



## **LOVELAND PLANNING COMMISSION MEETING AGENDA**

**Monday, July 27, 2015  
500 E. 3<sup>rd</sup> Street – Council Chambers  
Loveland, CO 80537**

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

### **I. CALL TO ORDER**

### **II. PLEDGE OF ALLEGIANCE**

### **III. REPORTS:**

#### **a. Citizen Reports**

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

#### **b. Staff Matters**

- August 10<sup>th</sup> and 24<sup>th</sup> Planning Commission meeting agendas

#### **c. Committee Reports**

#### **d. Commission Comments**

### **IV. APPROVAL OF MINUTES**

#### **Review and approval of the July 13, 2015 Meeting minutes**

### **V. REGULAR AGENDA:**

#### **1. Loveland Classical Schools – Site Plan Review (20 minute combined presentation)**

Loveland Classical School is a public charter school (authorized through the Thompson School District) seeking a location for expansion of their 9 through 12 grade program. Through negotiations with the Faith Evangelical Church located at 2707 N. Wilson Avenue (southwest corner of N. Wilson Avenue and Arbor Drive), Loveland Classical School is seeking to lease an existing 14,737 square foot multi-purpose space / gymnasium (Monday through Friday) for approximately 100 students and associated faculty. This proposal is envisioned as a temporary solution (3 to 5 years) for the school's growing needs until a larger site can be acquired to re-combine with their main campus presently located at 3835 SW 14<sup>th</sup> Street. Per State Statute, the review and permitting of the school is primarily a function of the State of Colorado. The Planning Commission review of the proposed location and site plan is also a requirement of the statute.

**2. South Shore Plaza – Height Exception (20 minute combined presentation)**

This is a public hearing on a quasi-judicial matter to consider a height exception request to allow development of a 7-unit, 4-story residential condominium building. The majority of the building is proposed at 37 feet in height. Inclusion of an elevator lobby, stairs, and barbecue shelter on the roof top, increases the building height to 43.5 feet. Additionally, a required elevator shaft puts the building at a maximum height of 49.5 feet. The project includes development of the western third of Lot 1 South Shore Plaza Subdivision, generally located on the south side of W. Eisenhower Boulevard east of Colorado Avenue.

**VI. ADJOURNMENT**

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**July 13, 2015**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on July 13, 2015 at 6:30 p.m. Members present: Chairman Crescibene; and Commissioners Middleton, Meyers, Molloy, Dowding, Forrest, Ray, and Jersvig. Members absent: Commissioner McFall. City Staff present: Bob Paulsen, Current Planning Manager; Tree Ablao, 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. **Bob Paulsen, Current Planning Manager**, informed the commissioners that the next Planning Commission meeting will be held on July 27, 2015.
2. **Mr. Paulsen** noted that **Troy Bliss, Senior Planner**, distributed a memo to the commissioners providing updates on both the ArtSpace multi-family development and the Feed and Grain building. **Mr. Paulsen** invited the commissioners to attend the gathering on Monday, July 27<sup>th</sup> with the Governor and the Boettcher Foundation.

### **COMMITTEE REPORTS**

1. **Commissioner Dowding** reported on the ZBA hearing held on July 13, 2015, regarding the building setback variances request for the proposed Sprouts grocery store. **Commissioner Dowding** noted that both the north and eastern setback variances were approved.
2. **Commissioner Meyers** reported that the July Title 18 committee meeting was canceled.

### **COMMISSIONER COMMENTS**

1. **Commissioner Forrest** highlighted her presentation to the Construction Advisory Board (CAB).
  - **Commissioner Meyers** informed the commissioners that the Planning Commission recommendation for site plan review services for schools was tabled by the City Council at their July 7<sup>th</sup> meeting. **Commissioner Meyers** invited **Greg George, Development Services Director**, to give a summary of the meeting.
  - **Mr. George** noted that City Council did not take a formal motion but gave direction to **Bill Cahill, City Manager**, to work with the school district to develop an agreement.

- **Commissioner Ray** thanked **Commissioner Forrest** and **Commissioner Meyers** for their efforts on this issue.

2. **Commissioner Middleton** introduced **Assistant City Attorney, Tree Ablao**, who was acting legal counsel in the absence of **Moses Garcia, Assistant City Attorney**.

## **APPROVAL OF THE MINUTES**

**Commissioner Meyers** provided **Jenell Cheever, Planning Commission Secretary**, with a name correction and a spelling correction to the June 22, 2015 minutes and asked that the minutes be amended.

*Commissioner Middleton made a motion to approve the amended June 22, 2015 minutes; upon a second from Commissioner Ray, the minutes were unanimously approved.*

## **REGULAR AGENDA**

1. **Continuance: Giuliano 4th Subdivision - Preliminary Development Plan, Preliminary Subdivision Plat, and Vacation of Rights-of-Way**

**Project Description:** This public hearing item was continued from the June 22nd Planning Commission meeting.

**Mr. Paulsen** explained that **Mr. Giuliano** indicated to staff that he would not be moving forward with the project at this time. **Mr. Paulsen** recommended that the Planning Commission table the matter until **Mr. Giuliano** is ready to move forward.

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

- **Commissioner Middleton** asked why **Mr. Giuliano** was requesting a continuance. **Mr. Paulsen** clarified that **Mr. Giuliano** is not asking for a continuance and therefore **Mr. Paulsen** is recommending the issue be tabled. **Mr. Paulsen** explained that by tabling the matter, the continuance would expire. Once the applicant is ready to move forward, the applicant will not have to reapply; however, the applicant would need to reschedule a hearing date, re-notify the neighbors, and the public hearing notice would need to be reposted. **Mr. Giuliano/Hartford Homes** would then need to present the project to the Planning Commission in a public hearing.
- **Chair Crescibene** and **Commissioner Ray** asked questions pertaining to **Mr. Giuliano's** ability to satisfy the affordable housing requirements. **Mr. Paulsen** noted that the city is in active negotiations with **Mr. Giuliano** regarding the provision of affordable housing units within the broader Giuliano Addition, but an agreement has not been reached. Until affordable housing negotiations with **Mr. Giuliano** are complete, the applicant, **Hartford Homes**, will be unable to move forward with the Giuliano 4th Subdivision - Preliminary Development Plan, Preliminary Subdivision Plat, and Vacation of Rights-of-Way.

**Commissioner Meyers** made a motion regarding the Giuliano 4th Subdivision, including the Preliminary Development Plan, the Preliminary Subdivision Plat, and the Vacation of Rights-of-Way as follows: that the continuance be closed and the matter be tabled to a future date when the applicant brings this matter to this commission. Upon a second from **Commissioner Dowding**, the motion was unanimously approved.

## 2. Downtown Urban Renewal Plan

**Project Description:** This is a public hearing for the consideration of a resolution with a recommendation to City Council regarding the proposed termination of the URA Plan. It is anticipated that a plan of development (the “DDA Plan of Development”) will be proposed by the DDA for consideration by the Council and that the DDA will propose that an election be held on November 3, 2015. If the DDA Plan of Development is approved by Council and if the Ballot Questions are approved by the qualified electors, it would be appropriate to terminate the URA Plan. Termination of the URA Plan is contingent upon approval of a DDA Plan of Development and passage of the Ballot Questions on November 3, 2015.

**Betsey Hale, Economic Development** explained that the termination of the Urban Renewal Plan (URA) would be necessary if the DDA Plan of Development is approved by City Council and if the ballot questions are approved by the voters on November 3rd. City Council has requested the termination of the Downtown URA Plan of Development in the event the DDA Plan of Development is approved. Council has referred this action to the Planning Commission. If the Planning Commission approves the resolution, then the recommendation will return to City Council.

### Commissioner Questions and Comments:

- Several commissioners asked questions regarding the funding for downtown projects. **Ms. Hale** and **Mr. Alan Krcmarik, Executive Fiscal Advisor**, explained how the two DDA funding streams operate.
- **Commissioner Molloy** asked why it was necessary to switch from the URA to the DDA and **Ms. Hale** explained that the DDA allows for a longer operation period.
- **Commissioner Middleton** asked several questions pertaining the operation of the DDA and the termination of the URA. **Ms. Hale** explained that if approved, the URA would be terminated in January 2016. Currently, **Ms. Betsy Hale** oversees the director of both the LDP and DDA; however, all expenditures must be approved by City Council.

**Chair Crescibene** opened the Public Hearing at 7:45 p.m.

- There were no public comments.

**Chair Crescibene** closed the Public Hearing at 7:45 p.m.

*Commissioner Middleton motioned to have a resolution of the Loveland Planning Commission of the City of Loveland, Colorado, recommending to City Council adoption of the modification of the City of Loveland Urban Renewal Plan as being in conformity with the City's Master Plan, subject to certain conditions. Upon a second from **Commission Dowding**, the motion was unanimously approved.*

### **3. 287 Strategic Plan**

**Project Description:** This is public hearing on a legislative action. The 287 Strategic Plan identifies strategies and actions to guide development and help improve business opportunities along US Highway 287. Staff will provide a summary of revision requests received from the Planning Commissioners on June 22nd along with adjustments to the Plan that respond to the Commission's comments. The project team is seeking direction from the Commission to move forward with adjustments so that a final document can be brought forward to the Planning Commission in an upcoming meeting.

**Bethany Clark, Strategic Planning**, explained the recommended revisions and corrections outlined in the Planning Commission Staff Memorandum.

**Chair Crescibene** opened the Public Hearing at 8:25 p.m.

- **Trey Beard**, owner of Rocky Mountain Quick Lube, expressed concerns regarding access to several business along South Highway 287, including his auto related business and Sonic. **Mr. Beard** expressed support for the 287 Strategic Plan but would like the plan to maintain a full-access intersection. Additionally, **Mr. Beard** stated that the renderings in the 287 Strategic Plan do not show his businesses as part of the overall plan. **Mr. Beard** stated that if the plan intends to eliminate his businesses he would like to be informed so he can make alternative plans.

**Chair Crescibene** closed the Public Hearing at 8:26 p.m.

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

- **Commissioner Meyers** asked city staff to address **Mr. Beard's** concerns. **Greg George, Development Services Director**, explained that the renderings included in the plan are not detailed enough to show all businesses. In order to implement the plan in this area, future studies are needed to determine feasibility. Additionally, the plan is visionary and no site specific actions would be taken without approval from Planning Commission and City Council at a later date.

- **Commissioner Molloy** asked when the feasibility study would be completed and if there is an immediate need for a new bridge on South Highway 287. **Dave Klockeman, City Engineer**, explained that the city has already received a grant which has gone through one reading with City Council. The overall process would take approximately one-year. **Mr. Klockeman** stated that due to potential flooding there is an immediate need to complete a new bridge.
- **Commissioner Forrest** expressed concerns regarding outreach and communication with local businesses. **Mr. Beard** stated that he received notices regarding the public meetings and has attended several meetings regarding the plan.
- **Commissioner Meyers** thanked **Mr. Beard** for attending and expressing his concerns with the conceptual drawings. **Commissioner Middleton** recommended that **Mr. Beard** attend the next Planning Commission meeting where the Planning Commission will make a recommendation to City Council regarding the adoption of the 287 Plan.
- **Commissioner Ray** asked that a statement be added to the 287 Strategic Plan regarding the need for additional studies to determine the best plan for bicycle and pedestrian traffic on Highway 287, including the evaluation of an alternative corridor for bicycle traffic.
- **Commissioner Forrest** asked if any other drawings could be included to show alternatives to the round-about. **Ms. Clark** stated that the round-about was the determined preferred alternative from the 1997 study and therefore the only rendering completed. **Mr. Klockeman** stated that the 1997 study includes two engineered drawings of the intersection that could be added to the plan. **Mr. Ray** expressed concerns with including the rendering and recommended only using the engineered drawings from the 1997 study. **Mr. George** also agreed that the rendering should be removed and replaced with the engineered drawings.
- **Commissioner Meyers** asked that the term “Couplet” be defined to avoid confusion. **Mr. George** clarified that the couplet refers to the two one-way areas and not just the round-about.
- **Commissioner Meyers** made the following recommendations: remove the artist rendering and add the two engineered drawings from the 1997 study; adding wording that a study is necessary to determine the best plan for bicycle and pedestrian traffic. These changes were unanimously approved.

***Commissioner Meyers motioned to approve the recommended revisions outlined below to the Highway 287 Strategic Plan as amended upon the record. Upon a second from Commission Middleton, the motion was unanimously approved.***

## **ADJOURNMENT**

*Commissioner Crescibene, made a motion to adjourn. Upon a second by Commissioner Forrest, the motion was unanimously adopted.*

**Chair Crescibene** adjourned the meeting at 9:00 p.m.

Approved by: \_\_\_\_\_  
John Crescibene, Planning Commission Chair

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Jenell Cheever, Planning Commission Secretary



## Planning Commission Staff Report

July 27, 2015

**Agenda #:** Regular Agenda - 1

**Title:** Loveland Classical Schools Expansion Site

**Applicant:** Loveland Classical Schools

**Request:** Statutory Review and Comment

**Location:** 2707 N. Wilson Avenue, generally located at the southwest corner of

**Zoning District:** R1 – Developing Low Density Residential

**Staff Planner:** Troy Bliss

**Staff Recommendation:**

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

**Recommended Motions:**

*“Move to communicate to the Board of Education of the Thompson School District R2-J that the City of Loveland Planning Commission has reviewed the site development plans of the proposed location for Loveland Classical School to expand and recommend that the site be used as depicted and described on said plans and in compliance with City standards for public utilities related thereto.”*

**Summary of Analysis:**

Loveland Classical Schools is a public charter school (authorized through the Thompson School District) seeking a location for expansion of their 9 through 12 grade program. Through negotiations with the Faith Evangelical Church located at 2707 N. Wilson Avenue (southwest corner of N. Wilson Avenue and Arbor Drive), Loveland Classical School proposes to lease an existing 14,737 square foot multi-purpose/gymnasium/office/classroom building (Monday through Friday) for approximately 100 students and associated faculty. No site improvements are required or necessary with this proposal, considering it is a developed site that is capable of accommodating both the school and existing church. These uses would occupy the site at different periods – not to conflict or coincide. Timing is of the essence with this application, as Loveland Classical Schools has been struggling to find a suitable location for their expansion, prior to the 2015 school season start in August.

This proposal is envisioned as a temporary solution (3 to 5 years) for the school's growing needs, until a larger site can be acquired to re-combine with their elementary and middle school programs. Their current campus, located at 3835 SW 14th Street, will not accommodate the school's growing enrollment. Per State Statute, the review and permitting of the school is primarily a function of the State of Colorado. The Planning Commission review of the proposed location and site plan is also a requirement of the statute.

## **I. VICINITY MAP:**



## **II. SUMMARY:**

### **Purpose of Review:**

Described in this report is a proposed new public charter school within the City of Loveland. State statute gives authority on the location and design of school facilities to the applicable board of education, but requires school boards to consult with the jurisdictional planning commission on new schools in order that the proposed location conforms to the adopted plan of the community insofar as is feasible. In addition, the board shall submit a site development plan for review and comment to the applicable planning commission prior to construction of any structures or use. If the applicable planning commission has concerns about the school location or the submitted site development plan, it may request a public hearing before the board of education to present their concerns.

Per the State statute process on such matters, if the City of Loveland Planning Commission has any recommendations for the Thompson School District about the school location or the site plan, the Commission can provide comments to the District in response to the plans and information reviewed. These comments can be presented at the Planning Commission meeting to

PC Hearing July 27, 2015

the District representatives in attendance. Alternatively, the Planning Commission may request to bring forward concerns at a School Board hearing.

The site located at 2707 N. Wilson Avenue is a developed church campus with two main buildings on a 5 acre property. It is surrounded by a well-established single-family neighborhood with vehicle access into the campus along N. Wilson Avenue and Arbor Drive. The main church building with sanctuary that fronts onto N. Wilson Avenue would not be used in conjunction with the proposed school. The multi-purpose/gymnasium/office/classroom building located behind the main church building is ideally suited in its existing state to accommodate approximately 100 students. In terms of the school's impact on the local area, greater activity will be observed on the site compared to that of just the church operations. A Monday through Friday schedule during a typical school season will result in more traffic and activity; this activity may be of concern to surrounding property owners that have not been used to a school operation in the neighborhood. However, most of the impact associated with the school is going to be in short periods when students and teachers are arriving and leaving the site. A general understanding of how this impact will be observed is outlined in the attached Traffic Impact Study (TIS) (see **Attachment 4**).

Acronyms:

The following abbreviations will be used in this report and are being provided for clarification:

DRT: City of Loveland Development Review Team, responsible for conducting review of various City development applications for conformance to City requirements.

TIS: Traffic Impact Study is a study prepared by a traffic engineer to evaluate traffic impacts on a specific development proposal.

ACF: Adequate Community Facilities is a program adopted by the City of Loveland to ensure that community facilities needed to support new development meet or exceed defined levels of service. This includes fire protection, transportation, water, wastewater, stormwater, and power. Compliance with ACF criteria is not required for a Planning Commission review of a new school. However, in order to assure that negative impacts to infrastructure will not occur with the development, it is appropriate to evaluate whether the proposed development can meet ACF criteria.

Proposal:

Loveland Classical Schools is proposing use the Faith Evangelical Church multi-purpose/gymnasium/office/classroom building, located behind the sanctuary, for expansion of their public charter school. They have been experiencing significant growth where they are located at 3835 SW 14th Street. Use of the Faith Evangelical Church, will allow Loveland Classical Schools the opportunity to move their 9 through 12 grade program, freeing up needed space and capacity at their main campus. This expansion is envisioned as a temporary solution to finding a new larger location in the next 3 to 5 years. The following information summarizes the primary areas of review by the City DRT:

- **Building:** The multi-purpose/gymnasium/office/classroom building is suited to accommodate the proposed school. A floor plan of the existing layout (see **Attachment 3**) illustrates how the interior space is divided. All permitting, including any necessary upgrades to the existing building, will be facilitated through the State.
- **Site Plan:** The site plan prepared for this proposal is based on the previously approved Special Review for the church use. At the time, churches were allowed in the R1 zoning district through special review approval only. However, the City's zoning code has since been amended. Churches are a use by right in the R1 zoning district now. No site improvements are being planned in conjunction with the school use. A public school is a use allowed by right in the R1 zoning district. Loveland Classical School has supplemented information from the church use that is relevant to the proposed school based on the following two points below (Fire Access, Circulation and Parking and Traffic).
- **Emergency Access, Circulation and Parking:** In terms of emergency access, the existing ingress/egress locations along N. Wilson Avenue and Arbor Drive will provide sufficient access with the addition of the school use. Internal drive aisles will allow for sufficient emergency access and circulation on-site. With the addition of the school use, a separate address will need to be assigned to the multi-purpose/gymnasium/office/classroom building for emergency services.

Circulation for the students and teachers arriving and leaving the site is illustrated on page 4 of the TIS (see **Attachment 4**). This helps give a good understanding of how vehicle stacking and queuing will occur during high activity periods. Additionally, it shows at the south end of the site where the drop-off/pick-up will area will be located as well as where student/teacher parking will be focused. It is important to note that these locations are to the southeast end of the site – off N. Wilson Avenue trying to limit the impact on surrounding residences. The difficulty however, is the site is completely surrounded by single-family homes.

The site has sufficient parking to accommodate the school use. Parking is required at a ratio of 1 space for every 3 seats in an assembly area (Chapter 18.42 of the Loveland Municipal Code). The assembly area of the multi-purpose/gymnasium/office/classroom building provides an occupant load of 435 people. Therefore, the required on-site parking would be 145 spaces for the proposed school. A total of 151 spaces are provided on-site – again keeping in mind that the proposed school and existing church uses would not occur at the same times.

- **Traffic:** A TIS was prepared for the Loveland Classical School proposal. It analyzed the peak hour link volumes and levels of service this use would generate, finding that the City's ACF standards related to transportation would be met. The TIS also identified that as existing that access locations, turn lanes, striping, and sight distances were appropriate to accommodate the proposed school use at this location. Please refer to **Attachment 4**, for additional information regarding the traffic analysis. City staff believes that the

traffic generated by the school use can be adequately accommodated by the existing street system. No improvements to the area streets or site entry are requested.

### **III. KEY ISSUES:**

City staff has reviewed the site plan and all information associated with the proposed school. Based upon the nature of the site and ability to not have school and church uses occur at the same time, the site functions well for a small public charter school use. The building is already structured to accommodate a school. The site is large enough to accommodate vehicle stacking, queuing, and parking. Emergency access and the TIS have identified conformance to the City's ACF standards.

City staff does have concerns as to surrounding neighbors not being notified of this school proposal. As the Planning Commission review of school locations is not a public hearing, no public notice was required or provided for the meeting. However, Loveland Classical School is and will be reaching out to the surrounding neighbors prior to and even following the Planning Commission meeting. The school is keen on promoting a good-neighbor policy with adjacent neighborhoods. They also anticipate a neighbor/school contact liaison format to allow each to share and receive any information, issues, complaints or other items, making for an open dialogue and opportunity for quick discussion and resolution, as necessary.

### **IV. ATTACHMENTS:**

1. Project Description Provided by Loveland Classical Schools
2. Site Plan
3. Floor Plan
4. Traffic Impact Study (TIS) Excerpts

### **V. SITE DATA:**

ACREAGE OF SITE - GROSS .....	5.2 ACRES
EXISTING ZONING AREA .....	R1 – DEVELOPING LOW DENSITY RESIDENTIAL
PROPOSED ZONING AREA .....	NO CHANGE
COMPREHENSIVE PLAN DESIGNATION.....	LDR – LOW DENSITY RESIDENTIAL
EXISTING USE.....	CHURCH
PROPOSED USE.....	PUBLIC CHARTER SCHOOL (GRADES 9 – 12)
BUILDING AREA (SF) EXISTING .....	14,737 SQ FT
EXIST ADJ ZONING & USE - NORTH.....	R1 – DEVELOPING LOW DENSITY RESIDENTIAL; SINGLE FAMILY HOMES
EXIST ADJ ZONING & USE - EAST.....	R1 – DEVELOPING LOW DENSITY RESIDENTIAL; SINGLE FAMILY HOMES
EXIST ADJ ZONING & USE - SOUTH .....	R1 – DEVELOPING LOW DENSITY RESIDENTIAL; SINGLE FAMILY HOMES

EXIST ADJ ZONING & USE - WEST.....	R1 – DEVELOPING LOW DENSITY RESIDENTIAL; SINGLE FAMILY HOMES
UTILITY SERVICE - SEWER .....	CITY OF LOVELAND
UTILITY SERVICE - ELECTRIC.....	CITY OF LOVELAND
UTILITY SERVICE - WATER.....	CITY OF LOVELAND

## **VI. BACKGROUND:**

The site is part of the Windemere Third Addition – annexed into the City in 1977 and further subdivided in 1992 as the Windemere 6<sup>th</sup> Subdivision as its current property configuration. The church use was initially established in 1982 as the Trinity Baptist Church. This included construction of the main building along N. Wilson Avenue. It was in 1994, when the multi-purpose/gymnasium/office/classroom building was constructed and became the Faith Evangelical Church. Among its primary church function, the site has served over the years as a voting poll location and various other community events.

## **VIII. FINDINGS AND ANALYSIS**

**Current Planning:** State statute CRS 22-32-124 (1) indicates:

“Prior to the acquisition of land or any contracting for the purchase thereof, the board of education shall consult with and advise in writing the planning commission...that has jurisdiction over the territory in which the site is proposed to be located in order that the proposed site shall conform to the adopted plan of the community insofar as is feasible. In addition, the board shall submit a site development plan for review and comment to such planning commission...prior to construction of any structure or building. The planning commission...may request a public hearing before the board relating to the proposed site locations or site development plan... Nothing in this subsection (1) shall be construed to limit the authority of the board to finally determine the location of public schools within the district and construct necessary buildings and structures.”

In preparation for Planning Commission review and comment on school locations or construction plans, City staff reviews the plans and information in light of applicable City policies, codes and standards; and when appropriate, make recommendations for development improvements. In light of the overall purpose of the statutory review by the Planning Commission and the statutory limitations on local government, the City routinely holds school districts to applicable code requirements related to Stormwater, Water/Wastewater, Power, Transportation, and Fire, while encouraging compliance with adopted plans and zoning. The Building Code requirements are reviewed by the State rather than by City staff. In addition, the City has generally sought to encourage land use and design compatibility between school district projects and surrounding neighborhoods.

**Transportation:** Transportation Engineering has analyzed the proposed Loveland Classical School at 2707 N. Wilson Avenue finding that:

1. A Traffic Impact Study (TIS), prepared by John Seyer, P.E., has been submitted with the Loveland Classical School, 2707 N Wilson Avenue Faith Church Site Development Plan which demonstrates that the existing transportation system, can adequately serve the proposal.
2. Access to the development will be provided by the existing full-movement accesses to Arbor Drive and N Wilson Avenue.
3. The TIS has demonstrated that the operation at the Arbor Drive/N Wilson intersection and existing access points will meet City standards.
4. The proposed school use will be capped at 115 students and is estimated to generate approximately 197 daily trips, 35 weekday AM peak hour trips, and 16 weekday PM peak hour trips.

In conclusion, the use 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 of paragraph i, above.

**Fire:** The site is located within the required distance of a Fire Station (Fire Station 2) for emergency response time. Adequate access to the premises is provided. Requirements of the 2012 International Fire Code, International Building Code (with regard to fire and life safety issues), and NFPA standards, currently adopted at the time of the project, will be as a result of the permit review through the State.

**Water/Waste Water:** Existing water and sewer service is adequate to serve the proposed school use. No upgrades to existing services are required.

**Power:** Existing power service is adequate to serve the proposed school use. No upgrade to existing services is required. Additionally, no impacts to the system would result in this proposal.

**Stormwater:** No changes to the site are being made that would result in impacts on the City's storm sewer.

## **IX. RECOMMENDED CONDITIONS:**

City staff has no recommended conditions.

**VIA EMAIL \_\_\_\_\_  
AND HAND DELIVERY**

Mr. Buddy Meyers  
Chairman  
Planning Commission  
City of Loveland, Colorado  
\_\_\_\_\_  
\_\_\_\_\_

**VIA EMAIL \_\_\_\_\_  
AND HAND DELIVERY**

Mr./Ms. Robert Paulsen / Troy Bliss  
Planning Manager  
City of Loveland, Colorado  
\_\_\_\_\_  
\_\_\_\_\_

Re: Notice of Proposed Charter School Location- 14,737 square feet of space in the building located at  
2707 N. Wilson Avenue, Loveland, Colorado, Colorado (the "Premises").

Messrs. Meyers, Paulsen & Bliss :

The undersigned represents Loveland Classical Schools (the "School"), a Colorado non-profit corporation and public charter school authorized through Thompson School District. This letter is being sent at the request, and on behalf of the School by the undersigned.

The School currently operates a successful 9 - 12 charter school program serving 100+ students.

The School has just completed negotiations for the lease of the Premises. Pursuant to C.R.S. § 22-32-124 (1.5)(a), the School provides notice of its planned location to operate at the Premises. **OPTIONAL:** With this letter the School hereby formally submits its site plan for the Premises, which includes a traffic flow plan, for your review and comment in accordance with the statute.

As a Colorado governmental entity and public school, the School is subject to the same state school facility laws as other public schools and may have its safety and building codes reviewed and approved, and permits issued by the appropriate personnel through the School Construction and Inspection program in the Division of Fire Prevention and Control in the Department of Public Safety (the "Division"), in accordance with the statute referenced above. The Division will coordinate with the city fire safety inspector in accordance with the above statute.

We look forward to working with you to address any concerns or issues that the city may have with the proposed property. Please forward any comments or questions to the undersigned.

Sincerely,

Mary Peery

cc: Steve Steinbicker  
c/o Architecture West, LLC

# AMENDMENT TO SPECIAL REVIEW NO. #709

## FAITH EVANGELICAL CHURCH TRACT A, WINDERMERE 6TH SUBDIVISION CITY OF LOVELAND, LARIMER COUNTY, COLO.

### INDEX OF DRAWINGS

SHEET 1 SITE PLAN  
SHEET 2 LANDSCAPE PLAN

### SCHEDULE

PHASE ONE: EXPECT TO BE  
COMPLETED WITHIN 12 MONTHS

PHASE TWO: NO IMMEDIATE PLANS  
TO COMPLETE. ANTICIPATE PROJECT  
IS 10-15 YEARS IN THE FUTURE

### LAND USE DATA

Zoning: DA

Existing Sq. Ft. Per Use

Church Building: 11,958

New Sq. Ft.

Multi-Purpose Building: 13,530  
(Classrooms & gymnasium)

Future Sq. Ft.

Sanctuary: 21,600

Existing Parking (TO REMAIN)

Standard: 16 = 92%  
Handicapped: 8 = 8%

New Parking (TO BE ADDED)

Standard: 4 = 91%  
Handicapped: 4 = 9%

Total Spaces Provided: 151

NOTE: MAXIMUM SIMULTANEOUS OCCUPANCY OF BOTH BUILDINGS  
WILL NOT EXCEED 600.

TOTAL LOT AREA: 227,100 Sq. Ft. = 5.213 Acres

TOTAL BUILDING AREA FOOTPRINT: 47,088 Sq. Ft. = 20.7%

OPEN SPACE: 87,683 Sq. Ft. = 38.6%

TOTAL PAVING (Existing, New & Future): 92,329 Sq. Ft. = 40.7%

EXISTING = 52,694 Sq. Ft.  
NEW = 13,320 Sq. Ft.  
(Phase One)

OWNER:

Faith Evangelical Church  
2707 N. Wilson Ave.  
Loveland, CO 80537  
303-663-0522

ARCHITECT/ENGINEER

Landmark Engineering Ltd.  
3521 West Eisenhower Blvd.  
Loveland, CO 80537  
303-667-6286

MAY 27, 2015

The undersigned agree that the real property described in the application for special review filed herewith, and as shown on the site plan, shall be subject to the requirements of Chapter 18.40 of the Municipal Code of the City of Loveland, Colorado, and any other ordinances of the City of Loveland thereto.

*President, Faith Evangelical Church*

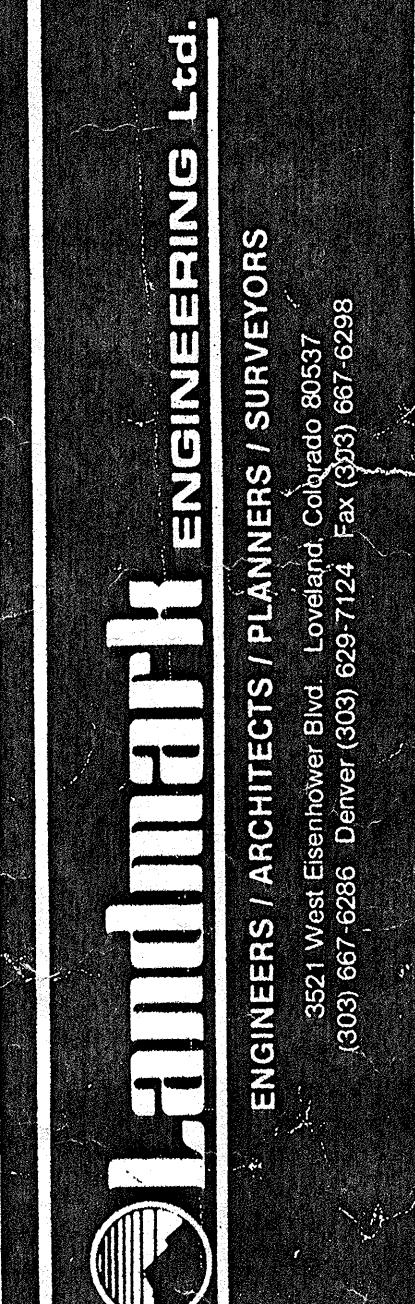
STATE OF COLORADO )  
COUNTY OF LARIMER )  
ss

The foregoing agreement was acknowledged before me this 12th day of December, 1991, by *David J. Leighton*

Witness my hand and official seal. *David J. Leighton*

My commission expires 7-19-95 1563 Research Rd  
Notary Public  
Loveland, CO 80537

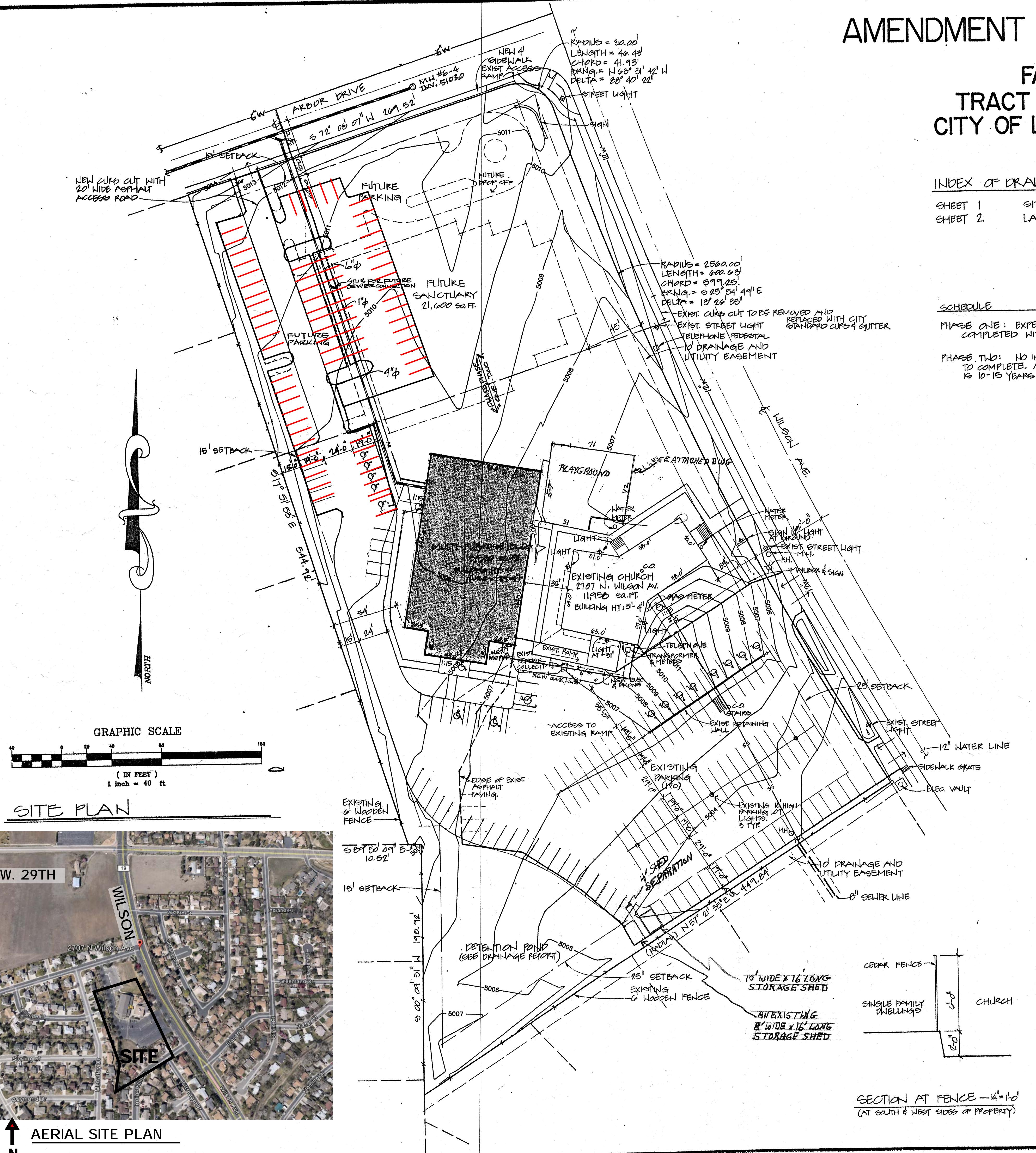
REVISIONS	By	Date
	KUL	5-2-95

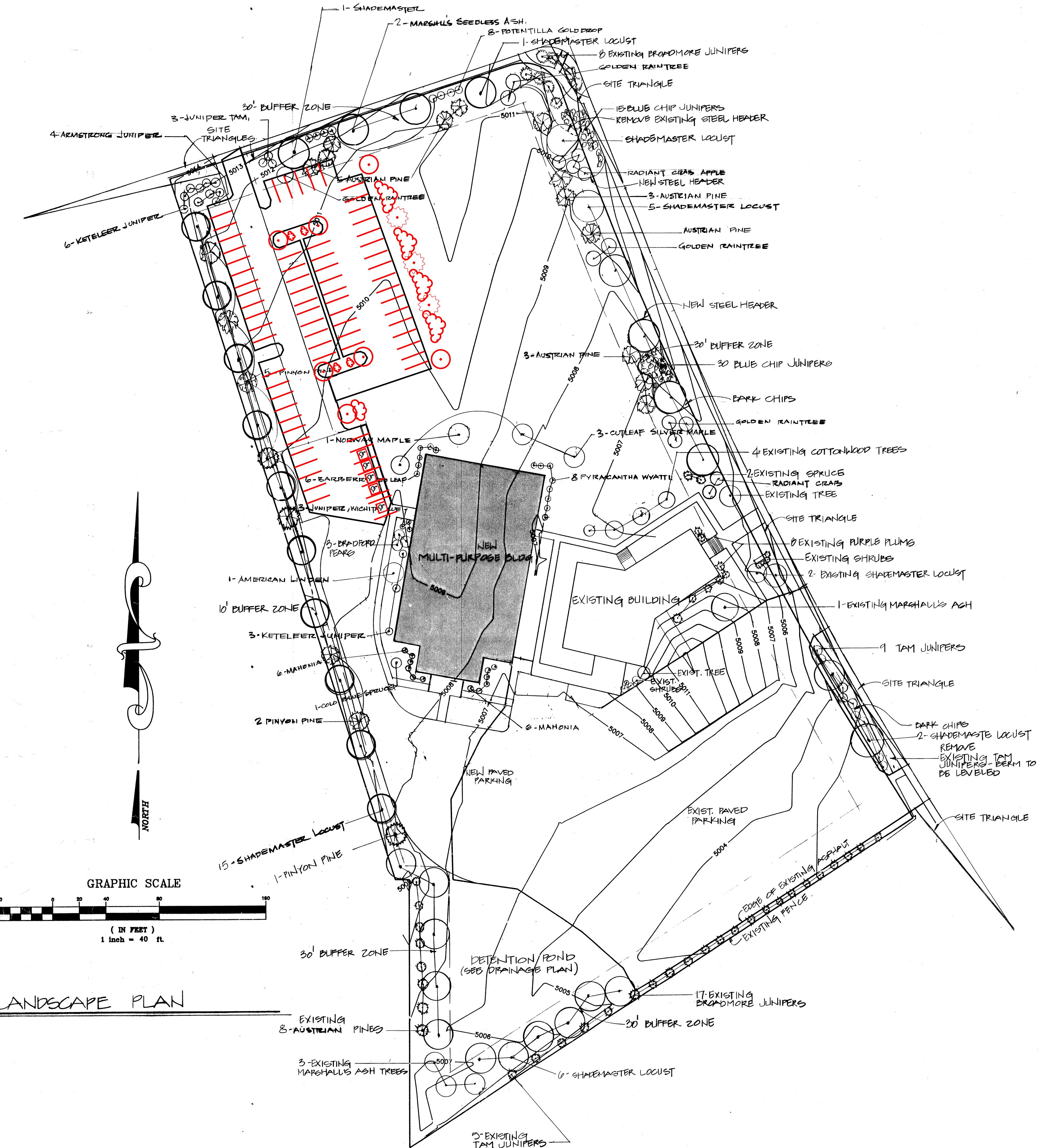


DATE: 12/15/94  
SCALE: AS SHOWN  
DRAWN: KUL  
CHECKED:   
APPROVED:

CLIENT: FAITH EVANGELICAL CHURCH	AMENDMENT TO SPECIAL REVIEW NO. 709 TRACT A WINDERMERE 6TH SUBDIVISION
TITLE: PC ATTACHMENT 2	
JOB NO.: FAIEV-94081201-210	
SHEET: 1 OF 2	

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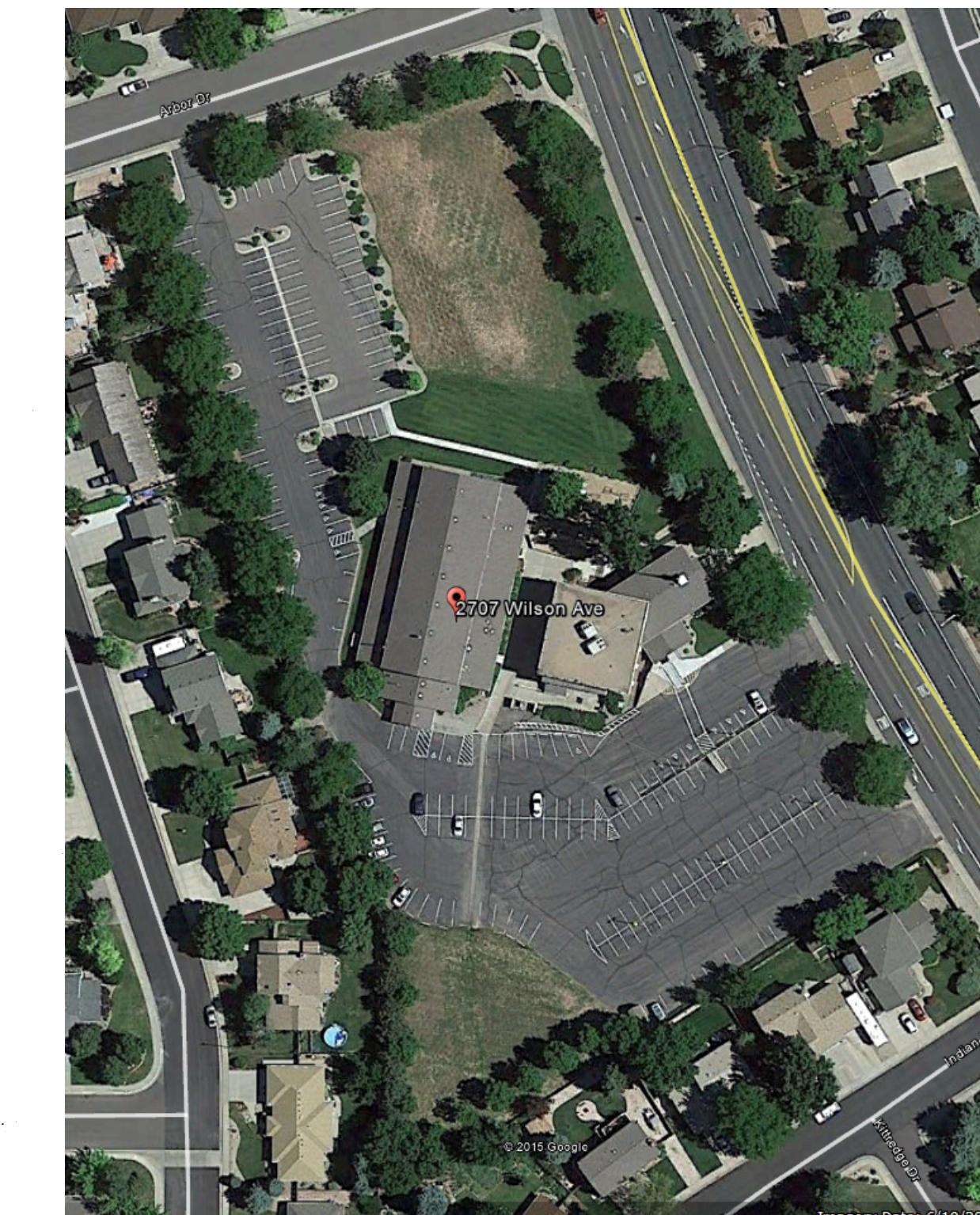




## PLANT LIST

<u>QTY.</u>	<u>COMMON NAME</u>	<u>BOTONICAL NAME</u>	<u>SIZE</u>
<u>NEW</u>			
31	Shademaster Locust	<i>Gleditsia tri inermis</i> "Shademaster"	2"
1	Norway Maple	<i>Acer platanoides</i>	2"
3	Cutleaf Silver Maple	<i>Acer saccharinum</i> "Wierii"	2"
1	American Linden	<i>Tilia americana</i>	2"
2	Marshall's Seedless Ash	<i>Fraxinus pennsylvanica</i> "Marshall's Seedless"	2"
6	Radiant Crabapple	<i>Malus</i> "Radiant"	1.5"
8	Golden Rain Tree	<i>Koelreuteria paniculata</i>	1.5"
3	Bradford Pear	<i>Pyrus calleryana</i> "Bradford"	2"
8	Gold Drop Potentilla	<i>Potentilla fruticosa</i> "Gold Drop"	5 Gal.
6	Red Leaf Barberry	<i>Berberis thunbergie</i> "Atropurpurea"	5 Gal.
8	Wyatt Firethorn	<i>Pyracantha coccinea</i> "Wyatti"	5 Gal.
12	Oregon Grape Holly	<i>Mahonia aquifolium</i>	5 Gal.
4	Armstrong Juniper	<i>Juniperus chinensis</i> "Armstrongi"	5 Gal.
9	Keteleeri Juniper	<i>Juniperus chinensis</i> "Keteleeri"	5 Gal.
12	Tam Juniper	<i>Juniperus sabina</i> "Tamariscifolia"	5 Gal.
3	Wichita Blue Juniper	<i>Juniperus scopulorum</i> "Wichita Blue"	5 Gal.
45	Blue Chip Juniper	<i>Juniperus horizontalis</i> "Blue Chip"	5 Gal.
8	Pinyon Pine	<i>Pinus edulis</i>	6'
12	Austrian Pine	<i>Pinus nigra</i>	6'
1	Colorado Blue Spruce	<i>Picea pungens</i> glauca	6'
<u>EXISTING</u>			
2	Shademaster Locust	<i>Gleditsia tri inermis</i>	
5	Marshall's Seedless Ash	<i>Fraxinus pennsylvanica</i> "Marshall's Seedless"	
8	Purple Leaf Plum	<i>Prunus x cistena</i>	
5	Tam Juniper	<i>Juniperus sabina</i> "Tamariscifolia"	
30	Broadmoor Juniper	<i>Juniperus sabina</i> "Broadmoor"	
4	Cottonwood	<i>Populus</i>	
2	Blue Spruce	<i>Picea pungens</i> glauca	
8	Austrian Pine	<i>Pinus nigra</i>	

NOTE: PLANT QUANTITIES SHOWN IN PLANT LIST ARE FOR INFORMATION ONLY. CONTRACTOR TO SUPPLY QUANTITY OF PLANT MATERIALS GRAPHICALLY REPRESENTED.





# AERIAL SITE PLAN

MAY 27, 2015

CLIENT	FAITH EVANGELICAL CHURCH
JOB NO.:	FAIEV-94067001-21
SHEET	1
TITLE	
AMENDMENT TO SPECIAL REVIEW NO. 709	
TRACT A, WINDMERE 6TH SUBDIVISION	

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COPYRIGHT PROTECTION UNDER THE U.S. CODE  
UNDER THE COPYRIGHT PROTECTION ACT OF 1990.  
- ALL CONSTRUCTION SHALL CONFORM TO CURRENT  
UNIFORM BUILDING CODE AND ALL OTHER APPLICABLE  
CODES.  
- NOT SCALE DRAWINGS FOR DIMENSIONS.  
CONSTRUCTION MANAGERS, SUB-CONTRACTORS AND ALL  
OTHER CONTRACTORS SHALL HAVE THE RESPONSIBILITY  
TO NOTIFY ENGINEERS, ARCHITECTS AND ALL  
OTHER DESIGN PROFESSIONALS OF ANY DISCREPANCIES  
OR CHANGES IN THE CONSTRUCTION DOCUMENTS  
NOTED ON THE DRAWINGS. THE CONTRACTOR SHALL  
BE RESPONSIBLE FOR THESE CONSTRUCTION DOCUMENTS.  
ANY PROFESSIONAL LIABILITY CLAIM SHALL BE LIMITED TO  
THE ACTUAL COST OF THE CONTRACT. THE CONTRACTOR  
SHALL NOT BE HELD LIABLE FOR ANY OTHER DAMAGES  
RECOGNIZED AS SUCH BY ANY CLAIMANTS, OWNERS, LIEN  
HOLDERS OR OTHERS.

JOB NUMBER

Project Number

DRAWN BY

SKF

CHECKED BY

SJS

ISSUE DATE

05/27/15

REVISIONS

SHEET NAME  
FLOOR PLAN

SHEET NUMBER

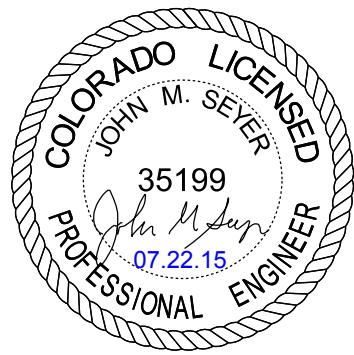
A2.1

SYSTEM NOTES- WALLS	
DESIGNATION	DESCRIPTION
W1	EXISTING WALL
W2	3 5/8" (25 GAUGE) MTL STUDS AT 16" O.C.
A (STANDARD)	
1 LAYER OF 5/8" GYPSUM BOARD ON EACH SIDE OF STUD FRAMING	
GENERAL WALL NOTES	
1. ALL WALLS TO BE W1 UNLESS OTHERWISE NOTED	
2. PROVIDE DOUBLE 20 GA. STUDS (MIN.) AT ALL DOOR JAMBS	
3. ALL DIMENSIONS ARE TO GRID LINES, FACE OF STUDS OR MASONRY WALL UNLESS OTHERWISE NOTED	
4. EXTEND GYPSUM BOARD ON WALLS TO 2" ABOVE ALL ADJACENT CEILINGS AND TO UNDERSIDE OF GYPSUM CEILINGS UNLESS OTHERWISE NOTED	
5. PROVIDE GYPSUM CONTROL JOINTS IN WALLS OVER 25' IN LENGTH	
6. NOTIFY ARCHITECT IMMEDIATELY WITH ANY DISCREPANCIES REGARDING THE CONTRACT DOCUMENTS.	
SYSTEM NOTES- FLOORS	
DESIGNATION	DESCRIPTION
F1	EXISTING CONCRETE FLOORS / FINISHES TO REMAIN
P1	EXISTING CONCRETE WALKS TO REMAIN, PATCH & REPAIR AS NEEDED
GENERAL FLOOR NOTES	
1. ALL FLOORS TO BE F1 UNLESS OTHERWISE NOTED.	
2. NOTIFY ARCHITECT IMMEDIATELY WITH ANY DISCREPANCIES REGARDING THE CONTRACT DOCUMENTS.	



## Loveland Classical Schools

### Traffic Memorandum



### Introduction

Loveland Classical Schools (LCS) has experienced expanding student enrollment since opening their doors for their inaugural school year in 2012-2013. The existing campus on SW 14<sup>th</sup> Street has reached its capacity, prompting LCS to seek another facility. The school's Board of Directors has entered into negotiations to utilize the Faith Church facility on North Wilson Avenue during a time when the site is underutilized. Utilizing Faith Church, which includes adequate parking, will provide the space and facilities that the high school grades need (Grades 9-12), which will free some space in LCS' current building for its growing Grades K-8 students, teachers and staff. It is anticipated that no more than 115 students will be at this campus, along with 10 staff members. This traffic memorandum describes how the proposed expansion to the Faith Church building will function from a transportation perspective.

Faith Church is located on North Wilson Avenue in the southwest corner of the Wilson Avenue & Arbor Drive intersection. There are two accesses to the church from Wilson Avenue and one access from Arbor Drive. All three site accesses are stop-controlled intersections, as is the Wilson Avenue & Arbor Drive intersection. The nearest signalized intersections to the church are at 29<sup>th</sup> Street, to the north, and 22<sup>nd</sup> Street, to the south.

### Peak Hour Link Volume and Level of Service

Wilson Avenue carries between 20,000 and 21,000 vehicles per day between 22<sup>nd</sup> Street and 29<sup>th</sup> Street. Peak hour traffic counts at the Wilson Avenue intersections at 29<sup>th</sup> Street and 22<sup>nd</sup> Street show that AM peak hour traffic is roughly seven percent of the daily traffic volumes; the PM peak hour experiences roughly 8.3 percent of the daily traffic volumes.

Analysis was performed for the AM peak hour and PM peak hour traffic volumes. Using existing traffic volumes, the signalized intersections at 29<sup>th</sup> Street and 22<sup>nd</sup> Street operate at LOS A in the both peak hours, with the exception of the 29<sup>th</sup> Street intersection, which operates at LOS B in the PM peak hour; the eastbound approach at the Arbor Drive intersection operates at LOS C and LOS D in the AM and PM peak hours, respectively.

Site-generated traffic volumes were estimated based on multiple factors. Initially, the City requested that the industry-standard Institute of Transportation Engineers (ITE) Trip Generation Manual be used to estimate site-generated traffic volumes. However, after further consideration, concern was expressed that this industry-standard metric might not be applicable to LCS, given that the typical high school draws students from an area that is local to the school site, while LCS draws its students from all over the city. This could result in underestimation of traffic volumes since the typical high school would have more pedestrians traveling to and from the school and school busses also offset vehicular traffic volumes. LCS has a well-established culture of carpooling that matches families who live in similar parts

of town, which offsets some of this concern. However, in an effort to provide a conservative estimation of traffic volumes, trip generation calculations were established using the ITE rates and then doubled.

The traffic operations model was first run for the build condition with existing traffic volumes plus the school traffic volumes using the ITE rate; this is called Build-A. This model was also run for the build condition with existing traffic volumes plus the increased school traffic volumes; this is called Build-B. The results of the model for Build-A revealed the same levels of service for these intersections as they are for existing traffic volumes without the school. The same could be said for the Build-B condition, except for the Wilson Avenue & Arbor Drive intersection in the PM peak hour when student pick-up would occur. At this intersection, delays were increased from 24.4 seconds/vehicle, which is LOS C, to 25.7 seconds/vehicle, which is LOS D. Trip generation calculation sheets are provided in the Appendix.

### **Peak Hour Driveway Level of Service**

Projected inbound traffic for the school was added to the existing traffic volumes along Arbor Drive. Analysis of these traffic volumes revealed only minimal delay for the inbound left turn from westbound Arbor Drive in both peak hours, revealing LOS A. At the Wilson Avenue southern-most access, adding projected outbound traffic from the school reveals LOS C and LOS D in the AM and PM peak hours, respectively. These conditions are the same for Build-A and Build-B.

### **Appropriateness of Access Locations**

Access to the site will be taken from the Arbor Drive site access and access back onto the city's transportation network will be taken from the southern-most access driveway.

Access to the site is proposed from Arbor Drive for a number of reasons. There are turn lanes of adequate length from northbound Wilson Avenue and southbound Wilson Avenue onto Arbor Drive, thus reducing the impact that inbound traffic would have on Wilson Avenue. There is very little traffic along eastbound Arbor Drive during student drop-off and student pick-up, so inbound traffic onto the site will experience very little impedance, resulting in less off-site queuing. Analysis shows that queuing along westbound Arbor Drive should not exceed even one vehicle during the AM peak hour and even fewer during student pick-up. This is reasonable given that only 13 vehicles head eastbound along Arbor Drive in the AM peak hour. Additionally, on-site traffic flow has been designed to accommodate all entering traffic without queuing back onto Arbor Drive. Using the Arbor Drive access for inbound traffic maximizes the available length of on-site queuing for student drop-off and student pick-up, further reducing the impact to the adjacent street network.

Access to the site will NOT be permitted at Faith's northern-most access driveway along Wilson Avenue. LCS' parents and students are accustomed to following the LCS' Traffic Handbook that details how traffic is to flow into and out of the school's parking areas. Traffic flow maps and a narrative are included in the Handbook, which will include the current LCS campus and the Faith Church site. Prohibited use of the northern-most access driveway along Wilson Avenue will be reinforced with cones.

Access from the site to the city's transportation system is proposed at the southern-most access driveway. There is a break in the existing median pavement marking on Wilson Avenue, allowing for legal left turns onto northbound Wilson. There is also a "refuge" in the median for these left turns in the

event that traffic is heavy enough in both directions that this turning traffic would need to make the movement in two stages. There is adequate sight distance in both directions. Using an established driveway with appropriate pavement markings also better meets existing driver expectations.

### **Location and Requirements for Turn Lanes**

As noted above, the Wilson Avenue & Arbor Drive intersection includes an exclusive northbound left-turn lane and an exclusive southbound right-turn lane. It is anticipated that 35 vehicles will enter the campus in the morning, with 20 of them coming from the south. The 200' exclusive northbound left-turn lane is expected to accommodate this traffic without queuing spilling into the through lanes. With the remaining 15 vehicles coming from the north, the same would be said for the southbound right-turn lane.

Inbound traffic is not anticipated at the Wilson Avenue accesses.

### **Sight Distance Evaluation**

Egress from the church site will be taken via the southern-most access onto Wilson Avenue. Sight distance to the north, for approaching southbound traffic, exceeds 1,200', while sight distance to the south, for approaching northbound traffic, is nearly 700'.

### **Continuity and Adequacy of Pedestrian and Bike Facilities**

Faith Church provides a sidewalk connection from the front entrance to the church to the sidewalk along the west side of Wilson Avenue. There is a continuous sidewalk system along Wilson Avenue from the church north to the signalized intersection at 29<sup>th</sup> Street and south to the signalized intersection at 22<sup>nd</sup> Street. There is also a sidewalk along the south side of Arbor Drive from Wilson Avenue into the neighborhood to the west of the church. As such, there are continuous pedestrian facilities into and out of the site.

There is a bicycle lane along each side of Wilson Avenue adjacent to the church. This provides continuous access between the site and the southbound bicycle lane. With the aforementioned signalized intersections to the north and south of the site, connectivity to the northbound bicycle lane is also continuous.

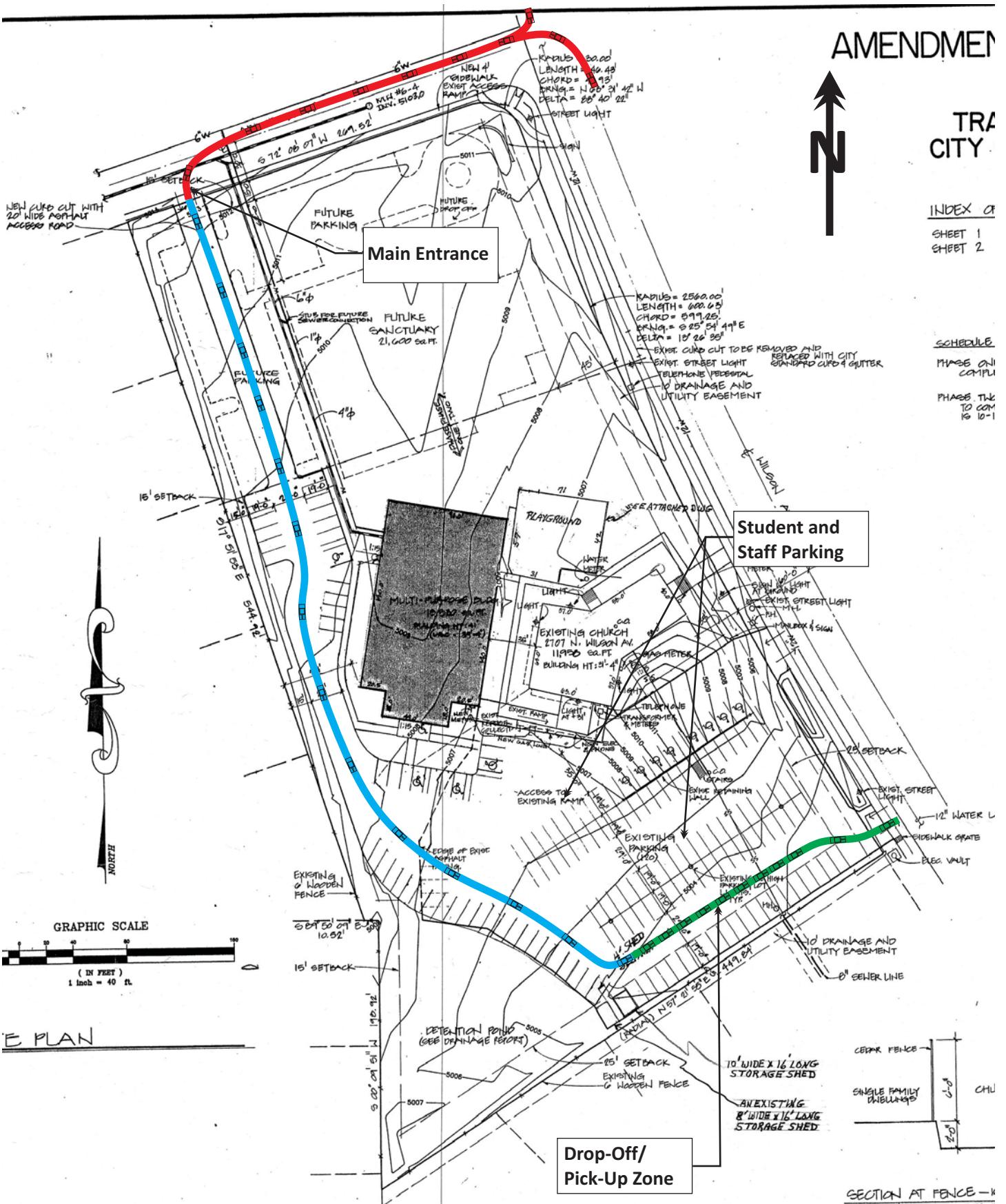
### **Appropriateness of Existing Roadway Signing and Striping**

There are turn lanes in each direction along Wilson Avenue at the Arbor Drive intersection, as mentioned earlier. There is also an opening in the median striping at the southern-most access to the church, which will facilitate egress in either direction along Wilson Avenue. With bicycle lanes also provided along Wilson Avenue in each direction, there is adequate and appropriate striping adjacent to the site.

There aren't any notable issues with existing signing adjacent to the site.

### **Neighborhood and Public Input Issues**

There aren't any notable issues with neighborhood or public concerns related to this site.



**FIGURE 1:**  
Faith Church  
Queuing  
PC ATTACHMENT 4

## **APPENDIX MATERIAL**

## **ASSUMPTIONS FORM AND TRIP GENERATION**

**Attachment A**  
**Transportation Impact Study**  
**Base Assumptions**

<b>Project Information</b>			
Project Name	<b>Loveland Classical Schools</b>		
Project Location	<b>Faith Church - 2707 Wilson Avenue</b>		
<b>TIS Assumptions</b>			
Type of Study	<b>Traffic Memorandum</b>	Full:	Intermediate:
Study Area Boundaries		North: <b>29th Street</b>	South: <b>22nd Street</b>
		East: <b>Wilson Ave Access</b>	West: <b>Arbor Dr Access</b>
Study Years		Short Range: <b>X</b>	Long Range:
Future Traffic Growth Rate	<b>Based on NFR MPO</b>		
Study Intersections		1. All access drives	5.
		2. <b>Wilson Ave &amp; 29th St</b>	6.
		3. <b>Wilson Ave &amp; 22nd St</b>	7.
		4.	8.
Time Period for Study	AM: 7:00-9:00	PM: 4:00-6:00	<b>School PM Peak</b>
Trip Generation Rates	<b>ITE Code #530</b>		
Trip Adjustment Factors	Passby: <b>None</b>	Captive <b>None</b> Market:	
Overall Trip Distribution	<b>SEE ATTACHED SKETCH</b>		
Mode Split Assumptions	<b>All vehicular traffic</b>		
Committed Roadway Improvements	<b>None</b>		
Other Traffic Studies	<b>None</b>		
Areas Requiring Special Study	<b>ACF link volume analysis: Wilson Ave</b>		

Date: June 15, 2015

Traffic Engineer: John Seyer

Local Entity Engineer: \_\_\_\_\_

**Loveland Classical Schools**  
*Grades 9-12 at Faith Church*

Number of Students	AM Peak		PM Peak		Daily	
	Rate	Trips	Rate	Trips	Rate	Trips
115	0.43	49	0.29	33	1.71	197
Regional Factor		99		67		393
Inbound	68%	68	33%	23		
Outbound	32%	31	67%	44		
	22nd	29th	22nd	29th		
Inbound	40	28	14	9		
Outbound	20	11	30	14		
	<u>PM (Adjacent Street)</u>					
	Inbound	3	2			
	Outbound	3	2			



## Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537  
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620  
[www.cityofloveland.org](http://www.cityofloveland.org)

### Planning Commission Staff Report

July 27, 2015

**Agenda #:** Regular Agenda - 2

**Title:** South Shore Plaza Residential Condominium

**Applicant:** Stephen McMillan, South Shore Plaza, LLC

**Request:** Height Exception

**Location:** South side of W. Eisenhower Boulevard and east of Colorado Avenue (west third of Lot 1 South Shore Plaza Subdivision)

**Existing Zoning:** B – Developing Business

**Proposed Use:** Development of an office condominium

**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 listed in Section VIII of the Planning Commission staff report dated July 27, 2015, and, based on those findings, approve the requested height exception subject to the condition listed in said report, as amended on the record.*

#### Summary of Analysis

This is a public hearing to consider a height exception request to allow development of a 3-story office condominium building. The majority of the building is proposed at 37 feet in height. Inclusion of an elevator lobby, stairs, and barbecue shelter on the roof top, jumps the building height to 43.5 feet. Additionally, a required elevator shaft puts the building at a maximum height of 49.5 feet. Application for a height exception is considered quasi-judicial.

The property is zoned B – Developing Business. Building heights within the B district are permitted at a maximum of 40 feet. However, if the site is located within 50 feet of a residential zoning district, building heights are limited to a maximum of 35 feet. As with the subject property, a residential zoning district is located directly south, less than 50 feet away.

The project includes development of the western third of Lot 1 South Shore Plaza Subdivision, generally located on the south side of W. Eisenhower Boulevard east of Colorado Avenue. (The eastern third has developed into the MadWire office building. The center third of the site would remain undeveloped at this time.)

Similar requests were presented to the Planning Commission on February 25, 2013 and August 25, 2014. Planning Commission denied the height exception in 2013 on the basis that not enough information was provided to make a decision. In 2014, conditional approval of the height exception was granted with a maximum building height not to exceed 40 (the request was for 49 feet 3 inches).

## I. SUMMARY

The applicant proposes to construct an office condominium building in the B - Developing Business zone district that would exceed the 35-foot height limitation for commercial buildings within 50 feet of a residential use. The proposed building would measure 37 feet in height to the top of parapet, 43.5 feet to the top of an elevator lobby, stairs, and barbecue shelter, and 49.5 feet to the top of a required elevator shaft as measured in the Loveland Municipal Code. Section 18.54 of the Municipal Code outlines the height restrictions for structures within the City of Loveland. The height limitation for buildings in the B zoning district is 40 feet except in cases where the proposed use is located within 50 feet from the property boundary of a residential use. For projects within 50 feet of a residential use, the maximum height allowed is 35 feet. Section 18.54.040 of the Loveland Municipal Code states this limitation and is included below:

### 18.54.040 Height limitations within fifty feet of residential uses.

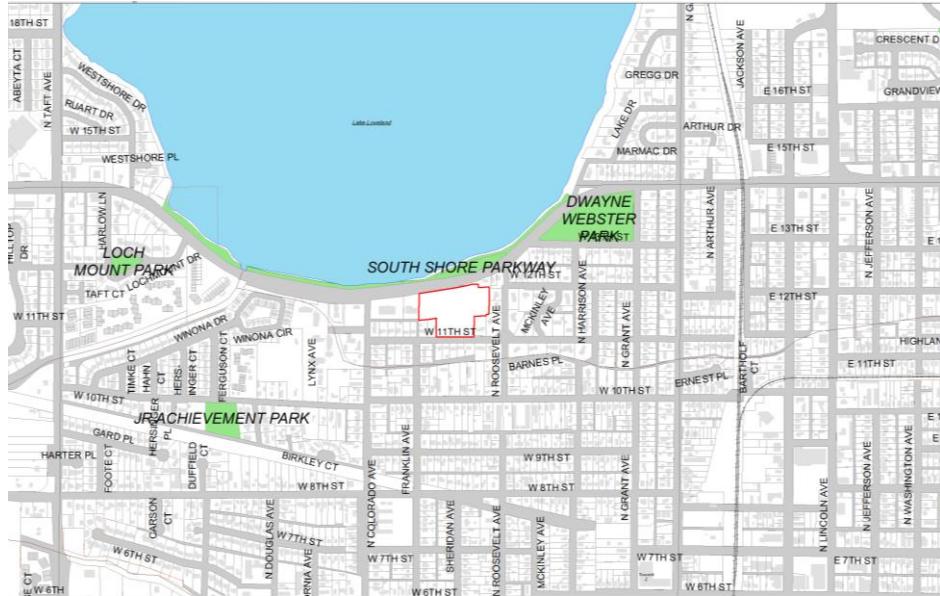
Any nonresidential use or multi-family use located closer than fifty (50) feet from the property boundary of a residential use, excluding multi-family dwelling units, shall be limited to the maximum height allowed for a single family residential use.

The applicant's justification, site plan, and building elevations are included as **Attachments 1, 2, and 3** to this report. A copy of the Loveland building height measurement procedures is included as **Attachment 4** to this report. To calculate the building height measurement for the proposed structure, the first example in Diagram 1 on **Attachment 4** was used, which sets forth the measurement procedures for buildings with grade differences of less than 10 feet between the highest and lowest ground surface.

## II. ATTACHMENTS

1. Applicant's justification
2. Conceptual site plan
3. Building elevations
4. Section 18.04.113.2 – Building height defined

## III. VICINITY MAP



#### **IV. SITE DATA**

ACREAGE OF SITE:	APPROXIMATELY 1.56 ACRES (ROUGHLY THIRD OF LOT 1 SOUTH SHORE PLAZA SUBDIVISION), 4.68 ACRES (LOT 1 SOUTH SHORE PLAZA SUBDIVISION)
PROPERTY ZONING / USE	B - DEVELOPING BUSINESS / VACANT
EXISTING ZONING / USE - NORTH	R-1, DEVELOPING LOW DENSITY RESIDENTIAL / SOUTH SHORE PARK AND LAKE LOVELAND
EXISTING ZONING / USE - SOUTH	R-3 DEVELOPING HIGH DENSITY RESIDENTIAL / SINGLE-FAMILY RESIDENTIAL
EXISTING ZONING / USE - EAST	B - DEVELOPING BUSINESS / VACANT AND OFFICE BUILDING
EXISTING ZONING / USE - WEST	B - DEVELOPING BUSINESS / OFFICE BUILDING

#### **V. KEY ISSUES**

No key issues have been identified by City staff regarding the proposed height exception. General office development is an appropriate use in the B zoning district and along major arterial/collector streets. The additional height of the building is in context with the surrounding commercial buildings such as MadWire and ReMax (to the west). In consideration of the overall building mass, the majority of the surface area is set at a building height of 37 feet. (Two feet above the allowable building height but under the 40 foot height exception granted by Planning Commission in August of 2014.) The taller building heights are from smaller architectural features, including a required elevator shaft in allowing handicap access to the roof terrace. Additionally, the size of the property is large enough to dissipate the proposed height of the building. Shadows being cast by the proposed building would not extend onto residential properties.

#### **VI. BACKGROUND**

The subject property was annexed and platted in the City of Loveland in 1956 as part of the Northwest Addition. The property is known as Lot 1 South Shore Plaza Subdivision which is on the same property as the Mad Wire office building. This property is located on the south side of W. Eisenhower Boulevard (Highway 34), south of Lake Loveland, and east of Colorado Avenue. The subject property is bounded on the south by single-family residential uses and the east by a vacant portion of Lot 1 zoned B - Developing Business. The subject site is currently vacant as well.

The process of creating condominiums (i.e. separate ownership within a building) is not handled through the City. Rather, the legal process to condoize a building is created privately and coordinated through Larimer County, in terms of assessment. From a City perspective, the proposed office use is allowed by right in the B zoning district.

#### **VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION**

- A. Notification:** An affidavit was received from Stephen McMillan certifying that written notice was mailed to all property owners within 300 feet of the property on July 3, 2015, and notices were posted in prominent locations on the perimeter of the site on July 5, 2015. In addition, a notice was published in the Reporter Herald on July 11, 2015.
- B. Neighborhood Response:** A neighborhood meeting was held at 5:30 p.m. on July 20, 2015, in the Current Planning Conference Room. Nobody from the neighborhood attended the meeting.

## **VIII. FINDINGS AND ANALYSIS**

### Section 18.54.050

#### *1. The requested exception allows adequate light and air to the adjacent neighborhood:*

During most of the year, the proposed structure would not cast a shadow on the adjacent residential properties because the proposed structure would be located north of the residential uses. Summer afternoon and evening shadows may extend toward and across the residential properties southeast of the subject property. The applicant has provided no analysis of this issue to determine if the proposed height of the structure would impact the light cast on these adjacent residential properties. Staff review of this item was based on personal estimates, not scientific measurements, as information was not supplied by the applicant. With the building oriented in the center portion of the development site and located approximately 80 feet from the closest residential property, shadowing from the height of the structure would likely have minimal affect. As a point of reference, the office building directly to the west was granted a height exception of 42 feet 6 inches in 2000. While this building is shorter in height, it is located approximately 45 feet away from the closest residential property.

#### *2. The requested exception is compatible with the character of the surrounding neighborhood:*

The Loveland Municipal Code provides for protection of residential uses when adjacent to commercial businesses through the use of bufferyards, lighting restrictions and height restrictions. As the site is located within 50 feet of the existing residential properties, staff reviewed the proposal to determine if any mitigating site design factors could be imposed to lessen the impact of the use on the residences and create a compatible environment. The site plan included as **Attachment 2** proposes that the building be orientated in the central portion of the site, approximately 80 feet from the closest residential property. The site is designed with a parking area at the south between the building and residential zoning district. This offers significant buffering in mitigating impacts to the residential properties directly south – getting further building separation. Additionally, the architecture of the building presents a high quality design that is in keeping with the business character of the surrounding neighborhood.

#### *3. The requested exception will not be injurious to the adjacent neighborhood or otherwise detrimental to the public health, safety and welfare:*

Staff has identified no reasons why the requested exception would be injurious to the neighborhood or to the public health, safety, and welfare in general. The proposed height of the structure would have some visual impacts on the residences to the south; however, virtually any development on this portion of the site would result in some visual impact. Site design has worked to mitigate those to the extent practical by locating the building at the center of the site creating more separation from residential properties and maximizing open space by utilizing underground parking.

#### *4. The requested exception is consistent with the intent of the zoning district and the entire zoning ordinance.*

The proposed office condominium building is a use that is consistent with the B zoning district. The design of the proposed building represents a good example of high quality architecture consistent with commercial buildings in the immediate vicinity. The building is generally in scale with

commercial buildings along this corridor and uses patios, decks, abundant use of windows and roof top terrace that provide some residential context and visual relief.

Open space and amenities have been located between the building and residential properties to provide a softer transition. The visual impact of the required parking lot has been reduced by placing some of it underground. As a result of building and site design, the requested exception is consistent with the intent of the zoning district and the entire zoning ordinance.

## **IX. RECOMMENDED CONDITION**

The following conditions are recommended by City Staff.

### Current Planning

1. In order to allow for minor adjustments during construction, the height exception for the South Shore Plaza Office Condominium be approved at 37 feet for the building parapet, 44 feet to the top of an elevator lobby, stairs, and barbecue shelter, and 50 feet to the top of a required elevator shaft.

# **SOUTH SHORE PLAZA LLC**

1574 West CR 16  
Loveland, Colorado 80537

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VARIANCE APPLICATION – 700 West Eisenhower Boulevard – 6/4/2015  
PZ\_PROJ#\_JUSTIFICATION.PDF

Paragraph #8 – Justification Statement:

A. This proposal is for a medium height office condominium building on a business zoned property in the middle of Loveland with exceptional view potential of Lake Loveland and the snow capped Rocky Mountains. The proposed building is adjacent to the REMAX office building which has an overall height of 51 feet, 2 inches. See the attached one page “Building Height Comparison” drawing.

In order to minimize the hard surface coverage of the site, we have chosen to raise the building one story and provide some of the required parking in a parking level under the building and at grade. The office condos would be on levels 2 and 3, and we would like to provide a green roof with a terrace on the roof.

The bulk of the building, 95.4% (6,522 SF of surface area), would have a parapet height of 37 feet above the majority of the grade around the building. 3.4 % (221 SF) of the surface area of the building – the elevator lobby, stairs and bar-b-q shelter - would have a roof height of 43' 6", and the top of the 80 SF (1.2% of the surface area) elevator would be at an elevation of 49' 5", almost 2 feet below the height of the REMAX building.

The 110' wide and +/- 40 to 50' tall mass of the REMAX building is located approximately 125 feet from the residences to the south. The south elevation of the highest part of our proposed building – the 8 foot wide top of the elevator is approximately 185 feet from the closest two residences which are located south of the proposed building. These two residences front on 11<sup>th</sup> street.

B. The special circumstances are the result of the desire to provide the occupants of the building with a handicap accessible roof terrace and green roof. We could stop the elevator at the 3<sup>rd</sup> floor which would lower the elevator shaft 10' to 39.5' and still provide the roof terrace but it would not be handicap accessible. Therefore our request for a minor height variance.

C. A strict interpretation and enforcement of the provisions of the code would remove the handicap accessibility to the roof terrace. The bulk of our building (95.4%) is at a height of 37', which is considerably below the height of the bulk of the REMAX building. The requested variance to a height of 43.5' for 3.4% of the surface area of the roof, and to 49.5' for 1.2% of the surface area of the roof, when the building is approximately 185 feet from the nearest R-3 zoned residences seems a reasonable variance request. Throughout the previous two height variance processes which we pursued on this site for a different building, neither of the two owners to the south of us came to the community meetings, nor wrote letters to the Planning Commission or City staff, nor attended the Planning Commission public hearings to object to our height variance requests.

D/E. Granting this variance is the main action needed to accommodate the proposed building as designed. The building, located in the heart of Loveland, will be a positive, attractive addition to Eisenhower Boulevard, Lake Loveland, the neighborhood and Loveland. For construction we will employ mostly local sub-contractors and materials suppliers; we will pay the City an estimated \$220,000 in fees; and we will add considerably to the City's tax base with a minimal impact on City services.

Granting this variance will not substantially or negatively impact the reasonable use and enjoyment or development of other property in the vicinity of the subject land or structure.

F/G. The Variance would not authorize any use in a zoning district other than a use specifically permitted in such zoning district; and the variance would not waive or modify the requirements of any use approved by special review.

LAKE LOVELAND

NS 34

EISENHOWER BLVD.  
U.S. HIGHWAY 34

PROJECT:  
SOUTH SHORE  
OFFICE  
CONDOS

SOUTH SHORE PLAZA  
ASSOCIATION  
100 WEST EISENHOWER  
LOVELAND, CO 80537

DESIGNED BY:  
FOUNTAINHEAD  
VENTURES U.S. & U.K.



STEPHEN MULLAN  
104 WEST 216  
LOVELAND, CO 80537  
303-247-7210  
303-247-7212  
info@fountainhead.com  
www.fountainhead.com

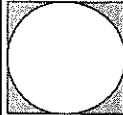
RENDERED BY:



ARCHITECTURAL SERVICES

INTERIOR DESIGN

WWW.RAINBIRDDESIGNS.COM



BY: PH  
DATE: 4/2/08  
SCALE: 1 = 20'-0"  
JOB: 8-5

REV: \_\_\_\_\_  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_

SHEETS:

- 1 - SITE PLAN
- 2 - 1ST FLOOR PLAN
- 3 - 2ND FLOOR PLAN
- 4 - ROOF PLAN
- 5 - ROOF PLAN
- 6 - NORTH ELEVATION
- 7 - SOUTH ELEVATION
- 8 - WEST ELEVATION
- 9 - EAST ELEVATION

SITE PLAN

SCALE: 1 = 20'-0"  
MULLAN, ARCHITECT - 303-461-3454  
RENDERING: 3225, GVS



11th St.

PC ATTACHMENT 2



PC ATTACHMENT 3

structure is permitted to be built on a lot. (Ord. 1627 § 2 (part), 2006)

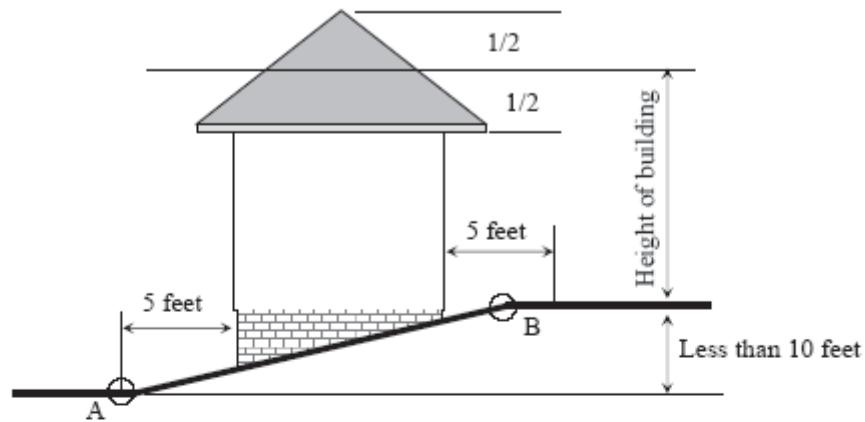
**18.04.113.2 Building height defined.**

“Building height” means the vertical distance from grade to the highest point of the coping of a flat roof, or to the average height of the highest gable of a hipped roof or to the highest point of a curved roof. This measurement shall be exclusive of church spires, chimneys, ventilators, pipes and similar apparatus.

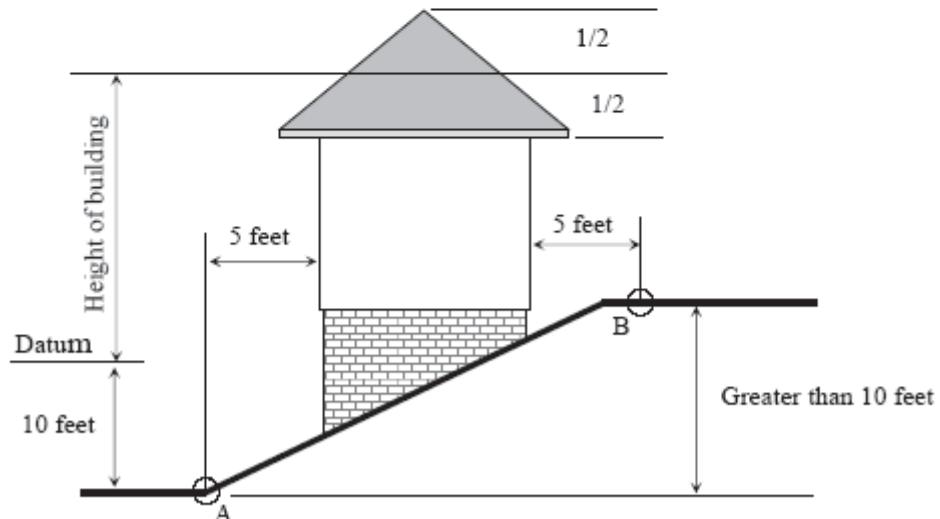
For purposes of this definition “grade” as a point of measure, shall mean either of the following, whichever yields a greater height of building or structure.

- A. The elevation of the highest ground surface within a five foot horizontal distance from the exterior wall of the building, when there is less than a ten foot difference between the highest and lowest ground surface within a five foot horizontal distance from said wall.
- B. An elevation ten feet higher than the lowest ground surface within a five foot horizontal distance from the exterior wall of the building, when there is greater than a ten foot difference between the highest and lowest ground surface from said wall. For purposes of this section, the term “ground surface” shall include sidewalks. See Diagram 1. (Ord. 4106 § 1, 1995.)

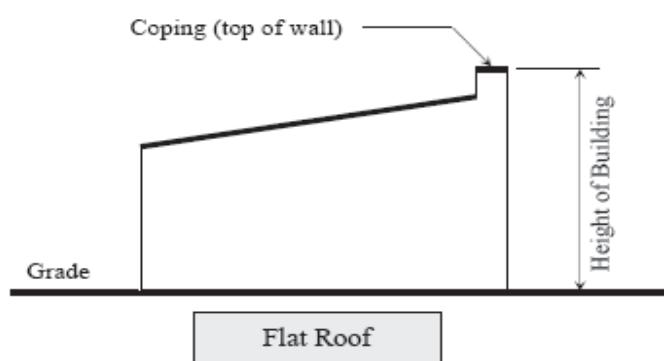
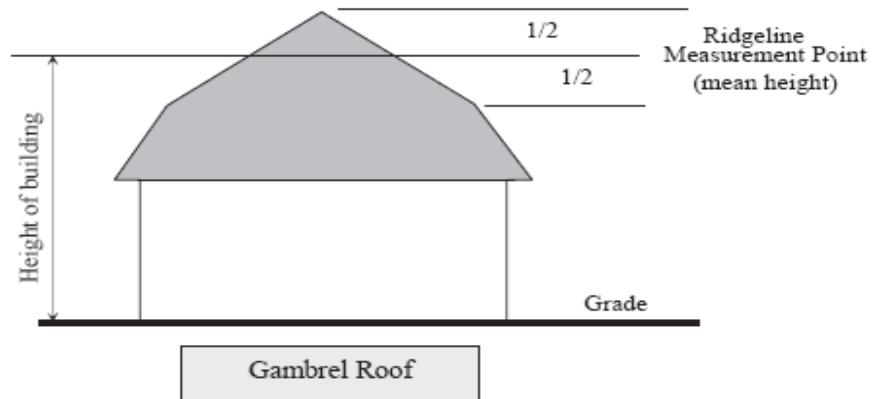
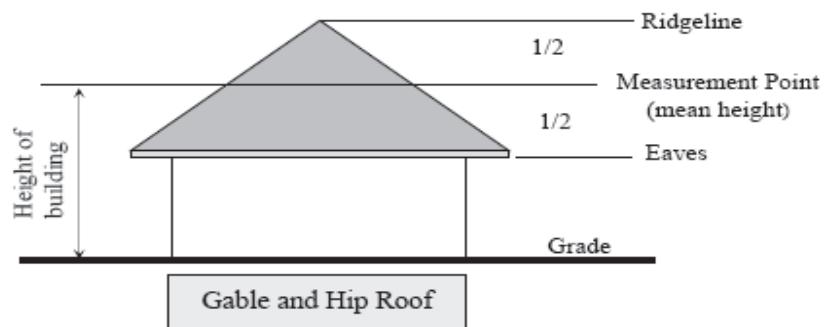
DIAGRAM 1

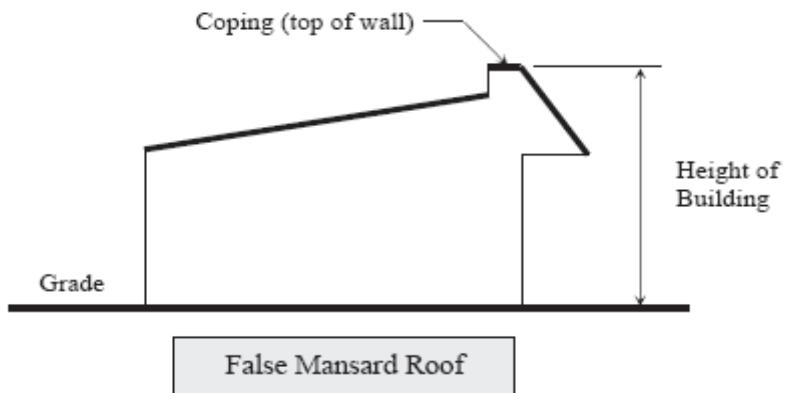


Measurement of grade when difference between lowest and highest ground surface within 5 feet of building is less than 10 feet.



Measurement of grade when difference between lowest and highest ground surface within 5 feet of building is more than 10 feet.





**18.04.120      Carwash defined.**

An establishment used for washing and cleaning of passenger vehicles, recreational vehicles, and other light duty equipment, including facilities containing mechanical devices for washing and those that are self-service/coin operated. (Ord. 5119 § 2 (part), 2006)

**18.04.121      Change of use defined.**

A "Change of use" occurs whenever the use proposed is outside the three-digit group number classification of the previous use as set forth in the First Edition of the Standard Industrial Classification Manual as published by the Department of Commerce, and on file in the city planning department. (Ord. 3543 § 1, 1998)

**18.04.122      Clubs and lodges defined.**

Facilities, structures or locations where organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics or other common goals, interests or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly. (Ord. 5119 § 2 (part), 2006)

**18.04.123      Combined use development defined.**

A "combined use development" means a property which is used for a combination of residential, business, or commercial purposes, designed to provide variety and diversity through mixtures of compatible uses so that maximum long range benefits can be gained and unique features of the site are preserved and enhanced, while still being in harmony with the surrounding neighborhood. (Ord. 3787 § 1, 1991; Ord. 1628 § 2 (part), 1977)

**18.04.124      Commercial child day care centers defined.**

Day care centers are facilities (publicly or privately operated), other than a private home and which are located in a non-residential zoning district, having as their principal function the receiving of one (1) or more preschool or school age children (under the age of eighteen (18)) for care, maintenance, and supervision. Day care centers are also commonly known as day care centers, day nurseries, child care facilities, nursery schools, parent cooperative preschools, play groups, or drop-in centers. (Ord. 5119 § 2 (part), 2006)

**18.04.125      Commercial mineral deposit defined.**