WILL NOT BE ACCEPTED IF LEADER IS DAMAGED OR REMOVED. PRUNE ALL DAMAGED TWIGS AFTER PLANTING.
20. ALL PLANTS WITHIN A SPECIES SHALL HAVE SIMILAR SIZE, AND SHALL BE OF A FORM TYPICAL 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 LIKE TYPE AND SIZE AT 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 GREENCO TREE PLANTING RECOMMENDATIONS FOR MINIMUM QUALITY REQUIREMENTS FOR TREES.
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 PLAN LOCATED OVER THE SIDEWALK AND/OR ROAD.
25. ALL TURF IS RECOMMENDED THROUGH GREEN VALLEY TURF COMPANY, 17730 HWY 60, PLATTEVILLE, CO., 80651, (970) 785-2425. RTF WATER SAVER TALL FESCUE SOD HAS BEEN APPROVED IN MANY JURISDICTIONS TO BE A LOW TO MODERATE HYDROZONE 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 CONTAINED WITH STEEL EDGER. STEEL EDGER IS NOT REQUIRED ALONG CURBS, WALKS OR BUILDING FOUNDATIONS. ALL EDGING 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 EDGING MATERIAL SHALL BE A ROLLED TOP AND 1/2 INCH ABOVE THE FINISHED GRADE OF ADJACENT LAWN OR MULCH AREAS. COLOR: GREEN.
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 ARCHITECTS AND OWNER'S REPRESENTATIVE FOR APPROVAL PRIOR TO INSTALLATION, IE.; MULCH, EDGER, LANDSCAPE FABRIC, ETC.

MULCHING

31. AFTER ALL 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 BARK MULCH AROUND ALL PLANT MATERIAL IN ROCK MULCH BEDS WHERE LANDSCAPING IS SHOWN ON THE PLANS. WOOD MULCH RING SIZE SHALL BE HALF THE SIZE OF THE MATURE WIDTH OF 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 BARRIER FABRIC UNDER ALL ROCK MULCH SHRUB BEDS SPECIFIED ON THE PLANS ONLY. NO LANDSCAPE FABRIC SHALL 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 4:1 GRADIENT SHALL RECEIVE A LAYER OF MULCH, TYPE AND DEPTH PER PLANS. SUBMIT 1 CUBIC FOOT SAMPLE OF MULCH (ONE SAMPLE PER TYPE) TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO INSTALLATION. THE MULCH SHALL BE SPREAD EVENLY THROUGHOUT ALL PLANTING AREAS EXCEPT SLOPES 4:1 OR STEEPER, OR AS OTHERWISE DENOTED ON THE PLAN. ABSOLUTELY NO EXPOSED GROUND SHALL REMAIN IN AREAS TO RECEIVE MULCH AFTER MULCH HAS BEEN INSTALLED.
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.

LANDSCAPE BUFFERYARD TABLE:

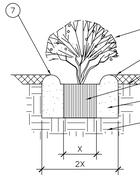
LOT 4 – LANDSCAPE BUFFER ALONG HWY 287
BUFFER TYPE C – CC/HIGHWAY
LENGTH OF BUFFER – 136'
WIDTH OF BUFFER – 15' (AVERAGE)
PLANT MULTIPLIER 0.50
(136/100 = 1.36 X .5 = .68 PLANT MULTIPLIER)

REQUIRED NUMBER OF PLANTS	PLANTS PROVIDED
3 CANOPY TREES	4 CANOPY TREES
2 FLOWERING TREES OR LARGE SHRUBS	3 FLOWERING TREES OR LARGE SHRUBS
11 SHRUBS	29 SHRUBS
3 EVERGREENS/CONIFERS	3 EVERGREENS/CONIFERS

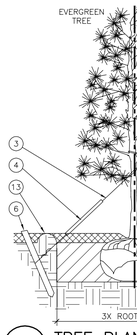
**NOTE: PLANTS PROVIDED DO NOT INCLUDE LANDSCAPE AROUND MONUMENT SIGNAGE.

LOT 4 – LANDSCAPE BUFFER ALONG PRIVATE DRIVE
BUFFER TYPE A – CC/PRIVATE DRIVE
LENGTH OF BUFFER – 315'
WIDTH OF BUFFER – 16'
PLANT MULTIPLIER 1.00
(315/100 = 3.15 X 1.0 = 3.15 PLANT MULTIPLIER)

REQUIRED NUMBER OF PLANTS	PLANTS PROVIDED
4 CANOPY TREES	6 CANOPY TREES
4 FLOWERING TREES OR LARGE SHRUBS	6 FLOWERING TREES OR LARGE SHRUBS
10 SHRUBS	67 SHRUBS
0 EVERGREENS/CONIFERS	0 EVERGREENS/CONIFERS



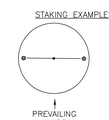
1 SHRUB AND PERENNIAL PLANTING
SCALE: NTS



2 TREE PLANTING DETAIL
SCALE: NOT TO SCALE

NOTES:
1. SCARIFY SIDES OF PLANTING PIT PRIOR TO SETTING TREE.
2. REMOVE EXCESS SOIL APPLIED ON TOP OF THE ROOTBALL THAT COVERS THE ROOT FLARE. THE PLANTING HOLE DEPTH SHALL BE SUCH THAT THE ROOTBALL RESTS ON UNDISTURBED SOIL, AND THE ROOT FLARE IS 3"–5" ABOVE FINISH GRADE.
3. CUT OFF BOTTOM 1/3 OF WIRE BASKET BEFORE PLACING TREE IN HOLE. CUT OFF AND REMOVE REMAINDER OF BASKET AFTER TREE IS SET IN HOLE. REMOVE ALL NYLON TIES, TWINE, ROPE, AND OTHER PACKING MATERIAL. REMOVE ALL BURLAP FROM AROUND ROOTBALL.
4. TREE WRAP IS NOT TO BE USED ON ANY NEW PLANTINGS, EXCEPT IN LATE FALL PLANTING SITUATIONS, AND ONLY THEN AFTER CONSULTATION WITH THE LANDSCAPE ARCHITECT. WHEN WRAPPING TREE, WRAP FROM TRUNK FLARE TO LOWEST MAJOR BRANCH.
5. REMOVE ALL NURSERY STAKES AFTER PLANTING.
6. FOR TREES OVER 3" CALIPER, USE THREE STAKES OR DEADMEN (AS APPROPRIATE), SPACED EVENLY AROUND TREE.

STAKING EXAMPLES (PLAN VIEW)



LANDSCAPE GUARANTEE AND MAINTENANCE

1. THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL TREES, SHRUBS, PERENNIALS, SOD, SEEDED AREAS, AND IRRIGATION SYSTEMS FOR A PERIOD OF ONE YEAR FROM THE DATE OF THE OWNER'S ACCEPTANCE. THE CONTRACTOR SHALL REPLACE, AT HIS OWN EXPENSE, ANY PLANTS WHICH DIE IN THAT TIME, OR REPAIR ANY PORTIONS OF THE IRRIGATION SYSTEM WHICH OPERATE IMPROPERLY.
2. THE LANDSCAPE CONTRACTOR SHALL MAINTAIN THE LANDSCAPE IN A NEAT, CLEAN, AND HEALTHY CONDITION FOR A PERIOD OF 90 DAYS. THIS SHALL INCLUDE PROPER PRUNING, MOWING AND AERATION OF LAWNS, WEEDING, REPLACEMENT OF MULCH, REMOVAL OF LITTER, AND THE APPROPRIATE WATERING OF ALL PLANTINGS. IRRIGATION SHALL BE MAINTAINED IN PROPER WORKING ORDER, WITH SCHEDULING ADJUSTMENTS BY SEASON AND TO MAXIMIZE WATER CONSERVATION. IF SITE OPENS DURING WINTER, TO AVOID FREEZE DAMAGE ON PLANTINGS, THE 90 DAYS SHOULD BEGIN AFTER ACCEPTANCE OF THE WORK.
3. AFTER THE INITIAL MAINTENANCE PERIOD AND DURING THE GUARANTEE PERIOD, THE LANDSCAPE CONTRACTOR SHALL ONLY BE RESPONSIBLE FOR REPLACEMENT OF PLANTS WHEN PLANT DEATH CANNOT BE ATTRIBUTED DIRECTLY TO OVERWATERING OR OTHER DAMAGE BY HUMAN ACTIONS.
4. DURING THE LANDSCAPE MAINTENANCE PERIOD, THE LANDSCAPE CONTRACTOR SHALL MAINTAIN POSITIVE DRAINAGE AWAY FROM STRUCTURES IN ALL LANDSCAPE AREAS AT THE MINIMUM SLOPE SPECIFIED IN THE GEOTECHNICAL REPORT. SOIL WHICH SETTLE AND CREATE THE POTENTIAL FOR PONDING SHALL BE REPAIRED TO ELIMINATE PONDING POTENTIAL AND BLEND IN WITH THE SURROUNDING GRADES. SHOULD ANY CONFLICTS AND/OR DISCREPANCIES ARISE BETWEEN THE GEOTECHNICAL REPORT, THE GRADING PLANS, THESE NOTES, AND ACTUAL CONDITIONS, THE CONTRACTOR SHALL IMMEDIATELY BRING SUCH ITEMS TO THE ATTENTION OF THE LANDSCAPE ARCHITECT AND OWNER.

THIS PROJECT IS ADJACENT TO THE FUTURE CITY OF LOVELAND RECREATION TRAIL (BETWEEN TAFT AVE. AND THE EXISTING RECREATION TRACKS ALONG 5TH 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 DEPT. PLANTING STANDARDS. ANY IMPROVEMENTS SHALL BE OWNED AND MAINTAINED BY THE PROJECT.

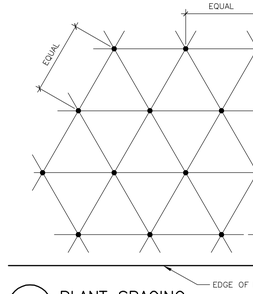
IRRIGATION CONCEPT

1. A IRRIGATION PLAN SHALL BE SUBMITTED AFTER THE APPROVAL OF THE LANDSCAPE CONSTRUCTION DOCUMENTS.
2. AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A QUALIFIED IRRIGATION CONTRACTOR.
3. THE IRRIGATION SYSTEM WILL OPERATE ON POTABLE WATER, AND THE SYSTEM WILL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE POTABLE SOURCE.
4. ALL NON-TURF PLANTED AREAS WILL BE DRIP IRRIGATED. SODDED AREAS SHALL BE IRRIGATED WITH SPRAY OR ROTOR HEADS AT 100% HEAD-TO-HEAD COVERAGE.
5. ALL PLANTS SHARING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROZONE.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED TO THE MAXIMUM EXTENT POSSIBLE, TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: MATCHED PRECIPITATION RATE TECHNOLOGY ON ROTOR AND SPRAY HEADS (WHEREVER POSSIBLE) RAIN SENSORS, AND MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.
7. IRRIGATION BACKFLOW PREVENTER SHALL BE SCREENED BY LANDSCAPING. IRRIGATION CONTROLLER SHALL BE SCREENED BY LANDSCAPING WITH A VANDAL PROOF LOCKABLE CABINET OR LOCATED WITHIN THE BUILDING UTILITY CLOSET.

SEEDING NOTES:

1) ALL SEED IS AVAILABLE THROUGH:
ARKANSAS VALLEY SEED SOLUTIONS
4625 COLORADO BLVD., DENVER, CO 80216
(303) 328-7580
2) ALL SEED SHALL BE A MIX THAT IS ADAPTABLE, XERIC, AND NATIVE TO COLORADO AREA. INCLUDE WILDFLOWER SEED MIXES TO ALL NON-TEMPORARY SEED AREAS OR AS DIRECTED BY OWNER/OWNER'S REPRESENTATIVE.
3) ALL SEED APPLICATIONS SHALL BE DRILL SEEDED, WITH HYDROSLURRY APPLIED OVER THE SEED BED AFTER SEEDING. THE SLURRY MIX SHALL CONTAIN THE FOLLOWING:

	LBS./1,000 sf
WOOD FIBER MULCH	46
15–15–15 ORGANIC FERTILIZER	9
ORGANIC BINDER	4



NOTE: ALL PLANTS SHALL BE PLANTED AT EQUAL TRIANGULAR SPACING (EXCEPT WHERE SHOWN ON PLANS AS INFORMAL GROUPINGS). REFER TO PLANT LEGEND FOR SPACING DISTANCE BETWEEN PLANTS.

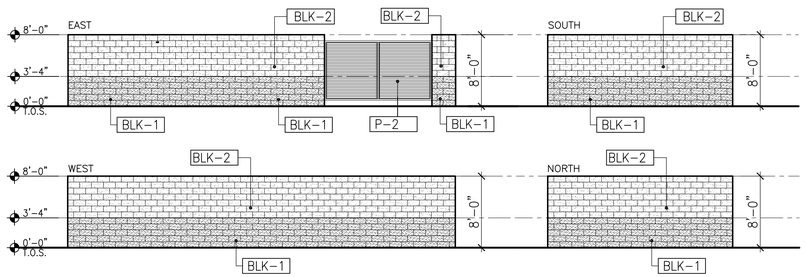
3 PLANT SPACING
SCALE: NTS

PEAKVIEW COMMERCIAL PARK PRELIMINARY DEVELOPMENT PLAN

FOR LOT 4, BLOCK 1 OF THE AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK SUBDIVISION

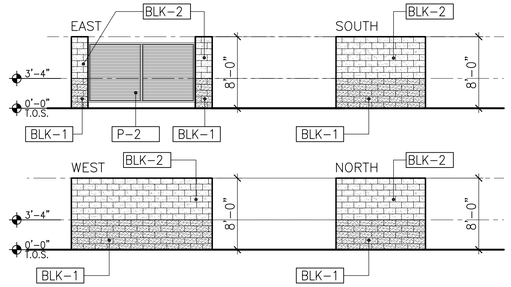
LES SCWAB TIRE CENTER

184 WEST 64th STREET



3 RECYCLE ENCLOSURE ELEVATIONS

1/8" = 1'-0"



1 TRASH ENCLOSURE ELEVATIONS

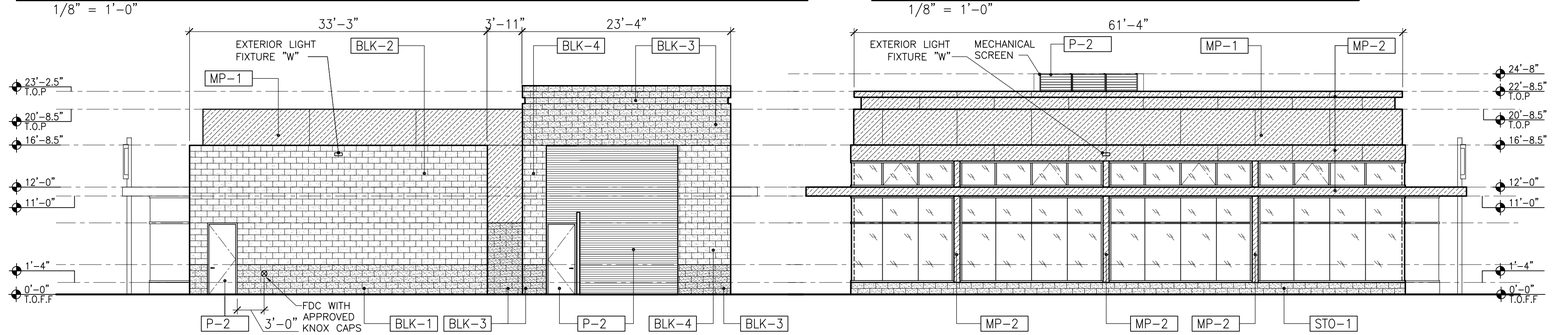
1/8" = 1'-0"

NOTES

- GLASS– CLEAR INSULATED GLASS
- ALL SIGNAGE TO BE DESIGN BUILD.
- SEE SHEET 12 FOR EXTERIOR LIGHT FIXTURES

MATERIAL LEGEND

BLK–1	SPLIT FACE PREMIUM CONCRETE BLOCK TYPE–1 (RUTHERFORD)
BLK–2	POLISHED GROUND FACE PREMIUM CONCRETE BLOCK TYPE–2 (MISSION WHITE)
BLK–3	GLAZED FACE PREMIUM CONCRETE BLOCK TYPE–3 (MAHOGANY)
BLK–4	STRUCTURAL BRICK 8"x8"x16" TYPE–4 (TERRA COTTA)
MP–1	COMPOSITE METAL PANEL TYPE–1(COLONIAL RED) – CITADEL ARCH. PRODUCT
MP–2	COMPOSITE METAL PANEL TYPE–2 (TO MATCH KAWNEER "CLASSIC BRONZE" UC 109850)
P–1	EXTERIOR PAINT TYPE–1 (BENJAMIN MOORE "COTTAGE RED E–22")
P–2	EXTERIOR PAINT TYPE–2 (TO MATCH KAWNEER "CLASSIC BRONZE" UC 109850)
P–3	EXTERIOR PAINT TYPE–3 (BENJAMIN MOORE "SAIL CLOTH E–77")

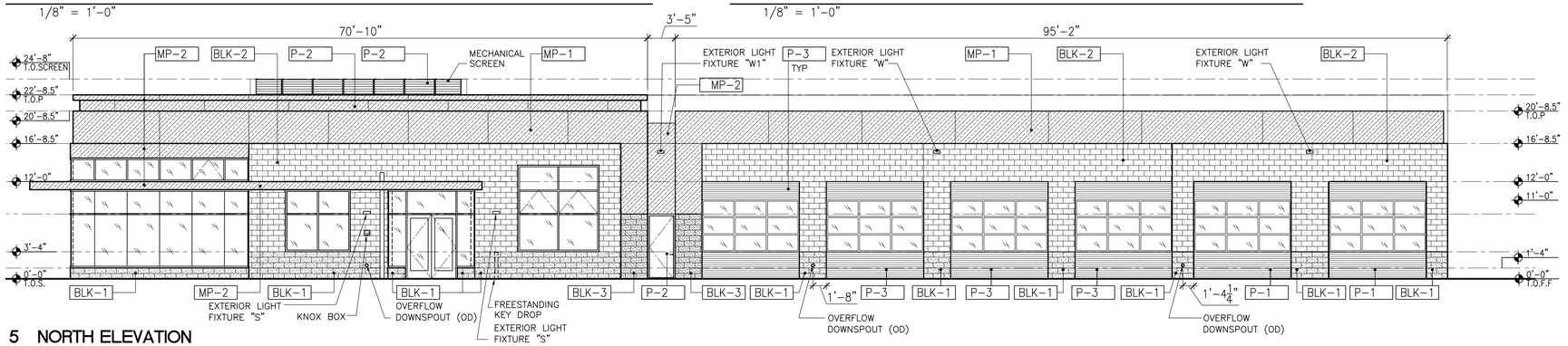


4 WEST ELEVATION

1/8" = 1'-0"

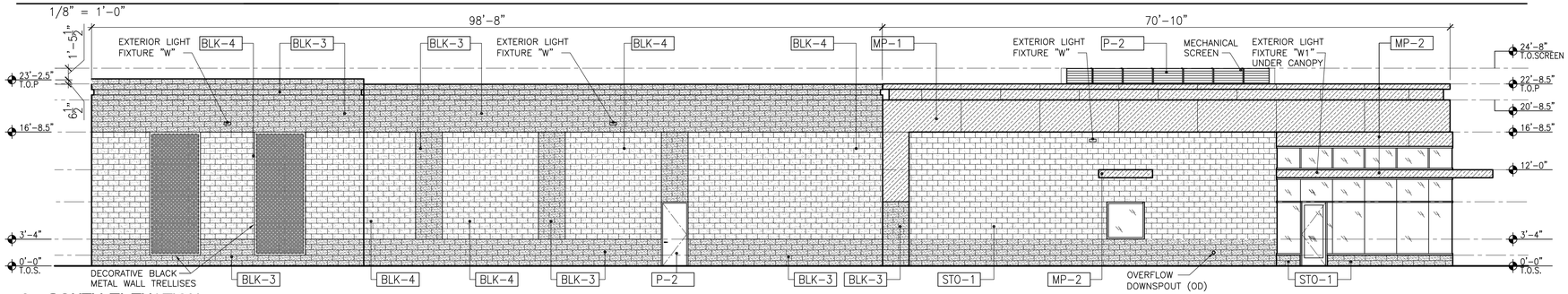
2 EAST ELEVATION

1/8" = 1'-0"



5 NORTH ELEVATION

1/8" = 1'-0"



6 SOUTH ELEVATION

1/8" = 1'-0"

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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

Project No:	LS1000022
Sheet Scale:	AS NOTED
Designed By:	DMH
Drawn By:	DMH
Date:	NOVEMBER, 2013
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ARCHITECTURAL ELEVATIONS

A.1

EXHIBIT A
PC ATTACHMENT 6

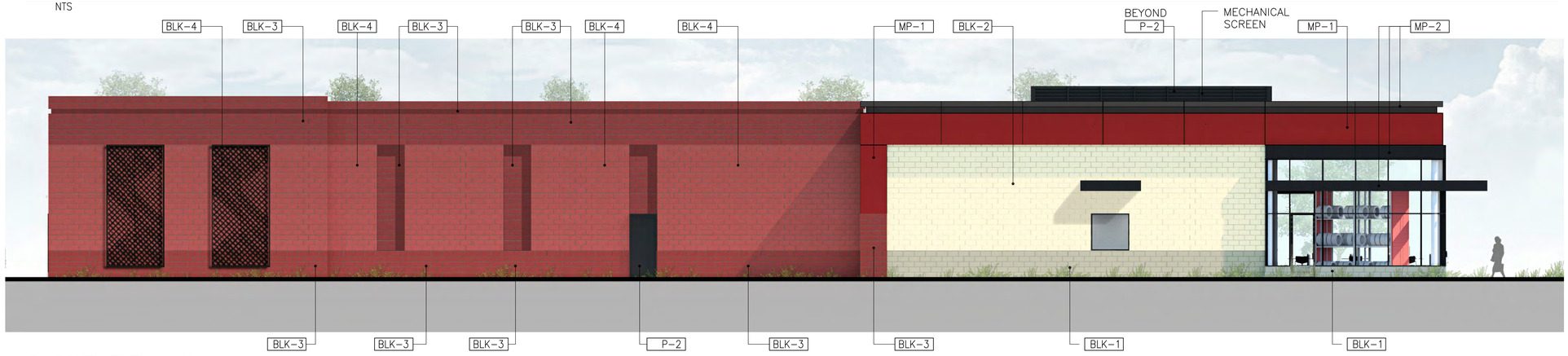
PEAKVIEW COMMERCIAL PARK PRELIMINARY DEVELOPMENT PLAN

FOR LOT 4, BLOCK 1 OF THE
AMENDED PLAT FOR PEAKVIEW COMMERCIAL PARK SUBDIVISION
LES SCWAB TIRE CENTER
184 WEST 64th STREET



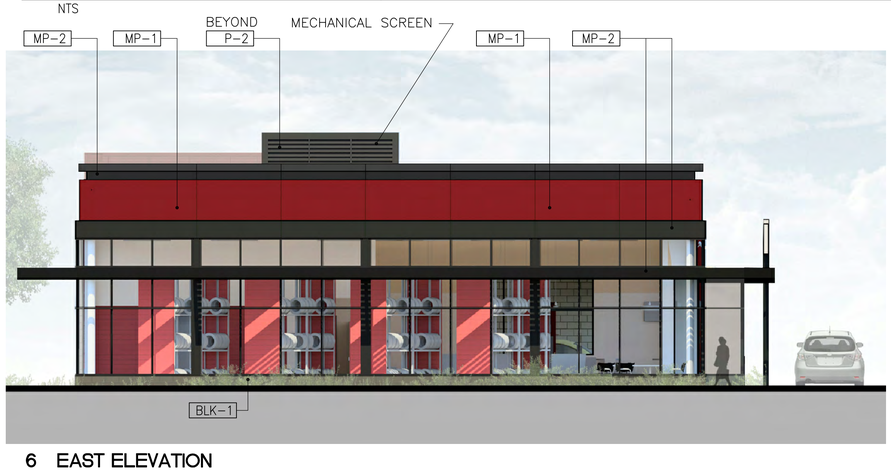
4 NORTH ELEVATION

NTS



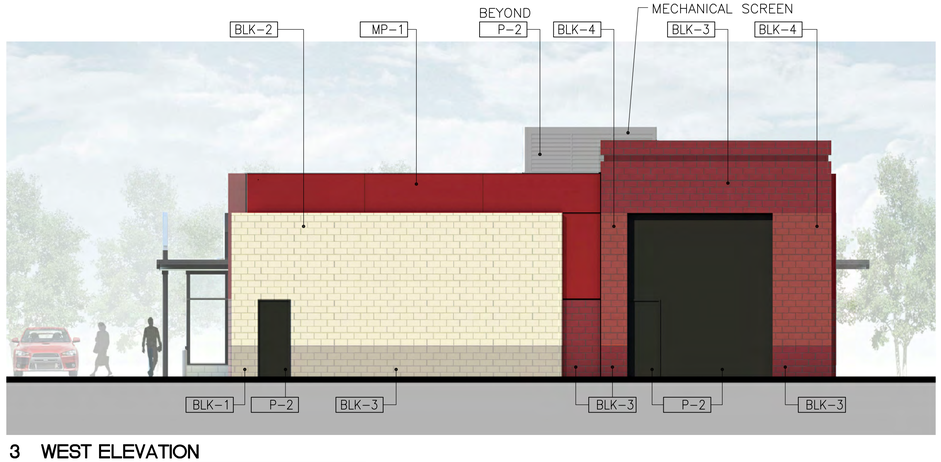
5 SOUTH ELEVATION

NTS



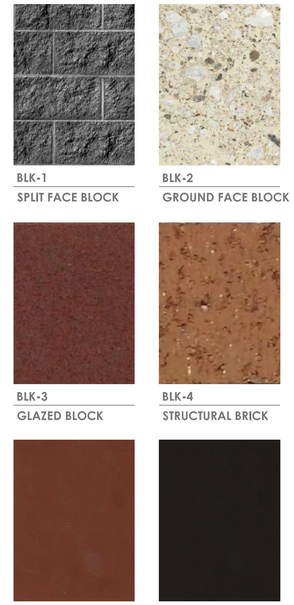
6 EAST ELEVATION

NTS



3 WEST ELEVATION

NTS



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

NOTE: SEE PAGE 8 FOR MATERIALS LEGEND & FURTHER INFORMATION

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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

Project No:	LST000022
Sheet Scale:	NOT TO SCALE
Designed By:	DMH
Drawn By:	DMH
Date:	NOVEMBER, 2013
Disk File:	

COLOR ELEVATIONS
(FOR REFERENCE ONLY)

A.2

EXHIBIT A
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



1 NORTHEAST CORNER PERSPECTIVE
NTS



2 NORTHWEST CORNER PERSPECTIVE
NTS

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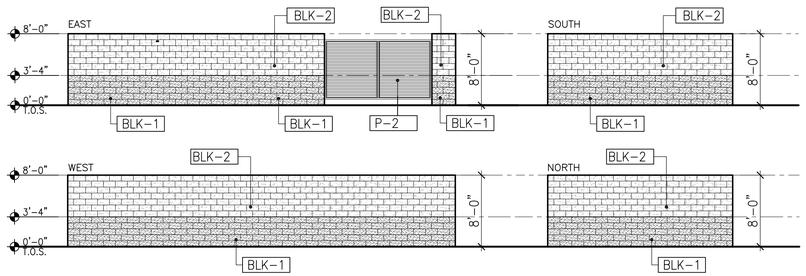
PEAKVIEW COMMERCIAL PARK
PRELIMINARY DEVELOPMENT PLAN
Lot 4, Block 1, of the Amended Plat
Peakview Commercial Park Subdivision
LES SCHWAB TIRE CENTER
184 West 64th Street

Project No:	LST000022
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PERSPECTIVES
(FOR REFERENCE ONLY)

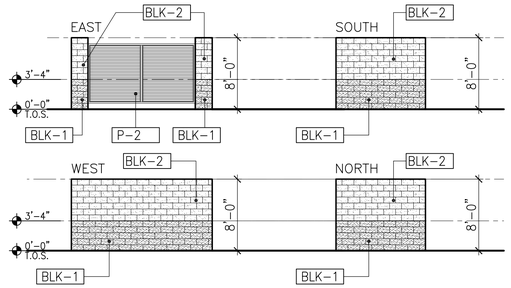
A.3

EXHIBIT A
PC ATTACHMENT 6



17 RECYCLING ENCLOSURE ELEVATIONS

1/8" = 1'-0"

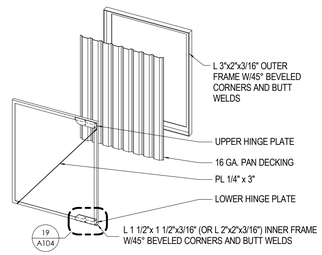


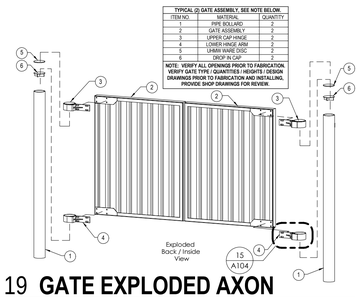
9 TRASH ENCLOSURE ELEVATIONS

1/8" = 1'-0"

MATERIAL LEGEND

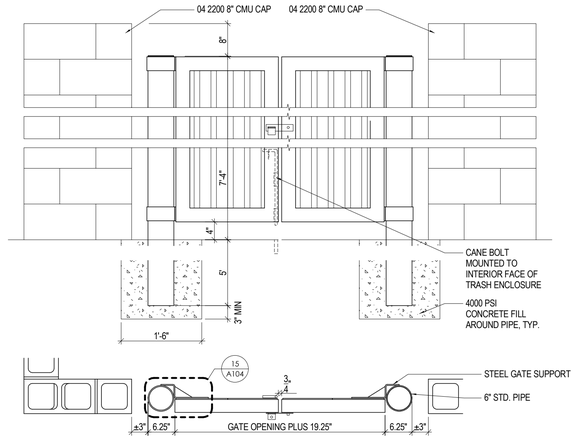
BLK-1	SPLIT FACE PREMIUM CONCRETE BLOCK TYPE-1 (RUTHERFORD)
BLK-2	POLISHED GROUND FACE PREMIUM CONCRETE BLOCK TYPE-2 (MISSION WHITE)
BLK-3	GLAZED FACE PREMIUM CONCRETE BLOCK TYPE-3 (MAHOGANY)
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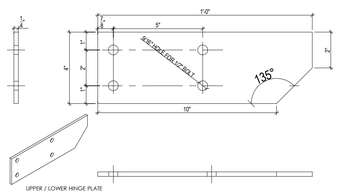
19 GATE EXPLODED AXON

3/4" = 1'-0"



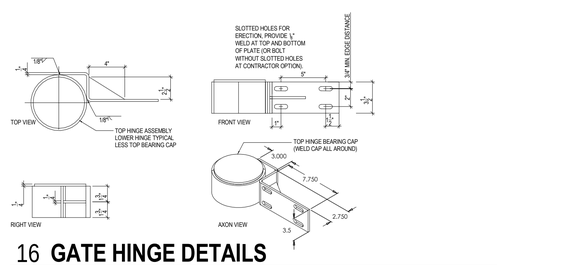
15 GATE PLAN / ELEVATION

3/4" = 1'-0"



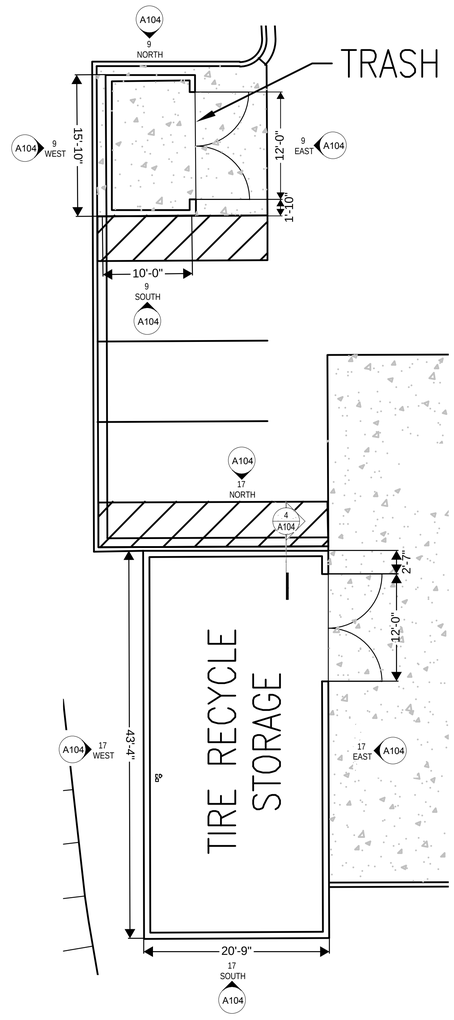
20 UPPER LOWER HINGE PLATE

3" = 1'-0"



16 GATE HINGE DETAILS

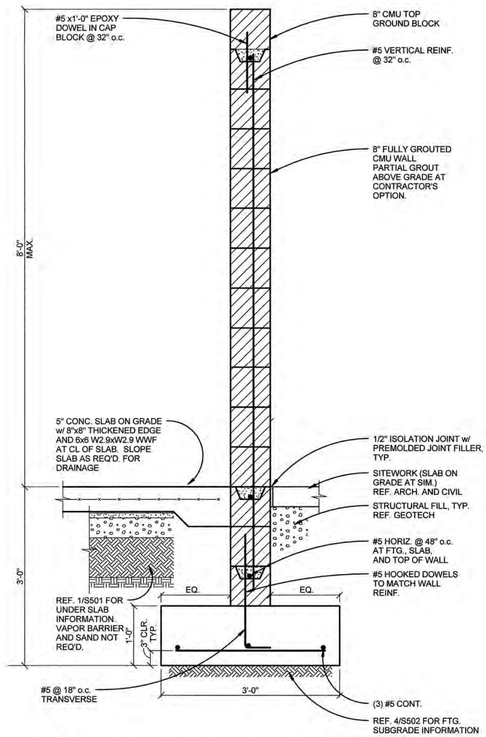
1 1/2" = 1'-0"



8 TRASH ENCLOSURE PLAN

1/8" = 1'-0"

N



4 TRASH ENCLOSURE WALL

6" = 1'-0"

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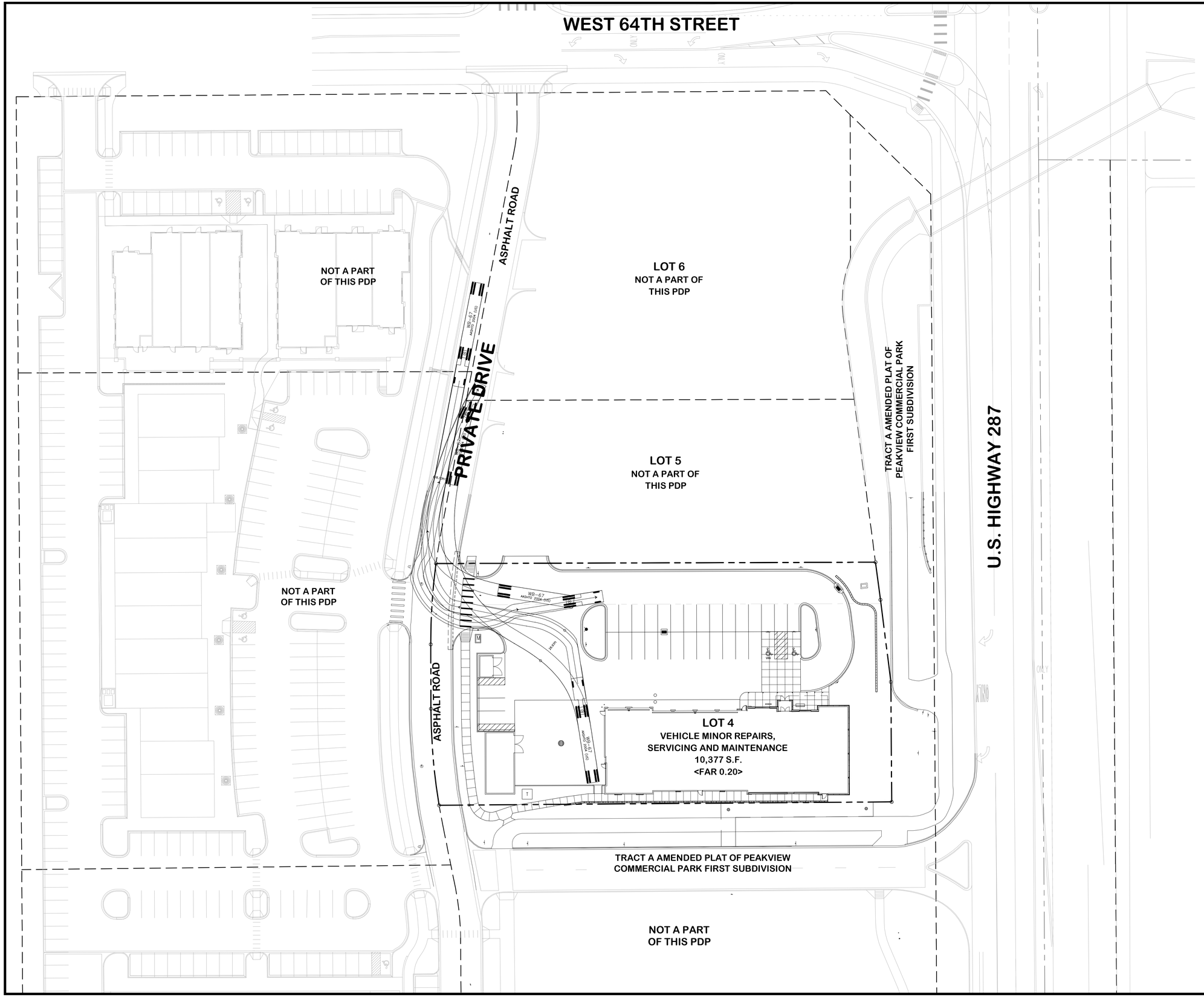
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TRASH / RECYCLE ENCLOSURES

A.4

EXHIBIT A
PC ATTACHMENT 6



No.	REVISION	DES. BY	DRAWN BY	DATE
	INITIAL PREPARATION	JDT	RDG	11/25/2013
	COMMENT RESPONSE UPDATE	JDT	RDG	01/31/2014
	COMMENT RESPONSE UPDATE	JDT	RDG	03/06/2014

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YOU DIG, GRADE, OR EXCAVATE FOR THE
MARKING OF UNDERGROUND MEMBER UTILITIES

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:	1"=30'
Designed By:	JDT
Drawn By:	RDG
Date:	NOVEMBER, 2013
Disk File:	Lst22_PDP_11-Trk Rte

TRUCK TURNING
RADIUS EXHIBIT
FOR LOT 4

SHEET 11 OF 11

TR
EXHIBIT A
PC ATTACHMENT 6

Kimley-Horn
and Associates, Inc.

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

EXHIBIT A
PC ATTACHMENT 7

Kimley-Horn and Associates, Inc.

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

COLORADO REGISTERED CURTIS DANIEL ROWE 36355 11/06/13 PROFESSIONAL ENGINEER

EXHIBIT A
PC ATTACHMENT 7

Kimley-Horn and Associates, Inc.

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)

Directional Distribution: 65% ent. 35% exit.
T = 1.34 (X)
T = 1.34 * 10.066
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)

Directional Distribution: 47% ent. 53% exit.
T = 2.11 (X)
T = 2.11 * 10.066
T = 21 Average Vehicle Trip Ends
10 entering 11 exiting

10 + 11 = 21

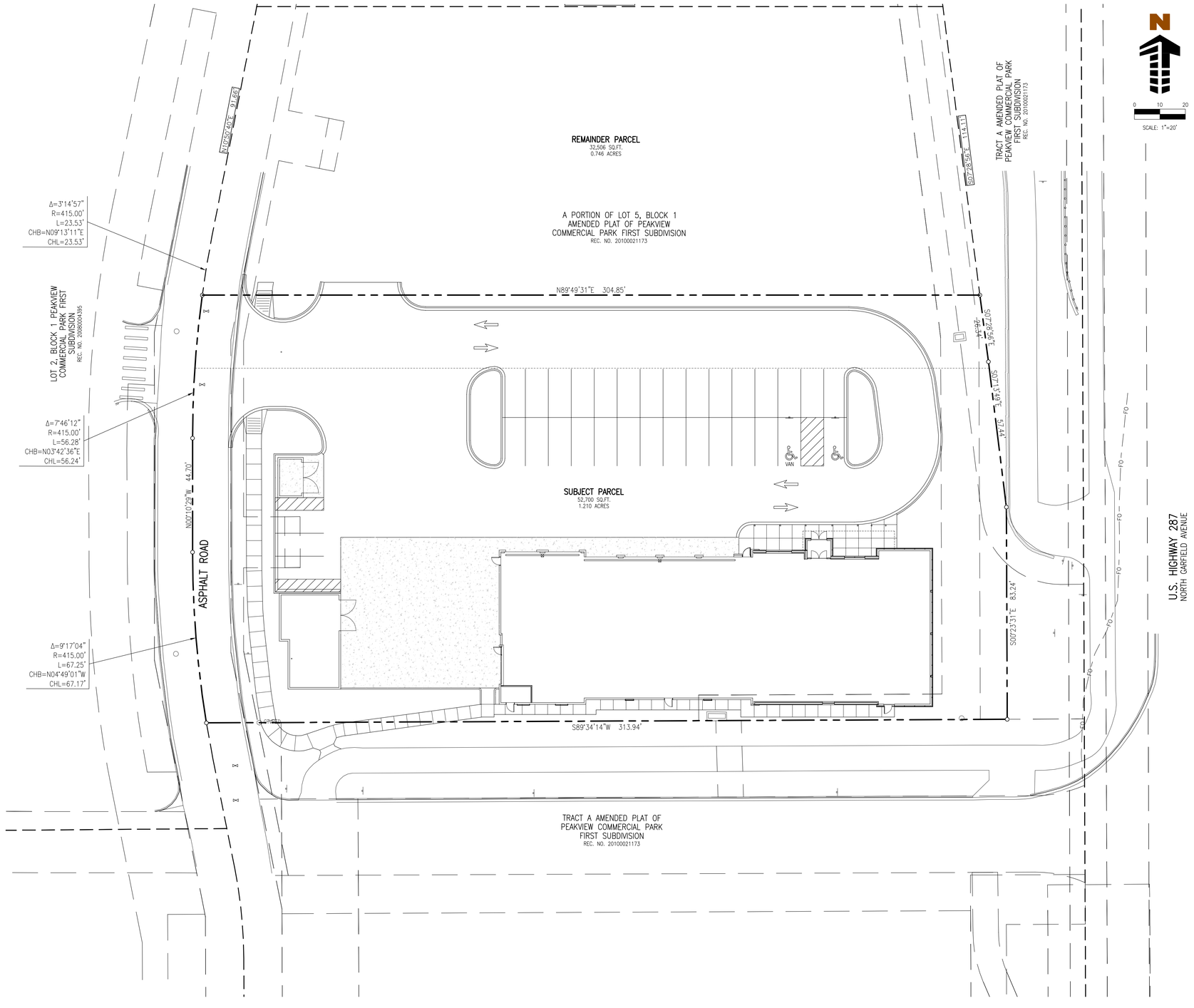
Weekday (page 1636)

Average Weekday
T = 20.36 (X)
T = 20.36* 10.066
Directional Distribution: 50% entering, 50% exiting
T = 206 Average Vehicle Trip Ends
103 entering 103 exiting

103 + 103 = 206

EXHIBIT A
PC ATTACHMENT 7

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) –

BENCHMARK

NOS/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.

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

No.	REVISION	DES. BY	DRAWN BY	DATE

Galloway
Planning, Architecture, Engineering
5300 DTC Parkway, Suite 100
Greenwood Village, CO 80111
303.770.8884 p
303.770.3636 f
www.gallowayUS.com
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Les Schwab Tires

PEAKVIEW COMMERCIAL PARK FIRST SUBDIVISION

LES SCHWAB TIRE CENTER
U.S. HGWY. 287 AND W. 64th ST.
LOVELAND, COLORADO

Project No:	LST000022
Sheet Scale:	1"=20'
Designed By:	JDT
Drawn By:	RDG
Date:	SEPTEMBER 2013
Disk File:	Lst22_P_03-Site

SITE PLAN

3
EXHIBIT A
PC ATTACHMENT 7

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

EXHIBIT B

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:

Bob Paulsen

Planning Commission ~~Secretary~~ Liaison

PLANNING COMMISSION:

Buddy Meyers, Chairperson
City of Loveland Planning Commission

EXHIBIT B

APPROVED AS TO FORM:

J. Yost Schmidt
Deputy City Attorney

EXHIBIT B

PEAKVIEW COMMERCIAL PARK PLANNED UNIT DEVELOPMENT AMENDMENTS

- Request for approval of a General Development Plan (GDP) Amendment and Preliminary Development Plan (PDP) Amendment on 1.21 acres for:
  - Allowing a new use in the GDP for vehicle minor repairs, servicing and maintenance (tire store); and
  - Developing a 10,000 square foot *Les Schwab* tire store.

Two Separate Applications for Consideration

- General Development Plan (GDP) Amendment – Quasi-Judicial Action
- Preliminary Development Plan (PDP) Amendment – Quasi-Judicial Action

PEAKVIEW COMMERCIAL PARK
PLANNED UNIT DEVELOPMENT AMENDMENTS



City of Loveland

PEAKVIEW COMMERCIAL PARK PLANNED UNIT DEVELOPMENT AMENDMENTS

PROJECT BACKGROUND

- Adjacent to City of Loveland Recreation Trail.
- Special GDP conditions to be aware of – architectural design and noise.
- Neighborhood Meeting held on February 6, 2014.

PEAKVIEW COMMERCIAL PARK PLANNED UNIT DEVELOPMENT AMENDMENTS



GDP

- City Council consideration regarding the GDP based on the following general findings:
- Determine if the proposed use complies with PUD requirements (LMC 18.41), the Comprehensive Plan and the Peakview GDP;
- No impacts to the City transportation system; and
- Compatibility with surrounding land uses.

CITY OF LOVELAND
CITY ATTORNEY'S OFFICE
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2540 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: **10**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Judy Schmidt, Acting City Attorney
PRESENTER: Judy Schmidt, Acting City Attorney

TITLE:
A Resolution of the Loveland City Council Approving Non-Substantial Modifications to the US 34/Crossroads Corridor Urban Renewal Plan

RECOMMENDED CITY COUNCIL ACTION:
Approve the resolution.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:
This is an administrative action. It is a Resolution to approve three non-substantial modifications to the Centerra Urban Renewal Plan. It does this by adding to the Centerra URA Plan area the following parcels: (1) a 13.422-acre parcel owned by the Thompson R2-J School District to be used as a site for a future elementary school; (2) a 23.437-acre parcel consisting of the north half of the I-25/Crossroads Boulevard Interchange together with the adjacent Crossroads Boulevard right-of-way; and (3) a 14.316-acre parcel consisting of a portion of the Boyd Lake Avenue right-of-way.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

Since the parcels to be added to the boundaries of the Centerra Urban Renewal Plan area consist of publically-owned land and right-of-way, the Centerra URA Plan area will not receive any additional tax increment revenues from these added properties. In addition, while Centerra URA revenues will be available for the construction of improvements on these properties, all of

these improvements are currently contemplated and expected under the MFA to be paid for with MFA revenues.

BACKGROUND:
On January 20, 2004, the City of Loveland ("City") and the Loveland Urban Renewal Authority entered into the Centerra Master Financing and Intergovernmental Agreement with Centerra Metro District No. 1 and other parties. On that same date, the City Council approved the US 34/Crossroads Corridor Urban Renewal Plan and since then has modified this Plan six times with either the inclusion or exclusion of real property ("Centerra URA Plan"). Five of these modifications were done pursuant to C.R.S. Section 31-25-107(7) of the Colorado Urban Renewal Law that allows the Council to modify the Centerra URA Plan at any time without being subject to the notice and blight finding requirements of the Urban Renewal Law, where such modification will not substantially change the Centerra URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved.

MFA Section 10.1 provides that upon written request from the Superintendent of the Thompson R2-J School District ("School District"), the Council shall expand the boundaries of the Centerra URA Plan area to include three school sites, two of which have already been added to the Centerra URA Plan area, with the third to be a future elementary school site as generally described in MFA Exhibit O. The City has recently received from the School District's Superintendent a written request to add this elementary school site to the boundaries of the Centerra URA Plan area, which parcel consists of approximately 13.422 acres ("School Property").

In 2004, MFA Section 11.6 acknowledged that certain portions of "Regional ROW" (defined in MFA Section 1.94 to mean the real estate and rights-of-way needed for the construction of the "Regional Improvements" contemplated in the MFA) had not yet been annexed into the City and, therefore, were not included then in the boundaries of the Centerra URA Plan area. However, MFA Section 11.6 provides that once such unannexed Regional ROW is annexed into the City, that Council shall consider taking an action to add those annexed areas to the boundaries of the Centerra URA Plan area.

One of these unannexed areas in 2004 was most of the north half of the "I-25 and Crossroads Boulevard Interchange," that is defined in the MFA Section 1.93 as one of the MFA's "Regional Improvements." In 2011, the Council annexed into the City the north half of the Interchange, which real property consists of approximately 23.437 acres ("I-25/Crossroads Property").

On November 5, 2013, the Council approved a Fifth Amendment to the MFA to add as a Regional Improvements to the MFA the improvement of a portion of "Boyd Lake Avenue" and the construction of an extension of "Kendall Parkway," as both are generally described in the Fifth Amendment. While most of the land needed for the future Kendall Parkway improvement is now within the boundaries of the Centerra URA Plan area, this is not the case for the land areas needed for the future construction of the Boyd Lake Avenue improvements, although most of these areas are now annexed into the City. It is therefore being proposed that 14.316 acres of

the Boyd Lake Avenue right-of-way ("Boyd Lake Avenue Property") be added to the Centerra URA Plan area.

The School Property, the I-25/Crossroads Property, and the Boyd Lake Avenue Property are all publically-owned land to be used for future public facilities and improvements that are all contemplated under the Centerra URA Plan and MFA. Also, since the current Centerra URA Plan area consists of a total of about 2,070 acres, adding these 51 acres represents only a 2.5% increase in the size of this area. Therefore, the inclusion of these 51 acres will not constitute under C.R.S. § 31-25-107(7) a substantial change in the URA Plan "in land area, land use, design, building requirements, timing, or procedure, as previously approved." Consequently, these three modifications can be made by the Council as non-substantial changes by the adoption of the proposed Resolution.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution with Exhibits A, B, C and D.

R E S O L U T I O N #R-28-2014

A RESOLUTION OF THE LOVELAND CITY COUNCIL APPROVING NON-SUBSTANTIAL MODIFICATIONS TO THE US 34/CROSSROADS CORRIDOR URBAN RENEWAL PLAN

WHEREAS, on July 2, 2002, the City of Loveland ("City") City Council ("City Council") established by Resolution #R-44-2002 the Loveland Urban Renewal Authority ("Authority"), and designated the City Council as the Board of Commissioners of the Authority; and

WHEREAS, the City Council created the Authority vesting it with the legal authority to exercise all of the rights and powers granted to urban renewal authorities by the Colorado Urban Renewal Law, C.R.S. Section 31-25-101, *et seq.*, as amended ("Urban Renewal Law"); and

WHEREAS, by Resolution #R-8-2004 and pursuant to the applicable provisions of the Urban Renewal Law, in 2004 the City Council approved the US 34/Crossroads Corridor Urban Renewal Plan ("Original URA Plan"); and

WHEREAS, C.R.S. Section 31-25-107(7) of the Urban Renewal Law allows the City Council to modify the Original URA Plan at any time without being subject to the notice and blight finding requirements of C.R.S. Section 31-25-107, provided that such modification will not substantially change the Original URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved; and

WHEREAS, since its adoption of the Original URA Plan, the Council has approved five non-substantial modifications of it, each of which the City Council determined did not constitute a substantial change to the Original URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved; and

WHEREAS, these non-substantial changes to the Original URA Plan were approved by the City Council in Resolutions #R-13-2004 and #R-39-2005 (to add to the boundaries of the area covered by the Original URA Plan real properties owned by the Thompson R2-J School District for a current and a future school site), Resolution #R-76-2005 (to eliminate from the boundaries of the Original URA Plan a small two-acre strip of land mistakenly included in the Original URA Plan), Resolution #R-24-2008 (to add approximately 83.011 acres constituting the I-25/Highway 34 Interchange and approximately 6.243 acres of the Centerra Parkway/Crossroads Extension to the Original URA Plan), and Resolution #R-145-2008 (adding approximately 1.628 acres that were inadvertently not included in the "Flex URA Plan Modification" described below), which modifications are hereinafter referred to collectively as the "Non-Substantial URA Plan Modifications"; and

WHEREAS, by Resolution #R-98-2008, the City Council approved a modification of the Original URA Plan that did include substantial changes related to adding approximately 509 acres to the Original URA Plan are to provide maximum land use flexibility while not increasing

the net developable acreage eligible to benefit from property tax increment revenues beyond that originally permitted by the Original URA Plan ("Flex URA Plan Modification"); and

WHEREAS, the Original URA Plan, the Non-Substantial URA Plan Modifications and the Flex URA Plan Modification shall be referred to herein collectively as the "URA Plan"; and

WHEREAS, related to the URA Plan, the City and the Authority entered into that certain "Centerra Master Financing and Intergovernmental Agreement" dated January 20, 2004 ("MFA") with Centerra Metropolitan District No. 1 and several other parties; and

WHEREAS, MFA Section 10.1 provides that upon written request from the Superintendent of the Thompson R2-J School District ("School District"), the Council shall expand the boundaries of the URA Plan area to include three school sites, including a site for a future elementary school as generally described in MFA Exhibit O and that such inclusion is to be considered a non-substantial change to the URA Plan (the other two school sites were previously added by Resolutions #R-13-2004 and #R-39-2005); and

WHEREAS, the City has received from the School District's Superintendent a written request to add this elementary school site to the boundaries of the URA Plan area, a copy of which request is attached as **Exhibit "A"** and incorporated by reference, and which site is legally described and depicted in **Exhibit "B"** attached and incorporated by reference ("School Property"); and

WHEREAS, MFA Section 11.6 acknowledges that in 2004 portions of the "Regional ROW" (defined in MFA Section 1.94 to mean the real estate and rights-of-way needed for the construction of the "Regional Improvements" contemplated in the MFA) had not yet been annexed into the City and, therefore, not included in the boundaries of the Original URA Plan area; and

WHEREAS, MFA Section 11.6 provides that once such unannexed Regional ROW is annexed into the City, that Council shall consider taking an action to add those annexed areas to the boundaries of the Original URA Plan area as non-substantial changes; and

WHEREAS, one of these unannexed areas in 2004 was most of the north half of the I-25 and Crossroads Boulevard Interchange, the future improvement of which Interchange is defined in the MFA Section 1.93 as one of the "Regional Improvements"; and

WHEREAS, in 2011, Council adopted Ordinance No. 5608 to annex into the City the real estate and rights-of-way that are needed for the future construction of the Regional Improvement described in MFA Section 1.44 as the "I-25 and Crossroads Boulevard Interchange," which real property is legally described and depicted in **Exhibit "C"** attached and incorporated by reference ("I-25/Crossroads Property"); and

WHEREAS, on November 5, 2013, the Council adopted Resolution #R-96-2013 to approve the "Fifth Amendment to the Centerra Master Financing and Intergovernmental Agreement" ("Fifth Amendment") to amend the MFA to add as a Regional Improvements "Boyd

Lake Avenue" and "Kendall Parkway," as both are generally described in the Fifth Amendment; and

WHEREAS, while most of the land areas needed for the future Kendall Parkway improvements are now within the boundaries of the URA Plan area, this is not the case for the land areas needed for the future construction of the Boyd Lake Avenue improvements, although most of those areas are now annexed into the City, thereby making these Boyd Lake Avenue areas eligible for Council's consideration under MFA Section 11.6 to be added to the boundaries of the URA Plan area; and

WHEREAS, the real property currently annexed into the City needed for the future improvement of Boyd Lake Avenue as a Regional Improvement is legally described and depicted in **Exhibit "D"** attached and incorporated by reference ("Boyd Lake Avenue Property"); and

WHEREAS, the inclusion of the School Property, the I-25/Crossroads Property, and the Boyd Lake Avenue Property into the boundaries of the URA Plan area are expressly contemplated by the MFA and consistent with the goals and objectives of the URA Plan; and

WHEREAS, since these areas to be included in the boundaries of the URA Plan area are all publically-owned real property to be used for future publically-owned facilities and improvements, their inclusion will not constitute under C.R.S. § 31-25-107(7) a substantial change in the URA Plan "in land area, land use, design, building requirements, timing, or procedure, as previously approved."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, AS FOLLOWS:

Section 1. That the recitals of this Resolution are hereby adopted by the Council as findings and the Council further finds that adding the School Property, the I-25/Crossroads Property, and the Boyd Lake Avenue Property to the boundaries of the URA Plan area will not substantially change the URA Plan in land area, land use, design, building requirements, timing, or procedure, as previously approved in the URA Plan.

Section 2. That the URA Plan is hereby modified pursuant to C.R.S. Section 31-25-107(7) to include within its boundaries the School Property, the I-25/Crossroads Property, and the Boyd Lake Avenue Property.

Section 3. That except as modified by this Resolution, the URA Plan shall remain unchanged in all other respects and shall remain in full force and effect.

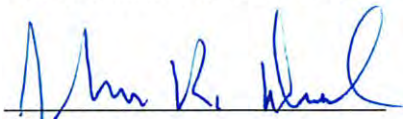
Section 4. That this Resolution shall take effect on the date and at the time of its adoption by the City Council.

Adopted this 15th day of April, 2014.

_____
Cecil A. Gutierrez, Mayor

_____
City Clerk

APPROVED AS TO FORM:



City Attorney

THOMPSON
SCHOOL DISTRICT

Superintendent's Office

800 South Taft Avenue • Loveland, CO 80537 • Office (970) 613-5013 • Fax (970) 613-5088

Stan Scheer, Ed.D.
Superintendent of Schools

January 23, 2014

William Cahill, City Manager
City of Loveland
500 East Third Street
Loveland, Colorado 80537

John Duval, City Attorney
City of Loveland
500 East Third Street
Loveland, Colorado 80537

Re: Designation of High Plains School Site/Expansion of URA Project Area

Dear Mr. Cahill and Mr. Duval:

On behalf of the Thompson School District R2-J, I am pleased to advise you that the District and McWhinney have selected the actual location of the site for the District's proposed High Plains School. A legal description of the site is enclosed.

The proposed school is intended to be a "URA School," as defined in the Centerra Master Financing and Intergovernmental Agreement (Master Agreement) and, as such, it is contemplated that the Centerra School Increment funds would be used toward the costs, expenses and/or indebtedness to be incurred for designing and constructing the school.

In order for School Increment funds to be made available, the site must be included in the Centerra URA Project Area by the City Council. Accordingly, please consider this the District's written request, pursuant to Section 10.1 of the Master Agreement, to expand the URA Project Area to include the District site contained in the enclosed legal description. It is within the area described in Exhibit "O" to the Master Agreement.

Please do not hesitate to contact me if you have any questions. I would also appreciate it if you would advise me when the City Council intends to take action on this request. Thank you for your consideration.

Sincerely,

Dr. Stan Scheer
Superintendent of Schools

cc: Kim Perry, Centerra Metropolitan District No. 1

EXHIBIT "B"

SCHOOL PROPERTY

Tract A of the Millennium Northwest Fourth Subdivision recorded January 15, 2014 at Reception No. 20140002625 of the Records of Larimer County situate in the Southwest Quarter of Section 4 and in the North Half of Section 9, Township 5 North, Range 68 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado

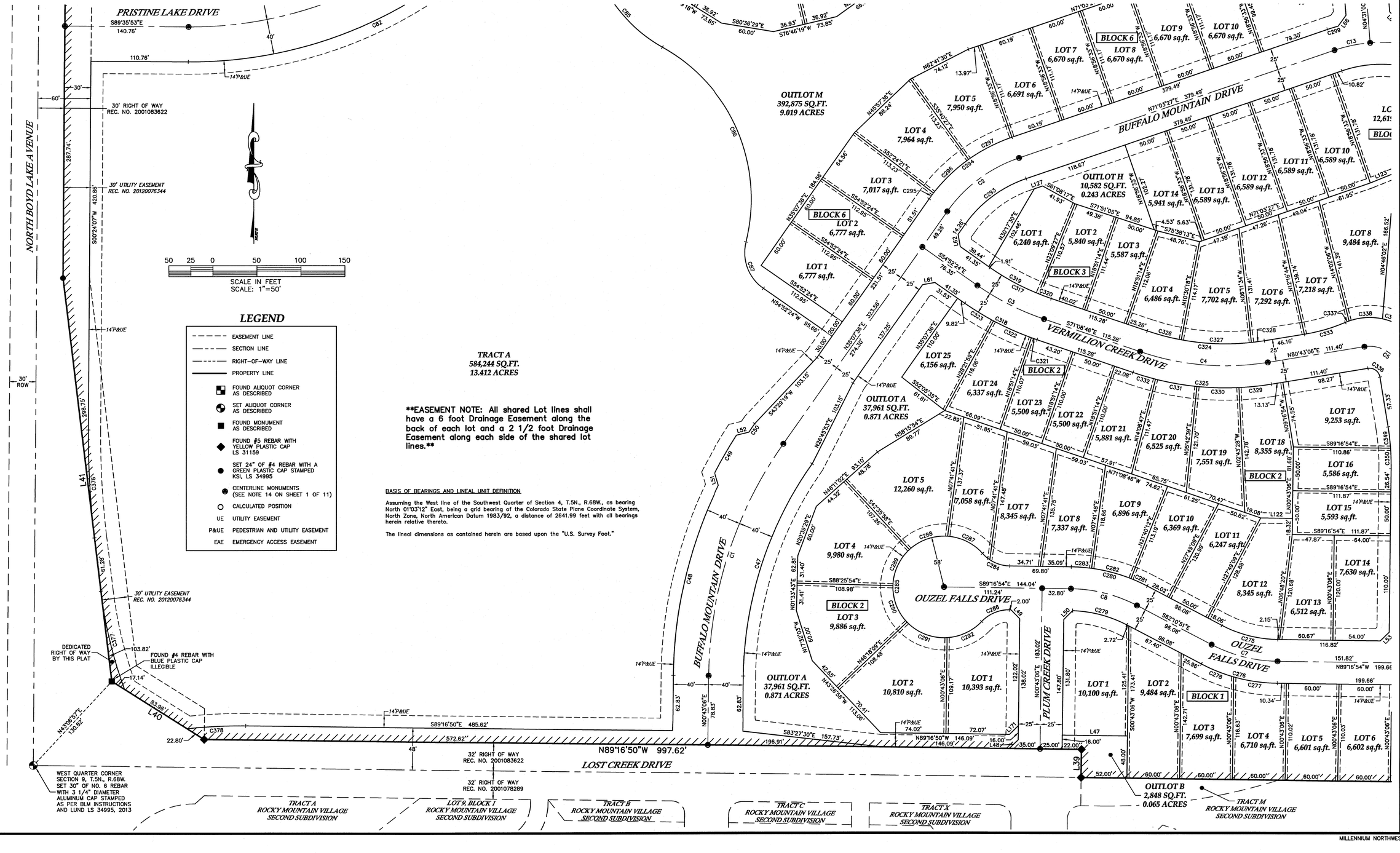
RECEPTION#: 20140002625, 01/15/2014 at 03:17:20 PM, 3 OF 11, Angela Myers,
Clerk & Recorder, Larimer County, CO

MILLENNIUM NORTHWEST FOURTH SUBDIVISION

A Subdivision of Portions of Millennium Northwest First Subdivision And Millennium Northwest Second Subdivision,
Situate In The Southwest Quarter Of Section 4 And In The North Half Of Section 9, Township 5 North, Range 68 West Of The 6th P.M.,
City Of Loveland, County Of Larimer, State Of Colorado



Steven A. Scholl - King Surveyors
Colorado Registered Professional
Land Surveyor #34995



DATE: 9/6/2013
FILE NAME: 2013001-SUB
SCALE: 1"=50'
DRAWN BY: CSK
CHECKED BY: SAL

KING SURVEYORS
650 E. Garden Drive | Windsor, Colorado 80550
phone: (970) 686-5011 | fax: (970) 686-5821

REVISIONS:	DATE:
CODO CHECKED	EW/CSK 1/10/2014

MILLENNIUM NW FOURTH SUBDIVISION
FOR
J3 ENGINEERING
6505 SOUTH PARIS STREET, SUITE B
CENTENNIAL, CO 80111

PROJECT #: 2013001-A

3

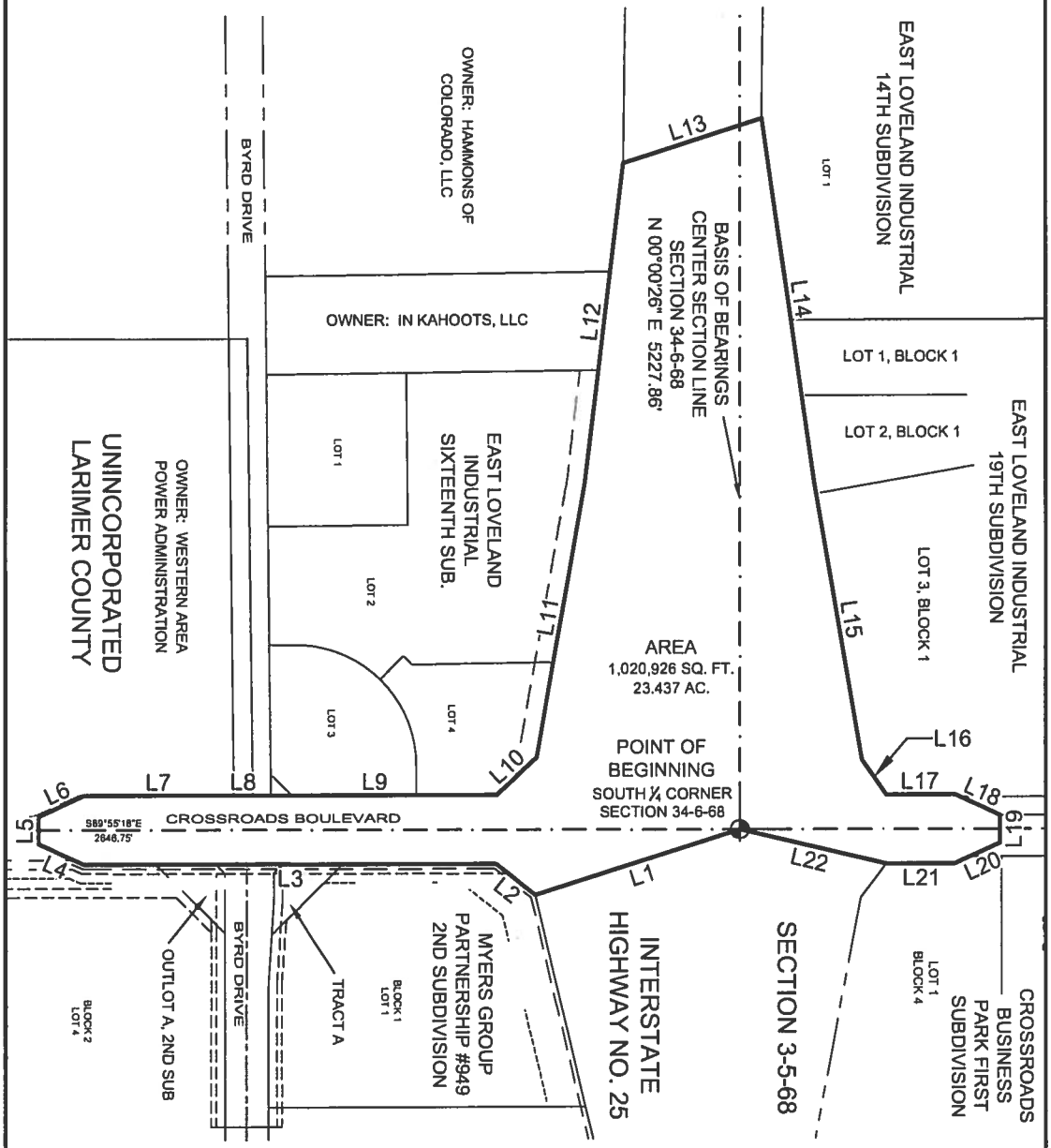
SHT 3 OF 11

EXHIBIT "C"

I-25/CROSSROADS PROPERTY

EXHIBIT

A TRACT OF LAND LOCATED IN SECTION 34, T6N, R68W AND SECTION 3, T5N, R68W OF THE 6th P.M., CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



LINE TABLE		
LINE	LENGTH	BEARING
L1	469.20'	S72°23'38"W
L2	108.50'	N51°26'18"W
L3	900.00'	N89°55'18"W
L4	109.70'	N65°41'48"W
L5	60.00'	N00°04'42"E
L6	109.70'	N65°51'12"E
L7	326.73'	S89°55'18"E
L8	40.00'	S89°54'40"E

LINE TABLE		
LINE	LENGTH	BEARING
L9	533.35'	S89°55'19"E
L10	120.35'	N46°51'41"E
L11	608.30'	N10°04'11"E
L12	704.20'	N06°53'11"E
L13	315.81'	N72°09'04"E
L14	809.43'	S08°09'08"E
L15	610.00'	S09°46'48"E
L16	92.13'	S34°30'18"E

LINE TABLE		
LINE	LENGTH	BEARING
L17	150.00'	S89°55'18"E
L18	109.73'	S65°41'31"E
L19	60.02'	S00°04'41"W
L20	109.67'	S65°51'11"W
L21	150.00'	N89°55'19"W
L22	326.73'	N76°38'29"W

300 0 300 Feet

(IN FEET)
1 inch = 300 ft.

NORTHERN ENGINEERING
301 North Howes Street, Suite 100
Fort Collins, Colorado 80521
PHONE: 970.221.4158 FAX: 970.221.4159
www.northernengineering.com

NORTHERN ENGINEERING

DESCRIPTION:

A tract of land located in Section 34, Township 6 North, Range 68 West of the 6th Principal Meridian and in Section 3, Township 5 North, Range 68 West of the 6th Principal Meridian, City of Loveland, County of Larimer, State of Colorado being more particularly described as follows:

Considering the Center Section line of Section 34 as bearing North 00° 00' 26" East and with all bearings contained herein relative thereto:

BEGINNING at the South Quarter corner of said Section 34; thence, South 72° 23' 38" West, 469.20 feet to the West right-of-way line of Interstate 25; thence along said West right-of-way line, North 51° 26' 18" West, 108.50 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89° 55' 18" West, 900.00 feet; thence, North 65° 41' 48" West, 109.70 feet; thence, North 00° 04' 42" East, 60.00 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line the following 4 courses and distances: North 65° 51' 12" East, 109.70 feet; thence, South 89° 55' 18" East, 326.73 feet; thence, South 89° 54' 40" East, 40.00 feet; thence, South 89° 55' 19" East, 533.35 feet to the West right-of-way line of Interstate 25; thence along said West right-of-way line the following 3 courses and distances: thence, North 46° 51' 41" East, 120.35 feet; thence, North 10° 04' 11" East, 608.30 feet; thence, North 06° 53' 11" East, 704.20 feet; thence North 72° 09' 04" East, 315.81 feet to the East right-of-way line of Interstate 25; thence along said East right-of-way line the following 3 courses and distances: South 08° 09' 08" East, 809.43 feet; thence, South 09° 46' 48" East, 610.00 feet; thence, South 34° 30' 18" East, 92.13 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line, South 89° 55' 18" East, 150.00 feet; thence, South 65° 41' 31" East, 109.73 feet; thence, South 00° 04' 41" West, 60.02 feet; thence, South 65° 51' 11" West, 109.67 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89° 55' 19" West, 150.00 feet; thence, North 76° 38' 29" West, 326.73 feet to the Point of Beginning, contains 1,020,926 square feet or 23.437 acres more or less.

The above described area is subject to all easements and rights of way now existing or of record.

LMS
March 20, 2014
C:\Users\lenore\Documents\Northern\700-121\Dwg\Exhibits\700-121 Exhibit 3-19-14.docx

EXHIBIT "D"

BOYD LAKE AVENUE PROPERTY

Boyd Lake Avenue Right of Way, located in the West Half of Section 4, East Half of Section 5, East Half of Section 8 and the West Half of Section 9, all in Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 4, monumented with a 2 ½" Aluminum cap on a ¾" rebar stamped LS 32829, 2012;

Thence North 01°08'42" East for 40.00 feet on the west line of the Northwest Quarter of said Section 4 to the True Point of Beginning;

Thence South 89°18'02" East for 50.00 feet;

Thence South 01°08'42" West for 40.00 feet parallel with and 50.00 feet east of the west line of the Northwest Quarter of said Section 4 to the north line of the Southwest Quarter of said Section 4;

Thence South 01° 03' 12" West for 266.96 feet parallel with and 50.00 feet east of the west line of said Southwest Quarter of Section 4;

Thence South 06° 00' 20" West for 231.68 feet;

Thence South 01° 03' 12" West for 2144.42 feet parallel with and 30.00 feet east of the west line of said Southwest Quarter of Section 4 to the south line thereof;

Thence South 00° 24' 07" West for 723.87 feet parallel with and 30.00 feet east of the west line of the Northwest Quarter of said Section 9 to the north right of way line of Long Pine Lake Drive;

Thence South 89° 35' 57" East for 30.00 feet on said north right of way line;

Thence South 00° 24' 07" West for 218.26 feet to the south right of way line of Long Pine Lake Drive;

Thence along a curve to the left (having a radius of 48.00 feet and a long chord bearing South 23°24'55" West for 44.34 feet) for an arc length of 46.09 feet on said south right of way line;

Thence South 04° 05' 26" East for 160.40 feet;

Thence along a curve to the right (having a radius of 1552.50 feet and a long chord bearing South 01°50'40" East for 121.70 feet) for an arc length of 121.72 feet;

Thence South 00° 24' 07" West for 989.74 feet parallel with and 60.00 feet east of the west line of said Northwest Quarter of Section 9;

Thence South 04° 26' 33" East for 184.67 feet;

Thence along a curve to the left (having a radius of 500.00 feet and a long chord bearing South 13°29'58" East for 115.38 feet) for an arc length of 115.64 feet;

Thence South 57° 50' 52" East for 106.76 feet to the north right of way line of Lost Creek Drive;

Thence South 89° 16' 50" East for 0.83 feet on said north right of way line;

Thence South 00° 43' 14" West for 64.01 feet to the south right of way line of Lost Creek Drive;

Thence South 48° 26' 23" West for 14.03 feet;

Thence along a curve to the left (having a radius of 95.00 feet and a long chord bearing South 48°26'23" West for 127.04 feet) for an arc length of 139.15 feet;

Thence South 06° 28' 38" West for 327.73 feet;

Thence South 00° 24' 07" West for 506.74 feet parallel with and 30.00 feet east of the west line of the Southwest Quarter of said Section 9;

Thence South 89° 35' 48" East for 15.00 feet;
Thence along a curve to the left (having a radius of 15.00 feet and a long chord bearing South 44°35'51" East for 21.21 feet) for an arc length of 23.56 feet;
Thence South 00° 24' 12" West for 32.00 feet;
Thence along a curve to the left (having a radius of 15.00 feet and a long chord bearing South 45°24'10" West for 21.21 feet) for an arc length of 23.56 feet;
Thence North 89° 35' 48" West for 15.00 feet;
Thence South 00° 24' 07" West for 589.18 feet parallel with and 55.00 feet east of the west line of said Southwest Quarter of Section 9 to the north line of the Greeley-Loveland Irrigation Canal;
Thence South 87° 40' 38" West for 25.03 feet on said north line;
Thence South 00° 24' 07" West for 52.47 feet to the south line of the Greeley-Loveland Irrigation Canal;
Thence South 89° 29' 56" West for 29.99 feet to the west line of said Northwest Quarter of Section 9;
Thence North 89° 35' 53" West for 50.00 feet;
Thence North 00° 24' 07" East for 38.05 feet parallel with and 50.00 feet west of the east line of the Southeast Quarter of Section 8;
Thence South 86° 36' 15" East for 20.03 feet;
Thence North 00° 24' 07" East for 1628.35 feet parallel with and 30.00 feet west of the east line of said Southeast Quarter of Section 8to the north line thereof;
Thence North 00° 24' 07" East for 1888.85 feet parallel with and 30.00 feet west of the east line of the Northeast Quarter of said Section 8 to the north right of way line of Frank Road;
Thence North 88° 04' 40" West for 20.01 feet on said north right of way line;
Thence North 00° 24' 07" East for 748.44 feet parallel with and 50.00 feet west of the east line of said Northeast Quarter of Section 8 to the north line thereof;
Thence North 01° 03' 12" East 2641.97 feet parallel with and 50.00 feet west of the east line of the Southeast Quarter of said Section 5 to the north line thereof;
Thence North 01°08'42" East for 40.00 feet parallel with and 50.00 feet west of the east line of Northeast Quarter of said Section 5;
Thence South 89°18'02" East for 50.00 feet to the Point of Beginning;
Thence South 89° 18' 02" East for 50.00 feet on the north line of said Southeast Quarter of Section 5 to the Point of Beginning.

Contains 623,611 Square feet or 14.316 acres.

Basis of Bearing: The east line of the Southeast Quarter of Section 5, Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado is assumed to bear North 01°03'12" East between the Southeast Corner of said Section 5, monumented with a 2 ½" aluminum cap in range box stamped LS 17682, and the northeast corner of the Southeast Quarter of said Section 5, monumented with a 3 ¼" aluminum cap in range box stamped LS 16425.

EXHIBIT A

BOYD LAKE AVENUE ROW

LEGAL DESCRIPTION

Boyd Lake Avenue Right of Way, located in the West Half of Section 4, East Half of Section 5, East Half of Section 8 and the West Half of Section 9, all in Township 5 North, Range 68 West of the 6th P.M., Larimer County, Colorado, described as follows:

Commencing at the northwest corner of the Southwest Quarter of said Section 4, monumented with a 2 1/2" Aluminum cap on a 3/4" rebar stamped LS 32829, 2012;
Thence North 01°08'42" East for 40.00 feet on the west line of the Northwest Quarter of said Section 4 to the True Point of Beginning;
Thence South 89°18'02" East for 50.00 feet;
Thence South 01°08'42" West for 40.00 feet parallel with and 50.00 feet east of the west line of the Northwest Quarter of said Section 4 to the north line of the Southwest Quarter of said Section 4;
Thence South 01° 03' 12" West for 266.96 feet parallel with and 50.00 feet east of the west line of said Southwest Quarter of Section 4;
Thence South 06° 00' 20" West for 231.68 feet;
Thence South 01° 03' 12" West for 2144.42 feet parallel with and 30.00 feet east of the west line of said Southwest Quarter of Section 4 to the south line thereof;
Thence South 00° 24' 07" West for 723.87 feet parallel with and 30.00 feet east of the west line of the Northwest Quarter of said Section 9 to the north right of way line of Long Pine Lake Drive;
Thence South 89° 35' 57" East for 30.00 feet on said north right of way line;
Thence South 00° 24' 07" West for 218.26 feet to the south right of way line of Long Pine Lake Drive;
Thence along a curve to the left (having a radius of 48.00 feet and a long chord bearing South 23°24'55" West for 44.34 feet) for an arc length of 46.09 feet on said south right of way line;
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Thence along a curve to the left (having a radius of 500.00 feet and a long chord bearing South 13°29'58" East for 115.38 feet) for an arc length of 115.64 feet;
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Thence South 89° 16' 50" East for 0.83 feet on said north right of way line;
Thence South 00° 43' 14" West for 64.01 feet to the south right of way line of Lost Creek Drive;
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EXHIBIT SHEET 1 OF 3

LAMP RYNEARSON & ASSOCIATES
4715 Innovation Drive
Fort Collins, CO 80525
www.LRA-Inc.com
970.226.0342 | P
970.226.0879 | F

drawn by	designed by	reviewed by	project - task number	date	book and page	revisions
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EXHIBIT A

BOYD LAKE AVENUE ROW

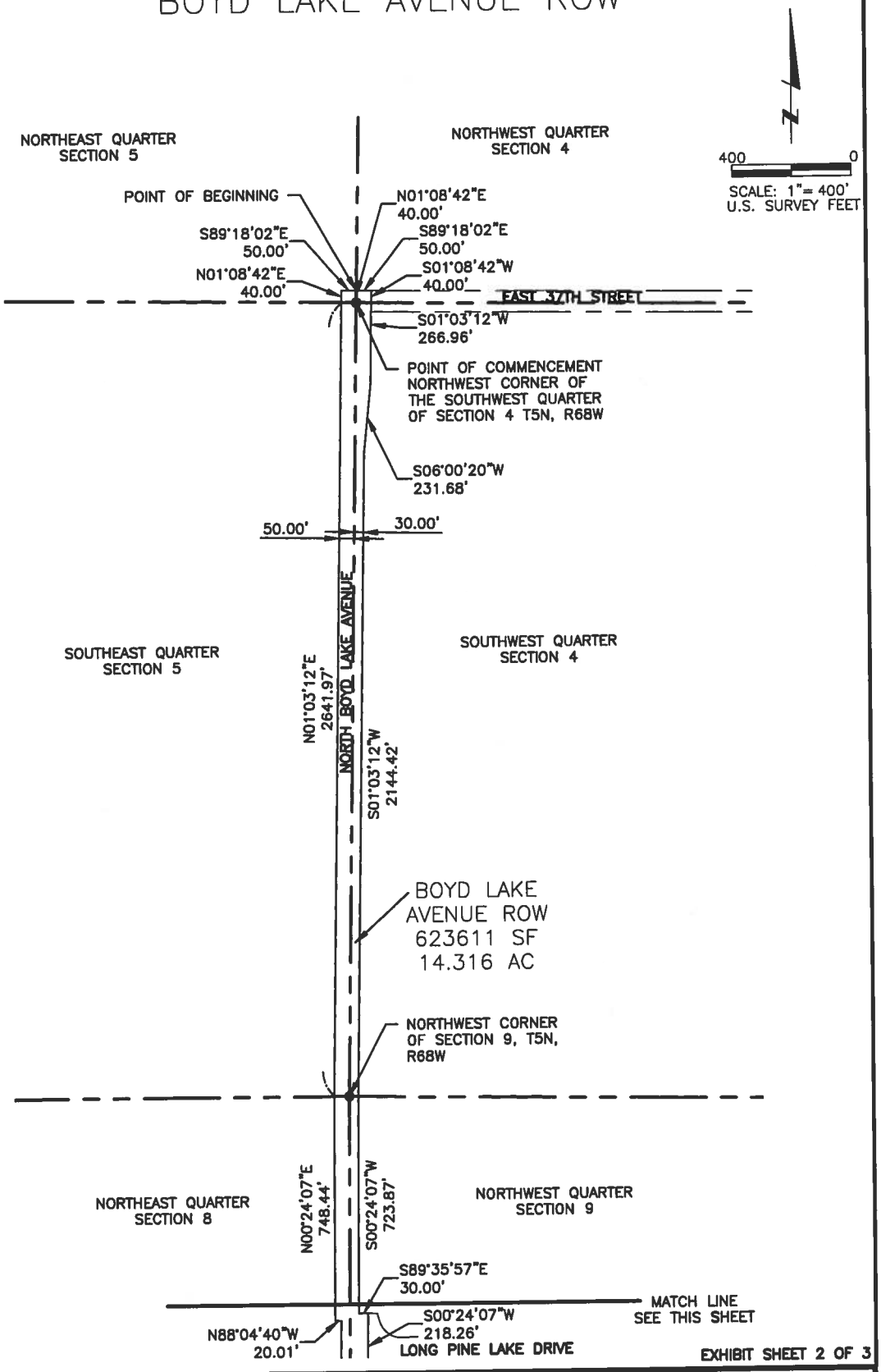


EXHIBIT SHEET 2 OF 3

LAMP RYNEARSON & ASSOCIATES
4715 Innovation Drive
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EXHIBIT A

BOYD LAKE AVENUE ROW

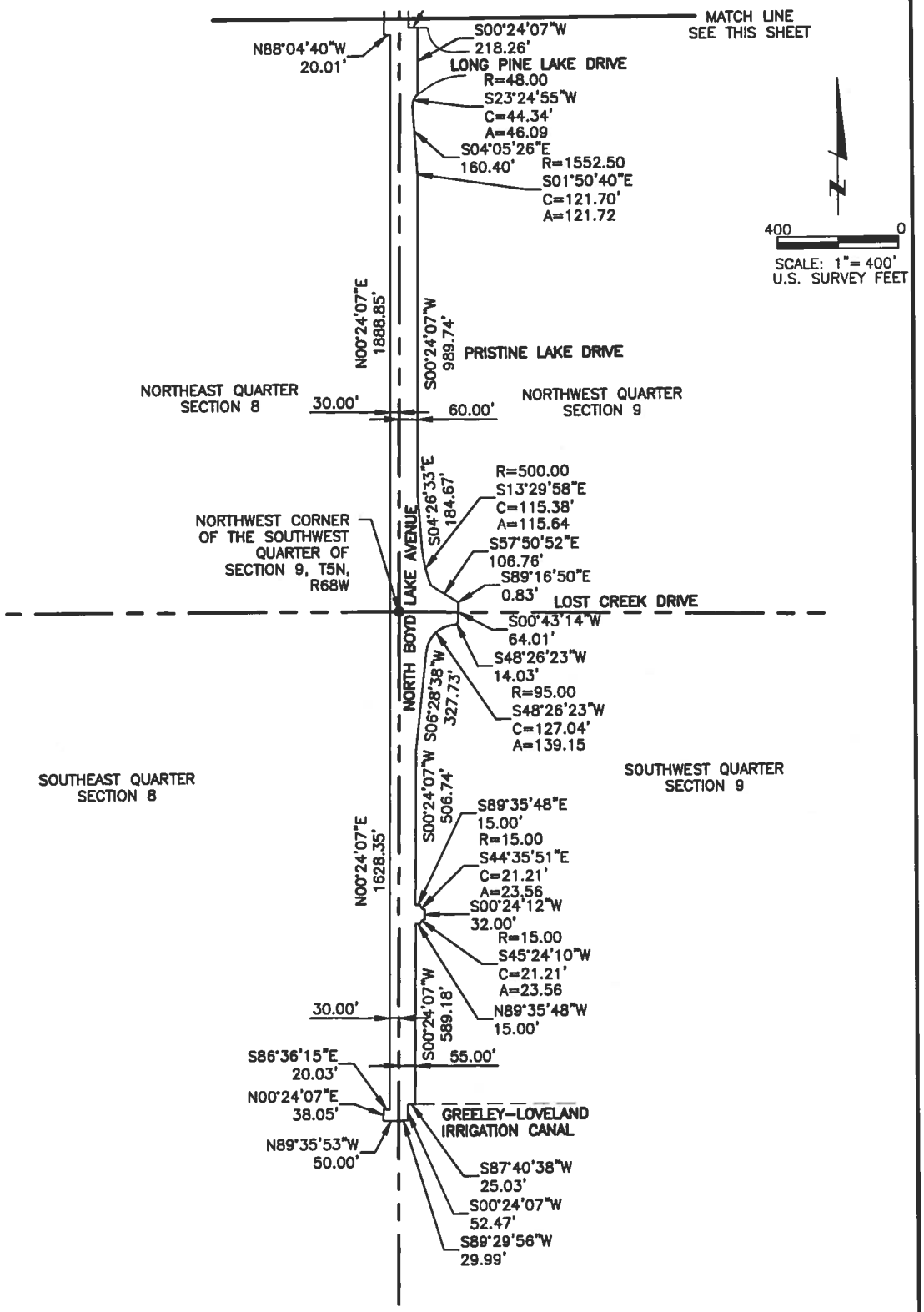


EXHIBIT SHEET 2 OF 3

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drawn by	designed by	reviewed by	project - task number	date	book and page	revisions
KW		FAK	0213035.00	03/20/2014		

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CITY OF LOVELAND
CITY CLERKS OFFICE
Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2322 • FAX (970) 962-2901 • TDD (970) 962-2620

AGENDA ITEM: **11**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Terry Andrews, City Clerk
PRESENTER: Terry Andrews, City Clerk

TITLE:
A Resolution Amending the City of Loveland Handbook for Boards and Commissions

RECOMMENDED CITY COUNCIL ACTION:
Adopt the resolution.

OPTIONS:
1. Adopt the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)

SUMMARY:
This is an administrative action to adopt a resolution amending the City of Loveland Handbook for Boards and Commissions ("Handbook"). The proposed amendments to the Handbook address the process for selecting and appointing members, and remove references to the Creative Sector Development Advisory Commission, which expired on December 31, 2013 in accordance with City Code Section 2.60.290.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
This item has been brought forward at the request of City Council to amend the process for selecting and appointing members to the City's advisory boards and commissions. A redline draft of the amended Handbook illustrating the proposed changes is attached.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Redline draft of Handbook
2. Resolution
3. Handbook (Exhibit A to Resolution)

City of Loveland

Handbook for
Boards and Commissions

Revised ~~March~~ April 201~~3~~4

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- Board Responsibilities

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- Recording Secretary
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INTRODUCTION

The public is playing an ever increasing role in local government. Citizens concerned about quality of life for themselves and their families, taxes and governmental services are speaking out as never before, and are shaping local government in a way that meets their needs. Indeed, the governing body of a city like Loveland is composed of citizens elected by their fellow citizens to set policy and to guide and direct city government.

In order to assist it in setting direction for the city, the City Council considers the advice of its various boards and commissions. Citizens who serve on boards and commissions, therefore, play an important part in translating ideas into programs and suggestions and concerns into change. They also expand the knowledge and experience base of the elected decision makers.

The City Council has engaged more and more citizens in the process of government by creating new advisory boards when the need arises. At present, the City of Loveland has the following advisory bodies:

Affordable Housing Commission (AHC)
Citizens' Finance Advisory Commission (CFAC)
Community Marking Commission (CMC)
Construction Advisory Board (CAB)
~~Creative Sector Development Advisory Commission (CSDAC)*~~
Cultural Services Board (CSB)
Disabilities Advisory Commission (DAC)
Fire & Rescue Advisory Commission (FRAC)
Golf Advisory Board (GAB)
Historic Preservation Commission (HPC)
Human Services Commission (HSC)
Library Board (LB)
Loveland Utilities Commission (LUC)
Open Lands Advisory Commission (OLAC)
Parks and Recreation Commission (PRC)
Planning Commission (PC)
Police Citizen Advisory Board (PDCAB)
Senior Advisory Board (SAB)
Transportation Advisory Board (TAB)
Visual Arts Commission (VAC)
Youth Advisory Commission (YAC)

~~*In accordance with City Code Section 2.60.290, the CSDAC shall expire on December 31, 2013 unless extended by ordinance of the City Council.~~

In addition to the above, the City Council is responsible for making appointments to several boards and commissions whose powers and duties are defined under state law, and whose functions go beyond advising and making recommendations to the City Council. Those boards and commissions are:

Employees' Pension Board
Housing Authority
Local Licensing Authority
Police Pension Board of Trustees
Volunteer Firefighters' Pension Board of Trustees

PURPOSE

The purpose of this Handbook for Boards and Commissions is to explain the role of boards and commissions in advising the City Council and to set forth guidelines to assist in carrying out their work.

CITY STRUCTURE

In order to be more effective in fulfilling their purpose, board and commission members should understand the organizational structure of the city. The City of Loveland is a home rule municipality operating pursuant to the City of Loveland Charter, adopted by the citizens of Loveland in May, 1996. The citizens have chosen a council-manager form of government. Under this form, the citizens elect eight council members, two from each ward, and one mayor at large. The entire City Council elects the mayor pro tem.

The City Council sets the goals and policies for city government and annually adopts a budget in support of city activities. City staff, under the direction of the City Manager, is responsible for carrying out the direction of the City Council in implementing programs and services. The municipal judge, City Manager, and City Attorney report directly to the City Council. Department directors and their staffs are under the direction of the City Manager.

As the city's chief executive officer, the City Manager oversees responsibilities for the day-to-day administrative affairs of the city, including assigning staff to assist boards and commissions in carrying out their responsibilities. The City Manager is responsible for conveying and implementing City Council policy.

BOARD MEMBER EXPECTATIONS

Attendance

The effective operation of a board depends upon regular attendance of the members at meetings. Members shall be required to attend a minimum of 70% of the meetings each calendar year. If a member is unable to attend a meeting, he or she should contact the chairperson or staff liaison at least 24 hours in advance of the meeting, when possible. If a member has three unexcused absences in a row, the member shall automatically lose his or her position on the board or commission. For the purposes of this rule, "unexcused absences" shall be all absences other than for illness, family emergency, or participation in other City of Loveland business. The chairperson shall monitor attendance and forward attendance information to the City Manager's Office when a member fails to meet the attendance requirements stated herein. The City Manager's Office shall inform the member that his or her membership has been terminated for failure to meet the attendance requirements, and shall begin the process for appointment of a replacement member as set forth herein.

In addition, the chairperson shall provide attendance information to the City Clerk's Office upon request. Each calendar year, the City Clerk shall report to the City Council attendance information for every board and commission to include the number of meetings held by each board and commission, the number of meetings attended by each member, and the number of positions vacated due to failure to meet the attendance requirements.

Conflicts of Interest

The objective of City Council is that the appointed member avoids any conflicts of interest. A member should also carefully consider for himself or herself avoiding even the appearance of impropriety. Since there may be areas where board members are unsure or unaware that a conflict exists, the following guidelines should be considered.

If a board member has acquired confidential information in the course of official duties that information cannot be used to substantially further the member's personal financial interests.

Occasionally gifts are offered to board members. Rules regarding acceptance of gifts are set forth in Chapter 2.73 of the City Code.

State law provides that a board member shall not hold an interest in a business or undertaking that may possibly be directly and substantially economically affected by any official action of the member's board. A board member shall not perform an official act causing an economic detriment to the member's business or personal competitors.

For six months following termination of office, a board member should not obtain employment in which a direct advantage, unavailable to others, will be gained in matters with which the board member was directly involved.

A board member shall not engage in a substantial financial transaction for private business purposes with a person under the direction of that member's board.

If a member has a personal or private interest in any matter before the board, the member must disclose the interest to the board, must not vote on the matter, and must refrain from attempting to influence the other board members in voting on the matter. However, if that member's participation is necessary to obtain a quorum or to otherwise enable the board to act, the member may vote if, prior to acting, the interested member discloses the nature of his private interest. The disclosure shall be made in writing to the Secretary of State, listing the amount of his financial interest, if any; the purpose and duration of his services rendered, if any; and the compensation received for the services and such other information as is necessary to describe his interest. Following this procedure, if the interested member then proceeds to vote, the member shall state for the record that the member has an interest and shall summarize the nature of the interest. The member should consider not only his or her financial interests and investments, but also those of spouse and children.

If you are unsure of your legal responsibilities on any matter coming before your advisory body, you should seek the advice of the City Attorney's Office as soon as possible before the meeting.

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Recognizing that a newly appointed board or commission member will need a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission, the city will provide informal and/or formal training opportunities for each newly appointed member. The Council liaison, staff liaison, and chairperson of the board or commission shall work cooperatively to establish a training process which will provide to the new member a basic foundation of knowledge concerning the subject matter having to do with the particular board or commission. Where appropriate, in-service training should be provided which may include presentations on the responsibility of board and commission members, parliamentary procedure, conflicts of interest, specific board or commission mission, consensus and decision

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In considering recommendations from boards and commissions, the City Council will attempt to balance the many diverse interests in our community.

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The chairperson, working with the recording secretary, is responsible for preparing an agenda for each meeting, and assuring its circulation in advance to all members of the board and other persons who have requested notification and to ensure public notice of the board's regular and, if any, special meetings.

Vice Chairperson

The vice chairperson shall perform the duties of the chairperson in the absence of the chairperson. The vice chairperson shall also perform any other duties assigned to his office by the board. The vice chairperson may request the assistance of other members of the board in carrying out the duties of the office.

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The recording secretary keeps the record of the board, is responsible for the minutes of the meeting, and keeps a record of the proceedings of the board. The secretary also performs any additional duties or functions that the board may assign. The secretary prepares an agenda in advance of each meeting. A copy of the approved minutes from each meeting shall be deposited with the Loveland city clerk. Minutes from meetings shall be recorded as soon as possible.

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Generally, meetings can be held in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the board. When necessary, in order to effectively conduct business, as determined by a majority vote of those present, Robert's Rules of Order shall be in effect.

Public Hearings

Occasionally, a board will be called upon to conduct a public hearing on a matter coming before it. A public hearing is a process by which official input on a matter coming before a board is received from all those wishing to present testimony. It is a matter of fundamental due process that decisions made as a result of the public hearing are based solely upon the evidence presented at the public hearing, and no prior investigation or discussion should be conducted by any member. If members have acquired information from outside the hearing, they should state during the hearing what the information is and allow public comment.

The chairperson should declare the public hearing open, and after hearing public testimony, declare the hearing closed. Following the public hearing, board members should discuss the matter among themselves (still in open meeting), and reach a decision by adopting a motion that sets forth the basis for the decision. Any such decision should be set out in the minutes of the meeting.

Further information regarding the conduct of public hearings is available from the City Attorney's Office.

APPOINTMENT AND VACANCIES

Unless otherwise provided by state law or by the ordinance establishing the particular board or commission, the following guidelines will be used in dealing with appointments and vacancies to boards and commissions.

Whenever a vacancy occurs ion a board or commission, whether by expiration of term of office, removal of a member, or resignation or other reason, the Council-appointed alternate shall automatically assume be recommended to the City Council for appointment to the position. If there is no alternate, or if the vacancy occurs due to expiration of term of office, the following steps will be taken unless otherwise directed by the City Council:

1. The chairperson shall notify the City Manager's Office of the vacancy.

2. Upon notice of the vacancy or not less than 75 days prior to the expiration of a term, whichever is applicable, the City Manager's Office will notify the City Council of the vacancy and advertise for the position. Said advertisement shall include, at minimum, publication of a notice in a newspaper of general circulation within the city. The City Manager's Office shall establish a closing date for the receipt of applications, which date shall be not less than 30 days from the date of first newspaper advertisement. Applications received after the closing date shall not be considered by the interview committee.

2. The chairperson should announce the vacancy at the first meeting after being notified of the vacancy and urge the members to solicit qualified candidates.

3. Applications shall be in a form determined by the City Manager, but shall include, without limitation, a question related to the applicant's current service on other city boards and commissions.

4. Private interviews for the position shall be required for all applicants, including existing board or commission members seeking reappointment to a new term on the same board or commission, except that interviews shall not be required for members of the Youth Advisory Commission who have successfully completed a term of office and desire to be reappointed to a new term. Interviews shall occur within a reasonable time following the closing date for receipt of applications and shall be scheduled by the staff liaison. Except as otherwise provided by a formal action of the City Council, Tthe interview committee shall consist of the following persons: the City Council liaison; the staff liaison; and the chairperson.

5. Immediately following the interviews, the interview committee, or in the case of the Youth Advisory Commission where no interviews are held, the staff liaison, shall advise the City Manager's Office of itsthe recommendation., and t The City Manager's Office will endeavor to place the matter on the next available City Council agenda for consideration of appointment.

6. The recommendation of the interview committee and the appointment by the City Council shall be based upon qualification, experience, knowledge, interest, willingness to serve, ward residency, the need for a diverse cross-section of the community, past and current service on other city boards and commissions, and other factors deemed relevant by the City Council. The recommendation of the interview committee shall be considered but shall not be binding upon the City Council.

7. The City Manager's Office shall forward a letter of appointment and a Handbook for Boards and Commissions to the newly appointed member.

Members shall serve for their appointed term as specified in the City Code. Alternates appointments shall be effective until the expiration of the term of any other member on the board or commission for which the alternate appointment was made. Alternates shall be available to assume unexpired terms in instances of resignation or removal, but shall not be appointed to serve where a vacancy is created by expiration of a term. However, in such circumstances, alternates are encouraged to apply for the position.

There shall be no term limits for board and commission members unless the term limits for the board or commission are specifically set forth in state law or in the City Charter or Code. In addition, board and commission members may not serve on more than one board and commission at a time, unless: (i) the member is the only qualified applicant for the position; or (ii) the member resigns his or her position on the first board or commission prior to or upon appointment to the second board or commission.

~~Any person who has served less than 50% of a full term will be eligible for consecutive reappointment for a full term, pursuant to the following process:~~

~~1. 90 days prior to the partial term expiration, a letter will be sent by the City Manager's Office to the member advising the member that he or she must notify the City Manager's Office in writing within 15 days of the date of the letter if the member desires to be reappointed to the board or commission. If the member provides such notification and if the member remains otherwise eligible to serve on the board or commission, the member shall be recommended to the City Council for reappointment without the need for solicitation of applicants and interviews.~~

~~2. If the member does not provide timely notification as set forth in paragraph 1, the member will not be eligible for reappointment without the solicitation of applicants and interviews.~~

Unless otherwise provided by state law or by the City Charter or Code, a person shall not be eligible for appointment to a board or commission unless either: (a) such person resides within or has substantial ties within the corporate limits of the city; or (b) where the City Council determines that the duties and functions of a board or commission impact, or are likely to impact, areas beyond the corporate limits, such person resides within or has substantial ties to the affected area. Factors which may be considered in determining whether a person has substantial ties to the city or an affected area are property ownership, employment, conduct of a business or profession or other factors deemed relevant by the City Council. Any person who ceases to reside in, or have substantial ties to, the area which was determined to be the basis for appointment may be removed from the board or commission by the City Council.

Further, unless otherwise provided by state law or by the City Charter or Code, no appointment of a person to any board or commission shall have the effect of increasing the number of nonresident members on that board or commission to more than 50% of the total membership of the board or commission.

A person shall not be eligible for appointment to any city board or commission if that person's spouse, parent, sibling, or child (whether related by blood, marriage, or adoption) is a city employee who in his or her capacity as a city employee regularly appears before or advises that board or commission. This does not prohibit such person from being eligible for appointment to any other city board or commission not affected by this eligibility limitation.

EXPENSE REIMBURSEMENT

The city will reimburse any member of a board or commission who incurs expense for travel, lodging, registration fees and the like where such expenses have been provided for in the budget of the department with which the board is connected. To make sure that an anticipated expense is authorized, all subject expenditures must be cleared in advance through the City Manager's Office.

LIABILITY

When performing the function for which a member is appointed, such member is an authorized volunteer of the City of Loveland, and is entitled to the protection of the Governmental Immunity Act. The Act, generally speaking, protects the board member from personal liability for any action within the scope of such appointment, except where the act is willful or wanton. Many homeowners' insurance policies provide some coverage for acts undertaken as a volunteer. Please consult your insurance agent regarding any such coverage. The City Attorney's Office is available for further discussions regarding liability.

BOARDS AND COMMISSIONS

For specific information regarding the City's boards and commissions and a description of their membership requirements and duties, please see City Code Chapter 2.60, available online at www.cityofloveland.org, or contact the City Manager's Office at (970) 962-2303, or the City Clerk's Office at (970) 962-2322.

RESOLUTION #R-29-2014

A RESOLUTION AMENDING THE CITY OF LOVELAND HANDBOOK FOR BOARDS AND COMMISSIONS

WHEREAS, Section 2.60.010 of the Loveland Municipal Code authorizes the City Council to adopt a Handbook for Boards and Commissions to guide the City of Loveland's advisory boards and commissions regarding policy and procedures; and

WHEREAS, the City Council desires to amend the previously-adopted Handbook for Boards and Commissions.

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

Section 1. That the Handbook for Boards and Commissions (revised March 2013) is hereby repealed and replaced by the Handbook for Boards and Commissions (revised April 2014), a copy of which is attached hereto as Exhibit A and incorporated herein by reference.

Section 2. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 15th day of April, 2014.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Shawn L. Ellis
Assistant City Attorney



City of Loveland

Handbook for
Boards and Commissions

Revised April 2014

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INTRODUCTION

The public is playing an ever increasing role in local government. Citizens concerned about quality of life for themselves and their families, taxes and governmental services are speaking out as never before, and are shaping local government in a way that meets their needs. Indeed, the governing body of a city like Loveland is composed of citizens elected by their fellow citizens to set policy and to guide and direct city government.

In order to assist it in setting direction for the city, the City Council considers the advice of its various boards and commissions. Citizens who serve on boards and commissions, therefore, play an important part in translating ideas into programs and suggestions and concerns into change. They also expand the knowledge and experience base of the elected decision makers.

The City Council has engaged more and more citizens in the process of government by creating new advisory boards when the need arises. At present, the City of Loveland has the following advisory bodies:

Affordable Housing Commission (AHC)
Citizens' Finance Advisory Commission (CFAC)
Community Marking Commission (CMC)
Construction Advisory Board (CAB)
Cultural Services Board (CSB)
Disabilities Advisory Commission (DAC)
Fire & Rescue Advisory Commission (FRAC)
Golf Advisory Board (GAB)
Historic Preservation Commission (HPC)
Human Services Commission (HSC)
Library Board (LB)
Loveland Utilities Commission (LUC)
Open Lands Advisory Commission (OLAC)
Parks and Recreation Commission (PRC)
Planning Commission (PC)
Police Citizen Advisory Board (PDCAB)
Senior Advisory Board (SAB)
Transportation Advisory Board (TAB)
Visual Arts Commission (VAC)
Youth Advisory Commission (YAC)

In addition to the above, the City Council is responsible for making appointments to several boards and commissions whose powers and duties are defined under state law, and whose functions go beyond advising and making recommendations to the City Council. Those boards and commissions are:

Employees' Pension Board
Housing Authority
Local Licensing Authority
Police Pension Board of Trustees
Volunteer Firefighters' Pension Board of Trustees

PURPOSE

The purpose of this Handbook for Boards and Commissions is to explain the role of boards and commissions in advising the City Council and to set forth guidelines to assist in carrying out their work.

CITY STRUCTURE

In order to be more effective in fulfilling their purpose, board and commission members should understand the organizational structure of the city. The City of Loveland is a home rule municipality operating pursuant to the City of Loveland Charter, adopted by the citizens of Loveland in May, 1996. The citizens have chosen a council-manager form of government. Under this form, the citizens elect eight council members, two from each ward, and one mayor at large. The entire City Council elects the mayor pro tem.

The City Council sets the goals and policies for city government and annually adopts a budget in support of city activities. City staff, under the direction of the City Manager, is responsible for carrying out the direction of the City Council in implementing programs and services. The municipal judge, City Manager, and City Attorney report directly to the City Council. Department directors and their staffs are under the direction of the City Manager.

As the city's chief executive officer, the City Manager oversees responsibilities for the day-to-day administrative affairs of the city, including assigning staff to assist boards and commissions in carrying out their responsibilities. The City Manager is responsible for conveying and implementing City Council policy.

BOARD MEMBER EXPECTATIONS

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The effective operation of a board depends upon regular attendance of the members at meetings. Members shall be required to attend a minimum of 70% of the meetings each calendar year. If a member is unable to attend a meeting, he or she should contact the chairperson or staff liaison at least 24 hours in advance of the meeting, when possible. If a member has three unexcused absences in a row, the member shall automatically lose his or her position on the board or commission. For the purposes of this rule, "unexcused absences" shall be all absences other than for illness, family emergency, or participation in other City of Loveland business. The chairperson shall monitor attendance and forward attendance information to the City Manager's Office when a member fails to meet the attendance requirements stated herein. The City Manager's Office shall inform the member that his or her membership has been terminated for failure to meet the attendance requirements, and shall begin the process for appointment of a replacement member as set forth herein.

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Generally, meetings can be held in any manner that assures an orderly and focused discussion, and facilitates the input of all members of the board. When necessary, in order to effectively conduct business, as determined by a majority vote of those present, Robert's Rules of Order shall be in effect.

Public Hearings

Occasionally, a board will be called upon to conduct a public hearing on a matter coming before it. A public hearing is a process by which official input on a matter coming before a board is received from all those wishing to present testimony. It is a matter of fundamental due process that decisions made as a result of the public hearing are based solely upon the evidence presented at the public hearing, and no prior investigation or discussion should be conducted by any member. If members have acquired information from outside the hearing, they should state during the hearing what the information is and allow public comment.

The chairperson should declare the public hearing open, and after hearing public testimony, declare the hearing closed. Following the public hearing, board members should discuss the matter among themselves

(still in open meeting), and reach a decision by adopting a motion that sets forth the basis for the decision. Any such decision should be set out in the minutes of the meeting.

Further information regarding the conduct of public hearings is available from the City Attorney's Office.

APPOINTMENT AND VACANCIES

Unless otherwise provided by state law or by the ordinance establishing the particular board or commission, the following guidelines will be used in dealing with appointments and vacancies to boards and commissions.

When a vacancy occurs on a board or commission by removal of a member or resignation, the Council-appointed alternate shall automatically be recommended to the City Council for appointment to the position. If there is no alternate, or if the vacancy occurs due to expiration of term of office, the following steps will be taken unless otherwise directed by the City Council:

1. The chairperson shall notify the City Manager's Office of the vacancy.

2. Upon notice of the vacancy or not less than 75 days prior to the expiration of a term, whichever is applicable, the City Manager's Office will notify the City Council of the vacancy and advertise for the position. Said advertisement shall include, at minimum, publication of a notice in a newspaper of general circulation within the city. The City Manager's Office shall establish a closing date for the receipt of applications, which date shall be not less than 30 days from the date of first newspaper advertisement. Applications received after the closing date shall not be considered by the interview committee.

2. The chairperson should announce the vacancy at the first meeting after being notified of the vacancy and urge the members to solicit qualified candidates.

3. Applications shall be in a form determined by the City Manager, but shall include, without limitation, a question related to the applicant's current service on other city boards and commissions.

4. Private interviews for the position shall be required for all applicants, including existing board or commission members seeking reappointment to a new term on the same board or commission, except that interviews shall not be required for members of the Youth Advisory Commission who have successfully completed a term of office and desire to be reappointed to a new term. Interviews shall occur within a reasonable time following the closing date for receipt of applications and shall be scheduled by the staff liaison. Except as otherwise provided by a formal action of the City Council, the interview committee shall consist of the following persons: the City Council liaison; the staff liaison; and the chairperson.

5. Immediately following the interviews, the interview committee, or in the case of the Youth Advisory Commission where no interviews are held, the staff liaison, shall advise the City Manager's Office of the recommendation. The City Manager's Office will endeavor to place the matter on the next available City Council agenda for consideration of appointment.

6. The recommendation of the interview committee and the appointment by the City Council shall be based upon qualification, experience, knowledge, interest, willingness to serve, ward residency, the need for a diverse cross-section of the community, past and current service on other city boards and

commissions, and other factors deemed relevant by the City Council. The recommendation of the interview committee shall be considered but shall not be binding upon the City Council.

7. The City Manager's Office shall forward a letter of appointment and a Handbook for Boards and Commissions to the newly appointed member.

Members shall serve for their appointed term as specified in the City Code. Alternates appointments shall be effective until the expiration of the term of any other member on the board or commission for which the alternate appointment was made. Alternates shall be available to assume unexpired terms in instances of resignation or removal, but shall not be appointed to serve where a vacancy is created by expiration of a term. However, in such circumstances, alternates are encouraged to apply for the position.

There shall be no term limits for board and commission members unless the term limits for the board or commission are specifically set forth in state law or in the City Charter or Code. In addition, board and commission members may not serve on more than one board and commission at a time, unless: (i) the member is the only qualified applicant for the position; or (ii) the member resigns his or her position on the first board or commission prior to or upon appointment to the second board or commission.

Unless otherwise provided by state law or by the City Charter or Code, a person shall not be eligible for appointment to a board or commission unless either: (a) such person resides within or has substantial ties within the corporate limits of the city; or (b) where the City Council determines that the duties and functions of a board or commission impact, or are likely to impact, areas beyond the corporate limits, such person resides within or has substantial ties to the affected area. Factors which may be considered in determining whether a person has substantial ties to the city or an affected area are property ownership, employment, conduct of a business or profession or other factors deemed relevant by the City Council. Any person who ceases to reside in, or have substantial ties to, the area which was determined to be the basis for appointment may be removed from the board or commission by the City Council.

Further, unless otherwise provided by state law or by the City Charter or Code, no appointment of a person to any board or commission shall have the effect of increasing the number of nonresident members on that board or commission to more than 50% of the total membership of the board or commission.

A person shall not be eligible for appointment to any city board or commission if that person's spouse, parent, sibling, or child (whether related by blood, marriage, or adoption) is a city employee who in his or her capacity as a city employee regularly appears before or advises that board or commission. This does not prohibit such person from being eligible for appointment to any other city board or commission not affected by this eligibility limitation.

EXPENSE REIMBURSEMENT

The city will reimburse any member of a board or commission who incurs expense for travel, lodging, registration fees and the like where such expenses have been provided for in the budget of the department with which the board is connected. To make sure that an anticipated expense is authorized, all subject expenditures must be cleared in advance through the City Manager's Office.

LIABILITY

When performing the function for which a member is appointed, such member is an authorized volunteer of the City of Loveland, and is entitled to the protection of the Governmental Immunity Act. The Act, generally

speaking, protects the board member from personal liability for any action within the scope of such appointment, except where the act is willful or wanton. Many homeowners' insurance policies provide some coverage for acts undertaken as a volunteer. Please consult your insurance agent regarding any such coverage. The City Attorney's Office is available for further discussions regarding liability.

BOARDS AND COMMISSIONS

For specific information regarding the City's boards and commissions and a description of their membership requirements and duties, please see City Code Chapter 2.60, available online at www.cityofloveland.org, or contact the City Manager's Office at (970) 962-2303, or the City Clerk's Office at (970) 962-2322.

MINUTES
LOVELAND CITY COUNCIL
STUDY SESSION
TUESDAY, MARCH 25, 2014
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

6:30 P.M. STUDY SESSION - City Council Chambers

STUDY SESSION AGENDA
ROLL CALL

Councilors present: Gutierrez, Clark, Trenary, Krenning, Taylor, McKean and Shaffer. Councilors Farley and Fogle were absent. City Manager Bill Cahill was also present.

Mayor Gutierrez recognized and thanked Habitat for Humanity for the Edible Creations gift. Council recesses briefly to help themselves and enjoy the fruit basket during the meeting.

1. PUBLIC WORKS (presenter: Dave Klockeman, 60 min)
I-25/US 34 INTERCHANGE PROJECT UPDATE

Acting Public Works Director, Dave Klockeman presented this item to Council. Richard Christy and James Flohr of CDOT and Alan Eckman and Corey Lange of AECOM were present to address Council and ask questions. This is an informational presentation to update the project status of the proposed plans for the improvements to the I-25/US 34 Interchange including: 1) Project Status Overview; and 2) Presentation of the Proposed Updated Interchange Concept. A Value Engineering process has been used to identify enhancements to the conceptual design of the I-25/US 34 interchange that were identified in the North I-25 Environmental Impact Statement (EIS). The Value Engineering process has been completed and is concluding with a proposed updated interchange concept that improves function and reduces cost. The project team is working to advance project development activities so that when funding opportunities are identified, the project is in better position for implementation. The team will continue to communicate progress to the agencies, stakeholders, and property owners in the project vicinity. Discussion ensued. Council thanked everyone for their efforts and expressed their enthusiasm for the completion of the project.

2. CITY ATTORNEY/CITY MANAGER (presenters: John Duval, Alan Krcmarik, 60 min)
CENTERRA RETROSPECTIVE

City Attorney, John Duval introduced this item to Council The Centerra Master Financing Agreement (MFA) and other documents related to the Centerra URA have been in effect for ten years. The Centerra URA and the MFA will continue in effect for another fifteen years. Executive Fiscal Advisor, Alan Krcmarik continued the presentation concerning the area's financial performance from 2004 thru 2013, the Centerra Project history and potential future of the Centerra URA and its operation under the MFA. Discussion ensued. Council thanked staff for their efforts and very thorough presentation.

ADJOURNMENT

Having no further business to come before Council, the March 25, 2014 Study Session was adjourned at 9:27 p.m.

Respectfully Submitted,

_____	_____
Jeannie M. Weaver, Deputy City Clerk	**Cecil A. Gutierrez, Mayor**

MINUTES
LOVELAND CITY COUNCIL MEETING
THE LOVELAND GID BOARD OF DIRECTORS
LOVELAND URBAN RENEWAL AUTHORITY BOARD OF COMMISSIONERS
TUESDAY, APRIL 1, 2014
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

6:30 P.M. REGULAR MEETING - City Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL
Roll was taken and the following responded: Gutierrez, Clark, Farley, Shaffer, Trenary, Taylor, Fogle, and Krenning. Councilor McKean was absent.

Councilor Clark read the PROCLAMATION DECLARING APRIL 11, 2014 AS "ARBOR DAY" and it was received by Rob MacDonald.

Councilor Trenary read the PROCLAMATION DECLARING THE MONTH OF APRIL 2014 AS "FAIR HOUSING MONTH" and it was received by Barb Irelan and Alison Hade.

Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. Members of the public will be given an opportunity to speak to the item before the Council acts upon it.

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

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit comments to no more than three minutes.

CONSENT AGENDA
Mayor Gutierrez asked if anyone in the audience, Council or Staff wished to remove any of the items or public hearings listed on the consent Agenda. Councilor Shaffer moved to approve the Consent Agenda. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.

1. <u>DEVELOPMENT SERVICES</u> (presenter: Noreen Smyth)
REZONING WITHIN FOX POINTE FIRST SUBDIVISION
A Motion to Approve and Order Published on Second Reading Ordinance #5857 Amending Section 18.04.040 of the Loveland Municipal Code, the Same Relating to Zoning Regulations for Certain Property Located in Lots 2 Through 53, Block 1 and Tracts A Through L, Fox Pointe First Subdivision, City of Loveland, Larimer County, Colorado and in Connection Therewith Approving the Conceptual Master

Plan was approved.

This is a quasi-judicial action to adopt an ordinance on second reading rezoning Lots 2 through 53, Block 1 and Tracts A through L, Fox Pointe First Subdivision from P-75 Planned Unit Development District to MAC Mixed-Use Activity Center District. The 12.72-acre property is located on the west side of Lincoln Avenue, between 37th Street and 29th Street. The applicant is Inland Group/Affinity at Loveland LLC. The ordinance was approved unanimously on first reading by Council at the March 18, 2014 regular meeting.

2. HUMAN RESOURCES (presenter: Karen Rees)

MEETING LOCATION CHANGE FOR THE BOARD OF RETIREMENT

A Motion to Approve Resolution #R-26-2014 Amending the Scheduled Meeting Location of the City of Loveland Board of Retirement was approved.

This is an administrative action. This resolution changes the location of the regularly scheduled meetings from the Civic Center Main Floor Conference Room to the City Manager's Conference Room, 500 East Third Street, Loveland, Colorado.

3. PUBLIC WORKS (presenter: Dave Klockeman)

CONTRACT AWARD FOR THE 2014 STREET RESURFACING PROGRAM

A Motion to Award the 2014 Street Resurfacing Program, Asphalt Paving Contract (Schedule AP) to Coulson Excavating Company of Loveland, Colorado in the Amount of $1,022,787.00 and Authorize the City Manager to Execute the Contract was approved.

This is an administrative action to approve the 2014 Street Resurfacing Program, Asphalt Paving Contract (Schedule AP) to Coulson Excavating Company of Loveland, Colorado in the amount of $1,022,787.00 and authorization for City Manager to execute the contract. Funding is available in the Adopted 2014 Budget.

4. FINANCE (presenter: John Hartman)

2014 BUDGET ROLLOVER FOR PROJECTS APPROVED BUT NOT COMPLETED

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget to Reappropriate Remaining Funds for Projects Approved but not Completed in 2013 was approved.

This is an administrative action. The first reading ordinance reappropriates funding approved in 2013 for capital, one-time projects and equipment not completed or received prior to the end of the fiscal year. The net expenditures (total expense less transfers) included in the ordinance is $44,379,810. The projects or programs in the ordinance were funded in 2013. Funding for these is available since the appropriations that did not occur became fund balance at the end of 2013. The appropriation of these projects, do not have an impact on the 2014 Budget since the assumption in developing the 2014 Budget was that these funds would be spent by the end of 2013.

5. FINANCE (presenter: John Hartman)

2014 BUDGET FOR NEW PROJECTS

A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Projects or Programs not Anticipated at the Time of Adoption for the 2014 Budget was approved.

This is an administrative action. Since the adoption of the 2014 Budget, several issues have emerged that require increased appropriations. This ordinance on first reading addresses those issues. The total amount of net appropriation (total expenses excluding transfer between funds) is $1,024,090 primarily funded by available fund balance. Nearly all of the appropriation is funded by fund balance, reducing the flexibility to fund other

future projects.

6. FINANCE (presenter: John Hartman)
2014 BUDGET ROLLOVER FOR THE AIRPORT
A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 Ft. Collins-Loveland Municipal Airport Budget to Appropriate Funds for Projects Approved but not Completed in 2013 was approved.
This is an administrative action. The first reading ordinance appropriates the remaining balance for capital and one-time projects previously approved in 2013. The total appropriation is $372,470. The appropriation is funded by fund balance within the Airport Fund from grants previously received or to be drawn down and contributions from the two cities.

CITY COUNCIL ADJOURNED AND CONVENED AS THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1

7. FINANCE (presenter: John Hartman)
2014 BUDGET ROLLOVER FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 (GID)
A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Adopting a Supplemental Budget and Appropriation for the 2014 Loveland General Improvement District #1 Budget to Reappropriate Funds for Parking Lot Improvements Approved in 2013 but not Completed in 2013 was approved.
This is an administrative action. Funds approved in 2013 for parking lot improvements in the amount of $77,500 are appropriated to complete the projects. Fund balance has resulted from the project not being completed and is reappropriated to fund this project.

THE BOARD OF DIRECTORS FOR THE LOVELAND GENERAL IMPROVEMENT DISTRICT #1 ADJOURNED AND CONVENED AS THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY

8. FINANCE (presenter: John Hartman)
2014 BUDGET ROLLOVER FOR THE LOVELAND URBAN RENEWAL AUTHORITY (LURA)
A Public Hearing was held and a Motion to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 Loveland Urban Renewal Authority Budget to Reappropriate the Façade Grant Program and Reimbursement to a Developer for Public Improvements and Funding for Parking Lot Improvements, Approved in 2013 but Not Completed was approved.
This is an administrative action. Reserves in the amount of $1,085,740 are reappropriated for the Façade Grant Program, reimbursement to a developer for public improvements and parking lot improvements. Fund balance created as a result of projects not completed.

THE BOARD OF COMMISSIONERS FOR THE LOVELAND URBAN RENEWAL AUTHORITY ADJOURNED AND RECONVENED AS CITY COUNCIL

9. FINANCE (presenter: Brent Worthington)
FINANCIAL REPORT FOR FEBRUARY 2014
This is an information only item. The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims

year to date, ending February 28, 2014.

10. CITY MANAGER (presenter: Alan Krcmarik)
INVESTMENT REPORT FOR FEBRUARY 2014
This is an information only item. For 2014 the budget estimate for investment earnings for 2014 is $2,025,920 and the annual target earnings rate is 0.94%. For February, the amount posted to the investment account is $114,504. For the year-to-date, the amount posted is $363,632. Actual earnings are above the year-to-date budget projection by $20,679. Based on the monthly statement, the estimated annualized 1.02% yield on the securities held by US Bank is exactly the same as last month's reading. Due to draws from the fund balances to pay for the cost of flood response and project repair, the portfolio currently has a significantly lower market value than it had in August of 2013. More funds are liquid (cash and short term) now than a month ago as the City is waiting on reimbursements for flood damage.

END OF CONSENT AGENDA
CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA

PUBLIC COMMENT *Anyone who wishes to speak to an item NOT on the Agenda may address the Council at this time.*
Dick Mallot, of 2765 McKenzie Drive, spoke regarding the ballot issue. Council consensus was to move the City Attorney's Report after the Procedural Information.

PROCEDURAL INFORMATION
Anyone in the audience will be given time to speak to any item on the Regular Agenda before the Council acts upon it. The Mayor will call for public comment following the staff report. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council quorum present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

City Attorney's Report: Acting City Attorney, Judy Schmidt, gave an update on legal options and actions of the ballot initiative. City Clerk, Terry Andrews, gave an update on criteria and timelines for a proposed election. Discussion ensued. City Attorney, John Duval and Development Services Director, Greg George answered questions regarding the initiative. Mayor Gutierrez directed attorneys to reach out to Sarner & POL Board to discuss the possibility of agreed ballot language.

Councilor Shaffer moved to hold a Special meeting on April 8, 2014 to discuss issues that may arise out of the attorney discussion or other issues related to moving forward with the ballot initiative. Councilor Krenning seconded the motion which carried with all councilors present voting in favor thereof.

REGULAR AGENDA
CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

11. CITY CLERK (presenter: Terry Andrews)
APPROVAL OF CITY COUNCIL MEETING MINUTES
This is an administrative action to approve the City Council meeting minutes from the March 18, 2014 regular meeting. Councilor Krenning was absent.

Councilor Shaffer moved to Approve the City Council Meeting Minutes for the March 18, 2014 Regular Meeting. Councilor Farley seconded the motion which carried with all councilors voting in favor. Councilor Krenning abstained.

12. ECONOMIC DEVELOPMENT (presenter: Mike Scholl)
SUPPLEMENTAL APPROPRIATION FOR DOWNTOWN LAND PURCHASES

Economic Development Manager, Mike Scholl introduced this item to Council. This is an administrative action. The first reading ordinance appropriates $250,000 in funding for earnest money and costs associated with land purchases in the downtown area. Environmental studies will be conducted as part of the standard due diligence per the contracts and will begin once the properties are under contract. The ordinance is funded with Council Reserve funds reducing the flexibility to fund future projects. **Mayor Gutierrez opened the public hearing at 8:44 p.m. Citizen Gene Stires, 123 N Lincoln, Historic Preservation Commission member and President of Loveland Historic Preservation Society, Mike Perry discussed this topic. With no further public comment, Mayor Gutierrez closed the public hearing at 9:01 p.m.**

Councilor Shaffer moved to Approve and Order Published on First Reading an Ordinance Enacting a Supplemental Budget and Appropriation to the 2014 City of Loveland Budget for Earnest Money and Costs Associated with Downtown Land Purchases. Councilor Farley seconded the motion which carried with all councilors present voting in favor thereof.

13. HUMAN RESOURCES (presenter: Karen Rees)
SELECTION OF EXECUTIVE FIRMS FOR INTERVIEWS

Acting Human Resources Director, Karen Rees introduced this item to Council. This is an administrative action to select three executive recruiting firms identified through a request for proposal (RFP) process to assist in the City Attorney recruitment process. A special meeting will be scheduled at a later date to conduct interviews with the three finalist firms. The cost is negligible for the recommended action. There should be no cost to interview the potential recruiting firms.

Councilor Shaffer moved to Select the following Three Executive Recruiting Firms: The Mercer Group; William Avery and Associates; and Colin Baezinger and Associates, for Interviews for the Recruitment of the Vacant City Attorney Position. Councilor Fogle seconded the motion which carried with all councilors present voting in favor thereof.

Councilor Shaffer moved to hold a special meeting on Thursday, April 10, 2014 from 8:00 a.m. to 12:00 p.m., location TBD for the purpose of interviewing three executive firms addressing the vacant City Attorney position. Councilor Trenary seconded the motion which carried with all councilors present voting in favor thereof.

BUSINESS FROM CITY COUNCIL *This is an opportunity for Council Members to report on recent activities or introduce new business for discussion at this time or on a future City Council agenda.*

Fogle: Announced Historic Preservation Commission recognized the Swartz Farm has been demolished due to the Flood damage.

Shaffer: Attended the 1-25 Business Coalition at the Chamber of Commerce; Attended the Hwy 287 Coalition meeting; I-25 Elected Coalition meeting Wednesday, April 2, 2014 at the Weld County Service Center at 6:30 p.m.; Announced the MPO meeting on Thursday, April 3, 2014 at the Larimer County Building on Oak St. at Special meeting at 4 p.m. and regular meeting starts at 6 p.m.

Trenary: Will be attending the Medical Center of the Rockies Town Hall meeting at

	Thursday, April 3, 2014 at 4:30 p.m.; Congratulations on all of the ribbon cutting for the Chamber of Commerce.
Krenning:	Attended the Elk's Club meeting where the organization awarded the City of Loveland Citizen of the Year, March 9, 2014; Requested update on the Pulliam Building quiet title action; Requested an update on City Attorney Office's capabilities per attorney; Announced City Employee picnic in June.
Gutierrez:	Attended the ribbon cutting at the BioLife Center.

CITY MANAGER REPORT None.

CITY ATTORNEY REPORT None.

ADJOURNMENT

Having no further business to come before Council, the April 1, 2014 Regular Meeting was adjourned at 9:58 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

CITY OF LOVELAND
DEVELOPMENT SERVICES DEPARTMENT
Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
(970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: **13**
MEETING DATE: 4/15/2014
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Alison Hade, Community Partnership Office

TITLE:

1. A Resolution Modifying a 2010 Affordable Housing Designation for 80 Rental Units, and Approving a New Affordable Housing Designation and Associated Reduction in Development Fees for an Additional 144 Rental Units, to the Constructed on Outlot C, Wintergreen Second Subdivision, City of Loveland, Colorado Within the Project Known as Ashley Estates Apartment Homes; and
2. A Resolution Granting an Exemption from Certain Capital Expansion Fees and Other Development Fees, and Delaying the Payment of Water Rights Applicable to Residential Development, for a Qualified Affordable Housing Development Known as Ashley Estates Apartment Homes

RECOMMENDED CITY COUNCIL ACTION:

Conduct a public hearing; and

1. Adopt the resolution as presented.
2. Adopt the resolution as presented.

OPTIONS:

1. Take the action as recommended
2. Deny the action
3. Adopt a modified action (specify in the motion)
4. Refer back to staff for further development and consideration
5. Adopt a motion continuing the item to a future Council meeting

SUMMARY:

1. This is an administrative action. The resolution will modify an affordable housing designation for the Wintergreen Second Subdivision for 80 of 224 affordable housing units and designate as "affordable" the remaining 144 units in the Ashley Estates Apartment Homes.
2. This is an administrative action. The resolution will waive capital expansion fees of $1,333,890 and building permit fees of $178,970 as provided in Section 16.38.080 of the Loveland Municipal Code. None of the waived fees would require back filling from another funding source. The resolution would also delay the payment of water rights as provided for in Section 19.04.021.A.2 of the Loveland Municipal Code.

The applicant is Pedcor Investments from Carmel, Indiana.

BUDGET IMPACT:

☐ Positive
√ Negative
☐ Neutral or negligible

City staff and the Affordable Housing Commission are recommending that City Council adopt the two resolutions to allow Pedcor Investments to develop an affordable housing project that would provide 224 affordable housing units. Council approval would allow Pedcor Investments to utilize the fee schedule in place in 2010 for 80 of the affordable housing units, and the 2014 fee schedule for the remaining 144 units. The total fee waiver would be $1,512,860; City Code allows a waiver of 70% of fees for an affordable housing project. This request is for 65.8% waiver of capital expansion fees and building permit fees only. No waived fees would require back filling from another funding source. Granting of the fee waiver would have a negative effect on future fund balances for capital expansion and building permit fees.

BACKGROUND:

The proposed affordable housing project, to be known as Ashley Estates Apartment Homes, would be located ¼ mile west of 287/Garfield at 64th Street, just west of the Super Walmart. All 224 units would be affordable work force housing for families and individuals with incomes at 60% or less of the Area Median Income. The project construction costs are estimated at $48,022,708.

Please see the City staff memo for more information about the affordable housing designation and dollar amounts specific to the requested fee waiver.

REVIEWED BY CITY MANAGER:



LIST OF ATTACHMENTS:

1. Resolution amending an affordable housing designation granted in 2010 and approving a new affordable housing designation for the Ashley Estates Apartment Homes
2. Exhibits A & B to the Resolution
3. Resolution granting an exemption from certain capital expansion and building permit fees and delaying the payment of water rights for the Ashley Estates Apartment Homes
3. Staff memo with exhibits A-E
4. Pedcor presentation slides

RESOLUTION #R-30-2014

A RESOLUTION MODIFYING A 2010 AFFORDABLE HOUSING DESIGNATION FOR 80 RENTAL UNITS, AND APPROVING A NEW AFFORDABLE HOUSING DESIGNATION AND ASSOCIATED REDUCTION IN DEVELOPMENT FEES FOR AN ADDITIONAL 144 RENTAL UNITS, TO BE CONSTRUCTED ON OUTLOT C, WINTERGREEN SECOND SUBDIVISION, CITY OF LOVELAND, COLORADO WITHIN THE PROJECT KNOWN AS ASHLEY ESTATES APARTMENT HOMES

WHEREAS, Pedcor Investments, LLC ("Pedcor") owns that real property legally described as **Outlot C, Wintergreen Second Subdivision, City of Loveland, County of Larimer, State of Colorado** (the "Property"); and

WHEREAS, on July 13, 2010, Pedcor received a City determination, a copy of which is attached hereto as Exhibit A and incorporated herein by reference (the "2010 Designation"), that the multifamily development planned for the Property known as Ashley Estates Apartment Homes ("Ashley Estates"), consisting of approximately 80 rental units, qualified as an affordable housing development under Chapter 16.08 of the Loveland Municipal Code in exchange for a commitment to lease a minimum of 10% of the total units to households with incomes at or below 30% of the Area Median Income ("AMI"), and a commitment to lease an additional 20% of the total units to households with incomes at or below 50% of AMI (the "2010 Affordability Requirements"); and

WHEREAS, as a result of the 2010 Designation, Ashely Estates is qualified as an affordable housing development eligible for the associated reduction in development fees to the extent set forth in Code Section 16.38.080 (providing for exemption from all or part of the development fees) and Code Section 16.38.085 (providing for calculation of development fees at the rates in existence on the 2010 Designation date, as adjusted, and permitting payment of such fees at the lower of the rate in effect as of the designation date, as adjusted, or the date on which fees are paid); and

WHEREAS, pursuant to Ordinance No. 5619 adopted by the Loveland City Council on August 16, 2011, Chapter 16.43 of the Code was amended by addition of a new Section 16.43.035 providing that after applications for designation of an affordable housing development are reviewed by the City's Affordable Housing Commission for recommendation to Council, Council shall make the final determination to approve, approve with conditions, or deny such applications by resolution; and

WHEREAS, in accordance with Code Section 16.43.035, Pedcor submitted to the Affordable Housing Commission an application, a copy of which is attached hereto as Exhibit B and incorporated herein by reference, to modify Ashley Estates to increase the total number of rental units from 80 to 224 (the "Modified Project"), with 100% of the units constructed to be leased to households with incomes at or below 60% of AMI (the "Modified Affordability

Requirements"), and to designate the Modified Project as an affordable housing development; and

WHEREAS, on March 13, 2014, the Affordable Housing Commission considered the Application and unanimously voted to recommend that Council approve Pedcor's request to designate the Modified Project as an affordable housing development subject to the Modified Affordability Requirements; and

WHEREAS, Pedcor's financing for Ashley Estates includes affordable housing tax credits, which were applied for in 2010 in the amount of 9%, but not received; and

WHEREAS, Pedcor re-applied for affordable housing tax credits in the amount of 4%, but the change in amount has resulted in a funding gap and a need for Pedcor to reconfigure its financing for the Modified Project; and

WHEREAS, Pedcor, at the recommendation of City staff, has requested that Council modify the 2010 Designation to apply the Modified Affordability Requirements to the original 80 units, and approve a new designation for the additional 144 units at the Modified Affordability Requirements, which will enable Pedcor to maintain the benefits of the 2010 Designation (lock of development fees at the lower of 2010 rates, as adjusted, or current rates and exemption from all or part of the development fees) for the original 80 units to be constructed within Ashley Estates, and receive the benefits of a 2014 designation (lock of development fees at the lower of 2014 rates, as adjusted, or current rates and exemption from all or part of the development fees) for the additional 144 units to be constructed within Ashley Estates; and

WHEREAS, Council has reviewed the Affordable Housing Commission's recommendation and Pedcor's revised request and desires to modify the 2010 Designation applicable to the original 80 units to be constructed within Ashley Estates and approve a new designation for the additional 144 units to be constructed within Ashley Estates in order to increase the number of affordable housing units available for rent within the City of Loveland.

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

Section 1. That the 2010 Designation applicable to Ashley Estates is hereby modified to consist of 80 units, 100% of which shall be leased to households with incomes at or below 60% of AMI. The 80 units shall be considered an affordable housing development under Code Section 16.43.035 and shall be eligible for the associated reduction in capital expansion fees, water rights requirements and fees, and other fees imposed by the City on new development (collectively "development fees") to the extent set forth in Code Section 16.38.085 and the calculation of development fees at the lower of the rate in effect as of the 2010 Designation date, as adjusted, or the date on which fees are paid. Except as modified by this Resolution, the 2010 Designation shall remain in full force and effect, subject to the provisions of Section 16.38.085 and Chapter 16.43 of the Loveland Municipal Code.

Section 2. That the additional 144 units to be constructed within Ashley Estates are hereby designated as an affordable housing development under Code Section 16.43.035 and shall be eligible for the associated reduction in development fees to the extent set forth in Code Section 16.38.085 and the calculation of development fees at the lower of the rate in effect as of the date of this Resolution, as adjusted, or the date on which fees are paid.

Section 3. That the reduction in and calculation of development fees set forth in Sections 1 and 2 hereof shall be conditioned upon the City, through its City Manager, and Pedcor entering into a development agreement, which shall provide that Pedcor shall construct 224 rental units within Ashley Estates, 100% of which shall be leased to households with incomes at or below 60% of AMI, as well as such other conditions as the City Manager deems necessary.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 15th day of April, 2014.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Shawn L. Oltmans
Assistant City Attorney

EXHIBIT A

City of Loveland

COMMUNITY PARTNERSHIP OFFICE
Civic Center • 500 East Third Street • Loveland, Colorado 80537
(970) 962-2517 • FAX (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

July 13, 2010

Mr. Michael S. Byron
Vice President, Development
Pedcor Investments, LLC
770 Third Avenue, S.W.
Carmel, IN 46032

Dear Mr. Byron:

The Ashley Estates Apartment Homes development, proposed for construction in the Wintergreen Second Subdivision, qualifies as affordable housing under the City of Loveland Municipal Code Section 16.08 as of July 13, 2010.

In exchange for leasing a minimum of 10% of the total units to households with incomes at or below 30% of the Area Median Income and an additional minimum of 20% of units to households with incomes at or below 50% of the Area Median Income, the development is eligible for all incentives as defined in the Loveland Municipal Code Sections:

16.38.080: Exemption from capital expansion fees – qualified affordable housing.
16.38.085: Capital expansion fees for qualified affordable housing.
16.43…: Development Standards Modifications, Use Tax Credit, and Expedited Review Process

The City of Loveland will place a deed of trust on the property to ensure a minimum of 20 years of affordability.

Pedcor's request for fee waivers under 16.38.080 will be presented to the Affordable Housing Commission on August 12, 2010 and no earlier than September 7th by the Loveland City Council.

Please contact me at 970.962.2517 or mcclud@ci.loveland.co.us if I may provide additional information.

Sincerely,

Darcy McClure
Community Partnership Administrator

CC: City of Loveland Fee Masters Team
Robert Paulsen, Current Planning Manager
Sharon Citino, Assistant City Attorney
Affordable Housing Commission

City of Loveland

COMMUNITY PARTNERSHIP OFFICE
Civic Center ● 500 East Third Street ● Loveland, Colorado 80537
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www.cityofloveland.org

CITY OF LOVELAND
APPLICATION FOR QUALIFICATION
AFFORDABLE HOUSING DESIGNATION

The City of Loveland has established a program for the development and construction of housing affordable to low and moderate income citizens in Loveland. Qualified developments are eligible for all incentives outline in the Loveland Municipal Code. To be considered, proposals must meet the criteria described in the Loveland Municipal Code.

Applicant Name: Pedcor Investments, A Limited Liability Company

Contact Person: Ryan M. Rodgers

Email Address: rrodgers@pedcor.net **Phone:** 317-705-7970

Address: One Pedcor Square, 770 3rd Avenue, S.W., Carmel, IN 46032

---

1. Description of Proposed Development (include site map with application):

This is a 2-story 224 unit multifamily development; all units have individual access (no common halls). There will be (64) 1-Bedroom units, (112) 2-Bedroom units and (48) 3-Bedroom units contained in 14 buildings. There will be clubhouse that has amenities such as a fitness room, computer room, community room and a pool.

2. What percent of the land area in the proposed development is dedicated to residential units?

100%

3. What percent of the residential units will be affordable as defined in the City of Loveland Municipal Code?

100% of the 224 units will be affordable, renting to residents at or below the 60% AMI.

4. At a minimum, how many units will fall into each category?

For Sale Units			Rental Units	
% Area Median Income	**# of units**		**% Area Median Income**	**# of units**
Below 40% of A.M.I.			Below 30% of A.M.I.	
40% - 50% of A.M.I.			30% - 40% of A.M.I.	
50% - 60% of A.M.I.			40% - 50% of A.M.I.	
60% - 70% of A.M.I.			50% - 60% of A.M.I.	224
70% - 80% of A.M.I.			Market Rate units	
Market Rate units				
Total # of for-sale units			Total # of rental units	224

Applicant:

The Applicant acknowledges that if the proposal is qualified as an affordable housing project, the Applicant's project will receive fast-track development review processing, early calculation of capital expansion fees, and will be considered for development standards modifications, and the Applicant, or Builder if appropriate, must apply separately for possible fee waivers and the use tax credit for each housing unit eligible as an affordable unit. The Applicant must comply with any and all conditions, regulations or ordinances required by the City of Loveland appropriate for land use and development, including those regarding affordable housing. By executing this Application, the Applicant agrees to all terms listed in application and agrees to repay any credit issued by the City in the event the applicant fails to achieve and maintain compliance with the requirements of the City of Loveland regarding affordable housing development proposals.

Applicant's Signature: _____ Date:

The foregoing instrument was acknowledged before me this _____ day of _____, _____.

WITNESS my hand and official seal.

Notary Public

My Commission expires

(S E A L)

For Office Use Only:
Project Qualified____ Date Issued_____ Signed:

Community Partnership Administrator

RESOLUTION #R-31-2014

A RESOLUTION GRANTING AN EXEMPTION FROM CERTAIN CAPITAL EXPANSION FEES AND OTHER DEVELOPMENT FEES, AND DELAYING THE PAYMENT OF WATER RIGHTS APPLICABLE TO RESIDENTIAL DEVELOPMENT, FOR A QUALIFIED AFFORDABLE HOUSING DEVELOPMENT KNOWN AS ASHLEY ESTATES APARTMENT HOMES

WHEREAS, Pedcor Investments, LLC ("Pedcor") owns that real property legally described as **Outlot C, Wintergreen Second Subdivision, City of Loveland, County of Larimer, State of Colorado** (the "Property"), on which it plans to construct a multifamily development known as Ashley Estates Apartment Homes ("Ashley Estates") to consist of 224 rental units, 100% of which shall be leased to households with incomes at or below 60% of the area median income ("AMI"); and

WHEREAS, 80 of the 224 rental units were designated an affordable housing development on July 13, 2010, and the remaining 144 rental units were designated an affordable housing development on April 15, 2014; and

WHEREAS, Loveland Municipal Code Section 16.38.080 provides that the City Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the City upon new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed is a qualified affordable housing development; and

WHEREAS, pursuant to Code Section 16.38.080, Pedcor has requested an exemption from part of the fees that would otherwise be imposed on Ashley Estates on the basis that Ashley Estates is a qualified affordable housing development; and

WHEREAS, Code Section 19.04.020.A provides that water rights required for residential development shall be due and paid to the City prior to approval of the final plat by the director of development services, unless modified pursuant to Code Section 19.04.021.A.2 by Council upon a finding, set forth in a development agreement, that such modification is in the best interest of the City; and

WHEREAS, pursuant to Code Section 19.04.021.A.2, Pedcor has requested a modification of the requirement set forth in Code Section 19.04.020.A to allow Pedcor to pay the water rights required for the residential component of Ashley Estates after approval of the final plat by the director of development services so that Pedcor may secure the financing necessary for payment of said water rights; and

WHEREAS, Council finds that Ashley Estates is a qualified affordable housing development and desires to exempt it, pursuant to Code Section 16.38.080, from part of the fees that would otherwise be imposed; and

WHEREAS, Council finds that the construction and leasing of qualified affordable housing within Loveland is in the best interest of the City and desires to modify the requirements of Code Section 19.04.020.A, pursuant to Code Section 19.04.021.A.2, to allow Pedcor to pay the water rights required for the residential component of Ashley Estates after approval of the final plat by the director of development services.

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

Section 1. That capital expansion fees due and payable for construction of Ashley Estates are hereby waived for the purpose described above in a total amount not to exceed $1,333,890.

Section 2. That development fees, including, without limitation, all building permit fees, plan review fees, and any and all other fees due and payable for construction of Ashley Estates between permit application and final certificate of occupancy (but not including capital expansion fees or enterprise fees) are hereby waived for the purpose described above in a total amount not to exceed $178,970.

Section 3. That as provided in Code Section 16.38.080, when a capital-related fee is waived pursuant to Section 16.38.080, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge, in which case the affected utility fund shall be reimbursed by the general fund.

Section 4. That no utility fees or charges are being waived by this Resolution, and, therefore, no reimbursement by the City's general fund is required.

Section 5. That pursuant to Code Section 19.04.021.A.2, the water rights requirements due for Ashley Estates under Code Section 19.04.020.A may be paid after approval of the final plat by the director of development services, but shall be due and paid, in their entirety, no more than sixty days after the date on which the first building permit is issued for the Property. Nothing in this Resolution shall be construed to modify the water rights requirements applicable to any dedicated irrigation meters requested for the Property, which shall be calculated as of affordable housing development designation date of July 13, 2010, as adjusted, pursuant to Code Section 16.38.085 and paid in accordance with Code Section 19.06.040.B and 19.04.020.D and E.

Section 6. That the waiver of the fees described in Sections 1 and 2 hereof and modification of the residential water rights payment date described in Section 5 hereof shall be conditioned upon the City, through its City Manager, and Pedcor entering into a development agreement, which shall provide for the waiver of said fees in exchange for the construction of Ashley Estates, which shall be comprised of 224 rental units, 100% of which shall be leased to households with incomes at or below 60% of AMI, as well as such other conditions as the City Manager shall deem necessary.

Section 7. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 15th day of April, 2014.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Shawn L. Otto
Assistant City Attorney

MEMORANDUM

TO: City Council

FROM: Alison Hade, Community Partnership Office

DATE: April 15, 2014

RE: Affordable Housing Designation and Fee Waiver for Pedcor Investments/Ashley Estates

---

I. EXHIBITS

A. Sources and Uses to Breakeven
B. Market Feasibility Analysis
C. November 25, 2013 Planning Commission staff report for Ashley Estates PDP
D. Planning Commission minutes for Ashley Estates PDP
E. Fee Estimate Worksheet

II. FINDINGS

Pedcor Investments is requesting that City Council amend the affordable housing designation that was granted in 2010 for 80 units of a 224-unit multi-family housing project and approve a 2014 affordable housing designation for the remaining 144 units. Pedcor Investments is also requesting that City Council waive a percentage of Building Permit Fees and Capital Expansion Fees (CEFs) for all 224-units of affordable multi-family housing on Outlot C of the Wintergreen Second Subdivision, to be known as Ashley Estates Apartment Homes. Finally, Pedcor would like to request that the payment of water rights be delayed until financing for the project has been received.

In 2010, Pedcor Investments applied for and received an affordable housing designation. The original project would have resulted in 80 units of 30%, 50% and 60% AMI housing on west 64th Street using 9% tax credits. Pedcor is now proposing to use 4% tax credits and will build 224 units of work force housing for people living at or below 60% of the Area Median Income (AMI), which is greatly needed in Loveland. The company would like to request that the original designation apply to the original 80 units and a new designation, approved by the Affordable Housing Commission on March 13, 2014, apply to the additional 144 units. An affordable housing designation also allows Pedcor Investments to seek a waiver of certain fees from City Council.

A market feasibility study completed for Pedcor in August 2013, shows that the increasing population of Loveland will dramatically change the housing demand for households with incomes up to 60% of the AMI (60% AMI is $44,100/year in income for a family of four). The analysis notes that there are currently 4,830 income-eligible renter households in the market and an expected increase within the sites Housing Market Area (HMA) of 4,194 households by 2017. A 2013-2014 survey completed by the Division of Housing shows a 2.7% vacancy rate, further supporting the need for affordable multi family housing.

III. AFFORDABLE HOUSING DESIGNATION

When Pedcor Investments applied for the affordable housing designation in 2010, the designation was approved administratively through the Affordable Housing Commission and the Community Partnership Office. In 2011, City Code was amended to require City Council approval of any such designation. A modification of the affordable housing designation will allow Pedcor Investments to retain the ability to utilize certain fee rates in place during the year in which the original designation was approved. A new affordable housing designation on the remaining 144 units will allow Pedcor to lock in fees for water rights at the current cost.

The most significant reduction in fees based on the 2010 fee schedule for the 80 units deemed affordable at the 2010 rate would be for water rights and irrigation. The reduction in fees from the 2014 fee schedule to the 2010 fee schedule is $498,124 for water rights and irrigation fees.

IV. FEE EXEMPTION

The Loveland Municipal Code permits City Council to grant an exemption of capital expansion fees or any other fees imposed on a qualified affordable housing development. Pedcor Investments is requesting a fee reduction of capital expansion and permit fees in accordance with City Code to assist with a funding gap due to the difference between 9% tax credits and 4% tax credits. The funding gap is approximately $2,010,984 and is identifed in a Sources and Uses to Breakeven analysis prepared by the applicant. If designated as an affordable housing project and using the fee schedule in place in 2010 for 80 units and a current designation for 144 units, this funding gap would be reduced to 1.5 million.

City staff is recommending that City Council consider a fee exemption in the amount of **$1,512,860**. A **65.8% reduction of capital expansion and building permit fees total the gap amount and would not result in the need to back-fill any utility fees.** The developer would pay $2,864,165 in fees.

Note that in the analysis the “developer fee” of $4,746,098 is being waived, that is, it will be contributed back into the project as a fund source. The applicant will provide more detail on how this funding approach works at the Council hearing.

The table in Section 18.38.080 of the Loveland Municiple Code allows a 70% waiver of capital expansion fees and any other fees imposed by the City, including utility fees, by City Council for affordable housing projects that provide 40% of the dwelling units to households making 60% of the AMI. The Ashley Estates project will provide 100% of its 224 dwelling units to household making 60% of the AMI.

V. DEFERAL OF WATER RIGHTS PAYMENT

The Loveland Municipal Code permits City Council to grant a delay in the payment of water rights. Pedcor Investments must submit a final plat in order to secure financing for the project. In order to complete the platting process, Pedcor must pay for water rights.

City staff is recommending that City Council allow Pedcor Investments to defer payment of water rights until after the final plat has been approved and building permits have been issued, but before any site work has been performed for the development.

VI. RELEVANT MUNICIPAL CODE PROVISIONS

Section 16.43.035 of the Loveland Municipal Code outlines the process of obtaining an affordable housing designation. This section states that:

> *All applications for designation of a housing development as affordable shall be submitted to the affordable housing commission for review and recommendation to the city council. The city council shall review such applications and make the final determination to approve, approve with conditions, or deny such applications by resolution. (Ord. 5619 § 3, 2011)*

Section 16.38.080 contains the following provisions allowing City Council to grant exemptions from the payment of development fees for qualified affordable housing projects.

A. The city council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed is a qualified affordable housing development. When a capital-related fee is waived pursuant to this section, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge in which case the affected utility fund shall be reimbursed by the general fund.

B. Exemptions granted pursuant to this section shall be done in accordance with the following tables:

1. If granted for rental housing, the exemption shall be as follows:

Percentage of area median income to be served	Minimum percentage of units in development set aside as affordable housing	Percentage of fees waived for affordable housing only
30%	10%	100%
40%	15%	90%
50%	20%	80%
60%	**40%**	**70%**

Section 19.04.021.A.2 contains provisions that allow City Council to defer the payment of water rights.

A. Certain conditions may warrant exceptions to the water rights requirements set forth in Sections 19.04.020A. and B. Such exceptions may be allowed at the discretion of city staff for the following reasons:

2. Water rights requirements may be waived or modified by development/special agreements as approved by the Loveland city council when deemed in the best interest of the city.

VII. DEVELOPMENT PLAN APPROVAL PROCESS

The project would be located within the Wintergreen PUD on a 19 acres site (see Location Maps below). The Preliminary Development Plan (PDP) for the project was approved unanimously by the Planning Commission on November 25, 2013. A copy of the City staff report and meeting minutes for the PDP is

attached to this staff memorandum. The Final Development Plan for the project is in the review process with the Current Planning Division.

VIII. SOURCES OF FINANCING

The project is seeking to use a combination of tax credits and private activity bonds to finance construction. They have approached the Loveland Housing Authority to be the issuer of the transaction. The Housing Authority is working with the Colorado Housing and Finance Authority to get sufficient Private Activity Bond allocations to cover the estimated $30 million needed to complete the project. Use of private activity bonds also qualifies the project to be eligible to use 4% low income tax credits.

IX. LOCATION MAPS




W 66th St
Hahns Peak Ave
W 65th St
Eden Gardens Dr
Ashley Estates
287
E 64th St
N Garfield Ave
N Apple Dr
Google earth
Imagery Date: 8/18/2012 lat 40.457055° lon 105.082892° elev 5111 ft eye alt 10010 ft

SOURCES AND USES TO BREAKEVEN

ASHLEY ESTATES APARTMENT HOMES
LOVELAND, COLORADO

Page 3 18-Mar-14 06:01 PM

USES OF FUNDS				**Total**	**Per Unit**
To Purchase Land/Impact Fees				**1,300,000**	**5,804**
3. Impact Fees, Water and Sewer Tap Fees				**5,970,467**	**26,654**
Negative Arbitrage Interest				**-**	
Hard Construction Costs					
1. Site Work			4,694,886		
2. Buildings			20,144,393		
3. Clubhouse, Pool & Cable Equipment			640,000		
3a. Impact Fees			-		
4. Carports & Garages			700,000		
5. General Requirements			-		
6. General Contractor Fee			1,258,714		
7. Construction Management Fee			755,228		
8. Permits & Offsites			195,000	**28,388,222**	126,733
Architectural and Engineering Fees				**805,500**	3,596
Other Construction Period Costs					
1. Real Estate Attorney (Pedcor)			40,000		
2. Construction Loan Legal (Lender)	*HUD Loan*	*1,554,298*	15,000		
3. Title & Recording	*GNMA Const'n*	*901,610*	65,000		
4. Construction Interest (thru Breakeven net of Bond Earnings, if any) *	*1% Discount Pts*	*286,810*	734,130		
5. Loan Origination Fees/LOC's/HUD Fees		*2,742,718*	2,742,718		
6. Start Up Costs			188,000		
7. Taxes & Insurance Through Breakeven			220,318		
8. Capitalized Start Up Expenses (through Breakeven)			292,053		
9. Interest on DDF			504,234		
10. Surety Bond and Guaranty Costs			572,819	**5,374,271**	**23,992**
Permanent Financing Costs/Soft Costs					
1. Bond Counsel			50,000		
2. Placement Fee for Permanent			143,405		
3. Underwriter Counsel			30,000		
4. Trustee & Rating Agency			-		
5. Issuer Fees & Legal Fees			163,405		
6. Lender & Borrower Legal Fees			85,000		
7. Printing & Miscellaneous			57,500		
8. Market Study & Appraisal			15,000		
9. Broker Fees			-		
10. HFA Fees			142,840	**687,150**	**3,068**
Syndication Costs					
1. Organizational (e.g. Partnership)			5,000		
2. Interest Rate Cap Agreement			-		
3. Investor Legal			50,000		
4. Equity Consultant/Asset Management Fees through Completion			-	**55,000**	**246**
Developer Fee				**4,746,098**	**21,188**
Operating Reserve (funded from Final Equity)				**696,000**	**3,107**
Unspecified Contingency				**-**	**0**
TOTAL				**48,022,708**	**214,387**
SOURCES OF FUNDS*					
Limited Partner Equity (Including Last Installment of:	**1,258,463)**			**12,584,626**	**56,181**
First Mortgage				**28,681,000**	**128,040**
100% Developer Fee Contribution				**4,746,098**	**21,188**
Financing Gap (fund via Impact Fee Reduction)				**2,010,984**	**8,978**
TOTAL				**48,022,708**	**214,387**

*Ignores Interim Rental Income to Breakeven

HUD 221(d) (4) Formatted Market Feasibility Analysis

Ashley Estates
657 West 64th Street
Loveland, Larimer County, Colorado 97006

Prepared For

Ms. Peggy Clingan
P/R Mortgage & Investment Corp.
11555 N. Meridian Street, Ste. 400
Carmel, Indiana 46032

Effective Date

August 13, 2013

Inspection Date

July 29, 2013

Job Reference Number

13-437 CR/PB

Bowen National Research
155 E. Columbus Street, Suite 220
Pickerington, Ohio 43147
Phone: (614) 833-9300
Bowennational.com

II. EXECUTIVE SUMMARY

Based on the findings reported in our market study, it is our opinion that a market exists for the proposed 224-unit Ashley Estates apartment community to be located in Loveland, Colorado assuming it is built and operated as outlined in this report. Changes in the project's rent, amenities, location, or completion date may alter these findings.

Project Concept

The proposed project involves the new construction of the 224-unit Ashley Estates apartment community to be located at 657 West 64th Street in Loveland, Larimer County, Colorado. The 224-unit project will consist of 14 two-story residential buildings which will comprise 64 one-bedroom, 112 two-bedroom and 48 three-bedroom, garden-style units. Additionally, the subject project will also include one non-residential building which will house the subject project's management office and common areas. The project will be developed using Low-Income Housing Tax Credit (LIHTC) financing and target general-occupancy households earning up to 60% of Area Median Household Income (AMHI). Proposed monthly collected Tax Credit rents are $800, $950 and $1,075 for the proposed one-, two- and three-bedroom units, respectively.

Additional details of the proposed project are included beginning on page III-1 of this report.

Site Evaluation

The subject site is located within a mostly developed area in the northern portion of Loveland. Notably, the commercial and residential structures within the immediate site neighborhood are generally well-maintained and are considered to be in average to good condition. Note that railroad tracks are located west of the subject site, however, these tracks were not observed to be heavily traveled and do not appear to have had an adverse impact on the surrounding residential and commercial land uses. Visibility of the subject site is considered average, as the Wal-Mart Supercenter located directly east of the subject site obstructs visibility of the site from U.S. Highway 287, an arterial roadway throughout the Loveland area. As such, promotional signage located along U.S. Highway 287 would likely be beneficial to the subject site's marketability. Access to the subject site is considered good as both Eden Garden Drive and West 64th Street provide convenient access to the subject site. Further, the subject site is also provided convenient access to and from U.S. Highway 287, east of the subject site, via West 64th Street and West 65th Street. Public transportation is also available along U.S. Highway 287 via FLEX which operates a public bus stop at the intersection of West 65th Street and U.S. Highway 287. Further, numerous basic community services are

located within 1.0 mile of the subject site, including a Wal-Mart Supercenter. Overall, the subject project is anticipated to fit well with the surrounding residential and commercial land uses and will likely benefit from its proximity to most basic community services and convenient accessibility to and from U.S. Highway 287.

Additional site information is included beginning on page III-7 of this report.

Housing Market Area

The Housing Market Area (HMA) is the geographical area from which most of the support for the subject development is expected to originate. The Loveland HMA includes most of the city of Loveland, as well as portions of Fort Collins and some of the surrounding unincorporated portions of Larimer County. Pursuant to Colorado Housing and Finance Agency (CHFA) guidelines the Site HMA has been established using full census tracts. As such, the Site HMA is comprised of the following census tracts:

0010.09	0010.10
0011.14	0017.05
0018.05*	0020.05
0020.08	

*Site location census tract

A map delineating the boundaries of the Site HMA is included on page III-18.

Demographics

Between 2012 and 2017 the Loveland Site HMA is projected to experience rapid population and household growth. Specifically, the total population within the Site HMA is projected to increase by 8,569 (8.5%) while the total number of households is projected to increase by 4,194 (10.4%) during this time period. It should also be noted that all age cohorts (ages 25 and older) within the Site HMA are projected to experience household growth between 2012 and 2017. Notably, renter households comprised more than 32.0% of all households within the Site HMA in 2012 and are projected to increase by 1,210 households between 2012 and 2017. Additionally, households earning between $20,000 and $50,000 within the Site HMA are projected to increase by 928 households between 2012 and 2017. Overall, these positive demographic trends projected within the Site HMA are indicative of a rapidly expanding base of potential support for the subject development.

Additional demographic information is included in Section III beginning on page III-33.

Competitive Supply

We identified and personally surveyed 14 conventional housing projects containing a total of 1,830 units within the Site HMA. Of these 14 conventional housing projects, eight are Low-Income Housing Tax Credit (LIHTC) projects offering one- through three-bedroom units targeting general-occupancy households earning up to 30%, 35%, 40%, 45%, 50%, 55% and/or 60% of Area Median Household Income (AMHI). Considering the unit types and population and AMHI levels targeted, these eight LIHTC projects are considered to be the most comparable projects in the market as compared to the subject development.

It should also be noted that we identified one additional property within the market that is believed to operate under the Tax Credit program, Mirasol Senior Community I & II. This project is located at 1153 Finch Street in Loveland, Colorado and offers one- and two-bedroom units targeting senior households (age 55 and older). Note that despite multiple attempts, we were unable to contact management of this project to obtain specific information regarding rents charged, occupancy and amenities offered at this property. Therefore, we have not included this project in our comparable analysis. Regardless, this property targets a distinctly different population (seniors age 55 and older) as compared to the subject development (general-occupancy). As such, we do not expect this project to have any significant competitive overlap with the subject development.

These eight comparable LIHTC properties and the proposed subject development are summarized as follows. Information regarding property address, phone number, contact name and utility responsibility is included in the Field Survey of Conventional Rentals.

Map I.D.	Project Name	Year Built/ Renovated	Total Units	Occ. Rate	Distance to Site	Waiting List	Target Market
Site	**Ashley Estates**	**2015**	**224**	-	-	-	**Families; 60% AMHI**
2	Madison Avenue Apts.	1975 / 1998	60	98.3%	5.2 Miles	None	Families; 60% AMHI
3	Eagle Tree Village	1997	36	100.0%	3.8 Miles	6-12 Months	Families; 40%, 45%, & 50% AMHI
5	Brookstone Apts. I & II	2002	56	100.0%	6.9 Miles	12 Months	Families; 40% & 50% AMHI
9	Reserve at Centerra	2002	151	100.0%	6.8 Miles	3-9 Months	Families; 60% AMHI
10	Rock Crest Apts.	2002	56	100.0%	3.2 Miles	14 H.H.	Families; 30%, 40%, & 50% AMHI
12	Meadows	1998	60	100.0%	4.5 Miles	None	Families; 35%, 40%, 50%, & 55% AMHI
13	Waterford Place	2004	81*	100.0%	6.1 Miles	None	Families; 40% & 50% AMHI
14	Woodlands Apts.	1997	116	100.0%	5.9 Miles	1 Month	Families; 50% & 60% AMHI

OCC. - Occupancy
*Tax Credit units only

The eight comparable LIHTC projects have a combined occupancy rate of 99.8%, an excellent rate for LIHTC rental housing. It should also be noted that five of the eight comparable LIHTC projects in the market currently maintain waiting lists of 14 households or range from one to 12-months for their next available units, as illustrated in the preceding table. These high occupancy rates and extensive waiting lists maintained indicate that there is pent-up demand for additional LIHTC rental housing within the Site HMA.

The gross rents for the comparable projects and the proposed rents at the subject site, as well as their unit mixes and vacancies by bedroom are listed in the following table:

		Gross Rent/Percent of AMHI (Number of Units/Vacancies)			
Map I.D.	Project Name	One-Br.	Two-Br.	Three-Br.	Rent Special
Site	**Ashley Estates**	**$838/60% (64)**	**$998/60% (112)**	**$1,136/60% (48)**	-
2	Madison Avenue Apts.	$825/60% (12/0)	$850-$875/60% (36/1)	$955/60% (12/0)	None
3	Eagle Tree Village	-	$650/40% (7/0) $735/45% (3/0) $788/50% (9/0)	$752/40% (7/0) $851/45% (2/0) $887/50% (8/0)	None
5	Brookstone Apts. I & II	-	$685/40% (16/0) $791/50% (16/0)	$828/40% (24/0)	None
9	Reserve at Centerra	-	$1,099-$1,126/60% (87/0)	$1,306/60% (64/0)	None
10	Rock Crest Apts.	-	$545/30% (2/0) $685/40% (23/0) $791/50% (11/0)	$626/30% (1/0) $804/40% (11/0) $908/50% (8/0)	None
12	Meadows	$627/55% (10/0)	$654/35% (4/0) $682/40% (5/0) $803/50% (11/0) $814/55% (5/0)	$699/35% (3/0) $792/40% (5/0) $914/50% (14/0) $924/55% (3/0)	None
13	Waterford Place	-	$720/40% (29/0) $895/50% (16/0)	$828/40% (18/0) $1,030/50% (18/0)	None
14	Woodlands Apts.	$709/50% (3/0)	$811-$837/50% (15/0) $737-$841/60% (35/0)	$968/50% (6/0) $879-$1,009/60% (57/0)	None

As the preceding table illustrates, the proposed one-bedroom subject gross rents of $838 will be the highest priced one-bedroom LIHTC units in the market. However, this proposed one-bedroom gross rent is only $13 higher than that currently being charged at Madison Avenue Apartments (Map ID 2) which is the currently the only LIHTC project in the market offering one-bedroom units at 60% of AMHI. Also note that there is only a total of 25 one-bedroom LIHTC units in the market, which are 100.0% occupied. Given that the subject project will be the newest LIHTC property in the market and that there are currently no one-bedroom LIHTC units available within the market, the slightly higher proposed one-bedroom gross rents are considered to be achievable within the market.

The following table summarizes the number of income-eligible renter households in the HMA in 2015 (year of completion):

Income Range	Tax Credit ($25,140 To $49,140)		
	Number Of Renter Households	Share Within Range	Qualified Renter Households
$0-$9,999	1,305	0.0%	0
$10,000-$19,999	2,073	0.0%	0
$20,000-$29,999	1,616	48.6%	785
$30,000-$39,999	2,212	100.0%	2,212
$40,000-$49,999	2,006	91.4%	1,833
Total	9,212		4,830

As the preceding table illustrates, there are 4,830 income-eligible renter households in the market to support the subject project operating under LIHTC guidelines. The 224 proposed LIHTC units at the subject site represent a required capture rate of 4.6%. Typically, capture rates below 12.0% are achievable. Therefore, the capture rate of 4.6% is considered low and achievable, indicating that a substantial base of support exists for the subject development to operate as a LIHTC community within the Site HMA.

Positive and Negative Characteristics

Positives

- The Site HMA is projected to experience significant population and household growth between 2012 and 2017. Specifically, the total population within the Site HMA is projected to increase by 8,569 (8.5%) while the total number of households is projected to increase by 4,194 (10.4%) during this time period.

- The employment base within Larimer County has increased by 5,659 employees since 2010, through June of 2013. Further, the local unemployment rate has also improved recently, declining each of the past two years and thus far in 2013.

- Many community services are located within 1.0 mile of the subject site including, but not be limited to, a grocery store, financial institutions, a pharmacy, multiple dining establishments and a child care facility. Notably, a Wal-Mart Supercenter is located directly east of the subject site.

- The comparable LIHTC developments within the market are performing very well as the eight comparable LIHTC projects have a combined occupancy rate of 99.8%. It should also be noted that five of the eight comparable LIHTC projects in the market currently maintain waiting lists for their next available units.

- The overall 4.6% capture rate for the proposed subject development is considered low and achievable. This low capture rate indicates that there is a large base of income-eligible renter households within the Site HMA from which the subject development can draw support.

Negatives

- Visibility of the subject site is considered average as the site is mostly obstructed from view from along U.S. Highway 287 east of the subject site, due to the location of the Wal-Mart Supercenter directly east of the subject site. However, it should be noted that the subject site is clearly visible when along West 64th Street and Eden Garden Drive which border the site to the south and east, respectively. Further, promotional signage along U.S. Highway 287 near the intersection(s) of West 64th Street and/or West 65th Street would easily enhance visibility of the subject site.

Recommendations

The proposed subject gross rents are considered competitive among those currently being charged at the comparable LIHTC projects in the market. Further, based on the high occupancy rates and waiting lists maintained among the comparable LIHTC projects in the market, the subject development will provide an affordable LIHTC rental product which is currently in high demand within the market. Additionally, the large unit sizes (square feet) and extensive amenity packages to be offered at the subject development should further enhance marketability of the subject development. Based on the preceding analysis and facts contained within this report, we believe that the subject project is feasible as proposed, and we do not recommend any changes to the project's concept at this time.

Absorption Projection

Considering the facts contained in the market study, as well as the preceding factors, and comparing them with other projects with similar characteristics in other markets, we are able to establish absorption projections for the proposed subject development. It is our opinion that the proposed 224 LIHTC units at the subject site will reach a stabilized occupancy of 93.0% within 14 to 16 months of opening. This absorption period is based on an absorption rate of approximately 13 to 15 units per month.

These absorption projections assume a 2015 opening date. A later opening may have a slowing impact on the absorption potential for the subject project. Further, these absorption projections assume the project will be built as outlined in this report. Changes to the project's rents, amenities, floor plans, location or other features may invalidate our findings. Finally, we assume the developer and/or management will aggressively market the project throughout the Site HMA a few months in advance of its opening and continue to monitor market conditions during the project's initial lease-up period. Note that Voucher support has also been considered in determining these absorption projections and that these absorption projections may vary depending upon the amount of Voucher support the subject development receives.

The following tables illustrate renter household income by household size for 2010, 2012 and 2017 for the Loveland Site HMA:

Renter Households	2010 (Census)					
	1-Person	2-Person	3-Person	4-Person	5-Person+	Total
Less Than $10,000	535	194	199	63	37	1,029
$10,000 to $19,999	893	424	142	56	25	1,540
$20,000 to $29,999	685	410	212	102	128	1,537
$30,000 to $39,999	670	505	234	205	209	1,821
$40,000 to $49,999	443	660	248	154	91	1,597
$50,000 to $59,999	372	282	240	168	69	1,131
$60,000 to $74,999	206	196	93	202	132	830
$75,000 to $99,999	132	169	223	89	217	831
$100,000 to $124,999	76	182	44	54	63	418
$125,000 to $149,999	45	56	49	109	18	276
$150,000 to $199,999	40	37	47	25	15	164
$200,000 & Over	59	58	18	9	19	163
Total	4,155	3,174	1,748	1,236	1,022	11,335

Source: Ribbon Demographics; ESRI; Urban Decision Group

Renter Households	2012 (Estimated)					
	1-Person	2-Person	3-Person	4-Person	5-Person+	Total
Less Than $10,000	659	292	217	66	37	1,270
$10,000 to $19,999	1,221	509	169	87	22	2,008
$20,000 to $29,999	724	398	211	90	141	1,565
$30,000 to $39,999	804	555	304	243	220	2,126
$40,000 to $49,999	511	721	333	193	118	1,876
$50,000 to $59,999	396	338	229	174	84	1,222
$60,000 to $74,999	224	236	116	222	146	944
$75,000 to $99,999	154	220	269	73	242	958
$100,000 to $124,999	110	180	36	34	57	417
$125,000 to $149,999	30	33	48	124	19	255
$150,000 to $199,999	36	36	33	38	20	163
$200,000 & Over	38	39	10	11	20	117
Total	4,907	3,557	1,975	1,355	1,127	12,921

Source: Ribbon Demographics; ESRI; Urban Decision Group

Renter Households	2017 (Projected)					
	1-Person	2-Person	3-Person	4-Person	5-Person+	Total
Less Than $10,000	708	292	225	69	34	1,328
$10,000 to $19,999	1,338	495	189	71	23	2,116
$20,000 to $29,999	774	426	210	98	142	1,650
$30,000 to $39,999	906	573	318	249	223	2,268
$40,000 to $49,999	604	776	376	200	135	2,092
$50,000 to $59,999	384	359	265	190	80	1,278
$60,000 to $74,999	254	258	123	238	168	1,041
$75,000 to $99,999	186	264	306	87	270	1,113
$100,000 to $124,999	152	239	46	44	80	562
$125,000 to $149,999	54	59	49	148	26	336
$150,000 to $199,999	56	39	40	34	21	189
$200,000 & Over	57	51	13	13	23	157
Total	5,474	3,832	2,160	1,441	1,223	14,131

Source: Ribbon Demographics; ESRI; Urban Decision Group

It should also be noted that we identified one additional property within the market that is believed to operate under the Tax Credit program, Mirasol Senior Community I & II. This project is located at 1153 Finch Street in Loveland, Colorado and offers one- and two-bedroom units targeting senior households (age 55 and older). Note that despite multiple attempts, we were unable to contact management of this project to obtain specific information regarding rents charged, occupancy and amenities offered at this property. Therefore, we have not included this project in our comparable analysis. Regardless, this property targets a distinctly different population (seniors age 55 and older) as compared to the subject development (general-occupancy). As such, we do not expect this project to have any significant competitive overlap with the subject development.

These eight comparable LIHTC properties and the proposed subject development are summarized as follows. Information regarding property address, phone number, contact name and utility responsibility is included in the Field Survey of Conventional Rentals.

Map I.D.	Project Name	Year Built/ Renovated	Total Units	Occ. Rate	Distance to Site	Waiting List	Target Market
Site	**Ashley Estates**	**2015**	**224**	-	-	-	**Families; 60% AMHI**
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3	Eagle Tree Village	1997	36	100.0%	3.8 Miles	6-12 Months	Families; 40%, 45%, & 50% AMHI
5	Brookstone Apts. I & II	2002	56	100.0%	6.9 Miles	12 Months	Families; 40% & 50% AMHI
9	Reserve at Centerra	2002	151	100.0%	6.8 Miles	3-9 Months	Families; 60% AMHI
10	Rock Crest Apts.	2002	56	100.0%	3.2 Miles	14 H.H.	Families; 30%, 40%, & 50% AMHI
12	Meadows	1998	60	100.0%	4.5 Miles	None	Families; 35%, 40%, 50%, & 55% AMHI
13	Waterford Place	2004	81*	100.0%	6.1 Miles	None	Families; 40% & 50% AMHI
14	Woodlands Apts.	1997	116	100.0%	5.9 Miles	1 Month	Families; 50% & 60% AMHI

OCC. - Occupancy
*Tax Credit units only

The eight comparable LIHTC projects have a combined occupancy rate of 99.8%, an excellent rate for LIHTC rental housing. It should also be noted that five of the eight comparable LIHTC projects in the market currently maintain waiting lists of 14 households or range from one to 12-months for their next available units, as illustrated in the preceding table. These high occupancy rates and extensive waiting lists maintained indicate that there is pent-up demand for additional LIHTC rental housing within the Site HMA.

Support From Housing Choice Voucher Holders

The following table illustrates Housing Choice Voucher use among the comparable LIHTC projects:

Map I.D.	Project Name	Accepts Vouchers / # currently in Use
2	Madison Avenue Apts.	Unknown
3	Eagle Tree Village	Yes / 1
5	Brookstone Apts. I & II	Unknown
9	Reserve at Centerra	Yes / 38
10	Rock Crest Apts.	Yes / NA
12	Meadows	Yes / NA
13	Waterford Place	Yes / 25
14	Woodland Apts.	Yes / 25

NA – Number not available

As the preceding table illustrates, there are approximately 89 units known to be occupied by Housing Choice Voucher holders among the comparable LIHTC projects in the market for which this data was available. Notably, these 89 units occupied by Housing Choice Voucher holders comprise approximately only 23.0% of the 384 LIHTC units available at the four LIHTC projects for which this data was available. This illustrates that the majority of the units among these comparable LIHTC projects are occupied by residents which do not have Voucher assistance, indicating that the gross rents charged at these comparable LIHTC projects are achievable within the market.

Note that despite multiple attempts, we were unable to get a response from local officials with the City of Loveland Housing Authority regarding the number of Housing Choice Vouchers currently in use within their jurisdiction, and/or current wait list information for additional Vouchers in the Loveland area.

If the rents do not exceed Fair Market Rents, households with Housing Choice Vouchers may be eligible to reside at a LIHTC project. Established by HUD, Fair Market Rents for the Fort Collins-Loveland, Colorado MSA and the proposed subject gross rents are summarized in the following table:

Bedroom Type	Fair Market Rents	Proposed Tax Credit Gross Rents
One-Bedroom	$692	$838 (60%)
Two-Bedroom	$833	$998 (60%)
Three-Bedroom	$1,227	$1,136 (60%)

Further, the two- and three-bedroom proposed gross subject rents of $998 and $1,136, respectively, are considered to be competitively priced within the market as compared to similar bedroom types and AMHI levels among the comparable LIHTC projects in the market. Notably as illustrated in the preceding table, there is only one vacant unit among the two- and three-bedroom LIHTC units targeting households earning up to 60% of AMHI within the market. Based on the limited availability of two- and three-bedroom LIHTC units at 60% of AMHI and the competitive position of the proposed gross subject rents, we believe the proposed gross rents of the two- and three-bedroom subject units are also achievable within the market.

Based on our analysis of the unit sizes (square footage), amenities, location, quality and occupancy rates of the existing LIHTC properties within the market, it is our opinion that the proposed subject development will be competitive. Notably, the proposed subject gross rents are considered competitive among those currently being charged at the comparable LIHTC projects in the market. Further, based on the high occupancy rates and waiting lists maintained among the comparable LIHTC projects in the market, the subject development will provide an affordable LIHTC rental product which is currently in high demand within the market. Additionally, the large unit sizes (square feet) and extensive amenity packages to be offered at the subject development should further enhance marketability of the subject development.

Market Demand

As indicated throughout this report, the subject project consists of the new construction of 224 one-, two- and three-bedroom apartment units targeting family (general-occupancy) households with incomes up to 60% of AMHI. The proposed gross LIHTC rents range from $838 to $1,136, depending on bedroom type. Therefore, the project will primarily serve households with incomes between $25,140 and $49,140. The subject development is estimated to be completed in February of 2015.

City of Loveland

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Planning Commission Staff Report

November 25, 2013

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

Title: Wintergreen Third Subdivision Preliminary Development Plan

Applicant: Pedcor Investments, LLC

Request: **Preliminary Development Plan**

Location: 657 W. 64th Street

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

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

Staff Planner: Noreen Smyth

Staff Recommendation

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

Recommended Motions:

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

Summary of Analysis

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

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

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

I. SUMMARY

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

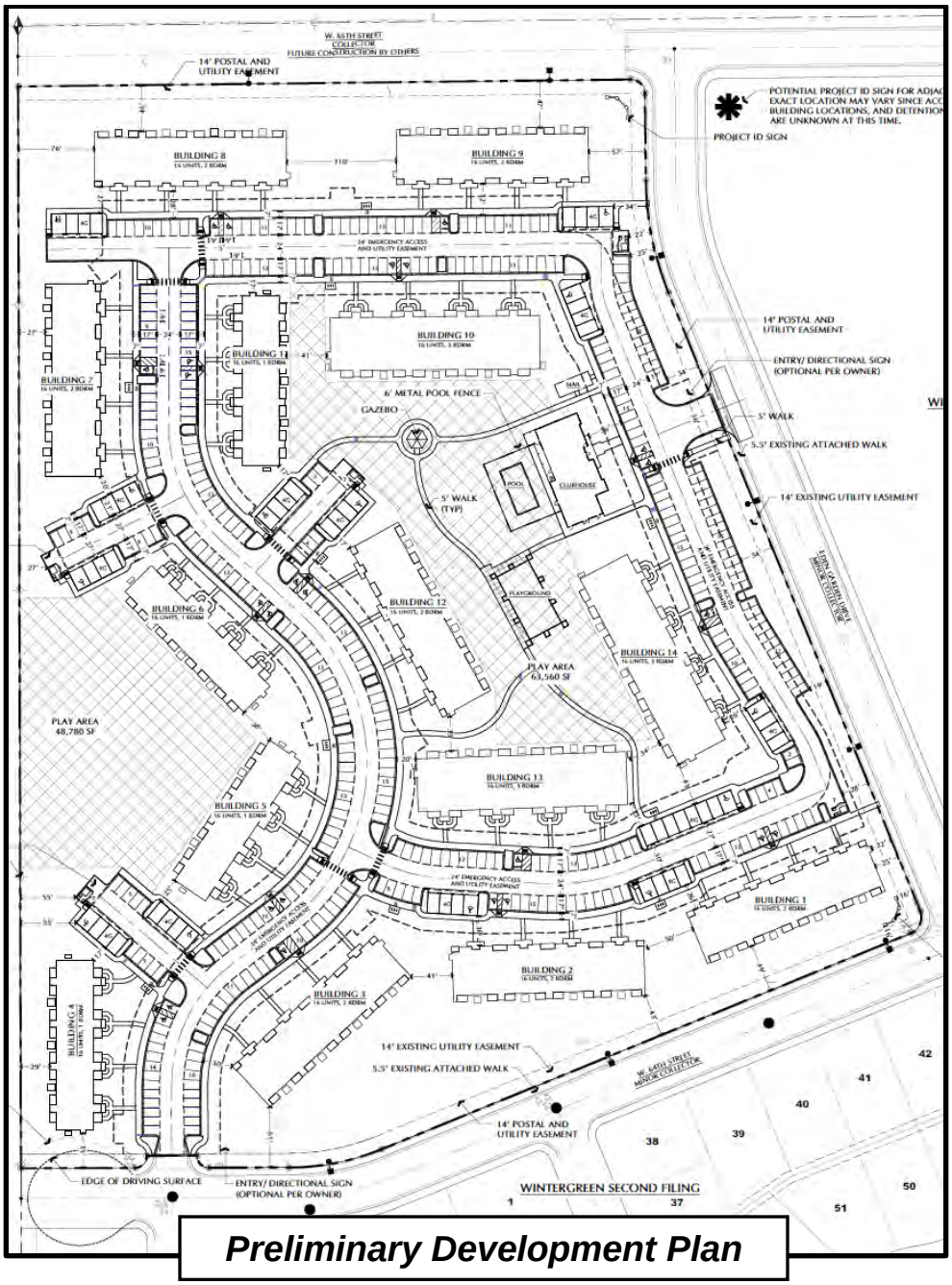
The northeastern portion of Wintergreen was developed with a Wal-Mart Supercenter along with some smaller retail uses. Immediately west of the Wal-Mart Supercenter is a 9.6 ac parcel that is currently undeveloped but designated by the GDP for mixed use development, and west of that is the 19.82 ac subject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

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

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

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

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



Preliminary Development Plan

Vehicular Access and Circulation

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

Pedestrian Access and Circulation

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

Parking

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

Open Space

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

Landscaping

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

Architecture

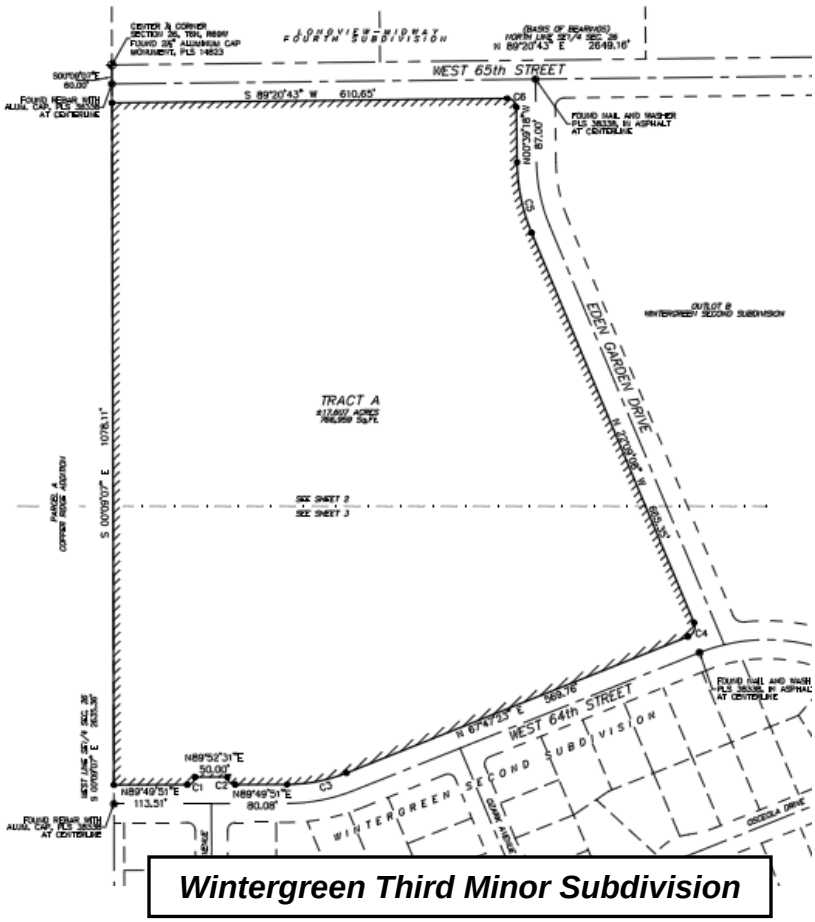
All of the residential buildings in the development are two stories in height. Besides the garages, the one other building type on the site, the clubhouse/leasing office, is one story. The garages and clubhouse are of a similar architectural style as the residential buildings. All of the buildings include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

Other Site Requirements

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

Minor Plat of Subdivision

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

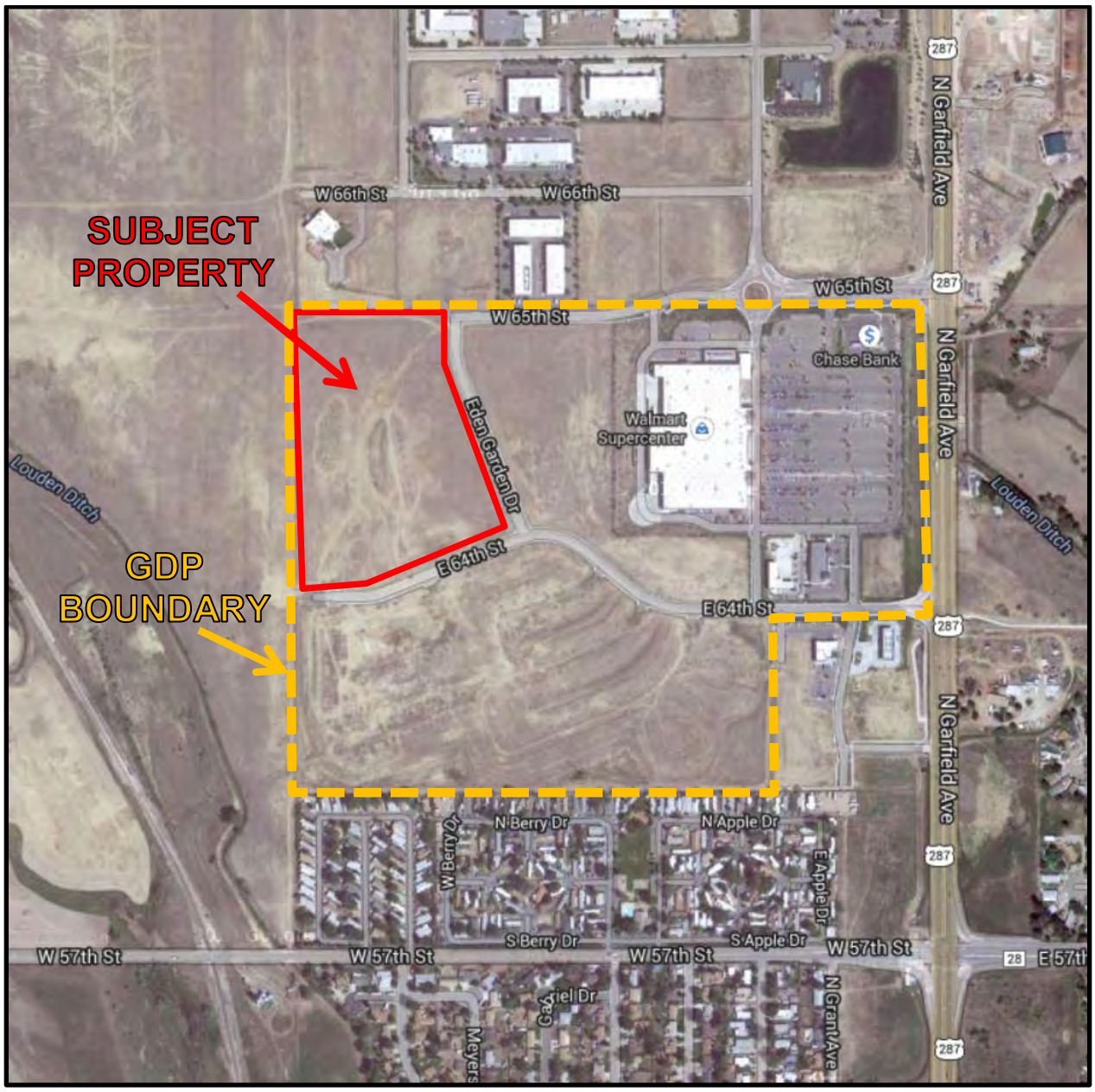


Wintergreen Third Minor Subdivision

II. ATTACHMENTS

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

III. VICINITY MAP



IV. SITE DATA

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

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

V. KEY ISSUES

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

VI. BACKGROUND

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

2002 — City Council approval of the annexation of Wintergreen First Addition and the Wintergreen Village PUD General Development Plan, establishing the zoning for the property as mixed use, allowing a variety of commercial and a variety of residential land uses. The GDP includes a "Multi-Family/Apartments" land use category allowing groups of structures containing multiple separate dwelling units typically for rent.

2005 — The Final Plat of Wintergreen Second Subdivision approval. The plat created the single family residential subdivision to the south of the subject property and created the lot that includes the subject property as "Outlot C".

2008 — First and second amendments to the Wintergreen Village GDP change the designation of the subject property ("Parcel B") from "Single Family Residential" to "Since Family, Patio Homes, Single Family Attached, & Multiple Family". The maximum allowable number of multifamily DU in Parcel B is established at 224, at a gross density of 12.0 DU/ac.

2009 — Third amendment to the Wintergreen GDP approves a variety of small changes to Parcel B, including increasing its size by approximately 1 acre to 19.82 ac, decreasing its density to 11.3 DU/ac while allowing increases for the inclusion of affordable housing, and establishing additional zoning criteria including a maximum floor area.

2013 — An application for a Preliminary Development Plan (#13-82) and an associated application for a minor plat of subdivision (#13-81) to convert Outlot C of the Wintergreen Second Subdivision to a buildable lot are submitted.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification: An affidavit was received from Terence Hoaglund of Vignette Studios certifying that written notice was mailed to all property owners within 900 feet of the property on November 8, 2013 and notices were posted in prominent locations on the perimeter on November 8, 2013. In addition, a notice was published in the Reporter Herald on November 9, 2013.

B. Neighborhood Response: A neighborhood meeting was held at 6:30 p.m. on October 24, 2013 in the Gertrude Scott Room of the Loveland Public Library. The meeting was attended by the applicant, City staff and consultants, with no area residents or other members of the public in attendance.

VIII. FINDINGS AND ANALYSIS

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

A. Land Use

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

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

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

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

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

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

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

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

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

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

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

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

(iii) *Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*

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

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

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

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

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

- (*finding v*) There are no elements of community-wide significance identified in the town image map within the PDP boundaries.
- (*finding vii*) The different elements within the development, including architecture, roadways, sidewalks, parking, building placement, recreational facilities and landscape areas, have been designed in an attractive and coordinated manner that provides an appealing streetscape, both from the internal drives and from the adjacent public streets.

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

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

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

B. City Utilities and Services

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

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

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

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

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

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

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

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

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

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

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

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

IX. RECOMMENDED CONDITIONS

The following conditions are recommended by City Staff:

Current Planning

1. Prior to the issuance of any certificate of occupancy within the PDP boundaries, all site landscaping, associated irrigation water meters and activation fees, irrigation systems, and common area amenities including pedestrian pathways, lighting, gazebo and recreational facilities as depicted in the PDP, shall be either installed by the Developer or financially secured with the City in an amount equal to 110% of the costs for installation.

2. The temporary turnaround easement area near the southwest corner of the property that is partially without landscaping shall be fully landscaped by the property owner in the event that the easement is vacated.

Transportation Engineering

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

Excerpt from November 25, 2013 Planning Commission meeting minutes

3. Wintergreen PDP

This is a public hearing to consider a preliminary development plan (PDP) for a multifamily residential development within the Wintergreen PUD. The 19 acre subject site is located to the west of the Super Wal-Mart located on North Hwy. 287. The PDP proposes the development of 224 rental multifamily units within 14 two-story buildings. The units will vary between one, two and three bedrooms and are intended to be market rate rentals. Staff believes that all key issues have been resolved based on the municipal code and standards contained in the PUD. The Commission's action on this quasi-judicial matter is final barring appeal.

Mr. Paulsen, Current Planning Manager, explained to the Commission that the project site for the Wintergreen PDP consists of 19 acres located to the west of the Super Wal Mart. The proposal is to construct 224 multifamily rental units within 14 two-story buildings. The units will vary between one, two, and three bedroom market rate rentals. The development is anticipated to be named "Ashley Estates". He noted that the subject property is adjacent to a developing single family subdivision and to vacant property that may include future non-residential development.

Mr. Paulsen stated that Planning staff believes that the project will be a high quality, well designed project that includes a clubhouse, pool, and playground that meets requirements of the Wintergreen General Development Plan (GDP). He stated that the Planning Commission has the final decision-making authority on the project barring an appeal. Staff is recommending approval with 3 conditions.

Commissioner Middleton asked if there was a possibly that residents might be bothered by development to the north of the project site. **Mr. Paulsen** replied that there is nothing in the planning stages yet; however, there is a buffer on the north end of the subject property which is deemed sufficient to mitigate noise and other compatibility issues. Any new development in the Longview Industrial Park (to the north) would require Site Development Plan approval and this process would be used to mitigate impacts on the apartment complex; but, it should be understood that industrial uses are a use by right within the vicinity.

Applicant, Terence Hoaglund, Vignette Studios representing Pedcor Investments, LLC addressed the Commission and shared that his company has been doing site development in the area for over 10 years. He explained that the platting has already been complete and that there will be 16 units per building. He stated that there will be a central leasing unit and

Exhibit D.

multiple play areas. The site exceeds the setback requirements and extensive landscaping will be added. 448 total parking spaces were required, but 475 will be provided of which 56 garage spaces could be rented by tenants. No fencing is being proposed.

Ryan Rogers, Pedcor Investments, explained that Pedcor has been doing development since 1987 including the development of 16,000 multi-family units' in13 states. Pedcor will manage the property for a minimum of 15 years, making the company fully vested in the project. The affordable units will be constructed with the same quality materials as other Pedcor properties.

Mr. Rogers explained that the market in Northern Colorado is very tight, and multi-family housing is needed. He stated that Pedcor received a 4% affordable housing tax credit to help finance the project. Based on the 60% area median income, a 1 bed 1 bath, 1800 sf unit with rent of $800/month is considered affordable housing under the federal tax code. The screening process for tenants will include background checks, sex offender checks, and a zero drug tolerance policy.

Commissioner Crescibene asked what lease options will be available. **Mr. Rogers** replied that the typical rent option will be annual, but there will be some flexibility with lease options. Pedcor will be involved in the property management for 15 years minimum due to tax implications and credits.

Since the company has been in business since 1987, **Commissioner Crescibene** asked if they still have involvement in projects as far back as that date. **Mr. Rogers** replied that Pedcor is still involved in their first project and stated that many of the early developments still have a 95% occupancy rate.

Mr. Rogers explained that financing from HUD requires a vigorous review for funding, and HUD felt any concerns related to the project, including future construction in the area, have been mitigated.

Commissioner Crescibene questioned if there would be additional cost for use of the clubhouse or pool. **Mr. Rogers** explained that all amenities are included in the rent, and property owners will pay water, sewer and trash.

Commissioner Prior asked what plans, if any, are being developed in the property directly behind Walmart. **Mr. Rogers** shared that the property is on the market, but no plans are currently in the works.

Commissioner Prior queried what the zoning is for future development to the north. **Mr. Paulsen** stated that industrial uses are allowed by right. Specific requirements and standards are required in the Longview Industrial Park to ensure compatibility with surrounding properties. He stated that the Wintergreen GDP plan allows for the apartment use but Planning will work to mitigate any incompatibilities that arise when vacant property in the vicinity is reviewed for development.

Commissioner Dowding questioned if open space areas are a HUD requirement. **Mr. Rogers** explained that it not a HUD requirement but a City of Loveland requirement. She stated the play area seemed to be reduced by landscaping. **Mr. Paulsen** explained that landscaping is allowed in play areas and is considered an amenity as long as there is sufficient open play field space.

Commissioner Molloy offered kudos for the decision to move the buildings across the ridgeline and asked what the build-out timeline is. **Mr. Rogers** responded that the construction timeline is sixteen (16) months from start to finish, and said that assuming there are no other government shutdowns, they hope to start construction in the April/May timeframe.

Commissioner Ray explained there are two entrances to the facility and questioned why there are not more ingress points. **Mr. Rogers** stated that the Traffic Impact Study (TIS) was completed and is keeping with the overall GDP. **Mr. Paulsen** explained that **Sean Keller, TDR**, is very comfortable with the project plans and traffic levels that will be generated. He stated that the Fire Authority requires two access points at a minimum but also had no concerns.

Mr. Massaro asked if the TIS took future projects in the area into consideration. **Mr. Rogers** stated that the Wintergreen 2nd project was approved and started in 2008, but was halted during the recession. He explained that traffic patterns and allowances were established with the original GDP, and this project is following that plan.

Chair Meyers asked if the west face, downhill slope would include a split rail fence along the property line. **Mr. Rogers** replied that no fencing is associated with the project, with the exception of a required fence around the pool.

Commissioner Massaro questioned if there will be bike trails on 64th street. **Mr. Rogers** explained that it will have sidewalks on the entire street system and bike lanes will be included. 65th will also have sidewalks and bike paths.

Chair Meyers opened the public hearing.

Seeing no citizen comments, the public hearing was closed.

Commissioner Ray stated that he appreciated the detail that went into this project. He feels income level properties of this type are much needed in Loveland and feels it was well designed.

Commissioner Crescibene shared that the project is a fantastic opportunity for the community. He would like to make sure that bikes and other outdoor storage is kept to a minimum. He explained the project fills a gap that is greatly needed in the community.

Commissioner Massaro explained that he likes the plans for this community project and thinks the developer did a good job.

Commissioner Crescibene asked about the HOA requirements. **Mr. Rogers** responded that the management company would ensure that tenants follow the rules in keeping the site clean and attractive. Complaints from residents or citizens in the community are taken seriously and are handled in a timely manner.

Commissioner Middleton stated that he was impressed with the history of Pedcor, impressed with the layout and the footprint. He explained that he especially likes that the developer hires contractors locally.

Chair Meyers shared that he felt this was an impressive project which is much needed in the community. Pedcor offers a good quality product that fits in with the surrounding area.

Commissioner Middleton made a motion to move to make the findings listed in Section VIII of the Planning Commission staff report dated November 25, 2013 and, based on those findings, instruct staff to prepare a resolution of approval for the Wintergreen Third Subdivision Preliminary Development Plan subject to the conditions listed in said report, as amended on the record. Upon a 2nd from **Commissioner Dowding,** and after the applicant accepted all conditions, the motion passed unanimously.

Exhibit D.

Fee Estimate Calculator - Ashley Estates

Exhibit E

Type	1 Bedroom			2 Bedrooms			3 Bedrooms			Small Garages			Larger Garage			Clubhouse		
Fees:	**2014 Fee Est**	**2010 Fee Est**	**Fee Used**	**2014 Fee Est**	**2010 Fee Est**	**Fee Used**	**2014 Fee Est**	**2010 Fee Est**	**Fee Used**	**2014 Fee Est**	**2010 Fee Est**	**Fee Used**	**2014 Fee Est**	**2010 Fee Est**	**Fee Used**	**2014 Fee Est**	**2010 Fee Est**	**Fee Used**
Bldg PC	4,542.49	4,542.49	4,542.49	5,683.67	5,683.67	5,683.67	6,803.49	6,803.49	6,803.49	405.63	405.63	405.63	604.99	604.99	604.99	2,518.75	2,518.75	2,518.75
Bldg Permit Fee	6,988.45	6,988.45	6,988.45	8,744.10	8,744.10	8,744.10	10,466.90	10,466.90	10,466.90	624.05	624.05	624.05	930.75	930.75	930.75	3,875.00	3,875.00	3,875.00
Mechanical Permit Fee	776.75	776.75	776.75	818.75	818.75	818.75	818.75	818.75	818.75	-	-	-	-	-	-	363.25	363.25	363.25
Electrical Permit Fee	958.75	958.75	958.75	1,021.75	1,021.75	1,021.75	1,072.15	1,072.15	1,072.15	63.15	63.15	63.15	97.25	97.25	97.25	583.65	583.65	583.65
Plumbing Permit Fee	1,318.55	1,318.55	1,318.55	1,396.95	1,396.95	1,396.95	1,452.95	1,452.95	1,452.95	-	-	-	-	-	-	391.25	391.25	391.25
City Use Tax	20,657.61	20,657.61	20,657.61	27,875.10	27,875.10	27,875.10	34,958.82	34,958.82	34,958.82	708.57	708.57	708.57	1,364.25	1,364.25	1,364.25	9,525.00	9,525.00	9,525.00
County Open Space Tax	1,721.47	1,721.47	1,721.47	2,322.93	2,322.93	2,322.93	2,913.24	2,913.24	2,913.24	59.05	59.05	59.05	113.69	113.69	113.69	793.75	793.75	793.75
County Jail Tax	1,377.17	1,377.17	1,377.17	1,858.34	1,858.34	1,858.34	2,330.59	2,330.59	2,330.59	47.24	47.24	47.24	90.95	90.95	90.95	635.00	635.00	635.00
County Fairgrounds Tax	1,032.88	1,032.88	1,032.88	1,393.76	1,393.76	1,393.76	1,747.94	1,747.94	1,747.94	35.43	35.43	35.43	68.21	68.21	68.21	476.25	476.25	476.25
Construction Water 0.75in Tap	113.00	84.00	84.00	113.00	84.00	84.00	113.00	84.00	84.00	-	-	-	-	-	-	113.00	84.00	84.00
Water Meter Fee 0.75in	45.00	45.00	45.00	45.00	45.00	45.00	45.00	45.00	45.00	-	-	-	-	-	-	45.00	45.00	45.00
School Fee	15,136.00	15,136.00	15,136.00	15,136.00	15,136.00	15,136.00	15,136.00	15,136.00	15,136.00	-	-	-	-	-	-	-	-	-
PIF Elec 150 Amp & Less	20,320.00	18,560.00	18,560.00	20,320.00	18,560.00	18,560.00	20,320.00	18,560.00	18,560.00	-	-	-	-	-	-	-	-	-
Raw Water Dev Res SF Attached/D	10,016.00	10,016.00	10,016.00	10,016.00	10,016.00	10,016.00	10,016.00	10,016.00	10,016.00	-	-	-	-	-	-	3,300.00	3,300.00	3,300.00
SIF Water Res Detached SF	33,120.00	47,040.00	33,120.00	33,120.00	47,040.00	33,120.00	33,120.00	47,040.00	33,120.00	-	-	-	-	-	-	33,790.00	31,740.00	31,740.00
SIF Stormwater Res - Low	4,343.04	3,522.91	3,522.91	4,343.04	3,522.91	3,522.91	4,343.04	3,522.91	3,522.91	-	-	-	-	-	-	5,469.97	5,772.66	5,469.97
SIF Sewer Res Detached SF	25,920.00	38,240.00	25,920.00	25,920.00	38,240.00	25,920.00	25,920.00	38,240.00	25,920.00	-	-	-	-	-	-	33,210.00	25,960.00	25,960.00
CEF Res Fire Protection	9,936.00	10,848.00	9,936.00	9,936.00	10,848.00	9,936.00	9,936.00	10,848.00	9,936.00	-	-	-	-	-	-	1,485.00	1,435.50	1,435.50
CEF Res General Government	12,128.00	15,488.00	12,128.00	12,128.00	15,488.00	12,128.00	12,128.00	15,488.00	12,128.00	-	-	-	-	-	-	2,079.00	2,029.50	2,029.50
CEF Res Law Enforcement	9,792.00	14,096.00	9,792.00	9,792.00	14,096.00	9,792.00	9,792.00	14,096.00	9,792.00	-	-	-	-	-	-	1,930.50	1,831.50	1,831.50
CEF Res Library	8,080.00	10,032.00	8,080.00	8,080.00	10,032.00	8,080.00	8,080.00	10,032.00	8,080.00	-	-	-	-	-	-	-	-	-
CEF Res Museum	6,752.00	8,080.00	6,752.00	6,752.00	8,080.00	6,752.00	6,752.00	8,080.00	6,752.00	-	-	-	-	-	-	-	-	-
CEF Res Open Lands	9,888.00	12,448.00	9,888.00	9,888.00	12,448.00	9,888.00	9,888.00	12,448.00	9,888.00	-	-	-	-	-	-	-	-	-
CEF Res Parks	39,488.00	49,360.00	39,488.00	39,488.00	49,360.00	39,488.00	39,488.00	49,360.00	39,488.00	-	-	-	-	-	-	-	-	-
CEF Res Recreation	17,584.00	24,736.00	17,584.00	17,584.00	24,736.00	17,584.00	17,584.00	24,736.00	17,584.00	-	-	-	-	-	-	-	-	-
CEF Res Street Detached SF	25,344.96	24,121.92	24,121.92	25,344.96	24,121.92	24,121.92	25,344.96	24,121.92	24,121.92	-	-	-	-	-	-	-	-	-
CEF Fes Trails	5,888.00	7,824.00	5,888.00	5,888.00	7,824.00	5,888.00	5,888.00	7,824.00	5,888.00	-	-	-	-	-	-	-	-	-
Street Insp Res - SF	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	-	-	-	-	-	-	150.00	150.00	150.00
Stormwater Insp Res - SF	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	400.00	-	-	-	-	-	-	150.00	150.00	150.00
Total for 1 Building=16 units	**294,068.12**	**349,851.95**	**290,235.95**	**305,809.35**	**361,593.18**	**301,977.18**	**317,258.83**	**373,042.66**	**313,426.66**	**1,943.12**	**1,943.12**	**1,943.12**	**3,270.09**	**3,270.09**	**3,270.09**	**100,884.37**	**91,660.06**	**91,357.37**
number of buildings	**4**	**4**	**4**	**7**	**7**	**7**	**3**	**3**	**3**	**12**	**12**	**12**	**1**	**1**	**1**	**1**	**1**	**1**
Total Fees (all buildings)	**1,176,272.48**	**1,399,407.80**	**1,160,943.80**	**2,140,665.45**	**2,531,152.26**	**2,113,840.26**	**951,776.49**	**1,119,127.98**	**940,279.98**	**23,317.44**	**23,317.44**	**23,317.44**	**3,270.09**	**3,270.09**	**3,270.09**	**100,884.37**	**91,660.06**	**91,357.37**
16 units in each bldg x # bldgs	**64**	**64**	**64**	**112**	**112**	**112**	**48**	**48**	**48**	**12**	**12**	**12**	**1**	**1**	**1**	**1**	**1**	**1**
Per Unit	**18,379.26**	**21,865.75**	**18,139.75**	**19,113.08**	**22,599.57**	**18,873.57**	**19,828.68**	**23,315.17**	**19,589.17**	**1,943.12**	**1,943.12**	**1,943.12**	**3,270.09**	**3,270.09**	**3,270.09**	**100,884.37**	**91,660.06**	**91,357.37**

Color key:

Total ALL Units

Enterprise Fees	377,108.16	471,631.64	366,671.64	659,939.28	825,355.37	641,675.37	282,831.12	353,723.73	275,003.73	0.00	0.00	0.00	0.00	0.00	0.00	76,077.97	67,051.66	66,748.97
Other Fees and Taxes	159,700.52	159,700.52	159,700.52	340,102.91	340,102.91	340,102.91	171,259.77	171,259.77	171,259.77	10,203.48	10,203.48	10,203.48	1,637.10	1,637.10	1,637.10	11,430.00	11,430.00	11,430.00
Capital Expansion Fees	579,523.84	708,135.68	574,631.68	1,014,166.72	1,239,237.44	1,005,605.44	434,642.88	531,101.76	430,973.76	0.00	0.00	0.00	0.00	0.00	0.00	5,494.50	5,296.50	5,296.50
Development Fees	59,939.96	59,939.96	59,939.96	126,456.54	126,456.54	126,456.54	63,042.72	63,042.72	63,042.72	13,113.96	13,113.96	13,113.96	1,632.99	1,632.99	1,632.99	7,881.90	7,881.90	7,881.90
	1,176,272.48	**1,399,407.80**	**1,160,943.80**	**2,140,665.45**	**2,531,152.26**	**2,113,840.26**	**951,776.49**	**1,119,127.98**	**940,279.98**	**23,317.44**	**23,317.44**	**23,317.44**	**3,270.09**	**3,270.09**	**3,270.09**	**100,884.37**	**91,660.06**	**91,357.37**
Per Unit																		
Enterprise Fees	5,892.32	7,369.24	5,729.24	5,892.32	7,369.24	5,729.24	5,892.32	7,369.24	5,729.24	-	-	-	-	-	-	76,077.97	67,051.66	66,748.97
Other Fees and Taxes	2,495.32	2,495.32	2,495.32	3,036.63	3,036.63	3,036.63	3,567.91	3,567.91	3,567.91	850.29	850.29	850.29	1,637.10	1,637.10	1,637.10	11,430.00	11,430.00	11,430.00
Capital Expansion Fees	9,055.06	11,064.62	8,978.62	9,055.06	11,064.62	8,978.62	9,055.06	11,064.62	8,978.62	-	-	-	-	-	-	5,494.50	5,296.50	5,296.50
Development Fees	936.56	936.56	936.56	1,129.08	1,129.08	1,129.08	1,313.39	1,313.39	1,313.39	1,092.83	1,092.83	1,092.83	1,632.99	1,632.99	1,632.99	7,881.90	7,881.90	7,881.90
	18,379.26	**21,865.74**	**18,139.74**	**19,113.09**	**22,599.57**	**18,873.57**	**19,828.68**	**23,315.16**	**19,589.16**	**1,943.12**	**1,943.12**	**1,943.12**	**3,270.09**	**3,270.09**	**3,270.09**	**100,884.37**	**91,660.06**	**91,357.37**

Fees, by Unit Type & Count

	144 units @ 2014		80 units @ lowest rate			Combined	
	# Units	Total 2014 Fees (Current)	# Units	Fees Used - 2010 or Lowest	Fee Reductions to Lowest	# Units	Total Fees
UNIT TYPE	**144**	**2,862,136.92**	**80**	**1,514,888.56**	**19,160.85**	**224**	**4,377,025.48**
1 Bedroom	41	753,549.56	23	417,214.18	5,508.74	64	1,170,763.74
2 Bedroom	72	1,376,142.08	40	754,942.95	9,580.43	112	2,131,085.03
3 Bedroom	31	614,688.98	17	333,015.83	4,071.68	48	947,704.81
Sm Garage	7	13,601.84	5	9,715.60	-	12	23,317.44
Lg Garage	1	3,270.09	0	-	-	1	3,270.09
Clubhouse	1	100,884.37	0	-	-	1	100,884.37

Fees & Fee Reductions, by Fee Type

							Total Fees	Waived	Paid
Enterprise Fees		**924,571.85**		**458,339.32**	**13,046.02**		**1,382,911.17**	1,382,911.17	0	1,382,911.17
Other Fees and Taxes		**450,569.62**		**243,763.58**	**-**		**694,333.20**	694,333.20	0	694,333.20
Capital Expansion Fees		**1,309,423.04**		**718,289.70**	**6,114.83**		**2,027,712.74**	2,027,712.74	1,333,890.00	693,822.74
Development Fees		**177,572.41**		**94,495.96**	**-**		**272,068.37**	272,068.37	178,970.00	93,098.37
TOTALS by FEE TYPE		**2,862,136.92**		**1,514,888.56**	**19,160.85**		**4,377,025.48**	4,377,025.48	1,512,860.00	2,864,165.48
		-		-	-		-			


PEDCOR
COMPANIES

A Brief Introduction to the Pedcor Companies

- Pedcor was founded in 1987 in Indianapolis, Indiana

- Currently operating over 14,000 apartments in Indiana, Illinois, Missouri, Ohio, Kentucky, Michigan, Nebraska, Iowa, Tennessee, Virginia, South Carolina and Alabama

- Family of companies includes development, construction, management and banking entities

- A Pedcor affiliate, Signature Construction, will construct the development and hire local subcontractors

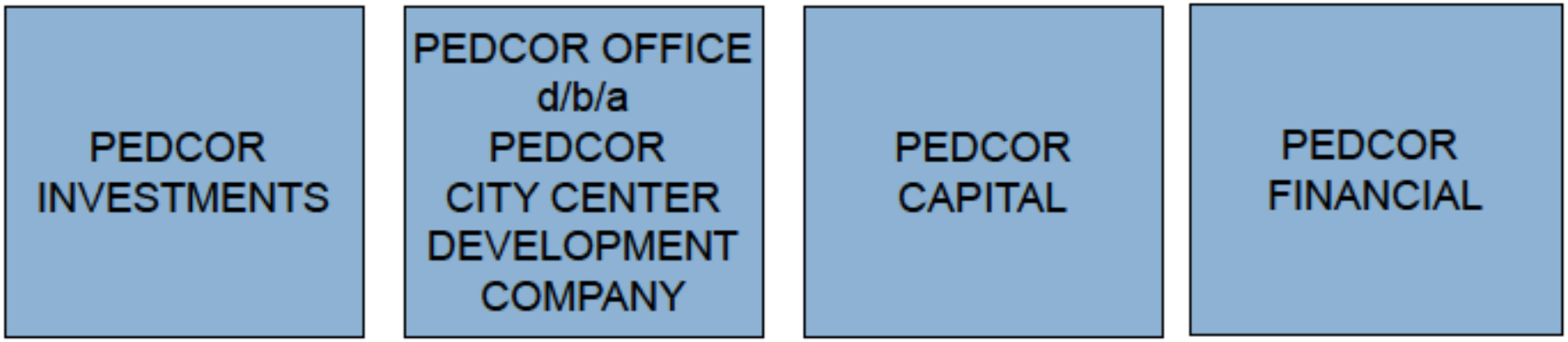
- Pedcor Management will manage the property



Whisper Ridge Apartments, West Des Moines, Iowa

THE PEDCOR COMPANIES

Organizational Summary



PEDCOR INVESTMENTS COMPANIES

PEDCOR INVESTMENTS,
A Limited Liability Company (PILLC)

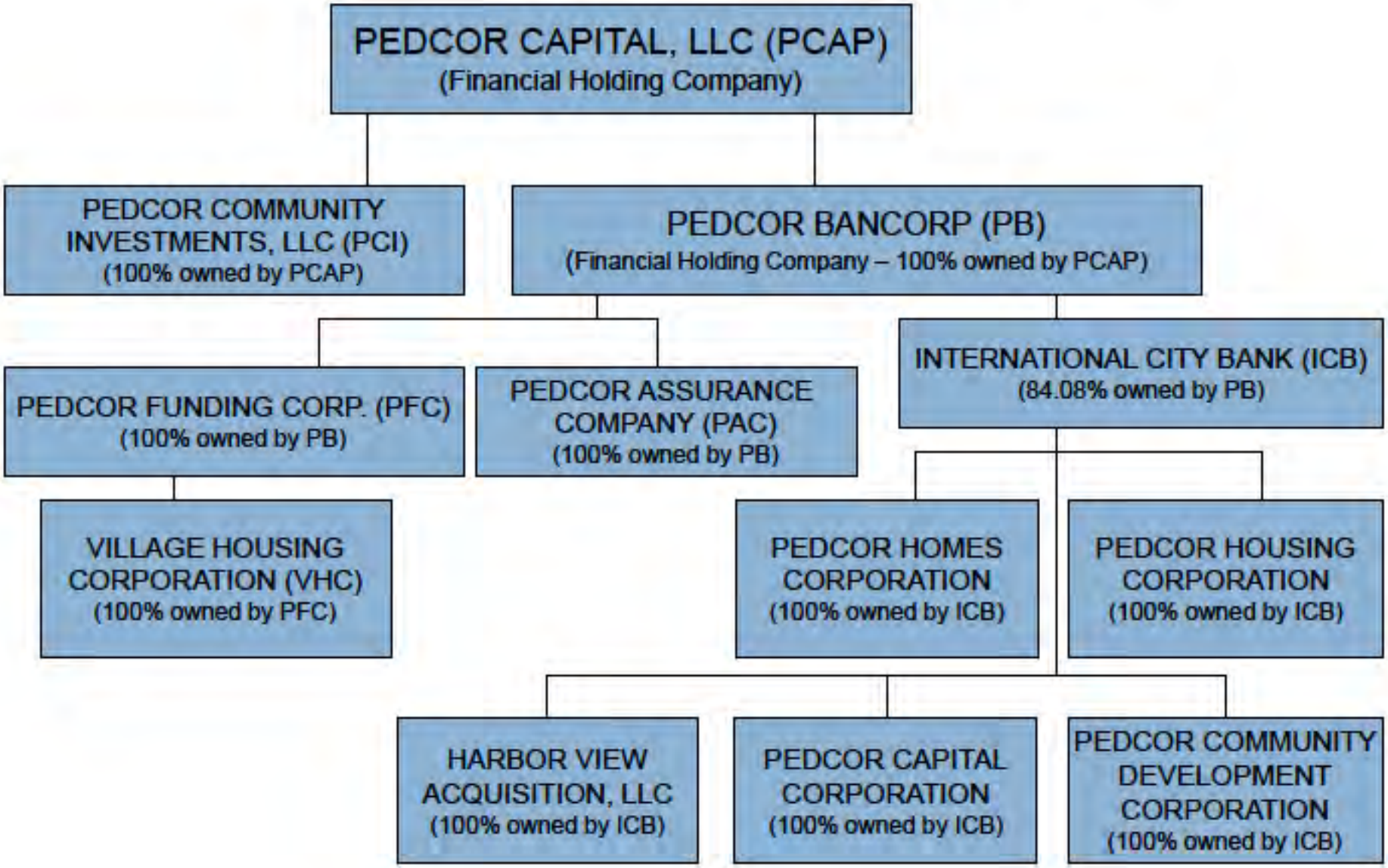
PEDCOR DEVELOPMENT CORPORATION (PDC)	**PEDCOR CONSTRUCTION CORPORATION (PCC)**	**PEDCOR MANAGEMENT CORPORATION (PMC)**	**SIGNATURE CONSTRUCTION, LLC**
PEDCOR DEVELOPMENT SERVICES, LLC (PDS)	**PEDCOR CONSTRUCTION MANAGEMENT, LLC (PCM)**	**PEDCOR AFFORDABLE MANAGEMENT, INC. (PAM)**	
PROVIDES DEVELOPMENT SERVICES FOR PEDCOR INVESTMENTS MULTIFAMILY PROPERTIES	PROVIDES CONSTRUCTION MANAGEMENT SERVICES FOR PROPERTIES DEVELOPED BY PEDCOR INVESTMENTS	PROVIDES PROPERTY MANAGEMENT SERVICES FOR PROPERTIES DEVELOPED BY PEDCOR INVESTMENTS	PROVIDES GENERAL CONTRACTOR SERVICES FOR PROPERTIES DEVELOPED BY PEDCOR INVESTMENTS

SINGLE ASSET LIMITED PARTNERSHIPS

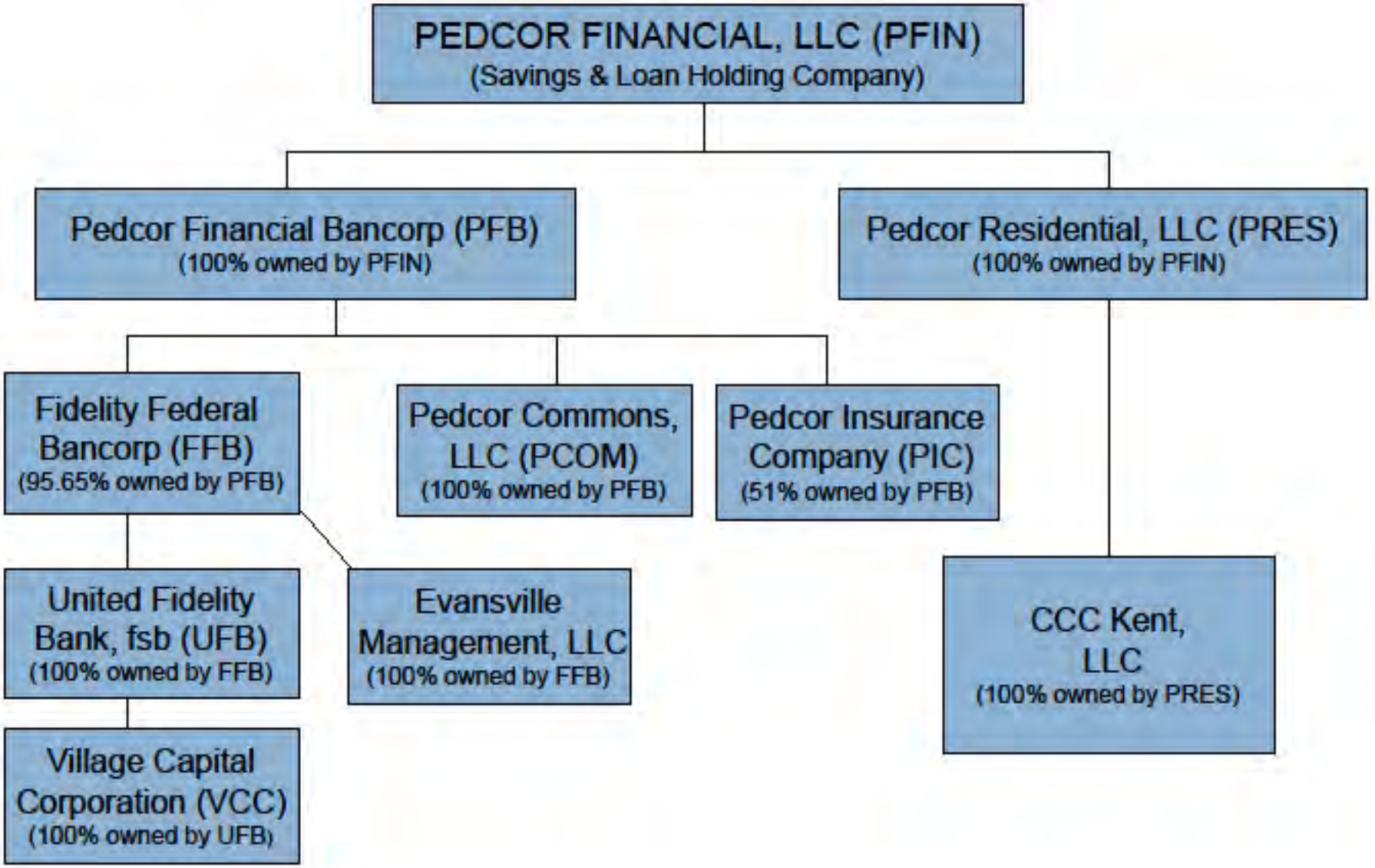
Broadband Network Systems, LLC
PROVIDES COMMUNICATIONS SERVICES TO PEDCOR PROPERTIES

PDC, PDS, PCC, PCM, PMC & PAM ARE AFFILIATES, NOT SUBSIDIARIES, OF PEDCOR INVESTMENTS

PEDCOR CAPITAL COMPANIES



PEDCOR FINANCIAL COMPANIES



Pedcor builds high-quality apartments with popular amenities









GREYSTONE OF NOBLESVILLE

7160 Oxfordshire Boulevard
Noblesville, Indiana 46062


GREYSTONE
of Noblesville


7160



LAKES OF BEAVERCREEK

340 Clover Lane

Dayton, Ohio 45440







ALISON POINTE APARTMENTS

9921 Bethany Drive

Foley, Alabama 36535


9921
Alison Pointe
apartment homes
Club House & Leasing Center
– 9921 Bethany Drive –
Office Hours:
Monday - Friday: 9am - 6pm
Saturday: 10am - 5pm
Sunday. Closed
251-971-8811


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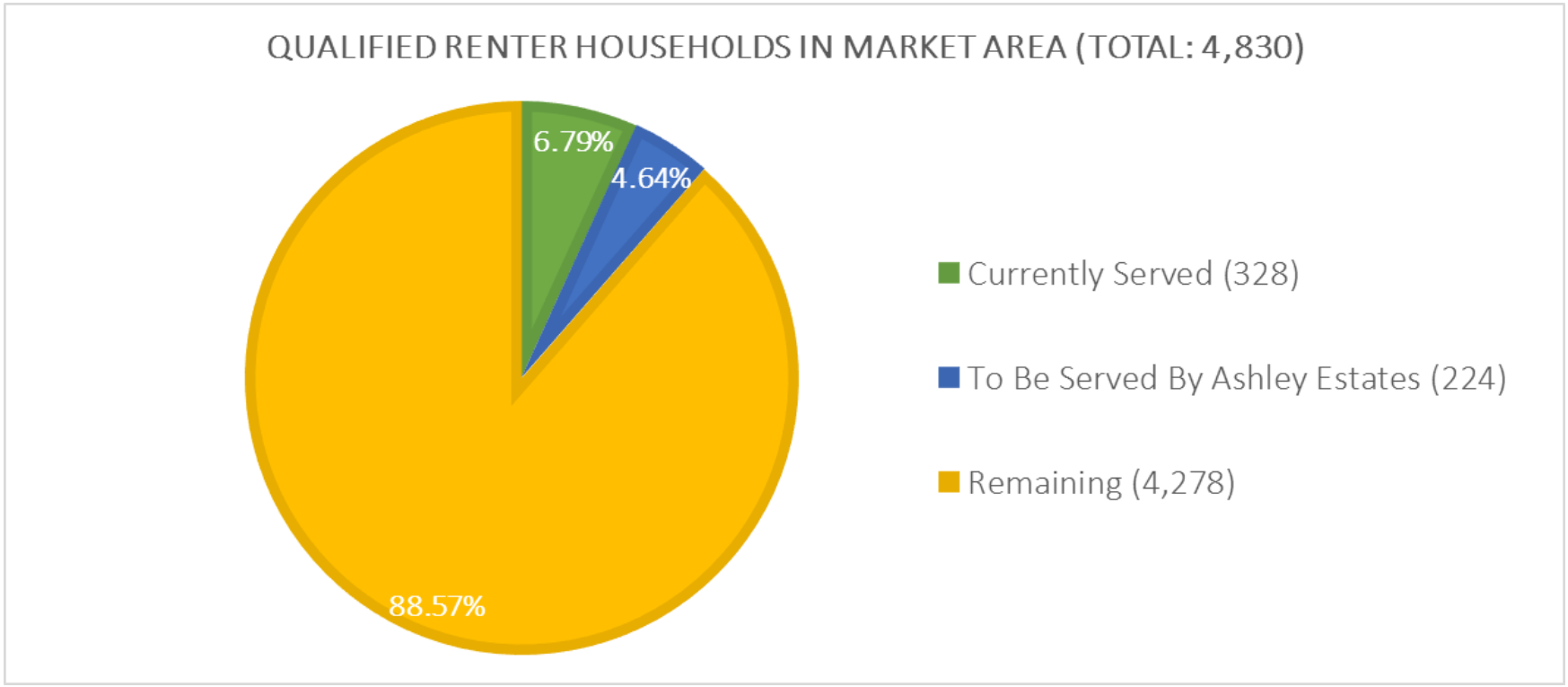
Income Qualified Households

Households With Incomes from $25,140 to $49,140			
Income Range	Number of Renter Households	Share Within Range	Qualified Renter Households
$0 - $9,999	1305	0%	0
$10,000 - $19,999	2073	0%	0
$20,000 - $29,999	1616	48.60%	785
$30,000 - $39,999	2212	100%	2212
$40,000 - $49,999	2006	91.40%	1833
Total	9212		4830

Source: Market Study by Bowen National Research

Population Served By 60% AMI Housing

There are currently 328 units in the market area at 60% AMI rent levels



Source: Market Study by Bowen National Research

Current Affordable Housing Stock

These communities rent units at 60% AMI levels and lower

Community Name	Year Built/Renovated	Total Units	Occupied Units	Occupancy Rate	Waiting List
Madison Avenue Apartments	1975/1998	60	59	98.33%	None
Eagle Tree Village	1997	36	36	100.00%	6-12 Months
Brookstone Apartments I & II	2002	56	56	100.00%	12 Months
Reserve at Centerra	2002	151	151	100.00%	3-9 Months
Rock Crest Apartments	2002	56	56	100.00%	14 Households
Meadows	1998	60	60	100.00%	None
Waterford Place	2004	81	81	100.00%	None
Woodlands Apartments	2007	116	116	100.00%	1 Month

Area Affordable Housing Occupancy Rate: **99.84%**

Source: Market Study by Bowen National Research

SOURCES AND USES TO BREAKEVEN

ASHLEY ESTATES APARTMENT HOMES
LOVELAND, COLORADO

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USES OF FUNDS				**Total**	**Per Unit**
To Purchase Land/Impact Fees				**1,300,000**	**5,804**
3. Impact Fees, Water and Sewer Tap Fees				**5,970,467**	**26,654**
Negative Arbitrage Interest				-	
Hard Construction Costs					
1. Site Work			4,694,886		
2. Buildings			20,144,393		
3. Clubhouse, Pool & Cable Equipment			640,000		
3a. Impact Fees			-		
4. Carports & Garages			700,000		
5. General Requirements			-		
6. General Contractor Fee			1,258,714		
7. Construction Management Fee			755,228		
8. Permits & Offsites			195,000	**28,388,222**	126,733
Architectural and Engineering Fees				**805,500**	3,596
Other Construction Period Costs					
1. Real Estate Attorney (Pedcor)			40,000		
2. Construction Loan Legal (Lender)	*HUD Loan*	*1,554,298*	15,000		
3. Title & Recording	*GNMA Const'n*	*901,610*	65,000		
4. Construction Interest (thru Breakeven net of Bond Earnings, if any) *	*1% Discount Pts*	*286,810*	734,130		
5. Loan Origination Fees/LOC's/HUD Fees		*2,742,718*	2,742,718		
6. Start Up Costs			188,000		
7. Taxes & Insurance Through Breakeven			220,318		
8. Capitalized Start Up Expenses (through Breakeven)			292,053		
9. Interest on DDF			504,234		
10. Surety Bond and Guaranty Costs			572,819	**5,374,271**	**23,992**
Permanent Financing Costs/Soft Costs					
1. Bond Counsel			50,000		
2. Placement Fee for Permanent			143,405		
3. Underwriter Counsel			30,000		
4. Trustee & Rating Agency			-		
5. Issuer Fees & Legal Fees			163,405		
6. Lender & Borrower Legal Fees			85,000		
7. Printing & Miscellaneous			57,500		
8. Market Study & Appraisal			15,000		
9. Broker Fees			-		
10. HFA Fees			142,840	**687,150**	**3,068**
Syndication Costs					
1. Organizational (e.g. Partnership)			5,000		
2. Interest Rate Cap Agreement			-		
3. Investor Legal			50,000		
4. Equity Consultant/Asset Management Fees through Completion			-	**55,000**	**246**
Developer Fee				**4,746,098**	**21,188**
Operating Reserve (funded from Final Equity)				**696,000**	**3,107**
Unspecified Contingency				-	**0**
TOTAL				**48,022,708**	**214,387**

SOURCES OF FUNDS*					
Limited Partner Equity (Including Last Installment of:	**1,258,463)**			**12,584,626**	**56,181**
First Mortgage				**28,681,000**	**128,040**
100% Developer Fee Contribution				**4,746,098**	**21,188**
Financing Gap (fund via Impact Fee Reduction)				**2,010,984**	**8,978**
TOTAL				**48,022,708**	**214,387**

*Ignores Interim Rental Income to Breakeven

Thank you

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