

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**

**June 8, 2015**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 8, 2015 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Middleton, Meyers, Molloy, Dowding, Forrest, Ray, Jersvig, and McFall. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney.

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

**CITIZEN REPORTS**

There were no citizen reports.

**STAFF MATTERS**

1. **Mr. Paulsen, Current Planning Manager**, informed the commissioners that the draft Comprehensive Plan is currently posted on the City of Loveland website. **Karl Barton, Senior City Planner**, has three upcoming Open Houses scheduled for the public to review the Comprehensive Plan. The Comprehensive Planning Team is anticipating presenting the plan to City Council at a study session on July 13<sup>th</sup>.
2. **Mr. Paulsen** noted that the 287 Strategic Plan Final Draft will be presented to the Planning Commission on June 22<sup>nd</sup>. Current Planning anticipates receiving the 287 Strategic Plan from the project consultants on June 15<sup>th</sup>. The final draft will be distributed to the commissioners upon receipt. The 287 Strategic Plan is scheduled for review by City Council on July 7<sup>th</sup>.
3. **Mr. Paulsen** addressed emails pertaining to the resolution the Planning Commission passed pertaining to the city's Building Division providing building permit and inspection services to the Thompson School District. This item is scheduled for City Council review on July 7<sup>th</sup>. **Mr. Paulsen** Explained that a full packet of analysis will be provided to City Council prior to the July 7<sup>th</sup> meeting addressing the implications on city budget and staffing associated with providing these services.

**Commissioner Molloy** commented that that the issue of the City providing building review services to Thompson Schools seemed more of a Construction Advisory Board (C.A.B.) issue than a Planning Commission issue. **Commissioner Molloy** noted that he had been in contact with the Committee Chair of the C.A.B. and some issues to consider are:

- What does the City of Loveland gain by providing these services?

- Has the issue been discussed with **John Schmacher, Chief Building Official**? **Mr. Paulsen** noted that **Mr. Schmacher** is aware of the recommendation.
- Does the city have staff equipped to handle the work load?
- The matter should come before the C.A.B. before it is presented to City Council.

**Commissioner Meyers** noted that the original resolution recommends City Council research if they want to move forward with providing these services to Thompson School District. This resolution gives backing to C.A.B to research if this is a feasible option.

**Commissioner McFall** noted that the resolution was not intended to supersede the C.A.B but to get the process moving forward due to complications experienced by the Planning Commission during the previous interactions with the Thompson School District.

**Commissioner Molloy** noted that it was important for the Planning Commission to keep the C.A.B informed and asked for a Planning Commissioner to be present at the monthly C.A.B. meeting. **Commissioner Forrest** volunteered to attend the monthly C.A.B. meetings. **Commissioner Crescibene** concluded that the resolution should move forward to City Council and indicated that coordination with the C.A.B would be appropriate.

4. In response to **Commissioner Meyers'** question, **Mr. Paulsen** said it is unclear what the Reporter Herald article was referring to in regards to opening additional rental spaces or units within the Artspace project. He explained that the Artspace project is nearing completion but approval has not been given to add additional units..

## **COMMITTEE REPORTS**

1. **Title 18: Commissioner Meyers** reminded the Planning Commission that Title 18 will be meeting on Thursday, June 11, 2015.

## **COMMISSIONER COMMENTS**

1. **Commissioner Crescibene** commented that the 287 Strategic Plan presentation at the library was done exceptionally well.
2. **Commissioner Middleton** requested that applicants making presentations to the Planning Commission provide an estimated length of their presentation time. This time estimate would apply only to the presentation time and would not include question and discussion time. The time estimate could then be added to the agenda. **Mr. Paulsen** noted that most applicants are advised to limit their presentations to 30 minutes or less, and that staff would work to identify a specific presentation time on the Commission agendas.
3. **Commissioner McFall** asked how agenda items are prioritized. **Mr. Paulsen** commented that Consent Agenda items and items requiring public input are typically scheduled first on the agenda unless there is a specific request or reason to schedule other items earlier. **Mr. Paulsen** noted that a specific request had been made to allow the Downtown Development Authority to present as Agenda Item #1 due to time constraints of their team.

## **APPROVAL OF THE MINUTES**

**Commissioner Middleton** made a motion to approve the May 11, 2015 minutes; upon a second from **Commissioner Meyers** the minutes were unanimously approved.

## **REGULAR AGENDA**

### **1. Plan of Development (DDA)**

**Project Description:** The Plan of Development (DDA Plan) for the Loveland Downtown Development Authority (DDA) is required by State law to be reviewed by the Planning Commission and a recommendation provided to the City Council. The DDA Plan is defined as a plan for the development or redevelopment of the DDA District over a thirty to fifty year period. After receipt of the Planning Commission recommendation, the City Council will hold a public hearing on July 7, 2015 and thereafter consider a resolution approving the DDA Plan. The DDA may not undertake any development project until the City Council has approved the DDA Plan. Review of this Plan does not require a public hearing.

**Ms. Betsey Hale, Economic Development Director**, recognized the members of the Loveland Downtown Partnership (LDP) and the members of the Downtown Development Authority (DDA) who were present. **Ms. Betsey Hale** noted that prior to bringing the Plan of Development to the voters, it is a requirement for the Plan of Development to be reviewed by the Planning Commission. The Loveland City Council referred this draft to the Planning Commission for review in order to seek a recommendation from the Planning Commission.. The strategic plan for revitalizing Downtown Loveland was adopted in July of 2014, establishing the LDP. In February of 2015, voters residing in the Downtown Development Authority District approved the formation of the DDA. The next step is for the residents residing in the DDA District to vote on the following in November 2015 election: Allow DDA to issue debt; allow the DDA to impose a mill levy; how to remove a Tabor restriction that is associated with the collection of the increment. **Ms. Hale** noted that the City Council approved a resolution for a ten year commitment to invest \$5 Million dollars of revenue into the redevelopment of downtown. A City Council study session is scheduled for June 23<sup>rd</sup> and a Public Hearing is planned for July 7<sup>th</sup>.

### **Commissioner Questions and Comments:**

- **Lucia Liley, Attorney representing LDP**, clarified for **Commissioner Middleton** that sales tax increments and property tax increments are placed by statute if the City Council approves the increments in the resolution approving the Plan of Development. These taxes are not voted on by the voters and apply only to properties located within the DDA District. Voters will vote in November on whether to allow the tax increments in the Plan of Development to finance DDA project. The increased taxes created from downtown projects could then be used to finance DDA projects. The 5 mils is separate from the tax increments and will be voted on by the voters residing in the DDA district. This money would be used to pay for the DDA operation expenses. If the voters do not approve the 5 mils nor approve financing DDA projects with the money generated from the tax increments, the City Council has recommend there be an automatic repeal of the property tax increment and sales tax increments from the Plan of Development.

- **Ms. Hale** noted that creating the Loveland Downtown Partnership (LDP) allows a “one stop approach” for people to get information about developing projects in downtown. Membership to DDA is restricted to those who reside within the DDA District; however, the LDP allows for outside members. This is beneficial as many people outside of this area want to be involved in downtown redevelopment. The DDA and LDP will share staff to reduce costs.
- In response to **Commissioner Meyer’s** question regarding the promotion of events in downtown Loveland that are covered in the DDA’s budget, **Ms. Hale** noted that the money generated from the Lodging Tax can be used to promote and market downtown projects.
- **Commissioner Meyers** asked what the strategy is to market to businesses to locate within the downtown area. **Ms. Hale** commented that standard economic development tools will be utilized along with partnering with The Warehouse, a business accelerator that would work to place second stage companies in prominent spaces in downtown.
- **Commissioner Meyers** asked about the nature of the bonds issued by the DDA and any recourse for the city. **Allen Krcmarik, Executive Economic Advisor** explained that the City of Loveland may or may not decide to put a pledge behind the revenue bonds and this decision has not been made yet.
- **Commissioner Meyers** asked why the Quiet Zone described near Lake Drive would be included in the project funding as it is outside of the DDA boundary. **Ms. Hale** noted that she will check with **Mike Scholl** for more information.
- **Commissioner Molloy** asked how the potential loss of food sales tax in addition to using a portion of the sales tax revenue would affect the general fund. **Ms. Hale** noted that this was considered when determining to commit the \$500,000.
- **Ms. Hale** and **Mr. Krcmarik** commented that Larimer County has been supportive of the formation of the DDA partly due to the \$500,000 commitment the City of Loveland has made.

***Commissioner Middleton** made a motion to recommend the City Council adoption of the Plan of Development for the Downtown Development Authority. Upon a second by **Commissioner Dowding**, the motion was unanimously approved.*

**Chair Crescibene** called for a recess at 7:45 p.m.

**Chair Crescibene** called the meeting to order at 7:58 p.m.

## 2. Mariana Butte 25th Subdivision Preliminary Plat Extension Request

**Project Description:** This request requires quasi-judicial review by the Planning Commission to consider extension of the Preliminary Plat for Mariana Butte 25th Subdivision (Mountain Gate) for an additional two-year period. In February of 2012, the Preliminary Plat and Preliminary Development Plan (PDP) were approved by the City for 51 lots (46 paired single-family units and 5 detached single-family units). The Preliminary Plat

and PDP were extended previously for a two year period. The 34-acre property is located at the northwest corner of West. 1st Street and Namaqua Avenue. The Planning Commission has final authority on this matter.

**Mr. Troy Bliss, Senior Planner**, presented the request for extension of the Preliminary Plat associated with the Mariana Butte 25<sup>th</sup> Subdivision. In 2012 the development plan was approved with a preliminary design having 51 proposed units. Approximately one acre was deeded to the Historical Society due to the historical significance of this being the burial site of Mariano Medina. A subdivision plat is valid for one year from the date of its approval. A two-year extension request was approved by the Planning Commission in February 2013.

**Mr. Bliss** noted that there was also a Preliminary Development Plan that is tied to the Preliminary Plat. Upon the Planning Commission approval of the Preliminary Plat extension, it is customary for the Current Planning Manager to also approve the renewal of the Preliminary Development Plan. The applicant is requesting that the Planning Commission approve another two-year extension for the Preliminary Plat. The applicant, **Tomas Hartley**, submitted the extension request in February 2015 but due to extenuating circumstances was unable to come before the Planning Commission until now. Therefore, the extension is being requested due to financial constraints and that **Mr. Hartley** indicates that he is not intending to develop the property but wishes to sell it.

**Mr. Hartley** noted that he purchased the property in 2008 but due to the economic downturn he was unable to move forward with the project. Now, due to the raw water fees increasing, he has be unable to move forward. He would like to phase the platting to allow him to phase the purchase of the water. **Mr. Hartley** corrected information regarding the size of the project. He noted it is between 13-14 acres and not 34 acres as presented by **Mr. Bliss**.

#### **Commissioner Questions and Comments:**

- **Commissioner Dowding** asked why the Planning Commission should grant an extension on the Preliminary Plat if **Mr. Hartley** was planning on changing the project from duplexes to single family homes. **Mr. Hartley** noted that this is just a proposal and that he has presented a plan to make developing this land more affordable. By granting an extension it would allow him to reuse some of the studies that were already completed, such as the Traffic Impact Study and soil tests. Additionally, coming up with a phasing plan to spread the cost out would make development more feasible.
- **Commissioner Molloy, Commissioner Ray, Chair Crescibene and Commissioner McFall** support granting the extension. Several commissioners thanked **Mr. Hartley** for deeding the piece of land to the Historic Society in 2012 and noted the value this adds to the city.
- **Commissioner Middleton** questioned why **Mr. Hartley** waited so long past the February 2015 deadline to request the extension. **Mr. Hartley** noted that he had submitted the extension application in February prior to the deadline but due to health issues was unable to come before the Planning Commission earlier.
- **Commissioner Middleton** asked **Mr. Hartley** how he plans to hold projects costs at the current level with the ever increasing water costs. **Mr. Hartley** noted that he owns water in another area and may be able to trade water to lower his overall cost. Additionally,

phasing the project would eliminate having such a large expense upfront purchasing water. **Commissioner Middleton** supported granting the extension.

- **Commissioner Middleton** and **Commissioner Dowding** expressed concerns and questioned if there would be public input or additional opportunities for the Planning Commission to review proposed changes to the Preliminary Development Plan. **Mr. Paulsen** commented that if the Planning Commission approves this extension, **Mr. Hartley** can move forward to a Final Development Plan and Final Platting. Small changes can be approved administratively; however, substantial changes would go through a neighborhood meeting and presented again to the Planning Commission.
- **Commissioner Meyers** supported the extension but asked that **Mr. Hartley** discuss street outlets with surrounding communities and coordinate access to the schools with the school district.

*Commissioner Meyers moved to make a finding that the applicant has shown good cause due to recent economic conditions, including the real estate market versus the cost of infrastructure improvements and raw water, and based on that finding, approve the request for a two-year extension of the Preliminary Plat, PZ 10-00120 as recorded in the Current Planning office, of the Mariana Butte 25th Subdivision to February 17, 2017. Upon a second by Commissioner Dowding, the motion was unanimously approved.*

### **3. Giuliano 4th Subdivision - Preliminary Development Plan, Preliminary Subdivision Plat, and Vacation of Rights-of-Way**

**Project Description:** The application requires a public hearing and quasi-judicial approval by the Planning Commission for the project to be developed. The Preliminary Development Plan (PDP) and Preliminary Subdivision Plat (PP) require quasi-judicial review. Vacation of Rights-of-Way is considered a legislative matter. The applications for a PDP and PP propose to develop 36 single-family lots on 29.7 acres. In conjunction, a request to vacate Fife Court and a portion of Cascade Avenue are being proposed because the currently platted rights-of-way do not align with the proposed development. New rights-of-way would be established with the subdivision plat as presented. The Planning Commission has final authority over the PDP and PP; the Commission must make a recommendation to the City Council on the right-of-way vacation request.

**Mr. Troy Bliss, Senior Planner**, provided a copy of **IX. Recommended Conditions (Revised)** for the Planning Commission's consideration. Please see attached. **Mr. Bliss** identified the Giuliano 4<sup>th</sup> Subdivision, which consists of the western most 29 acres of the Giuliano Addition. The Giuliano Addition is bordered on the east by Wilson Avenue and on the west by Cascade Avenue. Cascade Avenue is a proposed major collector street and would need to be developed with the proposed project at the developer's expense. The Giuliano 4<sup>th</sup> Subdivision is generally flat except for a limestone ridge along the eastern third of the site. This limestone ridge is environmentally sensitive and must be preserved.

The PDP is a plan that proposes 36 single-family lots. The plat would divide the property into 36 lots plus outlots and tracts for open space. The vacation request would vacate several public right-of-ways. **Mr. Bliss** explained that the role of the Planning Commission is to

make sure the plan is in compliance with city standards and in compliance with the General Development Plan.

The current PDP and Preliminary Plat consists of 18 lots. Hartford Homes is proposing a change to the PDP and Preliminary Plat, creating 36 lots. The vacation request is for Fife Court and is required due to a change in alignment of Fife Court. Additionally, a small sliver of Cascade Avenue would need to be vacated due to the new configuration. The limestone ridge would remain preserved.

On March 19, 2015, a neighborhood meeting was held with approximately 15 neighbors in attendance. A majority in attendance felt that the new plan was acceptable and felt that building predominantly single story homes would be beneficial as a majority of the homes would be blocked from view by the limestone ridge. Additionally, components such as the trails and open space would be a benefit to the community.

The General Development Plan for the Giuliano Addition is the official zoning document for the development. The site is zoned SF1 which allows for 19-36 units to be built on this site. Therefore, the proposed plan would conform to this requirement. Additionally, the proposal is within the density allowance of the city's comprehensive plan. **Mr. Bliss** noted that developer would need to pay for and build some public infrastructure improvements, such as building Cascade Avenue and utility expansion.

In reference to the conditions presented to the applicant, **Mr. Bliss** noted that the applicant may not be in agreement with the recommendation to have detached sidewalks extend through open space areas adjacent to local streets. **Mr. Bliss** also noted the conditions highlighted on the revised conditions presented to the Planning Commission and **Mr. Hoover**. These conditions are in reference to affordable housing requirements associated with this development. Over time, the number of affordable houses required has changed and is currently in negotiation between the City and Mr. Guiliano, the overall developer of the Giuliano Addition. This negotiation must be completed prior to approval of the development plan. **Mr. Bliss** emphasized that the affordable housing requirement pertains to the entire Giuliano Addition development and not just the Giuliano 4<sup>th</sup> Subdivision.

#### **Commissioner Questions and Comments:**

- **Commissioner Molloy** commented that estate residential typically does not fall into the affordable housing category.
- **Commissioner Meyers** was concerned that allowing this higher density of homes would affect the feathering aspect that is seen when moving west towards the foothills. **Mr. Bliss** noted that even with the higher number of lots originally proposed, the plan is still within estate residential land use densities and is still a lower density than the development to the east.

**Mr. Bliss** introduced **Mr. Landon Hoover**, representative for Hartford Homes. **Mr. Hoover** indicated that he struggled to see the benefit of the request to have detached sidewalks versus attached sidewalk next to open space. He felt that the detached sidewalk would reduce open space area and would not maximize these areas. Additionally, with the extensive trail system in the area, he felt the detached sidewalk would distract from the use of these trails. **Mr. Hoover** noted that the new plan actually creates 2.25 acres more of open space than the

original plan. Additionally, the patio home landscaping maintenance and irrigation would be maintained by the HOA. **Mr. Hoover** agreed that the detached sidewalk along Fife Court was a benefit to the community and therefore was willing to compromise on the request for detached sidewalk in this area. However, he maintained that the detached sidewalk was not beneficial in the areas next to the open space.

#### **Commissioner Questions and Comments:**

- **Commissioner Molloy** noted that a monolithic pour for the sidewalk can be very expensive to replace and feels the detached sidewalk is a better option. **Chair Crescibene** agreed that the aesthetics of detached sidewalks outweighs the cost associated with building them. **Mr. Hoover** noted that the price point of the homes is between \$350,000 and \$550,000 and **Commissioner Forrest** felt that at this price point the cost associated with building detached sidewalks is worth it.
- **Commissioner Meyers** asked when Cascade Ave. would be built and **Mr. Hoover** noted that it would be completed before the first permit is pulled.
- **Commissioner Meyers** asked about the June 10, 2014 Traffic Study and how many lots this study was based on. **Mr. Hoover** noted that the study was based on 36 units.

**Chair Crescibene** opened the Public Hearing at 9:11p.m.

- **Wayne Glaser** (4487 Stump Ave.) indicated concern that requiring detached sidewalks would push the home setbacks further into the berm area, thus raising home elevations. This increases the likelihood of seeing the homes from the adjoining subdivision. **Commissioner Molloy** noted that the detached sidewalks were not part of the residential requirements.

**Chair Crescibene** closed the Public Hearing at 9:15p.m.

#### **Commissioner Questions and Comments:**

- **Commissioner Dowding** prefers detached sidewalks. She also noted her concern with the proposed lot width and felt it would be beneficial to have wider lots.
- **Commissioner Meyers** felt that a deal could be reached regarding the detached sidewalk and felt the presence of the limestone ridge eased concerns with the smaller lot sizes and reduced feathering.
- **Commissioner Jersvig** feels that the detached sidewalk requirement on Fife Court is sufficient and is not needed adjacent to the open space.
- **Commissioner Forrest** supports the separation between the patio homes and single family homes with the large open space. Agrees that the detached sidewalk is beneficial for this community.
- **Commissioner Molloy** wants to see the detached sidewalks in the development. Additionally, the use of Ash trees in the landscape should be revised.
- **Commissioner Ray** noted that the original plan had estate homes with large lots. The attached sidewalk worked in this area due to lower interaction with neighbors. However,



research indicates that detached sidewalks create more interaction with neighbors and is beneficial for neighborhoods with smaller lots. **Commissioner Ray** noted that he did not support the proposed plan.

- **Chair Crescibene** asked for clarification regarding the maintenance of the buffer yard. **Mr. Hoover** noted that the HOA will maintain the buffer yard and lawns of the patio homes. **Chair Crescibene** concluded that the maintenance of the buffer yard will not be a burden to the home owner and felt the size of the lots was sufficient.
- **Commissioner Middleton** asked **Mr. Hoover** if he was planning on following the recommended conditions provided. **Mr. Hoover** stated that due to inadequate time to review the conditions, he was unable to accept the conditions without consulting counsel.
- **Commissioner Meyers** asked if Hartford homes was part of negotiating the number of homes required for affordable housing. **Mr. Garcia, Assistant City Attorney**, clarified that Hartford Homes is a third party to the negotiations and that the direct negotiations are with Giuliano and Father. Due to the changes in the affordable housing requirements of the entire development, the condition must be applied to Hartford Homes as a part of the overall development. Several commissioners expressed concerns moving forward with the approval without the affordable housing negotiation being complete.
- **Mr. Paulsen** noted that the conditions were developed today in response to ongoing but unfinished negotiations with **Giuliano and Father**. At the request of individuals involved in the negotiations late this afternoon, the conditions were drafted and presented immediately prior to the meeting tonight. The intention was to protect the city's interest in the negotiation process relating to the requirements on the larger Giuliano Addition. **Mr. Garcia** noted that the application was brought forward to the Planning Commission because he thought **Mr. Giuliano** would be present at the meeting tonight and could agree to the conditions. **Mr. Paulsen** recommend that if the Planning Commission was uncomfortable moving forward, it would be best to continue the matter.

*Commissioner Meyers motioned to continue this matter until 22 June. Upon a second from Commissioner Middleton, the motion was unanimously approved.*

**Chair Crescibene** called for a recess at 9:40 p.m.

**Chair Crescibene** called the meeting to order at 9:50 p.m.

#### **4. Update: Site Plan Review Process for Public Schools**

**Project Description:** Current Planning staff has been working with representatives of Thompson Schools to develop an agreed upon process for City review of site plans for new schools and other School District projects. Planning staff and School District representatives are bringing forward a draft proposal for review and direction by the Commission.

**Mr. Paulsen** outlined the plan developed in conjunction with **Dr. Mass**, chief operations officer for Thompson Schools. The intention is to articulate the process the city and school district go through during the review of site plans for new schools and other School District

projects. **Mr. Paulsen** acknowledged that when working on projects in the past, there have been communication issues on both sides of the process. Creating this plan helps define how the city and the school district will work together in the future. **Dr. Maas** felt that there has always been many opportunities to interact with the city but there was never a process. The proposal would help define a process and **Dr. Maas** hopes the Planning Commission can provide comment as to their recommendations for the plan based on their experience.

#### **Commissioner Questions and Comments:**

- All of the commissioners expressed thanks to **Dr. Maas** for his effort and felt this was a great first step.
- **Commissioner Middleton** thanked **Dr. Maas** for his time and contribution and asked if **Dr. Maas** would be participating directly in the Commissions future review of school plans. **Dr. Maas** noted that if he was unable to participate, a representative from his department would be involved. He thanked **Mr. Paulsen** for his collaboration and spearheading the plan.
- **Commissioner Meyers** thanked both **Dr. Maas** and **Mr. Paulsen** for their collaborative work and supported the plan.
- **Commission Forrest** reiterated the need to have collaboration between the school and the city and supports this plan.

#### **ADJOURNMENT**

*Commissioner Middleton, made a motion to adjourn. Upon a second by Commissioner Meyers, the motion was unanimously approved.*

**Chair Crescibene** adjourned the meeting at 10:15 p.m.

Approved by: \_\_\_\_\_

  
John Crescibene, Planning Commission Chair

  
Jenell Cheever, Planning Commission Secretary

#### **ATTACHMENTS**

- IX. RECOMMENDED CONDITIONS (Revised)

## **IX. RECOMMENDED CONDITIONS (Revised)**

### **Preliminary Development Plan**

#### **Current Planning**

1. The detached sidewalk as presented along the east side of Fife Court shall be incorporated along all local streets where abutting open space areas.
2. Final architectural elevations of the homes shall be provided in conjunction with the Final Development Plan in conformance with the design provisions of the Giuliano Addition General Development Plan.
3. Notwithstanding information in the Preliminary Development Plan regarding the number of required affordable housing units, the Guiliano 4<sup>th</sup> Subdivision Plat shall not be recorded until the developer has reached agreement with the City establishing the total number of affordable housing units required within the Guiliano Addition.

#### **Transportation Engineering**

1. All public improvements within the Preliminary Development Plan (PDP) and Preliminary Plat shall comply with the Larimer County Urban Area Street Standards (LCUASS).
2. Unless designed and constructed by others, the Developer shall design and construct the following public improvements prior to the issuance of any building permits within the PDP, unless otherwise approved pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code:
  - a. 43rd Street. The Developer shall construct the portion of West 43rd Street adjacent to the PDP to the LCUASS 2-lane arterial street standard.
  - b. Cascade Avenue. The Developer shall design and construct that portion of Cascade Avenue adjacent to the PDP to the LCUASS major collector street standard. The City may accept cash in-lieu for all or a portion of the construction costs for such improvements, in a form acceptable to the City Attorney, if approved in writing by the City Engineer.

### **Preliminary Plat**

#### **Current Planning**

1. Notwithstanding information in the associated Preliminary Development Plan regarding the number of required affordable housing units, the Guiliano 4<sup>th</sup> Subdivision Plat shall not be recorded until the developer has reached agreement with the City establishing the total number of affordable housing units required within the Guiliano Addition.

### **Vacation of Rights-of-Way**

#### **Current Planning**

1. Vacation of Fife Court and a portion of Cascade Avenue shall be subject to approval of the Giuliano 4<sup>th</sup> Subdivision Preliminary Development Plan and Preliminary Plat.