AGENDA

TUESDAY, SEPTEMBER 20, 2016
5:00 PM - Dinner - City Manager's Conference Room
6:00 PM LOVELAND CITY COUNCIL MEETING
Board of Directors of the General Improvement District #1
CITY COUNCIL CHAMBERS
500 EAST THIRD STREET
LOVELAND, COLORADO

NOTICE OF NON-DISCRIMINATION
It is the policy of the City of Loveland to provide equal services, programs and activities without regard to race, color, national origin, creed, religion, sex, disability, or age and without regard to the exercise of rights guaranteed by state or federal law. It is the policy of the City of Loveland to provide language access services at no charge to populations of persons with limited English proficiency (LEP) and persons with a disability who are served by the City.
For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org**or 970-962-2372 . The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at** adacoordinator@cityofloveland.org **or 970-962-3319 .**
NOTIFICACIÓN EN CONTRA D E LA DISCRIMINACIÓN
La política de la Ciudad de Loveland es proveer servicios, programas y actividades iguales sin importar la raza, color, origen nacional, credo, religión, sexo, discapacidad, o edad y sin importar el uso de los derechos garantizados por la ley estatal o federal. La política de la Ciudad de Loveland es proveer servicios gratis de acceso de lenguaje a la población de personas con dominio limitado del inglés (LEP, por sus iniciales en inglés) y a las personas con discapacidades quienes reciben servicios de la ciudad.
Si desea recibir más información en contra de la discriminación o si desea ayuda detraducción, por favor comuníquese con el Coordinador del Título VI de la Ciudad en TitleSix@cityofloveland.orgo al 970-962-2372 . La Ciudad hará acomodaciones razona- bles para los ciudadanos de acuerdo con la Ley de Americanos con Disca pacidades (ADA, por sus iniciales en inglés). Si desea más información acerca de la ADA o acerca de las acomodaciones, por favor comuníquese con el Coordinador de ADA de la Ciudad en adacoordinator@cityofloveland.org o al 970-962-3319 .

Title VI and ADA Grievance Policy and Procedures can be located on the City of Loveland website at: cityofloveland.org/

Please Note: Starting times shown on agenda are estimates only; actual times may vary

1. INTRODUCTION

1.1. CALL TO ORDER

1.2. PLEDGE OF ALLEGIANCE

1.3. ROLL CALL

1.4. PROCLAMATIONS

PROCLAMATION DECLARING THE MONTH OF SEPTEMBER AS SUICIDE AWARENESS MONTH
Rick Hufnagel, Alliance for Suicide Prevention of Larimer County
PROCLAMATION Suicide Awareness Month

PROCLAMATION DECLARING SEPTEMBER 26, 2016 THROUGH OCTOBER 2, 2016 AS DIAPER NEED AWARENESS WEEK
Dr. Rachel Konda-Sundheim and Jan Touslee, The Nappie Project
PROCLAMATION Diaper Need Awareness Week

2. CONSENT AGENDA

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

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

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

2.1. CITY CLERK (presenter: Terry Andrews)
APPROVAL OF MINUTES

Approval of the City Council minutes for the August 23, 2016 Special Meeting and the September 6, 2016 Regular Meeting.

A Motion Approving the City Council minutes for the August 23, 2016 Special Meeting and the September 6, 2016 Regular Meeting.

08232016 Minutes
09062016 Minutes

2.2. CITY MANAGER (presenter: Steve Adams)
APPOINTMENTS TO THE AFFORDABLE HOUSING COMMISSION

This is an item appointing a member to the Affordable Housing Commission.

Adopt a motion to appoint Jerry Beers to the Affordable Housing Commission for a partial term effective until June 30, 2018

2.2 CMO B+C Appointments Coversheet

2.3. LOVELAND POLICE DEPARTMENT (presenter: Nathan Schadewald)
ABANDONED VEHICLE CODE AMENDMENT

Provisions of LMC Section 10.28.010 place an undue hardship upon owners of vehicles who utilize public streets and other public rights of way to park motor vehicles for a period of time greater than seventy two hours. The Code currently permits a vehicle to be towed if located upon a public right-of-way for more than seventy two hours. The proposed changes permit the tow of a motor vehicle parked on any portion of a street, highway, alley or other public right-of-way if the vehicle is reasonably determined to be deserted, discarded, or inoperable. The proposed ordinance provides the Loveland Police Department with factors to consider when determining whether a vehicle is abandoned. The proposed ordinance would not impact the numerous other provisions of the Code related to parking. The proposed changes to LMC Section 10.28.021 provide the Loveland Police Department greater flexibility, in terms of time, to report abandoned vehicles to the Colorado Department of Revenue and remains consistent with state law. The proposed changes to LMC 10.20.030 broaden the types of vehicles, whether motorized or non-motorized, which are constructed or designed for sleeping or dwelling purposes, from parking or standing upon public rights of way for a period of time greater than seventy two hours. The first reading of the ordinance was unanimously approved by the City Council at the September 6, 2016 Council meeting.

A Motion to Approve, on Second Reading, Ordinance #6045 Amending Sections 10.28.010, 10.28.021, and 10.20.030 of the Loveland Municipal Code Pertaining to Abandoned Motor Vehicles on Public Rights of Way, the Reporting of Abandoned Motor Vehicles, and Vehicles Designed for Dwelling or Sleeping Purposes

2.3 LPD Abandoned Vehicle Ordinance Coversheet
2.3.1 Att LPD Abandoned Vehicle Amendment ORD

2.4. COMMUNITY PARTNERSHIP OFFICE (presenter: Alison Hade)
CDBG APPROPRIATION

On July 5, 2016, City Council adopted a resolution to grant Community Development Block Grant funds in the amount of $417,140 during the 2016-2017 grant year. $80,000 of this amount was funding returned to the City from the Bohemian Foundation when the Bohemian Foundation became the managing partner of the Sister Mary Alice Murphy Center for Hope in Fort Collins. The $80,000 must be appropriated prior to contracting with 2016-2017 grant recipients. The first reading of the ordinance was unanimously approved by the City Council at the September 6, 2016 Council meeting.

The $80,000 is Community Development Block Grant (CDBG) funding and will not affect the City of Loveland General Fund balance. The CDBG Fund is a zero balance fund thus, the appropriations allotted in the CDBG Fund must match the revenue received.

A Motion to Approve, on Second Reading, Ordinance #6046 Enacting a Supplemental Budget and Appropriation to the 2016 City of Loveland Budget for Reallocation of Community Development Block Grant Funds.

2.4 CPO CDBG Appropriation Coversheet
Att CPO Supp App CDBG funds ORD

2.5. LOVELAND FIRE RESCUE AUTHORITY, PUBLIC WORKS, RISK MANAGEMENT **(presenter: Mark Miller)**

FIRE TRAINING CENTER

This is a three-way request, involving Loveland Fire Rescue Authority, Public Works and Risk Management. The three projects are separate, but interrelated:

1. Elimination of the current impoundment pond at the FTC, due to environmental issues ($206,242)
2. The establishment of a new drainage system (stormwater and wastewater) due to the elimination of the impoundment pond and to account for additional on-site stormwater management necessary for FTC masterplan ($260,314).
3. The construction of a new bridge on Railroad Avenue to mitigate flooding issues, which in turn, will eliminate the current entrance into the FTC, thus forcing the construction of a new primary and secondary emergency entrance into the facility ($219,409).
4. Relocation of site amenities such as signage and the flagpole ($12,035).

The total cost of all three sub-projects is $698,000.

The first reading of the ordinance was unanimously approved by the City Council at the September 6, 2016 Council meeting.

This request was unanticipated and therefore unbudgeted. $206,242 of the requested amount is funded by fund balance in the Risk & Insurance Fund. If approved, the remaining Risk & Insurance Fund Balance will be $3,695,054. Possible funding options for the remainder of the project costs include Tabor Excess and/or General Fund unassigned fund balance. The remaining 2016 General Fund Unassigned Fund Balance would be $8,574,108 or the remaining 2016 TABOR Excess ending balance would be $20,083,545.

A Motion to Approve, on Second Reading,Ordinance #6047 Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Fire Training Center

2.5 LFRA Fire Training Center Coversheet
2.5.1 Att LFRA Supp App Fire Training Center ORD

2.6. CITY MANAGER'S OFFICE **(presenter: Alan Krcmarik)**

SPECIAL DISTRICT NO. 1 REALLOCATION OF ASSESSMENTS

In late 2015, The City of Loveland completed the refunding of its Special Improvement District No. 1 (Series 2007) revenue bonds. Through the refunding, the interest rate on the bonds was lowered from 5.625% to 3.90%. The bonds are paid off through the payment of assessments by property owners in the district that receive benefits from the improvements financed by the original SID No. 1 bonds. In January of 2016, a new assessment role was presented to and adopted by Council. Since January, property owners in SID No. 1 have subdivided and combined lots leading to the need to update the special assessment roll. As the land is developed, property owners and land developers sometimes have to subdivide larger tracts and occasionally small parcels are combined to create larger parcels. The City plays an integral role in the lot configuration process and always desires to ensure that the value of the property is sufficient to adequately cover the amount of the assessments on the property. Recent lot changes have led to the revisions of the special assessment roll. By keeping the

assessment roll current, the assessment payments will be accurately calculated, be fully transparent to the property owners, and be billed and collected on time, so that payments on the Series 2015 revenue bonds will be paid as expeditiously as possible. The property owners affected by this action agree with the provisions and the revised assessment provided for in the Ordinance and revised Assessment Role. The first reading of the ordinance was unanimously approved by the City Council at the September 6, 2016 Council meeting.

A Motion to Approve, on Second Reading, Ordinance #6048 Approving The Re-Apportionment Of Assessment To Align With The Creation Of A New Lot Within Special Improvement District No. 1

2.6 CMO SID No 1 Reassessment Coversheet
Att 1 CMO SID Assessment Reallocation ORD

2.7. DEVELOPMENT SERVICES (presenter: Brian Burson)
PUBLIC HEARING
EVERGREEN MEADOWS 2ND VACATION

This is a public hearing to consider an ordinance on first reading vacating a 10' wide utility and drainage easement along the north side of Lot 10, Block 1, Evergreen Meadows Second Subdivision, aka 3590 Silver Leaf Drive. The property is located at the north dead-end of Silver Leaf Drive, approximately 2,200 feet north of East 29th Street.
There are no utilities in the easement and all utility providers have indicated that this portion of the easement is not needed for existing or planned utilities or drainage. Staff supports the vacation application.

A Motion to Approve, on First Reading, An Ordinance Vacating A Ten foot Wide Utility and Drainage Easement Located On, Over and Across A Portion Of Lot 10, Block 1, Evergreen Meadows Second Subdivision, City of Loveland, County of Larimer, State of Colorado

2.7 DS Evergreen Meadows 2nd Easment Coversheet
Att 1 DS EM 2nd Easement Vacation ORD
Att 2 DS EM 2nd Easement Vacation Staff Memo

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

2.8. DEVELOPMENT SERVICES (presenter: Troy Bliss)
THE FOUNDRY INCLUSION IN THE GID

This item considers adoption of an ordinance on first reading, to include the property legally described in the attached ordinance, comprising of various lots and block within the Original Town of Loveland, City of Loveland, County of Larimer, State of Colorado in the General Improvement District No. 1.
The proposal by the City for including all of the The Foundry project site in the General Improvement District No. 1 is a necessary adjustment to its boundaries due to the acquisition of properties and the established redevelopment area. The boundaries of the General Improvement District No. 1 are situated so as to align with whole properties (lots, parcels, tracts, etc.) or developments in order to apply additional tax

for contribution in maintaining/upgrading public parking and pedestrian facilities downtown. The General Improvement District No. 1 is not established over portions of properties. Consequently, this adjustment is appropriate so that all of The Foundry project site is within the boundaries and not just a portion.

A Motion to Approve, on First Reading, An Ordinance Granting A Petition For Inclusion Of The Area Of The City Of Loveland, County Of Larimer Generally Bounded By Lincoln Avenue To The East, Cleveland Avenue To The West, Opera Alley To The North And East First Street To The South Within The Loveland General Improvement District No. 1 In The City Of Loveland, Colorado.

2.8 DS The Foundry GID Coversheet
Att 1 DS GID inclusion of The Foundry ORD
Att 2 DS GID inclusion Memo
Att DS GID Petition for Inclusion in the GID No 1 Exhibit A
Att DS GID Walker Parking Analysis_Exhibit B
Att DS GID Downtown URA Map Exhibit C

ADJOURN AS THE BOARD OF DIRECTORS OF THE GID#1 AND RECONVENE AS THE LOVELAND CITY COUNCIL

2.9. FINANCE (presenter: Theresa Wilson)

SET DATE FOR PUBLIC HEARING ON 2017 BUDGET

The City Charter requires an action to set the date, time, and place for a public hearing on the 2017 Recommended Budget, after it has been submitted by the City Manager for Council consideration. This action satisfies that requirement. The resolution sets the date for the public hearing for October 18, 2016, to coincide with consideration of the budget ordinances to adopt the 2017 Budget on first reading.

A Motion to Adopt Resolution R-85-2016 Establishing A Date, Time, And Place For A Public Hearing On The 2015 Recommended Budget For The City Of Loveland, Colorado.

2.9 FIN Setting Hearing date for 2017 Budget Coversheet
2.9.1 Att FIN Public Hearing on Budget and Cap Proj RES

2.10. HUMAN RESOURCES (presenter: Julia Holland)

BENEFITS FUND COST SHARE

At the direction of City Council, on September 6, 2016, staff is providing a Resolution to set policy related to the Benefit Fund.

A Motion to Adopt Resolution R-86-2016 Establishing The City Of Loveland Heath Benefits Policy.

2.10 HR Benefit Fund Coversheet
Att HR Establishing Health Benefits Policy RES

2.11. CITY ATTORNEY (presenter: Tami Yellico)

AMENDING CITY COUNCIL MEETING RULES

This item is a City Council request to update its rules to include Council Member's reports as the last item on the agenda at the first regular meeting of the month and after the consent and public comment items on the agenda at the second regular meeting of the month.

A Motion to Adopt Resolution R-87-2016 Amending The Rules Of Procedure For The City Council Of The City Of Loveland, Colorado.
2.11 CAO Amending Rules for CC Meetings Coversheet
Att1 CAO Amending Rules of Procedure RES

3. CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

4. PUBLIC COMMENT

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

5. REGULAR AGENDA

PROCEDURAL INFORMATION

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

5.1. CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

5.2. ECONOMIC DEVELOPMENT **(presenter: Mike Scholl)**
PUBLIC COMMENT
EDISON WELDING INSTITUTE APPROPRIATION

City Council approved an agreement with EWI on October 20, 2015 to fund EWI operations at the Rocky Mountain Center for Innovation and Technology (RMCIT). The agreement called for the City to invest $2 million, and EWI would identify an additional $4 million for the project. The total development cost is $6 million including the City's contribution. The initial appropriation for $500,000 was approved at the October 2015 meeting and was paid to EWI. In accordance with the terms of the agreement, EWI has requested the next installment of $1 million. EWI has met the performance measures as defined in the agreement that includes execution of RMCIT lease, contracts with financing partners, Colorado Advanced Manufacturing Alliance (CAMA) and the Colorado State Office of Economic Development and International Trade (OEDIT), and hiring of staff.

A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget for Edison Welding Institute (EWI) Incentive.
5.2 ED EWI Appropriation Coversheet
Att 1 ED EWI Supp App ORD
Att 2 ED EWI Letter of Request 2016

Att 3 ED EWI Project Updates
Att 4 ED EWI Colorado Fully Executed 10 21 15

5.3. HUMAN RESOURCES **(presenter: Julia Holland)**
CLINIC UPDATE & SERVICE AGREEMENT

Annually staff reviews the status of the Employee Clinic with City Council. The presentation on the utilization and return on investment of the Clinic is information only. Staff is also requesting City Council authorize the execution of a new contract for the Employee Clinic with a new recommended vendor, Marathon. The change in vendor management of the Clinic is expected to provide a higher level of service both clinically and administratively for a comparable annual cost.
The amount requested for 2017 can be allocated within the current proposed 2017 benefit budget.

A Motion to Adopt Resolution R-88-2016 Authorizing Award Of A Contract To Marathon Health, LLC For Employee Health Clinic Services.

5.3 HR Clinic Update & Service Agreement Coversheet
Att 1 HR Contract Award Marathon Health RES
Att 2 Healthstat Update Powerpoint

5.4. DEVELOPMENT SERVICES **(presenter: Kerri Burchett)**
PUBLIC HEARING
MIRASOL 2ND ADDITION ANNEXATION

This is a public hearing to consider a resolution and the following ordinances on first reading:

- Adoption of a resolution and ordinance to annex 6.8 acres of property to be known as the Mirasol Second Addition; and
- A quasi-judicial action to zone the 6.8 acres to Mirasol Community Planned Unit Development.

The property is located at the southeast corner of 4th Street SE and St. Louis Avenue. The applicant is the Housing Authority of the City of Loveland.

1. A Motion to Adopt Resolution R-89-2016 Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Mirasol Second Addition" More Particularly Described Herein, And Setting Forth Findings Of Fact And Conclusions Based Thereon As Required By The Colorado Constitution And By State Statute.

2. A Motion to Approve, on First Reading, An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Mirasol Second Addition" To The City Of Loveland.

3. A Motion to Approve, on First Reading, An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Mirasol Second Addition" To The City Of Loveland.

5.4 DS Mirasol 2nd Addition Annexation Coversheet
Att 1 DS Mirasol 2nd Addition Annexation RES
Att 2 DS Mirasol Second Addition Annexation ORD
Att 2a Exh A Annexation Agreement Mirasol Second Addition EXH
Att 3 DS Mirasol Second Addition Zoning ORD

Att 4 DS Mirasol 2nd Annexation Staff Memo
Att 4 DS Mirasol 2nd Annexation Staff Memo 2
Att 5 Mirasol Powerpoint

5.5. DEVELOPMENT SERVICES **(presenter: Troy Bliss)**

PUBLIC HEARING

LEE FARM ADDITION GDP AMENDMENT

This is a quasi-judicial action with a public hearing to consider an ordinance on first reading, amending the previously approved General Development Plan for Lee Farm. Primary changes include removal of a community center, reduction in density, as well as reconfiguring some internal road networks (primarily W. 35th Street, minor collector, and local streets). The amendment focuses on developing a mixture of residential uses on 247 acres in northwest Loveland.

The property is generally located on the west side of N. Wilson Avenue, east of the Hogback and future Cascade Avenue alignment. It is directly north of the Hunter's Run Subdivision and directly south of the Buck Subdivision (see the attached vicinity map). The applicant is The True Life Companies represented by Katie Cooley.

The Planning Commission recommended approval of the General Development Plan amendment by a vote of 5 to 1 at a public hearing on August 8, 2016.

A Motion to Approve, on First Reading, An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For Certain Property Located Within The Lee Farm Addition Planned Unit Development (# P-91) And Approving The Amendment To The General Development Plan For Said Planned Unit Development.

5.5 DS Lee Farm GDP Coversheet
Att 1 DS Lee Farm GDP 1st Amendment ORD
Att 2 DS Lee Farm GDP Staff Memo
Att 3 DS Lee Farm GDP Map
Att 4 DS Lee Farm CC Presentation

5.6. PUBLIC WORKS **(presenter: Chris Carlson)**

PUBLIC COMMENT

SUPPLEMENTAL APPROPRIATION FOR WILSON TO TAFT FLOOD RECOVERY

This ordinance will appropriate funding for construction of the Wilson to Taft Avenue Flood Recovery project. This project contains all remaining flood recovery work between Wilson Avenue and Centennial Park, including the following: replacement of the pedestrian bridge crossing the Big Thompson River downstream of Wilson Avenue; repair and realignment of several sections of concrete pedestrian trail between Wilson and Taft Avenue; repairs, utility protection, trail realignment, and erosion protection north of the Cottonwood Meadows Subdivision at an avulsion area; repair of three damaged storm sewer outfalls; repair and restoration of a pre-flood stormwater quality treatment pond; and construction of a trail connection to the west sidewalk on Taft Avenue.

The overall project budget is $1,125,000. The Parks and Recreation Department currently has $600,000 appropriated for this flood recovery work. The Open Lands and Trails Division will contribute $50,000 already appropriated from recreation trail CEF's. This provides a total of $650,000 from the Parks and Recreation Department's existing appropriated funds. The Public Works Department currently has $192,903 appropriated for this flood recovery work. The Public Works and Parks & Recreation Department 2016 budget appropriations combined together equal $842,903. This

requires a supplemental appropriation request of $282,097 to cover the anticipated $1,125,000 project budget. Based on a percentage split in types of eligible work, $209,020 will be appropriated from the Stormwater Utility Capital Fund and $73,077 from the General Fund. Therefore, $282,097 in supplemental appropriation is requested. This project is eligible for partial reimbursement from FEMA.

The appropriation uses existing balances within the General Fund and Stormwater Utility Capital fund. The existing working cash balance of the Stormwater Utility Capital fund is $7,379,642. It will be reduced by $209,020 to a new balance of $7,170,622. The General Fund balance will be reduced by $73,077.

A Motion to Approve, on First Reading, An Ordinance Enacting A Supplemental Budget Appropriation To The 2016 City Of Loveland Budget For Construction Of The Wilson To Taft Avenue Flood Recovery Project.

5.6 PW Wilson to Taft Flood Recovery Coversheet
Att Supp App Wilson to Taft ORD

5.7. CITY ATTORNEY (presenter: Tami Yellico)

PUBLIC HEARING

FOUNDRY METRO DISTRICT SERVICE PLAN

This proposed resolution is to approve the Service Plan for Foundry Loveland Metropolitan District (the "District").The District is generally located between 1st Street and Back Stage Alley, between Cleveland Avenue and Lincoln Avenue in the City of Loveland. It consists of approximately 4 acres for mixed-use development. The purpose of the District will be to construct, finance, operate, and maintain a portion of the public improvements for the benefit of its occupants, taxpayers, and visitors. A mill levy cap of 50 mills is proposed for the District, subject to certain adjustment provisions.

A Motion to Adopt Resolution R-90-2016 Of The Loveland City Council Approving The Consolidated Service Plan For Foundry Loveland Metropolitan District.

5.7 CAO Foundry Service Plan Coversheet
Att 1 CAO Foundry Metro RES
Att 1a Foundry Metro District EXH A
Att 2 Map of Proposed Foundry Metro District

5.8. CITY ATTORNEY (presenter: Tami Yellico)

BRINKMAN PROPERTY TRANSFER

Staff has been working on the financing plan for the public improvements for The Foundry Project ("Project"). A key component of the Project financing is the formation of a Metropolitan District ("District") by Brinkman Capital, LLC (the "Developer") that will have the same boundaries as the Project area. The District will be comprised of all of the properties in the Project, including 130 North Cleveland Avenue. The negotiations to this point have included the transfer of property owned by the City to the Developer for the Project, with the City retaining the property on which the garage will be located. Public improvements in the Foundry include a public parking garage, public plaza, and other public improvements. The purpose of the District will be to levy property taxes on the properties within the Project to assist in paying the debt on the special revenue bonds to be issued by the City on behalf of the DDA to finance the parking garage and other public improvements, and for the District to own and maintain the public plaza spaces. Through this financial plan, the City, the District,

and the Developer will be making a substantial investment in downtown Loveland for the benefit of the community. The ordinance was approved on first reading by City Council at the September 13, 2016 Special Meeting.

A Motion to Approve, on Second Reading, Ordinance #6049 to transfer the property at 130 N. Cleveland Avenue to Brinkman Capital, LLC for a portion of The Foundry Project in the City of Loveland.

5.8 CAO Transfer of Property to Brinkman Coversheet
Att 1 CAO Project Timeline
Att 2 CAO130 North Cleveland Ave ORD
Att 3 CAO 130 North Cleveland Purchase Agrmnt EXH

6. REPORTS

6.1. BUSINESS FROM CITY COUNCIL

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

6.2. CITY MANAGER REPORT

6.3. CITY ATTORNEY REPORT

7. ADJOURNMENT

City of Loveland

CITY COUNCIL

Civic Center • 500 East Third Street, Suite 330 • Loveland, CO 80537
(970) 962-2303 • Fax (970) 962-2900 • TDD (970) 962-2620
www.cityofloveland.org

PROCLAMATION

WHEREAS, Larimer County lost 80 individuals to suicide in 2015; and

WHEREAS, over the last ten years, more than 583 people have died by suicide in Larimer County; and

WHEREAS, suicide permeates all demographic boundaries and causes extreme suffering, grieving, and pain, that affects families, schools, and communities; and

WHEREAS, many of the social, demographic, biological, clinical, and behavioral risk factors for suicide are known, and many promising strategies exist to prevent suicide; and

WHEREAS, the risk for human self-destruction can be reduced through awareness, education, and treatment; and

WHEREAS, it is necessary to regard suicide as a major health problem and to support educational programs, research projects, and services, providing support and resources to those who lost a loved one to suicide; and

WHEREAS, The Alliance for Suicide Prevention's mission is to prevent suicide by raising awareness, educating and training youth and adults about depression and suicide, and providing resources and support to those who have been impacted; and

WHEREAS, events and presentations are planned for the month of September to help educate the Thompson Valley School District students, faculty, staff, parents, and others about suicide, and promote awareness of available resources.

NOW, THEREFORE , we the City Council of Loveland, do herby proclaim the month of September as

SUICIDE AWARENESS MONTH

in Loveland, Colorado, and in so doing, urge all citizens to join in a community effort to raise awareness to help prevent suicides in our community.

Signed this 20th day of September, 2016

Cecil A. Gutierrez
Mayor

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Recycled Paper

City of Loveland

CITY COUNCIL

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PROCLAMATION

WHEREAS Diaper Need, the condition of not having a sufficient supply of clean diapers to ensure that infants and toddlers are clean, healthy and dry, can adversely affect the health and welfare of infants, toddlers and their families; and

WHEREAS national surveys report that one in three mothers experience diaper need at some time while their children are less than three years of age and forty-eight percent of families delay changing a diaper to extend their supply; and

WHEREAS the average infant or toddler requires an average of 50 diaper changes per week over three years; and

WHEREAS diapers cannot be bought with food stamps or WIC vouchers, therefore obtaining a sufficient supply of diapers can cause economic hardship to families; and

WHEREAS a supply of diapers is generally an eligibility requirement for infant and toddlers to participate in childcare programs and quality early education programs; and

WHEREAS the people of Loveland recognize that addressing Diaper Need can lead to economic opportunity for the state's low-income families and can lead to improved health for families and their communities; and

WHEREAS Loveland is proud to be home to various community organizations , including The Nappie Project-A Diaper Bank, that recognize the importance of diapers in helping provide economic stability for families and distribute diapers to poor families through various channels.

NOW, THEREFORE, we, the City Council of Loveland, do hereby proclaim the week of September 26th through October 2nd, 2016 as

DIAPER NEED AWARENESS WEEK

in the City of Loveland and encourage the citizens of Loveland to donate generously to diaper banks, diaper drives, and those organizations that distribute diapers to families in need to help alleviate diaper need in Loveland and environs.

Signed this 20th day of September, 2016

Cecil A. Gutierrez, Mayor

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MINUTES
LOVELAND CITY COUNCIL SPECIAL MEETING
Tuesday, August 23, 2016 RIALTO THEATER CENTER 6:00 PM

COUNCIL PRESENT: Gutierrez, Fogle, McKean, Johnson, Shaffer, Overcash, Clark, Krenning and Ball.

COUNCIL ABSENT: None

1 INTRODUCTION

CALL TO ORDER
Mayor Gutierrez opened the special meeting at 6:20 p.m.

1.1 PLEDGE OF ALLEGIANCE

1.2 ROLL CALL

2 AGENDA

2.1 CITY MANAGER AND CITY COUNCIL
PRIORITIES, OBJECTIVES AND GOALS

On August 16, 2016, City Council called a special meeting for August 23, 2016 at the Rialto Theatre Center, 228 E. 4th St, Loveland, CO. The purpose of the meeting is to give clear direction to the City Manager regarding projects and programs. The meeting will begin at 6:00 p.m. in the Devereux Room. For purposes of this meeting there is no direct budget impact, however, direction from the meeting could result in future budget discussions. Council Discussed:

1. Revised performance review. Subcommittee: Councilors Overcash, Ball, Johnson and Clark as well as HR Director Julia Holland will bring back two items: recommendations for how Council should address the need for evaluations of their three employees and the need for a survey. Council indicated the evaluations do not have to occur at the same time.
2. Concern regarding the idea that the City is difficult to do business with.
3. Budget prioritization. Take another look at the Priority Based Budgeting module. Removing programs that are mandated from tier 4.
4. Discussion of the "new Leadership" and what that looks like to Council members.
5. Set budget priorities in February and March and let Staff come back with a budget that exemplifies the priorities set by Council. Give Council time to review the supplemental requests list.

6. Coversheets: Would like more information regarding the pros of cons between the options and the staff recommendation. Maybe use of a table to show the different decision points.
7. Discussion of the Communication Plan for Council and Staff.
8. Discussion of Current programs and projects and selection of priorities for projected programs and projects by City Council by placing dots on their individual priorities. City Manager Adams will create summary of this meeting for Council.

Project and Program votes
Project and Program votes-high to low

3 ADJOURN

Hearing no other matters before this Council, Mayor Gutierrez adjourned the August 23, 2016 Special Meeting of Council at 9:50 p.m.

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

MINUTES
LOVELAND CITY COUNCIL MEETING
Tuesday, September 6, 2016 CITY COUNCIL CHAMBERS 6:00 PM

COUNCIL PRESENT: Mayor Gutierrez
Mayor Pro Tem Fogle
Councilors:
Krenning, Ball, Shaffer, Overcash, Clark and McKean.
Johnson arrived at 6:03 p.m.

COUNCIL ABSENT: None

1 INTRODUCTION

1.1 CALL TO ORDER
Mayor Gutierrez called the meeting to order at 6:00 p.m.

1.2 PLEDGE OF ALLEGIANCE

1.3 PROCLAMATIONS AND PRESENTATIONS
Councilor Shaffer read the proclamation declaring September as Hunger Action Month in Loveland, which was received by Alison Hade, Community Partner Manager.

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

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

Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Comments will be limited to no more than three minutes, the City Clerk will start the timer once an introduction is made and a buzzer will sound when the three minutes have expired.

Councilor Clark requested items 2.5 and 2.11 be considered on the Regular Agenda. Councilor Krenning requested item 2.6 be considered on the Regular

Agenda.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle

A Motion to approve the Consent Agenda with the exception of items 2.5, 2.6 and 2.11.

CARRIED UNANIMOUSLY.

2.1 CITY CLERK
APPROVAL OF MINUTES

Approval of the City Council minutes for the August 9, 2016 Study Session and Special Meeting, the August 16, 2016 Regular Meeting and the August 23, 2016 Special Meeting.

Approval of the City Council minutes for the August 9, 2016 Study Session and Special Meeting and the August 16, 2016 Regular Meeting.

A Motion To Approve City Council Minutes for the August 9, 2016 Study Session and Special Meeting and the August 16, 2016 Regular Meeting.

CARRIED UNANIMOUSLY.

2.2 CITY MANAGER
APPOINTMENTS TO THE COMMUNITY MARKETING COMMISSION AND HOUSING AUTHORITY

This is an item appointing members to the Community Marketing Commission and the Housing Authority.

1. Adopt a motion to appoint Laura Coale to the Community Marketing Commission for a term effective until June 30, 2019
2. Adopt a motion to reappoint Christine Forster to the Community Marketing Commission for a term effective until June 30, 2019
3. Adopt a motion to reappoint Peggy Ziglin to the Community Marketing Commission for a term effective until June 30, 2019
4. Adopt a motion to reappoint Sandra Mezzetti to the Housing Authority for a term effective until June 30, 2021

CARRIED UNANIMOUSLY.

2.3 PUBLIC WORKS & FINANCE
FLEET VEHICLES SUPPLEMENTAL APPROPRIATION

Currently, some vehicles are purchased by the Fleet Replacement Fund (500) and other vehicles are purchased by other funds (enterprise and special revenue funds). Fleet Management amortizes vehicles purchased within the Fleet Replacement Fund to ensure funds are set aside for future replacement costs. Most

vehicles purchased by other funds are amortized within those funds, however, the occasional vehicle has missed being amortized. This item is being presented to streamline and increase efficiency of the vehicle purchasing and amortization process. This item proposes the supplemental budget and appropriation necessary to transfer currently budgeted 2016 funds from the Transportation, Stormwater, Transit, and Police CEF Funds into the Fleet Replacement Fund to make this administrative change for vehicle purchases budgeted outside of the Fleet Replacement Fund in 2016. This streamlined method will be built in to the budget for 2017 and beyond for future years. This ordinance was approved unanimously on first reading by City Council on August 16, 2016.

A Motion To Approve, ON Second Reading, Ordinance #6041 Enacting A Supplemental Budget and Appropriation To the 2016 City of Loveland Budget For an Administrative Change in the Method of Purchasing Fleet Vehicles.

CARRIED UNANIMOUSLY.

2.4 DEVELOPMENT SERVICES
GATORWEST ADDITION ANNEXATION

This is a public hearing to consider the following items on first reading:
• A legislative action to adopt a resolution and ordinance to annex 2.3 acres of property to be known as the Gatorwest Addition; and
• A quasi-judicial action to zone the 2.3 acres to B-Developing Business District.
The property is situated on the west side of N. Garfield Avenue and on the east side of N. Granite Street, roughly half way between W. 50th Street and Ranch Acres Drives. It is addressed at 5100 Granite Street. The applicant is M. Bryan Short with Gatorwest, LLC.

Mayor Gutierrez opened the public hearing at 7:35. Staff and the applicant made presentations. There were no public comments. Mayor Gutierrez closed the public heating at 7:43 p.m.

A motion to approve, on Second Reading, Ordinance #6042 Approving the Annexation of Certain Territory To The City of Loveland, Colorado, to be known and designated as "Gatorwest Addition" To the City of Loveland.

CARRIED UNANIMOUSLY.

A motion to approve, on Second Reading, Ordinance #6043 Amending Section 18.04.060 Of the Loveland Municipal Code, the Same Relating to Zoning Regulations for "Gatorwest Addition" to the City of Loveland.

CARRIED UNANIMOUSLY.

2.5 LOVELAND POLICE DEPARTMENT

ABANDONED VEHICLE CODE AMENDMENT
PUBLIC COMMENT

This item was considered on the Regular Meeting.

2.6 MUNICIPAL COURT
COLLECTION PROCESS FOR COURT FINES
PUBLIC COMMENT

This item was considered on the Regular Agenda.

2.7 COMMUNITY PARTNERSHIP OFFICE
CDBG APPROPRIATION
PUBLIC HEARING

On July 5, 2016, City Council adopted a resolution to grant Community Development Block Grant funds in the amount of $417,140 during the 2016-2017 grant year. $80,000 of this amount was funding returned to the City from the Bohemian Foundation when the Bohemian Foundation became the managing partner of the Sister Mary Alice Murphy Center for Hope in Fort Collins. The $80,000 must be appropriated prior to contracting with 2016-2017 grant recipients.

A Motion to Approve, On First Reading, An Ordinance Enacting a Supplemental Budget and Appropriation to the 2016 City of Loveland Budget for Reallocation of Community Development Block Grant Funds

CARRIED UNANIMOUSLY

2.8 CITY MANAGER'S OFFICE
SPECIAL DISTRICT NO. 1 REAPPROPRIATION OF ASSESSMENTS
PUBLIC COMMENT

In late 2015, The City of Loveland completed the refunding of its Special Improvement District No. 1 (Series 2007) revenue bonds. Through the refunding, the interest rate on the bonds was lowered from 5.625% to 3.90%. The bonds are paid off through the payment of assessments by property owners in the district that receive benefits from the improvements financed by the original SID No. 1 bonds. In January of 2016, a new assessment role was presented to and adopted by Council. Since January, property owners in SID No. 1 have subdivided and combined lots leading to the need to update the special assessment roll. As the land is developed, property owners and land developers sometimes have to subdivide larger tracts and occasionally small parcels are combined to create larger parcels. The City plays an integral role in the lot configuration process and always desires to ensure that the value of the property is sufficient to adequately cover the amount of the assessments on the property. Recent lot changes have led to the

revisions of the special assessment roll. By keeping the assessment roll current, the assessment payments will be accurately calculated, be fully transparent to the property owners, and be billed and collected on time, so that payments on the Series 2015 revenue bonds will be paid as expeditiously as possible. The property owners affected by this action agree with the provisions and the revised assessment provided for in the Ordinance and revised Assessment Role.

A Motion to Approve, On First Reading, An Ordinance Approving The Re-Apportionment Of Assessment To Align With The Creation Of A New Lot Within Special Improvement District No.1.

CARRIED UNANIMOUSLY.

2.9 PARKS AND RECREATION
GOCO PLANNING GRANT FOR NAMAQUA UNDERPASS

The City of Loveland is seeking financial support from the Great Outdoors Colorado (GOCO) *Connect Initiative Trail Planning Grant* for the design and preparation of construction documents of an underpass at Namaqua Avenue on the City of Loveland Recreation Trail. The new underpass will provide trail users with a safe, grade-separated crossing of an arterial projected to double in volume by 2035. The grant request seeks funding for the design of the underpass in 2018; Conservation Trust Funds will be requested in the 2018 budget cycle. The approximate cost for the design and preparation of construction documents for the underpass is $125,000. The City is requesting $100,000 from GOCO and offering $25,000 in matching funds.

A Motion to Adopt Resolution R-82-2016 Supporting The Grant Application For A Connect Initiative Trail Planning Grant From The State Board Of The Great Outdoors Colorado Trust Fund For Completion Of Design Of Namaqua Trail Underpass.

CARRIED UNANIMOUSLY.

2.10 PUBLIC WORKS
WASTE COLLECTION TRUCKS PURCHASE

This resolution authorizes the City Manager to execute a contract for $1,377,242.01 for the budgeted purchase of four (4) Autocar chassis equipped with New Way automated side load compaction bodies, and one (1) Autocar chassis equipped with a McNeilus rear load compaction body

A Motion to Adopt Resolution R-83-2016 Approving A Contract With

Transwest Freightliner, LLC D/B/A Transwest Trucks For Purchase Of Five Waste Collection Trucks And Authorizing The City Manager To Execute The Contract.

CARRIED UNANIMOUSLY.

2.11 PUBLIC WORKS
US 34 & BOYD LAKE AVE INTERSECTION CONTRACT

This item was considered on the Regular Agenda

2.12 CITY MANAGER'S OFFICE
JULY INVESTMENT REPORT

The budget projection for investment earnings for 2016 is $2,199,328. On the portfolio's 2016 beginning balance this equates to an annual interest rate of 1.02%. Based on the June monthly report, the estimated yield on the fixed income securities held by USBank was at 1.31%, for total assets the yield was 1.07%. For the year-to-date, total earnings of $1,287,070 have been posted to City fund accounts. U.S. short-term Treasury interest rates rose slightly in July; the portfolio's change in unrealized gain for the year-to-date eased to $2.17 million. The end of July portfolio market value is estimated to be $225.1 million. The peak amount for the portfolio was reached before the 2013 flood when it had an estimated market value of $226.3 million.

2.13 FINANCE
JULY FINANCE REPORT

The Snapshot Report includes the City's preliminary revenue and expenditures including detailed reports on tax revenue and health claims year to date, ending July 31, 2016. The Citywide Revenue (excluding internal transfers) of $166.7 million is 5% below budget projections, while the Citywide total expenditures of $156,132,204 (excluding internal transfers) are 33.8% below budget projections. Sales Tax collections are 2.2% above the same period in 2015, this data spans seven months and the trend has been slowly rising.

2.14 CITY ATTORNEY'S OFFICE
CALL FOR A SPECIAL MEETING ON SEPTEMBER 13, 2016

Staff has been working on the financing plan for the public improvements for The Foundry Project ("Project"). A key component of the Project financing is the formation of a Metropolitan District ("District") by Brinkman Capital, LLC (the "Developer") that will have the same boundaries as the Project area. The District will be comprised of all of the properties in the Project, including 130 North

Cleveland Avenue. The negotiations to this point have included the transfer of property owned by the City to the Developer for the Project, with the City retaining the property on which the garage will be located. Public improvements in the Foundry include a public parking garage, public plaza, and other public improvements. The purpose of the District will be to levy property taxes on the properties within the Project to assist in paying the debt on the special revenue bonds to be issued by the City on behalf of the DDA to finance the parking garage and other public improvements, and for the District to own and maintain the public plaza spaces. Through this financial plan, the City, the District, and the Developer will be making a substantial investment in downtown Loveland for the benefit of the community.

A motion calling a special meeting of City Council September 13, 2016 at 6:00 p.m., to be located in City Council Chambers at 500 E. 3rd Street, Loveland. The purpose of the meeting is for Council to consider an Ordinance on First Reading to transfer the property at 130 N. Cleveland Avenue to Brinkman Capital, LLC for a portion of The Foundry Project in the City of Loveland.

CARRIED UNANIMOUSLY.

3 CITY CLERK READS TITLES OF ORDINANCES ON THE CONSENT AGENDA

4 PUBLIC COMMENT

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

Tom Ryan, Loveland resident, requested City Council and public support for the .25 of 1% Sales Tax, Ballot Issue funding a facility in Larimer County addressing substance abuse and mental illness.

Sherri Coffee, Loveland resident, also requested support for the Ballot Issue.

Bruce Croissant, 1629 Jackson Ave, expressed concern with lack of underground power facilities.

Tony Abbot, American Legion Post #2000, announced the annual tribute to 9-11 survivors and the lost. This event will be held at the Foote Lagoon, September 11, 2016 at 7:00 p.m. City Council and the public are invited.

5 REGULAR AGENDA

PROCEDURAL INFORMATION

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

5.1 CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

5.1.1 LOVELAND POLICE DEPARTMENT
ABANDONED VEHICLE CODE AMENDMENT

Provisions of LMC Section 10.28.010 place an undue hardship upon owners of vehicles who utilize public streets and other public rights of way to park motor vehicles for a period of time greater than seventy two hours. The Code currently permits a vehicle to be towed if located upon a public right-of-way for more than seventy two hours. The proposed changes permit the tow of a motor vehicle parked on any portion of a street, highway, alley or other public right-of-way if the vehicle is reasonably determined to be deserted, discarded, or inoperable. The proposed ordinance provides the Loveland Police Department with factors to consider when determining whether a vehicle is abandoned. The proposed ordinance would not impact the numerous other provisions of the Code related to parking. The proposed changes to LMC Section 10.28.021 provide the Loveland Police Department greater flexibility, in terms of time, to report abandoned vehicles to the Colorado Department of Revenue and remains consistent with state law. The proposed changes to LMC 10.20.030 broaden the types of vehicles, whether motorized or non-motorized, which are constructed or designed for sleeping or dwelling purposes, from parking or standing upon public rights of way for a period of time greater than seventy two hours. Michael Quitana, Loveland resident spoke in support of the ordinance.

Moved by Councilor Shaffer, seconded by Mayor Pro Tem Fogle.

A Motion to Approve, On First Reading, An Ordinance Amending Sections 10.28.010, 10.28.021, and 10.20.030 of the Loveland Municipal Code Pertaining to Abandoned Motor Vehicles on Public Rights of Way, the Reporting of Abandoned Motor Vehicles, and Vehicles Designed for Dwelling or Sleeping Purposes

CARRIED UNANIMOUSLY.

5.1.2 MUNICIPAL COURT
COLLECTION PROCESS FOR COURT FINES

The Court can no longer issue warrants for defendants who have not paid their

fines, as a result of the passage of House Bill 16-1311. The attached ordinance would allow the court to use a collection agency as another available option in collecting unpaid fines. There were no public comments made.

Moved by Councilor Krenning, seconded by Councilor Johnson

A Motion to continue the consideration of an Ordinance Amending The Loveland Municipal Code With Respect To Collection Of Fines And Penalties to the September 20, 2016 City Council Regular meeting.

CARRIED UNANIMOUSLY.

5.1.3 PUBLIC WORKS
US 34 & BOYD LAKE AVE INTERSECTION CONTRACT

City Council approval is necessary to give the City Manager authorization to sign a Contract with Mountain Contractors, Inc. for the Boyd Lake Avenue and US34 Intersection Project. Once the Contract is signed, a Notice to Proceed will be given to the Contractor to begin construction. Construction will include the installation of signals to ultimate locations on all four corners of the intersection as well as the construction of dual left turns on eastbound and westbound US34. Pedestrian facilities will also be improved with the installation of channelizing islands on the NW and NE corner of the intersection as well as protected pedestrian refuge islands on US34. With the approval of this Contract, construction is anticipated to begin on September 19, 2016 with a 50-working-day duration. A project completion date of November 25, 2016projected barring any adjustments necessary due to weather delays. City Attorney, Tami Yellico entered into the record a correction to the resolution: The total of the contract should be amended from "$1,555,207.67" to "$1,295,961.00". There were no public comments made.

Councilor Shaffer moved, seconded by Councilor Clark

A Motion to Adopt Resolution R-84-2016 Authorizing A Notice Of Award To Mountain Constructors, Inc. For The North Boyd Lake Avenue And US34 Interim Intersection Improvements Project (EN1302) And Authorizing The City Manager To Execute The Contract as amended by the City Attorney.

CARRIED UNANIMOUSLY.

5.2 CITY ATTORNEY'S OFFICE
AIRCRAFT LANDING AND TAKEOFF CODE REPEAL

Approval of the ordinance will repeal Sections 12.48.030 and 12.48.110 of the Loveland Municipal Code. At the August 16, 2016 City Council meeting, Council elected to adopt on first reading, by a vote of 8-1, an Ordinance that removes manager approval for landing and takeoff of all aircraft, including hot air balloons.

There were no public comments made.

Moved by Councilor Shaffer, seconded by Councilor McKean

A Motion to Approve, On Second Reading, Ordinance #6044 Repealing Loveland Municipal Code §§ 12.48.030 and 12.48.110 Prohibiting Takeoff and Landing of Aircraft Outside of Airport and Landing in City.

CARRIED 7-2: No votes: Shaffer and Gutierrez; Abstention: Krenning.

5.3 LOVELAND FIRE RESCUE AUTHORITY
FIRE TRAINING CENTER SUPPLEMENTAL APPROPRIATION

This is a three-way request, involving Loveland Fire Rescue Authority, Public Works and Risk Management. The three projects are separate, but interrelated:

1. Elimination of the current impoundment pond at the FTC, due to environmental issues ($206,242)
2. The establishment of a new drainage system (stormwater and wastewater) due to the elimination of the impoundment pond and to account for additional on-site stormwater management necessary for FTC masterplan ($260,314).
3. The construction of a new bridge on Railroad Avenue to mitigate flooding issues, which in turn, will eliminate the current entrance into the FTC, thus forcing the construction of a new primary and secondary emergency entrance into the facility ($219,409).
4. Relocation of site amenities such as signage and the flagpole ($12,035).

The total cost of all three sub-projects is $698,000.
This request was unanticipated and therefore unbudgeted. $206,242 of the requested amount is funded by fund balance in the Risk & Insurance Fund. If approved, the remaining Risk & Insurance Fund Balance will be $3,695,054. Possible funding options for the remainder of the project costs include Tabor Excess and/or General Fund unassigned fund balance. The remaining 2016 General Fund Unassigned Fund Balance would be $8,574,108 or the remaining 2016 TABOR Excess ending balance would be $20,083,545. There were no public comments made.

Moved by Councilor Shaffer, seconded by Councilor Overcash

A Motion to Approve, On First Reading, An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Fire Training Center.

CARRIED UNANIMOUSLY

5.4 HUMAN RESOURCES
BENEFIT FUND UPDATE

On August 30, 2016 Staff presented information regarding the City of Loveland Benefits Plan, “Plan”. City Council directed Staff to present additional options regarding the “Plan” to allow the Council the opportunity to include updated costs into the 2017 Budget. Staff is currently gathering data necessary to present this agenda item to City Council on September 6, 2016. Due to the short turn-around the materials will not be available until the morning of the regular meeting. Updated information provided by Staff will respond to Council’s questions from the Study Session including percentage contribution split with employee impact comparisons; family medical split, and regional and state health costs comparisons. Roger Weidlemann, 3814 Franklin Ave, asked for clarification on the "premium holiday". Bruce Croissant, suggested Council reserve a percentage versus a set dollar amount.

Moved by Councilor Shaffer, seconded by Councilor Johnson

A Motion to direct Staff to move forward with the necessary steps to incorporate the Council recommendation of the medical cost share average of 85% employer and 15% employee into the 2017 budget.

Motion to Amend

Moved by Councilor Shaffer, seconded by Mayor Gutierrez

A Motion to amend the original motion by adding "and direct Staff to bring back a resolutions setting a policy that would include the following provisions: 1) starting in 2018 the employer cost would be 80% and the employee costs would be 20%; 2) The reserves would be constantly maintained to at least 3.5 million dollars; and 3) Council would consider a "benefit holiday" in December if the reserves balance was retained at 3.5 million."

FAILED 3-6: NO: Fogle, Krenning, Clark, McKean, Ball, and Overcash

ORIGINAL MOTION: ***A Motion to direct staff to move forward with the necessary steps to incorporate the Council recommendation of the medical cost share average of 85% employer and 15% employee into the 2017 Budget.***

FAILED 3-6 NO: Krenning, Clark, McKean, Ball, Overcash and Fogle.

Moved by Mayor ProTem Fogle, seconded by Councilor Krenning

A Motion to end debate and call for the question.

CARRIED UNANIMOUSLY.

Moved by Councilor Krenning, seconded by Councilor McKean

A Motion to direct staff to move forward with the necessary steps to incorporate the Council recommendation of the medical cost share average of 80% employer and 20% employee into the 2017 Budget; to further direct staff to bring back a resolution for consideration that would:
1) set a policy of medical cost share average split at Employer 80% and Employee 20%;
2) In 2018 establish and maintain 20% of the total projected expenditures for the following budget year as a balance in reserves
3) In 2017 Employees will receive a "premium holiday" (1 month with no premium payment by employee), and thereafter employees would receive a "premium holiday", if the reserves balance exceeds the required minimum of 20% of the following years projected expenditures.

CARRIED 8-1: No: Gutierrez.

6 REPORTS

6.1 BUSINESS FROM CITY COUNCIL

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

Overcash:
Would like clarification of the role of the City's Boards and Commission; spoke regarding a house that had been moved and then abandoned.

Krenning:
Meeting with Police Chief and representative from Ft. Collins regarding the Police Training Facility; Requested that on the agenda for the second meeting of the month, "Council Business" be placed at the beginning of the meeting. At the direction of at least five members of Council, City Attorney, Tami Yellico will bring a resolution back for consideration setting that rule into place.
Buckhorn Train at Northlake Park is closed for the season.

Fogle:
The Rotary Club collected $39,000 from the duck race to be used to purchase ipads for students in the Thompson School District.

Johnson:
Gave an update of the Waste shed policy group. A public forum will be held September 15 at the COL Public Works bldg.; requested Council consider a resolution of support for the School Bond ballot measures.

Mayor Gutierrez:
Remember past Councilors: Walk Skowron, Barbara Liebler and Larry Dassow and Thompson School Dist. Rep. Dan Maas and his wife.

6.2 CITY MANAGER REPORT

1) Rule of Four to be scheduled for Council consideration:
   a. Reconsideration of a previously granted incentive
   b. School District request for a 6: water tap
2) Regional elected officials meeting 6:p.m. on Thursday, September 8, 2016 at the Water and Power building.

6.3 CITY ATTORNEY REPORT
None

7 ADJOURNMENT
Hearing no further business to come before Council, Mayor Gutierrez adjourned the September 6, 2016 Regular Meeting of Council at 9:41 p.m.

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

AGENDA ITEM: **2.2**
MEETING DATE: 9/20/2016
TO: City Council
FROM: City Manager's Office
PRESENTER: Steve Adams, City Manager

City of Loveland

TITLE:
Member Appointment To Affordable Housing Commission

RECOMMENDED CITY COUNCIL ACTION:
Adopt a motion to appoint Jerry Beers to the Affordable Housing Commission for a partial term effective until June 30, 2018

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

SUMMARY:
This is an item appointing a member to the Affordable Housing Commission.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
Janeen Sepulveda resigned from the **Affordable Housing Commission** ("AHC") effective September 8, 2016 due to relocating out of state. Jerry Beers was appointed by City Council as an alternate member on July 5, 2016. The Handbook for Boards and Commissions states (in part):

> "When a vacancy occurs on a board or commission by removal of a member or resignation, with approval of the interview committee, the Council-appointed alternate shall be recommended to the City Council for appointment to the position."

The interview committee recommends appointing Jerry Beers to the Affordable Housing Commission for a partial term effective until June 30, 2018.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:
None

The password to the public access wireless network (colguest...

AGENDA ITEM: **2.3**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Loveland Police Department
PRESENTER: Nathan Schadewald (Community Service Officer)

TITLE:
An Ordinance Amending Sections 10.28.010, 10.28.021, and 10.20.030 of the Loveland Municipal Code Pertaining to Abandoned Motor Vehicles on Public Rights of Way, the Reporting of Abandoned Motor Vehicles, and Vehicles Designed for Dwelling or Sleeping Purposes

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

OPTIONS:
1. Adopt the ordinance as recommended.
2. Deny the ordinance. (The seventy two hour public right-of-way definition of "abandoned" remains the same. The Loveland Police Department's reporting time for abandoned vehicles remains at five days. "Trailer coaches" remain the only type of vehicle constructed for sleeping or dwelling purposes that is prohibited from remaining upon public rights of way for more than twenty four hours.)
3. Adopt a modified action. (Specify in motion.)
4. Refer back to staff for further development and consideration. (No timing issues.)

SUMMARY:
Provisions of LMC Section 10.28.010 place an undue hardship upon owners of vehicles who utilize public streets and other public rights of way to park motor vehicles for a period of time greater than seventy two hours. The Code currently permits a vehicle to be towed if located upon a public right-of-way for more than seventy two hours. The proposed changes permit the tow of a motor vehicle parked on any portion of a street, highway, alley or other public right-of-way if the vehicle is reasonably determined to be deserted, discarded, or inoperable. The proposed ordinance provides the Loveland Police Department with factors to consider when determining whether a vehicle is abandoned. The proposed ordinance would not impact the numerous other provisions of the Code related to parking. The proposed changes to LMC Section 10.28.021 provide the Loveland Police Department greater flexibility, in terms of time, to report abandoned vehicles to the Colorado Department of Revenue and remains consistent with state law. The proposed changes to LMC 10.20.030 broaden the types of vehicles, whether motorized or non-motorized, which are constructed or designed for sleeping or dwelling purposes, from parking or standing upon public rights of way for a period of time greater than seventy two hours. The first reading of the ordinance was unanimously approved by the City Council at the September 6, 2016 Council meeting.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:

The password to the public access wireless network (colguest...

Since LMC 10.28.010 was last amended in 2009, the Loveland Police Department noticed a pattern that has emerged where members of the public contact the Loveland Police Department when a vehicle is alleged to have been parked on a residential street in close proximity to the registered owner's primary residence for a period greater than seventy two hours. Citizens contacted about failing to move their vehicles every seventy two hours on public streets have expressed anger and confusion because they don't see their vehicle as abandoned when parking said vehicle in front of their home. Citizens can be caught in a perpetual cycle of police contact where notice is provided to the alleged violator, the alleged violator moves their vehicle slightly forward or backward, then seventy two hours later the police are called again to deliver a notice and the process is repeated. To illustrate the point further, a family that goes on vacation for a week and leaves a vehicle parked in close proximity to the family's house on the street is subject to having the vehicle towed under the current Code.

The Loveland Police Department recommends creating a definition of "abandoned" for public rights-of-way, which matches the practical use of the term "abandoned," to alleviate the problematic cycle of notice and trivial movement of a vehicle. Numerous other parking and City Code violations currently exist to address vehicles parked on the street unlawfully. By redefining what constitutes an "abandoned" vehicle, the City can utilize staff and volunteer time with greater efficiency.

In 2014 only 54 invalid abandoned vehicle incidents occurred, but 2015 saw 234 invalid abandoned vehicle incidents, an increase of nearly four times that of 2014. The City experienced a slight increase year to year in invalid abandoned vehicle incidents until 2015. The City is on track to exceed invalid abandoned vehicle incidents in 2016 based on current projections.

Currently, under LMC 10.20.030, a trailer coach is the only type of vehicle that is prohibited from parking or standing upon public rights of way for a period greater than twenty four hours. The proposed changes would broaden the types of vehicles, which are similar to a trailer coach, from parking or standing upon the public right of ways. Those types of vehicles include, but are not limited to, camper coaches, camper trailers and motor homes. All descriptive terms in the proposed changes are defined by the 2003 Model Traffic Code, which the City adopted pursuant to LMC 10.04.010. The result of the proposed changes will encapsulate all motorized and non-motorized vehicles, which are designed or constructed for sleeping or dwelling purposes, from parking or standing upon public rights of way for a period of seventy two hours or more. The permissible time for parking the aforementioned types of vehicles would increase from twenty four hours to seventy two hours to provide sufficient time for preparing the aforementioned types of vehicles prior to use.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Abandoned Vehicle Ordinance
2. Power Point Presentation

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First Reading: September 6, 2016

Second Reading: September 20, 2016

ORDINANCE NO:6045

AN ORDINANCE AMENDING SECTIONS 10.28.010, 10.28.020, AND 10.20.030 OF THE LOVELAND MUNICIPAL CODE PERTAINING TO ABANDONED MOTOR VEHICLES ON PUBLIC RIGHTS OF WAY, THE REPORTING OF ABANDONED MOTOR VEHICLES, AND VEHICLES DESIGNED FOR DWELLING OR SLEEPING PURPOSES

WHEREAS, portions of City Code Section 10.28.010 contain provisions that place an undue hardship upon owners of vehicles who utilize public streets and other public rights of way to park motor vehicles; and

WHEREAS, City Council ("Council") determined that utilizing law enforcement resources for the enforcement of abandoned vehicles that are otherwise lawfully parked is an inefficient use of City resources; and

WHEREAS, Council determined that a substantial and unsustainable percentage of anonymous calls to law enforcement regarding abandoned vehicles involve a vehicle which is in close proximity to the vehicle owner's home, but is sometimes parked for more than a seventy-two hour period; and

WHEREAS, Council determined that it is reasonable for a person to park his or her vehicle on a public right of way for a period of time greater than seventy-two hours without the vehicle being considered abandoned; and

WHEREAS, Council determined that the City should remain consistent with the state of Colorado regarding the maximum length of time for reporting abandoned motor vehicles to the Department of Revenue pursuant to C.R.S. 42-4-1804; and

WHEREAS, Council determined that vehicles designed for dwelling or sleeping purposes, with or without motorization, should be prohibited from standing or parking upon the public rights of way for a period greater than seventy two hours; and

WHEREAS, Council's intent in adopting this Ordinance is to provide law enforcement with an approach grounded in the common meaning of "abandoned" to utilize staff and volunteer time with greater efficiency, remove a definition that causes great inconvenience to some members of the public, keep reporting times consistent with state law, and expand the types of vehicles that are prohibited from remaining upon the public right of way for longer than seventy two hours.

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

Section 1. That Section 10.28.010(B) of the Loveland Municipal Code is hereby amended to read as follows:

10.28.010 Definitions.
As used in this chapter, unless the context otherwise requires:
B. "Abandoned motor vehicle" means:

1. Any motor vehicle left unattended on private property for a period of twenty-four hours or longer without the consent of the owner, his legally authorized agent, or the person having right to possession of such property;
2. Any motor vehicle left on public property, including any portion of a street, highway, alley or other public right-of-way within the city limits that is reasonably determined to be deserted, discarded or is inoperable. Law enforcement shall consider the duration the vehicle has remained stationary, the existence of debris inside or outside of the vehicle, the structural integrity of the vehicle, the condition of the vehicle's tires, and any other fact that tends to show the vehicle is deserted, discarded, or inoperable. "Inoperable" for purposes of this section shall mean that the totality of the circumstances then existing to law enforcement which would permit a reasonable person to conclude that the vehicle is incapable of being driven or incapable of being driven without damaging the motor vehicle;
3. Any motor vehicle stored in an impound lot at the request of its owner or the owner's agent, or a law enforcement agency, and not removed from the impound lot according to the agreement with the owner or agent or within forty-eight hours from the time the law enforcement agency notifies the owner or agent that the vehicle is available for release upon payment of any applicable charges or fees. If a law enforcement agency requested the storage, the provisions governing public tows of this chapter apply as of the time of abandonment. Otherwise, the private tow provisions of this chapter apply as of the time of abandonment.

Section 2. That Section 10.28.021 of the Loveland Municipal Code is hereby amended to read as follows:

10.28.021 Report of abandoned motor vehicles.
A. As soon as possible, but in no event later than ten working days after having an abandoned or illegally stopped or parked vehicle towed, the responsible law enforcement agency shall report the same to the Department of Revenue.
B. The responsible law enforcement agency, upon identifying the last-known owner of record and any lienholder of record for the abandoned vehicle, shall determine, from all available information and after reasonable inquiry, whether or not the abandoned motor vehicle has been reported stolen, and, if so reported, such agency shall recover and secure the motor vehicle and notify the owner of record and terminate the abandonment proceedings under this chapter. The responsible law enforcement agency shall have the right to recover from the owner its reasonable costs to recover and secure the motor vehicle. The responsible law enforcement agency, within ten working days of identifying the last-known owner of record and any lienholder of record, shall notify by first-class mail the owner of record, if ascertained and any lienholder, if ascertained, of the fact of such report and the claim, if any, of a lien under Section 10.28.050 of this chapter and shall send a copy of such notice to the operator. The notice shall contain information that the identified motor vehicle has been reported abandoned, the location of the

motor vehicle and the location from which it was towed, and that, unless claimed within thirty calendar days from the date the notice was sent as determined from the postmark on the envelope containing the notice or the affidavit of the law enforcement agent, the motor vehicle is subject to sale. Such notice shall also inform the owner of record or lienholder(s) of the opportunity to request a post-seizure hearing concerning the legality of the towing of his abandoned motor vehicle, and the responsible law enforcement agency to contact for that purpose. Such request shall be made in writing to the responsible law enforcement agency within five days of the date of sending such notice. Such hearing shall be conducted pursuant to local hearing rules.

Section 3. That Section 10.20.030 of the Loveland Municipal Code is hereby amended to read as follows:

10.20.030 Vehicles designed for dwelling or sleeping purposes prohibited on streets and alleys. No trailer coach, camper coach, camper trailer, motor home, or any other motorized or non-motorized vehicle which is constructed or designed for dwelling or sleeping purposes shall be parked or permitted to stand upon any public street or alley for a period longer than seventy two hours, and no such trailer coach, camper coach, camper trailer, motor home, or any other motorized or non-motorized vehicle which is constructed or designed for dwelling or sleeping purposes shall be used for dwelling or sleeping purposes while parked in any such place. The terms “trailer coach”, “camper coach”, “camper trailer”, and “motor home” shall have the same meaning as set forth in the 2003 Model Traffic Code the City has adopted, and amended, pursuant to Section 10.04.010.

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

ADOPTED this 20th day of September, 2016.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

AGENDA ITEM: **2.4**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Community Partnership Office
PRESENTER: Alison Hade, Administrator

TITLE:

An Ordinance Enacting a Supplemental Budget and Appropriation to the 2016 City of Loveland Budget for Reallocation of Community Development Block Grant Funds

RECOMMENDED CITY COUNCIL ACTION:

Adopt the ordinance on second reading.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action – If the action is denied, a funded agency will not receive their allocation as expected on October 1, 2016.
3. Adopt a modified action (specify in the motion) – Council would need to define any modification to the allocation recommendation.
4. Refer back to staff for further development and consideration – Staff would require direction from Council.

SUMMARY:

On July 5, 2016, City Council adopted a resolution to grant Community Development Block Grant funds in the amount of $417,140 during the 2016-2017 grant year. $80,000 of this amount was funding returned to the City from the Bohemian Foundation when the Bohemian Foundation became the managing partner of the Sister Mary Alice Murphy Center for Hope in Fort Collins. The $80,000 must be appropriated prior to contracting with 2016-2017 grant recipients. The first reading of the ordinance was unanimously approved by the City Council at the September 6, 2016 Council meeting.

BUDGET IMPACT:

☐ Positive

☐ Negative

☒ Neutral or negligible

The $80,000 is Community Development Block Grant (CDBG) funding and will not affect the City of Loveland General Fund balance. The CDBG Fund is a zero balance fund thus, the appropriations allotted in the CDBG Fund must match the revenue received.

BACKGROUND:

In 2015, the Bohemian Foundation returned $80,000 in CDBG that was originally granted to Neighbor to Neighbor in 2003. The City of Loveland placed a 20-year deed restriction on the property when the original CDBG was invested. The Bohemian Foundtion wished to have the restriction released which required repaying this CDBG funding.

The Loveland City Council authorized the allocation of 2016-2017 CDBG funding on July 5, 2016 through the adoption of Resolution #R-52-2016. The 2016-2017 CDBG funding includes the

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$80,000 that was returned by the Bohemian Foundation was included in the total allocation of $417,140.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:
1. Ordinance

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FIRST READING: September 6, 2016

SECOND READING: September 20, 2016

ORDINANCE NO. 6046

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF LOVELAND BUDGET FOR REALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

WHEREAS, the City has received and reserved funds not anticipated or appropriated at the time of the adoption of the 2016 City budget for reallocation of Community Development Block Grant funds; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2016 City budget for reallocation of Community Development Block Grant funds, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of $80,000 from fund balance in the Community Development Block Grant Fund are available for appropriation. Such revenues in the total amount of $80,000 are hereby appropriated to the 2016 City budget for reallocation of Community Development Block Grant funds. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget
Community Development Block Grant 204

Revenues		
Fund Balance		80,000
Total Revenue		**80,000**
Appropriations		
204-19-195-0000-43840	Grants	80,000
Total Appropriations		**80,000**

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has

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been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

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

ADOPTED this 20th day of September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

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AGENDA ITEM: **2.5**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Loveland Fire Rescue Authority; Public Works; Risk Management
PRESENTER: Mark Miller, Fire Chief

City of Loveland

TITLE:
An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget For The Fire Training Center

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

OPTIONS:
1. Adopt the action as recommended;
2. Deny the action. Face possible penalties from the Colorado Department of Public Health and Environment (CDPHE), lose ability to continue with fire training activities, and lose required egress for Loveland Fire Rescue Authority response teams departing from the Fire Training Center (FTC) in consideration of the loss of Fire Engine Red Street;
3. Adopt a modified action (specify in the motion)(*General Fund or TABOR Excess*);
4. Refer back to staff for further development and consideration. If project is referred back to staff, we may be negligent in meeting State requirements for mitigation and thus face possible sanctions.

SUMMARY:
This is a three-way request, involving Loveland Fire Rescue Authority, Public Works and Risk Management. The three projects are separate, but interrelated:

1. Elimination of the current impoundment pond at the FTC, due to environmental issues ($206,242)
2. The establishment of a new drainage system (stormwater and wastewater) due to the elimination of the impoundment pond and to account for additional on-site stormwater management necessary for FTC masterplan ($260,314).
3. The construction of a new bridge on Railroad Avenue to mitigate flooding issues, which in turn, will eliminate the current entrance into the FTC, thus forcing the construction of a new primary and secondary emergency entrance into the facility ($219,409).
4. Relocation of site amenities such as signage and the flagpole ($12,035).

The total cost of all three sub-projects is $698,000.
The first reading of the ordinance was unanimously approved by the City Council at the September 6, 2016 Council meeting.

BUDGET IMPACT:
☐ Positive
☒ Negative
☐ Neutral or negligible
This request was unanticipated and therefore unbudgeted. $206,242 of the requested amount is funded by fund balance in the Risk & Insurance Fund. If approved, the remaining Risk & Insurance

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Fund Balance will be $3,695,054. Possible funding options for the remainder of the project costs include Tabor Excess and/or General Fund unassigned fund balance. The remaining 2016 General Fund Unassigned Fund Balance would be $8,574,108 or the remaining 2016 TABOR Excess ending balance would be $20,083,545.

Sub-Project Number	Sub-Project Description	Need	Budget Request	Funding Source
1	Elimination of Current Impoundment Pond	Mandated by State	206,242	Risk & Insurance Fund
2	Establishment of New Drainage System (Stormwater & Wastewater)	To accommodate Stormwater no longer accepted by the Impoundment Pond To account for broader on-site Stormwater management To account for on-site wastewater generated from Fire training activities	260,314	TABOR Excess
3	Construction of a New Primary & Secondary Egress	Public Safety	219,409	TABOR Excess
4	Relocation of Site Amenities (flagpole, signage, etc.…)	Changes necessitated from sub-projects 1 through 3	12,035	TABOR Excess
Total Supplemental Budget Request			**206,242** **491,758** **$ 698,000**	**Risk & Insurance Fund** **TABOR Excess** **Grand Total**

BACKGROUND:

Since 1975, the FTC has been utilized by the fire department as the primary venue for firefighting skill development. Many years before the area became a FTC, there is some historical reference to it being a landfill, asphalt plant, etc. The entire area surrounding the training grounds is industrial in nature. In more recent times, environmental regulations from the State of Colorado have required the installation and monitoring of groundwater wells for possible contamination associated with past and present site operations. In the past three years, six additional wells were installed to monitor ground water within the vicinity of the on-site impoundment pond, which collects both stormwater and wastewater from on-site fire training activities. Recent tests from those wells show traces of radionuclides, pesticides, and metals in the ground water. The source of these contaminants is unknown; contaminants do not appear to be coming from current fire training activities and practices.

Regardless, the CDPHE required the City to either make modifications to the impoundment pond (implement an engineering design and operations plan and long term groundwater monitoring) or permanently close the impoundment pond. Closing the impoundment pond eliminates the storage basin used to collect both stormwater runoff from that area of the FTC site and waste-water associated with training activities. Thus, a new FTC drainage system, one in which all stormwater for the majority of the FTC site will drain to a new detention pond at the northeast corner of the training center, and a wastewater drainage system that will allow wastewater from fire training activities to discharge into the sanitary sewer, is what is proposed with this supplemental budget and appropriation request. Risk Management will cover the cost of the impoundment pond closing as this is an environmental regulatory issue that is not incidental in nature and has required on-going response actions and negotiations with CDPHE. The cost of on-site operational issues,

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such as discharges to the sanitary sewer and management of site stormwater associated with the closure of the impoundment pond and installation of site drainage infrastructures were unanticipated, and unbudgeted.

Separate, but related, Public Works applied for and received a $3.3 million grant from the Federal Highway Administration to widen and raise a section of roadway and build a new 100-foot, single span bridge south of the BNSF railroad crossing on Railroad Avenue to help alleviate flooding as was experienced in September 2013. The project includes widening the existing channel downstream of the proposed bridge causing the elimination of Fire Engine Red Street. Railroad Avenue's current condition requires that it close during a 10-year storm event. With the improvements, closures would be limited to the less frequent 50-year and greater storm events. The closure of Fire Engine Red Street causes the need to construct a new entrance to the training center. The most logical new entrance would come off of Garfield and SW 12th on the opposite (south) end of the training center.

Transitioning the main entrance to Garfield will cause an increase to response times when units are traveling from the FTC to the north or east. This creates the need for a secondary emergency access from the newly acquired training center property off Railroad Avenue (across the railroad tracks). Although there is currently access across the tracks, the access will need to be improved and hardened (asphalt) to allow fire apparatus to have a safe all-weather access across the railroad tracks and into the adjacent FTC property.

As indicated on the attachments, Public Works will construct the new entrance and has budgeted accordingly. However, costs for development of an emergency access are not currently budgeted and therefore are included as part of the supplemental request.

In essence, these capital projects will improve the overall functionality of the training center, improve flood resiliency, and meet CDPHE requirements for proper mitigation of ground water contamination sources.

Timing is critical for the mitigation of the impoundment pond as CDPHE has approved that impoundment pond excavation activities commence in October 2016, with initial backfilling activities occurring in the November/December timeframe. Reaching this agreement has been a complex and sensitive process. The new drainage system and detention pond will have to be in place prior to the closure of the current impoundment pond. Regarding the bridge construction and new entrance, it is anticipated that these projects will start spring or summer of 2017; therefore, supplemental funding, if approved, would be rolled forward at the close of 2016.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Ordinance
2. PowerPoint (including site map and projects overview map)

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FIRST READING: September 6, 2016

SECOND READING: September 20, 2016

ORDINANCE NO. 6047

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF LOVELAND BUDGET FOR THE FIRE TRAINING CENTER

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2016 City budget for the Fire Training Center; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2016 City budget for the Fire Training Center, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of $491,758 from TABOR Excess fund balance in the General Fund are available for appropriation. That reserves in the amount of $206,242 from fund balance in the Risk & Insurance Fund are available for appropriation. Such revenues in the total amount of $698,000 are hereby appropriated to the 2016 City budget for the Fire Training Center. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

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Supplemental Budget
General Fund 100

Revenues			
Fund Balance			491,758
Total Revenue			**491,758**
Appropriations			
100-91-999-0000-47120		Transfers to Capital Projects Fund	491,758
Total Appropriations			**491,758**

Supplemental Budget
Capital Projects Fund 120

Revenues			
120-00-000-0000-37502		Transfers from Risk & Insurance Fund	199,242
120-00-000-0000-37100		Transfers from General Fund	491,758
Total Revenue			**691,000**
Appropriations			
120-23-250-0000-43407	FRTRAINCTR	Environmental Services	199,242
120-23-250-0000-49355	FRTRAINCTR	Design & Architecture	18,900
120-23-250-0000-43450	FRTRAINCTR	Professional Services	12,035
120-23-250-0000-49360	FLENO1	Construction	89,409
120-23-250-0000-49360	FRTRAINCTR	Construction	371,414
Total Appropriations			**691,000**

Supplemental Budget
Risk & Insurance Fund 502

Revenues			
Fund Balance			206,242
Total Revenue			**206,242**
Appropriations			
502-17-176-0000-43407		Environmental Services	7,000
502-17-175-0000-47120		Transfers to Capital Projects Fund	199,242
Total Appropriations			**206,242**

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

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

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ADOPTED this 20th day of September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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AGENDA ITEM: **2.6**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Alan Krcmarik
PRESENTER: Alan Krcmarik, Executive Fiscal Advisor

TITLE:
An Ordinance Approving The Re-Apportionment Of Assessment To Align With The Creation Of A New Lot Within Special Improvement District No. 1

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

OPTIONS:

1. Adopt the action a recommended.
2. Deny the action. If the action is denied, the assessment roll would be out of date and there is a possibility that annual assessments would not be paid on a timely basis.
3. Adopt a modified action. The proposed assessment roll is intended to reflect the most recent subdivisions of property within Special Improvement District No. 1. Any other modification to the assessment roll could increase the possibility that payments would be delayed or paid in an incorrect amount.
4. Refer back to staff for further development and consideration. This could delay the dissemination of the corrected assessments on the properties affected by the changes, again resulting in delayed assessment payments or incorrect payments.

SUMMARY:
In late 2015, The City of Loveland completed the refunding of its Special Improvement District No. 1 (Series 2007) revenue bonds. Through the refunding, the interest rate on the bonds was lowered from 5.625% to 3.90%. The bonds are paid off through the payment of assessments by property owners in the district that receive benefits from the improvements financed by the original SID No. 1 bonds. In January of 2016, a new assessment role was presented to and adopted by Council. Since January, property owners in SID No. 1 have subdivided and combined lots leading to the need to update the special assessment roll. As the land is developed, property owners and land developers sometimes have to subdivide larger tracts and occasionally small parcels are combined to create larger parcels. The City plays an integral role in the lot configuration process and always desires to ensure that the value of the property is sufficient to adequately cover the amount of the assessments on the property. Recent lot changes have led to the revisions of the special assessment roll. By keeping the assessment roll current, the assessment payments will be accurately calculated, be fully transparent to the property owners, and be billed and collected on time, so that payments on the Series 2015 revenue bonds will be paid as expeditiously as possible. The property owners affected by this action agree with the provisions and the revised assessment provided for in the Ordinance and revised Assessment Role. The first reading of the ordinance was unanimously approved by the City Council at the September 6, 2016 Council meeting.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible The total amount of assessments due is not changed.

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BACKGROUND:

Historically, the Special Improvement District No. 1 goes back to the year 2000. The City of Loveland, through the adoption of Ordinance No. 4518 on March 21, 2000, issued $13,280,000 of special assessment bonds for the Special Improvement No. 1 Project. The proceeds of the original bonds funded improvements in the project area, including grading, streets, curbs, gutters, sidewalks, storm drainage facilities, and other improvements necessary to develop the site.

In 2007 through Ordinance 5204, The City issued refunding bonds to lower the interest rates and to correspondingly lower special assessments paid by landowners in the special assessment district. On November 17, 2015, City Council adopted an ordinance that allowed the refunding of the 2007 Special Improvement District No. 1 Revenue Bonds. After the refunding, staff made reductions to the assessments on the properties in the District and provided an updated assessment roll, which the Council adopted in January, 2016.

Since January, developers have made plans to subdivide and recombine a few parcels and staff is recommending that Council adopt the updated assessment roll. The parcels affected by the Ordinance are identified below:

Special District Parcel 11A of the Assessment Roll was originally a separate lot identified as Outlot B of the Millennium Northwest 3rd Subdivision, City of Loveland, County of Larimer Colorado (County Parcel No. 85044-10-002) subject to Assessments.

Special District Parcel 11D of the Assessment Roll was originally a separate lot identified as Lot 2, AMD lot 2 and Outlot B, Millennium Northwest 3rd Subdivision, City of Loveland, County of Larimer, Colorado (County Parcel No. 85044-09-002) subject to the Assessments, until 2009 when the Assessments related to such parcel were fully paid.

Pursuant to a subdivision of the Millennium Northwest 3rd Subdivision to create the Millennium Northwest 8th Subdivision, District Parcels 11A and 11D were combined in part as Lot 4, Block 1, Millennium Northwest 8th Subdivision, City of Loveland, County of Larimer, Colorado (“District Parcel 11H”) (County Parcel No. 85044-11-004)

With the written consent of the owner of District Parcel 11H and in order to maintain consistency between the Larimer County property records and the District Parcels, the City desires to modify the Assessment Ordinance to re-apportion some of the Assessments due on District Parcel 11A to District Parcel 11H.

Section 31-25-511(5) of the Colorado Revised Statutes provides, with the consent of the owner, City Council is authorized to modify the Assessment Ordinance, without a public hearing, to reapportion all or any part of the total amount assessed in the District to a new lot parcel that is created within the District as the result of any subdivisions, re-subdivision, vacation of right-of-way, or other action taken subsequent to adoption of the Assessment Ordinance.

In the proposed Ordinance, the assessments are modified to re-apportion $28,678.29 of the Assessment due on Parcel 11A to District Parcel 11H (County Parcel No 85044-11-004).

In the proposed Ordinance, the City Council determines that the amendment to the Assessment Ordinance set forth in this Ordinance will not materially or adversely impair the City’s obligation with respect to the any bonds secured by the Assessments.

The Ordinance provides direction to the City Clerk to file copies of the Ordinance with the Larimer County Clerk and Recorder for recording on the land records of the lots or tracts of land in the

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Special District. The Ordinance also directs the City Clerk to amend the Assessment Roll to reflect the reapportionment of assessments.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:
1. Ordinance
2. Map of Loveland Special Improvement District No. 1 (August 2016)

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FIRST READING: September 6, 2016

SECOND READING: September 20, 2016

ORDINANCE NO. 6048

AN ORDINANCE APPROVING THE RE-APPORTIONMENT OF ASSESSMENTS TO ALIGN THE WITH CREATION OF A NEW LOT WITHIN SPECIAL IMPROVEMENT DISTRICT NO. 1

WHEREAS, pursuant to Ordinance No. 4503 adopted and approved on January 4, 2000, the City Council (the "City Council") of the City of Loveland, Colorado (the "City") created Special Improvement District No. 1 (the "District") for the purpose of constructing and acquiring certain public works within the District (the "Improvements"); and

WHEREAS, the City Council adopted and approved Ordinance No. 4519 on March 21, 2000, which levies assessments (the "Assessments") against the property in the District benefited by the Improvements, and the City Council adopted and approved Ordinances No. 5245 on September 18, 2007 and No. 5991 on January 19, 2016, which amended Ordinance No. 4519 to reduce the rate of interest payable on installments of the Assessments (collectively, as so amended, the "Assessment Ordinance"); and

WHEREAS, the District property benefitted by the Improvements is identified by parcel ("District Parcel") and is set forth in an "Assessment Roll" that is certified annually by the City Clerk pursuant to Section 11 of the Assessment Ordinance and filed with the Clerk and Recorder, County Treasurer and County Assessor of Larimer County; and

WHEREAS, District Parcel 11A of the Assessment Roll was originally a separate lot identified as Outlot B of the Millennium Northwest 3rd Subdivision, City of Loveland, County of Larimer Colorado (County Parcel No. 85044-10-002) subject to Assessments; and

WHEREAS, District Parcel 11D of the Assessment Roll was originally a separate lot identified as Lot 2, AMD lot 2 and Outlot B, Millennium Northwest 3rd Subdivision, City of Loveland, County of Larimer, Colorado (County Parcel No. 85044-09-002) subject to the Assessments, until 2009 when the Assessments related to such parcel were fully paid; and

WHEREAS, pursuant to a subdivision of the Millennium Northwest 3rd Subdivision to create the Millennium Northwest 8th Subdivision, District Parcels 11A and 11D were combined in part as Lot 4, Block 1, Millennium Northwest 8th Subdivision, City of Loveland, County of Larimer, Colorado ("District Parcel 11H") (County Parcel No. 85044-11-004); and

WHEREAS, with the written consent of the owner of District Parcel 11H and in order to maintain consistency between the Larimer County property records and the District Parcels, the City desires to modify the Assessment Ordinance to re-apportion some of the Assessments due on District Parcel 11A to District Parcel 11H; and

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WHEREAS, pursuant to Section 31-25-511(5), C.R.S., with the consent of the owner, City Council is authorized to modify the Assessment Ordinance, without a public hearing, to reapportion all or any part of the total amount assessed in the District to a new lot parcel that is created within the District as the result of any subdivisions, re-subdivision, vacation of right-of-way, or other action taken subsequent to adoption of the Assessment Ordinance.

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

Section 1. The Assessment Ordinance is hereby modified to re-apportion $28,678.29 of the Assessments due on District Parcel 11A to District Parcel 11H (County Parcel No. 85044-11-004).

Section 2. The City Council hereby determines that the amendment to the Assessment Ordinance set forth in this Ordinance will not materially or adversely impair the City's obligation with respect to the any bonds secured by the Assessments.

Section 3. Except as amended by this Ordinance, all the terms and provisions of the Assessment Ordinance, as previously amended, shall remain in full force and effect.

Section 4. The current Assessment Roll as set forth in **Exhibit "A"** attached hereto and incorporated by reference, shall remain in full force and effect, until modified pursuant to the terms and conditions of the Assessment Ordinance.

Section 5. The officers and employees of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 6. The City Clerk is hereby directed to file copies of this Ordinance after its final adoption with the Clerk and Recorder of Larimer County for recording on the land records of such lots or tracts of land in the District and with the County Treasurer and County Assessor. The City Clerk is further directed to amend the Assessment Roll to reflect such reapportionment.

Section 7. This Ordinance shall be governed by and construed in accordance with the laws of the State of Colorado.

Section 8. All ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency; except that if Section 1 of this Ordinance shall for any reason be held to be invalid or unenforceable, then this Section 8 shall have no effect.

Section 9. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this Ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this Ordinance and such statutes. Any such inconsistency or conflict is intended by the City Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

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Section 10. This Ordinance shall take effect ten days after publication following final adoption, as provided in Charter Section 4-8(b).

ADOPTED this 20th day of September, 2016.

CITY OF LOVELAND, COLORADO

_____
Cecil A. Gutierrez, Mayor

(SEAL)

Attested:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

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AGENDA ITEM: **2.7**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Brett Limbaugh, Development Services Director
PRESENTER: Brian Burson, Current Planning

City of Loveland

TITLE:
An Ordinance Vacating A Ten Foot Wide Utility And Drainage Easement Located On, Over and Across A Portion Of Lot 10, Block 1, Evergreen Meadows Second Subdivision, City of Loveland, County of Larimer, State of Colorado

RECOMMENDED CITY COUNCIL ACTION:
Allow public comment and approve the ordinance on first reading.

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action. The easement would remain, making it impossible for the Applicant to expand the attached garage on the property.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. This would delay the Applicant in proceeding with the proposed expansion to his garage.

SUMMARY:
This is an administrative action. This is a public hearing to consider an ordinance on first reading vacating a 10' wide utility and drainage easement along the north side of Lot 10, Block 1, Evergreen Meadows Second Subdivision, aka 3590 Silver Leaf Drive. The property is located at the north dead-end of Silver Leaf Drive, approximately 2,200 feet north of East 29th Street.

There are no utilities in the easement and all utility providers have indicated that this portion of the easement is not needed for existing or planned utilities or drainage. Staff supports the vacation application.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
The easement was dedicated by the original plat of Evergreen Meadows Second Subdivision. The existing home on the lot includes an attached two-car garage on the north side. The Applicant wishes to expand this to a three-car garage. There is sufficient sideyard setback for the expansion, but it would result in an encroachment into the platted easement in a manner that would substantially interfere with the purpose of the easement. There is also a private irrigation easement along the north side of the drainage and utility easement, held by the Louden Ditch Lateral Company. The ditch company has provided written authorization to the Applicant to extend the garage 16-18 inches into that easement as well.

No Planning Commission recommendation is required for vacation of a utility and drainage easement, therefore no Planning Commission minutes are included in this staff report.

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REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:
1. Ordinance
2. Staff Memorandum

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FIRST READING: September 20, 2016
SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE VACATING A TEN FOOT WIDE UTILITY AND DRAINAGE EASEMENT LOCATED ON, OVER AND ACROSS A PORTION OF LOT 10, BLOCK 1, EVERGREEN MEADOWS SECOND SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a ten foot wide utility and drainage easement described below and located on, over and across a portion of Lot 10, Block 1 of the Evergreen Meadows Second Subdivision, City of Loveland, County of Larimer, Sate of Colorado (the "Property"); and

WHEREAS, the City Council finds and determines that the requirement that no land adjoining any easement to be vacated be left without an established public or private easement connecting said land with another established public or private easement is inapplicable; and

WHEREAS, the City Council finds and determines that the easement to be vacated is no longer necessary for the public use and convenience; and

WHEREAS, the City Council further finds and determines that the application filed at the City's Current Planning Division was signed by the owners of more than fifty percent of property abutting the easement to be vacated.

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

Section 1. That the City Council hereby adopts and makes the findings set forth above.

Section 2. That, based on such findings the following easement be and the same is hereby vacated:

A 10' Utility and Drainage Easement lying on, over and across a portion of Lot 10, Block 1, Evergreen Meadows Second Subdivision to the City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 10, thence along the North line of said Lot 10 North 88°00'00" East 10.00 feet; thence departing said North line South 01°00'00" East 5.00 feet to the True Point of Beginning; thence continuing South 01°00'00" East 10.00 feet; thence North 88°00'00" East 85.01 feet; thence North 01°00'00" West 10.00 feet; thence South 88°00'00" West 85.01 feet to the True Point of Beginning;

The above described property contains 850 square feet, more or less, and is subject to all easements, agreements and rights-of-way of record.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 4. That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Records after its effective date in accordance with State Statutes

ADOPTED this ___ day of October, 2016.

CITY OF LOVELAND, COLORADO:

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

AN ORDINANCE VACATING A TEN FOOT WIDE UTILITY AND DRAINAGE EASEMENT LOCATED ON, OVER AND ACROSS A PORTION OF LOT 10, BLOCK 1, EVERGREEN MEADOWS SECOND SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

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Current Planning Division
410 E. 5th Street • Loveland, CO 80537
(970) 962-2523 • eplan-planning@cityofloveland.org
www.cityofloveland.org/DC

M E M O R A N D U M

TO: City Council

FROM: Brian Burson, City Planner II, Current Planning Division

DATE: September 20, 2016

SUBJECT: Vacation of a portion of utility and drainage easement in Evergreen Meadows 2nd Subdivision

I. EXHIBITS

A. Vicinity map

B. Applicant's Vacation request

C. Vacation exhibit and legal description

D. Final Plat of Evergreen Meadows 2nd Subdivision (for information only)

II. KEY ISSUES

Staff believes that all key issues regarding the vacation have been resolved through the staff review process. Staff fully supports vacation of the unused easement, since it is no longer needed, and because all applicable City codes and standards can be met without this easement. At the time of preparation of this staff memorandum staff has received no inquiry or concern from adjacent property owners or the general public.

Planning Commission consideration and action is not required for vacation of easements that are not for the purpose of public access. Therefore, no Planning Commission minutes are included with this staff memorandum. The item has also been placed on the City Council consent agenda.

ATTACHMENT 2

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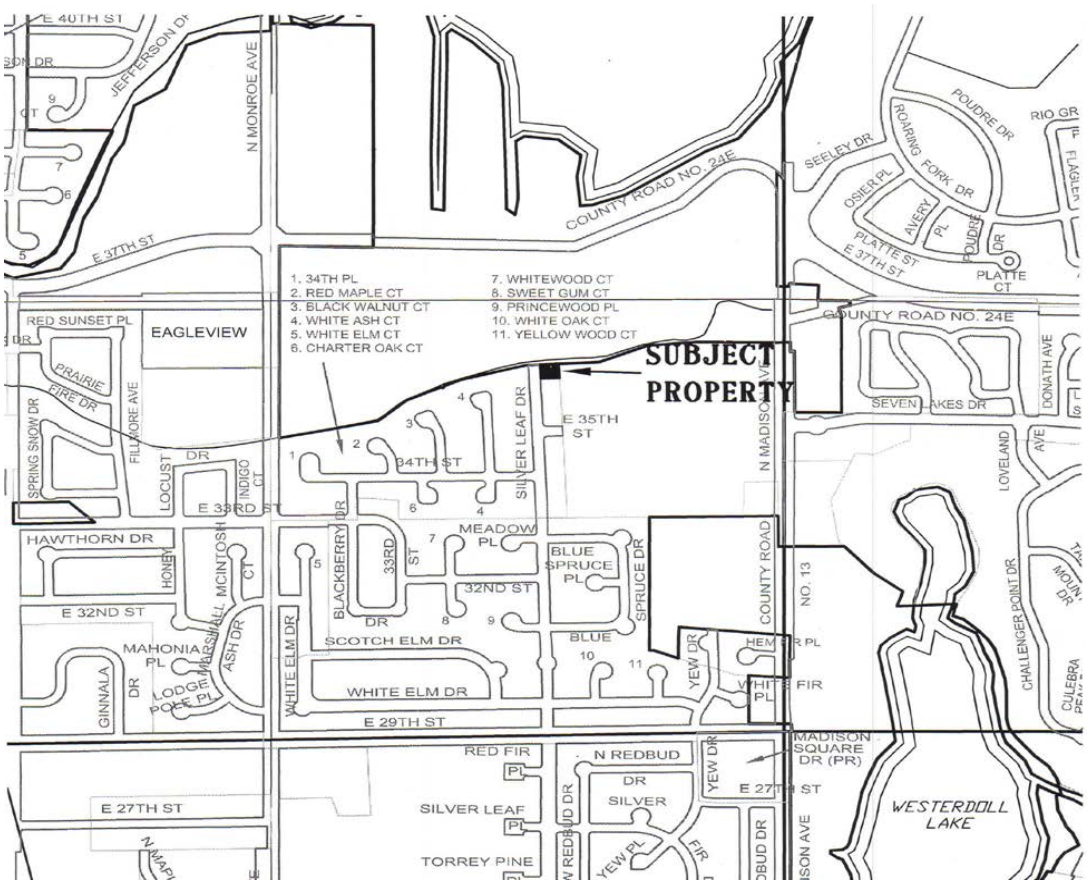
III. SUMMARY

This is a public hearing item to consider vacation of a portion of an unused utility and drainage easement. It was originally dedicated by the plat of Evergreen Meadows 2nd Subdivision. There are no utilities in the easement and all utility providers have indicated that this portion of the easement is not needed for existing or planned utilities or drainage.

The property is located at the north dead-end of Silver Leaf Drive, approximately 2,200 feet north of East 29th Street. This is at the northern edge of a developed residential neighborhood, and adjacent property to the north is open hay field not annexed into the City.

Figure No 1 - Vicinity map:



ATTACHMENT 2

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Figure No 2. Neighborhood Context Map:

The Applicant proposes to expand his existing attached two-car garage northward to create a three-car garage. This would result in an encroachment into the easement. If the easement is vacated, there is sufficient north side yard setback to accommodate the desired three-car garage. There is also a private irrigation easement along the north side of the drainage and utility easement, held by the Louden Ditch Lateral Company. The ditch company has provided written authorization to the Applicant to extend the garage 16-18 inches into that easement as well.

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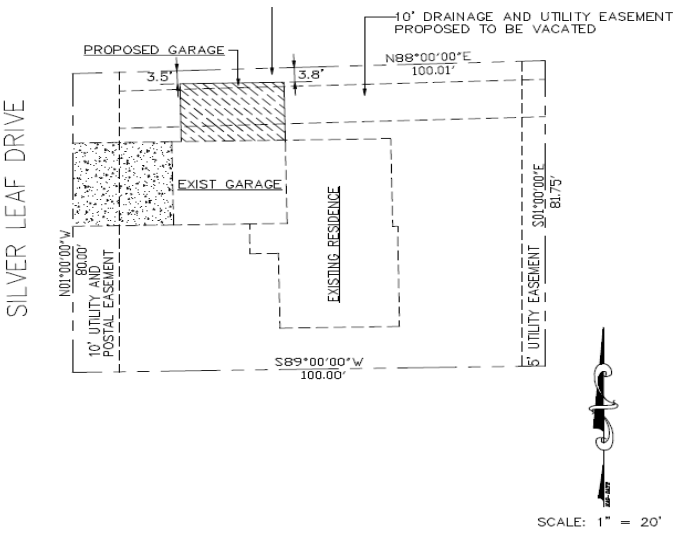
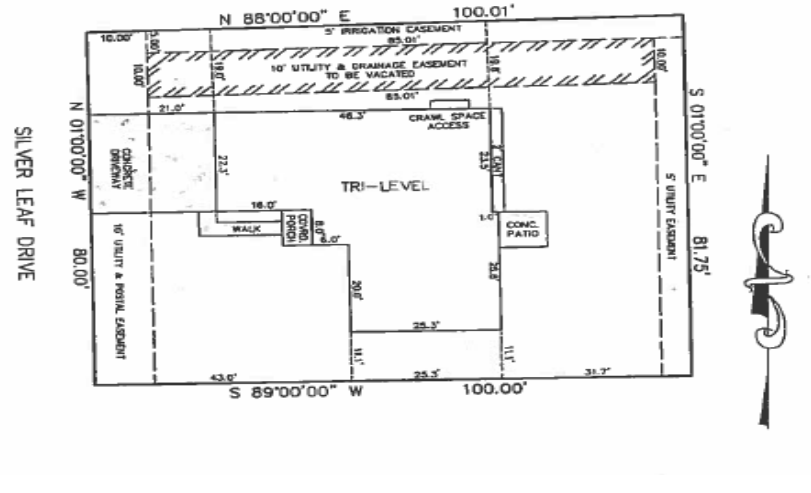
Figure No 3. Proposed site plan:



Since there is no need for either existing or future utilities or drainage in the easement, the Applicant proposes to vacate all of the easement within the site yard of the lot. Staff supports this proposal.

Figure No 4 Vacation Exhibit:



ATTACHMENT 2

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IV. FINDINGS and ANALYSIS

The following findings must be met in order for the City Council to vacate the easement. These findings are taken from section 16.36.010.B of the Loveland City Code, and also incorporated into the ordinance prepared for City Council action.

1. *That no land adjoining any right-of-way to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement.*

PW-Transportation: The easement to be vacated is not an access easement. The vacation of a portion of the easement will not affect any access to a right-of-way way or easement. Staff believes that this finding can be met.

2. *That the easement to be vacated is no longer necessary for the public use and convenience.*

PW-Transportation: The vacation of a portion of the easement will not negatively impact the public transportation system. The easement to be vacated is not necessary for the public use and convenience. Staff believes that this finding can be met.

Fire: The easement is not an easement for fire access or other fire purposes. The proposed addition to the single family residence in the Evergreen Meadows 2nd subdivision will not negatively impact fire protection for the subject development or surrounding properties. Staff believes that this finding can be met.

Water/Wastewater: The subject area to be vacated is the City's current service area for both water and wastewater. There are no existing water mains and/or wastewater mains in the easement area to be vacated. Vacation of a portion of the existing easement will not impact the existing water and wastewater utility configuration within and adjacent to this development and is not necessary for public use and convenience. Staff believes that this finding can be met.

PW-Stormwater: The existing utility easement is not used to convey Stormwater, therefore it is not necessary for the public use and conveyance of Stormwater. Staff believes that this finding can be met.

Power: An underground secondary vault and service are located on the south side of the property and are not affected by this vacation. There are no power utilities on the east side of Silver Leaf Drive, nor on the north side of the property. The easement to be vacated is not necessary for public use and convenience.

ATTACHMENT 2

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V. RECOMMENDED CONDITIONS

There are no recommended conditions from staff for this vacation.

ATTACHMENT 2

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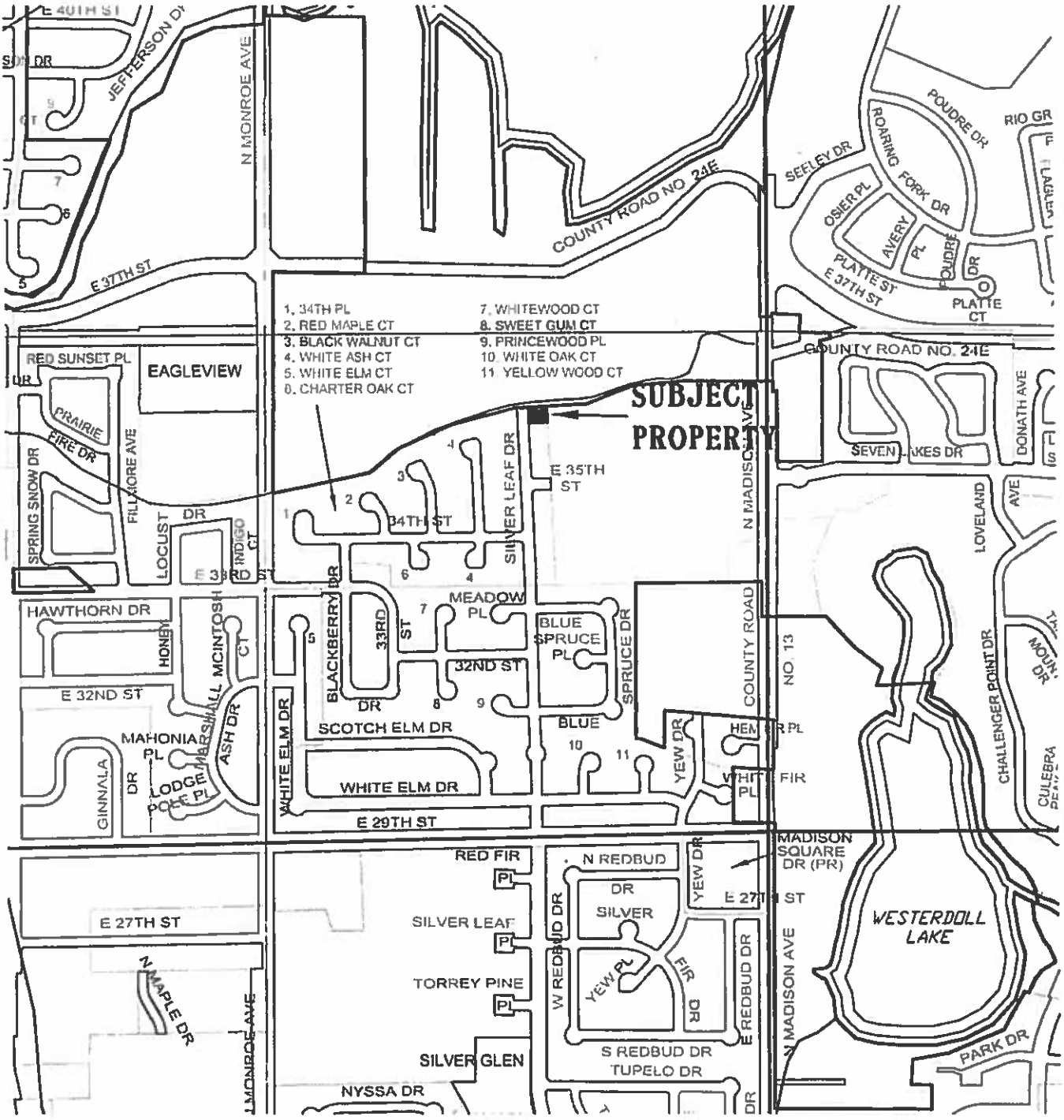
VICINITY MAP

LOT 10, BLOCK 1, EVERGREEN MEADOWS SECOND SUBDIVISION
3590 SILVER LEAF DR., LOVELAND, COLORADO



Landmark Engineering
3521 West Eisenhower Blvd., Loveland, Colorado 80537
(970) 667-6286 • Toll Free (866) 379-6252 • Fax (970) 667-6298
www.landmarkltd.com

TITLE: VICINITY MAP	
CLIENT: DONALD K COXON	SCALE: 1"=750'
DATE: DEC. 2012	

EXHIBIT A

This document is an instrument of professional service of Landmark Engineering Ltd. (L.E.L.) by law, be held harmless and released of any damage, liability, or cost arising or allegedly c of this document by others.

F:\SURVEYOR\ERIK\PLOT PLAN'S\COXON-SITEPLAN\dwg\COXON-SITEPLAN.dwg, 12/19/2014, -11:43am, csnyder

Donald Kevin Coxon
3590 Silver Leaf Drive Loveland,
Colorado 80538

1/30/2015
Justification Letter for Easement Vacation
City Of Loveland Planning Department

I am requesting an easement vacation because I would like to build a garage addition on my home. My current plans are to build a 15.5ft X 22ft third car garage that would be attached to my current two car garage. I am planning on building the garage addition on the north side of my home. There are three easements on the north side of my property that would have to be vacated in order to build the addition: 1) 10ft utility easement. 2) 10ft drainage easement. 3) 5ft irrigation easement. I have contacted all utility companies involved, had a locate completed, and have found that there are no utilities buried in the easement area. I have also contacted the irrigation company and shared my building plans with them. After a preliminary review of my building plans, the irrigation company stated that they had no issues with my addition to my garage. This project will not only add value to my home, my property, and the neighborhood, but it will also add value and extra revenue to the City of Loveland.

Thank You for your consideration,

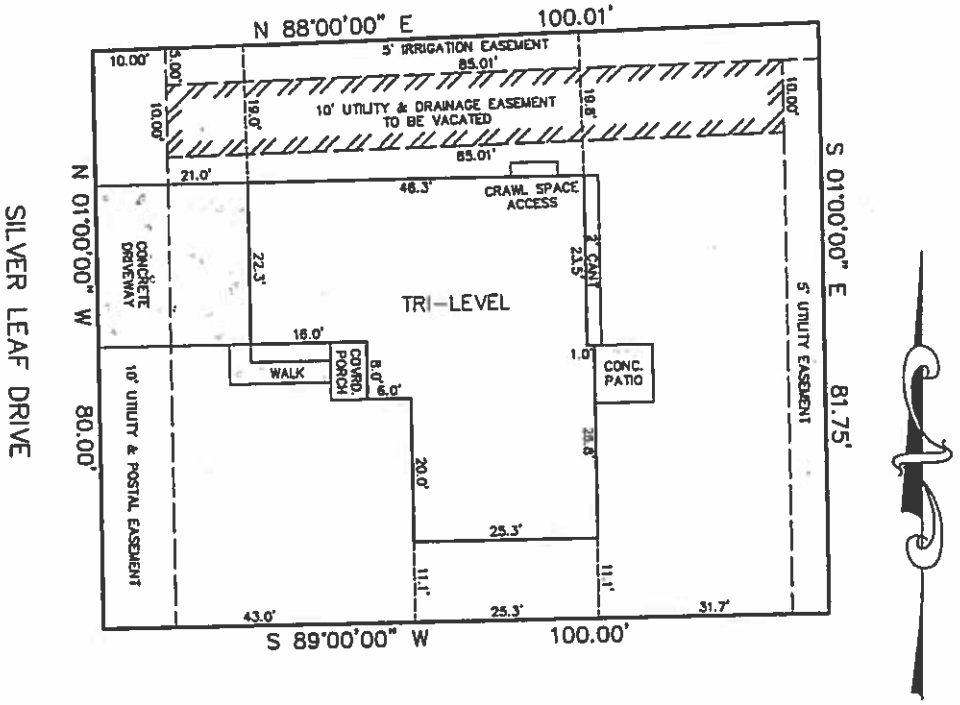
Donald Kevin Coxon

EXHIBIT B

City Of Loveland Planning Department

SITE PLAN

LOT 10, BLOCK 1, EVERGREEN MEADOWS SECOND SUBDIVISION
3590 SILVER LEAF DR., LOVELAND, COLORADO



SURVEYOR'S CERTIFICATE
I, Paul A. Hernandez, do hereby certify that this Site Plan was prepared by me or under my direct supervision and that it is correct to the best of my knowledge and belief.

Landmark Engineering, Ltd.

By: _____
Paul A. Hernandez
Colo. L.S. 32829

COLORADO REGISTERED PAUL ANTHONY HERNANDEZ 32829 PROFESSIONAL LAND SURVEYOR 16 Mar 15

EXHIBIT C

Landmark Engineering
3321 West Eisenhower Blvd., Loveland, Colorado 80537
(970) 667-6286 • Toll Free (866) 379-6252 • Fax (970) 667-6298
www.landmarksite.com

TITLE: SITE PLAN
CLIENT: DONALD K. COX
DATE: 16 March 2015 | JOB #:COXONK-4L1A-01-623

This document is an instrument of professional service of Landmark Engineering Ltd. (L.E.L.). Landmark shall, to the fullest extent permitted by law, be held harmless and released of any damage, liability, or cost arising or allegedly arising out of any modification, change, or reuse of this document by others.

F:\SURVEYOR\DRAWINGS\PLOT PLAN'S\COXONK-SITEPLAN.dwg, 03/16/2015, -10:11am, hernandezp

EXHIBIT – A

Legal Description

Legal description of a 10' Utility and Drainage Easement to be vacated lying on, over and across a portion of Lot 10, Block 1, Evergreen Meadows Second Subdivision to the City of Loveland, County of Larimer, State of Colorado, being more particularly described as follows:

Beginning at the Northwest corner of said Lot 10, thence along the North line of said Lot 10 North 88°00'00" East 10.00 feet; thence departing said North line South 01°00'00" East 5.00 feet to the True Point of Beginning; thence continuing South 01°00'00" East 10.00 feet; thence North 88°00'00" East 85.01 feet; thence North 01°00'00" West 10.00 feet; thence South 88°00'00" West 85.01 feet to the True Point of Beginning;

The above described property contains 850 square feet, more or less, and is subject to all Easements, Agreements and Rights-of-Way of record.

SURVEYOR'S CERTIFICATE:

I, Paul A. Hernandez, a duly registered Land Surveyor under the laws of the State of Colorado, do hereby certify that this legal description was prepared by me or under my direct supervision and that it is correct to the best of my knowledge and belief. It is not to be construed, nor does it represent a monumented land survey by this office.

LANDMARK ENGINEERING, LTD.

By: _____

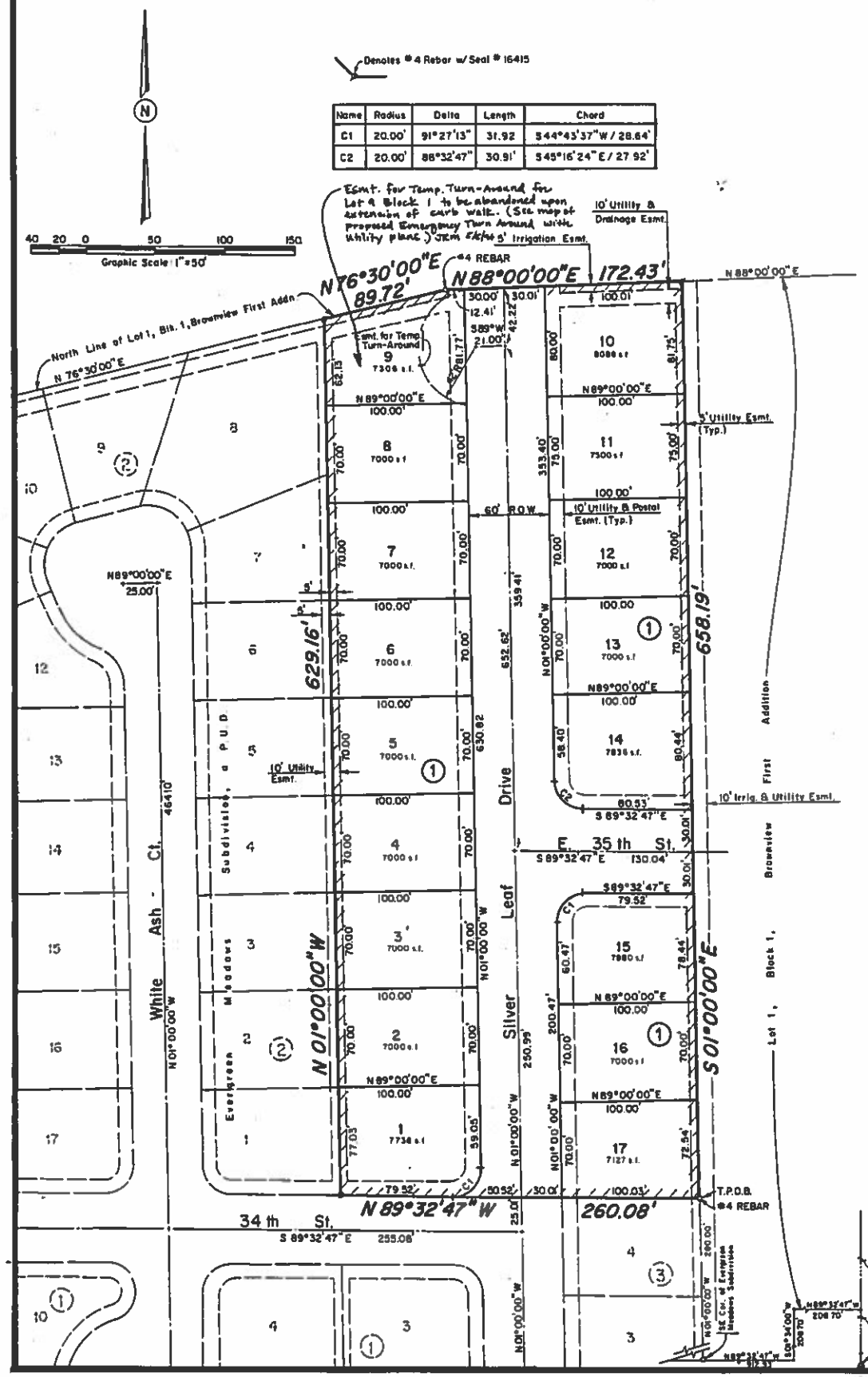
Paul A. Hernandez

Colorado LS 32829

EVERGREEN MEADOWS SECOND SUBDIVISION

A PLANNED UNIT DEVELOPMENT

BEING A PORTION OF LOT 1, BLOCK 1, BROWNVIEW FIRST ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.



Name	Radius	Delta	Length	Chord
C1	20.00'	91°27'13"	31.92	S44°43'37"W / 28.64'
C2	20.00'	88°32'47"	30.91'	S45°16'24"E / 27.92'

APPROVED this 14th day of August, 1990, by the CITY ENGINEER of the CITY OF LOVELAND, COLORADO.

CITY ENGINEER

APPROVED this 5th day of August, 1990, by the CHIEF PLANNER of the CITY OF LOVELAND, COLORADO.

CHIEF PLANNER

APPROVED this 14th day of May, 1990, by the CITY PLANNING COMMISSION of the CITY OF LOVELAND, COLORADO.

CHAIRMAN

This plat is approved and all areas dedicated to the public are accepted this 7th day of May, 1990 by the CITY COUNCIL of the CITY OF LOVELAND, COLORADO.

MAYOR ATTEST

NOTES:

1) 60% of the front yard is to be covered w/ living plant material. The developer will provide one 5 foot Evergreen tree per lot prior to issuance of a Certificate of Occupancy, or will establish escrow w/ the City.

2.) The easement for temporary turn-around shall be automatically vacated at such time as Silver Leaf Dr. is extended to the North.

3.) Lot 9 will not develop until Silver Leaf Dr. is extended to the North, and the turn-around easement is vacated. The Owner of Lot 9 will be responsible for constructing the curb and gutter from it's existing end point to the North property line.

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event, may any action based upon any defect in this survey be commenced more than ten years from the date of certification shown hereon.

BASIS OF BEARING: Considering the East line of the Southeast Quarter of Section 1, Township 5 North, Range 69 West as bearing North 01°34'00" East and with all bearings contained herein relative thereto, according to the plat of Brownview First Addition to the City of Loveland, Larimer County, Colorado.

SURVEYOR'S CERTIFICATE

I, Robert J. Nelson, being first duly sworn on his oath, deposes and says that he is a Registered Land Surveyor under the laws of the State of Colorado; that the survey of EVERGREEN MEADOWS SECOND SUBDIVISION, A PLANNED UNIT DEVELOPMENT of the City of Loveland, Colorado was made by him or under his supervision; that the survey is accurately represented on this map; and that the statements contained thereon were read by him and the same are true of his own knowledge.

Landmark Engineering Ltd.

By: Robert J. Nelson
Robert J. Nelson
Colo. L.S.# 16415

STATE OF COLORADO)
) ss
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 16th day of April, 1990, by Robert J. Nelson for Landmark Engineering Ltd.

Witness my hand and official seal.
My commission expires 7/10/91.

Notary Public
321 Scott Ave
Address Ft Collins COLO 80521

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being all the Owners and Lienholders of the following described property, except any existing public streets, roads or highways located in that portion of Section 1, Township 5 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado; also being a portion of Lot 1, Block 1, Brownview First Addition to the City of Loveland, Colorado, according to the plat on file in the office of the Clerk and Recorder, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 1 as bearing North 01°34'00" East and with all bearings contained herein relative thereto:

Beginning at a point which bears North 01°34'00" East 1325.06 feet; and again North 89°32'47" West 208.70 feet; and again South 01°34'00" West 208.70 feet; and again North 89°32'47" West 912.93 feet from the Southeast corner of said Section 1; said point also being the Southeast corner of Evergreen Meadows Subdivision, a Planned Unit Development according to the plat on file in the office of the Clerk and Recorder of said County; thence along the Easterly line of said Evergreen Meadows Subdivision North 01°00'00" West 280.00 feet to the TRUE POINT OF BEGINNING; thence North 89°32'47" West 260.08 feet; thence North 01°00'00" West 629.16 feet to the Northeast corner of said Evergreen Meadows Subdivision; said point also being a point on the North line of said Brownview First Addition; thence along said North line North 76°30'00" East 89.72 feet; thence North 88°00'00" East 172.43 feet; thence departing said North line South 01°00'00" East 658.19 feet to the TRUE POINT OF BEGINNING.

The above described parcel of land contains 3.877 acres more or less.

Do hereby subdivide the same into lots, blocks, recreation areas, passageways, streets, future streets, utility and other easements as shown on this map; and do hereby designate and dedicate all such recreation areas, parks, passageways, streets, future streets and easements, other than utility easements to and for public use, all such utility easements to and for public use for the installation and maintenance of utility, irrigation and drainage facilities; and do hereby designate the same as EVERGREEN MEADOWS SECOND SUBDIVISION, A PLANNED UNIT DEVELOPMENT to the City of Loveland, County of Larimer, State of Colorado.

All expenses involving necessary improvements for a water system, sanitary sewer system, storm sewer system, curbs and gutters, sidewalks, street improvements, street signs, traffic control signs, alley grading and surfacing, gas service, electric service, grading and landscaping shall be paid by the Owner.

Public improvements shall be designed and approved prior to the development of this subdivision.

OWNER(S): D.E. BURNS CONSTRUCTION CO., INC., a Colorado Corporation

Donald E. Burns, President

STATE OF COLORADO)
) ss
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 9th day of April, 1990 by Donald E. Burns as President of D.E. Burns Construction Co., Inc., a Colorado Corporation.

Witness my hand and official seal.
My commission expires 7/10/91

Notary Public
321 Scott Ave
Address Ft Collins CO 80521

LIENHOLDER: FIRST NATIONAL BANK IN LOVELAND

Donald E. Schneider, Senior Vice President

STATE OF COLORADO)
) ss
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 9th day of April, 1990 by Donald E. Schneider as Senior Vice President of First National Bank in Loveland.

Witness my hand and official seal.
My commission expires 8-1-93

Notary Public
103 S. Cleveland
Address Loveland, Co 80537

EXHIBIT D

LANDMARK ENGINEERING LTD.
Project No. 1131-4626-81-457
EVERGREEN MEADOWS SECOND SUBDIVISION

AGENDA ITEM: **2.8**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Brett Limbaugh, Development Services Director
PRESENTER: Troy Bliss, Current Planning

TITLE:
An Ordinance Granting A Petition For Inclusion Of The Area Of The City Of Loveland, County Of Larimer Generally Bounded By Lincoln Avenue To The East, Cleveland Avenue To The West, Opera Alley To The North And East First Street To The South Within The Loveland General Improvement District No. 1 In The City Of Loveland, Colorado

RECOMMENDED CITY COUNCIL ACTION:
City staff recommends the following motion for City Council action:

1. Conduct a hearing and move to adopt on first reading, an ordinance for inclusion of The Foundry project into the General Improvement District No. 1.

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action: If the action were denied, only a portion of the project site would fall within the boundaries of the General Improvement District No. 1 (as it currently exists). This would create complications in determining how to assess annual ad valorem real property and personal property taxes to the project site as well as interpreting how parking provisions would be applied and to what portions of the site. For all intents and purposes, this proposed inclusion is a "clean-up" to the boundaries of the General Improvement District No. 1 based upon the City's acquisition of properties.
3. Adopt a modified action: City Council could consider a modification to the proposed boundaries of this inclusion in the General Improvement District No. 1. However, if certain portions of the project site were excluded, those portions would be impacted due to additional land area being needed for parking purposes. Additionally, it would not comply with the intent of the General Improvement District No. 1 because it does not comprise the entire redevelopment area.
4. Refer back to staff for further development and consideration: This would cause undue delay to the project. City staff does not have the ability to consider alternatives to the General Improvement District No.1 in terms of boundaries or purpose. Only City Council has this discretion.

SUMMARY:
This item considers adoption of an ordinance on first reading, to include the property legally described in the attached ordinance, comprising of various lots and block within the Original Town of Loveland, City of Loveland, County of Larimer, State of Colorado in the General Improvement District No. 1.

The proposal by the City for including all of The Foundry project site in the General Improvement District No. 1 is a necessary adjustment to its boundaries due to the acquisition of properties and the established redevelopment area. The boundaries of the General Improvement District No. 1 are situated so as to align with whole properties (lots, parcels, tracts, etc.) or developments in order to apply additional tax for contribution in maintaining/upgrading public parking and pedestrian facilities downtown. The General Improvement District No. 1 is not established over

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portions of properties. Consequently, this adjustment is appropriate so that all of The Foundry project site is within the boundaries and not just a portion.

BUDGET IMPACT:

☐ Positive

☐ Negative

☒ Neutral or negligible

BACKGROUND:

The City has not seen many requests for inclusion in the General Improvement District No. 1. Dating back to 2002, only seven (7) have been considered. The most recent being this past January 2016, for a property located at 348 N. Jefferson Avenue, which City Council approved unanimously.

City staff fully supports the inclusion of The Foundry project site into the General Improvement District No. 1. This request adjusts the boundaries of the General Improvement District No. 1 to where all of the project site would be included - not just a portion. It would add other properties and property owners to the overall General Improvement District No.1, possibly increasing tax funding to continue maintaining/upgrading public parking and pedestrian facilities. And, it would help facilitate mixed-use development – primarily the inclusion of residential – bringing in more people to create a sustainable downtown.

REVIEWED BY CITY MANAGER:

SCA

LIST OF ATTACHMENTS:

1. Ordinance
2. Staff Memorandum

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FIRST READING: September 20, 2016
SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE GRANTING A PETITION FOR INCLUSION OF THE AREA OF THE CITY OF LOVELAND, COUNTY OF LARIMER GENERALLY BOUNDED BY CLEVELAND AVENUE TO THE WEST, LINCOLN AVENUE TO THE EAST, OPERA ALLEY TO THE NORTH AND EAST FIRST STREET TO THE SOUTH WITHIN THE LOVELAND GENERAL IMPROVEMENT DISTRICT NO. 1 IN THE CITY OF LOVELAND, COLORADO

WHEREAS, on September 2, 2016, the City Clerk received a verified petition from the City of Loveland, a municipal corporation, ("Petitioner"), the owner of the following legally described real property located in the City of Loveland and generally bounded by Cleveland Avenue to the west, Lincoln Avenue to the east, Opera Alley to the north and East First Street to the south ("Property") seeking the inclusion of said Property within the Loveland General Improvement District No. 1 ("GID"):

LOTS 1 AND 2, BLOCK 24, IN THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, EXCEPT THAT PORTION CONVEYED BY DEED RECORDED JULY 2, 2001 AT RECEPTION NO. 2001053327

LOTS 15 AND 16, BLOCK 19, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

LOTS 6, 7, 8 AND 9 BLOCK 24, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO EXCEPT THAT PORTION AS SET FORTH IN RULE AND ORDER RECORDED AUGUST 12, 2002 AT RECEPTION NO. 2002085435

LOTS 19 AND 20, BLOCK 19 CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

LOTS 3, 4 AND 5, BLOCK 24, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO EXCEPT THAT PORTION AS DESCRIBED IN RULE AND ORDER RECORDED AUGUST 12, 2002 AT RECEPTION NO. 2002085435

LOTS 17 AND 18, BLOCK 19, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

LOTS 10, 11 AND 12, BLOCK 24, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO EXCEPT THAT PORTION CONVEYED BY DEED RECORDED AUGUST 14, 2001 AT RECEPTION NO. 2001069804

THE SOUTH 85 FEET OF LOTS 13 AND 14, BLOCK 19, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

AN UNDIVIDED 50% INTEREST IN THE FOLLOWING PROPERTY: LOTS 21 THRU 24, BLOCK 19, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

LOTS 13 AND 14, LESS THE SOUTH 85 FEET, BLOCK 19, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

WHEREAS, the petition is intended to include the boundaries of the proposed South Catalyst Project also known as The Foundry within the GID; and

WHEREAS, the Petitioners have deposited with the City Clerk a sum of money sufficient to pay the costs of the inclusion proceedings; and

WHEREAS, pursuant to Colorado Revised Statute Section 31-25-618 the City Clerk, ex officio secretary to the board of directors of the GID, has caused notice of filing of the petition to be given and published in the Loveland Reporter-Herald, a newspaper of general circulation in the GID, pursuant to the requirements of such section; and

WHEREAS, pursuant to such section, the board of directors of the GID conducted a public hearing on September 20, 2016 concerning the inclusion of the Property in the GID; and

WHEREAS, the board of directors of the GID has determined that the allegations of the petition are true; that the Petitioners are the owners of the Property to be included in the GID; and that it would be in the best interests of the GID to include the Property within the GID.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO, ex officio board of directors of the Loveland General Improvement District No. 1 in Loveland, Colorado:

Section 1. The Property is hereby included in the Loveland General Improvement District No. 1 in Loveland, Colorado.

Section 2. The secretary to the board of directors shall file a certified copy of this ordinance with the clerk and recorder of Larimer County.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

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Signed this _____ day of October, 2016.

_____
Cecil A. Gutierrez
Mayor, ex officio, President
Board of Directors
General Improvement District No. 1
Loveland, Colorado

ATTEST:

_____
City Clerk, ex officio, Secretary
Board of Directors
General Improvement District No. 1
Loveland, Colorado

APPROVED AS TO FORM:

Assistant City Attorney

AN ORDINANCE GRANTING A PETITION FOR INCLUSION OF THE AREA OF THE CITY OF LOVELAND, COUNTY OF LARIMER GENERALLY BOUNDED BY LINCOLN AVENUE TO THE EAST, CLEVELAND AVENUE TO THE WEST, OPERA ALLEY TO THE NORTH AND EAST FIRST STREET TO THE SOUTH WITHIN THE LOVELAND GENERAL IMPROVEMENT DISTRICT NO. 1 IN THE CITY OF LOVELAND, COLORADO

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Current Planning Division
410 E. 5th Street • Loveland, CO 80537
(970) 962-2523 • eplan-planning@cityofloveland.org

M E M O R A N D U M

TO: City Council

FROM: Troy Bliss, Senior Planner, Current Planning Division

DATE: September 20, 2016

SUBJECT: Petition for Inclusion into the General Improvement District No. 1 (GID)

I. EXHIBITS

A. Signed Petition from City of Loveland dated September 2, 2016
B. Preliminary Parking Analysis for South Catalyst Project
C. Map of the Current GID Boundaries

II. KEY ISSUES

In consideration of this request for including generally the southern portion of the South Catalyst project site into the GID, no issues have been identified by City staff. Notification of this petition for inclusion in the GID was published in the *Reporter Herald* as required by Colorado State Statutes. No correspondence has been received from citizens regarding this request.

III. BACKGROUND

The subject properties have never been part of the GID because of previous residential uses or the interests of commercial businesses owners. When the City of Loveland purchased these properties as part of the overall South Catalyst project, it created disconnect with respect to the GID and its boundaries. The South Catalyst project is envisioned as an integrated master planned development in downtown Loveland. Much like Lincoln Place or Gallery Flats, it anticipates a mixture of uses that while would function independently, operate as a network of supporting uses. Consequently, it is appropriate to continue the boundaries over the entire site so that it is not just partially a part of the GID. The GID is not applied to partial properties or developments – it covers entire sites within downtown (see Exhibit C). Consequently, this action is seen as a "clean-up" to the GID boundaries when considering development plans for the South Catalyst project.

ATTACHMENT 2

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Parking Analysis
The City is in partnership with Brinkman Partners, planning to build a 460 space parking structure on the subject property generally located at the northwest corner of N. Lincoln Avenue and E. 2nd Street. With the inclusion of the parking structure, the South Catalyst project is providing a key component towards the purpose of the GID – additional parking for downtown. Attached to this memorandum is an initial parking study performed by Walker Parking Consultants for the South Catalyst project (see **Exhibit B**) to help project what parking demands with respect to the project. Additionally, major streets surrounding the project such as N. Lincoln Avenue, N. Cleveland Avenue, and E. 2nd Street would afford parking opportunities in proximity. It is anticipated that the segment of E. 3rd Street between N. Lincoln Avenue and N. Cleveland Avenue would not have any street parking, however east of N. Lincoln Avenue and west of N. Cleveland Avenue does include angled parking on both sides. .

IV. VICINITY MAP

Downtown Project Area

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V. GENERAL IMPROVEMENT DISTRICT NO. 1 (GID)

City Council has not been presented with many requests for inclusion of properties in the GID. Dating back to 2002, only seven (7) requests have been considered. Most of the requests for previous GID inclusions were prompted by development proposals or change in use including the Lincoln Place Building, the Mortgage Office located at the northeast corner of N. Washington Avenue and E. 4th Street, a restaurant located between N. Lincoln Avenue and N. Jefferson Avenue on the north side of E. 6th Street, and the Friendly Pawn Shop at the northeast corner of N. Lincoln Avenue and E. 2nd Street. This request by the City of Loveland is in keeping with the nature of previous requests, particularly when considering issues related to parking.

VI. RECOMMENDATION

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council adopt the ordinance on first reading.

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AGENDA ITEM: **2.9**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Brent Worthington, Finance Department
PRESENTER: Theresa Wilson, Budget Manager

TITLE:
A Resolution Establishing A Date, Time, And Place For A Public Hearing On The 2015 Recommended Budget For The City Of Loveland, Colorado.

RECOMMENDED CITY COUNCIL ACTION:
Adopt the resolution to set a public hearing.

SUMMARY:
The resolution sets the date for the public hearing for October 18, 2016.

BACKGROUND:
The City Charter requires an action to set the date, time, and place for a public hearing on the 2017 Recommended Budget, after it has been submitted by the City Manager for Council consideration. This action satisfies that requirement. The resolution sets the date for the public hearing for October 18, 2016, to coincide with consideration of the budget ordinances to adopt the 2017 Budget on first reading.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:
1. Resolution

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RESOLUTION #R-85-2016

A RESOLUTION SETTING THE DATE AND TIME FOR A PUBLIC HEARING ON THE 2017 PROPOSED BUDGET AND CAPITAL PROJECTS PROGRAM FOR THE CITY OF LOVELAND

WHEREAS, Section 11-2 (b) of the City Charter requires that, unless a different date is set by the City Council, the City Manager shall submit to the City Council, on or before the first Tuesday in October of each year, a proposed budget for the City for the next ensuing year; and

WHEREAS, Section 11-3 of the City Charter, in part, requires that as a part of the proposed budget or as a separate report attached thereto, the City Manager shall also present a program of proposed capital projects for the ensuing fiscal year and the four fiscal years thereafter; and

WHEREAS, the City Manager submitted the 2017 proposed budget and capital projects program for the City of Loveland for City Council's consideration on September 13, 2016; and

WHEREAS, Section 11-4 of the City Charter requires that within fourteen days after City Council receives the proposed budget and capital projects program, that City Council set the date and time for at least one public hearing on the same; and

WHEREAS, City Council desires to set and conduct a public hearing regarding the 2017 proposed budget and capital projects program for the City on October 18, 2016 at 6:00 p.m.

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

Section 1. A public hearing for the 2017 proposed budget and capital projects program for the City of Loveland is hereby set for October 18, 2016 commencing at 6:00 p.m. in the City Council Chambers located at 500 East Third Street, Loveland, Colorado.

Section 2. The City Clerk is hereby directed to publish a notice of such public hearing, at least once, that states that copies of the proposed budget and capital projects are available for public inspection in the office of the City Clerk.

Section 3. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 20th day of September, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

A RESOLUTION SETTING THE DATE AND TIME FOR A PUBLIC HEARING ON THE 2017 PROPOSED BUDGET AND CAPITAL PROJECTS PROGRAM FOR THE CITY OF LOVELAND

AGENDA ITEM: **2.10**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Human Resources
PRESENTER: Julia Holland, Director of Human Resources

TITLE:
A Resolution Establishing The City Of Loveland Heath Benefits Policy

RECOMMENDED CITY COUNCIL ACTION:
Motion to adopt Resolution as recommended.

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action.
3. Adopt a modified action. (Adopt amended resolution)
4. Refer back to staff for further development and consideration.

SUMMARY:
At the direction of City Council, on September 6, 2016, staff is providing a Resolution to set policy related to the Benefit Fund.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
On September 6, 2016, City Council directed staff to develop a Resolution for Council to adopt to set specific policies related to the Benefit Fund. Council approved a Motion to direct staff to move forward with the necessary steps to incorporate the Council recommendation of the medical cost share average of 80% employer and 20% employee into the 2017 Budget; to further direct staff to bring back a resolution for consideration that would: 1) set a policy of medical cost share average split at Employer 80% and Employee 20%; 2) In 2018 establish and maintain 20% of the total projected expenditures for the following budget year as a balance in reserves 3) In 2017 Employees will receive a "premium holiday" (1 month with no premium payment by employee), and thereafter employees would receive a "premium holiday", if the reserves balance exceeds the required minimum of 20% of the following years projected expenditures.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:
1. Resolution

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RESOLUTION #R-86-2016

A RESOLUTION ESTABLISHING THE CITY OF LOVELAND EMPLOYEE HEALTH BENEFITS POLICY

WHEREAS, at the September 6, 2016 Loveland City Council Regular Meeting, City Council directed staff to bring a resolution establishing an employee health benefits policy for their consideration; and

WHEREAS, Section 2.68.035 of the Loveland Municipal Code provides that the City Council may, by resolution, establish employment benefits for City employees; and

WHEREAS, the City of Loveland desires to establish an employee health benefits policy that provides a consistent approach to health care cost sharing between the City and City employees, while providing an incentive to City employees to control health care costs.

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

Section 1. The City of Loveland hereby sets an employee health benefits policy to apportion the annual cost share average of the City's medical costs as follows: Employer 80% and Employee 20%.

Section 2. The health benefits policy shall establish an Employee Benefits Fund reserve requirement that maintains 20% of the total projected expenditures of the Employee Benefits Fund for the following budget year commencing with such a reserve in the 2018 City budget.

Section 3. The employee health benefits policy shall provide City employees eligible for medical insurance through the City and participating in such coverage with an annual "premium holiday" (one month per year with no premium payment by such employees), if, at the end of a budget year, the Employee Benefits Fund reserve (i.e., the fund balance) exceeds 20% of the total projected expenditures of the Employee Benefits Fund for the following year. In such event, the "premium holiday" will be awarded in the year following such budget year.

Section 4. Notwithstanding the provisions of Section 3, above, in 2017 such employees will receive a "premium holiday" without regard to the 20% Employee Benefits Fund reserve requirement.

Section 5. That this Resolution shall be effective as of the date and time of its adoption.

Adopted this 20th day of September, 2016.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

A RESOLUTION ESTABLISHING THE CITY OF LOVELAND EMPLOYEE HEALTH BENEFITS POLICY

AGENDA ITEM: **2.11**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Tami Yellico, City Attorney
PRESENTER: Tami Yellico, City Attorney

TITLE:
A Resolution Amending The Rules Of Procedure For The City Council Of The City Of Loveland, Colorado

RECOMMENDED CITY COUNCIL ACTION:
Adopt the resolution as submitted.

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration

SUMMARY:
This is an administrative item placed on the September 20, 2016 agenda at City Council's request to update its rules to include Council Member's reports and/or new business as the last item on the agenda at the first regular meeting of the month and after the consent and public comment items on the agenda at the second regular meeting of the month.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
Current Council policy is set forth in Resolution #R-53-2016. The proposed resolution will revise the public meeting format section 4 to add that Council Member's reports and/or new business are the last item on the agenda at the first regular meeting of each month. Council Member's reports and/or new business will be after the consent and public comment items on the agenda at the second regular meeting of each month. If possible, Council Members should indicate to the City Manager the new business items they wish to discuss by Thursday at 5 p.m. prior to the regular meeting at which the comments or issue is to be raised. Council Member reports and/or new business will be limited to five (5) minutes per Council Member.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:
1. Resolution

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RESOLUTION #R-87-2016

A RESOLUTION AMENDING THE RULES OF PROCEDURE FOR THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO

WHEREAS, Section 4-1 of the Home Rule Charter of the City of Loveland provides that City Council shall prescribe by rules the procedures governing its meetings; and

WHEREAS, City Council desires to amend the Rules of Procedure governing City Council meetings, as set forth in Resolution #R-53-2016, to address Council Member reports and/or new business.

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

Section 1. That the following Rules of Procedure of the City Council of the City of Loveland are hereby amended by the City Council to read as follows:

RULES OF PROCEDURE OF THE CITY COUNCIL OF THE CITY OF LOVELAND

1. **Robert's Rules of Order**. Robert's Rules of Order are adopted as the rules governing the conduct of business at meetings of the City Council with the following exception:
    a. The motion to reconsider a matter shall be allowed if the motion is made at the next regular meeting of the Council by a person who initially voted with the prevailing side. If a Council member wishes to bring a subject back at a later time, the member must secure the concurrence of three other members to place it on the agenda. Council members will respect one another and the process by not repeatedly raising issues disposed of at earlier meetings.

2. **Meeting Times.**
    a. City Council regular meetings shall begin at 6 PM and end on or before 10:30 PM, but may be extended by increments of thirty minutes by a voice vote of a majority of Council members present. The City Manager shall publish an estimated start time for the consent agenda and each item on the regular agenda.

    b. Study Sessions shall begin at 6:30 p.m.

3. **Public Meeting Format.**
    a. Matters pulled from the consent agenda will be taken up in the order in which they originally appeared on the consent agenda immediately after the consent agenda has been passed.

    b. It is the policy of the City Council to consider all matters on the agenda prior to the conclusion of a regular meeting. Some matters may be postponed to later meetings in the interest of time, but all will be addressed in some manner.

c. The Mayor is free to limit the physical conduct or activity of any person or Council member if such conduct or activity impairs the efficient function of Council. The Mayor shall ask those participating in disruptive private conversations to discontinue their conversations or to leave the room.

d. Council Members' reports and/or new business shall be the last item on the agenda at the first regular meeting of each month. Council Members' reports and/or new business shall be after the consent and public comment items of the agenda at the second regular meeting of each month. If possible, Council Members should indicate to the City Manager the new business items they wish to discuss by Thursday at 5 p.m. prior to the regular meeting at which the comment or issue is to be raised. Council Member reports and/or new business shall be limited to five (5) minutes per Council Member.

4. **Public Comment.**

a. Citizens who wish to speak at a City Council meeting shall not be required to fill out a form requesting to speak. Persons wishing to speak should raise their hands at the appropriate time in the agenda and shall be recognized by the Mayor.

b. Citizens will be treated with respect at all times. Persons addressing Council will be permitted to sit down once Council members have had any questions answered. Citizens need not remain at the podium while Council members make comments. The Council encourages all persons making public comments to maintain a sense of decorum, and conduct themselves in a manner respectful of the rights and feelings of others.

c. Citizen comments shall be limited to three minutes per person. Persons representing more than four others shall be allowed a maximum of ten minutes to speak. In the interest of time, Council shall have the discretion of further limiting the time for public comment.

d. Any person or Council member wishing to speak shall do so only after being recognized by the Mayor.

e. The Mayor shall limit the comments of any person or Council member to the topic currently under Council consideration.

f. Individuals may address the Council on the topic of their choice during the citizen comment portion of the meeting.

g. When citizens raise specific concerns during the open portion of the meeting, Council will ask questions for clarification purposes and refer the matter to the city manager for follow up. Council will not try to "solve" the problem at the meeting.

h. Ten or more members of the public may make a written request to the City Manager for a 30 minute presentation and discussion with City Council at a study session, subject to standard study session rules, on any topic relevant to City business, provided that at least two members of City Council concur with such request.

5. **Public Hearing Format.**

a. It shall be the policy of the City Council to permit comment on legislative matters on the first reading of an ordinance. The initial public hearing on any quasi-judicial matters will be scheduled to coincide with the first reading of any ordinance associated with the matter for which the hearing is to be conducted. In addition, a public hearing shall be held at the same time as the second reading of any ordinance involving a quasi-judicial matter. The public hearing on second reading need not be separately noticed if the public hearing has been continued for the date of the first reading. Members of the public will be permitted to provide additional, non-repetitive testimony at the public hearing on second reading and the applicant shall be given an opportunity to respond. In situations where an annexation ordinance and a zoning ordinance for the same property are being considered together, a single public hearing shall be held on both first and second readings at which members of the public may address the issues concerning the annexation and provide testimony concerning the zoning ordinance. A copy of a model schedule for the timing of public hearings and first and second readings of ordinances involving annexation of land and approval of zoning matters is attached hereto and incorporated herein by reference.

b. During public hearings on first reading, applicants shall be granted a total of forty minutes in which to present the application. The applicant may use the forty minutes for their initial presentation, for rebuttal or for some combination of the two. The applicant must indicate at the beginning of his or her presentation how he or she wishes to use the allotted time. At the beginning of the applicant's presentation, the Mayor will ask the applicant or its representative how they wish to allocate the time.

c. During public hearings, persons representing more than four others shall be allowed a maximum of ten minutes to speak. In the event a public hearing becomes overly lengthy, Council may continue it to the next meeting; special council meetings will not be held specifically for public hearings.

d. MODEL TIME LINE FOR PUBLIC HEARINGS

I. Annexation/Planned Unit Development ("PUD") Application

Week 1: Planning Commission public hearing to consider Annexation and PUD General Development Plan *(full staff report and presentation - recommendation to Council).*

Week 2: Council consideration of Resolution of Substantial Compliance (setting public hearing date concerning the property's eligibility for annexation)

Week 3 or 4: Planning Commission approval of prior meeting minutes

Week 9: Council regular meeting; public hearing concerning eligibility for annexation; consideration of Resolution finding Eligibility for annexation; first reading of Annexation Ordinance; public hearing concerning zoning; first reading of PUD Zoning Ordinance, and General Development Plan *(full staff report and presentation).* It is the practice of the City Council to combine the testimony for the public hearing concerning the annexation issues and the zoning issues.

Week 11: Council regular meeting; public hearing concerning Annexation Ordinance and PUD Ordinance; second reading of Annexation Ordinance; second reading of PUD Zoning Ordinance.

Week 13: Effective Date of Annexation and Zoning Ordinances

II. PUD Application

Week 1: Planning Commission public hearing to consider PUD General Development Plan *(full staff report and presentation - recommendation to Council).*

Week 3: Planning Commission approval of prior meeting minutes

Week 4: Council regular meeting; public hearing to consider zoning ordinance; first reading of PUD Zoning Ordinance, and General Development Plan *(full staff report and presentation)*

Week 6: Council regular meeting; public hearing concerning PUD Ordinance; second reading of PUD Zoning Ordinance

Week 8: Effective date of PUD Zoning Ordinance

NOTE: Times may differ based on regular meeting schedule of the City Council and number of Tuesdays in a given month.

Section 2. That this Resolution shall be effective as of the date and time of its adoption.

Adopted this 20th day of September, 2016.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

City Attorney

AGENDA ITEM: **5.2**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Economic Development Department
PRESENTER: Mike Scholl, Economic Development Manager

TITLE:
An Ordinance Enacting A Supplemental Budget And Appropriation To The 2016 City Of Loveland Budget for Edison Welding Institute (EWI) Incentive

RECOMMENDED CITY COUNCIL ACTION:
Conduct a public hearing and approve the ordinance on first reading

OPTIONS:
1. Adopt the action as recommended. EWI would go forward with the build out and development at the RMCIT
2. Deny the action. Staff would need to revisit and possibly terminate the agreement with EWI.
3. Adopt a modified action. Council could direct staff to modify the appropriation which may impact the agreement with EWI.
4. Refer back to staff for further development and consideration. Council could provide feedback and direction for a different approach.

SUMMARY:
City Council approved an agreement with EWI on October 20, 2015 to fund EWI operations at the Rocky Mountain Center for Innovation and Technology (RMCIT). The agreement called for the City to invest $2 million, and EWI would identify an additional $4 million for the project. The total development cost is $6 million including the City's contribution. The initial appropriation for $500,000 was approved at the October 2015 meeting and was paid to EWI. In accordance with the terms of the agreement, EWI has requested the next installment of $1 million. EWI has met the performance measures as defined in the agreement that includes execution of RMCIT lease, contracts with financing partners, Colorado Advanced Manufacturing Alliance (CAMA) and the Colorado State Office of Economic Development and International Trade (OEDIT), and hiring of four staff including a director, business development, technology leader, and engineer.

BUDGET IMPACT:
☒ Positive
☐ Negative
☐ Neutral or negligible

As defined at the October 20, 2015 meeting, the funding sources are:
$500,000 will be appropriated from the Incentive Fund leaving a balance of $420,108.
$500,000 will be appropriated from the Council Special Project Fund leaving a balance of $1,108,388.

BACKGROUND:
Staff brought a proposal to Council in the fall of 2014 to partner with EWI to complete a statewide manufacturing assessment and determine the feasibility of developing an EWI Colorado site. The positive results from the assessment led to a proposal to City Council in October 2015 to fund $2

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million for the execution of the business plan and the construction of an EWI Colorado operation at Rocky Mountain Center for Innovation and Technology (RMCIT). The overall project budget is $6 million with the additional funding being provided through the Four Front initiative, CAMA and the OEDIT. Rick Gardner, Director of EWI Colorado, has confirmed that all contracts are in place with these financial partners (see attached EWI Project Update).

EWI anticipates completing the tenant finish for the EWI space and the Colorado Advanced Manufacturing Alliance Center at RMCIT in late October 2016. They continue work on establishing a Founders Council, rolling out a marketing campaign specific to Colorado, and engagement efforts with nonprofit and community partners.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Ordinance
2. EWI Request Letter dated September 2, 2016
3. EWI Project Update
4. EWI Agreement dated October 21, 2016
5. Press Release (4/22/16): https://ewi.org/ewi-opening-new-applied-research-center-in-colorado/

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FIRST READING **September 20, 2016**

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF LOVELAND BUDGET FOR EDISON WELDING INSTITUTE (EWI) INCENTIVE

WHEREAS, the City has reserved funds not anticipated or appropriated at the time of the adoption of the 2016 City budget for Edison Welding Institute (EWI) incentive; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2016 City budget for Edison Welding Institute (EWI) incentive, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of $500,000 from fund balance in the Economic Incentives Fund are available for appropriation. That reserves in the amount of $500,000 from fund balance in the Council Special Projects Fund are available for appropriation. Such revenues in the total amount of $1,000,000 are hereby appropriated to the 2016 City budget for Edison Welding Institute (EWI) incentive. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

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Supplemental Budget
Council Special Projects Fund

Revenues		
Fund Balance		500,000
Total Revenue		**500,000**
Appropriations		
100-91-999-0000-47106	Transfers to Economic Incentives	500,000
Total Appropriations		**500,000**

Supplemental Budget
Economic Incentives Fund 106

Revenues		
Fund Balance		500,000
106-00-000-0000-37100	Transfers from Council Special Projects Fund	500,000
Total Revenue		**1,000,000**
Appropriations		
106-18-180-1500-43155 EDEWI	Economic Incentives	1,000,000
Total Appropriations		**1,000,000**

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

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

ADOPTED this ___ day of October, 2016.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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EWI
We Manufacture Innovation

815 14th Street SW, Loveland, CO 80537
970.573.1675 • ewi.org

Steve Adams
City Manager
City of Loveland
500 E. 3rd Street
Loveland, CO 80537

September 2, 2016

Dear Steve,

EWI is making great progress on our new facility at the Rocky Mountain Center of Innovation and Technology. We look forward to opening later this fall and I am excited to have joined the team as Director.

We sincerely appreciate the City of Loveland's partnership in this endeavor as we work to support Advanced Manufacturing in Loveland, the region, and across the state. Included in the packet, is a fulfilled Scope of Work as part of the original contract and associated with the first appropriation in the fall of 2015. As you can see, we accomplished all of our objectives. Along with it, you will find a new Scope of Work that accompanies this letter of request and identifies our next set of priorities and goals as we work towards sustainability.

Per the agreement, EWI respectfully requests the next installment of $1,000,000 towards the EWI-Colorado operation. We look forward to continuing to provide, through City Leadership, ongoing updates to City Council, staff and the community and are looking forward to showcasing our amazing new facility at the Grand Opening.

This is an exciting time in manufacturing and we are pleased to be part of this important ecosystem.

Sincerely,

Rick Gardner
Director, EWI- Colorado

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970.573.1675 • ewi.org

Scope of Work- First Appropriation 2015

EWI- Colorado

1. Execution of Lease- EWI has entered into a five year lease with CW for 12,000 sq ft in Lower D
2. Execution of matching funds- Contracts are in place with all financial partners, including the $2MM Advanced Industries grant from the Colorado Office of Economic Development and International Trade as well as the $2MM CAMA grant, Colorado Advanced Manufacturing Alliance.
3. Initial facility plan- The building permit was issued at the end of June and the tenant finish will be completed in late October.
4. A Director is in place along with a Business Development Specialist, the Non-Destructive Evaluation Technology leader and an additional NDE engineer.
5. Execution of contract with Next Street- the contract is signed and work is being done at a national level to pursue additional funding sources across national philanthropies and Economic Development organizations. Recently funding was acquired by Next Street for a specific project at our Buffalo facility. Once open, we will work with them on similar projects.
6. Progress towards securing additional funds- In addition to our work with Next Street, we are meeting with partners across the state to explore other funding mechanisms such as social impact investing and financing models for small company projects.
7. Founders Council engagement- the EWI team has met with six prospects to date and are in active conversations with them about participation. Additional companies are being identified and meetings scheduled for September.
8. Nonprofit partnerships- Over a dozen meetings have been taken with a variety of nonprofit and community partners to provide updates and explore opportunities for engagement from Southern to Northern Colorado. A trip to the western portion of the state is being investigated for September.
9. Marketing campaign- A marketing campaign specific to Colorado has been created and has been rolling out since May. This includes a monthly e-newsletter, technology capabilities presentations across the Front Range, business magazine articles, collateral materials, inclusion on the EWI website, direct email campaign, inclusion on partner websites, and upcoming participation in multiple trade shows.
10. Equipment purchases- furnishings and fixtures have been purchased for the facility including flexible conference/meeting/training space, FUSE Center technology room, offices and the lab. Several capital expenditures have been made on quality measurement equipment which will be fully operational when the facility opens. The Colorado team is already exploring several private projects that would use this equipment.

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Scope of Work- 2016 Appropriation

EWI-Colorado

1. Host Facility Premier/Ribbon Cutting
2. Continue establishment of Founders Council- 10-15 members total
3. Work with Founders Council to assess next round of equipment purchases and technical priorities
4. Initial work on a consortium focused on NDE
5. Ongoing work with membership campaign
6. Solicit meetings across the state and the Rocky Mountain region with company prospects for projects- i.e. currently working on a trip to Utah to present at a gathering of medical device companies along with statewide outreach
7. Project management for Colorado and other EWI facilities
8. Engage with the EWI Business Development Team for coordinated marketing effort around Non-destructive evaluation and Quality measurement
9. Participation and presentations at trade shows, events, conferences, industry meetings throughout Colorado and the country, i.e. an abstract was submitted for the Defense Manufacturing Conference in December 2016
10. Propose and develop IR&D projects utilizing initial equipment purchases to create IP and project opportunities
    a. In-line monitoring of additive manufacturing
    b. advanced ultrasonic imaging
11. Build a series of technical demonstrations for our offerings to potential partners

AGREEMENT

This agreement ("Agreement") is made and entered into this 21st day of October, 2015, by and between the **CITY OF LOVELAND, COLORADO**, a home rule municipality (the "City"), and **EDISON WELDING INSTITUTE, INC. d/b/a EWI**, an Ohio non-profit corporation ("EWI"), both of which may also be referred to herein individually as a "Party" or collectively as the "Parties."

WHEREAS, EWI is a non-profit corporation and is the leading engineering and technology organization in North America, providing research, manufacturing support, and strategic services to leaders in the aerospace, automotive, consumer products, electronics, medical, energy and chemical, government, and heavy manufacturing industries; and

WHEREAS, after completion of a statewide manufacturing assessment, EWI desires to establish an EWI Colorado business operations site at the Rocky Mountain Center for Innovation and Technology, located at 815 14th Street SW in Loveland, Colorado ("Project Location") at the Project Location in Loveland, Colorado ("Project"); and

WHEREAS, the Colorado Office of Economic Development and International Trade ("OEDIT") and Colorado Advanced Manufacturing Alliance ("CAMA") have given their verbal commitment to endorse funding of the Project through two distinct avenues: infrastructure funding through the Advanced Industries Accelerator Program in the amount of Two Million Dollars ($2,000,000) over two years, and funding through the Department of Defense's FourFront Initiative in the minimum amount of Two Million Dollars ($2,000,000); and

WHEREAS, EWI has requested financial assistance from the City to execute its business plan and help capitalize initial operations, with such City incentive to fund a portion of the Project in an amount not to exceed $2,000,000 (the "Incentive") to assist with the Project at the Project Location; and

WHEREAS, the City desires to provide assistance in the form of the Incentive for the Project at the Project Location, and finds that such assistance is in the best interests of the City and serves the public purposes of providing significant economic, cultural, and social benefits to the citizens of Loveland, in the form of (i) economic development; (ii) stimulating development and attracting capital investment; (iii) additional jobs; and (iv) increased sales and property tax revenues.

NOW, THEREFORE, in consideration of the mutual covenants and promises contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties hereto agree as follows:

1. Incentive

Subject to the conditions and upon the terms provided for in this Agreement, the City agrees to provide the Incentive to EWI for the Project at the Project Location in an aggregate amount not to exceed $2,000,000.00 for the actual costs of the Project in accordance with the following:

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a. "Project Costs" associated with the Project shall include the following:

i. Execution of lease at Project Location;
ii. Contracts to secure matching funds with CAMA and OEDIT for infrastructure funding through the Advanced Industries Accelerator Program in the amount of Two Million Dollars ($2,000,000) over two years, and funding through the Department of Defense's FourFront Initiative in the minimum amount of Two Million Dollars ($2,000,000) ("Matching Fund Agreements");
iii. Initial facility design plans and building permit application fees submitted for the Project as the Project Location;
iv. Conducting a search for a Project Director;
v. Execution of a contract with Next Street for program development;
vi. Progression towards securing additional grants and funding sources;
vii. Engagement with potential Founder's Council members for the Project;
viii. Establishment of partnerships with selected Colorado non-profits corporations;
ix. Developed and current marketing campaigns, including, but not limited to marketing materials, creation of new website and new marketing materials specific to EWI Colorado and direct market plan for private company contracts;
x. Equipment purchases , furnishings and tenant finish; and
xi. Other related Project Costs as approved by the City Manager.

b. The City agrees to pay Five Hundred Thousand Dollars ($500,000.00) of the Incentive ("Initial Incentive Payment") to EWI within fifteen (15) business days of execution of this Agreement by the City and EWI. EWI shall make a good faith effort to substantially achieve, by no later than December 31, 2016, those Project Costs identified in paragraph a. subsection i thought ix, above, of this Section 1. It is anticipated that the remaining $1,500,000.00 of the Incentive will be paid to EWI not later than December 31, 2017, for actual approved Project Costs incurred and as requested by EWI in writing, for ongoing Project Costs identified in paragraph a., above, of this Section 1, which written request for payment will include a statement of Project Costs to be paid ("Requests for Payment"). Requests for Payment shall be made no more frequently than monthly by EWI. All Requests for Payment are subject to final review and approval by the City Manager within ten (10) business days of such request ("Approval of Request for Payment"), which approval shall not be unreasonably withheld, with payment to be made to EWI within fifteen (15) business days after receipt of the Approval of Request for Payment.

c. An anticipated payment schedule will be as set forth in **Exhibit "A"** attached to this Agreement and incorporated by reference for the Incentive. After the Initial Incentive Payment, it is anticipated that there will be Requests for Payment equaling One Million Dollars ($1,000,000) of the Incentive, not sooner than March 1, 2016, but not later than December 31, 2016, and a Request for Payment of the remaining Five Hundred Thousand Dollars ($500,000) of the Incentive by December 31, 2017. Notwithstanding the foregoing provisions of paragraph

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c. of this Section 1, after the Initial Incentive Payment, but not earlier than March 1, 2016, the Parties agree that EWI can draw down any amount of the remaining amount of the Incentive for Project Costs, at any time from March 1, 2016 through December 31, 2017, subject to paragraph b., above, of this Section 1.

d. EWI hereby indemnifies and agrees to hold the City, its Council members, employees, and agents harmless from and against any cost or liability whatsoever, including, but not limited to, any fines, penalties, attorneys' fees and other costs arising out of the Project, the City's payment of the Incentive, and/or EWI's characterization of such payments for tax purposes, it being the intent of the Parties that the City shall have no responsibility whatsoever for the characterization of such payments made pursuant to this Agreement.

e. As a condition of disbursing any portion of the Incentive requested under a Request for Payment, the appropriate parties shall furnish to the City the following documents:

i. Request for Payment shall specify the amount of the requested disbursement and the related Project Costs and certify, as of the date of the Request for Payment, that:

a) the total amount of each Request for Payment represents the actual amounts incurred or to be incurred by EWI for Project Costs;

b) no default, condition or event of which condition would constitute a default, exists under this Agreement; and

c) all proceeds of the Incentive disbursed to EWI to date have been applied to payment of the Project Costs.

f. For purposes of assuring compliance with this Agreement and the verification of Project Costs, representatives from the City shall have reasonable rights of access to the Project during normal work hours. Access shall include the right of inspection of documentation and field verification of Project Costs for which Requests for Payment are submitted. The City shall have the right to request reimbursement of Incentive amounts included in any Request for Payment if the City is unable to verify the existence or payment of reimbursed Project Costs. Representatives of the City shall be identified in writing to EWI.

g. The total Incentive from the City under this under this Agreement shall not exceed Two Million Dollars ($2,000,000) for actual Project Costs incurred by EWI and approved by the City Manager. All costs in excess of the Incentive incurred by EWI in completion the Project shall be borne by EWI. Notwithstanding any provision in this Agreement to the contrary, the City shall not be obligated to pay EWI any amount of the Incentive in excess of the Initial Incentive Payment of $500,000, until such time as EWI provides fully executed copies of its Matching Fund Agreements with CAMA and OEDIT for the Project.

2. <u>EWI's Covenants</u>

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In consideration for the Incentive, EWI, in addition to any other obligation herein, covenants and agrees to:

a. diligently pursue and use its best efforts to obtain agreements for all necessary funding for completion of the Project at the Project Location; and

b. pay only approved Project Costs with Incentive funds; and

c. use its best efforts to complete and operate the Project at the Project Location.

3. Applicable Law and Venue

This Agreement shall be governed by and enforced in accordance with the laws of the State of Colorado. In addition, EWI acknowledges that there are legal constraints imposed upon the City by the constitutions, statutes, rules and regulations of the State of Colorado and of the United States, and the City's Charter and Code, and that, subject to such constraints, the Parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provisions of this Agreement to the contrary, in no event shall any of the Parties hereto exercise any power or take any action which shall be prohibited by applicable law. Whenever possible, each provision of this Agreement shall be interpreted in such a manner so as to be effective and valid under applicable law. Venue for any judicial proceeding concerning this Agreement shall be in the District Court for Larimer County, Colorado.

4. Time is of the Essence

Time shall be of the essence for the performance of all obligations under this Agreement.

5. Assignment

EWI shall not assign or transfer this Agreement to any entity without the prior written consent of the City.

6. Construction

This Agreement shall be construed according to its fair meaning and as if it was prepared by both of the Parties and shall be deemed to be and contain the entire Agreement between the Parties. There shall be deemed to be no other terms, conditions, promises, understandings, statements, or representations expressed or implied, concerning this Agreement, unless set forth in writing and signed by the City and EWI.

7. Headings

Section headings used in this Agreement are used for convenience of reference only and shall in no way define, control, or affect the meaning or interpretation of any provision of this Agreement.

8. Notices

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Any written notice given under this Agreement and all other correspondence between the parties shall be directed to the following and shall be deemed received when hand-delivered or three days after being sent by certified mail, return receipt requested, to the following addresses:

If to the City:
Bill Cahill
City Manager
City of Loveland
500 East Third Street, Suite 330
Loveland, CO 80537

With a copy to:
City Attorney
City of Loveland
500 East Third Street, Suite 330
Loveland, CO 80537

If to EWI:

With a copy to:

Either Party hereto may at any time designate a different address or person receiving notice by so informing the other Party in writing.

9. Binding Effect

This Agreement shall be binding upon and, except as otherwise provided in this Agreement, shall inure to the benefit of the successors and assigns of the respective Parties hereto.

10. No Waiver

In the event the City waives any breach of this Agreement, no such waiver shall be held or construed to be a waiver of any subsequent breach hereof.

11. Severability

If any provision of this Agreement, or the application of such provision to any person, entity, or circumstance, shall be held invalid, the remainder of this Agreement, or the application of such provision to persons, entities, or circumstances other than those in which it was held invalid, shall not be affected.

12. Additional Provisions

a. The City shall have the right to review and audit EWI's financial books and records related to the Project, the Project Costs, and EWI's financial statements at any time with a 30-day notice. The City shall exercise this clause reasonably.

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b. EWI agrees to reimburse the City all amounts of the Incentive not expended by EWI in the event of the Project's destruction, in whole or in part, due to fire or any other casualty.

c. In the event that EWI is unable to come to agreement with CAMA and/or OEDIT regarding their funding of the Project, this Agreement shall automatically terminate and any unexpended amount from the Incentive as of the date of termination shall be returned to the City. EWI shall be under no obligation to reimburse the City for funds expended prior to such termination as described herein this Section 12(c).

13. Default

a. If EWI, subject to force majeure and any other delays beyond the reasonable control of EWI:

(i) fails to commence and pursue the Project as required in this Agreement for a period of ninety (90) days after written notice thereof from the City (or such longer period as is reasonably necessary provided EWI commences and pursues the same using commercially reasonable efforts); or

(ii) abandons or substantially suspends construction of improvements at the Project Location for a period of ninety (90) days after written notice thereof from the City; or

(iii) fails to obtain the Certificate of Occupancy for the Project Location, if required by the City pursuant to the City code; or

(iv) abandons or substantially suspends the Project at the Project Location for a period of ninety (90) days after written notice thereof from the City; or

(v) fails to perform any other obligation under this Agreement for a period of ninety (90) days after written notice thereof from the City (or such longer period as is reasonably necessary provided EWI commences and pursues the same using commercially reasonable efforts),

then any such occurrence shall constitute a material default and the City shall be entitled to all remedies available at law or in equity, including but not limited to reimbursement of all Incentive amounts. Failure to obtain necessary funding for completion of the Project at the Project Location shall not constitute a material default under this Agreement, provided EWI has complied with Section 2(a) herein.

b. In no event shall the City, its Council members, employees or agents be liable to EWI, in contract, tort or otherwise, with respect to any direct, indirect, consequential, special, exemplary or incidental damages arising from or relating to this Agreement or the Project.

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c. If any Party commences an action to enforce or interpret any portion of this Agreement, the prevailing party in such action shall recover the prevailing party's costs and such reasonable attorneys' fees as may be awarded by the Court.

14. Multi-Year Fiscal Obligation

To the extent the City's obligation to provide the Incentive under this Agreement is considered a multi-year fiscal obligation under Article X, Section 20 of the Colorado Constitution and the City's Charter Section 11-6, such obligations are subject to annual appropriation by the Loveland City Council. The City shall have no obligation to make any payment sought or to be paid on or after December 31 of any year, unless the necessary appropriation has been made by the City Council to authorize such provision or payment in the subsequent year, provided that the City Manager will take all actions reasonably necessary to include any required appropriation in the annual budgets presented to Council for adoption. The City represents that it presently intends to present for appropriation the Incentive under this Agreement to the fullest extent permitted by law.

15. Signatures & Effective Date

For purposes of this Agreement, there may be any number of counterparts, each of which shall be deemed as originals. Facsimile and electronically transmitted signatures, for purposes of this Agreement, shall be deemed as original signatures. The "Effective Date" of this Agreement shall be the later of the date this Agreement is approved by City Council and signed by the City Manager and the date this Agreement is approved by the EWI board and signed by a person with signature authority for EWI, and until such approvals and signatures have been made, this Agreement is of no force or effect.

16. Delegation of Authority for City Approvals

The City Manager or his designee is hereby authorized to:

a. review and approve or disapprove, as permitted by this Agreement, each Request for Payment and other matters to be approved by the City under this Agreement; and

b. grant requests for extensions of time to satisfy requirements set forth in this Agreement, for good cause shown.

17. Third Party Beneficiaries

This Agreement is solely for the benefit of EWI and the City and their respective members, principals, partners and successors and no third party shall be entitled to the benefit of any provision of this Agreement.

18. Disclosure

EWI understands and acknowledges that under the Colorado Open Records Act, C.R.S. §§ 24-72-201 et al., ("CORA") this Agreement is subject to public inspection. In addition to the

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public inspection requirements of CORA, EWI also understands and acknowledges that the Colorado Open Meetings Law, C.R.S. § 24-6-402, ("COML") may also require a disclosure of the terms and conditions of this Agreement at public meetings of the City Council. Therefore, any such disclosures of the terms and conditions of this Agreement under CORA or COML are permitted under this Agreement and shall not be considered a breach of any provision of this Agreement. Additionally, EWI understands and acknowledges that if and to the extent the disclosure under CORA or COML requirements are in conflict with this Agreement, then the disclosure requirements under CORA and/or COML shall be deemed to control.

[*Remainder of Page Intentionally Left Blank*]

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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date and year first above written.

EDISON WELDING INSTITUTE, INC.
d/b/a EWI

By: _____
Its: President & CEO

STATE OF Ohio)
) ss.
COUNTY OF Franklin)

The foregoing instrument was acknowledged before me this 16th day of Oct., 2015, by Henry J. Cialone, as President + CEO of **EDISON WELDING INSTITUTE, INC. d/b/a EWI,** Ohio a non- profit corporation.

Witness my hand and official seal. My commission expires: 2-23-2017

Michelle R. Laverty
Notary Public

MICHELLE R. LAVERTY
Notary Public, State of Ohio
My Commission Expires 02-23-2017

(S E A L)

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CITY OF LOVELAND, COLORADO

By: _____
William D. Cahill, City Manager

ATTEST:

_____
Deputy City Clerk

CITY OF LOVELAND SEAL COLORADO

APPROVED AS TO FORM:

_____
City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this 21st day of October, 2015, by William D. Cahill as City Manager of the City of Loveland, Colorado, and by Teresa Andrews as City Clerk of the City of Loveland, Colorado.

Witness my hand and official seal. My commission expires: 10-11-2017.

KIRSTEN GJELDE-BENNETT
Notary Public
State of Colorado
20134063591
My Commission Expires Oct. 11, 2017

_____
Notary Public

(S E A L)

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EXHIBIT A
ANTICIPATED INCENTIVE SCHEDULE

Incentive Schedule:

Total Incentive Amount: $2,000,000

	Payment
2015	$500,000
2016	$1,000,000
2017	$500,000
TOTAL	$2,000,000

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AGENDA ITEM: **5.3**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Human Resources
PRESENTER: Julia Holland, Director of Human Resources

TITLE:
A Resolution Authorizing Award Of A Contract To Marathon Health, Llc For Employee Health Clinic Services.

RECOMMENDED CITY COUNCIL ACTION:
Adopt a motion to approve the contract dated January 11, 2017 between the City and Marathon Health, LLC, for operation of the City Employee clinic.

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action. (denial would cause the City to remain with Healthstat and/or close the employee clinic)
3. Adopt a modified action. (specify in the motion)
4. Refer back to staff for further development and consideration. (further consideration could mean a temporary closure of the employee clinic)

SUMMARY:
Annually staff reviews the status of the Employee Clinic with City Council. The presentation on the utilization and return on investment of the Clinic is information only. Staff is also requesting City Council authorize the execution of a new contract for the Employee Clinic with a new recommended vendor, Marathon. The change in vendor management of the Clinic is expected to provide a higher level of service both clinically and administratively for a comparable annual cost.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible
The amount requested for 2017 can be allocated within the current proposed 2017 benefit budget.

BACKGROUND:
The Employee Clinic has been open to employees and dependents on the medical plan since April 2011. The Clinic was initially projected to achieve a full return on investment within five years of implementation, although it was expected to start providing cost savings within three years. The presentation will review the current vendor's analysis of the return on investment, as well as the City's analysis, which is more conservative. Through the presentation we will demonstrate both tangible and intangible outcomes, such as productivity savings and disease management.

In addition to the Impact Analysis of the Clinic, staff is requesting authorization from Council to execute the employee clinic vendor contract. The contract is a new contract that is within the projected and proposed 2017 budget. Due to concerns from staff and since it has been five

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years since the implementation of the Clinic, a Request for Proposal (RFP) was conducted to determine the best vendor to continue the operation of the employee clinic. The City worked with our Broker to review five organizations that submitted information and pricing. Through the process of reviewing other clinic providers, applicable fees and services we are recommending a change in our vendor. The change in vendor is expected to provide a higher level of both clinic and administrative services. Overall costs of implementing with the new recommended vendor, Marathon, are marginally lower on an annual basis. However, the service model provides 10 additional hours per week in clinic services as well as additional disease and wellness management for our organization. The following charts outline the service and fee comparisons or our current vendor and the recommended vendor, Marathon.

Clinic Services	
HealthStat	**Marathon**
Clinic open 30 hours per week	Clinic open 40 hours per week
Employee Online portal (current experience demonstrates sufficient gaps in this service)	Employee Online portal
Annual risk assessment	More comprehensive annual risk assessment
Call-in for scheduling appointments	Call-in or Online appointment scheduler
No additional disease management or wellness assistance outside of on-site clinic services	Clinician provides wellness support, including off-site lunch and learn and/or training opportunities
Clinic outreach is minimal	Clinic outreach key component of service model
Employer & Employee Reporting (inadequate and incorrect information)	Employee & Employer Reporting (more robust capabilities)
Annual fees charged by eligible participants monthly	Fixed annual fee based on enrollment; anticipate lower prescription costs and lab fees
2017 Fees for Service	
$613,888.00	**Marathon 2017: $568,849.67**
	Other vendors: $62,550.00
	2017 Total Clinic Costs: $631,399.67
	Implementation Fee 2017: $34,042.00 (included in total above)

Other Clinic quotes provided for a 30 hour per week clinic we received included 1) $472,186, 2) 560,978, 3) $815,724. Although a couple of the provider's annual quotes are less than the recommended vendor, these quotes do not include all implementation and/or other fees necessary for the same level of service. Marathon's quoted services and fees is expected to be the most cost effective option for the organization.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

1. Resolution
2. Employee Clinic Presentation

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RESOLUTION #R-88-2016

A RESOLUTION AUTHORIZING AWARD OF A CONTRACT TO MARATHON HEALTH, LLC FOR EMPLOYEE HEALTH CLINIC SERVICES

WHEREAS, the City of Loveland desires to furnish its employees certain preventive, wellness, disease management, health consultation, occupational health and/or primary care services;

WHEREAS, the Marathon Health, LLC can provide such preventive, wellness, disease management, health consultation, occupational health and/or primary care services; and

WHEREAS, the City of Loveland has had an employee health clinic since April 2011 and conducted a competitive process to select a new vendor to best continue operation of the employee clinic; and

WHEREAS, after review of five organizations' information and pricing, Marathon Health LLC is recommended as the new vendor to provide health care clinic services to City employees at a cost of $568,849.67 for 2017; and

WHEREAS, the City Council desires to approve an award of the contract for health clinic services to Marathon Health, LLC on behalf of the City and to authorize the City Manager to execute the contract.

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

Section 1. That the Contract for Health Clinic Services be awarded to Marathon Health, LLC.

Section 2. That the City Human Resources Department and City Manager in consultation with the City Attorney should negotiate the terms of the contract, and the City Manager is hereby authorized, following consultation with the City Attorney, to modify in form or substance as deemed necessary to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 3. That the City Manager and the City Clerk are hereby authorized and directed to execute the Contract Agreement on behalf of the City.

Section 4. That this Resolution shall take effect as of the date of its adoption.

ADOPTED this 20th day of September, 2016.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

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Healthstat Employee Clinic

2016 Impact Analysis

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Clinic Overview

- Implemented in April 2011
- Operates 30 hours per week, staffed by Physician's Assistant and Office Assistant
- Provides preventive care, acute care, laboratory services, generic prescriptions, and wellness services
- Service is provided for medical plan participants and their dependents ages 2 and up
- No out of pocket cost, fees, or copays for clinic services for participants
- Participants (employees and spouses) are required to complete a Health Risk Assessment in order to utilize clinic services

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Clinic Objectives

- Reduce the cost of medical care through controlled costs for office visits, prescriptions, and laboratory services
- Reduce healthcare inflation trend to help mitigate rising cost of healthcare
- Improve employee health through health risk and disease management programs
- Increase productivity by reducing time employees spend away from work for medical care

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Healthstat
Return on Investment

- Assumes without Clinic the City would have a 10% increase in claim costs annually from our baseline due to trend/medical inflation
- Excludes claimants over $75k

Year	Projected Claims	Actual Claims	Claims Savings
April 2011 – March 2012	$5,776,836	$5,595,620	$181,216
April 2012 – March 2013	$6,207,360	$6,068,375	$138,985
April 2013 – March 2014	$7,042,743	$6,593,092	$449,651
April 2014 – March 2015	$7,999,457	$5,109,691	$2,889,766
April 2015 – March 2016	$9,089,855	$6,034,187	$3,055,668
Total	**$36,116,251**	**$29,400,965**	**$6,715,286**

**Per Healthstat Methodology – comparing total savings and program costs*

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City Analysis of Clinic

- **Estimated Claims Savings**
  - Measures actual and projected claims and Rx costs versus total operating cost of clinic
- **Clinic Utilization**
  - Examines participation (employee/dependent) versus total eligible
- **Estimated Cost Diversion Savings**
  - Compares cost of a clinic visit versus the cost of a visit per our medical claims history
  - Considers the differences in the length of time employees spend away from work for a clinic visit versus Physician visit.
- **Health & Wellness Impact**
  - Examines the improvement of Risk Factors for those participants who have at least two Health Risk Assessment measurements.

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Estimated Claims Costs/Savings*

- Assumes without Clinic the City would have a 7% increase in claim costs annually from our baseline due to trend/medical inflation
- Reduces claims savings by total clinic expenses
- Includes all claims net Stop Loss reimbursements

Year	Projected Claims (Cost)/Savings	Actual Claims (Cost)/Savings
2011	($158,184)	($429,225)
2012	($40,883)	$1,197,481
2013	$178,824	$195,846
2014	$608,470	($330,842)
2015	$1,050,209	($1,462,810)
Total	**$1,638,436**	**($829,550)**

**Per City Methodology – not Healthstat*

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Clinic Utilization

- Overall current clinic participation is 76%
- We expect to continue to increase the participation with our compliance and incentive programs, which began in late 2015

Year	Projected Participation	Actual Participation
2011	31%	45%
2012	36%	56%
2013	41%	66%
2014	46%	70%
2015	46%	76%
2016		76%

Clinic participation percentage is not by month or year; it includes total participation (employee/dependent) usage versus total eligible

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Cost Diversion Analysis (2015)

- Physician Visits
  - Average cost of visit per claims*
    - Primary Care $163.00
    - Specialist $187.00
  - Estimated average cost of a clinic visit $133.39**
  - Total cost of clinic per visit $160.35***
  - Total cost per encounter $142.56***
- Lost Time Savings
  - Average physician office visit takes 2 hours including travel time
  - Clinic office visit takes 30 – 45 minutes including travel time
  - Estimated lost time work savings of 1.5 hours per visit
  - Per 3,117 visits, estimated work hours saved equals 4,675.5 hours
  - Estimated lost work time saving equals $145,501.56

**Per historical claims data*
***Clinic costs/number of visits*
****Clinic costs/number of visits – Includes labs/Rx*

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Wellness Impact (2015) Risk Factor Changes

Improved Health	• 18% of monitored participants improved health risks with no increase to the number of risk factors
Maintained Health	• 54% of monitored participants maintained health risks with no increase to number of risk factors
Declined Health	• 29% of monitored participants increased health risks

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Wellness Impact (2015) High Risk Participants

Illustrates improvement in 7 of 8 measured risk categories within top 20% of high risk patients/participants.

Total Cholesterol	• Improved by 4.1%
LDL Cholesterol	• Improved by 4%
HDL Cholesterol	• Improved by 2.8%
Systolic Blood Pressure	• Improved by 2.7%
Diastolic Blood Pressure	• Improved by 5.3%
Triglycerides	• Improved by 20.8%
Glucose	• Improved by 2.6%
BMI	• Increased by .5%

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Summary

- Cost reduction/control
  - The savings as calculated by the Healthstat method demonstrates we are receiving a return on our investment
  - Recent claims experience is driving reduction of ROI in City's methodology when comparing ALL claims
  - Compliance program is expected to drive higher participation and risk mitigation
- Employee satisfaction/wellness
  - Valued benefit – can assist with recruitment and retention
  - Significant impact in several situations for employee health and well-being
  - Compliance program is expected to increase positive results in risk factor movement and disease management
- Recommended Service Model Transition

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QUESTIONS OR COMMENTS?

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AGENDA ITEM: **5.4**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Brett Limbaugh, Development Services Director
PRESENTER: Kerri Burchett, Current Planning

TITLE:

1. **A Resolution Concerning The Annexation To The City Of Loveland, Colorado, Of A Certain Area Designated As "Mirasol Second Addition" More Particularly Described Herein, And Setting Forth Findings Of Fact And Conclusions Based Thereon As Required By The Colorado Constitution And By State Statute**
2. **An Ordinance Approving The Annexation Of Certain Territory To The City Of Loveland, Colorado, To Be Known And Designated As "Mirasol Second Addition" To The City Of Loveland**
3. **An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For "Mirasol Second Addition" To The City Of Loveland**

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motions for City Council action as recommended by the Planning Commission:

1. Move to adopt the resolution concerning the annexation of the Mirasol Second Addition;
2. Move to approve on first reading the ordinance annexing the Mirasol Second Addition to the City of Loveland; and
3. Move to approve on first reading the ordinance zoning the Mirasol Second Addition to the City of Loveland to Mirasol Community Planned Unit Development.

OPTIONS:

1. Adopt the action as recommended.
2. Deny the action. The property would remain outside city limits and the applicant could request development in unincorporated Larimer County.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. This would delay the applicant in proceeding to the additional city applications necessary for development of the property.

SUMMARY:

This is a public hearing to consider the following items on first reading:

- Adoption of a resolution and ordinance to annex 6.8 acres of property to be known as the Mirasol Second Addition; and
- A quasi-judicial action to zone the 6.8 acres to Mirasol Community Planned Unit Development.

The property is located at the southeast corner of 4th Street SE and St. Louis Avenue. The applicant is the Housing Authority of the City of Loveland.

BUDGET IMPACT:

☐ Positive
☐ Negative
☒ Neutral or negligible

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BACKGROUND:

The proposal is to annex the property and incorporate it into the Mirasol Community senior housing development. The zoning for the property would allow the construction of a 60 unit, 3 story senior apartment building and 10 single family or paired dwellings. Both the apartment and residential units would match the architecture theme and streetscape established in the Mirasol development. The property is designated as medium density residential in Create Loveland and the requested density and building height in the GDP complies with the density range and heights identified in the plan.

The Planning Commission held a public hearing regarding the proposal on August 22, 2016. Nine neighborhood residents spoke at the hearing; two neighbors were in support of the project and seven were in opposition. Concerns were voiced over the massing of the apartment building not fitting in with the rural character of the area, existing traffic speeds on St. Louis Avenue, and the lack of sidewalks connecting Mirasol to downtown Loveland. The Planning Commissioners voted unanimously (8-0) to recommend approval of the annexation and zoning. The Commission believed that the property and the adjacent St. Louis right-of-way should be annexed into the City. They echoed the Housing Authority's expressed need for more affordable housing opportunities for seniors. They also encouraged the Housing Authority to work with the neighborhood on the apartment building location, design and scale. The Housing Authority is hosting an informal neighborhood meeting on September 15, 2016 with those in attendance at the Planning Commission hearing to discuss alternative building location and design. After annexation and zoning, the next step in the process is a preliminary development plan that requires a Planning Commission hearing. This will provide the neighborhood with another opportunity to participate and comment on the site plan and building design. Minutes from the Planning Commission hearing are included as Exhibit 2 to the staff memorandum.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Resolution
2. Ordinance approving the annexation
3. Ordinance relating to zoning
4. Staff Memorandum

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RESOLUTION NO. R-89-2016

A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS "MIRASOL SECOND ADDITION" MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE COLORADO CONSTITUTION AND BY STATE STATUTE

WHEREAS, on July 29, 2016, a Petition for Annexation was filed by persons comprising more than fifty percent (50%) of the landowners in the area described on **Exhibit "A"**, attached hereto and incorporated herein, who own more than fifty percent (50%) of said area, excluding public streets and alleys; and

WHEREAS, said petition requests the City of Loveland to annex said area to the City; and

WHEREAS, pursuant to Resolution No. R-73-2016, the City Council found that said petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.; and

WHEREAS, on September 20, 2016, commencing at 6:00 p.m., pursuant to the notice required by §31-12-108, C.R.S., the City Council held a public hearing to determine whether the area proposed to be annexed complies with the applicable requirements of Section 30 of Article II of the Colorado Constitution and of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed.

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

1. The City Council of the City of Loveland makes the following findings of fact:

   A. The subject Petition for Annexation was signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed, who own more than fifty percent (50%) of said area, excluding public streets and alleys.

   B. Pursuant to Resolution No. R-73-2016, the City Council found that said petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution §31-12-107(1), C.R.S.

C. Pursuant to this Resolution, a public hearing was held on September 20, 2016, commencing at the hour of 6:00 p.m., to determine whether the proposed annexation complies with the applicable requirements of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S.; whether an election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.; and whether additional terms and conditions are to be imposed.

D. Notice of said public hearing was published in The Loveland Reporter-Herald on August 20 and 27, 2016 and September 3 and 10, in the manner prescribed by §31-12-108(2), C.R.S. The Loveland Reporter-Herald is a newspaper of general circulation in the area proposed to be annexed. Copies of the published notices, together with a copy of said resolution and a copy of said petition, were sent by registered mail by the City Clerk to the Board of County Commissioners of Larimer County and to the Larimer County Attorney and to all special districts and school districts having territory within the area proposed to be annexed at least 25 days prior to the date fixed for said hearing.

E. The land to be annexed lies entirely within the City of Loveland Growth Management Area, as depicted in the City's master plan, Create Loveland. Therefore, pursuant to Section 3.3.1 of the Intergovernmental Agreement with Larimer County, the annexation impact report requirement of §31-12-108.5, C.R.S. has been waived.

F. The perimeter of the area proposed to be annexed is 2,932.01 linear feet, of which 1,406.18 linear feet are contiguous to the City of Loveland. Not less than one-sixth of the perimeter of said area is contiguous with the City of Loveland.

G. A community of interest exists between the area proposed to be annexed and the City of Loveland.

H. The area proposed to be annexed is urban or will be urbanized in the near future, and said area is integrated with or is capable of being integrated with the City of Loveland.

I. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, is divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.

J. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more and which, together with the buildings and

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improvements situated thereon, has a valuation for assessment in excess of $200,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.

K. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the area proposed to be annexed.

L. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of the same to another school district.

M. The annexation of the area proposed to be annexed would not have the effect of extending the boundary of the City of Loveland more than three miles in any direction from any point of such boundary in any one year.

N. In establishing the boundaries of the area proposed to be annexed, the entire width of any platted street or alley to be annexed is included within said area.

O. The annexation of the area proposed to be annexed will not deny reasonable access to any landowner, owner of an easement or owner of a franchise adjoining a platted street or alley which is included in said area but which is not bounded on both sides by the City of Loveland.

2. The City Council reaches the following conclusions based on the above findings of fact:

A. The proposed annexation of the area described on **Exhibit "A"** complies with and meets the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S.

B. No election is required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S.

C. No additional terms and conditions are to be imposed.

3. This Resolution shall become effective on the date and at the time of its adoption.

APPROVED the 20th day of September, 2016.

CITY OF LOVELAND, COLORADO:

_____

Cecil A. Gutierrez, Mayor

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ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS "MIRASOL SECOND ADDITION" MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE COLORADO CONSTITUTION AND BY STATE STATUTE

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EXHIBIT A

A parcel of land, being that parcel as described in the Quit Claim Deed recorded April 25, 1994 at Reception No. 94035703 of the records of the Larimer County Clerk and Recorder (LCCR), the abutting Right of Way of Fourth Street Southeast, the abutting Right of Way of South Saint Louis Avenue and the Right of Way of South Saint Louis Avenue abutting Mirasol Second Subdivision as recorded April 12, 2011 at Reception No. 20110021993 of the LCCR, located in the Northeast Quarter (NE1/4) of Section Twenty-four (24), Township Five North (T. 5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast Sixteenth corner of said Section 24 and assuming the West line of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) as bearing South 00°12’50” West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1320.21 feet and with all other bearings contained herein relative thereto;

THENCE South 00°12’50” West along said West line a distance of 355.89 feet to the Northwest corner of said Mirasol Second Subdivision and to the POINT OF BEGINNING;

THENCE South 00°12’50” West continuing along said West line and along the West line of said Mirasol Second Subdivision and along the East Right of Way line of South Saint Louis Avenue a distance of 358.63 feet to the most Northerly Southwest corner of Mirasol Second Subdivision;

THENCE North 89°47’10” West a distance of 60.00 feet to a line parallel with and 60.00 feet West of, as measured at a right angle, the West line of the SE1/4NE1/4 of said Section 24 and to the East line of Ballard Place Subdivision as recorded at Reception No. 65143 of the LCCR said line being the West Right of Way line of South Saint Louis Avenue;

THENCE North 00°12’50” East along said parallel line and along said East line of Ballard Place a distance of 743.80 feet to the Southeast corner of Lot 8, Block 3, Ballard Place and to an extension of a line parallel with and 30.00 feet North of, as measured at a right angle, the North line of the SE1/4NE1/4 said line being the North Right of Way line of Fourth Street Southeast;

THENCE North 89°31’31” East along said North line a distance of 722.03 feet to the Northwest corner of Hamm Estates Subdivision as recorded January 14, 1992 at Reception No. 92002377 of the LCCR;

THENCE South 00°18’41” West along the West line of said Hamm Estates Subdivision a distance of 386.19 feet to the Southwest corner of said Hamm Estates Subdivision and to the North line of Mirasol First Subdivision as recorded February 28, 2006 at Reception No. 20060014474 of the LCCR;

THENCE South 89°33’00” West along said North line of said Mirasol First Subdivision and along the North line of said Mirasol Second Subdivision a distance of 661.36 feet to the POINT OF BEGINNING;

Said described parcel of land contains 300,068 Square Feet or 6.889 Acres, more or less.

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FIRST READING: September 20, 2016

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS THE "MIRASOL SECOND ADDITION" TO THE CITY OF LOVELAND

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

Section 1. That a Petition for Annexation, together with copies of the map of said territory as required by law, was filed with the City on July 29, 2016, by more than fifty percent (50%) of the owners who own more than fifty percent (50%) of the area of the territory hereinafter described, exclusive of public streets and alleys. The Council, by resolution at its regular meeting on September 20, 2016, found and determined that the proposed annexation complies with and meets the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S. and further determined that an election was not required under Section 30(1)(a) of Article II of the Colorado Constitution §31-12-107(2), C.R.S. and further found that no additional terms and conditions were to be imposed upon said annexation except those set out on said Petition.

Section 2. That the annexation to the City of Loveland of the following described property to be designated as the **"MIRASOL SECOND ADDITION"** to the City of Loveland, Larimer County, Colorado is hereby approved:

A parcel of land, being that parcel as described in the Quit Claim Deed recorded April 25, 1994 at Reception No. 94035703 of the records of the Larimer County Clerk and Recorder (LCCR), the abutting Right of Way of Fourth Street Southeast, the abutting Right of Way of South Saint Louis Avenue and the Right of Way of South Saint Louis Avenue abutting Mirasol Second Subdivision as recorded April 12, 2011 at Reception No. 20110021993 of the LCCR, located in the Northeast Quarter (NE1/4) of Section Twenty-four (24), Township Five North (T. 5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast Sixteenth corner of said Section 24 and assuming the West line of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) as bearing South 00°12’50” West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1320.21 feet and with all other bearings contained herein relative thereto;

THENCE South 00°12’50” West along said West line a distance of 355.89 feet to the Northwest corner of said Mirasol Second Subdivision and to the POINT OF BEGINNING;

THENCE South 00°12’50” West continuing along said West line and along the West line of said Mirasol Second Subdivision and along the East Right of Way line of South Saint Louis Avenue a distance of 358.63 feet to the most Northerly Southwest corner of Mirasol Second Subdivision;

THENCE North 89°47’10” West a distance of 60.00 feet to a line parallel with and 60.00 feet West of, as measured at a right angle, the West line of the SE1/4NE1/4 of said Section 24 and to the East line of Ballard Place Subdivision as recorded at Reception No. 65143 of the LCCR said line being the West Right of Way line of South Saint Louis Avenue;

THENCE North 00°12’50” East along said parallel line and along said East line of Ballard Place a distance of 743.80 feet to the Southeast corner of Lot 8, Block 3, Ballard Place and to an extension of a line parallel with and 30.00 feet North of, as measured at a right angle, the North line of the SE1/4NE1/4 said line being the North Right of Way line of Fourth Street Southeast;

THENCE North 89°31’31” East along said North line a distance of 722.03 feet to the Northwest corner of Hamm Estates Subdivision as recorded January 14, 1992 at Reception No. 92002377 of the LCCR;

THENCE South 00°18’41” West along the West line of said Hamm Estates Subdivision a distance of 386.19 feet to the Southwest corner of said Hamm Estates Subdivision and to the North line of Mirasol First Subdivision as recorded February 28, 2006 at Reception No. 20060014474 of the LCCR;

THENCE South 89°33’00” West along said North line of said Mirasol First Subdivision and along the North line of said Mirasol Second Subdivision a distance of 661.36 feet to the POINT OF BEGINNING;

Said described parcel of land contains 300,068 Square Feet or 6.889 Acres, more or less.

Section 3. That the annexation of said territory is subject to the conditions set forth in Paragraph (14) of the Petition for Annexation of said territory filed with the City of Loveland.

Section 4. That the annexation of said territory shall be subject to the conditions set forth in an annexation agreement filed with the City of Loveland in substantially the form of **Exhibit “A**”, attached hereto and incorporated by reference, which agreement the City Manager is hereby authorized and directed to execute, subject to such modifications in form or substance as the City Manager, in consultation with the City Attorney, may deem necessary to effectuate the purposes of this Ordinance or to protect the interests of the City.

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Section 5. That the City Council hereby consents to the inclusion of the annexed territory in the Municipal Subdistrict of the Northern Colorado Water Conservancy District pursuant to Section 37-45-136 (3.6), C.R.S.

Section 6. Should any court of competent jurisdiction determine that any portion of the land annexed in this Ordinance was unlawfully annexed, then it is the intent of the City Council that the remaining land lawfully annexed to the City of Loveland should be so annexed and the City Council affirmatively states that it would have annexed the remaining land even though the court declares the annexation of other portions of the land to have been unlawfully annexed.

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

Section 8. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

ADOPTED this ___ day of October, 2016.

ATTEST: CITY OF LOVELAND, COLORADO:

_____ _____

City Clerk Cecil A. Gutierrez, Mayor

APPROVED AS TO FORM:

Assistant City Attorney

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Exhibit A

ANNEXATION AGREEMENT PERTAINING TO THE MIRASOL SECOND ADDITION TO THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO

THIS ANNEXATION AGREEMENT (the "Agreement") is entered into this _____ day of _____, 2016, by and between the HOUSING AUTHORITY OF THE CITY OF LOVELAND, COLORADO, a Colorado non-profit corporation (the "Developer"); and the CITY OF LOVELAND, COLORADO, a home rule municipality (the "City").

RECITALS

WHEREAS, the Developer owns 6.8 acres, more or less, of real property located in Larimer County, Colorado, which are included within a parcel of land that includes public right of way, together more particularly described in **Exhibit "A"** attached hereto and by this reference incorporated herein (the "Property");

WHEREAS, the Developer is requesting that the City annex and zone said Property to allow for the coordinated development of the Property to the benefit of the parties, including the City; and

WHEREAS, the City is unable to annex the Property under the terms and conditions of this Agreement without the consent of the Developer.

NOW, THEREFORE, in consideration of the premises and the mutual covenants contained herein, the parties agree as follows:

AGREEMENT

1. Consent to annexation. Developer has petitioned for the annexation of the Property described in the attached Exhibit A. The Developer hereby consents to the annexation of the Property subject to the terms and conditions of the Petition for Annexation and this Agreement. In the event the City enters into this Agreement prior to approval by the City Council of the annexation, the parties agree that the binding effect of this Agreement and the effectiveness of the annexation and zoning of the Property in accordance with the Developer's application is expressly conditioned upon such approval by the City Council and the execution and delivery of this Agreement by all parties thereto.

2. Terms of annexation.

   A. Current Planning

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i. Healthy mature trees shall be incorporated into the preliminary development plan (PDP) to the extent possible. Tree mitigation shall be included in the PDP for any healthy trees proposed to be removed. An evaluation of the trees from a professional arborist shall be submitted with the preliminary development plan.

ii. Grading, tree removal and construction activities shall comply with the federal Migratory Bird Treaty Act. No such activities shall occur near an occupied bird nest during the songbird nesting season (March through July). If grading, tree removal or construction activities are proposed to occur March 1st through July 31st, a letter from a wildlife specialist shall be submitted to the Planning Division documenting that there are no active nests on the site.

B. Transportation Development Review

i. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).

ii. The developer agrees to acquire and dedicate, at no cost to the City, any rights-of-way necessary for the required street improvements associated with this development.

iii. Prior to the issuance of any building permits for development in Mirasol Second Addition, pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the Developer shall design and construct the following public improvements unless already designed and constructed by others:

a. The ultimate adjacent street improvements on St. Louis Avenue including pavement widening, curb & gutter, landscaped parkway and sidewalk.

b. The ultimate adjacent street improvements on 4th Street SE including pavement widening, curb & gutter and sidewalk.

c. The extension of Finch Street between Bunting Place and 4th Street SE including pavement curb to curb and sidewalks on both sides.

d. Bunting Place from St. Louis Avenue to Finch Street including roadway pavement curb to curb and sidewalk improvements on the north side.

iv. Any other off-site improvements required will be determined by the findings of the TIS at the time a development application is submitted for review.

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GENERAL PROVISIONS

3. Waiver of Damages. In the future, the Developer may be granted vested property rights associated with the approval of a site specific development plan within the Property. In the event that such vested property rights are granted, and the City applies an initiated or referred measure to the property which would (a) change any term of this Agreement, (b) impose a moratorium on development within the Property, or otherwise materially delay the development of the Property, or (c) limit the number of building or utility permits to which the Developer would otherwise be entitled, the Developer agrees to waive any right to damages against the City to which Developer may otherwise be entitled under the Vested Rights Statute.

4. Incorporation. The terms and conditions of this Agreement shall be deemed to be incorporated into the Developer's Petition for annexation of the Property.

5. Integration and Amendment. This Agreement represents the entire Agreement between the parties with respect to the Property and supersedes all prior written or oral agreements or understandings with regard to the obligations of the parties with regard to the Property. If conflicts between the Annexation Conditions listed in the Staff Report for City Council on September 20, 2016, and the terms and conditions of this Annexation Agreement occur, this Annexation Agreement shall prevail. This Agreement may only be amended by written agreement signed by the Developer and the City. Only the City Council, as a representative of the City, shall have authority to amend this Agreement.

6. Remedies. In the event that a party breaches its obligations under this Agreement, the injured party shall be entitled only to equitable relief, including specific performance, and such other equitable remedies as may be available under applicable law. In the event of litigation relating to or arising out of this Agreement, the prevailing party, whether plaintiff or defendant, shall be entitled to recover costs and reasonable attorneys' fees.

7. Effective Date. This Agreement shall become effective on the date that it is executed and delivered and has been approved by the City Council. If the City does not annex the Property, this Agreement shall become null and void and of no force or effect whatsoever. If the City does not annex the Property, no party will be liable to any other for any costs that the other party has incurred in the negotiation of this Agreement or in any other matter related to the potential annexation of the Property.

8. Binding Effect and Recordation. The parties agree to execute a memorandum of this Agreement that the City shall record with the Clerk and Recorder for Larimer County, Colorado. It is the intent of the parties that their respective rights and obligations set forth in this Agreement shall constitute equitable servitudes that run with the Property and shall benefit and burden any successors to the parties. The Final Annexation Map for the Property shall be recorded by the Developer within sixty (60) days of final

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adoption of the ordinance annexing the Property, such Map shall contain a note that the Property is subject to this Agreement.

9. Notices. Whenever notice is required or permitted hereunder from one party to the other, the same shall be in writing and shall be given effect by hand delivery, or by mailing same by certified, return receipt requested mail, to the party for whom it is intended. Notices to any of the parties shall be addressed as follows:

To City:	City Clerk City of Loveland 500 E. Third Street Loveland, CO 80537
To Developer:	Sam Betters Housing Authority of the City of Loveland 375 W 37th Street #200 Loveland, CO 80537

A party may at any time designate a different person or address for the purposes of receiving notice by so informing the other party in writing. Notice by certified, return receipt requested mail shall be deemed effective as of the date it is deposited in the United States mail.

10. Waiver. No waiver by the City or Developer of any term or condition of this Agreement shall be deemed to be or construed as a waiver of any other term or condition, nor shall a waiver of any breach be deemed to constitute a waiver of any subsequent breach of the same provision of this Agreement.

11. Applicable Law/Severability. This Agreement shall be construed in accordance with the laws of the State of Colorado and venue for any dispute shall be in Larimer County. The parties to this Agreement recognize that there are legal restraints imposed upon the City by the constitution, statutes and laws of the State of Colorado, and that, subject to such restraints, the parties intend to carry out the terms and conditions of this Agreement. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Agreement or any application thereof to a particular situation shall be held invalid by a court of competent jurisdiction, such provision or application thereof shall be ineffective only to the extent of such invalidity without invalidating the remainder of such provision or any other provision of this Agreement. Provided, however, if any obligation of this Agreement is declared invalid, the party deprived of the benefit thereof, shall be entitled to an equitable adjustment in its corresponding obligations and/or benefits and, in that event, the parties agree to negotiate in good faith to accomplish such equitable adjustment.

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12. Paragraph or Section Headings. Paragraph or section headings in this Agreement are for convenience only and are not to be construed as a part of this Agreement or in any way limiting or amplifying the provisions hereof.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the date first written above.

CITY: CITY OF LOVELAND, Colorado, a home rule municipality

By:_____
Stephen C. Adams, City Manager

ATTEST:

_____
City Clerk

APPROVED AS TO SUBSTANCE:

_____
Brett Limbaugh, Development Services Director

APPROVED AS TO FORM:

_____
Assistant City Attorney

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DEVELOPER: HOUSING AUTHORITY OF THE CITY OF LOVELAND, a Colorado non-profit corporation

By: _____
Sam Betters

STATE OF _____)
)ss
County of _____)

The foregoing Agreement was executed before me this _____ day of _____, 2016 by

_____ as _____ of the Housing Authority of the City of Loveland.
(Title)

WITNESS my hand and official seal.

My commission expires _____.

SEAL

_____
Notary Public

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EXHIBIT A

PROPERTY DESCRIPTION

A parcel of land, being that parcel as described in the Quit Claim Deed recorded April 25, 1994 at Reception No. 94035703 of the records of the Larimer County Clerk and Recorder (LCCR), the abutting Right of Way of Fourth Street Southeast, the abutting Right of Way of South Saint Louis Avenue and the Right of Way of South Saint Louis Avenue abutting Mirasol Second Subdivision as recorded April 12, 2011 at Reception No. 20110021993 of the LCCR, located in the Northeast Quarter (NE1/4) of Section Twenty-four (24), Township Five North (T. 5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast Sixteenth corner of said Section 24 and assuming the West line of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) as bearing South 00°12’50” West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1320.21 feet and with all other bearings contained herein relative thereto;

THENCE South 00°12’50” West along said West line a distance of 355.89 feet to the Northwest corner of said Mirasol Second Subdivision and to the POINT OF BEGINNING;

THENCE South 00°12’50” West continuing along said West line and along the West line of said Mirasol Second Subdivision and along the East Right of Way line of South Saint Louis Avenue a distance of 358.63 feet to the most Northerly Southwest corner of Mirasol Second Subdivision;
THENCE North 89°47’10” West a distance of 60.00 feet to a line parallel with and 60.00 feet West of, as measured at a right angle, the West line of the SE1/4NE1/4 of said Section 24 and to the East line of Ballard Place Subdivision as recorded at Reception No. 65143 of the LCCR said line being the West Right of Way line of South Saint Louis Avenue;
THENCE North 00°12’50” East along said parallel line and along said East line of Ballard Place a distance of 743.80 feet to the Southeast corner of Lot 8, Block 3, Ballard Place and to an extension of a line parallel with and 30.00 feet North of, as measured at a right angle, the North line of the SE1/4NE1/4 said line being the North Right of Way line of Fourth Street Southeast;
THENCE North 89°31’31” East along said North line a distance of 722.03 feet to the Northwest corner of Hamm Estates Subdivision as recorded January 14, 1992 at Reception No. 92002377 of the LCCR;
THENCE South 00°18’41” West along the West line of said Hamm Estates Subdivision a distance of 386.19 feet to the Southwest corner of said Hamm Estates Subdivision and to the North line of Mirasol First Subdivision as recorded February 28, 2006 at Reception No. 20060014474 of the LCCR;

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THENCE South 89°33’00” West along said North line of said Mirasol First Subdivision and along the North line of said Mirasol Second Subdivision a distance of 661.36 feet to the POINT OF BEGINNING;

Said described parcel of land contains 300,068 Square Feet or 6.889 Acres, more or less (±).

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FIRST READING: September 20, 2016

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18.04.060 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "MIRASOL SECOND ADDITION" TO THE CITY OF LOVELAND

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

Section 1. That Section 18.04.060 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the following described property recently annexed to the City of Loveland and within the area known as "MIRASOL SECOND ADDITION" to the City of Loveland, Colorado, shall be included as an addition to and within the boundaries of the **MIRASOL COMMUNITY PLANNED UNIT DEVELOPMENT** district:

A parcel of land, being that parcel as described in the Quit Claim Deed recorded April 25, 1994 at Reception No. 94035703 of the records of the Larimer County Clerk and Recorder (LCCR), the abutting Right of Way of Fourth Street Southeast, the abutting Right of Way of South Saint Louis Avenue and the Right of Way of South Saint Louis Avenue abutting Mirasol Second Subdivision as recorded April 12, 2011 at Reception No. 20110021993 of the LCCR, located in the Northeast Quarter (NE1/4) of Section Twenty-four (24), Township Five North (T. 5N.), Range Sixty-nine West (R.69W.) of the Sixth Principal Meridian (6th P.M.), County of Larimer, State of Colorado and being more particularly described as follows:

COMMENCING at the Northeast Sixteenth corner of said Section 24 and assuming the West line of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) as bearing South 00°12’50” West being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 1320.21 feet and with all other bearings contained herein relative thereto;

THENCE South 00°12’50” West along said West line a distance of 355.89 feet to the Northwest corner of said Mirasol Second Subdivision and to the POINT OF BEGINNING;

THENCE South 00°12’50” West continuing along said West line and along the West line of said Mirasol Second Subdivision and along the East Right of Way line of South Saint

Louis Avenue a distance of 358.63 feet to the most Northerly Southwest corner of Mirasol Second Subdivision;

THENCE North 89°47'10" West a distance of 60.00 feet to a line parallel with and 60.00 feet West of, as measured at a right angle, the West line of the SE1/4NE1/4 of said Section 24 and to the East line of Ballard Place Subdivision as recorded at Reception No. 65143 of the LCCR said line being the West Right of Way line of South Saint Louis Avenue;

THENCE North 00°12'50" East along said parallel line and along said East line of Ballard Place a distance of 743.80 feet to the Southeast corner of Lot 8, Block 3, Ballard Place and to an extension of a line parallel with and 30.00 feet North of, as measured at a right angle, the North line of the SE1/4NE1/4 said line being the North Right of Way line of Fourth Street Southeast;

THENCE North 89°31'31" East along said North line a distance of 722.03 feet to the Northwest corner of Hamm Estates Subdivision as recorded January 14, 1992 at Reception No. 92002377 of the LCCR;

THENCE South 00°18'41" West along the West line of said Hamm Estates Subdivision a distance of 386.19 feet to the Southwest corner of said Hamm Estates Subdivision and to the North line of Mirasol First Subdivision as recorded February 28, 2006 at Reception No. 20060014474 of the LCCR;

THENCE South 89°33'00" West along said North line of said Mirasol First Subdivision and along the North line of said Mirasol Second Subdivision a distance of 661.36 feet to the POINT OF BEGINNING;

Said described parcel of land contains 300,068 Square Feet or 6.889 Acres, more or less.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 3. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

ADOPTED the ___ day of October, 2016.

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ATTEST:

City Clerk

CITY OF LOVELAND, COLORADO:

Cecil A. Gutierrez, Mayor

APPROVED AS TO FORM:

Assistant City Attorney

AN ORDINANCE AMENDING SECTION 18.04.060 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "MIRASOL SECOND ADDITION" TO THE CITY OF LOVELAND

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City of Loveland

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

MEMORANDUM

TO: City Council

FROM: Kerri Burchett, Principal Planner

DATE: September 20, 2016

RE: Mirasol Second Addition Annexation and Zoning

I. EXHIBITS

1. Planning Commission minutes dated August 22, 2016
2. Planning Commission staff report, including:
   A. Project Description provided by the Applicant
   B. GDP Findings provided by the Applicant
   C. Environmental Sensitive Areas Report
   D. Annexation Map
   E. General Development Plan Amendment

II. EXECUTIVE SUMMARY

A. Project Description

The City Council public hearing is to consider a proposal to annex 6.8 acres of land owned by the Housing Authority of the City of Loveland and zone the property to be part of the Mirasol Community senior development. The property is located at the southeast corner of 4th Street SE and S. St. Louis Avenue, directly north of Mirasol (see vicinity map on page 2). The general development plan for Mirasol would be amended to incorporate the property into the PUD. The zoning would allow the construction of a 60 unit, 3 story senior apartment building on the west side of the property and a combination of 10 single family or paired dwellings on the east. Both the apartment building and residential units would match the architecture and streetscape theme established in the Mirasol development, which consists of stucco and stone combinations and detached sidewalks with tree lawns. The property is designated as medium density residential in Create Loveland, the city's comprehensive master plan which targets a density range between 4-10 units per acre. With the inclusion of the property, the Mirasol Community PUD would have a density of 9.5 units per acre.

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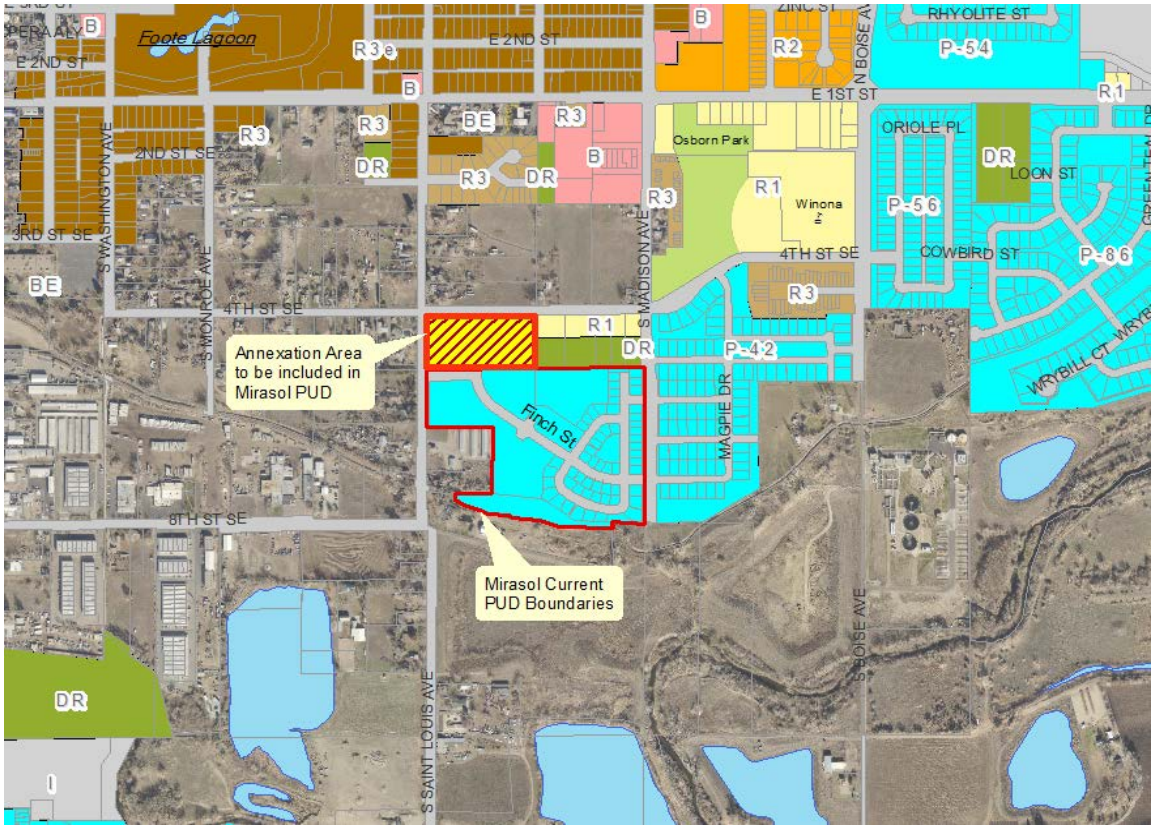
The zoning request to situate the apartment building on the west side of the property, oriented towards St. Louis Avenue, was proposed to lessen the impacts of the use on the existing large lot single family uses directly to the east (see Map 2). The proposed single family/paired homes on the eastern portion of the site would be used to provide a transition in use and scale to the existing homes. A conceptual plan has been included on page 3 that shows an illustrative concept of the development. The location of the apartment building will create a visual change in the character of the intersection of St. Louis Avenue and 4th Street SE. The city's vision for this area as identified in Create Loveland is for redevelopment with greater mixed densities then currently existing. The Plan identifies the neighborhood as a specific opportunity area to develop new mixed use and mixed density neighborhoods (see Map 4 on page 4). A 3-story apartment building was constructed with the last phase of Mirasol on Finch Street and the proposed building will match the scale of that building.

Map 1. Vicinity Map



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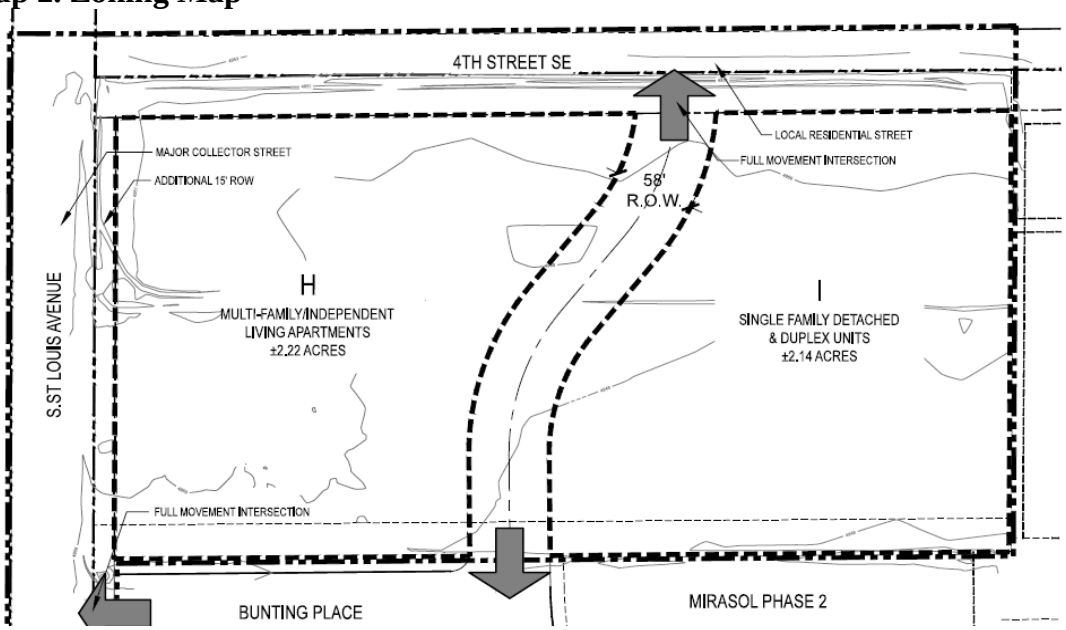
Map 2. Zoning Map



Map 3. Conceptual Plan

The concept plan is for illustrative purposes only and is not part of the annexation and zoning review.

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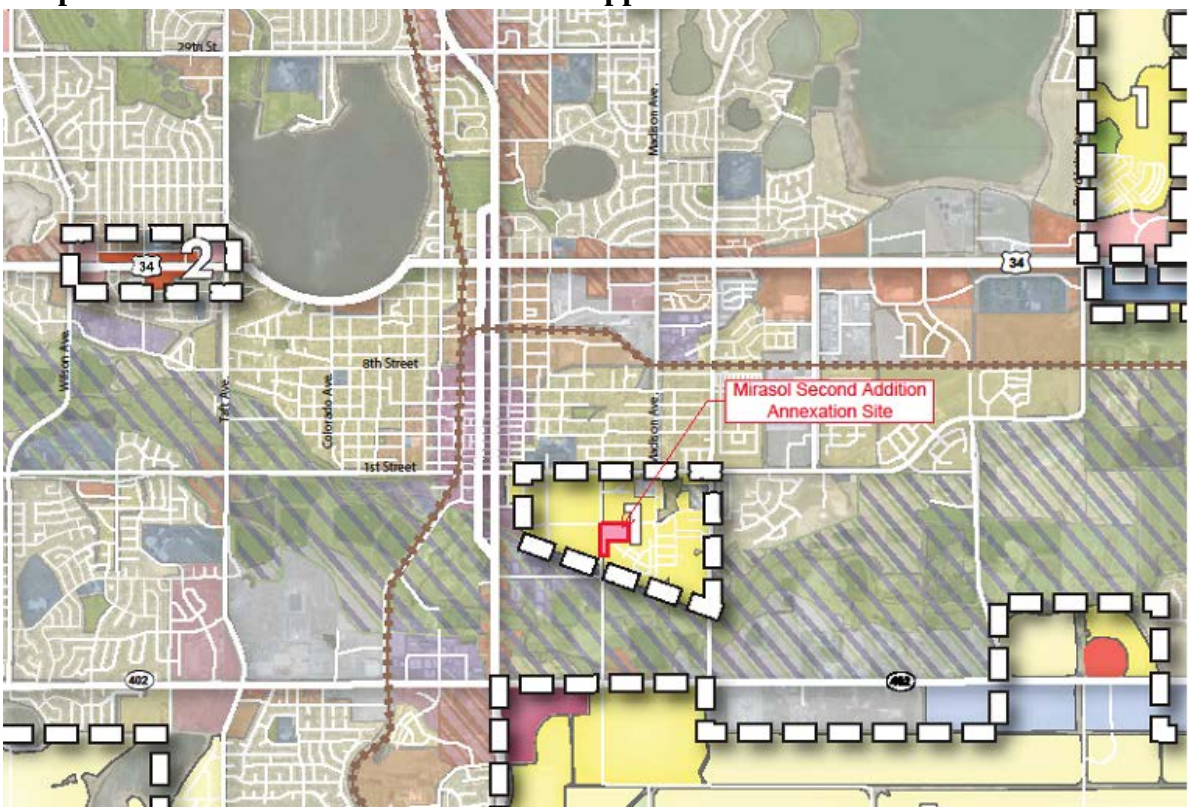
Map 4. Create Loveland: Land Use Plan Opportunities



Annexation and zoning is the first of three steps in developing a residential planned unit development in the city. Annexation requires findings of compliance with State Statutes regarding contiguity with municipal boundaries, an intent to develop at an urban level and an indication that the property can be served with infrastructure. Additionally, annexations are subject to compliance with the Intergovernmental Agreement with Larimer County which requires the annexation of properties located within the city's growth management area that are eligible for annexation. In determining appropriate zoning, the city's comprehensive master plan and associated philosophies describe the city's vision for development.

The second planning step for a residential development in a PUD is a preliminary development plan (PDP). This step is where the specific site, architecture and infrastructure design is planned. Detailed studies are performed with the PDP, including a traffic study, drainage report and environmental report. A neighborhood meeting and a public hearing with the Planning Commission are required for approval. The last planning step is the final development plan (FDP) and plat, which is administratively reviewed and approved, and includes the final detailed site and infrastructure design. As the Mirasol Second Addition application is in the annexation and zoning stage, detailed studies on traffic and infrastructure have not been completed.

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B. Public Outreach and Planning Commission Hearing

A. Neighborhood Meeting: A neighborhood meeting was held at 5:30 p.m. on July 21, 2016 at the Mirasol Community Event Center. The meeting was attended by 66 neighbors and interested parties along with City staff and consultants. At the meeting, concerns voiced regarding development of the property included the change the proposal represented to the rural pattern of development currently existing on 4th Street SE, the 3-story height of the building being too tall for the area, lack of sidewalk connections to downtown, traffic speeds on Finch Street going through Mirasol, parking concerns and landscaping questions.

B. Planning Commission Public Hearing: The Planning Commission held a public hearing regarding the proposal on August 22, 2016. Nine neighborhood residents spoke at the hearing. Concerns were voiced over the massing of the apartment building not fitting in with the rural character of the area, traffic speeds on St. Louis Avenue, and the lack of sidewalks connecting Mirasol to downtown Loveland. Two of the neighborhood residents spoke in support of the project. The Planning Commissioners voted unanimously to recommend approval of the annexation and zoning. The Commission believed that the property should be annexed into the City and they encouraged the Housing Authority to work with the neighborhood on the apartment building location and scale. Minutes from the Planning Commission hearing are included as **Exhibit 2** to this memorandum.

III. RECOMMENDED CONDITIONS

The following conditions are recommended by City Staff and the Planning Commission. These conditions have been incorporated into the annexation ordinance.

Planning

1. Healthy mature trees shall be incorporated into the preliminary development plan (PDP) to the extent possible. Tree mitigation shall be included in the PDP for any healthy trees proposed to be removed. An evaluation of the trees from a professional arborist shall be submitted with the preliminary development plan.

2. Grading, tree removal and construction activities shall comply with the federal Migratory Bird Treaty Act. No such activities shall occur near an occupied bird nest during the songbird nesting season (March through July). If grading, tree removal or construction activities are proposed to occur March 1st through July 31st, a letter from a wildlife specialist shall be submitted to the Planning Division documenting that there are no active nests on the site.

Transportation Development Review

3. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).

4. The developer agrees to acquire and dedicate, at no cost to the City, any rights-of-way necessary for the required street improvements associated with this development.

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5. Prior to the issuance of any building permits for development in Mirasol Second Addition, pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the Developer shall design and construct the following public improvements unless already designed and constructed by others:

   a. The ultimate adjacent street improvements on St. Louis Avenue including pavement widening, curb & gutter, landscaped parkway and sidewalk.

   b. The ultimate adjacent street improvements on 4th Street SE including pavement widening, curb & gutter and sidewalk.

   c. The extension of Finch Street between Bunting Place and 4th Street SE including pavement curb to curb and sidewalks on both sides.

   d. Bunting Place from St. Louis Avenue to Finch Street including roadway pavement curb to curb and sidewalk improvements on the north side.

6. Any other off-site improvements required will be determined by the findings of the TIS at the time a development application is submitted for review.

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CITY OF LOVELAND
PLANNING COMMISSION MINUTES
August 22, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 22, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, Ray, McFall, Roskie, and Cloutier. Members absent: Commissioner Meyers. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Linda Bersch, Interim Planning Commission Secretary.

These minutes are a general summary of the meeting. A complete video recording of the meeting is available for two years on the City's web site as follows: http://loveland.pegcentral.com

CITIZEN REPORTS

There were no citizen reports.

STAFF MATTERS

1. **Robert Paulsen,** Current Planning Manager, provided the Commissioners a copy of the Development Services Open House agenda and a brief overview of each item listed. This open house will be held August 23, 2016 beginning at 7:30 a.m. at the Development Center. It is primarily for members of the development community and will provide them an overview of the following:
   a. The Comprehensive Plan (Create Loveland)
   b. The proposal for amendments to Create Loveland future land use maps
   c. The framework for the development code update
   d. The provisions of the new flexible zoning overlay district
   e. The new simplified process for issuing sign permits
   f. An overview of the proposed Planned Unit Development (PUD) process
2. **Mr. Paulsen** alerted the commission that the agenda for the September 12, 2016 Planning Commission Meeting would include two public hearings:
   a. North Taft Avenue Subdivision - Preliminary Plat
   b. Wintergreen Townhomes – Preliminary Plat
3. **Permitting process for signs & electronic signs along I-25**
   After discussion with planning commission and council on this issue, it was decided to do a clean-up of the sign provisions for electronic signs along with staff doing more extensive work to bring changes to the entire sign permitting process. This issue will be brought to the Title 18 Committee in October and to the Planning Commission in a study session in November and public hearings beyond that.

COMMITTEE REPORTS

Commissioner Forrest had nothing to report from the Zoning Appeals Board.

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Commissioner Molloy asked **Mr. Paulsen** to give and overview of the roll the Title 18 committee will play in the development code update process. **Mr. Paulsen** noted that the Title 18 committee has for years worked with staff on incremental changes to the zoning and subdivision ordinances. This work will continue with several minor amendments. The committee also be updated each month on the code update process and be given the opportunity to provide input. In addition to their monthly meetings, the committee will be joining the stakeholder group (to be determined) as part of the community involvement in this process for the code update. This will include meeting at least once on each of the six components or portions of the update. The consultant, **Todd Messenger** of Fairfield and Woods, will be preparing updated portions of the code in increments. As each increment or portion is developed and reviewed, it will brought to the Planning Commission and to the City Council in study sessions, after which there will be a Planning Commission hearing on these sections. But final approval by City Council will not occur until all of the sections have been approved by the Planning Commission. **Commissioner Jersvig** asked if the commission would receive an overall summary before each component is presented in a separate study session**. Mr. Paulsen** indicated that this will be the approach and by the September meeting he should have a full schedule of the process going forward. He also noted that some code will not change, however, there are several hundred pages of code to be updated; therefore, commissioners won't receive a strike out version of the changes as the new code will be very different in format. A clear account of substantive changes will be provided.

COMMISSIONER COMMENTS

- **Commissioner Jersvig** asked, in regard to the proposed PUD process, if there is data showing the success of the proposal in the other cities (Rapid City, SD and Commerce City, CO) that have implemented this change.
- **Commissioner Molloy** also asked for data in regard to this process. How has this improved process for those cities from a public standpoint? He is concerned because of the engineering work that is not yet done at the PUD level.
- **Commissioner Forrest** questioned if citizens are still being heard.
- **Mr. Paulsen** indicated that the proposed process will go faster and smoother. The biggest distinction between the current process and the proposed process is that there will be no public hearings on the site-specific plans. After the General Development Plan, there is no public hearing on the Preliminary Development Plan. Does this become a community concern?
- **Commissioner Jersvig** said there should be no rush on this.
- **Commissioner Ray** asked if there were model regulations on this process and on Title 18 Committees. **Mr. Paulsen** indicated that there are some best practices and generally, communities are looking for quicker processes and abandoning or modifying the PUD process because it is cumbersome. There are some standard or model codes adopted by smaller communities who don't have staff or funding to tailor codes to their communities, but there are a lot of different formats and approaches used by communities across the country
- **Commissioner Dowding** asked if empirical data could be obtained from the two cities such as: the number of days it took to process before and after this change; the number of man hours gained; what was the effect on staff load; are there cost savings in dollar

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amounts? **Mr. Paulsen** said a contact would be made with the two cities to try obtain data as requested. If you have other ideas or concerns, please send him an e-mail.

- **Commissioner McFall** expressed concern that new does not always mean better.
- **Commissioner Jersvig** indicated he would like to see another study session on this issue.
- **Commissioner McFall** reported an update in regard to the award of recognition that Thompson School District wishes to present to the Planning Commission. The award will be presented on September 21, 2016 and 5:00 p.m. at the school district building. This is a celebration of the contribution the planning commission/department has made to the district. He received a request that **Mr. Paulsen** accompany him to this celebration.

APPROVAL OF THE MINUTES

Commissioner Dowding *made a motion to approve the* August 8, 2016 *minutes; upon a second from* ***Commissioner McFall,*** *the minutes were approved as amended.*

CONSENT AGENDA

There were no items on the consent agenda.

REGULAR AGENDA

1. **Mirasol III Addition and PUD**

Project Description: This is a public hearing for the purpose of considering an annexation and zoning of approximately 6.88 acres of land to be known as Mirasol Second Addition. The property is located at the southeast corner of the intersection of 4th Street SE and S. St. Louis Avenue. The application proposes to zone the property Mirasol Community Planned Unit Development and integrate the subject property into the Mirasol General Development Plan. The applicant is the Housing Authority of the City of Loveland. The Planning Commission must forward a recommendation to the City Council for final action.

Kerri Burchett, staff planner, presented the proposal to annex 6.8 acres of land owned by the Housing Authority of the City of Loveland and zone the property to be part of the Mirasol Community senior development. The property is located at the southeast corner of 4th Street SE and S. St. Louis Avenue, directly north of Mirasol. The general development plan for Mirasol would be amended to incorporate the property into the PUD. The zoning would allow the construction of a 60 unit, 3 story senior apartment building on the west side of the property and a combination of 10 single family or paired dwellings on the east. Both the apartment building and residential units would match the architecture and streetscape theme established in the Mirasol development, which consists of stucco and stone combinations and detached sidewalks with treelawns. The property is designated as medium density residential in Create Loveland, the city's comprehensive master plan which targets a density range between 4-10 units per acre. With the inclusion of the property, the Mirasol Community PUD would have a density of 9.5 units per acre.
The zoning request to situate the apartment building on the west side of the property, oriented towards St. Louis Avenue, was proposed to lessen the impacts of the use on the

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existing large lot single family uses directly to the east. The proposed single family/paired homes on the eastern portion of the site would be used to provide a transition in use and scale to the existing homes. A conceptual plan has been included on page 3 that shows an illustrative concept of the development. The location of the apartment building will create a visual change in the character of the intersection of St. Louis Avenue and 4th Street SE. The city's vision for this area as identified in Create Loveland is for redevelopment with greater mixed densities then currently existing. The Plan identifies the neighborhood as a specific opportunity area to develop new mixed use and mixed density neighborhoods. A 3 story apartment building was constructed with the last phase of Mirasol on Finch Street and the proposed building will match the scale of that building. Staff is recommending approval of this annexation and GDP Amendment with the conditions listed in the staff report. The Planning Commission's action is a recommendation to the City Council for a hearing on September 19th. **Commissioner Jersvig** asked if the property had already been purchased. **Ms. Burchett** indicated that it has.

Mr. Jeff Feneis, Housing Authority of the City of Loveland, stated it is their mission to provide affordable housing. They currently have a waiting list of 3000 households and one/third of those are seniors looking for affordable housing. That is the reason for expanding the Mirasol Community. **Dave Lingle**, ALM2S Architects, provided at high level look at the design proposals as indicated in the above summary. This proposal is similar to Mirasol Phase 2. He discussed that the proposed placement of the Finch Street extension is to slow traffic and move it away from the intersection of S. St. Louis Avenue and 4th Street SW. Parking is at the same level as Mirasol 1 and 2.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Dowding** questioned if the five spaces shown for handicap parking at the 60 unit building was sufficient. **Mr. Lingle** indicated is was per code; however, **Commissioner Dowding** questioned if that was a good fit with the senior housing use. **Mr. Lingle** indicated they will look at an increase if possible. **Commissioned Molloy** asked about type of sidewalks. **Mr. Lingle** indicated perimeter sidewalks are detached but there could be some sidewalks that are adjacent to parking in the interior.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:17 p.m.

- **John Mielke**, resident, indicated that the project is not conducive or consistent with the neighborhood. He is concerned about what provisions have been made to get irrigation water to his nearby property and to other properties. He is currently experiencing problems with light pollution from the current building entrance lights and would like that to be addressed. Will there be more additions down the road and what is a citizens recourse if building is not according to plan? He is also concerned about citizens being asked to pay for curb/sidewalks along existing properties on 4th Street SE and is also concerned about increased traffic.

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- **Shelly Porter**, resident, is concerned about the 3 level building not fitting in with rural surroundings in the area and with the density of the project. The big building at the intersection of two county roads with no shoulders is not fitting in. Views are gone and property value will go down.
- **Margaret Royale**, resident of Marisol Phase 2, supports the adjacent property owners. She presently has concerns with traffic and with the speed of traffic and this proposal will increase traffic. The wildlife population is greatly reduced. The 3 story building will destroy the character of the area.
- **Jill Scofield**, resident, owns a 5 acre property that is still in the county. She has an apple orchard that has been restored. The character of the neighbor will be changed for worse.
- **Lori Goebel,** resident Arbor Meadows, indicates Marisol has been a great neighbor. Development has been good fit for seniors. But, constructing a 3 story building on that corner will detract from neighborhood. Current apartment buildings are in the center of development. It is currently a challenge to get through the intersection and that will become more dangerous. The lack of sidewalks between Marisol and downtown is dangerous and needs to be taken into consideration. Turn lanes into and out of property and street parking needs to be addressed. Parking at the Green homes is insufficient. There is also a concern about parking on only one side of proposed apartment building. That is not conducive to seniors carrying items in from parking lot.
- **Roy Poole,** resident of Marisol, indicated that people are desperately seeking housing. He thinks Marisol buildings are beautiful. Marisol is well run. Any traffic problems are created by people cutting through the neighborhood.
- **Barbara Poole,** resident, thinks the 3 story building is beautiful and is so pleased that 60 residents will be able to afford housing there.
- **Dawn Mielke,** resident, is against a 3 story building. The size is overwhelming. Traffic does need to be addressed.
- **Patty Kennedy**, resident, agrees with neighbors, opposes the large building. The 60 unit building does not fit the area, part of which is still in the county. Traffic is also an issue.

Commissioner Jersvig closed the public hearing at 7:55 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Jersvig** and **Molloy** questioned the applicant regarding the irrigation water. Mr. Feneis responded that they are aware of the requirement to maintain the water flow and do have a civil engineer working on a solution.
- **Commissioner Jersvig** asked about the light pollution. **Mr. Feneis** indicated the problem is with entry way lights that shine outward and the housing authority is currently working on solving the problem.
- **Commissioner Jersvig** asked **Mr. Paulsen** to address the concern about a neighbor's recourse if what was designed and approved was not what was built. **Mr. Paulsen** that the hearing this evening concerned annexation and zoning, and not the design of the proposed building, and the plans provided by the applicant are preliminary and illustrative. But, they provide some idea of what is being considered. He explained the different processes the applicant goes through to get to a detailed final plan approval and that once that final approval is obtained the applicant must follow that plan.

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- **Commissioner Jersvig** next addressed the traffic concerns of the neighborhood. **Randy Maizland**, Loveland Traffic Engineer, said the trip generation from this development is low and would not trigger turn lanes or traffic lights. If there is a speeding problem, it needs to be referred to law enforcement now. As proposed by the applicant, the realignment of the intersection of 4th Street and St. Louis should make the intersection safer.
- **Commission McFall** said he was in this area on Saturday and observed traffic cutting through there from a downtown special event. He suggested perhaps we should look at this diversion of traffic from downtown as an impact to the area regardless of standards. He also expressed concern about the height of the 3 story building.
- **Commissioner Jersvig** asked **Mr. Maizland** to explore the possibility of placing radar signs along St. Louis to slow traffic. **Mr. Maizland** indicated that Loveland has a program for speed surveys that could be set up and believes that process has already been started based on previous requests from the neighborhood. **Commissioner Jersvig** asked to see any data that is collected from that process.
- **Commissioner Molloy** questioned sidewalk extensions and if current property owners would be required to participate in paying for those extensions. **Mr. Maizland** indicated that anything triggered by this development would not require an existing property owner to provide sidewalk on their property. Public Works does have a program for fill in of sidewalks and has been contacted about providing some in this neighborhood; however, some of the property in this area remains under county jurisdiction.
- **Commissioner Jersvig** asked **Mr. Feneis** is there were any other concept designs for the 3 story building such as leaving the 4th Street SE frontage open. **Mr. Feneis** said they were definitely open to and had looked at other designs. **Ms. Burchett** indicated this concept suggested to move the apartment building away from adjacent rural properties to the east. She indicated that this is a concept and the preliminary plan design is not done. There will be greater feedback from the community and addition neighborhood meetings on that design in the next stage of the process.
- **Commissioner Ray** commented that this shows there are other opportunities for community members to provide input into the next development phase. This phase is just for annexation and community members need to stay involved and provide input through all phases.
- **Commission Cloutier** asked about the distance from eastern edge of development to the 3 story building. **Ms. Burchett** indicated that is about 660 feet. **Commissioner Cloutier** noted that the separation from high rise building and the neighborhood property is about a football field. **Ms. Burchett** also noted that S. St. Louis, all along the entire Marisol development, is a county road and this annexation will bring that into the city.
- **Commissioner Forrest** asked how 60 units was settled on. Mr. Feneis said that is the number where the units become cost effective for construction and operation.
- **Commissioner Jersvig** asked about the demand for this type of property. Mr. Feneis indicated that the senior wait list is at about 1000. This will satisfy less than ten percent of need. Development of other properties (by the Housing Authority) are in the works.
- **Commissioner Dowding** expressed concerns about parking. Other phases of Mirasol have spaces for residents but there is insufficient parking for guest and seniors have more guests. Parking needs are greater than your guidelines require. She would also like to

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see a design going forward that reflects the heritage of the area and fits into a more rural environment.

- **Commissioner Jersvig** asked **Mr. Paulsen** to explain the procedure going forward. **Mr. Paulsen** explained that tonight the Planning Commission can only make a recommendation to City Council regarding the annexation and zoning of this property. City Council will meet on September 20th to vote on this annexation and zoning. There will be an additional opportunity to speak to this issue at the Council meeting. If Council approves the annexation and zoning, there will be an additional neighborhood meeting on the preliminary development plan (PDP) which will include more detail than we saw tonight. That plan will then come back to the Planning Commission with a public hearing for approval which will offer another opportunity for neighborhood input on the details. The Planning Commission is the final authority at that point, barring appeal.
- **Commissioner McFall** thanked the applicant and staff for their presentations and for the concept plan. He commended the neighborhood citizens for speaking. He indicated that their comments didn't fall on deaf ears. He does like the idea of annexation into the city. There is more to be done along St. Louis as part of the city. He will be voting for the annexation.
- **Commissioner Forrest** commented that she lives in this area and shares the neighbors concern with the height of the building, etc. and hopes the applicant works through those things with them. Marisol is great addition to that area and serves a purpose for our seniors. She likes the annexation and supports Marisol coming to the area.
- **Commissioner Cloutier** echoes **Commissioner McFall's** comments and feels annexation will give the city more control over how it's developed and resolving the issues discussed tonight. He sees this as part of the long term vision of the city.
- **Commissioner Molloy** thinks this is a beneficial project for this property even though there are design issues. Marisol is a great community. There will be some scrutiny on the details going forward; however, there is some benefit to the concept design. He is for the annexation.
- **Commissioner Roskie** thanked the staff for the detail in the staff report. It does meet the Create Loveland Comprehensive Plan and meets a great need for senior housing. This development meets the requirement for recommendation of annexation and she will support it.
- **Commissioner Ray** agrees with other commissioner's comments. He stressed that it is difficult when new adjoins old and urges the community to ask about other concepts and impacts and to stay involved. This is annexation only and he will be voting for it.
- **Commissioner Dowding** supports this annexation. It is needed and well thought out. St. Louis needs to be brought into the city. There will be additional reviews going forward and she feels this will come down to something most people can live with.
- **Commissioner Jersvig** noted that this detailed concept plan creates expectations. He expressed concerns about that but notes that this detail brought out neighbors and urges them to stay involved while details are worked out. He again thanked the neighbors for attending and for their presentations. He will be supporting annexation.

Commissioner Jersvig asked **Mr. Feneis** if the conditions contained in the staff report were acceptable to the Housing Authority. Mr. Feneis replied affirmatively.

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Commissioner Dowding *moved to make the findings listed in Section VII of the Planning Commission staff report dated August 22, 2016 and, based on those findings, recommend that City Council approve the Mirasol Second Addition, subject to the conditions listed in Section VIII, as amended on the record, and zone the addition to Mirasol Community Planned Unit Development. Upon a second by* ***Commissioner McFall****, the motion was unanimously adopted.*

Commissioner Dowding *moved to make the findings listed in Section VII of the Planning Commission staff report dated August 22, 2016 and, based on those findings, recommend that City Council approve the Mirasol Community PUD General Development Plan Third Amendment. Upon a second by* ***Commissioner Forrest****, the motion was unanimously adopted.*

ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 8:38 p.m.

Approved by:_____
Jeremy Jersvig, Planning Commission Chair

_____
Linda Bersch, Interim Planning Commission Secretary.

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Current Planning Division
410 E. 5th Street • Loveland, CO 80537
(970) 962-2523 • eplan-planning@cityofloveland.org
www.cityofloveland.org/DC

Planning Commission Staff Report

August 22, 2016

Agenda #: Regular Agenda - 1

Title: Mirasol Second Addition and Mirasol Community PUD

Applicant: Housing Authority of the City of Loveland, Jeff Feneis

Request: **Annexation and PUD General Development Plan Amendment**

Location: Southeast corner of 4th Street SE and S. St. Louis Avenue.

Existing Zoning: County FA –Farming

Proposed Zoning: Mirasol Community PUD

Staff Planner: Kerri Burchett

Staff Recommendation

APPROVAL of the annexation and GDP Amendment.

Recommended Motions:

1. *Move to make the findings listed in Section VII of the Planning Commission staff report dated August 22, 2016 and, based on those findings, recommend that City Council approve the Mirasol Second Addition, subject to the conditions listed in Section VIII, as amended on the record, and zone the addition to Mirasol Community Planned Unit Development; and*

2. *Move to make the findings listed in Section VII of the Planning Commission staff report dated August 22, 2016 and, based on those findings, recommend that City Council approve the Mirasol Community PUD General Development Plan Third Amendment.*

Summary of Analysis

The public hearing is to consider the following items:

- Annexation of 6.8 acres of property owned by the Housing Authority.
- Amendment to the Mirasol Community PUD General Development Plan to expand the boundaries of the PUD to include the property proposed for annexation.

The proposal is to annex and incorporate the 6.8 acre property into the Mirasol Community senior housing development. The zoning for the property would allow the construction of a 60 unit, 3 story senior apartment building and 10 single family or paired dwellings. Both the apartment and residential units would match the architecture theme and streetscape established in the Mirasol development. The property is designated as medium density residential in Create Loveland, the city's comprehensive master plan, and the requested 9.5 units per acre density in the GDP complies with the 4-10 unit targeted density range identified in the plan.

Concerns regarding the development expressed by the neighbors generally include traffic speeds through Mirasol, change in the rural character of the area, and lack of pedestrian connections to downtown Loveland. The next step would be review of a preliminary development plan that includes building, landscaping and infrastructure design. The PDP requires a neighborhood meeting and a public hearing with the Planning Commission.

Staff is recommending approval of the annexation and GDP Amendment request.

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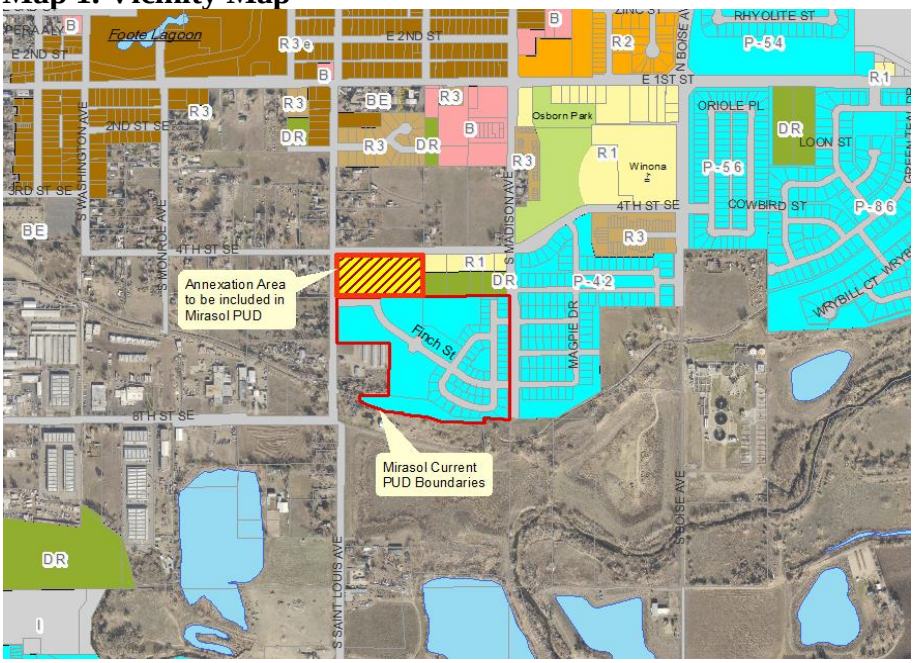
I. SUMMARY

This proposal is to annex 6.8 acres of land owned by the Housing Authority of the City of Loveland and zone the property to be part of the Mirasol Community senior development. The property is located at the southeast corner of 4th Street SE and S. St. Louis Avenue, directly north of Mirasol (see vicinity map below). The general development plan for Mirasol would be amended to incorporate the property into the PUD. The zoning would allow the construction of a 60 unit, 3 story senior apartment building on the west side of the property and a combination of 10 single family or paired dwellings on the east. Both the apartment building and residential units would match the architecture and streetscape theme established in the Mirasol development, which consists of stucco and stone combinations and detached sidewalks with treelawns. The property is designated as medium density residential in Create Loveland, the city's comprehensive master plan which targets a density range between 4-10 units per acre. With the inclusion of the property, the Mirasol Community PUD would have a density of 9.5 units per acre.

The zoning request to situate the apartment building on the west side of the property, oriented towards St. Louis Avenue, was proposed to lessen the impacts of the use on the existing large lot single family uses directly to the east (see Map 2). The proposed single family/paired homes on the eastern portion of the site would be used to provide a transition in use and scale to the existing homes. A conceptual plan has been included on page 3 that shows an illustrative concept of the development. The location of the apartment building will create a visual change in the character of the intersection of St. Louis Avenue and 4th Street SE. The city's vision for this area as identified in Create Loveland is for redevelopment with greater mixed densities then currently existing. The Plan identifies the neighborhood as a specific opportunity area to develop new mixed use and mixed density neighborhoods (see Map 4 on page 4). A 3 story apartment building was constructed with the last phase of Mirasol on Finch Street and the proposed building will match the scale of that building.

Map 1. Vicinity Map



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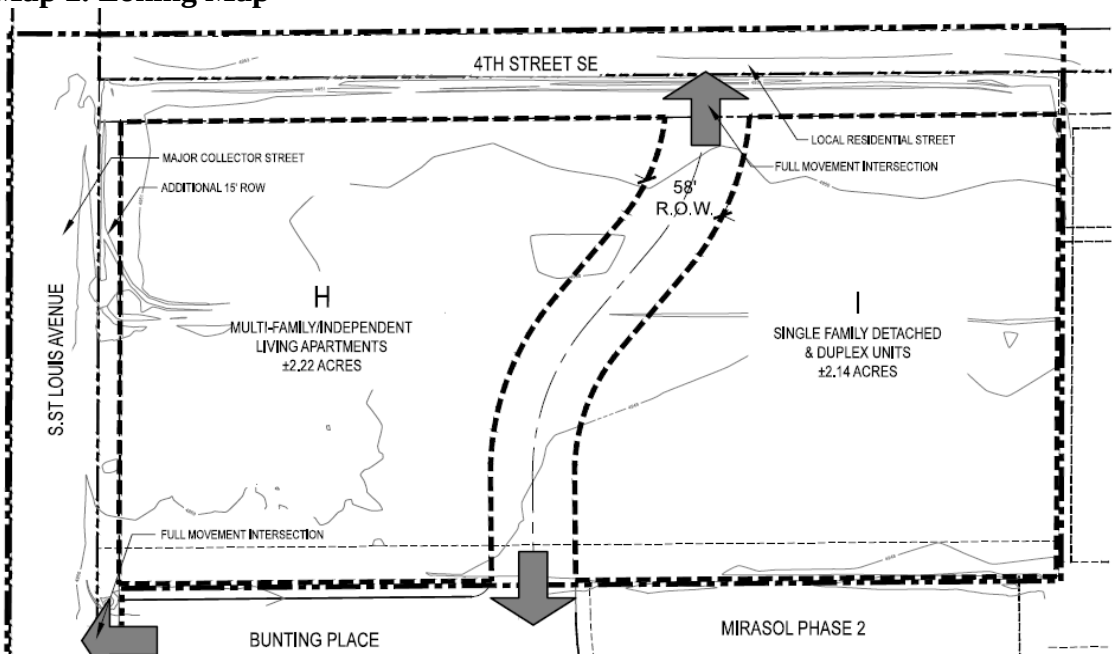
Map 2. Zoning Map



Map 3. Conceptual Plan

The concept plan is for illustrative purposes only and is not part of the annexation and zoning review.

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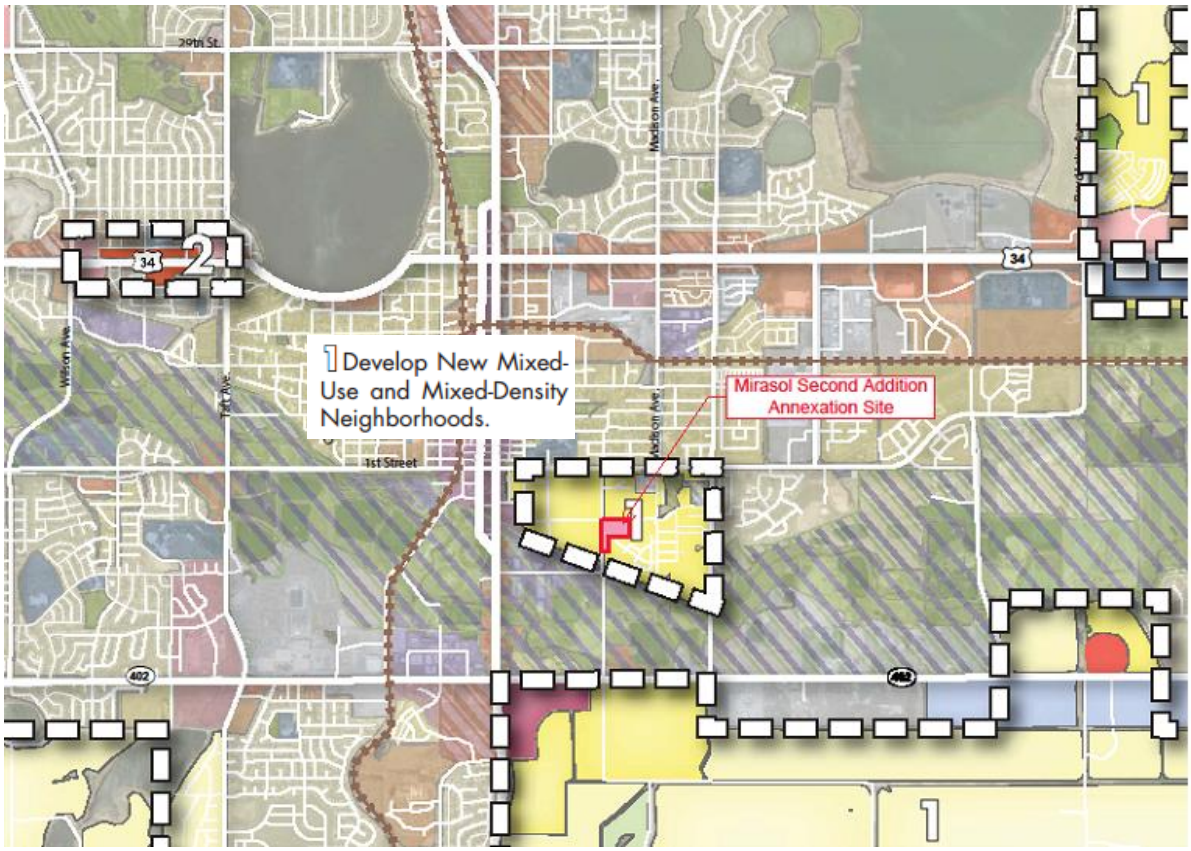
Map 4. Create Loveland: Land Use Plan Opportunities



Annexation and zoning is the first of three steps in developing a residential planned unit development in the city. Annexation requires findings of compliance with State Statutes regarding contiguity with municipal boundaries, an intent to develop at an urban level and an indication that the property can be served with infrastructure. Additionally, annexations are subject to compliance with the Intergovernmental Agreement with Larimer County which requires the annexation of properties located within the city's growth management area that are eligible for annexation. In determining appropriate zoning, the city's comprehensive master plan and associated philosophies describe the city's vision for development.

The second planning step for a residential development in a PUD is a preliminary development plan (PDP). This step is where the specific site, architecture and infrastructure design is planned. Detailed studies are performed with the PDP, including a traffic study, drainage report and environmental report. A neighborhood meeting and a public hearing with the Planning Commission are required for approval. The last planning step is the final development plan (FDP) and plat, which is administratively reviewed and approved, and includes the final detailed site and infrastructure design. As the Mirasol Second Addition application is in the annexation and zoning stage, detailed studies on traffic and infrastructure have not been completed.

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II. ATTACHMENTS

A. Project Description provided by the Applicant
B. GDP Findings provided by the Applicant
C. Environmental Sensitive Areas Report
D. Annexation Map
E. General Development Plan Amendment

III. SITE DATA

ACREAGE OF SITE GROSS	6.8 AC
MASTER PLAN DESIGNATION	MEDIUM DENSITY RESIDENTIAL
EXISTING ZONING	LARIMER COUNTY FA FARMING
PROPOSED ZONING	MIRASOL COMMUNITY PLANNED UNIT DEVELOPMENT
EXISTING USE	1 SINGLE FAMILY HOME
PROPOSED USE	MULTIFAMILY, SINGLE FAMILY & PAIRED RES
EXIST ADJ ZONING & USE - NORTH	COUNTY FA - 4TH STREET SE & SINGLE FAMILY RESIDENTIAL
EXIST ADJ ZONING & USE - SOUTH	PUD – MIRASOL COMMUNITY SENIOR DEVELOPMENT, MULTIFAMILY
EXIST ADJ ZONING & USE - WEST	COUNTY FA –S. ST. LOUIS AVENUE & SINGLE FAMILY RESIDENTIAL
EXIST ADJ ZONING & USE - EAST	R-1 RESIDENTIAL & DR DEVELOPING RESOURCE - SF RESIDENTIAL
UTILITY SERVICE – WATER, SEWER	CITY OF LOVELAND
UTILITY SERVICE – ELECTRIC	CITY OF LOVELAND

IV. KEY ISSUES

City staff believes that all technical issues have been addressed regarding the annexation and zoning. At the neighborhood meeting, concerns were voiced regarding the change to the rural character of the area, existing traffic speeds in Mirasol, parking concerns, and lack of safe pedestrian connections to downtown.

V. BACKGROUND

A. Annexation Property: The 6.8 acre property is currently vacant with a single family house that is proposed to be removed. The property is zoned FA in Larimer County. The property previously also contained a small tree farm.

B. Mirasol Community Planned Unit Development timeline:

April 5, 2005 City Council approval of the annexation and zoning for the Mirasol Community PUD. The PUD established zoning for a maximum of 200 residential units. The GDP created development standards designed for a senior housing community for individuals 55 years of age or older and offered a variety of qualified

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affordable for-sale and for-rent single family, duplex and independent living apartments.

August 22, 2005 Planning Commission approval of the Preliminary Development Plan and Plat for Mirasol First Subdivision (Phase 1 of the PUD).

February 17, 2006 City approval of the Final Development Plan and Plat for Mirasol First Subdivision. Phase 1 of the development included forty-nine independent living apartment units, along with 11 single family homes and 44 duplex units. To date, the apartment units, community building and 37 of the single family/duplex homes have been constructed.

August 9, 2010 Planning Commission approval of a Preliminary Development Plan for Phase II of the development, which permitted the construction of a 60 unit independent living apartment building.

September 7, 2010 City Council approval of the first amendment to the GDP to increase the number of units, adjust parking ratios, modify building heights for Phase II of the development.

November 6, 2012 City Council approval of the second GDP amendment to increase the number of units and adjust parking ratios for Phase III of the PUD.

January 28, 2014 Planning Commission approval for a Preliminary Development Plan to construct 6 skilled nursing "Green House" homes.

VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification: An affidavit was received from Jeff Feneis with the Housing Authority certifying that written notice was mailed to all property owners within 1,200 feet of the property on August 5, 2016 and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. There were no mineral owners associated with the property. In addition, a notice was published in the Reporter Herald on August 6, 2016.

B. Neighborhood Response: A neighborhood meeting was held at 5:30 p.m. on July 21, 2016 at the Mirasol Community Event Center. The meeting was attended by 66 neighbors and interested parties along with City staff and consultants. At the meeting, concerns voiced regarding development of the property included the change the proposal represented to the rural pattern of development currently existing on 4th Street SE, the 3-story height of the building being too tall for the area, lack of sidewalk connections to downtown, traffic speeds on Finch Street going through Mirasol, parking concerns and landscaping questions.

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VII. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code.

1. Annexation and Zoning

Annexation Policies and Eligibility

1. **Create Loveland: Development Review and Consistency, Annexation:** *The annexation complies with the laws of the State of Colorado regarding annexation.*
2. **Loveland Municipal Code, Section 17.04.020:** *The annexation complies with the laws of the State of Colorado regarding annexation and the property proposed for annexation is otherwise eligible to be annexed because there is at least one-sixth contiguity between the City and the area seeking annexation and there is no evidence that two or more of the following conditions have been met:*
   - **a.** *Less than 50% of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial or commercial facilities of the municipality and less than 25% of its adult residents are employed in the annexing municipality.*
   - **b.** *One-half or more of the land proposed to be annexed is agricultural, and the landowners of such agricultural land have expressed an intention under oath to devote the land to agricultural use for at least five years.*
   - **c.** *It is not physically practical to extend urban service which the municipality provides normally.*

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

- The annexation complies with the Colorado State Statutes regarding annexation of lands and is within the City's Growth Management Area (GMA).
- No enclaves will be created by this annexation and there is no evidence that two or more of the conditions listed in Section 17.04.020 of the Municipal Code, cited above, have been met.
- The development of the property will encourage a compact pattern of urban development. The land is immediately contiguous to the Mirasol development to the south and single family residential to the east that are within the city limits and are already receiving City services.
- The annexation complies with the Intergovernmental Agreement with Larimer County to annex property within the City's GMA that are eligible for annexation.

B. City Utilities/Services and Transportation

1. **Loveland Municipal Code**
   - **a. Section 17.04.040:**

     (i) *Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the City in order that the public needs may be served by such facilities and services. Such facilities include, but are not limited to, parks and recreation areas, schools, police and fire station sites, and electric, water, wastewater and storm drainage facilities. Such services include, but are not limited to, fire and police protection, provision of water, and wastewater services.*

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(ii) *Whether the annexation and development pursuant to the uses permitted in the zone district will create any additional cost or burden on the existing residents of the City to provide such facilities and services in the area proposed for annexation.*
(iii) *The annexation complies with the water rights requirements set forth in Title 19 of the Loveland Municipal Code.*

b. Section 17.04.040,: *Whether all existing and proposed streets in the newly annexed property are, or will be, constructed in compliance with City street standards, unless the City determines that the existing streets will provide proper access during all seasons of the year to all lots and that curbs, gutters, sidewalks, bike lanes, and other structures in compliance with City standards are not necessary to protect public health, safety, and welfare.*

c. Section 18.04.010*: The zoning, as proposed, would: lessen congestion in the streets; secure safety from fire, panic, and other dangers; and promote health and general welfare.*

Transportation: Staff believes that this finding can be met, based on the following facts:

- Annexing and zoning property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. A condition is recommended to clearly ensure that all future development or land application within this proposed property shall be in compliance with the City of Loveland Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application.
- As identified in the City Municipal Code Title 16, a Traffic Impact Study will be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.
- Pending future proposed development within this property, of which review and approval by the City is required, the Transportation Engineering staff does not object to the proposed annexation and zoning.

Fire: Staff believes that this finding can be met, based on the following facts:

- The site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The proposed annexation/zoning will not negatively impact fire protection for the subject development or surrounding properties.
- Pending future proposed development within this property, of which review and approval by the Fire Authority is required, staff does not object to the proposed annexation and zoning.

Water/Wastewater: Staff believes that this finding can be met, based on the following facts:

- The subject annexation is situated within the City's current service area for both water and wastewater. The existing house at 510 S St. Louis Ave has an approved water tap to serve City water to the house. The existing house is assumed to be on a private septic system. Annexation water was paid at the time of the approval of the water tap.
- The Department finds that the annexation and zoning is consistent with the Department's Water and Wastewater master plan.
- Public water and wastewater facilities are available to serve the development with the extension of water and wastewater mains as identified in the general development plan.

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Power: Staff believes that this finding can be met, based on the following facts:

- The Department finds that the annexation and zoning is consistent with the Department's Power master plan.
- The property is currently being served by the City of Loveland for power services.
- Public facilities are available to serve the development.

Stormwater: Staff believes that this finding can be met, based on the following facts:

- With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.
- Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

C. Land Use

1. Create Loveland Comprehensive Master Plan: Development Review and Consistency

a. *The proposal is consistent with the Policies and Supporting Strategies in Chapter 2: Our Future*

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

- Create Loveland identifies the area proposed for annexation as being in a designated opportunity area that encourages complete neighborhoods and a revitalization of the corridors. Specifically the plan calls out the potential for development of new mixed density neighborhoods at a greater density than currently existing in the neighborhood.
- The development supports policies contained in Create Loveland including:
    - Providing housing needs of low and moderate income households and the development of diverse housing types;
    - Responding to trends in Loveland's demographics by encouraging housing diversity, accessibility, and affordability; and
    - Work to ensure housing affordability for existing residents, particularly for the elderly, to allow for aging within the community.
- A preliminary development plan application, which is the next step in the development process, requires a neighborhood meeting and a public hearing with the Planning Commission. This will provide the neighborhood with an opportunity to participate and provide input on development of the property.

b. *The proposal is consistent with the Land Use Plan and Land Use Designations contained in Chapter 3: Our Places*

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

- The land use plan designates the site as medium density residential. This category allows for a variety of housing types at a moderate density. The targeted density range is 4-10 units per acre with building heights between 1-4 stories. With the annexation property, the Mirasol development would have a density of 9.5 units per acre, which is consistent with the plan.
- The highest priority mode of transportation in the medium density residential designation

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emphasizes pedestrian movement with detached sidewalks, off-street trail systems and connections to neighborhoods and commercial centers. The GDP requires detached walks along all streets and emphasizes pedestrian movement through internal walks connecting to the Mirasol events center and looping through the development.

2. Loveland Municipal Code

a. Section 18.04.010*:*

(i) *Whether the zoning will provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.*

(ii) *The character of the district and the particular uses permitted by right in the district will preserve the value of buildings and encourage the most appropriate use of land.*

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

- Development of the property will provide adequate light and air and prevent overcrowding of the land. The density of the development aligns with the city's vision established in the land use plan. While the apartment building will be 3 stories, street side bufferyards and interior landscaping will be provided.
- The zoning for the property proposed for annexation will match the character of the Mirasol development and encourages the most appropriate use of the land, based on the city's vision in Create Loveland. The plan further identifies the neighborhood as an area targeted for change with mixed density development.
- As the project is contiguous to existing developments receiving city services, an extension of infrastructure services is practical. The existing house is already served by city water and power.

D. Miscellaneous

1. Loveland Municipal Code, Section 17.04.040.F: *Whether the annexation is in the best interest of the citizens of the City of Loveland.*

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

- The development supports policies in the comprehensive plan.
- The proposal aligns with the city's vision for redevelopment.
- The property is within the city's growth management area and complies with the city's Intergovernmental Agreement with Larimer County.

2. **Loveland Municipal Code, Section 18.41.050.D.4.c:** *Whether the GDP incorporates environmentally sensitive areas into the project design. Environmentally sensitive areas include, but are not limited to, wetlands, wildlife habitat and corridors, slopes in excess of 20%, flood plain, soils classified as having high water table, stream corridors, and mature stands of vegetation.*

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

- An environmentally sensitive areas report was submitted with the annexation and GDP and was prepared by Cedar Creek Associates (see **Attachment C**). The report indicates that the only unique habitat within the project area is the woodland habitat created by the historic tree farm area and adjacent residential trees. The environmental report recommends that the larger, healthy trees be preserved to the extent possible and outlines

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timing restrictions for tree removal based on the songbird nesting season. Conditions of approval are recommended in this staff report in alignment with the environmental report.

F. Mineral Extraction Colorado Revised Statute: *The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.*

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

- There are no severed mineral leasehold owners on the property.
- A geologic hazards and mineral extraction evaluation report was submitted with the annexation and was prepared by Earth Engineering Consultants, LLC. The report indicated that no apparent significant geologic hazards exist on the property. Additionally the report indicates that due to the existing surrounding developments, small parcel size, depth of overburden clay and relatively thin sand and gravel lens, the deposit would not classify as "a commercial resource" under Colorado House Bill –HB 1529.

III. RECOMMENDED CONDITIONS

The following annexation conditions are recommended by City Staff.

Planning

1. Healthy mature trees shall be incorporated into the preliminary development plan (PDP) to the extent possible. Tree mitigation shall be included in the PDP for any healthy trees proposed to be removed. An evaluation of the trees from a professional arborist shall be submitted with the preliminary development plan.

2. Grading, tree removal and construction activities shall comply with the federal Migratory Bird Treaty Act. No such activities shall occur near an occupied bird nest during the songbird nesting season (March through July). If grading, tree removal or construction activities are proposed to occur March 1st through July 31st, a letter from a wildlife specialist shall be submitted to the Planning Division documenting that there are no active nests on the site.

Transportation Development Review

3. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).

4. The developer agrees to acquire and dedicate, at no cost to the City, any rights-of-way necessary for the required street improvements associated with this development.

5. Prior to the issuance of any building permits for development in Mirasol Second Addition, pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the Developer

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shall design and construct the following public improvements unless already designed and constructed by others:

a. The ultimate adjacent street improvements on St. Louis Avenue including pavement widening, curb & gutter, landscaped parkway and sidewalk.

b. The ultimate adjacent street improvements on 4th Street SE including pavement widening, curb & gutter and sidewalk.

c. The extension of Finch Street between Bunting Place and 4th Street SE including pavement curb to curb and sidewalks on both sides.

d. Bunting Place from St. Louis Avenue to Finch Street including roadway pavement curb to curb and sidewalk improvements on the north side.

6. Any other off-site improvements required will be determined by the findings of the TIS at the time a development application is submitted for review.

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Mirasol GDP Third Amendment Project Description

Mirasol Phase Ill will be developed as an extension of the existing Mirasol senior housing community, owned and operated by the Loveland Housing Authority. The approximate 6.5 acre annexation will be developed in two stages. The first stage, targeted for ground breaking in early 2017, will contain a three-story 60 unit apartment building constructed on the west half of the parcel. The second stage, to be completed at a later date, will consist of 5 paired homes totaling 10 housing units constructed on the east half of the parcel. All housing units will be age restricted to persons 55 years of age and older.

Attachment A

Mirasol GDP Third Amendment Findings Statement

A. The GDP conforms to the requirements of Municipal Code Section 18.41.050.D.4 to the City's master plans and to any applicable area plan.

The proposed Mirasol Third Amendment GDP conforms to the comprehensive master plan outlined by the City. The density and layout of the site will complement adjacent land uses by continuing the look and feel of the existing Mirasol Community to the south. City of Loveland staff has indicated that they envision this area of Loveland becoming more urban in character as the development pattern shifts from small residential acreages in the county to residential and mixed-use development in the City.

B. The proposed development will not negatively impact traffic in the area, city utilities, or otherwise have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it.

The proposed development will not negatively impact traffic, city utilities or be a detriment to adjacent land uses.

Traffic patterns will be consistent with the adjacent Mirasol community by directing traffic to the north by continuing Finch Street as it meets 4th Street SE. In addition, the connection to 4th Street SE and South St Louis traffic will be disperse traffic evenly onto the adjacent road network.

The project will not negatively impact city utilities by utilizing utilities that are close in proximity and offered by the City. The owner will also be doing all that is necessary to improve utility connections for this particular project.

C. The proposed development will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:

a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;

The proposed project will provide ample open space through building setbacks, creating open space opportunities adjacent to the multi-family building and duplex/single family buildings. These will include ample foundation planting, a community garden and buffer planting for the existing residential use to the east.

ATTACHMENT B

b. Incorporating site planning techniques that will foster the implementation of the City's master plans, and encourage a land use pattern that will support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the city;

As mentioned above the City of Loveland has indicated an interest in creating a more urban growth pattern in this area. This plan includes a balanced transportation system that connects to and disperses traffic, supports bike and pedestrian traffic by providing detached sidewalks and creates opportunities to connect to public transit.

c. Incorporating physical design features in the development that will provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;

The project is providing transition between adjacent land uses by placing the smaller duplex/single family use to the east, adjacent to the existing residential use. The project will create a gateway by placing the larger multi-family building at the corner of 4th Street SE and South St Louis. The building architecture at this corner is programmed to contain the reception lobby, elevator, a large living room/lounge with fireplace and smaller lounge areas on the second and third floors. An ample building setback along all edges adjacent to public and private land uses is accomplished by providing detached sidewalks with a tree lawn and buffer yard planting.

d. Incorporating identified environmentally sensitive areas, including, but not limited to, wetlands and wildlife corridors, into the project design;

There are no environmentally sensitive areas located on site.

e. Incorporating elements of community-wide significance as identified in the town image map;

f. Incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed

ATTACHMENT B

development will not negatively impact the levels of service of the City's services and facilities; and

The project is planning to provide all necessary public improvements so that the project does not negatively impact City services.

g. Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.

An overall plan has been included to show the look and feel of the project. This includes detached sidewalks with street trees, auto and bike parking and placement of buildings that complement and are compatible with adjacent land uses.

A description and discussion of all aspects of the GDP that do not comply with the regulations for the comparable zone district in the Municipal Code

There are no aspects of the project that do not comply with the zone district outlined in the Municipal Code

ATTACHMENT B

ENVIRONMENTAL AND NATURAL AREAS ASSESSMENT REPORT FOR THE 510 S. SAINT LOUIS AVENUE DEVELOPMENT PARCEL

Prepared
by
Cedar Creek Associates, Inc.
Fort Collins, Colorado

Prepared
for
Jeff Feneis
Loveland Housing Authority
Loveland, Colorado

June 21, 2016

CEDAR CREEK ASSOCIATES, INC.
916 Willshire Ave., Fort Collins, CO 80521 • (970) 493-4394

ATTACHMENT C

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INTRODUCTION

This report documents the evaluation of environmental conditions on the proposed 510 S. Saint Louis Avenue development parcel in accordance with City of Loveland Planning Department Guidelines (March 2013) for preparation of an Environmentally Sensitive Areas Report (ESAR). The project area consists of approximately 5 acres located in southeast Loveland, Colorado located on the east side of S. Saint Louis Avenue between 4th Street SE and Bunting Place in the Southeast 1/4 of the Northeast 1/4 of Section 24 (T. 5 N. R. 69 W.). The proposed development of the property would be an expansion of the existing Mirasol Senior Housing project, which currently abuts the south property boundary. The property location is shown on the attached Figure 1.

METHODOLOGY

Cedar Creek completed a habitat evaluation for the 510 S. Saint Louis Avenue property (project area) on June 17, 2016. The habitat evaluation survey was conducted to characterize existing wildlife habitats, as well as to identify any unique or sensitive natural resource features. Observations recorded during the field evaluation included: major vegetation communities / wildlife habitats present within the property; dominant vegetation associated with each community / habitat; unique habitat features; and observations of wildlife species and/or definitive sign. Photographs showing representative views of existing habitats were also taken to document site conditions. Wildlife presence and habitat use was based on on-site observations and habitat presence in conjunction with the known habitat requirements of potential wildlife species. Existing habitats were also evaluated regarding their ability to support populations of threatened, endangered, and other sensitive plant and wildlife species. Finally, Natural Resources Conservation Service (NRCS) soils mapping was reviewed to determine if any known hydric (wetland) soil units are located on the property.

510 S. SAINT LOUIS AVENUE SITE INVENTORY

Habitats supported on the project area are non-native grass/hayfield, a historic tree farm area, and residential (see Figure 1). Non-native grass/hayfield is dominated by smooth brome (*Bromus inermis*) and the only woody vegetation in this habitat are a few ponderosa (*Pinus ponderosa*[1]) and Scots pine (*Pinus sylvestris*) trees. The current resident on the property indicated the historic tree farm area had been planted to provide the City of Loveland with landscape trees, but the trees were never harvested. This area is now dominated by mature eastern cottonwoods (*Populus deltoides*) with a number of other tree and shrub species in the understory. The residential portion of the property contains a number of mature landscape trees, turf grass areas, a house, garage and outbuilding, and driveways.

The following sections address the ESAR information elements required by City of Loveland Planning Department guidelines (March 2013).

Mature Stands of Vegetation

The majority of the project area has been cultivated to non-native grassland for hay production and stands of mature, woody vegetation present in this habitat only include isolated ponderosa pine, Scots pine, and Siberian elm (*Ulmus pumila*) trees shown on Figure 1 . Siberian elm and Scots pine are non-native trees, and Siberian elm is classified as an undesirable, nuisance tree.

The former tree farm area contains more than 70 mature eastern cottonwoods as well as few mature blue spruce (*Picea pungens*) and smaller Russian olives (*Elaeagnus angustifolia*), silver maple (*Acer saccharinum*), Rocky Mountain juniper (*Juniperus scopulorum*), and northern catalpa (*Catalpa speciosa*)

[1] Scientific nomenclature for plant follows USDA, NRCS Plants Database. Available online at: http://plants.usda.gov/java/

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trees. Some of the eastern cottonwoods in the tree farm area are partially decadent or are dead standing trees. Understory shrubs observed in the historic tree farm area included chokecherry (*Prunus virginiana*) and cotoneaster (*Cotoneaster* sp.). Photo 1 provides a representative view of a stand of eastern cottonwoods in the historic tree farm area.

The residential area also supports a number of large, mature trees, including eastern cottonwood, blue spruce, and green ash (*Fraxinus pennsylvanica*). One of the eastern cottonwoods, near the southwest property corner, is a particularly large specimen measuring nearly 8 feet dbh (diameter at breast height).

Jurisdictional or Non-jurisdictional Wetlands

According to NRCS soils mapping for the property (http://websoilsurvey.nrcs.usda.gov/app/ WebSoil Survey.aspx), the only soil contained within the project area is Fort Collins loam, 0 to 3 percent slopes. The NRCS does not classify this soil-mapping unit as a hydric (wetland) soil, and no other evidence of wetland vegetation, soils, or hydrology was found on the project area.

Wildlife Habitat Areas and Corridors

Non-native grass/hayfield habitat has been cleared of native vegetation and most woody species, and as a result, does not support any natural habitat features and has relatively low wildlife habitat value. Seasonal mowing for hay production also limits overall habitat value. Non-native grass/hayfield habitat in the project area is dominated by smooth brome with lesser amounts of orchard grass (*Dactylis glomerata*) and alfalfa (*Medicago sativa*). All three species are introduced non-natives.

Less common weedy species observed at scattered locations throughout non-native grass/hayfield habitat were: Canada thistle (*Cirsium arvense*), field bindweed (*Convolvulus arvensis*), prickly lettuce (*Lactuca serriola*), and common dandelion (*Taraxacum officinale*). Photos 2 and 3 provide representative views of non-native grass/hayfield habitat and tree stands in the project area.

Mice, voles, pocket gopher, and eastern cottontail are the principal mammal species likely to establish resident populations in non-native grass/hayfield habitat. Songbirds such as western meadowlark, Brewer's blackbird, common grackle, and black-billed magpie may also occasionally use non-native grass/hayfield habitat. Red fox, coyote, raccoon, striped skunk, and open-country raptors such as red-tailed hawk, Swainson's hawk, and ferruginous hawk can hunt non-native grass/hayfield habitat. Although the very tall grass cover (3 to 4 feet), observed at the time of the field survey, would restrict hunting of the area by open-country raptors. Tall grass cover would also restrict use of this area by Canada goose and black-tailed prairie dog since both of these species prefer grassland with low cover and unobstructed views of surrounding areas. The project area's relative small size also may restrict use of the project area by wide-ranging mammals and raptor species. No wildlife species were observed in non-native grass/hayfield habitat during the field survey.

The tree farm habitat area and nearby trees in residential development create an isolated pocket of woodland habitat in an area dominated by upland grasslands and residential development. Shrubs In the understory of the tree farm area also provide additional habitat diversity, cover, and food sources for wildlife. Trees provide nesting and foraging habitat for a variety of urban-adapted bird species, and larger trees and snags in wooded habitats provide important foraging and/or nesting habitat for woodpeckers, variety of songbirds, and urban adapted raptors such as red-tailed hawk and great horned owl. No raptor nests were located during the field survey, but the current residents indicated owls (likely great horned owl) occasionally use the tree stand for perching or roosting. Other bird species likely to use urban woodlands include mourning dove, northern flicker, blue jay, black-capped chickadee, and house finch. No songbird nests were located by the survey, but locating smaller stick nests was difficult because of height of many of the large trees and their fully leafed out condition.

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None of the habitats within project area provide suitable habitat conditions for listed Threatened or Endangered species.

City of Loveland Identified Natural Areas

There are no City of Loveland Natural Areas mapped near the project area.

Physical Linkages to Other Natural Areas or Open Space

The project area has no physical linkage to any Loveland Natural Areas.

Existing Drainage Patterns and Floodway and Flood Fringe Boundaries

The project area is essentially flat with no distinct drainage patterns. Floodway and flood fringe boundaries are addressed in other documents submitted for the project area.

Irrigation Canals, Ditches, and Water Courses

Dryland hay production is practiced on the project area, and there are no active irrigation canals or ditches present.

Existing Slopes Over Twenty Percent

The project area is nearly level and there are no slopes over 20 percent.

Soils With a High Water Table or Being Highly Erodible

The only soil contained within the project area is Fort Collins loam. The NRCS (http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx) indicates this is a well-drained soil. The runoff rating is slow and the hazards of wind and water erosion are slight to moderate. No problem erosion sites were noted on the property during the June 2016 field survey.

The NRCS indicates Fort Collins loam has a depth to water table greater than 80 inches.

Land Formerly Used for Landfill Operations or Hazardous Industrial Use

These topics are addressed in separate documents submitted for the for the project area.

Fault Areas and Aquifer Recharge and Discharge Areas

These topics are addressed in separate documents submitted for the for the project area.

ASSESSMENT OF POTENTIAL IMPACTS OF PROPOSED DEVELOPMENT

Although specific development plans are not available at this time, proposed senior housing development would occur in mostly in non-native grass/hayfield habitat. Project development would not result in any impacts to important wildlife corridors, environmentally sensitive areas, or potential habitat for federally listed threatened or endangered species. Development would result in displacement of wildlife using non-native grass/hayfield habitats, but this type of habitat is relatively common in the region. Therefore project development would only result in relatively minor reductions in local wildlife populations common to the region.

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The only unique habitat within the project area is woodland habitat created by the historic tree farm area and adjacent residential trees. It is recommended that the larger, healthy trees be preserved to the extent possible. There is one issue regarding the timing of property development and ecological features or wildlife use of the project area. If the development proposal includes removal of any trees on the property or if construction occurs near an occupied bird nest during the songbird nesting season (March through July), these activities could result in the loss or abandonment of a nest and may be in violation of the federal Migratory Bird Treaty Act.

RECOMMENDED PROTECTION MEASURES, MITIGATION, AND ENHANCEMENT

A professional arborist will need to evaluate the health of trees in the project area to assess the feasibility of saving existing trees. If mature trees need to be removed, plantings of replacement trees outside of development envelopes should be considered as mitigation for loss of existing trees. Since tree removal or construction near trees during the nesting season could result in the loss or abandonment of a nest, it is recommended that tree removal or construction near trees occur outside of the nesting season (March 1 – July 31), or trees in the project area be surveyed to ensure lack of nesting prior to removal or construction activities during the nesting season. This mitigation recommendation would preclude the possible incidental take or disturbance of occupied nests and a possible violation of the Migratory Bird Treaty Act.

One final mitigation recommendation is that plantings of native shrub and trees in undeveloped portions of the project area, could be used to enhance wildlife habitat at these sites.

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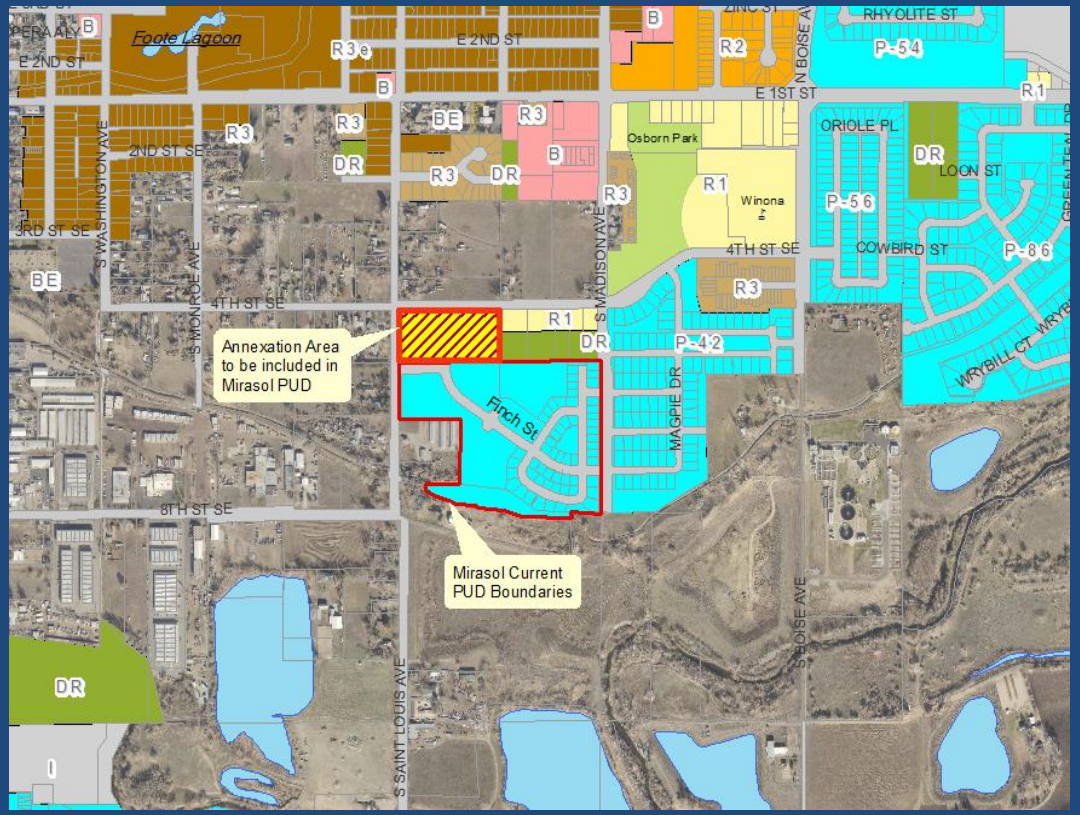
Mirasol Second Addition

Property Description:

- SE corner of 4th Street SE and St. Louis Ave.
- 6.8 acres & includes St. Louis and 4th Street ROW
- Within the City's Growth Management Area
- Zoning: Mirasol Community PUD
- Applicant: Housing Authority of the City of Loveland



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Development Process

Step 1: Annexation & Zoning

Neighborhood Meeting, Planning Commission, & City Council

Annexation & zoning map, annexation petition, annexation reports

Step 2: Preliminary Development Plan & Preliminary Improvement Drawings

Neighborhood Meeting & Planning Commission

Site plan, architecture, landscape plan, utility drawings

Step 3: Final Development Plan, Final Plat & Final Improvement Drawings

Administrative Approval

Final site plan, landscape plan, final utility drawings

Step 4: Public Infrastructure & Building Construction

Administrative Approval

Exhibit 1

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Annexation & Zoning

Annexation Request Findings & Considerations:

- Contiguous to City limits (1/6th perimeter)
- Can be served by the City
- Best interest of City citizens, consideration of additional cost or burden to provide services
- Compliance with Intergovernmental Agreements
- Compliance with vision in Create Loveland, the City's Comprehensive Master Plan

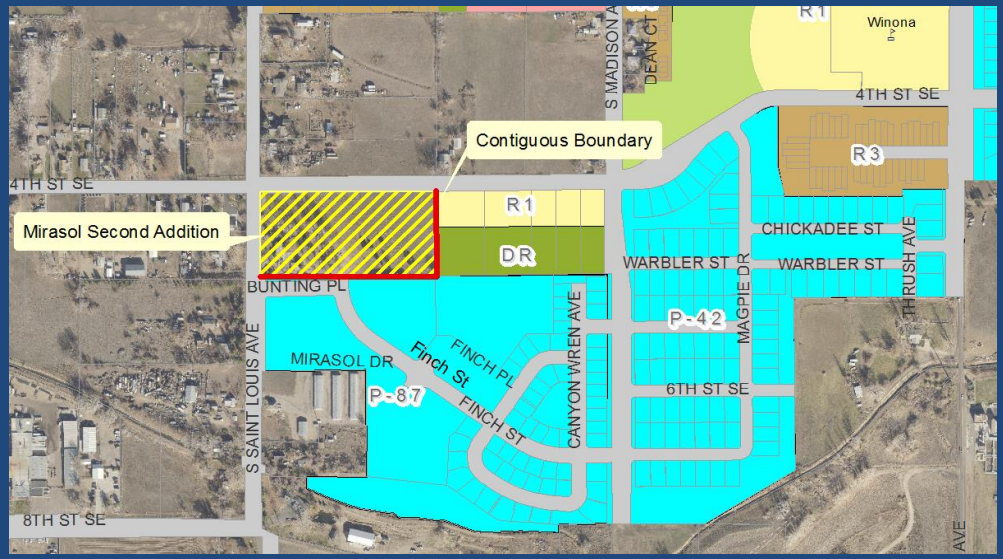

Exhibit 1

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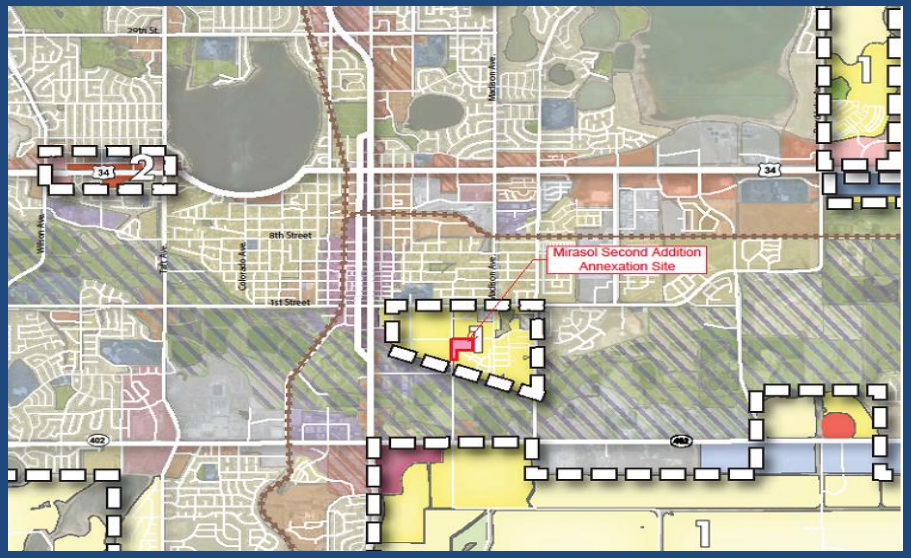
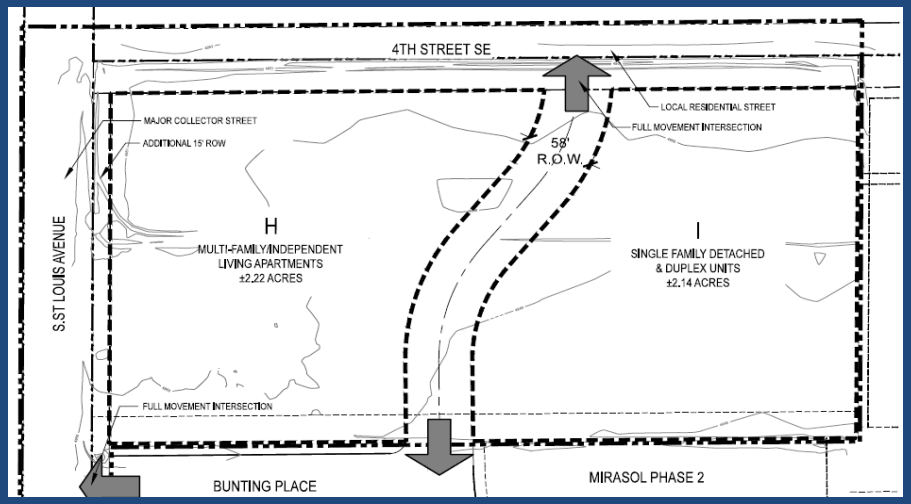
Create Loveland & Zoning

- Comprehensive Plan Designation:
  - Medium Density Residential
    - 4-10 units per acre
    - Building height 1-4 stories
- Opportunity Area for new mixed use and mixed density neighbors
- Requested zoning: 60 units in Area H, 10 units in Area I
- Mirasol PUD density 9.5 units/acre





City of Loveland DEVELOPMENTCENTER

Exhibit 1

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Neighborhood Comments

- Neighborhood meeting: 66 neighbors and Mirasol residents.
  Concerns: Traffic speeds (existing on St. Louis and through Mirasol), change in character of area, lack of sidewalk connections to downtown, parking and landscaping in Mirasol.

  Planning Commission: 9 neighbors and residents spoke.
  Concerns: Traffic, massing of building and lack of sidewalks.

Staff & Planning Commission Recommendation

- Approval of annexation and GDP Amendment with the annexation conditions listed in the staff report.

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LOVELAND Housing Authority

alms

russell+mills studios

Mirasol Senior Community Phase 3

Final Concept Plan

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AGENDA ITEM: **5.5**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Brett Limbaugh, Development Services Director
PRESENTER: Troy Bliss, Current Planning

City of Loveland

TITLE:
An Ordinance Amending Section 18.04.060 Of The Loveland Municipal Code, The Same Relating To Zoning Regulations For Certain Property Located Within The Lee Farm Addition Planned Unit Development (# P-91) And Approving The Amendment To The General Development Plan For Said Planned Unit Development

RECOMMENDED CITY COUNCIL ACTION:
Hold a public hearing and approve the Ordinance on first reading.

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action: The proposed amendment would not continue forward, reverting back to the current approved General Development Plan governing zoning and land use on the Lee Farm property.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:
This is a quasi-judicial action with a public hearing to consider an ordinance on first reading, amending the previously approved General Development Plan for Lee Farm. Primary changes include removal of a commercial community center, reduction in density, as well as reconfiguring some internal road networks (primarily W. 35th Street, minor collector, and local streets). The amendment focuses on developing a mixture of residential uses on 247 acres in northwest Loveland.

The property is generally located on the west side of N. Wilson Avenue, east of the Hogback and future Cascade Avenue alignment. It is directly north of the Hunter's Run Subdivision and directly south of the Buck Subdivision (see the attached vicinity map). The applicant is The True Life Companies represented by Katie Cooley.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
The application proposes to rezone the Lee Farm Addition through an amendment to the GDP. This is the first amendment to be considered for the property. By nature, the GDP provides a lot of narrative, setting general standards for future development including, but not limited to allowed uses, design guidelines (building, landscaping, fencing, and signage), building setbacks, building heights, and layout of major roadways.

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With the proposed amendment, the same concept of feathering density from east to west continues – higher density with mixture of housing types and lot sizes along N. Wilson Avenue transitions to single-family lots that ultimately become estate lots along the western boundary where Cascade Avenue will be located. Sensitivity to existing development to the north maintains the same continuation of single-family lots similar in size abutting the Buck Subdivision. (A different configuration is proposed along the south boundary next to Hunter's Run Subdivision.) The focus of this amendment is narrowed down to the following four (4) main components:

- Use and Density;
- Internal Street Spine;
- Design Standards, and;
- Vesting

A neighborhood meeting was held on June 28, 2016, for this project. The meeting was attended by approximately 70 neighbors, along with City staff and the applicant's team. A large focus of the neighborhood meeting revolved around the proposed location for W. 35th Street (an east/west collector that intersects N. Wilson Avenue to the east and future Cascade Avenue to the west). The location of this street is proposed to change from the previous GDP, by moving it further south towards the north boundary of the Hunter's Run Subdivision. There are those, particularly who live along the north boundary of the Hunter's Run Subdivision, that believe the impacts outweigh the benefits and would rather see a mirror of single-family homes backing to theirs instead. Other concerns voiced included maintaining appropriate buffering from the Buck Subdivision to the north, internal street connections with Buck and Hunter's Run, condo and townhome uses, obstruction of views, storm water design, soil conditions, and the overall growth potential in northwest Loveland.

A public hearing was held with the Planning Commission on August 8, 2016. Seven (7) neighbors spoke at the Planning Commission hearing – approximately 15 to 20 neighbors were observed in the audience. The Planning Commission recommended approval of the General Development Plan amendment by a vote of 5 to 1.

In weighing the concerns raised by the neighborhood, a majority of the Commissioners felt that given there will be an 80+ foot separation between W. 35th Street and the back of lots within the Hunter's Run Subdivision, the design in terms of landscaping could provide an appropriate separation and mitigate impacts from the road. Elevation of the road was of concern by the Planning Commission, indicating that efforts need to be made in the design phase not to have it above the elevation of the impacted lots to the south. Planning Commission determined that the road design would provide a great benefit to the Hunter's Run Subdivision from a storm water management perspective. Additionally, Planning Commission felt that the variety of residential dwellings and a reduction in density were benefits to the overall project.

Following the Planning Commission hearing, email correspondence was received by a resident in the Hunter's Run Subdivision outlining continued concerns with respect to the proposal as it relates to the alignment of W. 35th Street. This email communication is included as an exhibit to the Staff Memorandum (Attachment 2 of this Coversheet).

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Ordinance
2. Staff Memorandum
3. Vicinity Map
4. Powerpoint presentation

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FIRST READING: September 20, 2016
SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18.04.060 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED WITHIN THE LEE FARM ADDITION PLANNED UNIT DEVELOPMENT (# P-91) AND APPROVING THE AMENDMENT TO THE GENERAL DEVELOPMENT PLAN FOR SAID PLANNED UNIT DEVELOPMENT

WHEREAS, True Life Companies, LLC, a Delaware limited liability company ("Developer"), the developer of the Lee Farm Addition PUD (#P-91), has requested that the City of Loveland ("City") approve an amendment to the Lee Farm General Development Plan ("Lee Farm GDP") to, among other things, remove the community center, reduce the density of development and reconfigure certain internal road networks; and

WHEREAS, modifications to the Lee Farm GDP agreed to by the City and the Developer, including the conditions recommended by the Planning Commission after the public hearing on August 8, 2016, and agreed to by the Developer, are reflected in the Lee Farm General Development Plan Amendment #1 which is on file with the City Current Planning Division, attached to the Staff Memo to City Council dated August 8, 2016, and incorporated herein by reference ("1st Amendment"); and

WHEREAS, the City desires to approve the 1st Amendment to provide for orderly growth of the entire property.

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

Section 1. That Section 18.04.060 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the territory included within the Lee Farm Addition PUD (#P-91), City of Loveland, Larimer County, Colorado, and more particularly described as:

> THAT PORTION OF LEE FARM ADDITION, ACCORDING TO THE ANNEXATION MAP THEREOF RECORDED MAY 6, 2006 IN THE REAL PROPERTY RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF LARIMER COUNTY, COLORADO AT RECEPTION NO. 20060042451 AND BEING SITUATE IN SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY

DESCRIBED AS FOLLOWS: CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 AS BEARING SOUTH 00°00'27" WEST AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 SOUTH 00°00'27" WEST 1320.00 FEET TO A POINT ON THE EASTERLY PROLONGATION OF THE NORTH LINE OF LEE FARM ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO; THENCE ALONG SAID EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LEE FARM ADDITION AND ALONG THE NORTH LINE OF SAID LEE FARM ADDITION SOUTH 89°20'42" WEST 70.00 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030651, RECORDS OF SAID COUNTY AND THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE OF SAID LEE FARM ADDITION AND ALONG SAID WEST LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030651 SOUTH 00°00'27" WEST 1356.50 FEET AND AGAIN SOUTH 00°01'10" WEST 409.11 FEET; THENCE DEPARTING SAID WEST LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030651 NORTH 88°59'19" EAST 40.01 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 91011261, RECORDS OF SAID COUNTY; THENCE ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 91011261 SOUTH 00°01'10" WEST 9.54 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LEE FARM ADDITION; SAID SOUTHEAST CORNER OF SAID LEE FARM ADDITION ALSO BEING A POINT ON THE EASTERLY PROLONGATION OF THE NORTH LINE OF THE PLAT OF VANGUARD-FAMLECO NINTH SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO; THENCE DEPARTING SAID EAST LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 91011261 AND ALONG SAID EASTERLY PROLONGATION OF THE NORTH LINE OF THE PLAT OF VANGUARD-FAMLECO NINTH SUBDIVISION AND ALONG THE NORTH LINE OF THE PLAT OF VANGUARD-FAMLECO NINTH SUBDIVISION AND ALONG THE NORTH LINE OF TRACT C, VANGUARD-FAMLECO EIGHTH SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO AND ALONG THE NORTH LINE OF TRACT A, VANGUARD-FAMLECO SECOND ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO AND ALONG THE SOUTH LINE OF SAID LEE FARM ADDITION SOUTH

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88°20'18" WEST 5261.56 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LEE FARM ADDITION; SAID SOUTHWEST CORNER OF SAID LEE FARM ADDITION ALSO BEING A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4 AND THE WEST LINE OF SAID LEE FARM ADDITION; THENCE DEPARTING SAID NORTH LINE OF SAID TRACT A, VANGUARD-FAMLECO SECOND ADDITION AND SAID SOUTH LINE OF SAID LEE FARM ADDITION AND ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4 AND ALONG SAID WEST LINE OF SAID LEE FARM ADDITION NORTH 00°08'28" EAST 488.64 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE NORTHWEST CORNER OF SAID SECTION 4; THENCE THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4 AND CONTINUING ALONG SAID WEST LINE OF SAID LEE FARM ADDITION NORTH 00°09'00" EAST 2679.81 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030652, RECORDS OF SAID COUNTY; THENCE DEPARTING SAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4 AND DEPARTING SAID WEST LINE OF SAID LEE FARM ADDITION AND ALONG SAID SOUTH LINE THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030652 NORTH 89°20'42" EAST 891.97 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE PLAT OF BUCK SECOND SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO; THENCE DEPARTING SAID SOUTH LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030652 AND ALONG SAID WEST LINE OF THE PLAT OF BUCK SECOND SUBDIVISION SOUTH 00°00'27" WEST 1301.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID PLAT OF BUCK SECOND SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID PLAT OF SAID BUCK SECOND SUBDIVISION AND ALONG THE SOUTH LINE OF THE PLAT OF SAID BUCK FIRST SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO AND ALONG THE SOUTH LINE OF THE PLAT OF BUCK FOURTH SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO NORTH 89°20'42" EAST 4319.99 FEET, MORE OR LESS, TO A POINT ON SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030651 AND THE TRUE POINT OF BEGINNING

shall be included within the boundaries of the district designated as follows:

"LEE FARM PUD – 1ST AMENDMENT (#P-91)"

Section 2. That the **LEE FARM PUD – 1ST AMENDMENT** is subject to the Lee Farm GDP as amended by the 1st Amendment. The 1st Amendment is hereby approved.

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Section 3. That the **LEE FARM PUD – 1ST AMENDMENT** remains subject to the Annexation Agreement for the Lee Farm Addition PUD dated February 21, 2006 between the City and G.A. Lee Farm, LLC.

Section 4. That the **LEE FARM PUD – 1ST AMENDMENT** shall be subject to all applicable zoning regulations for the City except where they conflict with the Lee Farm GDP as amended by the 1st Amendment or any approved development application or permit applicable to the property therein.

Section 5. That the Lee Farm General Development Plan Amendment #1 shall be valid for a term of ten (10) years from the adoption of this Ordinance, notwithstanding the provisions of Loveland Municipal Code Section 18.41.050 D.13.

Section 6. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full.

Section 7. That this Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this ___ day of October, 2016.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

AN ORDINANCE AMENDING SECTION 18.04.060 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR CERTAIN PROPERTY LOCATED WITHIN THE LEE FARM ADDITION PLANNED UNIT DEVELOPMENT (# P-91) AND APPROVING THE AMENDMENT TO THE GENERAL DEVELOPMENT PLAN FOR SAID PLANNED UNIT DEVELOPMENT

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Current Planning Division
410 E. 5th Street • Loveland, CO 80537
(970) 962-2523 • eplan-planning@cityofloveland.org

M E M O R A N D U M

TO: City Council

FROM: Troy Bliss, Senior Planner, Current Planning Division

DATE: September 20, 2016

SUBJECT: Lee Farm Addition – General Development Plan (GDP) Amendment #1 (PZ#16-00042)

I. EXHIBITS

A. August 8, 2016, Planning Commission packet
B. August 8, 2016, Planning Commission minutes
C. Email correspondence dated September 4, 2016, from KC Hogan.

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II. KEY ISSUES

The proposed alignment of W. 35th Street is a primary issue and concern to residents in the adjacent subdivision of Hunter's Run. The location is closer to the back yard of specific lots at the north end of Hunter's Run compared to the approved GDP. This is perceived as having a significant impact to the associated properties including but not limited to property values, noise, and vehicle lights.

The proposed alignment of W. 35th Street complies with the City's standards for a collector - location, connectivity to existing/future streets, and its overall geometry. This part of the community has experienced problems with storm water run-off. Opportunities to improve this situation, particularly along property boundaries is identified as a positive outcome. Approximately 80' of separation between W. 35th Street and the back lots of homes in Hunter's Run Subdivision can afford sufficient space to help mitigate impacts. With subsequent Preliminary Development Plans, landscape designs can incorporate a variety of treatments such as earth berms, plant material, and solid walls/fencing as examples. (To put in perspective, this is the equivalent to landscaped bufferyards for properties in the City developed along the E. Eisenhower Boulevard corridor between N. Boyd Lake Avenue and N. Denver Avenue.) In turn, the establishment of a bufferyard could serve as a nice visual and functional amenity when compared to the alternative of homes backing onto homes – opening up view corridors especially towards the west.

The collector street that funnels traffic between N. Wilson Avenue and Cascade Avenue will generate a considerable amount of daily vehicle trips. A posted speed of 35 mph would be expected along this stretch. It is understood that the Hunter's Run Subdivision allows for only open rail fencing around private lots. During evening hours, vehicle lights are likely another factor to consider. The position of City staff regarding W. 35th Street is neutral. Ultimately, it is a situation of weighing the pros and cons and determining the best solution for all parties.

III. BACKGROUND

The True Life Companies has recently purchased the subject property located on the west side of N. Wilson Avenue - east of the Hogback and future Cascade Avenue alignment - directly north of Hunter's Run Subdivision and south of Buck Subdivision. The proposal is to amend the previously approved General Development Plan (GDP) – rezone the Lee Farm Addition. Primary changes include removal of a community center, reduction in density, and reconfiguring some internal road networks (primarily W. 35th Street, minor collector, and local streets). The amendment focuses on developing a mixture of residential uses on 247 acres in northwest Loveland.

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IV. GENERAL DEVELOPMENT PLAN AMENDMENT

An ordinance has been prepared for approval of the GDP amendment, reflecting the recommendation of City staff and the Planning Commission. Conditions of approval were recommended by the Planning Commission which are outlined in **Exhibit A** of this memo.

V. PLANNING COMMISSION REVIEW

The proposed GDP amendment was reviewed by the Planning Commission at a public hearing on August 8, 2016 (see attached minutes – **Exhibit B**). The Commissioner's did express concerns relating to the relocation of W. 35th Street. However, by a vote of 5 to 1, the Commission recommended approval based upon the following key factors:

- That future development plans will address the road height of W. 35th Street, helping mitigate impacts onto the adjacent subdivision (Hunter's Run);
- That the proposed relocation of W. 35th Street offers greater benefits for improving overall storm water run-off in the area;
- That reduction in density and greater amenities are being provided with this amendment, and;
- The amendment offers a variety of housing choices to meet the needs for City of Loveland residents.

VI. RECOMMENDATION

Staff recommends, subject to any further information that may be presented at the public hearing, that City Council adopt the ordinance on first reading subject to the conditions listed in Section IX. of the Planning Commission Staff Report dated August 8, 2016.

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Current Planning Division
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(970) 962-2523 • eplan-planning@cityofloveland.org

Planning Commission Staff Report

August 8, 2016

Agenda #:	Regular Agenda - 1
Title:	Lee Farm Addition – General Development Plan (GDP) Amendment #1 (PZ#16-00042)
Applicant:	The True Life Companies/Katie Cooley
Request:	**Amendment to the Lee Farm General Development Plan (GDP)**
Location:	West side of N. Wilson Avenue and east of the Hogback and future Cascade Avenue alignment - directly north of Hunter's Run Subdivision and south of Buck Subdivision
Existing Zoning:	P-91 Lee Farm Addition Planned Unit Development (PUD)
Staff Planner:	Troy Bliss

Staff Recommendation
APPROVAL of the General Development Plan (GDP) Amendment #1.

Recommended Motion:

1. *Move to make the findings listed in Section VIII of the Planning Commission staff report dated August 8, 2016, and based on these findings recommend approval the Lee Farm General Development Plan Amendment #1, subject to the conditions listed in Section IX, as amended on the record.*

Summary of Analysis

The True Life Companies has recently purchased the property and is seeking to amend the previously approved General Development Plan (GDP). Primary changes include removal of a community center and multi-family (condo) uses as well as reconfiguring some internal road networks (primarily W. 35th Street, minor collector, and local streets). The amendment focuses on developing a mixture of residential uses on 247 acres in northwest Loveland. Staff believes that the application demonstrates consistency with all pertinent City policies and requirements. Neighborhood concern and opposition has been expressed, relating to the proposed location of W. 35th Street.

The application requires a public hearing with the Planning Commission and City Council. Based on all pertinent information and testimony offered at the hearing, the Planning Commission must formulate a recommendation to be forwarded to the City Council for subsequent hearing and final decision (scheduled for September 20, 2016). If approved by City Council, the application would constitute a rezoning of the property, vesting the GDP for up to ten (10) years (as being requested). It is anticipated that a series of Preliminary Development Plans and Preliminary Plats would follow over the years to develop the overall project in phases. These provide a greater level of detail (i.e. lot sizes/orientation, landscaping, street design, building elevations, etc.) and allow for further neighborhood participation/input.

The property is currently zoned Lee Farm Addition Planned Unit Development (PUD), subject to the original GDP approved at time of annexation in 2006. It is a vested document, prescribing zoning and land use allowances. This GDP is provided for comparison in considering the requested amendment.

CC EXHIBIT A

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I. SUMMARY

The following abbreviations will be used throughout this report and are being provided to help clarify what each represents:

PUD:	Planned Unit Development is a type of zoning that allows for the creation of zoning and design standards that are tailored to a site with this designation. This zoning is unique to a particular site or area, typically described in some form of development plan. The primary purpose of this zoning is to encourage a mixture of land use opportunities that are well integrated in creating an efficient use of land.
GDP:	General Development Plan establishes the zoning, density and design standards for a PUD zoned property. The plan itself is primarily conceptual in nature, meant to provide guidance with respect to locations for different land uses within a PUD. This plan is usually prepared in conjunction with the annexation of a property as its official zoning document. This plan must be approved by City Council.
PDP:	Preliminary Development Plan is typically the initial step, detailing a specific development proposal within a PUD. Its contents are reviewed against the zoning requirements of the applicable GDP. This plan must be approved by Planning Commission, subject to appeal to City Council.
PP:	Preliminary Subdivision Plat is the initial subdivision of a property into more than 4 additional lots. It establishes all necessary conveyances (i.e. dedication of public rights-of-way and easements) for public and private use. This document must be approved by Planning Commission, subject to appeal to City Council.
LCUASS:	Larimer County Urban Area Street Standards are standards that municipalities within Larimer County use is designing their street networks.
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.
LMC:	Loveland Municipal Code is the collection of adopted City relations, including the zoning and subdivision codes.
ESAR:	Environmentally Sensitive Areas Report is a report prepared by a qualified biologist to analyze the natural environment in and around a proposed development site. Its purpose is to identify significant natural features or habitats. Conclusions and recommendations are made as a result of this report and incorporated into the City's review of a development proposal.

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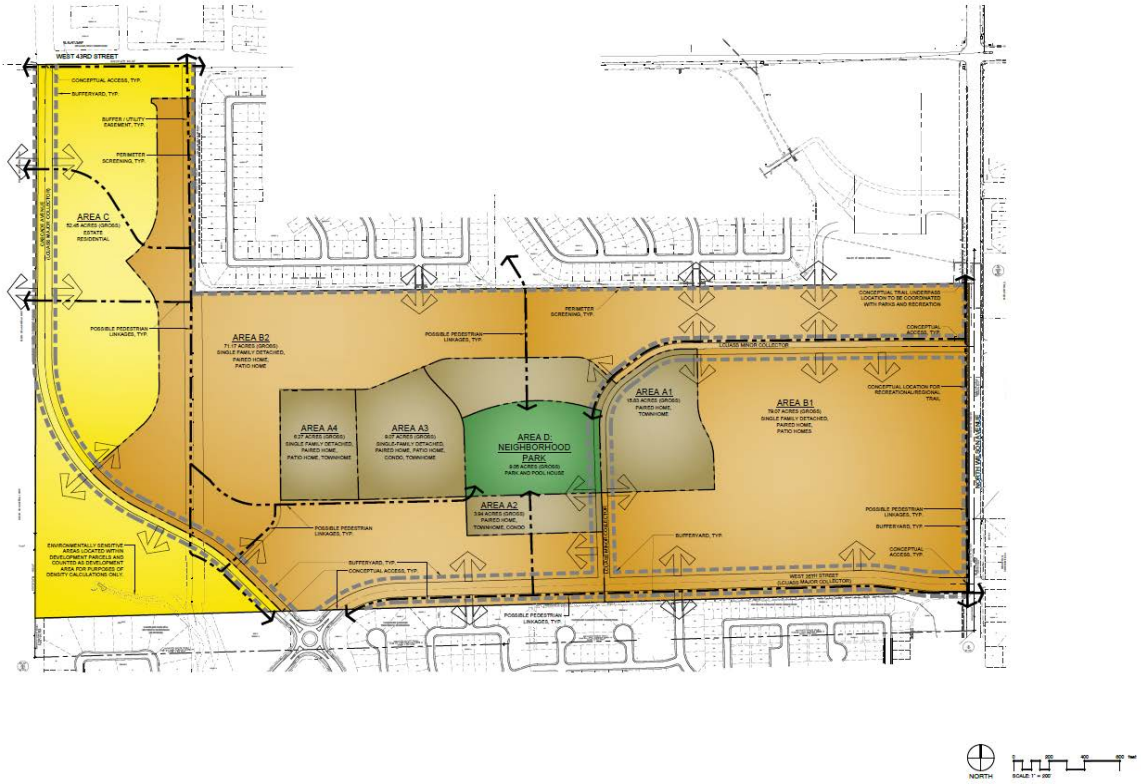
VILLAGES AT LEE FARM



The application proposes to rezone the Lee Farm Addition through amending the GDP. This is the first amendment to be considered for the property. By nature, the GDP provides a lot of narrative, setting general standards for future development including, but not limited to allowed uses, design guidelines (building, landscaping, fencing, and signage), building setbacks, building heights, and layout of major roadways. These standards are then detailed in subsequent PDP's, illustrating exactly how the development will look based upon the criteria established in the GDP.

With the proposed amendment, much of the narrative and general standards remain the same or similar to what is currently in place. The same concept of feathering density from east to west continues – higher density with mixture of housing types and lot sizes along N. Wilson Avenue transitions to single-family lots that ultimately become estate lots along the western boundary where Cascade Avenue will be located. Sensitivity to existing development to the north maintains the same continuation of single-family lots similar in size abutting the Buck Subdivision. (A different configuration is proposed along the south boundary next to Hunter's Run Subdivision. This change is described in detail below.) The focus of this amendment is narrowed down to the following four (4) main components as described:

- **Use and Density** – The approved GDP for the Lee Farm Addition allows for a variety of residential uses which includes single-family detached (including patio homes), single-family

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attached (townhomes) two-family attached, and multi-family (condos). The total number of dwelling units being 1,051 with a gross density of 4.3 units per acre. It also allows for non-residential uses that are identified as a community center (including a variety of uses such as schools, churches, recreation facilities, and/or child day care centers) and convenience commercial (including offices, small veterinary clinics, sit-down restaurants, and small retail stores).

In comparison, the amendment proposes to significantly reduce the possible multi-family (condo) component areas from 68 acres down to 13 acres. A total reduction in the number of dwelling units is proposed from 1,051 to 820 with a gross density of 3.3 units per acre. It also removes both the community center and convenience commercial land uses, replacing with a neighborhood park of approximately 9 acres in size.

- **Internal Street Spine** – The approved GDP established a general street network of the larger roadways and connections to existing developments (i.e. Buck Subdivision and Hunter's Run Subdivision). This was important not only in demonstrating compliance with the City's 2030 Street Master Plan but it became the framework for the pockets of development areas where conceptually the dispersal of uses and density can begin to be seen. The primary streets are:
  - ***Cascade Avenue*** (running north/south) which intersects with W. 43rd Street at the northwest corner of the site, heading south to a future round-a-bout within the Hunter's Run West project site (undeveloped), and;
  - ***W. 35th Street*** (running east/west) which intersects with N. Wilson Avenue at the southeast corner of the site, heading west to the same round-a-bout within the Hunter's Run West project site. This street is of particular interest. Its alignment currently is such that it extends north a considerable distance away from existing homes, allowing future single-family lots to back directly up against the Hunter's Run Subdivision.

  The proposed amendment keeps Cascade Avenue in its same alignment. However, the W. 35th Street alignment is proposed to change, bringing it much closer to the existing homes in the Hunter's Run Subdivision. The reasons for proposing this adjustment are to improve the drainage design between the two properties and allow a better angle of connection into the future Hunter's Run West round-a-bout (which has already been designed). Rather than having future single-family homes abutting existing single-family homes, a 60'+ drainage swale and landscape buffer would be created between W. 35th Street and the north boundary of the Hunter's Run Subdivision.

- **Design Standards** – The proposed amendment incorporates a wide variation of minimum lot sizes (i.e. 1,000 square foot townhome lots up to 16,000 square foot estate lots). The applicant is not a home builder. Consequently, their intent is to sell areas of the development to various home builders. By not having defined home plans, the applicant wants to create enough flexibility to accommodate different building footprints/designs that meet the development objectives for this project. In doing so, adjustments to the percentage of street facing garages in relation to the total linear front façades of the homes has proposed to increase from the current approved GDP. Specifically, for detached single-family homes (all types) a 55% and 60% allowance is proposed compared to 40% in place now. The 40% standard has been a common practice in Loveland when it comes to street facing garages. (The Millennium (i.e. *Centerra*) has incorporated higher allowances (up to 48%) if certain design elements are met such as stepping back the garage from living portion of the house or having a front porch with a minimum width.) In response to this

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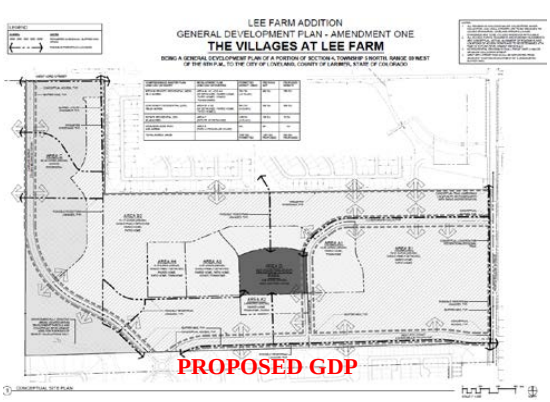
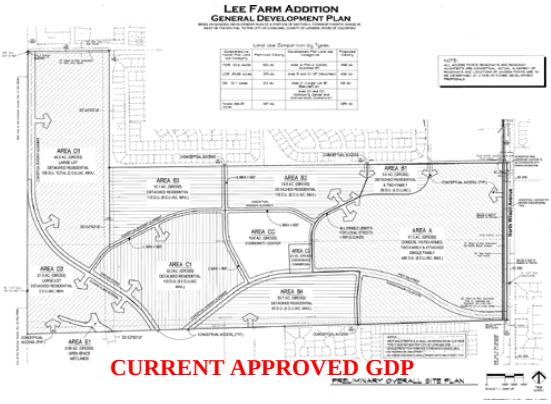
change, City staff has recommended an adjusted condition from the current approved GDP. Rather than specifying a certain allowed percentage at this time, City staff is requesting this allowance be removed and further evaluated at the PDP levels. Without having home designs, it is difficult to determine how this greater garage dominance will look from the street. It may be that at the PDP stages, greater architectural treatments or even focusing on the streetscape (i.e. providing detached sidewalks with tree lawns) would be appropriate considerations in allowing a higher percentage for the garages on front facades.

- **GDP Vesting** – A longer vesting period is being requested in conjunction with this amendment beyond what the Loveland Municipal Code requires (see **Attachment 3**). Section 18.41.050.D.13 stipulates that within one (1) year from the date of approval of the GDP, a PDP must be submitted to the City to maintain vesting (unless an extension or extensions are granted by the City). However, City Council can authorize longer vesting through adoption of an ordinance approving the GDP. Consequently, a period of ten (10) years is being requested to maintain vesting due to factors such as the size of the property, the huge amount of infrastructure to support development, and the fact that multiple PDP's are expected based upon project phasing. City Council has approved longer vesting periods associated with GDP's. As an example, directly north of this site (across W. 43rd Street), City Council authorized a fifteen (15) year vesting period for the Ponderosa Ridge Addition (annexed in 2009 – containing approximately 121 acres).



PROPOSED GDP



CURRENT APPROVED GDP

II. KEY ISSUES

From a City staff perspective, there were no key issues raised during review in terms of applicable standards or requirements. However, City staff has been aware of the concerns brought forward by neighbors during two (2) neighborhood meetings, relating to the proposed location for W. 35th Street. This is anticipated to be a primary focus at both the Planning Commission hearing and later on with the City Council.

The proposed alignment off 35th Street complies with the City's standards for a collector - location, connectivity to existing/future streets, and its overall geometry. This part of the community has experienced problems with storm water run-off. Opportunities to improve this situation, particularly along property boundaries is identified as a positive outcome. Approximately 80' of separation between

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W. 35th Street and the back lots of homes in Hunter's Run Subdivision can afford sufficient space to help mitigate impacts. With subsequent PDP's, landscape designs can incorporate a variety of treatments such as earth berms, plant material, and solid walls/fencing as examples. (To put in perspective, this is the equivalent to landscaped bufferyards for properties in the City developed along the E. Eisenhower Boulevard corridor between N. Boyd Lake Avenue and N. Denver Avenue.) In turn, the establishment of a bufferyard could serve as a nice visual and functional amenity when compared to the alternative of homes backing onto homes – opening up view corridors especially towards the west.

The collector street that funnels traffic between N. Wilson Avenue and Cascade Avenue will generate a considerable amount of daily vehicle trips (see **Attachment 7**). A posted speed of 35 mph would be expected along this stretch. It is understood that the Hunter's Run Subdivision allows for only open rail fencing around private lots. During evening hours, vehicle lights are likely another factor to consider. The position of City staff regarding W. 35th Street is neutral. Ultimately, it is a situation of weighing the pros and cons and determining the best solution for all parties.

III. ATTACHMENTS

1. Project Description (Provided by Applicant)
2. Statement of Findings (Provided by Applicant)
3. Supplemental Request – Vesting (Provided by Applicant)
4. June 28, 2016 Neighborhood Meeting Summary (Provided by Applicant)
5. Lee Farm Addition General Development Plan (Current - Approved February 21, 2006)
6. Lee Farm Addition General Development Plan Amendment #1 (Proposed)
7. Traffic Memorandum (excluding appendices)

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IV. VICINITY MAP

V. SITE DATA

ACREAGE OF PUD SITE GROSS	247 AC
MASTER PLAN DESIGNATION	LDR - LOW DENSITY RESIDENTIAL
EXISTING ZONING	P-91: LEE FARM ADDITION PUD
EXISTING USE	VACANT/UNDEVELOPED
EXIST ADJ ZONING & USE - NORTH	P-40: BUCK ADDITION PUD – SINGLE-FAMILY
EXIST ADJ ZONING & USE - SOUTH	P-26: HUNTER'S RUN PUD – SINGLE-FAMILY AND P-89: HUNTER'S RUN WEST PUD – SINGLE-FAMILY AND TOWNHOMES (VACANT/UNDEVELOPED)
EXIST ADJ ZONING & USE - EAST	I – DEVELOPING INDUSTRIAL – WOODWARD GOVERNOR FACILITY
EXIST ADJ ZONING & USE - WEST	ER – ESTATE RESIDENTIAL – DAKOTA RIDGE ESTATE SINGLE-FAMILY (VACANT/UNDEVELOPED)
UTILITY SERVICE	CITY OF LOVELAND

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VI. BACKGROUND

In 2006, City Council approved a GDP for the Lee Farm Addition PUD area (see **Attachment 5**). The GDP identified specific development rights associated with Lee Farm such as locations for development, types of uses, and residential densities. These initial plans also set aside additional land dedication for N. Wilson Avenue (through the corresponding annexation), identified environmentally sensitive areas, and generally set the stage for development. Since approval of the GDP, a PDP and PP were also approved by the City. These are currently vested plans however, will expire on August 23, 2016, if an extension is not requested by the applicant and approved by the Planning Commission. (This would be a separate process from this GDP amendment and a request must be received by the Current Planning office before the expiration date.) If this GDP amendment is approved, the previous PDP and PP would no longer be applicable and would have to go through the review/approval process again.

Like with most undeveloped properties in northwest Loveland, the ability to develop hinges on the construction of a pump station to accommodate the delivery of appropriate water service. It is a contributing factor to why vested projects, such as Lee Farm, have not begun construction. To solve the problem, it likely will take a coordinated effort among property owners/developers which the applicant has been involved in such efforts. Otherwise, it becomes a significant development cost that has been impossible for a single developer to take on. However, Lee Farm has the benefit of being able to develop the approximate eastern half (along N. Wilson Avenue) without this pump station. Consequently, the likelihood of some development occurring in the near future is greater when compared to undeveloped properties further west.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification: An affidavit was received from Paul McMahon/Valerian LLC on June 13, 2016, certifying that written notice was mailed to all property owners within 1200 feet of the property and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the date of the initial neighborhood meeting held on June 28, 2016. Additionally, prior to an application submittal to the City, an informal neighborhood meeting was held by the applicant as a courtesy and to gauge initial perspective of the surrounding neighbors.

Additionally, an affidavit was received from Paul McMahon/Valerian LLC on July 26, 2016, certifying that written notice was mailed to all property owners within 1200 feet of the property and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on July 23, 2016, for the Planning Commission hearing. All notifications regarding the Planning Commission hearing stated that the hearing would be held on August 8, 2016.

B. Neighborhood Response: The required neighborhood meeting was held at 6:30 p.m. on June 28, 2016, at the Foundations Church (1380 N. Denver Avenue). The meeting was attended by approximately 70 neighbors, along with City staff and the applicant's team. A summary of the neighborhood meeting has been provided by the applicant (see **Attachment 4**).

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A large focus of the neighborhood meeting revolved around the proposed location for W. 35th Street (an east/west collector that intersects N. Wilson Avenue to the east and future Cascade Avenue to the west). The location of this street is proposed to change from the previous GDP, by moving it further south towards the north boundary of the Hunter's Run Subdivision. There are those, particularly who live along the north boundary of the Hunter's Run Subdivision, that believe the impacts outweigh the benefits and would rather see a mirror of single-family homes backing to theirs instead. Other concerns voiced included maintaining appropriate buffering from the Buck Subdivision to the north, street connections with Buck and Hunter's Run, condo and townhomes uses, obstruction of views, storm water design, soil conditions, and the overall growth potential in northwest Loveland.

VIII. FINDINGS AND ANALYSIS

In this section of the report, the applicable findings contained in the Municipal Code and the Comprehensive Master Plan are specified in italic print followed by the staff analysis as to whether the findings are met by the submitted application. The Planning Commission recommendation to approve or deny the application must be based on a majority vote on whether or not the findings can be met.

A. *Whether the general development plan conforms to the requirements of this Chapter 18.41, to the city's master plans and to any applicable area plan:*

Section 18.41.020 encourages residential development for PUD's that is innovative and provides a greater variety of dwelling types, designs, and layouts that will make for the efficient use of land. The proposed GDP amendment offers a variety of housing choices for future residents (i.e. single-family detached, two-family attached, townhomes and multi-family (condos). There are also a variety of lots sizes and dwelling unit configurations which create a wider array of housing choices. This GDP, much like the current GDP, offers a feathering of density from east to west, efficiently utilizing the land by clustering development, rather than spreading it evenly throughout. This pattern supports walkability, is more efficient in providing infrastructure needs, and reduces the overall impact of development.

The City has recently adopted Create Loveland (the new updated comprehensive master plan). Applicable to the proposed Lee Farm GDP amendment, Create Loveland designates the land use on the subject property as LDR – Low Density Residential. This land use can consist of a variety of housing types but is intended to primarily include detached single-family with a density range of 2 to 4 units per acre. The proposed GDP amendment adheres to this principle where more than half of all the dwelling units in the development would be some form of detached single-family and an overall density of 3.3 units per acre. The feathering of density (as noted above) has been a philosophy of the City when considering a mixture of housing types within a PUD. Not only to disperse density in a more efficient development pattern but to do so with the sensitivity to existing development and the natural environment in mind. This philosophy is now a component of Create Loveland, meant to guide towards creating complete neighborhoods.

B. Whether the proposed development will negatively impact traffic in the area, city utilities, or otherwise have a detrimental impact on property that is in sufficient proximity to the proposed

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development to be affected by it. If such impacts exist, the current planning division shall recommend either disapproval of the general development plan or reasonable conditions designed to mitigate the negative impacts:

PW-Transportation:
A Master Traffic Impact Study has been submitted with the GDP Amendment which demonstrates that the transportation system, incorporating typical expected improvements, can adequately serve the conceptual land uses proposed and is expected to comply with the Adequate Community Facilities (ACF) Ordinance for transportation. All future development applications within this area are required to submit a full Traffic Impact Study and demonstrate compliance with the Larimer County Urban Area Street Standards (LCUASS) and the Adequate Community Facilities (ACF) Ordinance. Therefore, this GDP Amendment and proposed development will not negatively impact traffic in the area.

Water/Wastewater:
This development is situated within the City's current service area for both water and wastewater.

Regarding water, the subject development is situated in two different boosted water pressure zones. Typically finished floor elevations below an elevation of approximately 5160 will be in the City's Master Plan boosted pressure zone #1 (BPZ1) while finished floor elevations situated at and above approximately 5160 will be in the City's Master Plan boosted pressure zone #2 (BPZ2).

As a point of reference, water storage and booster station facilities for both zones come from a 4 million gallon steel tank (known as the 29th Street Water Tank) and water booster station (known as the 29th Street Booster Station), located about 3/4 miles west of N. Wilson Ave. and just south of W. 29th Street. Upgrades to the BPZ1 portion of the "29th Street Water Booster Station" have been previously been completed.

Alternately, for future development and for areas of the subject development situated within BPZ2, additional upgrades to the "29th Street Water Booster Station" will be necessary to provide the required pressures for homes serviced by the new, proposed BPZ2 pumps. The design for the upgrades to the BPZ2 pumps still needs to be completed. Details of cost sharing and partnering between the Developer and City will be identified and documented by a separate 3rd Party Reimbursement Agreement.

As noted in the conditions water main extensions across the adjacent undeveloped property known as Hunters Run West Filing 1 (Vanguard-Famleco 13th Subdivision) will be required to deliver the BPZ2 water to the site.

Regarding Wastewater, the development is shown to split into two separate drainage basins, generally west and east. The eastern basin can connect to the existing 12" wastewater main near Wilson Ave. The western basin will need to connect to the existing 8" wastewater main within the existing Hunter's Run Subdivision (Vanguard --Famleco 9th Subdivision) across the undeveloped property commonly knowns as Hunters Run West Filing 1 (Vanguard-Famleco 13th Subdivision). This wastewater main extension is noted in the conditions.

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Consequently, when all future water and wastewater improvements are designed and constructed pursuant to current Development Standards and applicable Municipal Code requirements, Staff finds there are no adverse effects upon the City's water and wastewater utility systems, and that this proposed development will comply with the adequate community facilities ordinance.

Power:
Power believes that this project will have no negative impact on our system. This project will comply with the requirements in the ACF Ordinance.

C. Whether the proposed development will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:

i. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use:

This amendment continues with the preservation of a small non-jurisdictional wetland at the southwest corner of the site. In comparison to the current GDP, this amendment proposes a large 9 acre neighborhood park, centrally located as a significant amenity to the future residents of this development. The use of perimeter landscape bufferyards/detention areas and overall streetscape will provide further enhancements to open space areas throughout the development.

ii. Incorporating site planning techniques that will foster the implementation of the city's master plans, and encourage a land use pattern that will support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the city:

This amendment to the GDP establishes a major street network or spine that corresponds to the City's 2030 Street Master Plan. Based upon the TIS provided in analyzing the overall development, the street network will provide the necessary level of service needs for the project and existing surrounding developments. All streets as conceptually shown in the GDP will support a balanced transportation system for multi-modal purposes according to adopted LCUASS standards.

iii. Incorporating physical design features in the development that will provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures:

Staff believes that the Lee Farm GDP amendment provides a general plan that will guide future development in protecting adjacent land uses by way of creating similar dwelling and lots sizes and/or attractive landscape bufferyards along such boundaries. Further, design details will be important along with locations with subsequent PDP's, especially the area between W. 35th Street and the Hunter's Run Subdivision to mitigate impacts on existing homes from the collector street. The proposed minimum open space, landscape and bufferyards, and minimum setbacks will provide sufficient open spaces considering the type and intensity of proposed land uses. The GDP incorporates site planning techniques that will foster the implementation of the Loveland

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Comprehensive Master Plan. The GDP incorporates physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures. The GDP includes appropriate standards for the design of the streetscape, parking, bicycle and pedestrian circulation, architecture, and placement of buildings.

iv. Incorporating identified environmentally sensitive areas, including but not limited to, wetlands and wildlife corridors, into the project design:

Loveland Municipal Code, Section 18.41.050.D.4.c.(iv.): The GDP incorporates environmentally sensitive areas into the project design. Environmentally sensitive areas include, but are not limited to, wetlands, wildlife habitat and corridors, slopes in excess of 20%, flood plain, soils classified as having high water table, stream corridors, and mature stands of vegetation.

An Environmentally Sensitive Areas Report (ESAR) was prepared with the original GDP and reviewed again with this amendment. The report indicated that the site is dominated primarily by weedy vegetation, with no habitat or wildlife corridor value. The report also indicates that there is a small (less than 1 acre) non-jurisdictional wetland area in the southwest corner of the site. This will remain undeveloped as a result of the proposed amendment.

A Phase I Environmental Assessment, prepared by ERO Resources Corporation, was submitted was submitted as part of the amendment. The report indicated that there are no environmental hazards on, or near, the site.

Mineral Extraction
Colorado Revised Statute: The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.

A mineral extraction report was submitted was submitted with the original GDP and Annexation, and was reviewed again for this amendment. The report indicates that, on the basis of the Sand and Gravel Atlas published by Colorado Geological Services, no economically viable mineral deposits lie beneath this site. Based on recent amendments to state statute, no written notice of the application or public hearing is required.

v. Incorporating elements of community-wide significance as identified in the town image map:

This finding is no longer applicable to GDP's or associated amendments. As a result of Create Loveland and previous amendments to the Comprehensive Master Plan, the City no longer recognizes a town image map. Elements of community-wide significance are captured in Chapter 4 of Create Loveland in terms of the vision for the City's future. In terms of residential development, indicators such as affordability, density, property investment, neighborhood walkability, water use, sidewalks/bicycle infrastructure and connectivity are important elements that have been identified for neighborhoods. The proposed Lee Farm GDP amendment, establishes connectivity with adjoining neighborhoods through street networks – improving walkability. The major street spine would include detached sidewalks and bicycle lanes as part of

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the overall street infrastructure. And while Lee Farm is not marketing as an affordable housing development, more affordable housing opportunities will be available by virtue of the mixture of housing choices.

vi. Incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the city's services and facilities:

All phases of development within the Lee Farm site will be subject to completing all necessary infrastructure serving the development. All utilities (both below and above ground), streets, and stormwater facilities are general types of infrastructure that typically are required to be built (in each phase) rather than providing cash-in-lieu. This will be determined at the time of final plat approval.

PW-Transportation:
A Master Traffic Impact Study has been submitted with the GDP Amendment which demonstrates that the transportation system, incorporating typical expected improvements, can adequately serve the conceptual land uses proposed and is expected to comply with the Adequate Community Facilities (ACF) Ordinance for transportation. All future development applications within this area are required to submit a full Traffic Impact Study and demonstrate compliance with the Larimer County Urban Area Street Standards (LCUASS) and the Adequate Community Facilities (ACF) Ordinance. Therefore, this GDP Amendment and proposed development will not negatively impact traffic in the area.

Water/Wastewater:
This development is situated within the City's current service area for both water and wastewater.

Regarding water, the subject development is situated in two different boosted water pressure zones. Typically finished floor elevations below an elevation of approximately 5160 will be in the City's Master Plan boosted pressure zone #1 (BPZ1) while finished floor elevations situated at and above approximately 5160 will be in the City's Master Plan boosted pressure zone #2 (BPZ2).

As a point of reference, water storage and booster station facilities for both zones come from a 4 million gallon steel tank (known as the 29th Street Water Tank) and water booster station (known as the 29th Street Booster Station), located about 3/4 miles west of N. Wilson Ave. and just south of W. 29th Street. Upgrades to the BPZ1 portion of the "29th Street Water Booster Station" have been previously been completed.

Alternately, for future development and for areas of the subject development situated within BPZ2, additional upgrades to the "29th Street Water Booster Station" will be necessary to provide the required pressures for homes serviced by the new, proposed BPZ2 pumps. The design for the upgrades to the BPZ2 pumps still needs to be completed. Details of cost sharing and partnering between the Developer and City will be identified and documented by a separate 3rd Party Reimbursement Agreement.

As noted in the conditions water main extensions across the adjacent undeveloped property known

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as Hunters Run West Filing 1 (Vanguard-Famleco 13th Subdivision) will be required to deliver the BPZ2 water to the site.

Regarding Wastewater, the development is shown to split into two separate drainage basins, generally west and east. The eastern basin can connect to the existing 12" wastewater main near Wilson Ave. The western basin will need to connect to the existing 8" wastewater main within the existing Hunter's Run Subdivision (Vanguard --Famleco 9th Subdivision) across the undeveloped property commonly knowns as Hunters Run West Filing 1 (Vanguard-Famleco 13th Subdivision). This wastewater main extension is noted in the conditions.

Consequently, when all future water and wastewater improvements are designed and constructed pursuant to current Development Standards and applicable Municipal Code requirements, Staff finds there are no adverse effects upon the City's water and wastewater utility systems, and that this proposed development will comply with the adequate community facilities ordinance.

Power:
Power believes that this project will have no negative impact on our system. This project will comply with the requirements in the ACF Ordinance.

Fire:

- The proposed development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.

- The Villages at Lee Farm proposed residential development with common spaces will not negatively impact fire protection for the subject development or surrounding properties.

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

- Proposed stormwater facilities will adequately detain and release stormwater runoff in a manner that will eliminate off-site impacts.

- When designed and constructed, the development will not negatively affect City storm drainage utilities.

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

- The proposed Villages at Lee Farm General Development Plan for a residential development with community spaces will not negatively impact surrounding developments and properties as the development will be required to meet building codes adopted at the time of permit review.

Parks:
The City of Loveland identifies the Recreation Trail system as a high priority element for recreation and therefore the conditions placed on the Lee Farms GPD are supported by the current and past Parks and Recreation Master Plan. The P&R Master Plan is an element of the Comprehensive Master Plan. The future underpass has been identified in the 10 year capital

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budget for several years and will be constructed as part of the City of Loveland Capital Program for trails. If the dedication of trail easements and construction of the trail occur with this project, the findings for adequate community facilities shall be met for compliance to the Comprehensive Master Plan.

vii. Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture:

The proposed GDP amendment establishes overall general design guidelines which will set the framework for more detailed designs with subsequent PDP's. Based on the street spine established with the GDP, major streets (i.e. arterials and collectors) will be designed according to LCUASS standards which generally include detached sidewalks with landscaped tree lawns between curb/gutter and sidewalk. Perimeter areas to the Lee Farm site will also include landscaped bufferyards, particularly along N. Wilson Avenue, W. 35th Street, W. 43rd Street, and N. Cascade Avenue.

Focus on auto, bicycle, and pedestrian circulation is demonstrated by way of illustrating connections to existing subdivisions (i.e. Buck and Hunter's Run). These connections are an important subdivision design elements that are communicated in Create Loveland. They provide multi-modal transportation opportunities which help distribute traffic throughout subdivisions, allow greater/convenience bicycle/pedestrian access to destinations such as community facilities and schools in the area, and create cohesive neighborhoods instead of segregated subdivisions. Additionally, connections to the City's trail system and internal walkways are illustrated, creating more circulation opportunities with the development of Lee Farm.

General architectural design standards are proposed to establish a particular theme for Lee Farm - support clustered development in offering a mixture of housing types with exterior building materials consistent with surrounding development (i.e. siding, stucco, stone, and brick). The scale of dwellings are also consistent with this semi-rural location in terms of bulk, height, and building setbacks. Further detailing of the various homes, open spaces (including large neighborhood park), and local streetscapes will be developed with subsequent PDP's.

IX. RECOMMENDED CONDITIONS

The following conditions are being recommended by the City of Loveland Development Review Team (DRT) as part of the City's overall review in applying applicable adopted requirements, standards, and policies for amending the Lee Farm GDP:

Planning

1. Staggered setbacks shall be incorporated within the single-family areas. A setback matrix shall be included in the preliminary development plan submittals that contain single family uses.

2. Garages for paired residential units shall not extend more than 12 feet beyond the front of the façade of the living portion of the dwelling.

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3. All lots along local streets shall have one tree and corner lots shall have one tree per street frontage planted prior to the issuance of a certificate of occupancy.

4. Any application for any preliminary development plan in which a wetland is located shall not be considered complete by the City unless the application includes correspondence with or a copy of any permit required by the Army Corps of Engineers fur disturbance of a wetland.

5. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that the existing wetlands will be preserved in a condition similar to its present state. To preserve the wetlands, the applicant shall submit a report detailing potential impacts of the development on the wetlands and include mitigation measures to address these impacts. At a minimum, the report shall address the post-development water regime of the wetlands and buffering proposed fur water quality and wildlife habitat around the wetlands.

6. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that there is no net loss in the extent to which the existing wetlands with the Lee Farm Addition would retain the quantity and quality of storm water run-off prior to being discharged.

7. Any application for a preliminary development plan within Area C (wetland area) shall include a complete updated Environmentally Sensitive Area Report by a qualified professional No development shall be approved in areas identified in said reports as wetland or otherwise environmentally sensitive or buffer areas recommended in said report.

8. No private lots shall extend into existing or developed wetlands or other environmentally sensitive areas or within the buffers established as part of the mitigation and protection of these wetlands and other environmentally sensitive areas.

9. For all single-family detached lots, the 55% and 60% ground floor street facing linear building frontage allowance for garage doors shall be removed in Sections A.d.iv.1 and A.d.v.1 of the proposed GDP.

10. On all single-family detached lots where the home has garage doors facing a public street greater than 40% of the total linear front facade, additional features to mitigate garage dominance will be required with subsequent PDP's. This could include features such as greater architectural features to the front of the home, greater outdoor living spaces including covered porches and/or courtyards with a combination of decorative walls and landscaping, or the inclusion of detached sidewalks along local streets that incorporate tree lawns between curb/gutter and sidewalk.

11. Buffer yards. The Developer shall install all curbside buffer yards, common open space, private walks and/or paths and other open space and/or private park amenities, including all fences and/or walls located in, or along the edge of; buffer yards and open space. These improvements shall be installed prior to issuance of the first building permit in the current construction phase, unless adequate financial security bas been filed by the Developer with the City. All formal landscaped areas shall be irrigated by a permanent, automatic irrigation system.

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12. All areas shown as irrigated turf in the approved landscape plan shall be landscaped using drought tolerant species. All components of irrigation systems, except for sprinkler heads and control boxes, shall be buried at sufficient depth below ground surface to insure that normal open space maintenance measures will not damage the irrigation system.

13. A Type D landscape buffer yard shall be installed by the developer and/or homebuilder for all double frontage residential lots in the development. For purposes of meeting this requirement, the street trees for said buffer yards may be p]anted at spacing no greater than thirty-five feet on center and the buffer yard shall be a minimum width of 20 feet.

14. The developer and/or homebuilder shall plant the tree lawn along both sides of all interior arterial or collector streets with street trees and sod. The trees in the tree lawn shall be considered as a part of the required buffer in 14 above. These trees shall be planted at 30-40 feet regular spacing except to allow for necessary driveways. Permanent irrigation shall be included in this installation to insure the health and vitality of the sod and trees. The sod and street trees shall be planted before issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the developer with the City.

15. All private walks and/or paths and other open space and/or private park amenities shall be installed by the developer and/or homebuilder before issuance of the first building permit in that construction phase, unless adequate financial security is filed with the City.

16. Erosion control fence. Before any grading or other disturbance to any portion of the land within Lee Farm, a temporary 4 foot mesh fence and erosion control fence, or a continuous anchored hay bale fence, shall be installed by the Developer. For those areas for which modification and/or enhancements are expressly approved by the City and/or ACOE, the fence shall be installed by the
Developer after completion of all approved modifications and/or enhancements.

17. Solid fences. Solid material fences, as defined in Chapter 18.48 of the Municipal Code, as amended, shall not be allowed in the front yard of any residential lot. No solid material fences shall be installed on any lot closer to any street that abuts the side of said lot than the minimum side yard setback on the lot.

18. Open space landscaping. Developer shall ensure that the owner(s) of the common open spaces shall maintain all landscape or other improvements approved by the City in good condition at all times. Maintenance shall include but not be limited to, appropriate irrigation, replacement of dead or dying plants, regular repair and flushing of irrigation systems, replacement of mu1ch and weed fabric, and control of weeds.

19. Lots that abut the Buck Addition within the bubble B-1 shall be single family detached units.

PW-Transportation

1. All future development within this GDP shall comply with the Larimer County Urban Area Street Standards (LCUASS) adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of a site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.

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2. Notwithstanding any conceptual information presented in the GDP submittal; street layout, street alignments, access locations, intersection configurations and intersection operations (traffic controls) shall be determined at the time of application for site specific development.

3. Notwithstanding any information presented in the Master Traffic Impact Study for the GDP, the developer shall provide any additional traffic information, corrections, revisions and analysis required by the City to verify compliance with the Adequate Community Facilities ordinance at the time of application for site specific development plan review and approval. Future traffic impact studies for site specific development plans shall use a study area determined by considering the cumulative trip generation within the entire GDP (i.e. -- traffic from the proposed use plus traffic from previously approved site specific development plans).

4. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the dedication(s) shall be as follows:
a. Right-of-way for 43rd Street and Wilson Avenue shall be dedicated prior to the recording of the annexation.
b. Right-of-way for Cascade and 35th Street shall be dedicated prior to, or concurrent with, approval of the first development application within this addition.

5. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific development applications within this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.

6. The ultimate roadway improvements, including sidewalk, adjacent to the property for 43rd Street and Wilson Avenue shall be designed and constructed by the developer, unless designed and constructed by others. A cash-in-lieu payment may be accepted for all or part of the improvements, if approved by the City Engineer. The timing and detailed scope of these improvements will be determined through review and approval of the site specific development plans.

7. No parking will be allowed on 35th Street within this GDP. Additionally, no house or driveway shall front onto 35th Street within this GDP.

8. Cascade Avenue shall be designed and constructed to the LCUASS 2-lane arterial roadway standards within this GDP unless otherwise modified on the adopted Transportation Plan.

Fire
1. For establishing the proposed zoning of this development for residential with some shared community spaces, the development is subject to complying with the following:
- there shall be a minimum of two accesses to each and every phase of the development.
- there shall be adequate water per the currently adopted IFC for each phase of the development.

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- all structures shall comply with the most currently adopted Building and Fire codes at the time of development.

Water/Wastewater

1. Water Booster Station Requirements. The parties acknowledge that in order to provide water service to any property within the Boosted Pressure Zone 2 (BPZ2), which is a pressure zone is identified to serve buildings with a finished floor at and above elevation 5160, upgrades to the existing 29th Street water booster station (located about 3/4 miles west of N. Wilson Ave. and just south of W. 29th Street) need to be designed and constructed unless designed and constructed by others. No building permits shall be issued for any phase of the development within the BPZ2 region until the booster station improvements have been completed, activated, and accepted by the City. The City and the Developer will participate together and each will cost share their appropriate portion of Designs and Construction costs as agreed to between the parties.

2. Unless constructed by others, the Developer shall design and construct at a minimum the following public improvements prior to the issuance of any building permits within BPZ2:
a. All portions of the water utility infrastructure system which is necessary to convey service and looping requirements for water quality as illustrated in the Public Improvement Construction Plans (PICPs) for Vanguard-Famleco 13th Subdivision, otherwise known as Hunters Run West Filing 1. Specifically this includes a 16” water main from the 29th Street water booster station to the site and a 12” water main from Bayfield Drive to the site.

3. Unless constructed by others, the Developer shall design and construct at a minimum the following public improvements prior to the issuance of any building permits within the western wastewater boundary:
a) All portions of the wastewater utility infrastructure system which is necessary to provide gravity wastewater service as illustrated in the Public Improvement Construction Plans (PICPs) for Vanguard-Famleco 13th Subdivision, otherwise known as Hunters Run West Filing 1. Specifically this includes extending the 8” wastewater main from Tabernash Drive to the site.

4. With any PDP submittal the developer shall provide a Water and Wastewater Impact Demand Analysis report for approval.

Parks

1. The Developer shall dedicate a maximum 30' wide pedestrian access easement for the Recreation Trail along Wilson Avenue prior to FDP approval. Final easement width and location will be determined during PDP.

2. The Developer shall dedicate an adequately sized easement for the Recreation Trail underpass for Wilson Avenue. The easement size and location shall be determined during PDP and shall minimize the need for retaining walls and meet ADA requirements.

3. The Developer shall construct a 10' wide combined concrete trail/sidewalk, meeting City of Loveland Trail Standards, for the entire length of the east property line along Wilson Avenue and connect to the future underpass.

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4. Per the proposed GDP Conceptual Site Plan, an Environmentally Sensitive Areas Report will be required prior to PDP approval for Area C due to the existence of wetlands labeled on the proposed GDP.

5. Recreation Trail dedications shall be recorded on the final plat or shall be dedicated by separate instrument.

6. The dedications and construction of the trail/sidewalk along Wilson Avenue and the underpass shall be completed in the first phase of the development.

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Project Description

Date: March 16, 2016

Project: The Villages at Lee Farm – Lee Farm Addition Amendment #1

Development Objectives

The initial and overall goal of this amendment application is to amend the previously approved general development plan and provide multiple enhancements to address changes in the community since the plans approval. First, the amendment proposes to remove the commercial parcels from the originally approved document based on recent market studies pointing that commercial developments within subdivisions struggle against more regional commercial areas, such as the one planned adjacent to this site. Another item of revision is to reduce the originally approved density to address concerns raised by the adjoining developments. Along with the reduction in density, the amendment incorporates phasing into the plan to allow for flexibility and the opportunity for adjustments to be made to respond to market changes as the project progresses to completion. Finally, the amendment revises the original street alignment to decrease concerns of additional traffic impacts on the adjacent developments and to provide areas for incorporation of water quality and green infrastructure elements where applicable.

This general development plan (GDP) amendment is proposing a residential development including both residential and community spaces. The primary goals of this application are to satisfy the city of Loveland comprehensive plan requirements, respect the existing adjacent land uses, and provide safe and convenient pedestrian/vehicular circulation throughout the site. The plan encourages the integrated planning and design style of cluster development. The proposed design style strives to maximize efficiency and provide for a highly walkable community with access to green space, trails, and parks within the neighborhood. This style of development also allows for more efficient design and use of the available land to maximize the housing potential and provide a very 'pedestrian friendly' community. This connectivity paired with effective layout of collector streets will aid in alleviating traffic burden on the surrounding infrastructure. Items noted within this document shall provide provisions to direct the development and use of *The Villages at Lee Farm* proposed development. All development regulations not specifically noted in this document shall adhere to applicable city of Loveland regulations.

Development concept

The property involved in this amendment is approximately 245 acres and is master planned as a planned unit development (PUD) consistent with the city of Loveland title 18 requirements. The surrounding area is substantially zoned for and/or developed as low and medium density residential uses. The amendment encourages greater flexibility in housing type and allows for a greater housing diversity to be provided to the residents of the community. The proposed general development plan (GDP) amendment includes the following residential uses:

- Detached single family: including single-family estate dwellings, single-family dwellings, and patio home dwellings.
- Attached single family: including paired homes, townhomes and condominiums.

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Project Description

- Neighborhood Park: including neighborhood outdoor play, gathering, and amenity areas, outdoor pool with pool house/clubhouse structures and also including any associated metropolitan district facilities.

Loveland's comprehensive master plan calls for both medium/low density and estate residential uses within this site. The comprehensive plan arranges the three uses moving from higher density on the east to lower density on the western portion of the site. In order to respect the existing developments and maintain like uses adjacent to the existing residential developments, this GDP amendment deviates from the comprehensive plan, this application proposes that the medium density zoning district be re-located to the center of the property adjacent to the proposed neighborhood park and within closer proximity to the proposed collector streets. This relocation will allow low density residential of similar and/or comparable densities to be placed adjacent to the neighboring properties and surround the higher density uses to buffer the existing communities. The lowest density residential uses are concentrated at the western portion of the site as an estate residential area. Approximately 50 acres along the western project boundary is designated for estate residential uses. Lastly, the amendment revises a previously approved GDP plan by removing the formerly proposed community center and convenience commercial areas. This area shall be modified to contain a metro district maintained neighborhood park and associated facilities. This revision allows the subdivision to better align with the city of Loveland parks and recreation master plan, and provide the higher density uses directly adjacent to the park, ample access to this neighborhood amenity area.

This planned cluster style development has proposed development density for the entire size, rather than on a lot-by-lot basis. The overall density of the proposed development is approximately 3.45 dwelling units per acre. To achieve the proposed density and encourage clustered developments where applicable, this development plan allows for density to be transferred throughout the site. Due to the existing environmentally sensitive areas located within the project site, it is desirable to use a clustered housing concept for the proposed residential uses where feasible and applicable within the local street network. This approach to the overall lot layout and alignment will allow for the desired development densities but the environmentally sensitive areas are given preference to provide an overall benefit to the future residents. Clustering lots also gains more efficiency for infrastructure installation, maintenance and other associated development concerns. This will allow the development to take advantage of the open space areas such as environmentally sensitive areas and drainage ways. The approach will permit lower densities to be balanced with higher densities in more appropriate locations within the site to accommodate landscape buffers and other appropriate transitional zones.

Phasing

The proposed application will be a multi-phase development. Utility availability, especially water service, construction impacts and timelines will be the primary drivers of the phased development. The intent of this application is to develop the vacant land in multiple phases, generally moving from east to west in approximately equal size phases. The phases will allow for the development to progress in an orderly manor with consistent availability of utility services and access for emergency personnel as required.

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Access/circulation

Connectivity between adjacent established subdivisions will be provided but additional traffic volume will not be directed toward the adjacent neighborhoods. Additional traffic will be encouraged to use local linkages to the proposed collector streets to access the adjacent arterial street network. This circulation layout will encourage some reduction in traffic and allow for ample pedestrian and bicycle use within the site. The plan intends to make efforts to connect to and/or expand the existing bike and pedestrian trail network within the city where applicable.

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CC EXHIBIT A

Findings Statement

Date: March 16, 2016

Project: The Villages at Lee Farm – Lee Farm Addition Amendment #1

The following shall serve as written responses to each of the applicable items as required by the GDP application process.

A. ***Whether the general development plan conforms to the requirements of this Chapter 18.41, to the city's master plans and to any applicable area plan;***

The proposed amendment to the Lee Farm General Development Plan meets the intent of the City's requirements by providing the City of Loveland new areas for housing, and new housing styles to meet the ever changing needs of its residents. The plan is in conformance with the overall comprehensive plan, but modifies the zoning code to allow for a more efficient layout and design by encouraging a cluster style development. This cluster style reinforces the 'village' theme of use within the development and will allow for the maximization of efficient design and composition of the development. The plan also re-aligns this site to the intent of the City's Parks and Open Space Master Plan by centrally locating a metropolitan district operated and maintained park, and providing open space areas to create linkages within the greater bike and pedestrian trail system.

B. ***Whether the proposed development will negatively impact traffic in the area, city utilities, or otherwise have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it. If such impacts exist, the current planning division shall recommend either disapproval of the general development plan or reasonable conditions designed to mitigate the negative impacts;***

This development will be a benefit to the surrounding neighborhoods by providing additional connections to adjacent roadways by collector roadways. These new connections will provide residents clear and easy access to the adjacent roadways decreasing the burden on the local street network. These proposed roadways shall be buffered and screened from existing residents to mitigate any negative sound or other impacts of their use. The proposed cluster developments accessed from the collector roadways will aid in utility efficiency by grouping residential units to more effectively utilize the land and required utilities and preserve more natural character of the existing landscape. The development will also aid in improving the water utility service in the area, by assisting in the development of the water pressure zone and pump station improvement that will open the western corridor to growth and development expansion. Lastly, based on information received from adjacent developments, the development will help address drainage concerns through creation of additional detention areas, drainage swales and other green infrastructure elements.

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Findings Statement

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C. *Whether the proposed development will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:*

Due to the clustered style development encouraged within the Villages at Lee Farm, the future uses within the developments shall be planned to complement and preserve the existing natural physical features. The Neighborhood Park and proposed trail connections throughout the site, including a proposed underpass at N. Wilson Ave, will create multiple connections and add to the harmony with the existing and future amenity features. The existing environmentally sensitive areas shall be given preference within the developed clusters to provide an overall benefit to future residents and possible connection points for trails and other recreational uses. The overall prairie and rural agricultural theme, reminiscent of the original establishing farms developed in the Big Thompson Valley shall be strengthened and reinforced by architectural, monument signage, and landscape elements throughout the developed areas to provide a cohesive and unified development for the area.

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VALERIAN

March 16, 2016

City of Loveland – Development Services
Current Planning Office
500 East Third Street
Suite 310
Loveland, CO 80537

Dear Mr. Bliss;
In addition to the documents we have submitted on behalf of The True Life Companies on the Lee Farm Addition – Amendment one, the Villages at Lee Farm, the applicant would like to make the following request of the City.

Request:
The applicant requests that the city extend the vesting period of this general development plan (GDP) to a term of ten (10) years from approval.

This request will allow the applicant additional time under the approved GDP to complete all of the proposed phases. Due to the size and total amount of lots to be developed and completed, the applicant does not feel the existing vesting period will be adequate to complete the full construction of the project. The intent is to move continuously once the progress begins, but we anticipate that the process as a whole could be a longer duration than the normal allotment.

Thank you for your consideration of this request in addition to the proposed application.

Sincerely;

Paul McMahon, Valerian llc
On behalf of the True Life Companies

CC: Katie Cooley, the True Life Companies
Brett Woolard, CWC Consulting Group
File

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CC EXHIBIT A

Meeting Minutes

VALERIAN

PROJECT NAME	The Villages at Lee Farm (Lee Farm Addition GDP Amendment No. 1)
MEETING DATE	2016-06-28
MEETING TIME	6:30
LOCATION	1380 Denver Ave, Loveland CO
MEETING TYPE	Neighborhood Meeting

Meeting Notes:
Attempts were made to note all comments given, but in the public setting many comments evolved into larger discussions and changes directions, loss of crowd control, etc. The following is a list of the major talking points/concerns expressed by the neighbors. Our response/thoughts or discussions are following the comments in the open bullet points.

Public Comments:

- Why did we move 35th closer to the South Property line against what was coordinated with the previous developer? (Resident at 3444 Atwood Ct., KC Hogan)
    - Discussion on other benefits of the relocation including storm water, green infrastructure/Water Quality, pedestrian linkage and minimization of traffic from Lee Farm cutting thru HR allowing HR direct access to 35th, etc. (We will need to clarify this in more detail as a larger part of the presentation in the future.)

- Privacy/safety/etc. concerns with roadway on South property line, it was stated that Hunters Run HOA will not allow Privacy fences.
    - We discussed that issue, later in the meeting this was brought up again when discussing the swale and berm. True Life offered that if it would be allowed, maybe we could install the privacy fence on the proposed berm along the south property boundary between the properties and on the Lee Farm site to minimize their concerns, conflicts with HOA regulation and provide the extra level of buffering.

- Wants their properties mirrored, match 'single family'. (Resident at 3444 Atwood Ct., KC Hogan)
    - We need to clarify in future hearings the home styles and what is single family vs multifamily, it appears the residents may be confusing patio homes with condos/townhomes.

- A resident has been told by a Realtor that the relocation of 35th will decrease her property value. (Resident at 3444 Atwood Ct., KC Hogan)

- Stated concerns on Lee Farm and Hunters Run residents driving kids to school thru Buck subdivision and cut thru traffic. (Wes Travis - did not sign in or cannot find name/address)
    - We discussed that these connections are required by the city and something we have to include due to the requirement.

- Concern of loss of bus service once these connections are made. (Wes Travis - did not sign in or cannot find name/address)

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Meeting Minutes

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- Discussion on speeding/traffic light running on 43rd and Wilson, asked if we could lower the speed limit.
    - Clarified we cannot change the adjacent roadways, signalization.

- Comments on this development will affect the 43rd and Florence Dr. intersection since that is access to Ponderosa Elem school. This is a dangerous intersection with kids almost getting hit, etc.

- Discussion that when 35th is installed, Tabernash Dr. will be restricted to right-in/right-out requiring all the Hunters Run residents to drive up New Castle to go North causing to the traffic issues.

- This development will hurt Hunters Run Property values, reduce their quality of life. (Sharron Vernon 3430 Atwood Ct.)

- Why don't we burden only our development and curve the 35th alignment up to the North? (Sharron Vernon 3430 Atwood Ct.)

- 'Loveland will keep growing and we can't stop it', 'there are 4400 lots to be developed in NW Loveland' (he outlined some of the work he has done with preparing the school dist. Etc. for the future influx of homeowners). 'There has to be connector streets, that's needed for good design and planning', he asked other attendees if they really thought that this site wouldn't develop. (Bruce Buchman, 2734 Glendale Dr.)

- Many comments on storm water and what will be done with it, where will it go. Including an attendee bringing photos of flooding.
    - Brett talked about the three detention areas on the site. The changes to the pond on the NE corner that will take some of the water. The large pond in the SE corner that will retain due to downstream deficiencies and the pond on the SW side to capture that area.

- There was comments that the Hunters Run Townhomes do not have storm sewer and snow/rain really affecting them and the associated pond to the east.

- Concern that our increased impervious area would affect HR and surrounding area.
    - Explained that we had to capture and release at less than historic. The relocated 35th would allow for more room to capture storm water and may protect HR and aid in ensuring the proposal would not negatively impact their property.

- Residents of the Buck addition wanted to clarify size of buffer that would be adjacent to their subdivision. They didn't want our residents using their swale/sidewalk, asked if we would be installing something similar.
    - We stated that the more detailed dimensions would be clarified as the future processes are applied for.

- Comment that the graphic needed to be more 'colorful' not all shades of brown since no one could tell the difference between the proposed home styles.

- Question of where we are in the process.
    - We clarified that we are in the GDP and have to go to the PC and CC next on this, then each phase would be submitted for a PDP, FDP etc.

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Meeting Minutes

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- Question of how long until we start to build.
  - We clarified that we still need approvals then additional submittals, but we hope to break ground in phase one on roadways etc. in 18-24 months.
  - That spun into a conversation on phasing and how we would progress to the end of the project.

- Do we have a builder lined up?
  - Clarified that not at this time since we don't have the GDP approved.

- Comments on grading against Buck addition, what elevation the Lee Farm homes would be at, concern over views.

- Similar comment from Hunters Run residents on the berm height and obstruction of views.

- HR resident that built recently wanted to ensure that we knew he was required to do caissons over spread footer.
  - Katie explained that we are anticipating each lot will have to be drilled and a geotech will design the proper footing due to the industry being more conservative than they were in the past.

- Discussion on bentonite clay soils.
  - It was clarified that there would be 'over-excavation' required based on soil studies. These are more conservative and have a greater level of inspection than in the past to ensure soils are properly treated, etc.

- Comment on current weed problem on site. (Sandy Zimmerman, 3830 Carbondale St)
  - Katie clarified that TTLC received the notice and would be mowing the first 50 acres they own, while the current owner of the remainder would be doing the same soon.

- What happened to the prairie dogs?
  - Apparently the large prairie dog colony has moved on or died. TTLC clarified that no development money can be spent on this site until we receive approvals, they did not do anything to the prairie dogs. We were unaware of their current condition, once development starts we will have to deal with the prairie dogs as required by the City.

End of Public Comments during meeting

- After the meeting a resident of Hunters Run that wanted to remain anonymous stated that he felt the application was nice and did not mind the relocation of 35th, his only concern was the berm and vegetation not be too tall to interfere with his views.

- Susan Ballew a resident of the hunters run TH requested we send her the plan and section as she is involved with the association for her community and thought she could help explain the development to her neighbors. She did not feel that all residents would be as opposed as the vocal group in attendance. (Susan Ballew, 3220 Champion Cir.).

End of Notes

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Neighborhood Meeting Sign-In Sheet

Project: Lee Farm Addition – The Villages at Lee Farm

VALERIAN

Name	Address	Phone	E-Mail
Stephen Garcia	3570 Granby Ct Loveland, CO 80538	970-443-2952	SP.Garcia@gmail.com
Phil + Sandy Zimmerman	3830 Carbondale St	970-203-6139	Phil92@mindspring.com
Patricia Davis	4005 Florence Dr.	970-278-1645	Holidavis@msn.com
James Nolan	3232 Williamsburg Ct	970 581-1776	Jdue159@yahoo.com
Luke Sinden	4190 Rockvale Dr.	970-412-2642	luke@augustinvest.com
Missy Stevelis	3853 Fletcher		adcollettas98@gmail.a
Sandy Truax	3065 Newcastle	970-461-1789	
Jim + Kathy Bolskar	3038 NewCastle Dr.	970-461-2787	
Rose Weverka	3080 Chatham Circle		
Bruce + Sheryl Zachman	2734 Glendale Dr	970-988-4015	
Jane Wright	2692 Lochbuie Cr	970-215-4005	C.S.Wright@wrighthomesys.com
Ray Schaefer	2651 Lochbuie	970-278-0727	
KC Hogan	3444 Atwood Ct	613-9555	KC.hogan@hpc.com
Evelyn Pfaff	4088 La Veta Dr	776-9446	
Bob Pfaff	" "	" "	
Joe Grim	3453 Atwood Ct	612-1518	joe.frede.grim@gmail.com
Shanna Vernon	3432 Atwood Ct.	970-231-8651	smv@carpeweb.com
Mary Walter	3136 Williamsburg Ct	970 635-5665	
Dennis Veilleux	3030 Tabernash Dr	970 461-4810	herrv@mac.com

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Neighborhood Meeting Sign-In Sheet

Project: Lee Farm Addition – The Villages at Lee Farm

VALERIAN

Name	Address	Phone	E-Mail
Jack & Joyce Graff	2654 Lochbuie Circle	970 685 4216	joyce.graff@comcast
Jen & Susan Appleby	2967 Sanford Cir	970 461-5040	SusanAppleby44@msn.com
Jill + Justin Fischer	3039 Sanford Cir	970-776-6321	jillfischer13@gmail.com
Katie Merrill	3047 Sanford Cir	231-776[illegible]	katierose77@comcast.net
George Kling	4202 Coalvale	461-4943	
JOHN BALLENGER	4136 Coalvale Dr	667-1383	NONE
Kathy King	4019 La Veta Dr	970 744 9159	tee63ton@msn.com
Jerry Westbrook	2724 Lochbuie Cir	669-4243	wstbrk@comcast.net
Joseph Conserva	2290 Tabernash	663-6495	capes968@gmail.com
Dan Scofield	3330 W. Williamsburg	530-566-4676	—
Lee & Terri Williams	3700 Montana Drive	667-1279	——
Arnetta Zeman	4166 Cripple Creek	776 9991	azjwoman99@yahoo.
Neil + Kara Peppas	3555 Pinecliffe	970-227-0191	Kdietz1231@yahoo-
Thomas Muehlbauer	2570 carbondale st	970-313-7210	muehlbauer.co@gmail.com
George Ligotke	3265 Crowley Cir	970-667-9336	georgeligotke@gmail.com
Coleen Ligotke	3265 Crowley Circle	970-690-1732	coleen@coleenligotke.com
Susan Ballew	3220 Champion Cir.	970.980.7450	sballew1@gmail.com
Elizabeth & James Garcia	3071 Sanford Cir	970-581-8142	lizkgarcia@hotmail.com
PETER SCHOON	2688 Eldorado Springs Dr.	663-0431	

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Neighborhood Meeting Sign-In Sheet

Project: Lee Farm Addition – The Villages at Lee Farm

VALERIAN

Name	Address	Phone	E-Mail
KLAUS WOLF	2742 LOVELAND TABERNASH DR.	970-663-7614	WOLFKJW@MSN.COM
Pamela Bernier	3620 Carbondale	301-364-7471	
GREG BLACK	2661 and 36TH ST	970.213.1824	—
TOM & CAROL JANS	3405 ATWOOD CT	970-667-0059	
RUTH ANN LOUGHEY	3870 Carbondale St	303-854-4737	—
Leroy + Terry Cline	2676 Lochbuie Cir	970-310-1227	terryandleroy@gmail.com
EUGENE COTE	4172 ROCKVALE DR.	970 667-9717	
Dee Mercier	4135 LaVeta Dr	970-669-0011	
Coby Nicks	3431 Windsor Ct.	970-231-8053	
Michael Moree	3007 Sanford Ct.	970-397-8033	CJMoree@MSN.com
DONNA + HARV SCHMIDT	2954 " "	970-461-8378	HDSchmidt@aol.com
Jim & Jill Dillon	3251 Springfield Dr.	620-546-1792	jimdillon@hotmail.com
Dale & Johnke	2580 Lochbuie Cir	970-669-8737	
Rich + Pam Spaid	3194 Williamsburg St	970-667-1888	
Rita + Carlton Ray	3356 Nederland Dr	970-292-8216	
Josh Cacka	3124 Williamsburg St	970-231-8367	

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Neighborhood Meeting Sign-In Sheet

Project: Lee Farm Addition – The Villages at Lee Farm

VALERIAN

Name	Address	Phone	E-Mail
Ferguson	2975 Sanford	970-619-1997	soniaprice@earthlink.net

Page 4

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SCOTT DOYLE, CLERK
LARIMER COUNTY CO
RCPT#
2006-0043192
05/09/2006
09:57:00
PAGES 1 OF 1
REC $11.00 DOC $0.00
MG605571

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN

BEING AN GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

OWNER'S CERTIFICATION:

KNOW ALL MEN BY THESE PRESENT THAT: G.A. Lee Farm, LLC, being all the lawful record owners of the property shown on this Preliminary Development Plan, except any existing public streets, roads or highways, do hereby certify that we accept the conditions and restrictions set forth on said plan and in the conditions of approval by the City of Loveland, dated _____, and that we consent to the recordation of any information pertaining thereto.

G.A. Lee Farm, LLC
By Elizabeth R. Johnson
Owner Manager

STATE OF COLORADO)
) SS.
COUNTY OF ~~LARIMER~~ Denver)

The foregoing instrument was acknowledged before me this 7th day of April, 2006 by Elizabeth R. Johnson as Manager of G. A. Lee Farm, LLC

Witness my hand and official seal. 02/04/2008
My Commision expires
Notary Public Charles A. Grillo
Address 1660 Lincoln St. Suite 2850
Denver, CO 80264

CHARLES A. GRILLO NOTARY PUBLIC STATE OF COLORADO
My Commision Expires 02/04/2008

CERTIFICATION BLOCKS:

Planning Certfication

Approved this 11th day of May, 2006 by the Current Planning Manager of the City of Loveland, Colorado.

Current Planning Manager

Engineering Certfication

Approved this 10TH day of May, 2006 by the City Engineering Division of the City of Loveland, Colorado.
By: C. M
Title: Sr Civil Engineer

Attorney Certfication

Approved this 12th day of May, 2006 by the City Attorney of the City of Loveland, Colorado.

City Attorney

Planning Commision Certfication

Approved this 12TH day of MAY, 2006 by the City Planning Commision of the City of Loveland, Colorado.

Chairperson

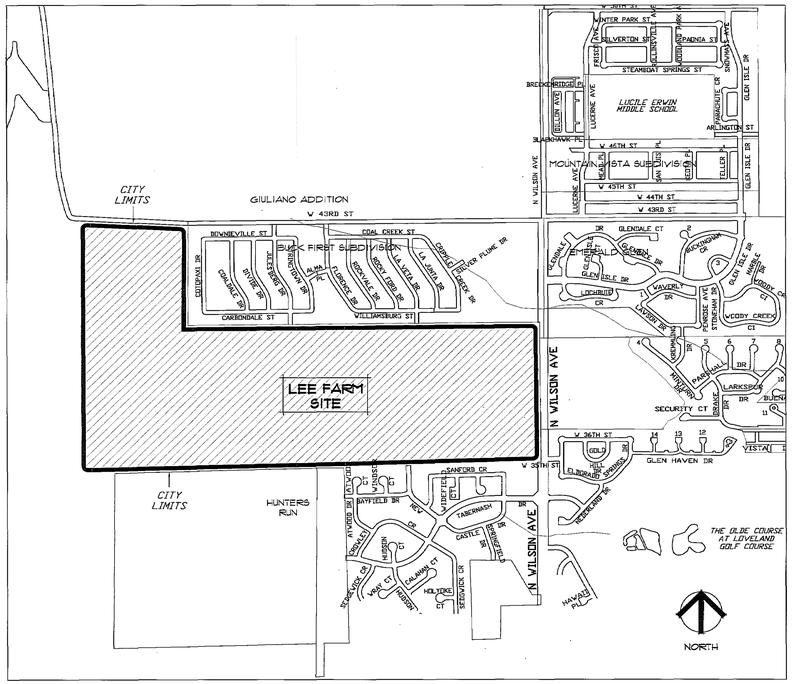
City Council Certfication

Approved this 21st day of February, 2006 by the City Council of the City of Loveland, Colorado.

Mayor Teresa S. Andrews Attest

CITY OF LOVELAND SEAL COLORADO

CITY CLERKS OFFICE
CITY OF LOVELAND
500 E 3RD ST
LOVELAND, CO 80537



VICINITY MAP NTS

LAND USE INFORMATION TABLE:

			SQUARE FEET (AREA)	ACRES (AREA)
TOTAL SITE AREA			10,751,116	246.8
AREA	ACRES	PROPOSED USE	PROPOSED UNITS	MAXIMUM GROSS DENSITY
A	72.5	CONDOS, PATIO HOMES, TWO-FAMILY AND ATTACHED SINGLE FAMILY	480	8 DWELLING UNITS/ACRE
B1,B2,B3,B4	64.0 TOTAL	DETACHED RESIDENTIAL	320	4-6 D.U./ACRE*
C1	33.2	DETACHED RESIDENTIAL	116	3.5 D.U./ACRE
C2	2.0	CONVENIENCE COMMERCIAL		
CC	10.0	COMMUNITY CENTER		
D1,D2	67.1 TOTAL	LARGE LOT RESIDENTIAL	135	2 D.U./ACRE
E1	0.9	OPEN SPACE, WETLANDS		
			1,051 DU TOTAL	
OVERALL GROSS DENSITY of THE DEVELOPMENT				4.25 D.U./ACRE

* SEE SHEET 2 of 7

UTILITIES/PUBLIC FACILITIES PROVIDERS:

POLICE/FIRE:	City of Loveland
SCHOOLS:	Thompson School District R2-J
PARKS & OPEN SPACE:	City of Loveland
WATER:	City of Loveland
SANITARY SEWER:	City of Loveland
ELECTRIC:	City of Loveland
NATURAL GAS:	Xcel Energy
TELEPHONE:	Qwest Communications
CABLE:	Comcast Communications
DRAINAGE:	City of Loveland

PROJECT TEAM:

OWNER/DEVELOPER:	240 PARTNERS, LLC c/o Robert S. Dildine 2690 Joyce Street Golden, CO (303) 278-8736
PLANNER:	THOMAS E. HONN, AICP THinc. 1601 Quail Hollow Drive Fort Collins, CO 80525 (970) 223-1961
ARCHITECT/ LANDSCAPE ARCHITECT:	KENNEY & ASSOCIATES, LLC 209 East Fourth Street Loveland, CO. 80537 970-663-0548 970-669-2384 fax
CIVIL ENGINEER:	SHEAR ENGINEERING CORPORATION 4836 South College Avenue Fort Collins, CO 80525 (970) 226-5334
SURVEYOR:	INTERMILL LAND SURVEYING 1301 North Cleveland Avenue Loveland, CO 80537 (970) 669-0516

SHEET INDEX:

SHEET 1	COVER/SIGNATURE/VICINITY MAP
SHEET 2	PRELIMINARY OVERALL SITE PLAN
SHEET 3	NARRATIVE
SHEET 4	NARRATIVE
SHEET 5	NARRATIVE & CONCEPTS
SHEET 6	NARRATIVE & CONCEPTS
SHEET 7	PRELIMINARY UTILITY & GRADING PLAN

GDP RESUBMITTAL DATE APRIL 6, 2005

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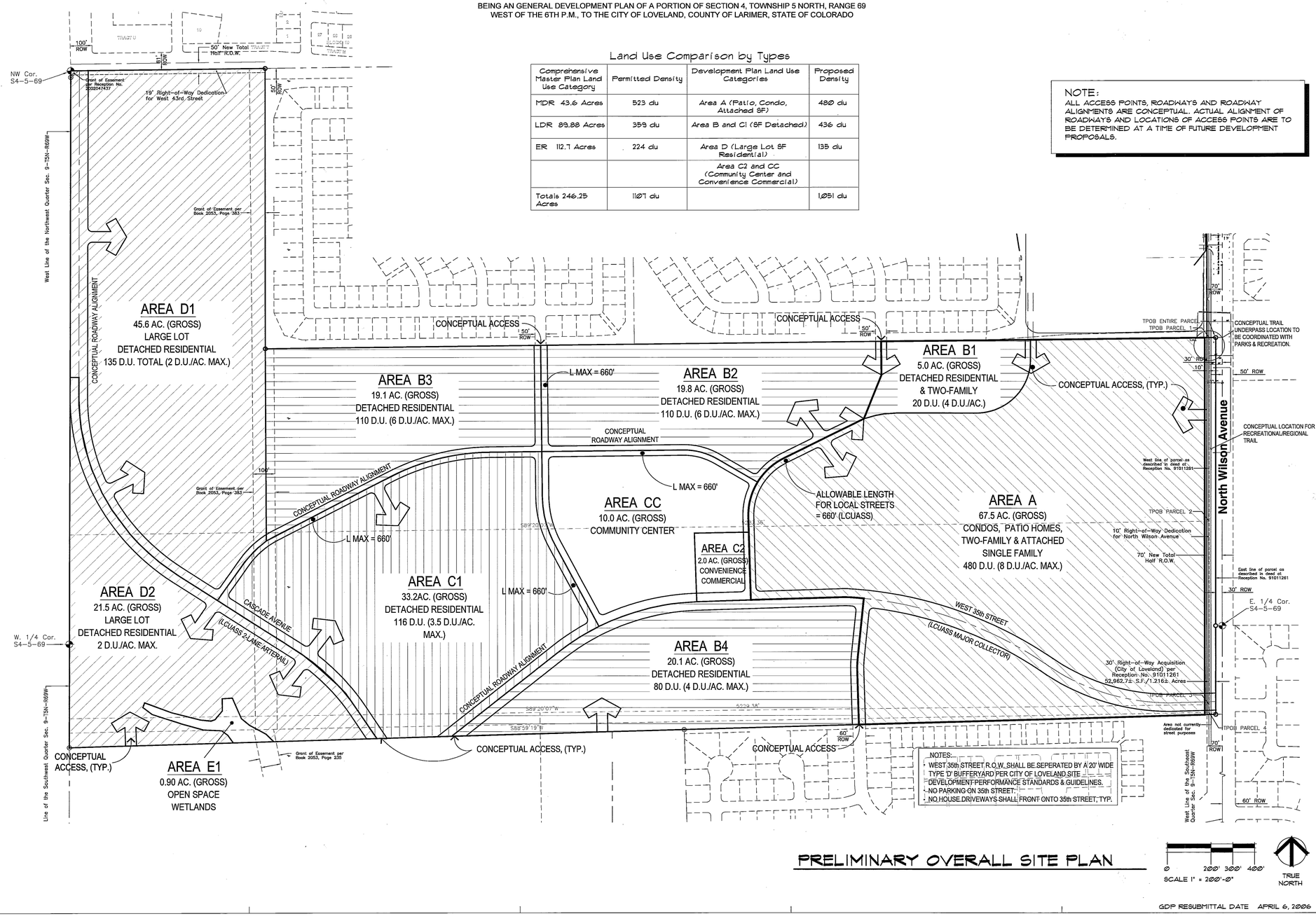
LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN

BEING AN GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

Land Use Comparison by Types

Comprehensive Master Plan Land Use Category	Permitted Density	Development Plan Land Use Categories	Proposed Density
MDR 43.6 Acres	523 du	Area A (Patio, Condo, Attached SF)	480 du
LDR 89.88 Acres	359 du	Area B and C1 (SF Detached)	436 du
ER 112.7 Acres	224 du	Area D (Large Lot SF Residential)	135 du
		Area C2 and CC (Community Center and Convenience Commercial)	
Totals 246.25 Acres	1107 du		1051 du

NOTE:
ALL ACCESS POINTS, ROADWAYS AND ROADWAY ALIGNMENTS ARE CONCEPTUAL. ACTUAL ALIGNMENT OF ROADWAYS AND LOCATIONS OF ACCESS POINTS ARE TO BE DETERMINED AT A TIME OF FUTURE DEVELOPMENT PROPOSALS.



PRELIMINARY OVERALL SITE PLAN

GDP RESUBMITTAL DATE APRIL 6, 2006

NOTICE: DUTY OF COOPERATION - Release of these plans contemplates further cooperation among the owner, his contractor and the architect. Design and construction are complex and, although the architect and his consultants have performed their services with due care and diligence, they cannot guarantee perfection. Communication is the key to successful construction and the owner, his contractor and the architect are all responsible for communicating with each other during construction so that any discrepancies in the plans and specifications can be discovered and corrected before they result in defective work. Failure of the contractor to report discrepancies in the plans and specifications to the architect and failure to cooperate to resolve them promptly and correctly shall relieve the architect and his consultants of responsibility for all consequences arising out of such failure. Any change in these plans and specifications made by anyone other than the architect shall relieve the architect and his consultants of responsibility for the results of such change and shall require indemnification of the architect and his consultants by the party making such change against all claims, costs, losses and damages, including but not limited to attorney's fees and costs, arising out of or resulting from such change.
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revisions
8-15-05 City Comments
10-18-05 City Comments
11-21-05 City Comments

kenney associates ARCHITECTS LLC
(970) 663-0548

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN
LOVELAND COLORADO

date 04/06/2006
drawn DRS
checked TEH
job no. 05-205

PRELIMINARY
OVERALL SITE PLAN
Loveland • Colorado

sheet 2 of 7

CC EXHIBIT A

PC ATTACHMENT 5

The password to the public access wireless network (cdguest...

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN
BEING AN GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69
WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

GENERAL DEVELOPMENT PLAN NARRATIVE

Location and Existing Conditions

The property is located at the northwest corner of N. Wilson Avenue and 35th Street. North of the project is the Buck Addition, which consists of both small lot entry level single family homes and a recently approved neighborhood commercial center with 140,000 square feet including a grocery anchor. To the south is Hunter's Run, which contains a mix of town homes, small lot and large lot single family homes. East of the site is an industrial district that currently houses Woodward Governor facilities and related activity. West of the site is land that is vacant and remains in the County. To date the property has been dry land farmed.

Development Concept

The property involved in this zoning request is approximately 240 acres and is master planned as a Planned Unit Development (PUD) consistent with The City of Loveland Title 18. The surrounding area is substantially zoned for and/or developed as low and medium density residential uses, with a neighborhood commercial center adjacent to the northeasterly boundary and Industrial/Light Manufacturing east of the site across N. Wilson Ave. The proposed General Development Plan (GDP) includes a variety of residential uses including: Two-family Dwelling, Attached Single Family, Condominium and Detached Condominium ownerships (similar to a patio single family except rather than a fee simple lot, the ownership is within a condominium association for maintenance advantages); Patio Homes on 4,500 square foot lots (average); single family homes on 5,000 square foot lots (average); single family homes on 6,500 square foot lots (average); Large Lot Detached single family homes on 10,000 square foot lots (minimum); and a Community Center with neighborhood outdoor play areas, indoor craft and meeting rooms that can be available for neighborhood and public uses centrally located. A small two-acre Convenience Commercial site is proposed adjacent to the Community Center. The overall density is in keeping with Loveland's Comprehensive Master Plan, which calls for both Low Density and Estate Residential uses as well as Neighborhood Activity Center (NAC) along the N. Wilson frontage. With the approved Neighborhood Center to the north, a request to remove the NAC and replace it with a Medium Residential Density will accompany this GDP request. The medium density designation will be applied along the Wilson frontage in a comparable location as the NAC being replaced.

The property is currently undeveloped and in limited agriculture use. It is zoned Larimer County FA- Farming. Adjacent uses and zoning surrounding the site include:

East – Emerald Park Addition(Emerald Glen), Fairway West 6th Subdivision, and Woodward Governor First Subdivision : Zoned DR, I-Industrial and R-1
North – Buck Addition : Zoned PUD
South – Hunter's Run: Zoned PUD
West – Vacant : Zoned County FA 1

The plan mixes higher density residential uses along the easterly frontage, adjacent to N. Wilson Ave. and adjacent to Neighborhood Shopping and Industrial uses, to lower density residential at the western portion of the site. The westerly approximately 64 acres is designated for Estate residential densities. Because of the adjacent Natural Area and the natural drainage conditions of the southwesterly part of the site, it is desirable to use a clustered housing concept for the Estate area. The lower density is maintained but the environmental considerations are given preference with this approach. More openness adjacent to and within the residential development meets the goals of the Comprehensive Plan and benefits the Natural areas. By clustering lots, more efficiency is also gained for infrastructure installation and its ultimate maintenance.

The overall density of the development is approximately 4.25 dwelling units per acre. This blends Estate, LDR and proposed MDR portions. Estate densities of 2 dwelling units per acre are maintained in the westerly Estate designation. The Comprehensive Master Plan divides the site into Low-Density and Estate Residential uses and the Neighborhood Activity Center (NAC). Low-Density equates to 2 to 4 dwelling units per acre and Estate targets an average of two units per acre. The NAC area consists of 30 acres and will be requested to be reclassified from NAC to MDR concurrent with this GDP. The proposed MDR permits from 4 to 12 dwelling units per acre. The Master Plan allows density to be transferred throughout the site to take advantage of open natural areas such as drainages and permits lower densities to be balanced with higher densities in more appropriate locations within the site to accommodate buffers and other appropriate transitions. A Community Center is designed for the center of the site and is intended to be operated by the Master Homeowner's Association and will include outdoor recreation facilities, indoor meeting and community rooms, and indoor recreation facilities. Uses will allow community meeting space, potential for City parks and recreation activities such as art classes, service club meeting rooms and other similar and related activities. A two-acre convenience commercial site has been reserved as an option for neighborhood serving uses. These might include day-care, coffee shops, professional offices and similar retail activity.

Development Objectives

The General Development Plan (GDP) is a mixed-use development including residential, community space and convenience commercial activity. The aim is to satisfy the Loveland Comprehensive Plan while respecting the current adjacent uses and zoning. The overall density is in keeping with Loveland's Comprehensive Master Plan, which presently calls for both Low Density and Estate Residential uses. The circulation layout will encourage internal trips from adjacent development to use collector linkages to get to and from area commercial services. This concept will encourage some reduction in vehicle trips to arterials and should allow pedestrian and bicycle use. The development is able to fit contiguity of development policies as a result of being in-fill adjacent to existing development.

Phasing

Utility availability, especially water, will determine phasing of the project. Development will generally move from east to west.

Utilities/Public Facilities

Water	City of Loveland
Sewer	City of Loveland
Electric	City of Loveland
Natural Gas	Excel Energy
Telephone	Qwest
Schools	Thompson School District R2-J
Parks	City of Loveland
Police/Fire	City of Loveland
Drainage	City of Loveland

Definitions

General Provisions.
For words, terms, and phrases used herein that are not defined in the Loveland Zoning Code Title 18, or elsewhere in the Loveland Municipal Code, the Director shall interpret or define such words, terms, and phrases. In making such interpretations or definitions, the Director may consult secondary sources related to the planning profession for technical words, terms and phrases, including but not limited to: *A Survey of Zoning Definitions* - Planning Advisory Service Report Number 421, edited by Tracy Burrows (American Planning Association, Chicago, Ill. 1989); *Zoning and Development Definitions for the Next Century*, edited by Michael Davidson, in Zoning News (American Planning Association, August 1999); and The Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 3d ed. 1987). The Director may consult Webster's Unabridged Dictionary (Random House Reference & Information Publishing, New York, 1997), as supplemented, or other available reference source for other words, terms and phrases.

Definitions of Words, Terms, and Phrases.
Accessory use. shall mean a use of land or of a building or portion thereof customarily used with, and clearly incidental and subordinate to, the principal use of the land or building and ordinarily located on the same lot with such principal use.
Blank wall. shall mean an exterior building wall with no openings and a single material and uniform texture on a single plane.
Community facility. shall mean a publicly owned facility, including an office building, that is primarily intended to serve the educational, cultural, administrative or entertainment needs of the community as a whole; excluding repair, storage, and production facilities and public works yards, which are defined as a *"public service facility"*; outdoor sports facilities, which are defined as *"public outdoor recreational facilities"*; and electrical substations, water treatment or storage facilities, or sewage treatment or storage facilities, which are defined as *"heavy utilities"*.
Condominium. shall mean any residential or commercial use whose ownership is held in common with other owners of the property and specific improvements are owned by descriptions filed with the County Clerk and Recorder in a Condominium Plan.
Density, gross. shall be calculated in the following manner:
1. The gross acreage of all the land within the boundaries of the development shall be included in the density calculation except: (i) land previously dedicated, purchased or acquired for any public use; and (ii) land devoted to nonresidential uses such as commercial, office, industrial or civic uses.
2. The total number of dwelling units shall be divided by the gross residential acreage.

Drainage way. shall mean a natural or artificial land surface depression with or without perceptively defined beds and banks to which surface runoff gravitates and collectively forms a flow of water continuously or intermittently in a definite direction.
Dwelling, attached single-family. shall mean three (3) or more dwellings attached by a common wall, commonly called townhomes or condominiums.
Limited indoor recreation use. shall mean facilities established primarily to provide exercise and recreational services, such as dance studios, martial art schools, arts or crafts studios; or exercise or health clubs, but not including bowling alleys or establishments which have large-scale gymnasium-type facilities for such activities as tennis, basketball or competitive swimming.
Loveland Municipal Code. shall mean the Loveland Municipal Code 1974, as amended.
Multi-phased development. shall mean a development project that is constructed in stages, each stage being capable of existing independently of the other stages.
Open-air farmers market. shall mean an occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items, and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.
Patio Home. shall mean a detached dwelling intended to a minimal lot and yard area which may include zero side yard and may include common area condominium style ownership.
Public facilities. shall mean transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric utilities, gas utilities, cable facilities or other public utilities.
Residential cluster development. shall mean a form of planned residential development that concentrates buildings on a part of the site (the "cluster area") to allow the remaining land (the "open space") to be used for recreation, common open space, and/or preservation of environmentally sensitive areas. The open space may be owned by either a private or public entity.

Land Use Information Table

Development Districts-Residential (Areas A, B1, B2, B3, C1, D1, and D2)

Purpose. To establish and preserve quiet residential neighborhoods for low density single family detached dwellings, medium density single-family detached dwellings, two-family dwellings, patio homes, condominium attached and detached homes, and attached single-family homes and complementary uses located convenient to commercial activity centers and public facilities such as schools and parks. Area A will be designed under a market concept for limited or controlled access. Market studies and neighborhood charettes have shown a strong interest in neighborhoods with security provisions, especially where marketed to a 55 and older market. At the time of PDP submittal, concepts and details for how such design will coordinate with emergency service needs will be in place to accommodate the concept.

Permitted Uses.

Residential. Single-family detached dwellings, two-family dwellings, patio homes, condominium attached and detached homes, and attached single-family homes.
Institutional/Civic/Public/Miscellaneous. bus stops and shelters; public and private schools for elementary and intermediate school education, neighborhood parks, unlighted; City/school recreation areas, unlighted; open lands/natural areas; essential public utility uses, facilities, services, and structures other than those primarily serving the City; personnel wireless service facilities; transit facilities; child day care facilities; group care facilities; and places of worship and assembly.
Recreational. neighborhood parks, lighted; City/school recreation areas, lighted; community parks; trails; neighborhood support/recreation facilities.

Density/Intensity
Area A - Maximum gross density shall not exceed 8 dwelling unit per acre.
Areas B1, B2, B3 – Maximum gross density shall not exceed 6 dwelling units per acre.
Area C1 – Maximum gross density density shall not exceed 5 dwelling units per acre.
Areas D1, D2 - Maximum gross density shall not exceed 2 dwelling units per acre.

Development Districts-Community Center (Area CC)

Purpose. To establish a gathering place, and activity center for the homeowners in the development and surrounding areas. The Community Center will be a privately run facility. The Master Homeowners' Association will be responsible for the operation and management of the facilities and will determine the range of activities, fees for use, and membership and guest usage.

Permitted Uses.

Bus stops and shelters; public and private schools for elementary and intermediate school education, neighborhood parks, unlighted; City/school recreation areas, unlighted; open lands/natural areas and, community center for the conduct of limited indoor recreation use, outdoor farmer's market, child day care center, meeting rooms and community service activities in conjunction with the City of Loveland Recreation Department.
Recreational. neighborhood parks, lighted; City/school recreation areas, lighted; community parks; trails; neighborhood support/recreation facilities;.
Institutional/Civic/Public/Miscellaneous. essential public utility uses, facilities, services, and structures other than those primarily serving the City; personnel wireless service facilities; transit facilities; child day care facilities; group care facilities; and places of worship and assembly.

Development Districts-Convenience Commercial (Area C2)

Purpose. To establish a location for convenient commercial services that are intended to serve the immediate neighborhood.

Permitted Uses-Commercial/Retail. (a) child care centers; (b) professional offices/clinics; (c) financial services; (d) personal and business service shops; (e) parking lots; (f) veterinary small animal clinics; (g) clubs and lodges; (h) print shops with no more than three thousand (3,000) square feet of gross floor area; (i) restaurant, standard; (m) retail stores; (n) retail stores, small; (o) food catering; (p) limited indoor recreation use.

Performance Standards.
1. Size of Development. A convenience shopping center shall be situated on no more than two (2) acres.
Normative Guideline. Forms and finish materials of buildings, signage, and other accessory structures should be compatible with the architectural character of the adjacent area through compliance with the following guidelines:
1. All buildings should utilize a consistent architectural style, with different buildings, businesses or activities in the center distinguished by variations within the architectural style. The site plans shall apply the principles of reverse mode design (parking behind the structures).
2. The sides and backs of buildings should be as visually attractive as the front (360 degree architecture) through the design of roof lines, architectural detailing and landscaping features.
3. Quality finish materials shall be utilized. Such materials may include, but need not be limited to: (a) brick masonry or stone; (b) textured masonry block; (c) stucco; (d) wood siding. A minimum of 2 materials shall be used.
4. Sloped roofs and canopies should be covered with: (a) high profile asphalt shingles; (b) natural clay tiles; (c) slate; (d) concrete tiles with natural texture and color; (e) ribbed metal; or (f) wood shakes or shingles, provided the roof includes required fire protection.
5. Vending machines and other site accessories should be integrated into the architectural theme of the center.
6. Building Height shall not exceed two stories (24 feet), except architectural features which may extend above two stories (24 feet).
7. A single, large, dominant building mass shall be avoided. Horizontal masses shall not exceed a height to width ratio of 1:3 without substantial variation in massing that includes a change in height and projecting or recessed elements.
8. Preserve native grasses, mature trees, and other vegetative cover by clustering development and replacing native grasses and trees when they are displaced by development.
9. Ensure significant canopy shading to reduce glare and heat build-up.

B. Landscape Materials.
1. Performance Standards.
a. All landscape materials planted pursuant to the provisions of this section shall be healthy and be compatible with the local climate and the site soil characteristics, drainage and water supply.
b. The quality and quantity of plant materials shall comply with the requirements of the Colorado Nursery Act, 1973 C.R.S., Title 35, Article 26, as amended.
c. Seventy-five (75) percent of all landscaped areas shall be covered with living plant material within three (3) year of planting.
d. All planting beds shall be covered with high quality mulch. The use of crushed aggregate, gravel, or river rock, in planting beds shall be limited to a maximum of thirty (30) percent of the area of each planting bed and the use of plastic or lava rock as a ground cover shall be prohibited.

2. Normative Guidelines.
a. Deciduous trees that mature to a height of thirty (30) feet or more, should be at least two (2) inches in caliper. The caliper is measured six inches above the soil line.
b. Deciduous trees which mature to a height less than 30 feet should be at least one and one-half (1.5) inches in caliper. The caliper is measured six inches above the soil line.
c. Coniferous trees should be at least six (6) feet in height.
d. Shrubs should be of a size generally known in the nursery industry as requiring at least a five gallon container.
e. The recommended ground cover should be attained within three (3) years of the date of planting.
f. Mulch should be keep at a depth of at least 3 inches to retain water around roots.
g. Whenever the calculation of the quantity of landscape materials yields a fraction, the next highest whole number should be used.
h. The use of very low and low water use plant materials is encouraged in all landscaped areas; such xeriscaping is achieved through:
(1) The use of plant materials suited for drought tolerance or reduced water demand.
(2) The use of appropriately designed irrigation or the redirection of natural moisture;
(3) The limited use of bluegrass turf to only those areas of high use. Use buffalo grass, blue gamma, and/or brome/fescue combinations in other areas of turf.
(4) Grouping plants with similar moisture requirements.
(5) Locating plants based on sun exposure requirements.

C. Height and Location.
1. Performance Standards.
a. Trees shall be planted on the project sites so as to allow for their full mature growth.
b. Access to or view of fire hydrants shall not be obstructed from any side.
c. To the maximum extent feasible, trees shall not be planted within five (5) feet of existing or proposed overhead or underground power lines.
d. Landscaping shall not prevent access to utility structures or equipment.
e. Landscape and utility plans shall be coordinated to comply with the objectives and standards established in this section.
f. Plant materials shall comply with the guidelines for plants located in sight distance triangles.

2. Normative Guidelines.
a. Plants, which will mature to a height of six inches or more should not be planted within three (3) feet of a fire hydrant.
b. Separations between trees and utilities should comply with the following Table.

Separations Between Trees and Utilities

Utility	Minimum Distance from Tree (feet)
Street lights greater than 16 feet in height	Canopy - 35 Ornamental - 15
Water or sewer main	Canopy or ornamental - 10
Gas main	Canopy or ornamental - 4
Overhead or underground power line	Canopy or ornamental - 5

D. Irrigation, Maintenance, and Soils.
1. Performance Standards.
a. A watering system that is capable of providing sufficient water to maintain plants in a healthy condition shall be installed in all areas which are landscaped with live plants, pursuant to the requirements of this section.
b. All living plants required by this section, as shown on a landscape plan approved by the City, shall be maintained in a live and healthy state by the property owner. Dead or unhealthy plants shall be immediately replaced with the size and type of plants required on the applicable development plan and by this section.
c. All fences, walls and similar structures shall be maintained in good condition. Chipped paint, missing fence pieces, leaning or fallen portions of a fence, or other signs of deterioration shall immediately be replaced or repaired by the property owner.
d. All landscaping and irrigation facilities in each phase of a development shall either be installed prior to issuance of any Certificate of Occupancy or the installation of the landscaping and irrigation facilities shall be secured with a letter of credit or escrow in the amount of one hundred twenty-five (125) percent of the value of the landscaping and irrigation facilities and the cost of installation.

Design Standards

Landscaping, Buffer yards, and Screening

A. General Performance Standard. Development sites shall be landscaped to accomplish the following performance standards:
1. Create a landscaped, quality view from state highways and arterial, collector and local streets.
2. Protect and enhance property values through the improvement of curbside buffer yards, screening conflicting land uses, and landscaping parking lots and building areas.
3. Create tree-lined streets with a deciduous canopy.
4. Use landscaping materials to clean the air, conserve the soil and to prevent blowing dust and dirt.
5. Purposefully locate landscaping materials where they will help conserve energy, and water resources.
6. Protect the health, safety and welfare of the citizens of Loveland by preserving and replacing vegetative cover which will reduce soil erosion, reduce flooding, provide shade, and enhance the attractiveness of the community.
7. Mitigate any adverse effects of citing different uses near or adjacent to one another through buffering.

2. Normative Guidelines.
a. Irrigation guidelines for large, small and xeriscaped areas are as follows:
(1) Provision should be made for permanent, automatic irrigation of all plant materials requiring more than fifteen (15) inches of water per year;
(2) Provision should be made to provide temporary irrigation for the purpose of establishing newly planted plant materials requiring less than fifteen (15) inches of water per year. The hose bib or other water source should be within at least fifty (50) feet from a border of the plants;
b. All irrigation systems should be maintained in good working condition.
c. Replacement of plants may be delayed whenever the Director determines that extenuating circumstances, beyond the owner's control, prevent the immediate replacement of the dead or unhealthy plants, and the owner agrees to replace the dead or unhealthy plants within a time established by the Director. In any event, the dead or unhealthy plants should be replaced within nine (9) months of the time the plants died or became unhealthy.
d. Soil amendments appropriate for the intended materials and design of the site should be selected and used. Soil amendments are generally needed to provide better water absorption, aeration, water-holding capacity and nutrients. Soil should be improved where needed to accommodate permanent landscaping. Soils should be tested for acidity, available potassium, phosphorous, nitrogen, adding peat or compost and adjusting for pH with lime. Soil improvements can also reduce the amount of maintenance required and quantity of water needed by plants.

E. Landscape Design.

1. Performance Standard. All areas not covered by buildings, parking or other structures shall be aesthetically treated with landscape material including trees, shrubs and groundcovers consistent with the provisions in this section.
2. Normative Guidelines.
a. Landscaping plans should be designed so that each plant serves a function of design, whether it be aesthetics, preventing soil erosion, unifying a site, screening outside storage, or buffering adjacent development.
b. The type of canopy tree should be chosen that provides dominant neighborhood character and identity. Trees which are indigenous or adaptable to the local climate, require minimal maintenance and are disease and pest resistant are encouraged. To establish a landscape theme, the same design elements and materials that are used in existing, well-landscaped, nearby properties should by used on new development sites.
c. Intermediate trees should be employed for under story screen, windbreak, and visual interest. Intermediate trees should be used to divide a large site into smaller components. Shrubs are encouraged to be used for low level buffers, enclosure, identify and reinforce pathways, and to provide visual interest and display.
d. Planting design should be simple. Planting masses of shrubbery and groundcovers of appropriate scale with a predominance of one species for unity is one approach to simplicity in planting design.
e. Planting areas should relate to and complement the architectural elements of the buildings on the site.

3. Edge Treatment. Edge treatment shall be designed to be in conformance with required buffers and landscape standards in the Loveland Site development and Performance Standards. Special attention will applied to the N. Wilson Ave. frontage and the incorporation of the sidewalk/trail. Fencing and landscaping will be used to help buffer the site from N. Wilson and at the same time create a positive visual appearance into the site.

4. Installation and Maintenance. Required landscaping and perimeter fencing shall be installed by the developer per approved plans and within each phase of the development. Such improvements will be done in conjunction with appropriate seasonal guidelines. Maintenance for landscaping and common area fencing and facilities shall be the responsibility of the Master Homeowner's Association.

F. Screening of Unsightly Areas.
1. Performance Standards.
a. Unsightly areas shall be screened from view from public sidewalks, streets, trails, parks, and other properties which are used by the public, and residential areas. Unsightly areas shall include, but not limited to, outside trash receptacles, loading docks, outside storage areas, utility boxes, and open areas where machinery or vehicles are stored or repaired.
b. The Director may determine that other areas similar to those specified herein are also unsightly areas and subject to the standards and guidelines in this subsection (J).

2. Normative Guidelines.
a. The preferred method for screening unsightly areas is a six (6) foot high masonry wall with the required landscaping within the buffer yard located between the wall and the area from which the site may be viewed by the public.
b. Whenever plants alone are used as a screen, the plants should be coniferous. They should provide an opaque screen within three (3) years of the time they are planted.
c. Utility boxes, including, but not limited to, electric transformers, switch gear boxes, and telephone pedestals and boxes should be screened from view on all sides not used for service access.
d. The materials and colors of the materials used to provide the screening should blend with the site and the surroundings.
e. Trash enclosures should be placed around dumpsters and any other proposed receptacle of trash. The dumpster should be entirely screened from view. The enclosure should prevent trash from being scattered by wind or animals. The dumpster should be placed on a concrete pad, enclosed by an opaque wall at least six feet in height, with opaque gates. The enclosure should be sturdy and built with quality wood and/or masonry materials. The trash enclosure should be sited so the garbage truck has convenient access to the enclosure and has room to maneuver without backing onto a public right-of-way.

GDP RESUBMITTAL DATE APRIL 6, 2005

NOTICE: DUTY OF COOPERATION - Release of these plans contemplates future cooperation among the owner, his contractor, and the architect. Design and construction are complex. Although the architect and his consultants have performed their services with due care and diligence, they cannot guarantee perfection. Construction is a process of human endeavor and interaction. Cooperation is required to achieve successful results. Therefore, the owner agrees to bring any questions or problems to the attention of the architect as soon as they arise. This will allow the architect and his consultants the opportunity to take appropriate measures to minimize any consequences. The owner agrees to hold the architect harmless from claims arising from failure to bring such matters to the attention of the architect in a timely manner. The owner also agrees not to make changes to the plans without the written consent of the architect. The owner agrees to limit any changes to those necessary to correct errors and omissions noted by the architect during his observation of the work as it progresses. Failure to follow this procedure will result in the owner assuming all responsibility for the performance of the building, and waives any claims against the architect and his consultants, and agrees to indemnify them from any claims or liability that may result in whole or in part from such changes. The owner also agrees not to occupy the premises until a certificate of occupancy has been issued by the governing authorities.

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kenney associates ARCHITECTS LLC
(970) 663-0548

revisions
1 8-15-06 City Comments
2 10-9-06 City Comments
3 11-21-06 City Comments

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN
LOVELAND COLORADO

date 04/06/2006
drawn DRB
checked TEH
job no. 05-016

NARRATIVE

Loveland • Colorado

sheet 3 of 7

CC EXHIBIT A

PC ATTACHMENT 5

The password to the public access wireless network (coquest...

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN
BEING AN GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

GDP NARRATIVE

Landscaping (continued)

G. Fencing.

1. **Purpose.** Proper fencing can have a unifying effect upon a neighborhood or streetscape, but improper fencing can detract from the appearance of a neighborhood or streetscape. Fence containing several sections of dissimilar design and materials should be avoided. The coordination of fence design and materials among neighboring properties can have a positive effect on the visual and psychological harmony of an area. Preliminary fence designs shall be submitted at the time of the PDP.
2. **Applicability**. The standards and guidelines in this section shall apply to the installation of all fences, including fences on lots for single family and two-family dwellings.
3. **Performance Standards.**
   a. Fencing shall be designed to have a unifying effect within a neighborhood by coordinating the design and materials with neighboring properties.
   b. Fencing containing several sections of dissimilar design and materials shall be avoided.
   c. All fencing adjacent to a public or private street shall be constructed of a durable material which is compatible with adjoining buildings and fences.
   d. All fencing shall be constructed of either brick, wood, wrought iron, vinyl coated material, decorative concrete block, or similar material.
   e. All fencing shall be constructed so as to conceal or integrate into the architecture of the fence all structural members. In stockade fence construction, posts and cross members shall be visible on the side of the fence that is less visible to the public.
   f. All fencing adjacent to a public or private street, or required as part of a buffer yard, shall be maintained in good repair.
   g. Chain link fencing, with or without slats, shall not be used as a fencing material for screening purpose.

4. **Normative Guidelines.**
   a. The final selection of fencing materials and design should be made according to the use it will serve and the design character of adjacent or adjoining fences.
   b. Consideration in the selection of fencing materials should include its intended purpose, labor required for construction, maintenance requirements, longevity and cost.
   c. Color for fencing should be compatible with the architecture and reflect the materials used. Masonry should blend with the architecture and wood and metal colors should be in harmony with the colors in the architecture.
   d. Along arterial and collector streets, fencing should be designed and coordinated so as to provide a unified and positive image for the neighborhood and community.
   e. Fencing and walls should be considered an integral part of the architectural and site design for each unit.
   f. Fences and wall height shall meet requirements of the Loveland Municipal Code.
   g. Fencing should generally be stepped up or down to accommodate changes in topography rather than sloping with the ground.
   h. Location of fences and degrees of openness should take into account view or vistas, environmental concerns such as wind and air circulation, and the desired level of privacy.

H. Natural Areas Fencing and Landscaping

1. **Performance Standards**. The landscape plan for any open land or wetlands area will be based upon connecting areas of the site with each other as well as allowing connections to the adjacent developments to permit pedestrian connectivity. Landscape materials will consider and use, wherever practicable, natural plant communities and compatible plants with the character of any open land or wetlands. Fencing should not detract from the design, but should be used as an appropriate design element where desired. Because the site is generally devoid of canopy material, the design should take advantage of open vistas throughout the site.
2. **Open Space Edge Treatments**. Edge treatment adjacent to open space and wetlands and adjacent to Cascade Avenue, will be treated as enhanced native landscapes. The character will use drought tolerant species of shrubs and trees and will employ clustered and random placement rather than formal plant placement. The goal is to maintain the existing open vistas. Open fences of no greater than four feet in height will be allowed adjacent to wetlands and designated open lands which may include either formal and informal walkways.

Residential Standards

A. Purpose. The following standards and guidelines are intended to promote variety and visual interest in zoning districts predominately characterized by residential building development and to lessen the extent to which streetscapes are dominated by protruding garages and front Building Elevations are dominated by garage doors.

B. Applicability. In addition to all other applicable regulations in the Loveland Municipal Code, the following performance standards and normative guidelines shall apply to all development sites for residential buildings, including Site/Building Plans for single family and two-family dwellings.

C. Performance Standards.

1. **Mix of Housing Models.**
   a. Any development area (ex. B1) containing sixty (60) or more patio homes, single-family or two-family detached dwelling units shall have at least four (4) different housing models. Any development plan of fewer than sixty (60) single-family or two-family dwelling units shall have at least three (3) different housing models. Any development plan containing one hundred (100) or more single-family or two-family detached dwelling units shall have at least five (5) different housing models The applicant shall include in the application for approval of the development plan documentation showing how the development plan complies with the foregoing requirement.
   b. Each housing model shall have at least three (3) characteristics which clearly and obviously distinguish it from the other housing models, including different floor plans, exterior materials, roof lines, garage placement, placement of the footprint on the lot, and/or building face.
   c. The requirements in subparagraphs (a) and (b) above shall not apply to development plans containing ten (10) or fewer dwelling units.
2. **Garage Placement and Design For Single-Family Detached, Patio Homes and Two-Family Dwellings**. The following standards shall apply to single-family detached and two-family dwellings.
   a. For single family detached and two-family dwellings garage doors visible as part of front building elevations shall not extend more than six (6) feet in front of either the front façade of the living portion of the dwelling or a covered porch. Covered porches referred to in this standard shall measure at least eight (8) feet, measured across the front of the building, by six (6) feet in depth.
   b. For single family detached dwellings on lots less than sixty-five (65) feet wide, measured at the front building setback, garage doors visible as part of front building elevations shall be recessed by at least four (4) feet behind either the front façade of the living portion of the dwelling or a covered porch. Covered porches referred to in this standard shall measure at least eight (8) feet, measured across the front of the building, by six (6) feet in depth.
   c. For two-family dwellings on lots less than ninety (90) feet wide, measured at the front building setback, garage doors visible as part of front building elevations shall not extend more than eight (8) feet in front of either the front façade of the living portion of the dwelling or a covered porch. Covered porches referred to in this standard shall measure at least eight (8) feet, measured across the front of the building, by six (6) feet in depth.
   d. Garage doors for single family detached dwellings shall not comprise more than forty (40) percent of the ground floor street-facing linear building frontage.
   e. Garage doors for two-family dwellings shall not comprise more than sixty (60) percent of the ground floor street-facing linear building frontage.

3. **Single Family Attached and Multi-Family Dwellings.**
   a. Garage doors for single family attached and multi-family dwellings that are visible as part of front building elevations shall be recessed by at least four (4) feet behind either the front façade of the living portion of the dwelling or a covered porch. Covered porches referred to in this standard shall measure at least eight (8) feet across the front of the building, by six (6) feet in depth.
   b. Individual access from the public rights-of-way to garages and/or parking areas for dwelling units in a single family attached or multi-family dwelling containing four or more dwelling units shall not be permitted.
   c. Roofs shall be gabled, hipped, gambrel, or other sloping forms. Minimum roof pitch for the predominant roof mass shall be 5:12; sloped roofs over porches, dormers, and/or other similar architectural elements may have a slope less than 5:12, provided the combined surface area of such roofs does not exceed thirty (30) percent of the total surface area of all roofs on the building.
   d. At least one main entrance to any single family attached or multi-family dwelling shall face and open directly onto a walkway connected to a public sidewalk.
   e. No wall that faces a street shall have a blank, uninterrupted length exceeding thirty (30) feet without including two (2) of the following: change in plane; change in texture or masonry pattern; windows; or an equivalent element that subdivides the wall into human scale proportions. All sides of the dwelling visible from a public right-of-way or other public place shall include materials and design features consistent with those on the front of the dwelling.
   f. Single family attached and multi-family dwellings shall provide variation in the architectural design of the dwelling, including changes in roof lines, changes in façade plane, prominent entry features, use of color in trim and accent features, and similar techniques.

Signage

1. **Sign Permit Required.**
   a. Except as provided in the Loveland Municipal Code, it shall be unlawful to display, erect, relocate, or alter any sign without first filing with the City an application in writing and obtaining a sign permit.
   b. When a sign permit has been issued by the City, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the City. A written record of such approval shall be entered upon the original permit application and maintained in the building permit files of the Building Division.
2. **Application for Permit.**
   a. The application for a sign permit shall be made in writing on forms furnished by the City and shall be signed by the owner of the property on which the sign is to be located.
   b. No sign permit shall be issued for a sign to be connected to an electrical source unless the applicant provides a copy of an electrical permit issued by the City.
3. **Limitations.**
   a. No internal illumination shall be permitted as the commercial as the commercial site area is adjacent to residential areas.
   b. Wall signs may have white accent lighting or downward facing external lighting.
   c. Freestanding signs will be limited to monument signs.
   d. Pole signs shall not be permitted.

Access, Circulation and Parking

Collector streets will provide the primary circulation from the north end of the site to the south end of the site and links the eastern and western boundaries permitting maximum connectivity to and with the adjacent sites. Circulation is intended to provide connectivity to major transportation corridors adjacent to the site and thereby permits adjacent sites to least one main entrance to any single family attached or multi-family circulate through this area to alternate arterial passages. The site has the potential to link adjacent properties with pedestrian ways for use in both recreation and commuter purposes. The design will permit efficient public safety connections as well as connections that will benefit the general public as adjacent properties eventually develop. Desired connectivity can be provided and reduction of pressures on adjacent arterials is possible, while designing access to those arterials at appropriate locations.

Performance Standards

A. Purpose. These performance standards and normative guidelines shall apply to all development, including single family and two-family development, and are intended to ensure that the parking lots, access drives, and pedestrian and bicycle facilities outside public rights-of-way are well designed with regard to safety, efficiency and convenience, both within development sites and to and from surrounding areas. Sidewalk and/or bicycle facilities may be required to extend off-site based on needs created by a proposed development.

B. General Performance Standards.

1. The parking and circulation system within each development shall accommodate the movement of vehicles, bicycles, pedestrians and transit throughout the proposed development and to and from surrounding areas, safely and conveniently, and shall contribute to the attractiveness of the development. The on-site pedestrian system shall provide adequate directness, continuity, street crossings, visible interest and security as defined by these performance standards and normative guidelines. The on-site bicycle system shall connect to the City's on-street bikeway network. Connections to the City's off-road trail system shall be made, to the extent reasonably feasible.
2. Backing and turning movements associated with parking layout shall not obstruct or conflict with traffic, either on or off-site.
3. All parking lots containing three or more parking spaces shall be designed to provide adequate room to allow vehicles to turn around and traffic controlled therein so all vehicles are able to travel in a forward direction when entering an adjoining public right-of-way, excluding rights-of-way for alleys.
4. Parking features, such as parking stalls and access drives, shall be clearly and permanently defined on the parking surface.
5. Curbs, wheel stops or other barriers shall be provided in parking lots to prevent vehicles from extending beyond the perimeter of the parking lot and to prevent vehicles from contacting a wall, fence, sidewalk, or landscaping.
6. Parking lots shall be designed using the angles, layout and dimensions shown below unless other angles, layout or dimensions have been approved by the City Engineer.
7. All off-street parking lots, including loading, maneuvering and access drives, shall be paved with asphalt, concrete or similar material approved by the City Engineer, except that such parking areas on a lot on which a single family detached dwellings and two-family dwellings is being developed or redeveloped and areas designated for outdoor storage shall be surfaced with asphalt or concrete, compacted gravel or other surfacing that does not create dust.
8. All off-street parking areas shall be unobstructed and free of other uses. No part of an off-street parking required for any building or use to comply with the provisions of this section shall be included as part of an off-street parking area similarly required for another building or use and no part of an off-street parking area required for any building or use to comply with the provisions of said section shall be converted to any use other than parking area unless additional parking area is provided to replace such converted parking area and to meet the requirements of any use to which such parking space is converted.
9. Unobstructed vehicular access to and from a public street shall be provided for all off-street parking lots. Vehicular access shall be provided in such manner to protect the safety of persons using such access or traveling in the public street from which such access is obtained and to maintain the traffic-carrying capacity of the public street from which such access is obtained.
10. Required off-street parking areas shall be located on the same lot or premises as the building or use for which such spaces are required unless otherwise approved by the Director for shared parking or remote parking.
11. Off-street guest parking spaces for multi-family dwellings shall be located no more than two hundred (200) feet from any dwelling unit intended to be served by such parking space.
12. Light fixtures provided for any off-street parking lot adjacent to a residential use or residentially zoned area shall shield the source of light from sight and prevent the spillover of direct light onto such use or zoned area, while still providing security to motorists, pedestrians and bicyclists.
13. The property owner shall be responsible for maintaining any parking lot in good condition and free of refuse and debris.
14. All off-street parking lots with ten (10) or more spaces shall be screened.
15. All off-street parking lots with fifteen (15) or more spaces shall contain interior parking lot landscaping.
16. Sidewalks along public streets shall be designed, constructed, and maintained in accordance with the City of Loveland Street Standards.
17. All lighting poles in commercial areas will be 20 feet in height or less. All lighting will be downward facing and full cut off.

C. General Normative Guideline. No required parking space should be located more than three hundred (300) feet from the use which generates the parking space needs.

D. Vehicular Access.

1. **Performance Standards.**
   a. All development shall be subject to the requirements for obtaining City approval of the design, number and location of vehicular accesses of the City Street Standards.
   b. Approval of any particular design plan by the City shall not relieve the developer of the responsibility to comply with the requirements of this subsection.
   c. Access and associated site design configuration shall meet the requirements set forth in the City of Loveland Street Standards.
   d. Fire apparatus access roads shall be provided and maintained in accordance with the provisions of the Loveland Municipal Code.
   e. Every access to a state highway shall comply with the State Highway Access Code.
2. **Normative Guidelines.**
   a. It is the policy of the City to protect the mobility of through traffic on non-local streets by restricting the number of access points to private property to a minimum. However should it be necessary for the efficient development of private property, more than one access to a public street may be permitted when the additional access will not be hazardous to future safety and operation of the street, and the additional access is necessary to promote the safe, efficient and free flow of traffic on and off-site, as determined by the City Engineer.

E. Parking Lot Layout.

1. **Performance Standards.**
   a. Parking lots shall be designed and constructed to meet the following objectives;
      (1) Provide well-defined, safe, convenient, and functional circulation routes for vehicles, bicycles and pedestrians.
      (2) Minimize conflicts between pedestrian and vehicular traffic.
      (3) Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.
      (4) Logically connect adjacent properties.
      (5) Provide for emergency vehicle access and prevent access to service areas or loading zones from obstruct emergency vehicle access drives.
      (6) Provide adequate space to allow the staging of fire fighting efforts.
      (7) Install standard traffic control signs and devices to direct traffic where necessary within a parking lot.
      (8) Provide users the necessary sight distances, parking lot stacks, and traffic control devices to ensure the safest and most predictable system of parking and circulation.
   b. The parking lot layout shall specifically address the interrelation of pedestrian, vehicular and bicycle circulation in order to provide continuous, direct pedestrian access with a minimum of driveway and access drive crossings.

2. **Normative Guidelines.**
   Parking and landscape design shall conform with the Loveland Site Development Performance Standards (SDPS).

F. Safety Considerations.

1. **Performance Standards.**
   a. Parking lots, access drives, and landscaping shall be designed to provide adequate site distances for safe and efficient movement of pedestrians, bicycles and vehicles.
   b. To the maximum extent feasible, pedestrians shall be separated from vehicles and bicycles.
   c. Parking lots and access drives, including access drives to loading zones and service areas, shall be designed so that there is no vehicle queuing into a public right-of-way.
2. **Normative Guidelines.**
   a. Sight distance triangles should be calculated, in accordance with the procedures set forth in the City of Loveland Street Standards, for all intersection of access drives, access drives and pedestrian walkways, access drives and bicycle lanes or trails, and access drives and public streets.
   b. The design speeds for roadways set forth in the City Street Standards shall be used for the purposes of calculating such sight distance triangles.
   c. No plants, foliage, wall, fence, or sign, higher than twenty-four (24) inches above the top of the curb should be located within a sight distance triangle and all trees located within a sight distance triangle should be limbed to a height of eight (8) feet.
   d. Where complete separation of pedestrians from vehicles and bicycles is not possible, potential hazards should be minimized by the use of techniques such as special paving, grade separations, pavement marking, signs or striping, bollards, median refuge areas, traffic calming features, landscaping, lighting or other means to clearly delineate pedestrian areas, for both day and night use.
   e. Where pedestrians and bicyclists share walkways, the pedestrian/bicycle system should be designed to be wide enough to easily accommodate the amount of pedestrian and bicycle traffic volumes that are anticipated. A minimum width of eight (8) feet shall be required for such shared walkways and such walkways shall meet American Association of State Highway and Transportation Officials (AASHTO) guidelines, Guide for Development of Bicycle Facilities, as amended. Additional widths, of up to four feet, may be required to accommodate higher volumes of bicycle and pedestrian traffic within and leading to development sites in the BE, B, RA, NC, and E zoning districts and leading to recreational, institutional, civic, and public uses.
   f. Development plans should include site amenities that enhance safety and convenience and promote walking or bicycling as an alternative means of transportation. Site amenities may include drinking fountains, canopies and benches.

G. Curb cuts and Ramps Performance Standards.

1. Curb cuts and ramps shall be located at convenient, safe locations for the physically disabled, for bicyclists and for people pushing strollers or carts.
2. The location and design of curb cuts and ramps shall meet the requirements of City Street Standards and the Americans With Disabilities Act and shall avoid crossing or funneling traffic through loading areas, drive-in lanes and outdoor trash storage/collection areas.

H. Walkways.

1. **Performance Standards.**
   a. Walkways within a development site shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration that does not provide such direct pedestrian access. Walkways shall link street sidewalks with building entries through parking lots.
   b. Where it is necessary for the primary pedestrian walkway to cross access drives, the pedestrian safety shall be given a priority. The material and layout of the pedestrian access shall be continuous as it crosses the access drive, with a break in continuity of the access drive paving and not in the pedestrian walkway surface.
2. **Normative Guidelines.**
   a. Pedestrian walkways in parking lots should be separated from the surface of the parking lot with an elevated paved surface not less than five (5) feet in width.
   b. Pedestrian walkways in parking lots should be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas and landscaping.

I. On-Site and Off-Site Pedestrian and Bicycle Facilities Connections Performance Standards.

1. The pedestrian and bicycle circulation system required on a development site shall be designed to provide, or allow for, direct connections to off-site pedestrian and bicycle facilities providing access to major destinations including, but not limited to, parks, schools, neighborhood and convenience shopping centers, and transit stops that are located either within the development or adjacent to the development.
2. The pedestrian and bicycle circulation system required on a development site shall provide, or allow for, on-site connections to existing or planned off-site pedestrian and bicycle facilities at points necessary to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations located within the neighborhood. In order to provide direct pedestrian connections to these destinations, the City may required the developer to construct additional sidewalks or walkways not associated with a street, or an extension of a sidewalk from the end of a cul-de-sac to another street or walkway.

J. Shared Parking.

1. **Performance Standards.**
   a. Shared parking may be allowed only if such spaces are provided collectively by two (2) or more buildings or uses on adjacent lots in a single parking lot located within the boundaries of those adjacent lots, and the total number of parking spaces provided is equal to the number of spaces required collectively for the uses sharing the parking.
   b. Once established, shared use of a parking lot shall continue until the properties which share parking spaces are, independently, in compliance with the access, parking and circulation requirements in this section.
   c. The establishment or discontinuance of any shared use of a parking lot shall be subject to approval of an appropriate Development Plan by the City.
2. **Normative Guideline.** If the City determines that insufficient information is available concerning a shared parking plan, the property owners requesting shared parking should provide the City with a parking accumulation study. Parking accumulation studies should: analyze the compatibility, size, type, safety and configuration of existing and proposed shared parking; analyze peak parking demands for similar existing facilities with shared parking; and project the parking space needs for weekly, monthly and annual peak hour periods.

L. Required Number of Off-Street Parking Spaces

Parking space allocations to be based on standards in the Loveland Municipal Code and the City of Loveland Site Development Performance Standards and Guidelines.

Supplemental Regulations

Child Care Centers, Group Care and Child Day Care Facilities.

Shall comply with the Lovelannd Municiple Code.

Temporary Uses.

A. Applicability. The standards and requirements in this section shall apply to the establishment, reestablishment and continued operation subsequent to the adoption of these provisions of the following temporary uses:

1. **Temporary Merchant.** Any person who engages in the business of selling, offering for sale, or soliciting orders for goods or services from a single location, including, but not limited to, the sale of Christmas trees, fireworks, pumpkins, produce, rugs, art work, and animals, and recycling containers. The site on which a temporary merchant engages in such business may contain outdoor display and sales areas and display structures.
2. **Temporary Construction Office.** A mobile office unit located on a lot where construction activity authorized by the City is occurring and the office is not accessible by the general public.
3. **Residential Sales Offices.** A mobile office unit or model home used by sales personnel to market and sell residential properties within the same subdivision in which the temporary sales office is located. No properties may be marketed or sold from a temporary sales office that are not located within the same subdivision as such temporary sales.
4. **Temporary Expansion of Use.** A modular or mobile building used to expand a permanent building containing a principal use, including but not limited to temporary school classrooms and offices.
5. **Temporary Establishment of Use.** A modular or mobile building used to establish a principal use on a vacant lot prior to construction of the permanent building for such use.

C. Permit Requirements. No temporary use shall be conducted in the City unless such use has been authorized by the City through the issuance of a "temporary use permit" in accordance with the procedures outlined in the Loveland Municipal Code.

D. Additional Standards For Certain Temporary Uses.

1. **Temporary Construction Office.**
   a. Temporary construction offices shall be permitted only on lots where construction activity is, or will be, occurring, pursuant to authorization by the City. No temporary construction office shall be installed on a construction site until the City has granted authorization for such construction activity.
   b. If a mobile office unit is used to establish a temporary construction office, then such office unit shall comply with the City Code.
2. **Residential Sales Offices.**
   a. Residential sales offices shall be located only within the residential subdivision containing the properties being marketed and sold from such sales office.
   b. If a mobile office unit is used to establish a residential sales office, then such office unit shall comply with the City Code.
   c. Sales offices located in a model home shall comply with the City Code.
   d. Each subdivision shall be allowed only one sales office in either a mobile office unit or model home for purposes of sale of lots or dwelling units within the subdivision.
   e. No temporary use permit shall be issued for a residential sales office unless a Site Plan meeting the standards set forth in the development application informational requirements master list is approved by the City.
   f. Residential sales offices shall meet the requirements of the City Building Code, the American Disabilities Act, and the City Fire Code.
   g. At the discretion of the Director, the lot containing the sales office shall be landscaped to be consistent with the character of a residential neighborhood.

E. Time Limits for Temporary Use Permits. The time limits set forth in the City Code shall apply to temporary use permits.

F. Termination and Removal of Temporary Uses.

1. If the active and continuous display and sale of merchandise or the provision of a service is not carried on as a temporary use during a period of thirty (30) days, the temporary use shall be terminated and shall be removed from the site. Removal shall occur within ten (10) days of the expiration of the thirty (30) day period.
2. Upon vacating the premises, the site shall be left in a condition that is equal to or better than the appearance of the site prior to the establishment of the temporary use.

GDP RESUBMITTAL DATE APRIL 6, 2006

NOTICE: DUTY OF COOPERATION - Release of these plans contemplates further cooperation among the owner, his contractor, and the architect. Design and construction are complex. Although the architect has performed their services with due care and diligence, they cannot guarantee perfection. Communication is imperfect so contractor should promptly notify the architect of any discrepancies or omissions he discovers in the plans or specifications. Failure to notify the architect deprives the architect of the opportunity to correct the problem and may increase the cost of construction. Contractor should not proceed in the face of uncertainty until clarification is obtained. Any changes made in the plans or specifications without the architect's consent relieves the architect of responsibility for the professional sealed drawings to the extent the changes are involved in causing subsequent problems. Contractor agrees to indemnify and hold harmless the architect from claims arising out of changes made by anyone other than the architect.

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revisions
1 11-21-05 City Comments
2 12-19-05 City Comments
3 3-15-06 City Comments

kenney & associates ARCHITECTS LLC
(970) 663-0548

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN
LOVELAND COLORADO

Loveland • Colorado

NARRATIVE

date 04/06/2006
drawn DRS
checked TEH
job no. 05-018

sheet 4 of 7

CC EXHIBIT A

PC ATTACHMENT 5

The password to the public access wireless network (colquest...

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN
BEING AN GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

GDP NARRATIVE

Temporary Uses (continued)

G. Modifications. Changes or modifications to a temporary use permit shall require the submittal of a new application, paying of all application review fees, and approval of a new temporary use permit, except that the Director may authorize minor variations in the location of structures or improvements caused by engineering or other unforeseen difficulties. Such changes or modifications authorized by the Director shall not modify the character or use of an approved temporary use permit. The Director may require the applicant to submit a revised Site Plan.

H. Appeals. The applicant for a temporary use permit may appeal decisions of the Director to the Planning Commission in accordance with the provisions of the City Code.

I. Enforcement.
1. It shall be unlawful for the owner of any property subject to temporary use permit issued by the City to allow such use to be operated in any manner other than in compliance with such permit and the standards set forth in this section.
2. The applicant for all uses subject to the requirements of this section and for which a temporary use permit has been issued by the City shall display such permit in a manner making such permit readily visible. If such permit is not displayed in accordance with this requirement, the City may require the immediate termination and removal of the temporary use and all appurtenances associated with such use.

Accessory Buildings, Structures, and Uses.

A. General Standards. Accessory buildings, structures, and uses shall meet the following general standards:
1. Any accessory building, structure, or use shall be clearly subordinate in area, extent, and intensity and incidental to the principal use on a lot.
2. Any accessory building, structure, or use shall be located on the same lot as the principal use.
3. Any accessory building, structure, or use shall be customary in connection with the principal use and ordinarily located on the same lot as the principal use.

B. Examples. Accessory buildings, structures, and uses shall include, but not be limited to, the following:
1. Home occupations;
2. Private swimming pools, recreation facilities, and clubhouses;
3. Family foster care for up to four (4) children unrelated to the caretaker for regular twenty-four-hour care, provided that such children are received from any state-operated institution for child care or from any child placement agency as defined in Section 26-6-102(2), C.R.S.;
4. Private tennis courts;

Yards.

A. Restrictions and Allowances.
1. Except as provided in paragraph (2), below, no building, structure, or parking lot shall be located within any yard required pursuant to this section.
2. The following structures and features may be located within a required yard:
   a. Trees, shrubbery or other features of natural growth;
   b. Fences, hedges, and walls;
   c. Driveways and sidewalks;
   d. Signs;
   e. Bay windows, architectural design embellishments and cantilevered floor areas that do not project more than two 2 feet into the required yard or setback, are not more than ten (10) feet in length, and do not encroach into a public easement;
   f. Eaves that do not project more than three (3) feet into the required yard or setback;
   g. Open outside stairways, entrance hoods, terraces, canopies and balconies that do not project more than five (5) feet into a required front or rear yard or setback, and not more than two (2) feet into a required side yard or setback, provided they do not encroach into a public easement;
   h. Chimneys, flues and residential ventilating ducts that do not project more than two (2) feet into a required yard or setback, are not placed so as to obstruct light and ventilation, and do not encroach into a public easement;
   i. Utility lines, wires and associated structures.
   j. Parking lot ingress and egress drives.
3. When an existing yard is reduced as a result of conveyance for a public use and the remaining yard is at least seventy-five (75) percent of the required minimum, then the yard remaining shall be deemed to be in compliance with the minimum requirements for such yard.
4. In the case of corner lots, the owner shall designate the front lot line for purpose of establishing the front yard for buildings and structures. Once designated, any change in the designation may be permitted only as part of an approved redevelopment application. No such change in designation shall be approved that creates nonconforming buildings or structures with respect to encroachments into yards.
5. Solar energy devices, including but not limited to, overhangs, movable insulating walls and roofs, detached solar collectors, sun reflectors and piping, may extend not more than three (3) feet into a required yard.
6. To maximize the amount of open space on a lot and allow beneficial use of property, the Director may approve a reduction, up to a twenty (20) percent, in the width of a yard, provided the Director finds that adequate light and air are preserved to adjoining properties, the fire protection standards for non-rated structures are met, and open space and property values are maintained. Any reduction greater than twenty (20) percent of the width otherwise required shall be subject to approval of a variance per the City Code.

Setback Table

Type	Setback		
	Front	Rear	Side
Single Family Detached	20'*	15'*	5'*
Two Family Dwellings	20'*	15'*	5'*
Attached Single Family	20'*	15'*	5'*

* See exceptions below.

B. Residential Yard Requirements.

1. Single Family Detached Dwellings.
   a. **Front.** The minimum front yard shall be fifteen (15) feet, except that the front yard shall be twenty (20) feet for garages where a vehicle access door faces the front street.
   b. **Rear.** The rear yard for principal buildings and accessory buildings exceeding twelve (12) feet in height shall be fifteen (15) feet. The rear yard shall be five (5) feet for accessory buildings not exceeding 12 feet in height.
   c. **Side.** The side yard shall be one (1) foot for each three (3) feet, or fraction thereof, of building height, but not less than five (5) feet. On corner lots the minimum side yard adjacent to the side street shall be fifteen (15) feet, except the minimum yard for a garage shall be twenty (20) feet where a vehicle access door faces the side street.

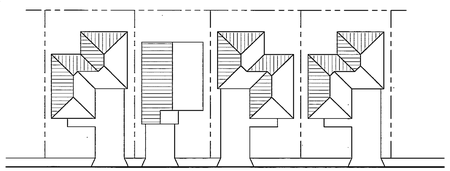
2. Two-Family, Patio and Condominium Detached Dwellings.
   a. **Front.** The minimum front yard shall be fifteen (15) feet, except that the front yard shall be twenty (20) feet for garages where a vehicle access door faces the front street. Where more than two (2) two-family dwellings are located adjacent to each other, the front yard dimension shall be varied by at least four (4) feet and no front yard shall be less than fifteen (15) feet.
   b. **Rear.** The rear yard for principal buildings and accessory buildings exceeding twelve (12) feet in height shall be fifteen (15) feet. The rear yard shall be five (5) feet for accessory buildings not exceeding 12 feet in height. The rear yard for a garage not exceeding 12 feet in height and located adjacent to an alley shall be ten (10) feet.
   c. **Side.** Zero lot lines shall be permitted within patio home areas, provided that at the time of preliminary plat, ten foot side lot utility easements are provided to ensure meter locations and underground utility lines may be located as desired by the Power Department of the City of Loveland. In addition, shrubs, trees, fences, driveways, and other features that will interfere with the trenching or maintenance of the utility lines may not be located within the utility easement area. Eaves, window wells and other architectural features may not extend into the utility easement area or over property lines. The City of Loveland shall not be responsible for repair or replacement of any of the items listed above in order to install or repair utility lines and associated equipment within these utility easement areas. Zero lot lines shall not be permitted on exterior lot lines.

3. Single Family Attached Dwellings and Condominiums.
   a. **Front.** The minimum front yard shall be fifteen (15) feet, except that the front yard shall be twenty (20) feet for garages where a vehicle access door faces the front street and where more than two (2) single family attached dwellings are located adjacent to each other, the front yard dimension shall be varied by at least four (4) feet and no front yard shall be less than fifteen (15) feet.
   b. **Other Yards.** For development plans containing more than fifteen thousand (15,000) square feet the minimum yard between any building and any boundary of the development plan shall be two (2) feet for each three (3) feet, or fraction thereof, of building height, but not less than fifteen (15) feet for principal buildings and accessory buildings, including garages. For development plans containing less than fifteen thousand (15,000) square feet the minimum yard between any building and any boundary of the development plan shall be one (1) foot for each three (3) feet, or fraction thereof, of building height, but not less than fifteen (15) feet for principal buildings and accessory buildings, including garages.

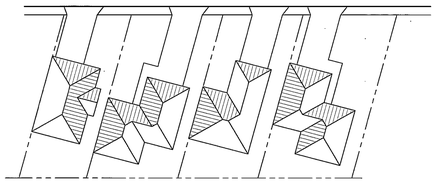
4. Convenience Commercial.
The minimum distance of any building from a street right-of-way or zoning district boundary line shall be twenty (20) feet. The minimum distance of any building to an alley right-of-way or public alley easement boundary line shall be fifteen (15) feet.

C. Non-Residential Yard Requirements.
1. **Exceptions.** The standards in this subsection (C) shall apply to all non-residential development.
2. **Standards.**
   a. **Arterial Street.** Minimum yard width shall be thirty-five (35) feet measured from an arterial street right-of-way.
   b. **Non-Arterial Street.** Minimum yard width shall be twenty-five (25) feet measured from a non-arterial street right-of-way.
   c. **Alley.** Minimum yard width shall be five (5) feet measured from an alley right-of-way or public alley easement.
   d. **Other Yards.** Minimum yards other than as set forth in paragraphs (a), (b), (c), and (d), above, shall be the greater of the following, except that there shall be no yard requirements adjacent to any portion of a lot line located between two commercial/retail uses:
      (1) Minimum of twenty (20) feet;
      (2) One (1) foot for every foot of building height.
   e. **Parking Lots.** Parking lots shall be setback a minimum of five (5) feet from the lot line of an adjacent non-residential uses and a minimum of twenty (20) feet from the lot line of an adjacent residential uses, other than a mixed-use residential dwelling, except that the setback shall be zero (0) feet along a lot line between buildings or uses with shared parking areas.

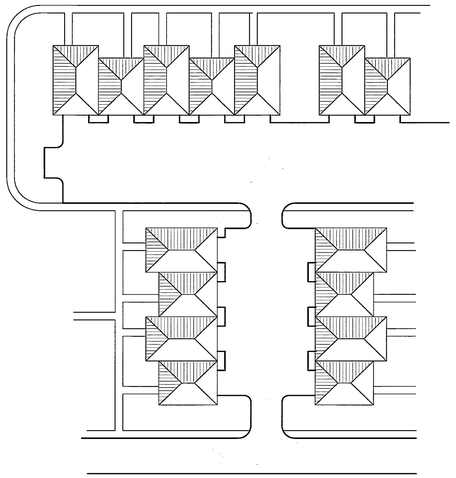
Building Height.
Buildings shall utilize the building height regulations set forth in the Zoning Ordinance of the Loveland Municipal Code.



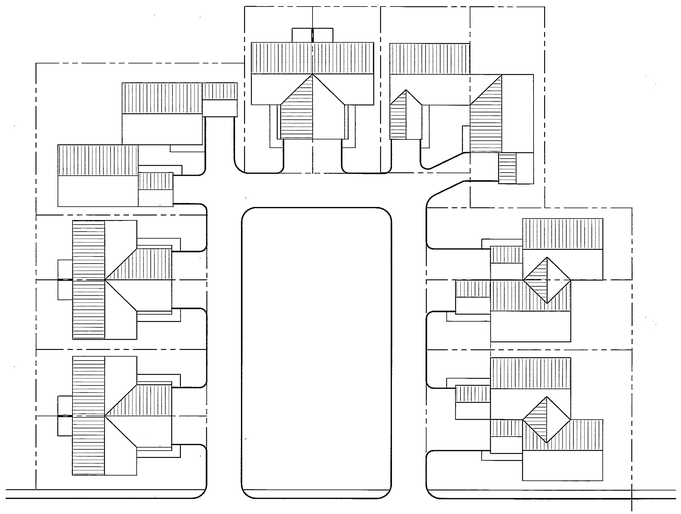
PATIO HOME (CONDO) CONCEPT NO SCALE



PATIO HOME (CONDO) ZERO LOT CONCEPT NO SCALE



ATTACHED SINGLE FAMILY OR CONDOMINIUM CONCEPT NO SCALE



TWO-FAMILY DWELLING CONCEPT NO SCALE

GDP RESUBMITTAL DATE APRIL 6, 2006

NOTICE: DUTY OF COOPERATION - Release of these plans contemplates further cooperation among the owner, his consultants and the architect. Design and construction are complex. Although the architect and his consultants have performed their services with due care and diligence, they cannot guarantee perfection. Commercial construction is a highly competitive field and the architect cannot be responsible for the quality of the contractor's performance or his compliance with the contract documents. Construction means shall be the contractor's responsibility. The architect's review of the contractor's submittals shall be only for conformance with the design concept of the project and compliance with the information given in the contract documents. The architect shall not be responsible for the contractor's means, methods, techniques, sequences or procedures of construction or safety precautions and programs in connection with the work. The architect shall not be responsible for the contractor's failure to perform the work in accordance with the contract documents. The owner agrees to make no claim against the architect and to indemnify the architect for any claims against the architect arising out of the performance of the contractor. The architect shall not be responsible for any acts or omissions of the contractor, subcontractor, any of their agents or employees, or any other persons performing any of the work.

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kenney associates ARCHITECTS LLC
(970) 663-0548

revisions
1 9-19-06 City Comments
2 12-18-06 City Comments
3 11-21-06 City Comments

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN
LOVELAND COLORADO

NARRATIVE

date 04/06/2006
drawn DRB
checked TEH
job no. 06-016

Loveland • Colorado

sheet 5 of 7

The password to the public access wireless network (colquest...

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN

BEING AN GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

Conditions of Approval

Power

1. For all multiplex buildings of three units or more, electric meters will be located centrally on or near the building, and the developer or his representative will be responsible for installing and maintaining the underground electric service to the meter per the National Electric Code. If Water and Power requirements for location of meters and other electrical equipment can be met on multiplex Town homes, the Town homes will have individual services and meters per City code.
2. Five foot rear lot utility easements and five foot side lot utility easements for continuity are required for the installation of cable and telephone utilities. Joint trench with electric is not allowed in residential areas. Fourteen foot front lot utility easements are required on all streets.

Water/Wastewater

1. The Developer shall execute an agreement, with the City, stipulating responsibilities of cost sharing, timing, construction, design and other matters related to water booster station and infrastructure requirements which facilitate adequate service to areas of the proposed P.D.P., within BPZA. The agreement shall be executed and finalized prior to approval of the Final Plat and Final Development Plan.

Storm water

1. The Developer shall provide detention pond preliminary and final designs such that the detention ponds will collect 100-year developed storm water runoff from the subdivision and release the detained storm water runoff at the 2-year rate in accordance with City of Loveland criteria found within UD&FCD Volume 2 Table SO-1.
2. The Developer shall provide on the preliminary and final plats wording associated with the existing City of Loveland Regional Detention Pond expansion such that the expansion within the Lee Farm Addition is "Dedicated to the City of Loveland, Colorado by this Plat and drainage infrastructure within the Regional Detention Pond shall be maintained by the City."

Fire Prevention

1. All garage areas shall have heat detectors installed. Only garages protected by an automatic fire sprinkler system do not require heat detection

Parks and Recreation

1. The developer shall dedicate a maximum 30' wide pedestrian easement for the Recreational Trail prior to FDP approval. Final easement size and location will be determined at time of PDP.
2. The developer shall dedicate a maximum 30' wide pedestrian easement for the Regional County Trail prior to FDP approval. Final easement size and location will be determined at time of PDP.
3. The developer shall dedicate an adequately sized easement for the Recreational Trail underpass for Wilson Avenue. The easement size and location shall be determined at time of PDP and shall minimize the need for retaining walls and meets ADA requirements.
4. The developer shall construct a 10' wide combined trail/sidewalk, meeting City of Loveland trail and sidewalk walk standards, the entire length of the west property line along Wilson Avenue and connecting into the future underpass.

Engineering

1. All future development within this GDP shall comply with the Larimer County Urban Area Street Standards (LCUASS) adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of a site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.
2. Notwithstanding any conceptual information presented in the GDP submittal; street layout, street alignments, access locations, intersection configurations and intersection operations (traffic controls) shall be determined at the time of application for site specific development.
3. Notwithstanding any information presented in the Master Traffic Impact Study for the GDP, the developer shall provide any additional traffic information, corrections, revisions and analysis required by the City to verify compliance with the Adequate Community Facilities ordinance at the time of application for site specific development plan review and approval. Future traffic impact studies for site specific development plans shall use a study area determined by considering the cumulative trip generation within the entire GDP (i.e. – traffic from the proposed use plus traffic from previously approved site specific development plans).
4. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the dedication(s) shall be as follows:
   a. Right-of-way for 43rd Street and Wilson Avenue shall be dedicated prior to the recording of the annexation.
   b. Right-of-way for Cascade and 35th Street shall be dedicated prior to, or concurrent with, approval of the first development application within this addition.
4. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific development applications within this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.
5. The ultimate roadway improvements, including sidewalk, adjacent to the property for 43rd Street and Wilson Avenue shall be designed and constructed by the developer, unless designed and constructed by others. A cash-in-lieu payment may be accepted for all or part of the improvements, if approved by the City Engineer. The timing and detailed scope of these improvements will be determined through review and approval of the site specific development plans.
6. No parking will be allowed on 35th Street within this GDP. Additionally, no house or driveway shall front onto 35th Street within this GDP.
7. Cascade Avenue shall be designed and constructed to the LCUASS 2-lane arterial roadway standards within this GDP unless otherwise modified on the adopted Transportation Plan.

Site Lighting

1. No light poles shall exceed twenty-five (25) feet in height. All lights shall include full cut off. No SAG lenses are allowed.

Current Planning

1. Within Area A, a minimum of 15.0 acres shall be developed as a land use other than single family detached dwellings and as otherwise permitted in Area A, unless the applicant demonstrates, and the Current Planning Manager concurs, that at time of PDP there is not a sufficient market for such other land use.
2. Staggered setbacks shall be incorporated within the single-family areas. A setback matrix shall be included in the preliminary development plan submittals that contain single family uses.
3. Garages for paired residential units shall not extend more than 12 feet beyond the front of the façade of the living portion of the dwelling.
4. All lots along local streets shall have one tree and corner lots shall have one tree per street frontage planted prior to the issuance of a certificate of occupancy.
5. Any application for any preliminary development plan in which a wetland is located shall not be considered complete by the City unless the application includes correspondence with or a copy of any permit required by the Army Corps of Engineers for disturbance of a wetland.
6. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that the existing wetlands will be preserved in a condition similar to its present state. To preserve the wetlands, the applicant shall submit a report detailing potential impacts of the development on the wetlands and include mitigation measures to address these impacts. At a minimum, the report shall address the post-development water regime of the wetlands and buffering proposed for water quality and wildlife habitat around the wetlands.
7. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that there is no net loss in the extent to which the existing wetlands with the Lee Farm Addition would retain the quantity and quality of storm water runoff prior to being discharged.
8. Any application for a preliminary development plan within Area E (wetland area) shall include a complete updated Environmentally Sensitive Area Report by a qualified professional. No development shall be approved in areas identified in said reports as wetland or otherwise environmentally sensitive or buffer areas recommended in said report.
9. No private lots shall extend into existing or developed wetlands or other environmentally sensitive areas or within the buffers established as part of the mitigation and protection of these wetlands and other environmentally sensitive areas.
10. Garage doors for single-family detached dwellings shall not comprise more than 40% of the ground floor street-facing linear building frontage. Single-family dwellings on lots less than 65 feet wide, measured at the front building setback, shall not be permitted a garage where garage doors for more than two (2) cars are visible as part of the building elevation facing any adjacent street.
11. On lots with less than 65 feet of frontage on a public street, garage doors that are visible as part of the front building elevations shall be recessed behind either the front façade of the living portion of the dwelling, or a covered porch by at least four feet. Covered porches referred to herein shall measure at least eight feet across the front of the building by six feet deep.
12. Buffer yards. The Developer shall install all curbside buffer yards, common open space, private walks and/or paths and other open space and/or private park amenities, including all fences and/or walls located in, or along the edge of, buffer yards and open space. These improvements shall be installed prior to issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the Developer with the City. All formal landscaped areas shall be irrigated by a permanent, automatic irrigation system.
13. All areas shown as irrigated turf in the approved landscape plan shall be landscaped using drought tolerant species. All components of irrigation systems, except for sprinkler heads and control boxes, shall be buried at sufficient depth below ground surface to insure that normal open space maintenance measures will not damage the irrigation system.
14. A Type D landscape buffer yard shall be installed by the developer for all double frontage residential lots in the development. For purposes of meeting this requirement, the street trees for said buffer yards may be planted at spacing no greater than thirty-five feet on center and the buffer yard shall be a minimum width of 20 feet.
15. The Developer shall plant the tree lawn along both sides of all interior arterial or collector streets with street trees and sod. The trees in the tree lawn shall be considered as a part of the required buffer in 14 above. These trees shall be planted at 30-40 foot regular spacing except to allow for necessary driveways. Permanent irrigation shall be included in this installation to insure the health and vitality of the sod and trees. The sod and street trees shall be planted before issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the developer with the City.
16. All private walks and/or paths and other open space and/or private park amenities shall be installed by the developer before issuance of the first building permit in that construction phase, unless adequate financial security is filed with the City.
17. Erosion control fence. Before any grading or other disturbance to any portion of the land within Lee Farm, a temporary 4 foot mesh fence and erosion control fence, or a continuous anchored hay bale fence, shall be installed by the Developer. For those areas for which modification and/or enhancements are expressly approved by the City and/or ACOE, the fence shall be installed by the Developer after completion of all approved modifications and/or enhancements.
18. Solid fences. Solid material fences, as defined in Chapter 18.48 of the Municipal Code, as amended, shall not be allowed in the front yard of any residential lot. No solid material fences shall be installed on any lot closer to any street that abuts the side of said lot than the minimum side yard setback on the lot.
19. Open space landscaping. Developer shall ensure that the owner(s) of the common open spaces shall maintain all landscape or other improvements approved by the City in good condition at all times. Maintenance shall include, but not be limited to, appropriate irrigation, replacement of dead or dying plants, regular repair and flushing of irrigation systems, replacement of mulch and weed fabric, and control of weeds.
20. Lots on the southern side of Lee Farm that abut either the Vanguard Famleco 9th or Vanguard Famleco 13th Subdivisions shall be substantially the same size as the lots within Vanguard Famleco 9th and Vanguard Famleco 13th prior to staff sign off.
21. Lots that abut the Buck Addition within the bubble B-1 shall be single family detached units.

CONCEPTUAL LARGE LOT CLUSTER LAYOUT NO SCALE

CONCEPTUAL CONVENIENCE COMMERCIAL ELEVATIONS

GDP RESUBMITTAL DATE APRIL 6, 2006

kenney & associates ARCHITECTS LLC
(970) 663-0548

revisions
1 8-15-05 City Comments
2 10-18-05 City Comments
3 11-21-05 City Comments

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN
LOVELAND COLORADO

date 04/06/2006
drawn DRS
checked TEH
job no. 05-018

NARRATIVE

sheet 6 of 7

Loveland • Colorado

NOTICE: DUTY OF COOPERATION - Release of these plans contemplates further cooperation among the owner, his consultant, and the architect. Design and construction are complex. Although the architect and his consultants have performed their services with due care and diligence, they cannot guarantee perfection. Cooperation will be required to resolve minor discrepancies and omissions. Owner agrees to bear the time and expense necessary for such cooperation and not to make claims against the architect and his consultants for such time and expense. Owner also agrees to hold the architect and his consultants harmless and indemnify them against all claims arising out of the performance of professional services after construction documents are released. Any changes made by the owner or others from the plans without the written consent of the architect shall relieve the architect of all responsibility for the professional services rendered and shall make any and all warranties implied or otherwise, null and void. Owner agrees to make payment to the architect for all professional services rendered in accordance with the agreement between owner and architect whether construction is completed or not.

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The password to the public access wireless network (colguest...

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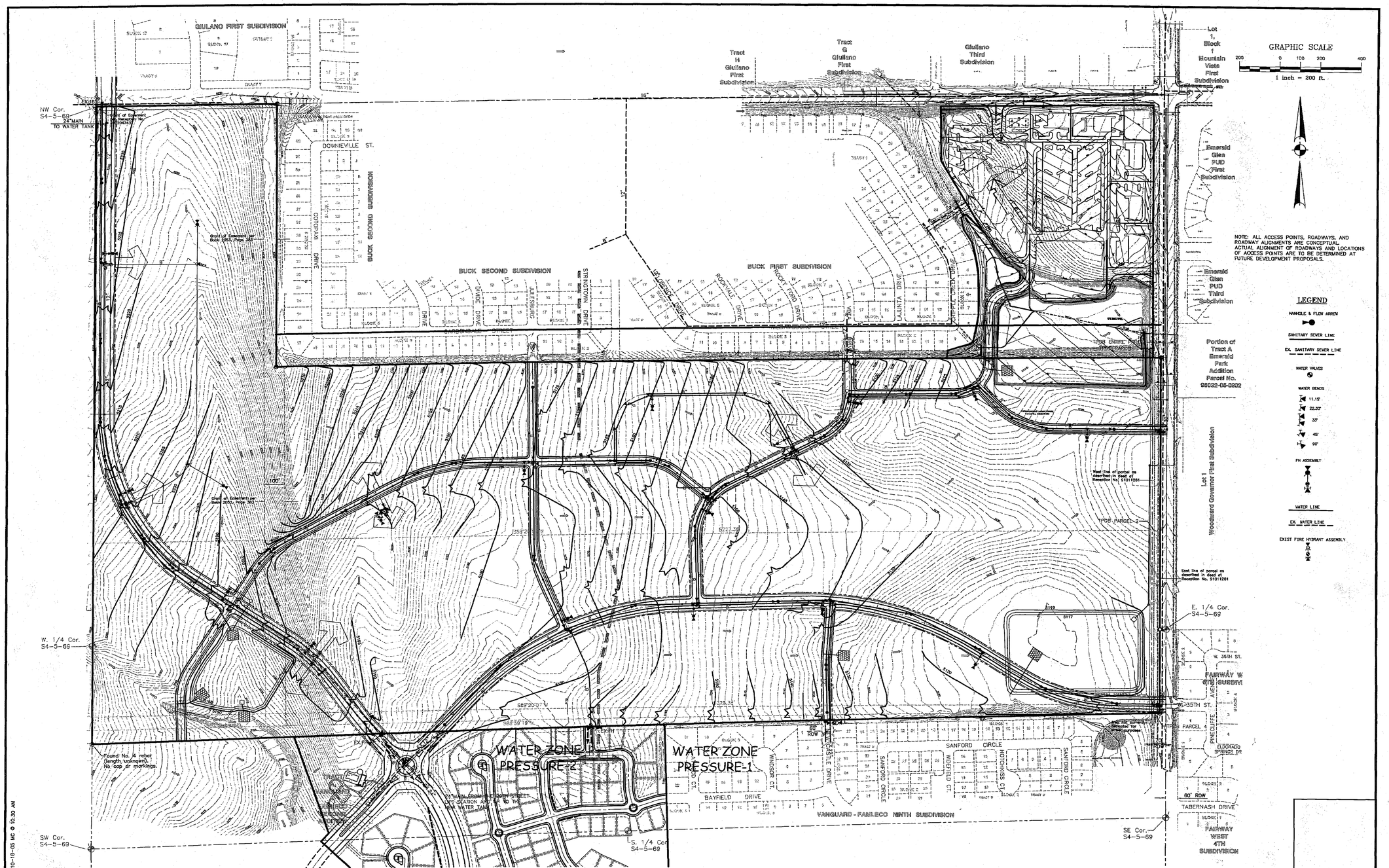
CC EXHIBIT A

PC ATTACHMENT 5

The password to the public access wireless network (coqjuest...



10-18-05 @ 10:30 AM

REVISIONS					
Date	By	Description	Date	OCTOBER, 2005	Drawn D.M.C.
Date	By	Description	Field Book		Checked B.W.S.
Date	By	Description	Scale	1" = 200'	Approved B.W.S.

CLIENT: 240 PARTNERS, LLP

SHEAR ENGINEERING CORPORATION
4836 SO. COLLEGE AVE, SUITE 12, FORT COLLINS, COLORADO 80525
PHONE: (970) 226-5334 (970) 226-4451 FAX: (970) 282-0311

PRELIMINARY UTILITY PLAN
LEE FARM
LOVELAND, COLORADO

PROJECT NO. 2150-01-05 MUTIL-2.DWG

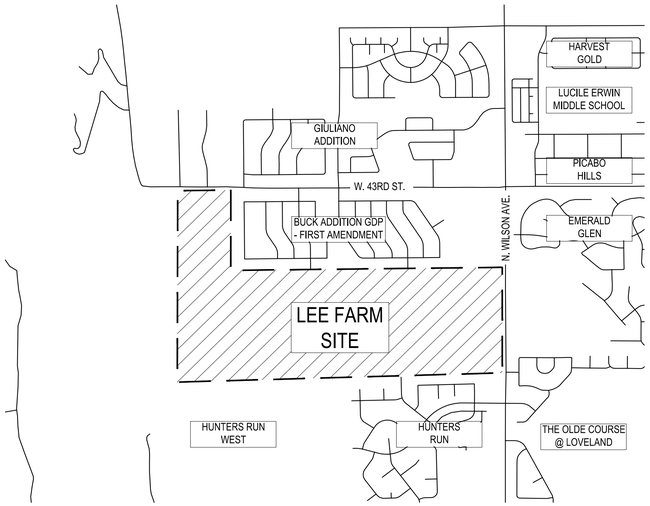
SHEET NO. 7 OF NO. OF SHEETS 7

CC EXHIBIT A

PC ATTACHMENT 5

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM

BEING A GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



1 VICINITY MAP
1" = 1,000'

0 1,000 2,000 3,000 feet
SCALE: 1" = 1,000'
NORTH

LAND USE INFORMATION TABLE

	SQUARE FEET AREA	ACRES AREA
TOTAL SITE AREA	**10,753,250**	**246.85**

	APPROVED COMPREHENSIVE PLAN	PROPOSED AMENDMENT
LAND USE(S)	**ER, LDR, MDR**	**ER, LDR, MDR**
MINIMUM OPEN SPACE (OVERALL DEVELOPMENT)	**15%**	

AREA	ACRES	PROPOSED USE	PROPOSED UNITS	MAXIMUM GROSS DENSITY
A1, A2, A3, A4	35.11	SINGLE-FAMILY, PAIRED HOME, PATIO HOME, TOWNHOME, CONDOMINIUM RESIDENTIAL	250	351 DU, 10 DU/AC
B1, B2	150.24	SINGLE-FAMILY, PAIRED HOME, PATIO HOME RESIDENTIAL	500	601 DU, 4 DU/AC
C	52.45	SINGLE-FAMILY ESTATE RESIDENTIAL	70	105 DU, 2 DU/AC
D	9.05	NEIGHBORHOOD PARK, POOL, POOL/CLUB HOUSE	N/A	N/A
		OVERALL	**820 DU, 3.45 DU/AC**	**1,057 DU, 4.28 DU/AC**

*SEE SHEET 2 - 'CONCEPTUAL SITE PLAN' FOR DISTRIBUTION OF LAND USES

SHEET INDEX

SHEET #	SHEET TITLE
1	COVER SHEET
2	CONCEPTUAL SITE PLAN
3	CONCEPTUAL UTILITY PLAN
4	PROJECT NARRATIVE
5	PROJECT NARRATIVE
6	PROJECT NARRATIVE
7	PROJECT NARRATIVE

LEGAL DESCRIPTION

LEGAL DESCRIPTION TEXT:

THAT PORTION OF LEE FARM ADDITION, ACCORDING TO THE ANNEXATION MAP THEREOF

RECORDED MAY 6, 2006 IN THE REAL PROPERTY RECORDS OF THE OFFICE OF THE CLERK AND RECORDER OF LARIMER COUNTY, COLORADO AT RECEPTION NO. 20060042451 AND BEING SITUATE IN SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: CONSIDERING THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 AS BEARING SOUTH 00°00'27" WEST AND WITH ALL BEARINGS CONTAINED HEREIN RELATIVE THERETO:

BEGINNING AT THE NORTHEAST CORNER OF SAID SECTION 4; THENCE ALONG THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 4 SOUTH 00°00'27" WEST 1320.00 FEET TO A POINT ON THE EASTERLY PROLONGATION OF THE NORTH LINE OF LEE FARM ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO; THENCE ALONG SAID EASTERLY PROLONGATION OF THE SOUTH LINE OF SAID LEE FARM ADDITION AND ALONG THE NORTH LINE OF SAID LEE FARM ADDITION SOUTH 89°20'42" WEST 70.00 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030651, RECORDS OF SAID COUNTY AND THE TRUE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH LINE OF SAID LEE FARM ADDITION AND ALONG SAID WEST LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030651 SOUTH 00°00'27" WEST 1356.50 FEET AND AGAIN SOUTH 00°01'10" WEST 409.11 FEET; THENCE DEPARTING SAID WEST LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030651 NORTH 88°59'19" EAST 40.01 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 91011261, RECORDS OF SAID COUNTY; THENCE ALONG THE SOUTHERLY PROLONGATION OF THE EAST LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 91011261 SOUTH 00°01'10" WEST 9.54 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LEE FARM ADDITION; SAID SOUTHEAST CORNER OF SAID LEE FARM ADDITION ALSO BEING A POINT ON THE EASTERLY PROLONGATION OF THE NORTH LINE OF THE PLAT OF VANGUARD-FAMLECO NINTH SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO; THENCE DEPARTING SAID EAST LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 91011261 AND ALONG SAID EASTERLY PROLONGATION OF THE NORTH LINE OF THE PLAT OF VANGUARD-FAMLECO NINTH SUBDIVISION AND ALONG THE NORTH LINE OF THE PLAT OF VANGUARD-FAMLECO NINTH SUBDIVISION AND ALONG THE NORTH LINE OF TRACT C, VANGUARD-FAMLECO EIGHTH SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO AND ALONG THE NORTH LINE OF TRACT A, VANGUARD-FAMLECO SECOND ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO AND ALONG THE SOUTH LINE OF SAID LEE FARM ADDITION SOUTH 88°20'18" WEST 5261.56 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID LEE FARM ADDITION; SAID SOUTHWEST CORNER OF SAID LEE FARM ADDITION ALSO BEING A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4 AND THE WEST LINE OF SAID LEE FARM ADDITION; THENCE DEPARTING SAID NORTH LINE OF SAID TRACT A, VANGUARD-FAMLECO SECOND ADDITION AND SAID SOUTH LINE OF SAID LEE FARM ADDITION AND ALONG SAID WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 4 AND ALONG SAID WEST LINE OF SAID LEE FARM ADDITION NORTH 00°08'28" EAST 488.64 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE NORTHWEST CORNER OF SAID SECTION 4; THENCE THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4 AND CONTINUING ALONG SAID WEST LINE OF SAID LEE FARM ADDITION NORTH 00°09'00" EAST 2679.81 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030652, RECORDS OF SAID COUNTY; THENCE DEPARTING SAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4 AND DEPARTING SAID WEST LINE OF SAID LEE FARM ADDITION AND ALONG SAID SOUTH LINE THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030652 NORTH 89°20'42" EAST 891.97 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF THE PLAT OF BUCK SECOND SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO; THENCE DEPARTING SAID SOUTH LINE OF SAID CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030652 AND ALONG SAID WEST LINE OF THE PLAT OF BUCK SECOND SUBDIVISION SOUTH 00°00'27" WEST 1301.00 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF SAID PLAT OF BUCK SECOND SUBDIVISION; THENCE ALONG THE SOUTH LINE OF SAID PLAT OF SAID BUCK SECOND SUBDIVISION AND ALONG THE SOUTH LINE OF THE PLAT OF SAID BUCK FIRST SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO AND ALONG THE SOUTH LINE OF THE PLAT OF BUCK FOURTH SUBDIVISION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO NORTH 89°20'42" EAST 4319.99 FEET, MORE OR LESS, TO A POINT ON SAID WEST LINE OF THAT CERTAIN PARCEL OF LAND AS DESCRIBED IN DEED AT RECEPTION NO. 2006-0030651 AND THE TRUE POINT OF BEGINNING.

PROJECT TEAM

OWNERS REPRESENTATIVE /DEVELOPER: (CONTACT PERSON)
TRUE LIFE COMPANIES
c/o KATIE COOLEY
5251 DTC PARKWAY
SUITE 1175
GREENWOOD VILLAGE, CO 80111
PHONE - 303-810-2704
EMAIL - kcooley@thetruelifecompanies.com

CONSULTANT: (PLANNING/LANDSCAPE ARCHITECTURE)
VALERIAN LLC
c/o PAUL MCMAHON
3001 BRIGHTON BLVD.
SUITE 643
DENVER, CO 80216
PHONE - 303-347-1200
EMAIL - paul@valerianllc.com

CONSULTANT: (CIVIL ENGINEER)
CWC CONSULTING GROUP
c/o BRETT WOLLARD
210 FRONT STREET
CASTLE ROCK, CO 80104
PHONE - 303-395-2700
EMAIL - brettw@cwc-consulting.com

CONSULTANT: (TRAFFIC ENGINEER)
KELLAR ENGINEERING
c/o SEAN KELLAR
4741 CENTRAL STREET, SUITE 320
KANSAS CITY, MO 64112
PHONE - 970-219-1602
EMAIL - skellar@kellarengineering.com

UTILITIES/PUBLIC FACILITIES

WATER:	**CITY OF LOVELAND**
SEWER:	**CITY OF LOVELAND**
ELECTRIC:	**CITY OF LOVELAND**
NATURAL GAS:	**EXCEL ENERGY**
TELEPHONE:	**CENTURY LINK**
SCHOOLS:	**THOMPSON SCHOOL DISTRICT R2-J**
PARKS:	**CITY OF LOVELAND**
POLICE / FIRE:	**CITY OF LOVELAND**
DRAINAGE:	**CITY OF LOVELAND**

SIGNATURE BLOCKS

APPROVED THIS _____ DAY OF _____, 20____, BY THE CURRENT PLANNING MANAGER OF THE CITY OF LOVELAND, COLORADO.

_____
CURRENT PLANNING MANAGER

APPROVED THIS _____ DAY OF _____, 20____, BY THE CITY ENGINEER OF THE CITY OF LOVELAND, COLORADO.

_____
CITY ENGINEER

APPROVED THIS _____ DAY OF _____, 20____, BY THE CITY ATTORNEY OF THE CITY OF LOVELAND, COLORADO.

_____
CITY ATTORNEY

APPROVED THIS _____ DAY OF _____, 20____, BY THE CITY PLANNING COMMISSION OF THE CITY OF LOVELAND, COLORADO.

_____
CHAIRPERSON

APPROVED THIS _____ DAY OF _____, 20____, BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO.

_____ _____
MAYOR ATTEST

OWNERS CERTIFICATION

KNOW ALL PERSONS BY THESE PRESENTS THAT: _____

_____
BEING ALL THE LAWFUL RECORDED OWNERS OF THE PROPERTY SHOWN ON THIS LEE FARM GENERAL DEVELOPMENT PLAN, EXCEPT ANY EXISTING PUBLIC STREETS, ROADS, OR HIGHWAYS, DO HEREBY CERTIFY THAT I/WE ACCEPT THE CONDITIONS AND RESTRICTIONS SET FORTH ON SAID PLAN AND IN THE CONDITIONS OF APPROVAL BY THE CITY OF LOVELAND, DATED _____, AND THAT I/WE CONSENT TO THE RECORDATION OF ANY INFORMATION PERTAINING THERETO.

_____
OWNER'S SIGNATURE(S)

_____
LIENHOLDER'S SIGNATURE(S)

STATE OF COLORADO)
)SS
COUNTY OF LARIMER)

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

WITNESS MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES: _____.

_____
NOTARY PUBLIC

VALERIAN
Landscape Architecture | Urban Design
Irrigation Design | Planning
3001 Brighton Boulevard | Suite 643 | Denver, CO 80216

CWC CONSULTING GROUP
210 FRONT STREET
CASTLE ROCK, CO 80104
PHONE: 303.395.2700

THE TRUE LIFE COMPANIES
5251 DTC PARKWAY, SUITE 1175
GREENWOOD VILLAGE, CO 80111
PHONE: 303.810.2704

STAMP:

PROJECT:
GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM
LOVELAND, COLORADO

COVER SHEET

PROJECT #: 15-005
DESIGNED BY: CK/PM
DRAWN BY: CK
CHECKED BY: PM
ORIGINAL DATE: MARCH 16, 2016

#	REVISION	DATE
1	CITY COMMENTS	5/28/16

SHEET #: 1 of 7

CC EXHIBIT A

PC ATTACHMENT 6

The password to the public access wireless network (collguest...

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM

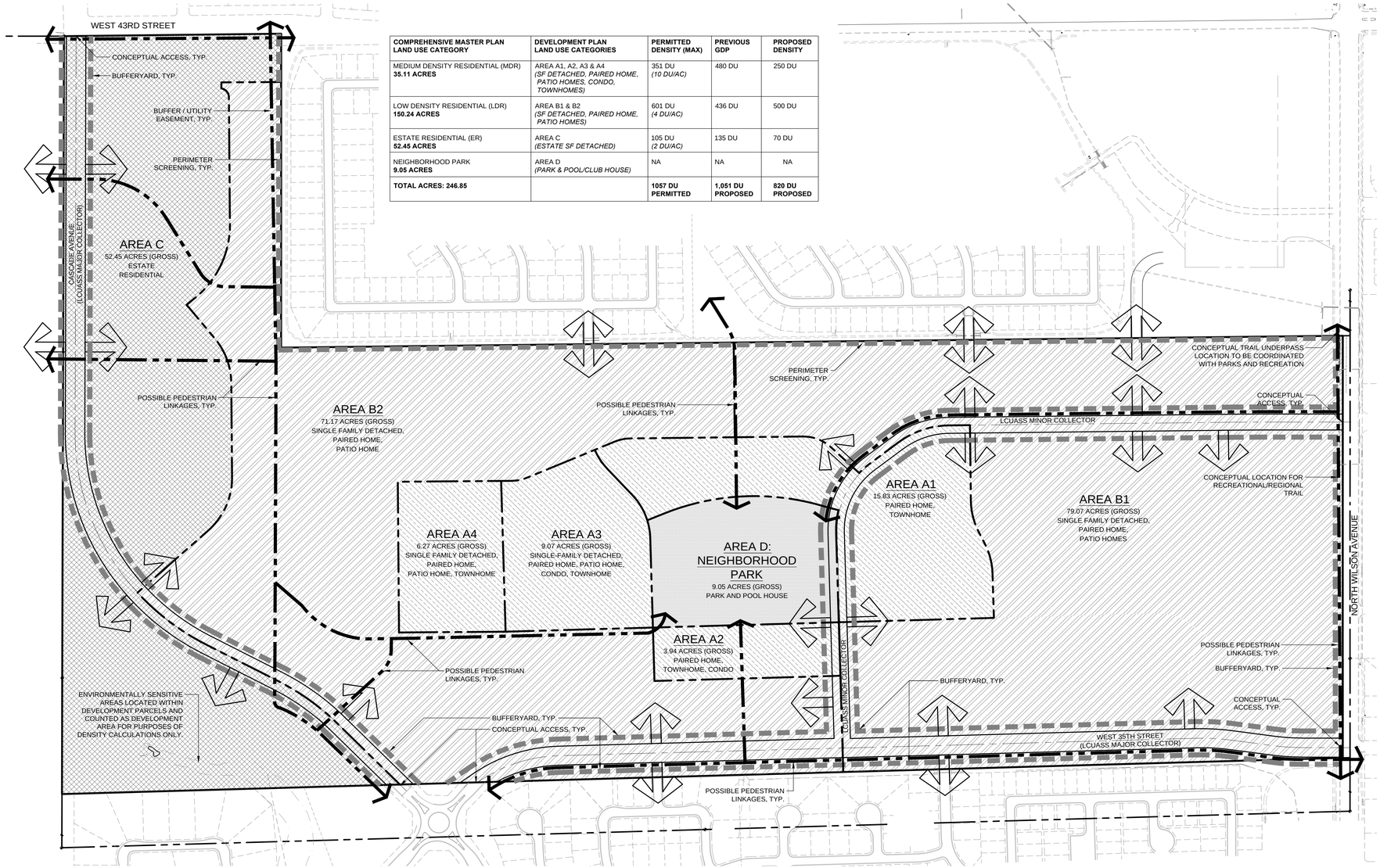
BEING A GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

LEGEND

SYMBOL	NOTES
	PERIMETER SCREENING / BUFFERYARD AREAS
	POSSIBLE PEDESTRIAN LINKAGES

NOTES:
1. ALL ROADWAYS INCLUDING MAJOR COLLECTORS, MINOR COLLECTOR, AND LOCAL STREETS ARE TO BE DESIGNED TO LCUASS STANDARDS. LOVELAND SPECIFIC LCUASS STANDARDS ARE TO BE UTILIZED WHEREVER APPLICABLE.
2. ALL ACCESS POINTS, ROADWAYS AND ROADWAY ALIGNMENTS ARE CONCEPTUAL. ACTUAL ALIGNMENT OF ROADWAYS AND LOCATIONS OF ACCESS POINTS ARE TO BE DETERMINED AT A TIME OF FUTURE DEVELOPMENT PROPOSALS.
3. NO RESIDENTIAL DRIVEWAYS SHALL FRONT ONTO A MAJOR OR MINOR COLLECTOR STREET
4. WEST 35TH STREET ROW SHALL BE SEPARATED FROM ADJACENT EXISTING DEVELOPMENT BY A LANDSCAPED BUFFERYARD.

COMPREHENSIVE MASTER PLAN LAND USE CATEGORY	DEVELOPMENT PLAN LAND USE CATEGORIES	PERMITTED DENSITY (MAX)	PREVIOUS GDP	PROPOSED DENSITY
MEDIUM DENSITY RESIDENTIAL (MDR) **35.11 ACRES**	AREA A1, A2, A3 & A4 *(SF DETACHED, PAIRED HOME, PATIO HOMES, CONDO, TOWNHOMES)*	351 DU *(10 DU/AC)*	480 DU	250 DU
LOW DENSITY RESIDENTIAL (LDR) **150.24 ACRES**	AREA B1 & B2 *(SF DETACHED, PAIRED HOME, PATIO HOMES)*	601 DU *(4 DU/AC)*	436 DU	500 DU
ESTATE RESIDENTIAL (ER) **52.45 ACRES**	AREA C *(ESTATE SF DETACHED)*	105 DU *(2 DU/AC)*	135 DU	70 DU
NEIGHBORHOOD PARK **9.05 ACRES**	AREA D *(PARK & POOL/CLUB HOUSE)*	NA	NA	NA
TOTAL ACRES: 246.85		**1057 DU PERMITTED**	**1,051 DU PROPOSED**	**820 DU PROPOSED**



1 CONCEPTUAL SITE PLAN

CC EXHIBIT A

PC ATTACHMENT 6

VALERIAN
Landscape Architecture | Urban Design
Irrigation Design | Planning
3001 Brighton Boulevard | Suite 643 | Denver, CO 80216

CWC CONSULTING GROUP
537 CONGRESS STREET
CASTLE ROCK, CO 80104
PHONE: 303.395.2700

THE TRUE LIFE COMPANIES
5555 DTC PARKWAY, SUITE 175
GREENWOOD VILLAGE, CO 80111
PHONE: 303.810.2704

STAMP:

PROJECT:

CONCEPTUAL SITE PLAN

GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM
LOVELAND, COLORADO

PROJECT #:	15-005
DESIGNED BY:	CK/PM
DRAWN BY:	CK
CHECKED BY:	PM
ORIGINAL DATE:	MARCH 16, 2016

#	REVISION	DATE
1	CITY COMMENTS	5/28/16

SHEET #:

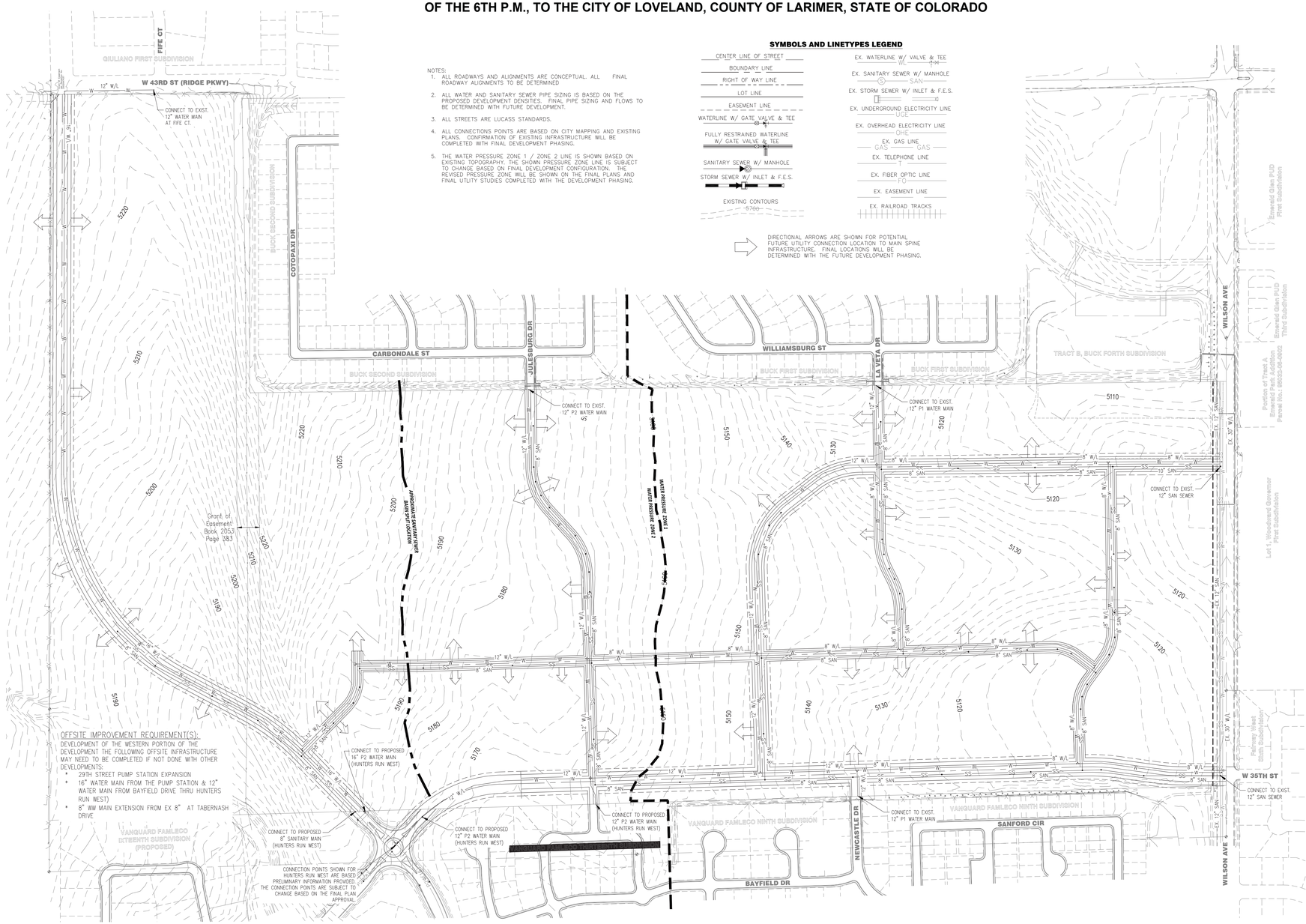
2 of 7

The password to the public access wireless network (coqtest...

GENERAL DEVELOPMENT PLAN

THE VILLAGES AT LEE FARM

BEING A GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



NOTES:

1. ALL ROADWAYS AND ALIGNMENTS ARE CONCEPTUAL. ALL FINAL ROADWAY ALIGNMENTS TO BE DETERMINED
2. ALL WATER AND SANITARY SEWER PIPE SIZING IS BASED ON THE PROPOSED DEVELOPMENT DENSITIES. FINAL PIPE SIZING AND FLOWS TO BE DETERMINED WITH FUTURE DEVELOPMENT.
3. ALL STREETS ARE LUCASS STANDARDS.
4. ALL CONNECTIONS POINTS ARE BASED ON CITY MAPPING AND EXISTING PLANS. CONFIRMATION OF EXISTING INFRASTRUCTURE WILL BE COMPLETED WITH FINAL DEVELOPMENT PHASING.
5. THE WATER PRESSURE ZONE 1 / ZONE 2 LINE IS SHOWN BASED ON EXISTING TOPOGRAPHY. THE SHOWN PRESSURE ZONE LINE IS SUBJECT TO CHANGE BASED ON FINAL DEVELOPMENT CONFIGURATION. THE REVISED PRESSURE ZONE WILL BE SHOWN ON THE FINAL PLANS AND FINAL UTILITY STUDIES COMPLETED WITH THE DEVELOPMENT PHASING.

SYMBOLS AND LINETYPES LEGEND

- CENTER LINE OF STREET
- BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- WATERLINE W/ GATE VALVE & TEE
- FULLY RESTRAINED WATERLINE W/ GATE VALVE & TEE
- SANITARY SEWER W/ MANHOLE
- STORM SEWER W/ INLET & F.E.S.
- EXISTING CONTOURS 5700
- EX. WATERLINE W/ VALVE & TEE
- EX. SANITARY SEWER W/ MANHOLE
- EX. STORM SEWER W/ INLET & F.E.S.
- EX. UNDERGROUND ELECTRICITY LINE
- EX. OVERHEAD ELECTRICITY LINE
- EX. GAS LINE
- EX. TELEPHONE LINE
- EX. FIBER OPTIC LINE
- EX. EASEMENT LINE
- EX. RAILROAD TRACKS

DIRECTIONAL ARROWS ARE SHOWN FOR POTENTIAL FUTURE UTILITY CONNECTION LOCATION TO MAIN SPINE INFRASTRUCTURE. FINAL LOCATIONS WILL BE DETERMINED WITH THE FUTURE DEVELOPMENT PHASING.

VALERIAN
Landscape Architecture | Urban Design
Irrigation Design | Planning
3001 Brighton Boulevard | Suite 643 | Denver, CO 80216

CWC CONSULTING GROUP
210 FRONT STREET
CASTLE ROCK, CO 80104
PHONE: 303.395.2700

THE TRUE LIFE COMPANIES
5251 DTC PARKWAY, SUITE 1175
GREENWOOD VILLAGE, CO 80111
PHONE: 303.810.2704

STAMP:

PROJECT:

CONCEPTUAL UTILITY PLAN

GENERAL DEVELOPMENT PLAN
THE VILLAGES AT LEE FARM
LOVELAND, COLORADO

PROJECT #: 15-005
DESIGNED BY: MD
DRAWN BY: CS
CHECKED BY: BW
ORIGINAL DATE: MARCH 16, 2016

#	REVISION	DATE
1	CITY COMMENTS	5/28/2016

SHEET #

3 of 7

CC EXHIBIT A

PC ATTACHMENT 6

The password to the public access wireless network (collquest...

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM

BEING A GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

GENERAL DEVELOPMENT PLAN NARRATIVE:

LOCATION AND EXISTING CONDITIONS

THE PROPERTY IS LOCATED AT THE NORTHWEST CORNER OF N. WILSON AVENUE AND 35TH STREET AND IS CURRENTLY UNDEVELOPED AND VACANT. THE SITE IS ZONED PUD AND HAS BEEN ANNEXED INTO THE CITY OF LOVELAND, COLORADO. ADJACENT USES AND ZONING SURROUNDING THE SITE INCLUDE:

NORTH: BUCK ADDITION – ZONED PUD AND CONTAINS BOTH SMALL LOT SINGLE FAMILY HOMES AND A NEIGHBORHOOD COMMERCIAL CENTER (NOT CONSTRUCTED AT TIME OF THIS APPLICATION).

SOUTH: HUNTER'S RUN – ZONED PUD AND CONTAINS A MIX OF TOWNHOMES, SMALL LOT AND LARGE LOT SINGLE FAMILY HOMES.

EAST: EMERALD PARK ADDITION (EMERALD GLEN), FAIRWAY WEST 6TH SUBDIVISION AND WOODWARD GOVERNOR FIRST SUBDIVISION – ZONED DR, I-INDUSTRIAL AND R-1 AND CURRENTLY HOUSES WOODWARD GOVERNOR FACILITIES AND RELATED ACTIVITY, SINGLE FAMILY HOMES AND OPEN SPACE.

WEST: DAKOTA RIDGE FIRST ADDITION – ZONED ESTATE RESIDENTIAL (ER) AND CONTAINS VACANT LAND ANNEXED INTO THE CITY OF LOVELAND.

DEVELOPMENT OBJECTIVES

THE INITIAL AND OVERALL GOAL OF THIS AMENDMENT APPLICATION IS TO AMEND THE PREVIOUSLY APPROVED GENERAL DEVELOPMENT PLAN AND PROVIDE MULTIPLE ENHANCEMENTS TO ADDRESS CHANGES IN THE COMMUNITY SINCE THE PLANS APPROVAL. FIRST, THE AMENDMENT PROPOSES TO REMOVE THE COMMERCIAL PARCELS FROM THE ORIGINALLY APPROVED DOCUMENT BASED ON RECENT MARKET STUDIES POINTING THAT COMMERCIAL DEVELOPMENTS WITHIN SUBDIVISIONS STRUGGLE AGAINST MORE REGIONAL COMMERCIAL AREAS, SUCH AS THE ONE PLANNED ADJACENT TO THIS SITE. ANOTHER ITEM OF REVISION IS TO REDUCE THE ORIGINALLY APPROVED DENSITY TO ADDRESS CONCERNS RAISED BY THE ADJOINING DEVELOPMENTS. ALONG WITH THE REDUCTION IN DENSITY, THE AMENDMENT INCORPORATES PHASING INTO THE PLAN TO ALLOW FOR FLEXIBILITY AND THE OPPORTUNITY FOR ADJUSTMENTS TO BE MADE TO RESPOND TO MARKET CHANGES AS THE PROJECT PROGRESSES TO COMPLETION. FINALLY, THE AMENDMENT REVISES THE ORIGINAL STREET ALIGNMENT TO DECREASE CONCERNS OF ADDITIONAL TRAFFIC IMPACTS ON THE ADJACENT DEVELOPMENTS AND TO PROVIDE AREAS FOR INCORPORATION OF WATER QUALITY AND GREEN INFRASTRUCTURE ELEMENTS WHERE APPLICABLE.

THIS GENERAL DEVELOPMENT PLAN (GDP) AMENDMENT IS PROPOSING A RESIDENTIAL DEVELOPMENT INCLUDING BOTH RESIDENTIAL AND COMMUNITY SPACES. THE PRIMARY GOALS OF THIS APPLICATION ARE TO SATISFY THE CITY OF LOVELAND COMPREHENSIVE PLAN REQUIREMENTS, RESPECT THE EXISTING ADJACENT LAND USES, AND PROVIDE SAFE AND CONVENIENT PEDESTRIAN/VEHICULAR CIRCULATION THROUGHOUT THE SITE. THE PLAN ENCOURAGES THE INTEGRATED PLANNING AND DESIGN STYLE OF CLUSTER DEVELOPMENT. THE PROPOSED DESIGN STYLE STRIVES TO MAXIMIZE EFFICIENCY AND PROVIDE FOR A HIGHLY WALKABLE COMMUNITY WITH ACCESS TO GREEN SPACE, TRAILS, AND PARKS WITHIN THE NEIGHBORHOOD. THIS STYLE OF DEVELOPMENT ALSO ALLOWS FOR MORE EFFICIENT DESIGN AND USE OF THE AVAILABLE LAND TO MAXIMIZE THE HOUSING POTENTIAL AND PROVIDE A VERY 'PEDESTRIAN FRIENDLY' COMMUNITY. THIS CONNECTIVITY PAIRED WITH EFFECTIVE LAYOUT OF COLLECTOR STREETS WILL AID IN ALLEVIATING TRAFFIC BURDEN ON THE SURROUNDING INFRASTRUCTURE. ITEMS NOTED WITHIN THIS DOCUMENT SHALL PROVIDE PROVISIONS TO DIRECT THE DEVELOPMENT AND USE OF THE VILLAGES AT LEE FARM PROPOSED DEVELOPMENT. ALL DEVELOPMENT REGULATIONS NOT SPECIFICALLY NOTED IN THIS DOCUMENT SHALL ADHERE TO APPLICABLE CITY OF LOVELAND REGULATIONS.

DEVELOPMENT CONCEPT

THE PROPERTY INVOLVED IN THIS AMENDMENT IS APPROXIMATELY 245 ACRES AND IS MASTER PLANNED AS A PLANNED UNIT DEVELOPMENT (PUD) CONSISTENT WITH THE CITY OF LOVELAND TITLE 18 REQUIREMENTS. THE SURROUNDING AREA IS SUBSTANTIALLY ZONED FOR AND/OR DEVELOPED AS LOW AND MEDIUM DENSITY RESIDENTIAL USES. THE AMENDMENT ENCOURAGES GREATER FLEXIBILITY IN HOUSING TYPE AND ALLOWS FOR A GREATER HOUSING DIVERSITY TO BE PROVIDED TO THE RESIDENTS OF THE COMMUNITY. THE PROPOSED GENERAL DEVELOPMENT PLAN (GDP) AMENDMENT INCLUDES THE FOLLOWING RESIDENTIAL USES:

DETACHED SINGLE FAMILY: INCLUDING SINGLE-FAMILY ESTATE DWELLINGS, SINGLE-FAMILY DWELLINGS, AND PATIO HOME DWELLINGS.

ATTACHED SINGLE FAMILY: INCLUDING PAIRED HOMES, TOWNHOMES AND CONDOMINIUMS.

NEIGHBORHOOD PARK: INCLUDING NEIGHBORHOOD OUTDOOR PLAY, GATHERING, AND AMENITY AREAS, OUTDOOR POOL WITH POOL HOUSE/CLUBHOUSE STRUCTURES AND ALSO INCLUDING ANY ASSOCIATED METROPOLITAN DISTRICT FACILITIES.

LOVELAND'S COMPREHENSIVE MASTER PLAN CALLS FOR BOTH MEDIUM/LOW DENSITY AND ESTATE RESIDENTIAL USES WITHIN THIS SITE. THE COMPREHENSIVE PLAN ARRANGES THE THREE USES MOVING FROM HIGHER DENSITY ON THE EAST TO LOWER DENSITY ON THE WESTERN PORTION OF THE SITE. IN ORDER TO RESPECT THE EXISTING DEVELOPMENTS AND MAINTAIN LIKE USES ADJACENT TO THE EXISTING RESIDENTIAL DEVELOPMENTS, THIS GDP AMENDMENT DEVIATES FROM THE COMPREHENSIVE PLAN, THIS APPLICATION PROPOSES THAT THE MEDIUM DENSITY ZONING DISTRICT BE RE-LOCATED TO THE CENTER OF THE PROPERTY ADJACENT TO THE PROPOSED NEIGHBORHOOD PARK AND WITHIN CLOSER PROXIMITY TO THE PROPOSED COLLECTOR STREETS. THIS RELOCATION WILL ALLOW LOW DENSITY RESIDENTIAL OF SIMILAR AND/OR COMPARABLE DENSITIES TO BE PLACED ADJACENT TO THE NEIGHBORING PROPERTIES AND SURROUND THE HIGHER DENSITY USES TO BUFFER THE EXISTING COMMUNITIES. THE LOWEST DENSITY RESIDENTIAL USES ARE CONCENTRATED AT THE WESTERN PORTION OF THE SITE AS AN ESTATE RESIDENTIAL AREA. APPROXIMATELY 50 ACRES ALONG THE WESTERN PROJECT BOUNDARY IS DESIGNATED FOR ESTATE RESIDENTIAL USES. LASTLY, THE AMENDMENT REVISES A PREVIOUSLY APPROVED GDP PLAN BY REMOVING THE FORMERLY PROPOSED COMMUNITY CENTER AND CONVENIENCE COMMERCIAL AREAS. THIS AREA SHALL BE MODIFIED TO CONTAIN A METRO DISTRICT MAINTAINED NEIGHBORHOOD PARK AND ASSOCIATED FACILITIES. THIS REVISION ALLOWS THE SUBDIVISION TO BETTER ALIGN WITH THE CITY OF LOVELAND PARKS AND RECREATION MASTER PLAN, AND PROVIDE THE HIGHER DENSITY USES DIRECTLY ADJACENT TO THE PARK, AMPLE ACCESS TO THIS NEIGHBORHOOD AMENITY AREA.

THIS PLANNED CLUSTER STYLE DEVELOPMENT HAS PROPOSED DEVELOPMENT DENSITY FOR THE ENTIRE SIZE, RATHER THAN ON A LOT-BY-LOT BASIS. THE OVERALL DENSITY OF THE PROPOSED DEVELOPMENT IS APPROXIMATELY 3.45 DWELLING UNITS PER ACRE. TO ACHIEVE THE PROPOSED DENSITY AND ENCOURAGE CLUSTERED DEVELOPMENTS WHERE APPLICABLE, THIS DEVELOPMENT PLAN ALLOWS FOR DENSITY TO BE TRANSFERRED THROUGHOUT THE SITE. DUE TO THE EXISTING ENVIRONMENTALLY SENSITIVE AREAS LOCATED WITHIN THE PROJECT SITE, IT IS DESIRABLE TO USE A CLUSTERED HOUSING CONCEPT FOR THE PROPOSED RESIDENTIAL USES WHERE FEASIBLE AND APPLICABLE WITHIN THE LOCAL STREET NETWORK.

THIS APPROACH TO THE OVERALL LOT LAYOUT AND ALIGNMENT WILL ALLOW FOR THE DESIRED DEVELOPMENT DENSITIES BUT THE ENVIRONMENTALLY SENSITIVE AREAS ARE GIVEN PREFERENCE TO PROVIDE AN OVERALL BENEFIT TO THE FUTURE RESIDENTS. CLUSTERING LOTS ALSO GAINS MORE EFFICIENCY FOR INFRASTRUCTURE INSTALLATION, MAINTENANCE AND OTHER ASSOCIATED DEVELOPMENT CONCERNS. THIS WILL ALLOW THE DEVELOPMENT TO TAKE ADVANTAGE OF THE OPEN SPACE AREAS SUCH AS ENVIRONMENTALLY SENSITIVE AREAS AND DRAINAGE WAYS. THE APPROACH WILL PERMIT LOWER DENSITIES TO BE BALANCED WITH HIGHER DENSITIES IN MORE APPROPRIATE LOCATIONS WITHIN THE SITE TO ACCOMMODATE LANDSCAPE BUFFERS AND OTHER APPROPRIATE TRANSITIONAL ZONES.

PHASING

THE PROPOSED APPLICATION WILL BE A MULTI-PHASE DEVELOPMENT. UTILITY AVAILABILITY, ESPECIALLY WATER SERVICE, CONSTRUCTION IMPACTS AND TIMELINES WILL BE THE PRIMARY DRIVERS OF THE PHASED DEVELOPMENT. THE INTENT OF THIS APPLICATION IS TO DEVELOP THE VACANT LAND IN MULTIPLE PHASES, GENERALLY MOVING FROM EAST TO WEST IN APPROXIMATELY EQUAL SIZE PHASES. THE PHASES WILL ALLOW FOR THE DEVELOPMENT TO PROGRESS IN AN ORDERLY MANOR WITH CONSISTENT AVAILABILITY OF UTILITY SERVICES AND ACCESS FOR EMERGENCY PERSONNEL AS REQUIRED.

ACCESS/CIRCULATION

CONNECTIVITY BETWEEN ADJACENT ESTABLISHED SUBDIVISIONS WILL BE PROVIDED BUT ADDITIONAL TRAFFIC VOLUME WILL NOT BE DIRECTED TOWARD THE ADJACENT NEIGHBORHOODS. ADDITIONAL TRAFFIC WILL BE ENCOURAGED TO USE LOCAL LINKAGES TO THE PROPOSED COLLECTOR STREETS TO ACCESS THE ADJACENT ARTERIAL STREET NETWORK. THIS CIRCULATION LAYOUT WILL ENCOURAGE SOME REDUCTION IN TRAFFIC AND ALLOW FOR AMPLE PEDESTRIAN AND BICYCLE USE WITHIN THE SITE. THE PLAN INTENDS TO MAKE EFFORTS TO CONNECT TO AND/OR EXPAND THE EXISTING BIKE AND PEDESTRIAN TRAIL NETWORK WITHIN THE CITY WHERE APPLICABLE.

DEFINITIONS

GENERAL PROVISIONS:

FOR WORDS, TERMS, AND PHRASES USED HEREIN THAT ARE NOT DEFINED IN THE LOVELAND ZONING CODE TITLE 18, OR ELSEWHERE IN THE LOVELAND MUNICIPAL CODE, THE DIRECTOR SHALL INTERPRET OR DEFINE SUCH WORDS, TERMS, AND PHRASES. IN MAKING SUCH INTERPRETATIONS OR DEFINITIONS, THE DIRECTOR MAY CONSULT SECONDARY SOURCES RELATED TO THE PLANNING PROFESSION FOR TECHNICAL WORDS, TERMS AND PHRASES, INCLUDING BUT NOT LIMITED TO: A SURVEY OF ZONING DEFINITIONS- PLANNING ADVISORY SERVICE REPORT NUMBER 421, EDITED BY TRACY BURROWS (AMERICAN PLANNING ASSOCIATION, CHICAGO, ILL 1989); ZONING AND DEVELOPMENT DEFINITIONS FOR THE NEXT CENTURY, EDITED BY MICHAEL DAVIDSON, IN ZONING NEWS (AMERICAN PLANNING ASSOCIATION, AUGUST 1999); AND THE COMPLETE ILLUSTRATED BOOK OF DEVELOPMENT DEFINITIONS, BY HARVEY S. MOSKOWITZ AND CARL G. LINDBLOOM (CENTER FOR URBAN POLICY RESEARCH, RUTGERS UNIVERSITY, N.J. 4TH ED. 2015). THE DIRECTOR MAY CONSULT WEBSTER'S UNABRIDGED DICTIONARY (RANDOM HOUSE REFERENCE & INFORMATION PUBLISHING, NEW YORK, 2009), AS SUPPLEMENTED. OR OTHER AVAILABLE REFERENCE SOURCE FOR OTHER WORDS, TERMS AND PHRASES.

DEFINITIONS OF WORDS TERMS, AND PHRASES:

ACCESSORY USE - SHALL MEAN A USE OF LAND OR OF A BUILDING OR PORTION THEREOF CUSTOMARILY USED WITH, AND CLEARLY INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL USE OF THE LAND OR BUILDING AND ORDINARILY LOCATED ON THE SAME LOT WITH SUCH PRINCIPAL USE.

BLANK WALL - SHALL MEAN AN EXTERIOR BUILDING WALL WITH NO OPENINGS AND A SINGLE MATERIAL AND UNIFORM TEXTURE ON A SINGLE PLANE.

CONDOMINIUM - SHALL MEAN ANY RESIDENTIAL OR COMMERCIAL USE WHOSE OWNERSHIP IS HELD IN COMMON WITH OTHER OWNERS OF THE PROPERTY AND SPECIFIC IMPROVEMENTS ARE OWNED BY DESCRIPTIONS FILED WITH THE COUNTY CLERK AND RECORDER IN A CONDOMINIUM PLAN.

DENSITY, GROSS - SHALL BE CALCULATED IN THE FOLLOWING MANNER:

1. THE GROSS ACREAGE OF ALL THE LAND WITHIN THE BOUNDARIES OF THE DEVELOPMENT SHALL BE INCLUDED IN THE DENSITY CALCULATION EXCEPT: (I) LAND PREVIOUSLY DEDICATED, PURCHASED OR ACQUIRED FOR ANY PUBLIC USE; AND (II) LAND DEVOTED TO NONRESIDENTIAL USES SUCH AS NEIGHBORHOOD PARK, COMMERCIAL, OFFICE, INDUSTRIAL OR CIVIC USES.
2. THE TOTAL NUMBER OF DWELLING UNITS SHALL BE DIVIDED BY THE GROSS RESIDENTIAL ACREAGE.

DRAINAGE WAY - SHALL MEAN A NATURAL OR ARTIFICIAL LAND SURFACE DEPRESSION WITH OR WITHOUT PERCEPTIVELY DEFINED BEDS AND BANKS TO WHICH SURFACE RUNOFF GRAVITATES AND COLLECTIVELY FORMS A FLOW OF WATER CONTINUOUSLY OR INTERMITTENTLY IN A DEFINITE DIRECTION.

TOWNHOMES - SHALL MEAN THREE (3) OR MORE DWELLINGS ATTACHED BY A COMMON WALL AND LOCATED ON FEE SIMPLE LOTS, *Similar to DWELLING, MULTIPLE-FAMILY.*

SINGLE FAMILY DETACHED - SHALL MEAN ONE (1) DETACHED RESIDENTIAL UNIT LOCATED ON A FEE SIMPLE LOT. *Similar to DWELLING, SINGLE-FAMILY.*

PAIRED Home - SHALL MEAN TWO (2) DWELLING UNITS ATTACHED BY A COMMON WALL AND LOCATED ON FEE SIMPLE LOTS, *Similar to DWELLING, TWO-FAMILY.*

PATIO HOME - SHALL MEAN A DETACHED DWELLING INTENDED TO A MINIMAL LOT AND YARD AREA WHICH MAY INCLUDE ZERO SIDE YARD AND MAY INCLUDE JOINT USE COMMON AREAS WITH EXTERIOR MAINTENANCE AND LANDSCAPING PROVIDED THROUGH AN ASSOCIATION FEE.

LOVELAND MUNICIPAL CODE - SHALL MEAN THE LOVELAND MUNICIPAL CODE 1974, AS AMENDED.

MULTI-PHASED DEVELOPMENT - SHALL MEAN A DEVELOPMENT PROJECT THAT IS CONSTRUCTED IN STAGES, EACH STAGE BEING CAPABLE OF EXISTING INDEPENDENTLY OF THE OTHER STAGES.

NEIGHBORHOOD PARK - PARK AREA OWNED AND MAINTAINED BY THE METROPOLITAN DISTRICT INCLUDING USES SIMILAR TO PASSIVE AND ACTIVE RECREATION, SWIMMING POOL, POOL HOUSE.

OPEN-AIR FARMERS MARKET - SHALL MEAN AN OCCASIONAL OR PERIODIC MARKET HELD IN AN OPEN AREA OR IN A STRUCTURE WHERE GROUPS OF INDIVIDUAL SELLERS OFFER FOR SALE TO THE PUBLIC SUCH ITEMS AS FRESH PRODUCE, SEASONAL FRUITS, FRESH FLOWERS, ARTS AND CRAFTS ITEMS, AND FOOD AND BEVERAGES (BUT NOT TO INCLUDE SECOND-HAND GOODS) DISPENSED FROM BOOTHS LOCATED ON-SITE.

PUBLIC FACILITIES - SHALL MEAN TRANSPORTATION SYSTEMS OR FACILITIES, WATER SYSTEMS OR FACILITIES, WASTEWATER SYSTEMS OR FACILITIES, STORM DRAINAGE SYSTEMS OR FACILITIES, FIRE, POLICE AND EMERGENCY SYSTEMS OR FACILITIES, ELECTRIC UTILITIES, GAS UTILITIES, CABLE FACILITIES OR OTHER PUBLIC UTILITIES.

RESIDENTIAL CLUSTER DEVELOPMENT - SHALL MEAN A FORM OF PLANNED RESIDENTIAL DEVELOPMENT THAT CONCENTRATES BUILDINGS ON A PART OF THE SITE (THE "CLUSTER AREA") TO ALLOW THE REMAINING LAND (THE "OPEN SPACE") TO BE USED FOR RECREATION, COMMON OPEN SPACE, AND/OR PRESERVATION OF ENVIRONMENTALLY SENSITIVE AREAS. THE OPEN SPACE MAY BE OWNED BY EITHER A PRIVATE OR PUBLIC ENTITY.

LAND USE INFORMATION

GENERAL – THE OVERALL DEVELOPMENT DENSITY AND DISTRIBUTION OF LOTS PROPOSED WITHIN THE DEVELOPMENT DISTRICT AREAS SHALL BE MONITORED AND STRUCTURED BY THE OWNER/MASTER DEVELOPER PRIOR TO FORMAL SUBMITTAL TO THE CITY OF LOVELAND.

DEVELOPMENT DISTRICTS - RESIDENTIAL (AREAS A1, A2, A3, A4, B1, B2, C)

A. PURPOSE

TO ESTABLISH AND PRESERVE RESIDENTIAL NEIGHBORHOODS FOR ESTATE RESIDENTIAL, MEDIUM AND LOW DENSITY RESIDENTIAL DEVELOPMENTS AND COMPLEMENTARY USES LOCATED CONVENIENT TO ADJACENT COMMERCIAL ACTIVITY CENTERS AND PUBLIC FACILITIES SUCH AS SCHOOLS AND PARKS.

B. PERMITTED USES

a. RESIDENTIAL - SINGLE-FAMILY DETACHED DWELLINGS, PAIRED HOME DWELLINGS, PATIO HOME DWELLINGS, TOWNHOME DWELLINGS, AND/OR CONDOMINIUMS.

b. INSTITUTIONAL/CIVIC/PUBLIC/MISCELLANEOUS - BUS STOPS AND SHELTERS; PARKS, UNLIGHTED; RECREATION AREAS, UNLIGHTED; OPEN LANDS/NATURAL AREAS; ESSENTIAL PUBLIC UTILITY USES, FACILITIES, SERVICES, AND STRUCTURES OTHER THAN THOSE PRIMARILY SERVING THE CITY; PERSONNEL WIRELESS SERVICE FACILITIES; TRANSIT FACILITIES; CHILD DAY CARE FACILITIES; GROUP CARE FACILITIES; AND PLACES OF WORSHIP AND ASSEMBLY

c. RECREATIONAL - PARKS (LIGHTED WITHOUT SPORT LIGHTING OVER TWENTY FEET IN HEIGHT); RECREATION AREAS, (LIGHTED WITHOUT SPORT LIGHTING OVER TWENTY FEET IN HEIGHT); TRAILS; NEIGHBORHOOD SUPPORT/RECREATION FACILITIES.

d. ACCESSORY AND TEMPORARY USES - ALL ACCESSORY, AND TEMPORARY USES ARE PERMITTED AS LISTED HEREIN UNDER SUPPLEMENTAL REGULATIONS.

C. DENSITY/INTENSITY

a. AREAS A1, A2, A3, A4 - MAXIMUM GROSS DENSITY SHALL NOT EXCEED 10 DWELLING UNITS PER ACRE.

b. AREAS B1, B2 - MAXIMUM GROSS DENSITY SHALL NOT EXCEED 4 DWELLING UNITS PER ACRE.

c. AREA C - MAXIMUM GROSS DENSITY SHALL NOT EXCEED 2 DWELLING UNITS PER ACRE.

DEVELOPMENT DISTRICTS - NEIGHBORHOOD PARK (AREA D)

A. PURPOSE.

TO ESTABLISH AND PRESERVE A PERMANENT AREA FOR PASSIVE AND/OR ACTIVE RECREATIONAL USES, CENTRALLY LOCATED TO PROVIDE EASY ACCESS FOR FUTURE RESIDENTS. THE ASSOCIATED FACILITIES SHALL BE A METROPOLITAN DISTRICT RUN FACILITY AND MAY CONTAIN THE USES LISTED BELOW. THE METROPOLITAN DISTRICT WILL BE RESPONSIBLE FOR THE OPERATION, MANAGEMENT, AND MAINTENANCE OF THE FACILITIES AND WILL DETERMINE THE RANGE OF ACTIVITIES, FEES FOR USE, MEMBERSHIP AND GUEST USAGE.

B. PERMITTED USES

a. RECREATIONAL - NEIGHBORHOOD PARKS (LIGHTED WITHOUT SPORT LIGHTING OVER TWENTY FEET IN HEIGHT); OPEN LANDS/NATURAL AREAS; PASSIVE AND ACTIVE OUTDOOR RECREATIONAL USES; RECREATIONAL TRAIL SYSTEM; SWIMMING POOL, POOL HOUSE; CLUB HOUSE; NEIGHBORHOOD SUPPORT/RECREATION FACILITIES; AND ASSOCIATED INFRASTRUCTURE;

b. INSTITUTIONAL/CIVIC/PUBLIC/MISCELLANEOUS - BUS STOPS AND SHELTERS; ESSENTIAL PUBLIC UTILITY USES, FACILITIES, SERVICES, AND STRUCTURES OTHER THAN THOSE PRIMARILY SERVING THE CITY; PERSONNEL WIRELESS SERVICE FACILITIES

C. ACCESSORY AND TEMPORARY USES:

ALL ACCESSORY, AND TEMPORARY USES ARE PERMITTED AS LISTED HEREIN UNDER SUPPLEMENTAL REGULATIONS.

DIMENSIONAL STANDARDS FOR PROPOSED RESIDENTIAL USES:

		(1)	(2)	(3)	(4)	(5)	(6)	(7)
		LOT REGULATIONS			SETBACK REGULATIONS			
	RESIDENTIAL USE	MINIMUM LOT SIZE	MINIMUM[1] LOT WIDTH	MAXIMUM[2,3] BLDG. HEIGHT	MINIMUM FRONT	MINIMUM SIDE		MINIMUM REAR
						INTERIOR	CORNER	
A.	ESTATE	PER CITY OF LOVELAND TITLE 18, SECTION 18.07 ESTATE RESIDENTIAL DISTRICT						
B.	SINGLE-FAMILY DETACHED	5,500 sq. ft.	50 feet	35 feet	20 feet[4]	5 feet *(min. 15 feet between buildings)*	12 feet[5]	15 feet
C.	PATIO HOME	3,600 sq. ft.	40 feet	35 feet	18 feet	5 feet[6] (min. 10 feet between buildings)	12 feet[7]	15 feet
D.	PAIRED HOME	4,000 sq. ft. (per Paired lot / 2,000 sq. ft. per lot)	30 feet *per lot* (60 feet per Paired lot minimum)	35 feet	18 feet[8,9]	5 feet (0 feet-common, min. 15 feet between buildings)	12 feet	15 feet[10]
E.	TOWNHOME[11] *(CONDOMINIUM STRUCTURES SHALL MEET THESE REQUIREMENTS. WHERE APPLICABLE, EXCLUDING MIN. LOT SIZE AND WIDTH)*	1,000 sq. ft. (4,000 sq. ft. minimum per three (3) lot bldg.)	16 feet (65 feet min. per three (3) lot structure)	40 feet	8 feet	5 feet (0 feet-common, min. 15 feet between buildings)	20 feet	4 feet[12]

NOTES

1. MINIMUM LOT WIDTHS SHALL BE MEASURED AT FRONT AND REAR SETBACK. LOT FRONTAGE AT AREAS OF CUL-DE-SAC AND/OR ROADWAY CURVES SHALL BE ALLOWED TO BE LESS THAN THE REQUIRED WIDTH NOTED, BUT IN NO CASE SHALL THEY BE LESS THAN 1.5 X THE PROPOSED DRIVEWAY WIDTH (i.e 10' proposed driveway, shall require a 15' lot frontage).
2. BUILDING AND STRUCTURES SHALL BE MEASURED AS OUTLINED IN SECTION 18.04.113.2 OF THE LOVELAND ZONING CODE.
3. THE HEIGHT OF ALL ACCESSORY STRUCTURES SHALL BE PER LOVELAND TITLE 18; SECTION 18.54.020
4. FOR SIDE LOADED, RECESSED, OR DETACHED GARAGES THE FRONT SETBACK SHALL BE REDUCED TO 15 FEET.
5. A CORNER LOT SIDE SETBACK REQUIREMENT SHALL BE REDUCED TO MIN OF 5 FOR LOTS DIRECTLY ADJACENT TO AN OPENSPACE/LANDSCAPE TRACT OF AT LEAST 8 FEET IN WIDTH.
6. HOUSES SHALL BE DEVELOPED AS ZERO LOT LINE HOMES. ONE SIDE YARD SETBACK SHALL BE ZERO (0) FEET AND THE OPPOSITE SIDE YARD SETBACK SHALL BE A MINIMUM OF TEN FEET.
7. CORNER LOT SHALL NOT BE ZERO (0) LOT SETBACK, CORNER LOT SIDEYARD SETBACK SHALL BE MINIMUM LISTED IN CHART.
8. FOR SIDE LOADED, RECESSED, OR DETACHED GARAGES THE FRONT SETBACK SHALL BE REDUCED TO 15 FEET.
9. FOR ALLEY LOADED GARAGES, SETBACK SHALL BE REDUCED TO 12 FEET MEASURED TO STRUCTURE (INCLUDING COVERED PORCH). NO PART OF THE STRUCTURE SHALL BE CLOSER THAN 10 FEET TO THE ADJACENT RIGHT OF WAY.
10. FOR ALLEY LOADED GARAGES, REAR SETBACK SHALL BE REDUCED TO 5 FEET MIN. ALLEY LOADED DRIVEWAY SHALL BE GREATER THAN 18 FEET OR LESS THAN 7 FEET IN LENGTH (NO DRIVEWAY LENGTH BETWEEN 8 FEET AND 18 FEET IN LENGTH).
11. ALL TOWNHOME/CONDOMINIUM LOTS SHALL HAVE VEHICULAR ACCESS PROVIDED FROM A PRIVATE DRIVE OR ALLEY. NO GARAGE DOORS OR VEHICULAR ACCESS SHALL BE PERMITTED TO THE ADJACENT PUBLIC RIGHT OF WAY.
12. A MINIMUM REAR SETBACK OF FOUR FEET SHALL BE PROVIDED AND MEASURED FROM THE MAIN DWELLING UNIT OR GARAGE DOOR TO THE ALLEY RIGHT-OF-WAY DRIVEWAY SHALL BE GREATER THAN 18 FEET OR LESS THAN 7 FEET IN LENGTH (NO DRIVEWAY LENGTH BETWEEN 8 FEET AND 18' IN LENGTH).
13. ALL ACCESSORY BUILDINGS HEIGHTS SHALL BE PER LOVELAND TITLE 18; 18.54.020

VALERIAN
Landscape Architecture | Urban Design
Irrigation Design | Planning
3001 Brighton Boulevard | Suite 643 | Denver, CO 80216

CWC CONSULTING GROUP
4625 TABLE MESA DRIVE, SUITE 175
CASTLE ROCK, CO 80104
PHONE: 303.395.2700

THE TRUE LIFE COMPANIES
5251 DTC PARKWAY, SUITE 1175
GREENWOOD VILLAGE, CO 80111
PHONE: 303.810.2704

STAMP:

PROJECT:

PROJECT NARRATIVE

GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM
LOVELAND, COLORADO

PROJECT #: 15-005
DESIGNED BY: CK/PM
DRAWN BY: CK
CHECKED BY: PM
ORIGINAL DATE: MARCH 16, 2016

#	REVISION	DATE
1	CITY COMMENTS	5/28/16

SHEET #: 4 of 7

CC EXHIBIT A

PC ATTACHMENT 6

The password to the public access wireless network (collguest...

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM

BEING A GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

GENERAL DEVELOPMENT PLAN NARRATIVE: (continued)

DEVELOPMENT REGULATIONS

A. RESIDENTIAL REGULATIONS:

a. GENERAL – THE OVERALL THEME/CONCEPT AND ARCHITECTURAL FEATURES OF PROPOSED DESIGN SHALL BE MONITORED AND REVIEWED BY THE OWNER/MASTER DEVELOPER PRIOR TO FORMAL SUBMITTAL TO THE CITY OF LOVELAND.

b. PURPOSE - THE FOLLOWING GUIDELINES AND STANDARDS ARE INTENDED TO PROMOTE VARIETY AND VISUAL INTEREST IN ALL PROPOSED LAND USE AREAS AND ENCOURAGE CLUSTER STYLE DEVELOPMENT. THESE REGULATIONS ALSO INTEND TO MINIMIZE ZONING DISTRICTS PREDOMINATELY CHARACTERIZED BY RESIDENTIAL BUILDING DEVELOPMENT WITH STREETSCAPES DOMINATED BY PROTRUDING GARAGES AND GARAGE DOORS.

c. APPLICABILITY - ANY ITEMS NOT SPECIFICALLY COVERED IN THESE REGULATIONS SHALL DEFAULT TO THE REGULATIONS OUTLINED IN THE LOVELAND MUNICIPAL CODE. THE FOLLOWING PERFORMANCE STANDARDS AND DESIGN GUIDELINES SHALL APPLY TO ALL DEVELOPMENT SITES FOR RESIDENTIAL BUILDINGS, INCLUDING SITE/BUILDING PLANS FOR SINGLE FAMILY, PATIO HOMES, PAIRED HOMES, AND TOWNHOME/CONDOMINIUM DWELLINGS.

d. PERFORMANCE STANDARDS.

i. HOUSING STYLE/CONCEPT. *THE VILLAGES AT LEE FARM* SHALL BE DEVELOPED IN AN ARCHITECTURAL STYLE REMINISCENT OF PRAIRIE STYLE ARCHITECTURE. PRAIRIE STYLE ARCHITECTURE IS CHARACTERIZED BY LOW-PITCHED ROOFS WITH WIDE OVERHANGING EAVES AND STRONGLY EMPHASIZED HORIZONTALITY. THE EXTERIOR MATERIALS PALETTE WILL VARY FROM HOUSE TO HOUSE BUT EACH WILL COMPLIMENT THE OTHER TO FORM AN ARCHITECTURALLY SIGNIFICANT COMMUNITY. THIS PUD MAY CONTAIN SEVERAL BUILDERS, EACH WITH THEIR UNIQUE PRODUCT. EACH BUILDER SHALL BE SUBJECT TO PLAN REVIEW UPON SUBMITTAL.

ii. MATERIALS. THE EXTERIOR MATERIAL PALETTE ALLOWED SHALL INCLUDE A MIX OF ANY OF THE FOLLOWING INCLUDING WOOD OR HARDBOARD SIDING, METAL, STUCCO, STONE, BRICK OR OTHER TYPES OF ARCHITECTURAL MASONRY.

iii. MIX OF HOUSING MODELS.

1. ANY DEVELOPMENT AREA CONTAINING FIFTY (50) OR MORE SINGLE-FAMILY, PATIO HOME, OR PAIRED HOME DWELLING UNITS SHALL HAVE AT LEAST FOUR (4) DIFFERENT HOUSING MODELS. ANY DEVELOPMENT PLAN OF FEWER THAN FIFTY (50) SINGLE-FAMILY, PATIO HOME, OR PAIRED HOME DWELLING UNITS SHALL HAVE AT LEAST THREE (3) DIFFERENT HOUSING MODELS. ANY DEVELOPMENT PLAN CONTAINING ONE HUNDRED (100) OR MORE SINGLE-FAMILY, PATIO HOME, OR PAIRED HOME DWELLING UNITS SHALL HAVE AT LEAST FIVE (5) DIFFERENT HOUSING MODELS.
2. EACH HOUSING MODEL SHALL HAVE AT LEAST THREE (3) CHARACTERISTICS WHICH CLEARLY DISTINGUISH IT FROM THE OTHER HOUSING MODELS, INCLUDING DIFFERENT FLOOR PLANS, EXTERIOR MATERIALS, ROOF LINES, GARAGE PLACEMENT, PLACEMENT OF THE FOOTPRINT ON THE LOT, AND/OR BUILDING FACADE.
3. HOUSING MODELS ON DIRECTLY ADJACENT LOTS SHALL BE STAGGERED WITHIN THE BUILDABLE AREA TO PROVIDE INTEREST TO THE OVERALL STREET SCENE. THIS REQUIREMENT IS NOT APPLICABLE FOR LOT TO LOT ON PAIRED HOME DEVELOPMENTS, PAIRED HOMES SHALL PROVIDE THE REQUIRED STAGGER BUILDING TO BUILDING.
4. THE REQUIREMENTS IN SUBPARAGRAPHS (i) AND (ii) ABOVE SHALL NOT APPLY TO DEVELOPMENT PLANS CONTAINING FIFTEEN (15) OR FEWER DWELLING UNITS.

iv. SINGLE-FAMILY DETACHED THE FOLLOWING STANDARDS SHALL APPLY TO ESTATE AND SINGLE FAMILY DETACHED DWELLINGS.

1. GARAGE DOORS FOR SINGLE FAMILY DETACHED DWELLINGS SHALL NOT COMPRISE MORE THAN FIFTY-FIVE (55) PERCENT OF THE GROUND FLOOR STREET-FACING LINEAR BUILDING FRONTAGE.
2. PROPOSED DWELLING UNITS SHALL BE 2-STORY MAX AND COMPLY WITH HEIGHT RESTRICTION PROVIDED.
3. ARCHITECTURAL FEATURES PERMITTED WITHIN BUILDING SETBACKS INCLUDE, BUT NOT LIMITED TO, EAVES, BAY WINDOWS, FOUNDATION COUNTERFORTS, WINDOW WELLS, AWNINGS, BRACES, OVERHANGS, CANTILEVERS, PLANTER BOXES, DECKS AND FIREPLACE BOX-OUTS MAY ENCROACH INTO SETBACK UP TO A MAXIMUM OF 48 INCHES.
4. NO ARCHITECTURAL FEATURE SHALL BE ALLOWED TO OVERHANG OR EXTEND INTO AN ADJACENT PROPERTY.
5. THE MINIMUM OFF-STREET PARKING FOR A SINGLE-FAMILY DETACHED LOT SHALL BE AS PROVIDED IN CHAPTER 18.42 OF THE LOVELAND ZONING CODE.

v. PATIO HOMES THE FOLLOWING STANDARDS SHALL APPLY TO PATIO HOME DWELLINGS.

1. GARAGE DOORS FOR PATIO HOME DWELLINGS SHALL NOT COMPRISE MORE THAN SIXTY (60) PERCENT OF THE GROUND FLOOR STREET-FACING LINEAR BUILDING FRONTAGE.
2. PROPOSED DWELLING UNITS SHALL BE 2-STORY MAX AND COMPLY WITH HEIGHT RESTRICTION PROVIDED.
3. ARCHITECTURAL FEATURES PERMITTED WITHIN BUILDING SETBACKS INCLUDE, BUT NOT LIMITED TO, EAVES, BAY WINDOWS, FOUNDATION COUNTERFORTS, WINDOW WELLS, AWNINGS, BRACES, OVERHANGS, CANTILEVERS, PLANTER BOXES, DECKS AND FIREPLACE BOX-OUTS MAY ENCROACH INTO SETBACK UP TO A MAXIMUM OF 48 INCHES.
4. NO ARCHITECTURAL FEATURE SHALL BE ALLOWED TO OVERHANG OR EXTEND INTO AN ADJACENT PROPERTY.
5. EACH LOT UTILIZING A 'ZERO' LOT SHALL PROVIDE AN ACCESS OR USE EASEMENT, A MINIMUM OF THREE FEET (3') FROM THE LOT ADJACENT TO THE 'ZERO' SIDE TO ALLOW THE ADJACENT PROPERTY OWNER ACCESS FOR MAINTENANCE OF THEIR DWELLING.
6. USABLE COMMON OPEN SPACE SHALL BE PROVIDED FOR RESIDENTS USE. A PORTION OF THE OVERALL DEVELOPMENT THIS OPEN SPACE SHALL BE RELATIVELY FLAT AND FREE OF ANY PARKING, ROADWAY, ALLEY AND PRIVATE DRIVE AREAS. AMENITIES FOR THE OPEN SPACE ARE ENCOURAGE BUT NOT REQUIRED.
7. IN ADDITION TO THE MINIMUM OFF-STREET PARKING REQUIRED PER CHAPTER 18.42 OF THE LOVELAND ZONING CODE, AN ADDITIONAL 0.25 STALLS PER DWELLING UNIT SHALL BE PROVIDED EITHER ON OR OFF STREET WITHIN DISTANCES OUTLINED IN THIS DOCUMENT.

vi. PAIRED HOME DWELLINGS.

1. GARAGE DOORS FOR PAIRED HOME DWELLINGS SHALL NOT COMPRISE MORE THAN SIXTY (60) PERCENT OF THE GROUND FLOOR STREET-FACING LINEAR BUILDING FRONTAGE. REAR OR ALLEY LOADED GARAGE DOORS SHALL HAVE NO RESTRICTION ON PERCENTAGE OF REAR FAÇADE.
2. PROPOSED DWELLING UNITS SHALL BE 2-STORY MAX AND COMPLY WITH HEIGHT RESTRICTION PROVIDED.
3. ARCHITECTURAL FEATURES PERMITTED WITHIN BUILDING SETBACKS INCLUDE, BUT NOT LIMITED TO, EAVES, BAY WINDOWS, FOUNDATION COUNTERFORTS, WINDOW WELLS, AWNINGS, BRACES, OVERHANGS, CANTILEVERS, PLANTER BOXES, DECKS AND FIREPLACE BOX-OUTS MAY ENCROACH INTO SETBACK UP TO A MAXIMUM OF 48 INCHES.
4. NO ARCHITECTURAL FEATURE SHALL BE ALLOWED TO OVERHANG OR EXTEND INTO AN ADJACENT PROPERTY.
5. AT LEAST ONE MAIN ENTRANCE TO ANY PAIRED HOME DWELLING SHALL FACE AND OPEN DIRECTLY ONTO A WALKWAY CONNECTED TO A SIDEWALK.
6. NO WALL THAT FACES A STREET SHALL HAVE A BLANK, UNINTERRUPTED LENGTH EXCEEDING THIRTY (30) FEET WITHOUT INCLUDING TWO (2) OF THE FOLLOWING: CHANGE IN PLANE; CHANGE IN TEXTURE OR MASONRY PATTERN; WINDOWS; OR AN EQUIVALENT ELEMENT THAT SUBDIVIDES THE WALL INTO HUMAN SCALE PROPORTIONS ALL SIDES OF THE DWELLING VISIBLE FROM A PUBLIC RIGHT-OF-WAY OR OTHER PUBLIC PLACE SHALL INCLUDE MATERIALS AND DESIGN FEATURES CONSISTENT WITH THOSE ON THE FRONT OF THE DWELLING.
7. USABLE COMMON OPEN SPACE SHALL BE PROVIDED FOR RESIDENTS USE. A PORTION OF THE OVERALL DEVELOPMENT THIS OPEN SPACE SHALL BE RELATIVELY FLAT AND FREE OF ANY PARKING, ROADWAY, ALLEY AND PRIVATE DRIVE AREAS. AMENITIES FOR THE OPEN SPACE ARE ENCOURAGE BUT NOT REQUIRED.
8. IN ADDITION TO THE MINIMUM OFF-STREET PARKING REQUIRED PER CHAPTER 18.42 OF THE LOVELAND ZONING CODE, AN ADDITIONAL 0.25 STALLS PER DWELLING UNIT SHALL BE PROVIDED EITHER ON OR OFF STREET WITHIN DISTANCES OUTLINED IN THIS DOCUMENT

vii. TOWNHOME AND CONDOMINIUM DWELLINGS

1. TOWNHOME DWELLINGS SHALL BE NO LESS THAN THREE (3) UNITS AND NO MORE THAN SIX (6) UNITS IN SIZE.
2. CONDOMINIUM DWELLINGS SHALL BE NO LESS THAN THREE (3) UNITS AND NO MORE THAN TWENTY (20) UNITS IN SIZE.
3. AT LEAST ONE MAIN ENTRANCE TO ANY TOWNHOME/CONDOMINIUM DWELLING SHALL FACE AND OPEN DIRECTLY ONTO A WALKWAY CONNECTED TO A SIDEWALK.
4. INDIVIDUAL ACCESS FROM THE PUBLIC RIGHTS-OF-WAY TO GARAGES AND/OR PARKING AREAS FOR DWELLING UNITS IN A TOWNHOME/ CONDOMINIUM DWELLING CONTAINING THREE OR MORE DWELLING UNITS SHALL NOT BE PERMITTED.
5. NO WALL THAT FACES A STREET SHALL HAVE A BLANK, UNINTERRUPTED LENGTH EXCEEDING THIRTY (30) FEET WITHOUT INCLUDING TWO (2) OF THE FOLLOWING: CHANGE IN PLANE, CHANGE IN TEXTURE OR MASONRY PATTERN; WINDOWS; OR AN EQUIVALENT ELEMENT THAT SUBDIVIDES THE WALL INTO HUMAN SCALE PROPORTIONS ALL SIDES OF THE DWELLING VISIBLE FROM A PUBLIC RIGHT-OF-WAY OR OTHER PUBLIC PLACE SHALL INCLUDE MATERIALS AND DESIGN FEATURES CONSISTENT WITH THOSE ON THE FRONT OF THE DWELLING.
6. TOWNHOME/CONDOMINIUM DWELLINGS SHALL PROVIDE VARIATION IN THE ARCHITECTURAL DESIGN OF THE DWELLING, INCLUDING CHANGES IN ROOF LINES, CHANGES IN FACADE PLANE, PROMINENT ENTRY FEATURES, USE OF COLOR IN TRIM AND ACCENT FEATURES, AND SIMILAR TECHNIQUES.
7. USABLE COMMON OPEN SPACE SHALL BE PROVIDED FOR RESIDENTS USE. A PORTION OF THE OVERALL DEVELOPMENT THIS OPEN SPACE SHALL BE RELATIVELY FLAT AND FREE OF ANY PARKING, ROADWAY, ALLEY AND PRIVATE DRIVE AREAS. AMENITIES FOR THE OPEN SPACE ARE ENCOURAGE BUT NOT REQUIRED.
8. IN ADDITION TO THE MINIMUM OFF-STREET PARKING REQUIRED PER CHAPTER 18.42 OF THE LOVELAND ZONING CODE, AN ADDITIONAL 0.50 STALLS PER DWELLING UNIT SHALL BE PROVIDED EITHER ON OR OFF STREET WITHIN DISTANCES OUTLINED IN THIS DOCUMENT

B. LANDSCAPE REGULATIONS

a. GENERAL STANDARD. ALL DEVELOPMENT SITES SHALL BE LANDSCAPED TO ACCOMPLISH THE FOLLOWING STANDARDS:

i. THE OVERALL THEME/CONCEPT AND ARCHITECTURAL FEATURES OF PROPOSED DESIGN SHALL BE MONITORED AND REVIEWED BY THE OWNER/MASTER DEVELOPER PRIOR TO FORMAL SUBMITTAL TO THE CITY OF LOVELAND.

ii. PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE CITIZENS OF LOVELAND BY PRESERVING AND REPLACING VEGETATIVE COVER WHICH WILL REDUCE SOIL EROSION, CLEAN THE AIR, CONSERVE THE SOIL, AND TO PREVENT BLOWING DUST AND DIRT, REDUCE FLOODING, PROVIDE SHADE, AND ENHANCE THE ATTRACTIVENESS OF THE COMMUNITY.

iii. PURPOSEFULLY LOCATE LANDSCAPING MATERIALS WHERE THEY WILL HELP CONSERVE ENERGY AND WATER RESOURCES BY REDUCING GLARE AND HEAT BUILD-UP.

iv. CREATE TREE-LINED STREETS WITH A DECIDUOUS CANOPY AND QUALITY VIEW FROM ADJACENT PUBLIC RIGHT OF WAY TO REDUCE HEAT ISLAND EFFECT.

v. PROTECT AND ENHANCE PROPERTY VALUES THROUGH THE IMPROVEMENT OF BUFFER YARDS, SCREENING AND LANDSCAPING PARKING AREAS/CONFLICTING LAND USES.

vi. PRESERVE NATIVE GRASSES, MATURE TREES, AND OTHER VEGETATIVE COVER BY CLUSTERING DEVELOPMENT AND RESTORING NATIVE GRASSES AND TREES WHEN APPLICABLE.

vii. EFFORTS SHALL BE MADE TO REDUCE IMPERVIOUS SURFACING AND INCORPORATE WATER QUALITY MEASURES THROUGHOUT THE SITE BY USE OF GREEN INFRASTRUCTURE AND BEST MANAGEMENT PRACTICES.

b. PERFORMANCE STANDARDS.

i. ALL LANDSCAPE MATERIALS PLANTED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE HEALTHY AND BE COMPATIBLE WITH THE LOCAL CLIMATE AND THE SITE SOIL CHARACTERISTICS, DRAINAGE AND WATER SUPPLY.

ii. THE QUALITY AND QUANTITY OF PLANT MATERIALS SHALL COMPLY WITH THE REQUIREMENTS OF THE COLORADO NURSERY ACT, 1973 C.R.S., TITLE 35, ARTICLE 26, AS AMENDED.

iii. SIXTY (60) PERCENT OF ALL LANDSCAPED AREAS SHALL BE COVERED WITH LIVING PLANT MATERIAL WITHIN THREE (3) YEARS OF PLANTING.

iv. ALL PLANTING BEDS SHALL BE COVERED WITH HIGH QUALITY MULCH TO CONSERVE SOIL MOISTURE. THE USE OF PLASTIC/ARTIFICIAL MATERIAL OR LAVA ROCK AS A GROUND COVER/MULCH SHALL BE PROHIBITED. SOIL AMENDMENTS APPROPRIATE FOR THE INTENDED MATERIALS AND DESIGN OF THE SITE SHOULD BE SELECTED AND USED. SOIL AMENDMENTS ARE GENERALLY NEEDED TO PROVIDE BETTER WATER ABSORPTION, AERATION, WATER-HOLDING CAPACITY AND NUTRIENTS. SOIL SHOULD BE IMPROVED WHERE NEEDED TO ACCOMMODATE PERMANENT LANDSCAPING. SOILS SHOULD BE TESTED FOR ACIDITY, AVAILABLE POTASSIUM, PHOSPHOROUS, NITROGEN, ADDING PEAT OR COMPOST AND ADJUSTING FOR PH WITH LIME. SOIL IMPROVEMENTS CAN ALSO REDUCE THE AMOUNT OF MAINTENANCE REQUIRED AND QUANTITY OF WATER NEEDED BY PLANTS.

v. PRUNING SHALL BE LIMITED TO REMOVAL OF DEAD AND/OR DYING LIMBS; PLANT MATERIAL IS ENCOURAGED TO RETAIN ITS NATURAL FORM.

c. DESIGN GUIDELINES

i. DECIDUOUS TREES SHALL BE AT LEAST TWO (2) INCHES IN CALIPER, MEASURED SIX INCHES ABOVE GRADE.

ii. ORNAMENTAL TREES SHALL BE AT LEAST ONE AND ONE-HALF (1.5) INCHES IN CALIPER, MEASURED SIX INCHES ABOVE GRADE.

iii. EVERGREEN TREES SHOULD BE AT LEAST SIX (6) FEET IN HEIGHT

iv. DECIDUOUS AND EVERGREEN SHRUBS SHALL BE #5 CONTAINER OR GREATER.

v. ORNAMENTAL GRASSES AND PERENNIAL/GROUNDCOVERS SHALL BE #1 CONTAINER OR GREATER.

vi. ALL SIZES LISTED ARE REQUIRED PLANT MATERIAL SIZES AT TIME OF INSTALLATION.

vii. MULCH SHALL BE A DEPTH OF AT LEAST 3 INCHES TO RETAIN WATER AROUND ROOTS.

viii. WHENEVER THE CALCULATION OF THE QUANTITY OF LANDSCAPE MATERIALS YIELDS A FRACTION, THE NEXT HIGHEST WHOLE NUMBER SHOULD BE USED.

ix. THE USE OF VERY LOW AND LOW WATER USE PLANT MATERIALS IS ENCOURAGED IN ALL LANDSCAPED AREAS.

x. 'WATER-WISE' LANDSCAPE PRINCIPALS ARE ENCOURAGED IN ALL LANDSCAPE DESIGN AND ARE ACHIEVED THROUGH:

1. CAREFUL AND THOUGHTFUL PLANNING ON THE LANDSCAPE DESIGN.
2. USE OF SOIL AMENDMENT AND MATCHING PLANT MATERIAL TO THE SOILS AVAILABLE ON SITE.
3. THE USE OF PLANT MATERIALS SUITED FOR DROUGHT TOLERANCE OR REDUCED WATER DEMAND
4. THE USE OF APPROPRIATELY DESIGNED TURF GRASS AREAS AND APPROPRIATE TURF FOR THE SOILS AND EXPOSURE.
5. GROUPING PLANTS WITH SIMILAR MOISTURE REQUIREMENTS, AND EXPOSURE REQUIREMENTS, COMMONLY CALLED HYDROZONING.
6. EFFECTIVE AND EFFICIENT IRRIGATION DESIGN WITH WEATHER SENSOR CAPABILITIES.

xi. ALL LIVING PLANTS REQUIRED BY THIS SECTION, AS SHOWN ON A LANDSCAPE PLAN APPROVED BY THE CITY, SHALL BE MAINTAINED IN A LIVE AND HEALTHY STATE BY THE APPROPRIATE PROPERTY OWNER. DEAD OR UNHEALTHY PLANTS SHALL BE IMMEDIATELY REPLACED WITH THE SIZE AND TYPE OF PLANTS REQUIRED ON THE APPLICABLE DEVELOPMENT PLAN AND BY THIS SECTION.

xii. REPLACEMENT OF PLANTS MAY BE DELAYED WHENEVER THE DIRECTOR DETERMINES THAT EXTENUATING CIRCUMSTANCES, BEYOND THE OWNERS CONTRACT PREVENT THE IMMEDIATE REPLACEMENT OF THE DEAD OR UNHEALTHY PLANTS, AND THE OWNER AGREES TO REPLACE THE DEAD OR UNHEALTHY PLANTS WITHIN A TIME ESTABLISHED BY THE DIRECTOR IN ANY EVENT, THE DEAD OR UNHEALTHY PLANTS SHOULD BE REPLACED WITHIN NINE (9) MONTHS OF THE TIME THE PLANTS DIED OR BECAME UNHEALTHY.

d. HEIGHT AND LOCATION.

i. PERFORMANCE STANDARDS.

1. TREES SHALL BE PLANTED ON THE PROJECT SITES SO AS TO ALLOW FOR EIGHTY (80) PERCENT OF THEIR EXPECTED MATURE GROWTH.
2. ACCESS TO OR VIEW OF FIRE HYDRANTS SHALL NOT BE OBSTRUCTED FROM ANY SIDE.
3. LANDSCAPING SHALL NOT PREVENT ACCESS TO UTILITY STRUCTURES OR EQUIPMENT.
4. LANDSCAPE AND UTILITY PLANS SHALL BE COORDINATED TO COMPLY WITH THE OBJECTIVES AND STANDARDS ESTABLISHED IN THIS SECTION.
5. PLANT MATERIALS SHALL COMPLY WITH THE GUIDELINES FOR PLANTS LOCATED IN SIGHT DISTANCE TRIANGLES.

ii. DESIGN GUIDELINES.

1. PLANTS WHICH WILL MATURE TO A HEIGHT OF SIX INCHES OR MORE SHOULD NOT BE PLANTED WITHIN THREE (3) FEET OF A FIRE HYDRANT.
2. SEPARATIONS BETWEEN TREES AND UTILITIES SHOULD COMPLY WITH THE FOLLOWING LIST.
   a. STREET LIGHTS – 35 FEET (SHADE TREE), 15 FEET (ORNAMENTAL TREE).
   b. WATER/SEWER UTILITY – 10 FEET
   c. FIRE HYDRANT – 20 FEET
   d. GAS MAIN – 5 FEET
   e. OVERHEAD/UNDERGROUND POWER – 5 FEET
   f. STOP SIGN – 20 FEET

C. LANDSCAPE DESIGN.

a. PERFORMANCE STANDARD. ALL PRIVATE LOT AREAS NOT COVERED BY BUILDINGS, PARKING OR OTHER STRUCTURES SHALL BE AESTHETICALLY TREATED WITH LANDSCAPE MATERIAL INCLUDING TREES, SHRUBS AND GROUNDCOVERS CONSISTENT WITH THE PROVISIONS IN THIS SECTION. ALL PUBLIC RIGHT OF WAY, OPEN TRACT AND/OR BUFFER AREA NOT COVERED BY PARKING, ROADWAYS OR OTHER STRUCTURES SHALL BE AESTHETICALLY TREATED WITH LANDSCAPE MATERIAL INCLUDING TREES, SHRUBS AND GROUNDCOVERS CONSISTENT WITH THE PROVISIONS IN THIS SECTION.

b. DESIGN GUIDELINES.

i. OVER-STORY SHADE TREES SHALL BE CHOSEN TO PROVIDE DOMINANT NEIGHBORHOOD CHARACTER AND IDENTITY. TREES WHICH ARE INDIGENOUS OR ADAPTABLE TO THE LOCAL CLIMATE, REQUIRE MINIMAL MAINTENANCE AND ARE DISEASE AND PEST RESISTANT ARE ENCOURAGED. TO ESTABLISH A LANDSCAPE THEME, THE SAME DESIGN ELEMENTS AND MATERIALS THAT ARE USED IN EXISTING, WELL LANDSCAPED, NEARBY PROPERTIES SHOULD BE USED ON NEW DEVELOPMENT SITES.

ii. INTERMEDIATE ORNAMENTAL TREES SHOULD BE EMPLOYED FOR UNDER STORY SCREEN, WINDBREAK, AND VISUAL INTEREST. ORNAMENTAL TREES SHOULD BE USED TO DIVIDE A LARGE SITE INTO SMALLER COMPONENTS. SHRUBS ARE ENCOURAGED TO BE USED FOR LOW LEVEL BUFFERS, ENCLOSURE, TO IDENTIFY AND REINFORCE PATHWAYS AND TO PROVIDE VISUAL INTEREST AND DISPLAY.

iii. PLANTING DESIGN SHOULD BE SIMPLE. MOUNDING AND MASSING OF SHRUB AND GROUNDCOVERS PLANTS OF APPROPRIATE SCALE

iv. TURF GRASS SHALL BE A BLEND OF DROUGHT RESISTANT FORMS OF A SOD FORMING GRASS, AS RECOMMENDED BY THE LOCAL EXTENSION SERVICE.

v. NATIVE SEED AREAS SHALL BE A BLEND OF HARDY AND NATIVE SEED SIMILAR TO EXISTING NATIVE STANDS WITHIN THE AREA, WILDFLOWER SEEDS MAY BE ADDED TO THE BLEND WHERE APPLICABLE AND PROVIDE VISUAL INTEREST.

vi. PLANTING AREAS SHOULD RELATE TO, COMPLEMENT AND SCREEN THE ARCHITECTURAL ELEMENTS OF THE BUILDINGS ON THE SITE WHERE APPLICABLE.

c. EDGE TREATMENT. EDGE TREATMENT SHALL BE DESIGNED TO BE IN CONFORMANCE WITH REQUIRED BUFFERS AND LANDSCAPE STANDARDS IN THE LOVELAND SITE DEVELOPMENT AND PERFORMANCE STANDARDS.

i. SPECIAL ATTENTION WILL BE APPLIED TO THE AREA BETWEEN THE EXISTING HUNTER'S RUN DEVELOPMENT AND PROPOSED W. 35TH STREET COLLECTOR ROADWAY.

ii. SPECIAL ATTENTION WILL ALSO BE APPLIED TO THE WILSON AVE. FRONTAGE AND INCORPORATION OF ANY SIDEWALK/TRAIL IMPROVEMENTS WITHIN THE SITE. FENCING AND LANDSCAPING WILL BE USED TO HELP BUFFER THE SITE FROM N. WILSON AND AT THE SAME TIME CREATE A POSITIVE VISUAL APPEARANCE INTO THE SITE.

d. INSTALLATION AND MAINTENANCE. REQUIRED LANDSCAPING AND PERIMETER FENCING SHALL BE INSTALLED BY THE DEVELOPER PER APPROVED PLANS AND WITHIN EACH PHASE OF THE DEVELOPMENT. SUCH IMPROVEMENTS WILL BE DONE IN CONJUNCTION WITH APPROPRIATE SEASONAL GUIDELINES. MAINTENANCE FOR COMMON AREA LANDSCAPING AND COMMON AREA FENCING AND FACILITIES SHALL BE THE RESPONSIBILITY OF THE METROPOLITAN DISTRICT.

D. IRRIGATION REGULATIONS

a. PERFORMANCE STANDARDS

i. A WATERING SYSTEM THAT IS CAPABLE OF PROVIDING SUFFICIENT WATER TO MAINTAIN PLANTS IN A HEALTHY CONDITION SHALL BE INSTALLED IN ALL AREAS WHICH ARE LANDSCAPED WITH LIVE PLANTS. PURSUANT TO THE REQUIREMENTS OF THIS SECTION.

ii. ALL LANDSCAPING AND IRRIGATION FACILITIES IN EACH PHASE OF A DEVELOPMENT SHALL BE INSTALLED CONCURRENTLY WITH THE PROPOSED RESIDENTIAL USES

b. DESIGN GUIDELINES.

i. IRRIGATION GUIDELINES FOR ALL AREAS ARE AS FOLLOWS:

1. PROVISION SHOULD BE MADE FOR PERMANENT, AUTOMATIC IRRIGATION OF ALL PLANT MATERIALS REQUIRING MORE THAN FIFTEEN (15) INCHES OF WATER PER YEAR.
2. PROVISION SHOULD BE MADE TO PROVIDE TEMPORARY IRRIGATION FOR THE PURPOSE OF ESTABLISHING NEWLY PLANTED PLANT MATERIALS REQUIRING LESS THAN FIFTEEN (15) INCHES OF WATER PER YEAR.;

ii. ALL IRRIGATION SYSTEMS SHOULD BE MAINTAINED IN GOOD WORKING CONDITION.

E. FENCING.

a. PURPOSE PROPER FENCING CAN HAVE A UNIFYING EFFECT UPON A NEIGHBORHOOD OR STREETSCAPE BUT IMPROPER FENCING CAN DETRACT FROM THE APPEARANCE OF A NEIGHBORHOOD OR STREETSCAPE. CONTINUOUS LENGTHS OF FENCE CONTAINING SEVERAL SECTIONS OF DISSIMILAR DESIGN AND MATERIALS SHOULD BE AVOIDED. THE COORDINATION OF FENCE DESIGN AND MATERIALS AMONG NEIGHBORING PROPERTIES CAN HAVE A POSITIVE EFFECT ON THE VISUAL AND PSYCHOLOGICAL HARMONY OF AN AREA. PRELIMINARY FENCE DESIGNS SHALL BE SUBMITTED AT THE TIME OF THE PDP.

b. APPLICABILITY. THE STANDARDS AND GUIDELINES IN THIS SECTION SHALL APPLY TO THE INSTALLATION OF ALL FENCES, INCLUDING FENCES ON LOTS FOR SINGLE FAMILY, PAIRED HOME, PATIO HOME, AND TOWNHOME/CONDOMINIUM DWELLINGS.

c. PERFORMANCE STANDARDS.

i. FENCING SHALL BE DESIGNED TO HAVE A UNIFYING EFFECT WITHIN A NEIGHBORHOOD BY COORDINATING THE DESIGN AND MATERIALS WITH NEIGHBORING PROPERTIES.

ii. FENCING CONTAINING SEVERAL SECTIONS OF DISSIMILAR DESIGN AND MATERIALS SHALL BE AVOIDED.

iii. ALL FENCING ADJACENT TO A PUBLIC OR PRIVATE STREET SHALL BE CONSTRUCTED OF A DURABLE MATERIAL WHICH IS COMPATIBLE WITH ADJOINING BUILDINGS AND FENCES.

iv. LIMIT SHADING OF PUBLIC OR PRIVATE SIDEWALKS, FENCES SHALL BE OFFSET OR OPEN CONSTRUCTION TO LIMIT SHADING AND PREVENT MAINTENANCE ISSUES.

v. ALL FENCING SHALL BE CONSTRUCTED OF BRICK, WOOD, WROUGHT IRON, DECORATIVE CONCRETE BLOCK, OR SIMILAR MATERIAL.

vi. ALL FENCING SHALL BE CONSTRUCTED SO AS TO CONCEAL OR INTEGRATE INTO THE ARCHITECTURE OF THE FENCE ALL STRUCTURAL MEMBERS. IN STOCKADE FENCE CONSTRUCTION, POSTS AND CROSS MEMBERS SHALL BE VISIBLE ON THE SIDE OF THE FENCE THAT IS LESS VISIBLE TO THE PUBLIC.

vii. ALL FENCING ADJACENT TO A PUBLIC OR PRIVATE STREET, OR REQUIRED AS PART OF A BUFFER YARD, SHALL BE MAINTAINED IN GOOD REPAIR.

viii. CHAIN LINK FENCING, WITH OR WITHOUT SLATS, SHALL NOT BE USED AS A FENCING MATERIAL FOR SCREENING PURPOSE.

ix. ALL FENCES, WALLS AND SIMILAR STRUCTURES SHALL BE MAINTAINED IN GOOD CONDITION. CHIPPED PAINT, MISSING FENCE PIECES, LEANING OR FALLEN PORTIONS OF A FENCE OR OTHER SIGNS OF DETERIORATION SHALL IMMEDIATELY BE REPLACED OR REPAIRED BY THE APPROPRIATE PROPERTY OWNER.

VALERIAN
Landscape Architecture | Urban Design
Irrigation Design | Planning
3001 Brighton Boulevard | Suite 643 | Denver, CO 80216

CWC CONSULTING GROUP
CIVIL | WATER | COMMUNITY
CWC CONSULTING GROUP
4625 INNOVATION DR. UNIT 175
CASTLE ROCK, CO 80104
PHONE: 303.395.2700

THE TRUE LIFE COMPANIES
THE TRUE LIFE COMPANIES
5619 DTC PARKWAY, SUITE 1175
GREENWOOD VILLAGE, CO 80111
PHONE: 303.810.2704

STAMP:

PROJECT:

PROJECT NARRATIVE

GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM
LOVELAND, COLORADO

PROJECT #: 15-005
DESIGNED BY: CK/PM
DRAWN BY: CK
CHECKED BY: PM
ORIGINAL DATE: MARCH 16, 2016

#	REVISION	DATE
1	CITY COMMENTS	5/28/16

SHEET #:

CC EXHIBIT A

PC ATTACHMENT 6

The password to the public access wireless network (coliquest...

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM

BEING A GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

GENERAL DEVELOPMENT PLAN NARRATIVE: (continued)

(**FENCING** – *CONTINUED*)

d. DESIGN GUIDELINES.
   i. THE FINAL SELECTION OF FENCING MATERIALS AND DESIGN SHOULD BE MADE ACCORDING TO THE USE IT WILL SERVE AND THE DESIGN CHARACTER OF ADJACENT OR ADJOINING FENCES.
   ii. CONSIDERATION IN THE SELECTION OF FENCING MATERIALS SHOULD INCLUDE ITS INTENDED PURPOSE. LABOR REQUIRED FOR CONSTRUCTION. MAINTENANCE REQUIREMENTS, LONGEVITY AND COST.
   iii. COLOR FOR FENCING SHOULD BE COMPATIBLE WITH THE ARCHITECTURE AND REFLECT THE MATERIALS USED. MASONRY SHOULD BLEND WITH THE ARCHITECTURE AND WOOD AND METAL COLORS SHOULD BE IN HARMONY WITH THE COLORS IN THE ARCHITECTURE.
   iv. ALONG ARTERIAL AND COLLECTOR STREETS, FENCING SHOULD BE DESIGNED AND COORDINATED SO AS TO PROVIDE A UNIFIED AND POSITIVE IMAGE FOR THE NEIGHBORHOOD AND COMMUNITY.
   v. FENCING AND WALLS SHOULD BE CONSIDERED AN INTEGRAL PART OF THE ARCHITECTURAL AND SITE DESIGN FOR EACH UNIT.
   vi. FENCES AND WALL HEIGHT SHALL MEET REQUIREMENTS OF THE LOVELAND MUNICIPAL CODE.
   vii. FENCING SHOULD GENERALLY BE STEPPED UP OR DOWN TO ACCOMMODATE CHANGES IN TOPOGRAPHY RATHER THAN SLOPING WITH THE GROUND.
   viii. LOCATION OF FENCES AND DEGREES OF OPENNESS SHOULD TAKE INTO ACCOUNT VIEW OR VISTAS, ENVIRONMENTAL CONCERNS SUCH AS WIND AND AIR CIRCULATION, AND THE DESIRED LEVEL OF PRIVACY.

F. NATURAL AREA FENCING AND LANDSCAPING
   a. PERFORMANCE STANDARDS. THE LANDSCAPE PLAN FOR ANY OPEN LAND OR WETLANDS AREA WILL BE BASED UPON CONNECTING AREAS OF THE SITE WITH EACH OTHER AS WELL AS ALLOWING CONNECTIONS TO THE ADJACENT DEVELOPMENTS TO PERMIT PEDESTRIAN CONNECTIVITY. LANDSCAPE MATERIALS WILL CONSIDER AND USE, WHEREVER PRACTICABLE, NATURAL PLANT COMMUNITIES AND COMPATIBLE PLANTS WITH THE CHARACTER OF ANY OPEN LAND OR WETLANDS. FENCING SHOULD NOT DETRACT FROM THE DESIGN, BUT SHOULD BE USED AS AN APPROPRIATE DESIGN ELEMENT WHERE DESIRED. BECAUSE THE SITE IS GENERALLY DEVOID OF CANOPY MATERIAL, THE DESIGN SHOULD TAKE ADVANTAGE OF OPEN VISTAS THROUGHOUT THE SITE.
   b. OPEN SPACE EDGE TREATMENTS. EDGE TREATMENT ADJACENT TO OPEN SPACE AND WETLANDS AND ADJACENT TO CASCADE AVENUE WILL BE TREATED AS ENHANCED NATIVE LANDSCAPES. THE CHARACTER WILL USE DROUGHT TOLERANT SPECIES OF SHRUBS AND TREES AND WILL EMPLOY CLUSTERED AND RANDOM PLACEMENT RATHER THAN FORMAL PLANT PLACEMENT. THE GOAL IS TO MAINTAIN THE EXISTING OPEN VISTAS. OPEN FENCES OF NO GREATER THAN FOUR FEET IN HEIGHT WILL BE ALLOWED ADJACENT TO WETLANDS AND DESIGNATED OPEN LANDS WHICH MAY INCLUDE EITHER FORMAL AND INFORMAL WALKWAYS.

G. SCREENING OF UNSIGHTLY AREAS.
   a. PERFORMANCE STANDARDS
      i. UNSIGHTLY AREAS SHALL BE SCREENED FROM VIEW FROM PUBLIC SIDEWALKS, STREETS, TRAILS, PARKS, AND OTHER PROPERTIES WHICH ARE USED BY THE PUBLIC, AND RESIDENTIAL AREAS. UNSIGHTLY AREAS SHALL INCLUDE, BUT NOT BE LIMITED TO, OUTSIDE TRASH RECEPTACLES, LOADING DOCKS, OUTSIDE STORAGE AREAS, UTILITY BOXES, AND OPEN AREAS WHERE MACHINERY OR VEHICLES ARE STORED OR REPAIRED.
      ii. THE DIRECTOR MAY DETERMINE THAT OTHER AREAS SIMILAR TO THOSE SPECIFIED HEREIN ARE ALSO UNSIGHTLY AREAS AND SUBJECT TO THE STANDARDS AND GUIDELINES IN THIS SUBSECTION.
   b. DESIGN GUIDELINES.
      i. THE PREFERRED METHOD FOR SCREENING UNSIGHTLY AREAS IS THROUGH A VEGETATIVE SCREEN. WHERE APPLICABLE A SIX (6) FOOT HIGH MASONRY WALL OR WOOD FENCE WITH THE REQUIRED LANDSCAPING WITHIN THE BUFFER YARD LOCATED BETWEEN THE WALL AND THE AREA FROM WHICH THE SITE MAY BE VIEWED BY THE PUBLIC SHALL ALSO BE APPLICABLE.
      ii. WHENEVER PLANTS ALONE ARE USED AS A SCREEN, THE PLANTS SHOULD BE CONIFEROUS. THEY SHOULD PROVIDE AN OPAQUE SCREEN WITHIN THREE (3) YEARS OF THE TIME THEY ARE PLANTED.
      iii. UTILITY BOXES, INCLUDING, BUT NOT LIMITED TO, ELECTRIC TRANSFORMERS, SWITCH GEAR BOXES, AND TELEPHONE PEDESTALS AND BOXES SHOULD BE SCREENED FROM VIEW ON ALL SIDES NOT USED FOR SERVICE ACCESS.
      iv. THE MATERIALS AND COLORS OF THE MATERIALS USED TO PROVIDE THE SCREENING SHOULD BLEND WITH THE SITE AND THE SURROUNDINGS.
      v. TRASH ENCLOSURES SHOULD BE PLACED AROUND DUMPSTERS AND ANY OTHER PROPOSED RECEPTACLE OF TRASH. THE DUMPSTER SHOULD BE ENTIRELY SCREENED FROM VIEW. THE ENCLOSURE SHOULD PREVENT TRASH FROM BEING SCATTERED BY WIND OR ANIMALS. THE DUMPSTER SHOULD BE PLACED ON A CONCRETE PAD, ENCLOSED BY AN OPAQUE WALL AT LEAST SIX FEET IN HEIGHT, WITH GATES. THE ENCLOSURE SHOULD BE STURDY AND BUILT WITH QUALITY WOOD AND/OR MASONRY MATERIALS. THE TRASH ENCLOSURE SHOULD BE SITED SO THE GARBAGE TRUCK HAS CONVENIENT ACCESS TO THE ENCLOSURE AND HAS ROOM TO MANEUVER WITHOUT BACKING ONTO A PUBLIC RIGHT-OF-WAY.

H. SIGNAGE
   a. PURPOSE. TO ALLOW FOR WAYFINDING AND BRANDING OF THE DEVELOPMENT, MONUMENT SIGNS OF VARYING MAGNITUDE SHALL BE PERMITTED ON SITE. MONUMENTS SHALL BE LOCATED ON BOTH ARTERIAL, COLLECTOR, AND LOCAL STREETS WHERE APPLICABLE. MONUMENTS SHALL BE CONSISTENT IN THEME AND MATERIALS AND PROVIDE AN ADDITIONAL UNIFYING ELEMENT TO THE DEVELOPMENT. PRELIMINARY MONUMENT DESIGNS AND LOCATIONS SHALL BE SUBMITTED AT THE TIME OF THE PDP.
   b. SIGN PERMITS SHALL BE REQUIRED.
      i. EXCEPT AS PROVIDED IN THE LOVELAND MUNICIPAL CODE, IT SHALL BE UNLAWFUL TO DISPLAY, ERECT, RELOCATE, OR ALTER ANY SIGN WITHOUT FIRST FILING WITH THE CITY AN APPLICATION IN WRITING AND OBTAINING A SIGN PERMIT.
      ii. WHEN A SIGN PERMIT HAS BEEN ISSUED BY THE CITY, IT SHALL BE UNLAWFUL TO CHANGE, MODIFY, ALTER, OR OTHERWISE DEVIATE FROM THE TERMS OR CONDITIONS OF SAID PERMIT WITHOUT PRIOR APPROVAL OF THE CITY. A WRITTEN RECORD OF SUCH APPROVAL SHALL BE ENTERED UPON THE ORIGINAL PERMIT APPLICATION AND MAINTAINED IN THE BUILDING PERMIT FILES OF THE BUILDING DIVISION.
   c. APPLICATION FOR PERMIT.
      i. THE APPLICATION FOR A SIGN PERMIT SHALL BE MADE IN WRITING ON FORMS FURNISHED BY THE CITY AND SHALL BE SIGNED BY THE OWNER OF THE PROPERTY ON WHICH THE SIGN IS TO BE LOCATED.
      ii. NO SIGN PERMIT SHALL BE ISSUED FOR A SIGN TO BE CONNECTED TO AN ELECTRICAL SOURCE UNLESS THE APPLICANT PROVIDES A COPY OF AN ELECTRICAL PERMIT ISSUED BY THE CITY.
   d. LIMITATIONS.
      i. ILLUMINATION SHALL BE INDIRECT AND SHALL BE SHIELDED FROM ADJACENT TO RESIDENTIAL AREAS.
      ii. FREESTANDING SIGNS WILL BE LIMITED TO MONUMENT SIGNS.
      iii. POLE SIGNS AND WALL SIGNS SHALL NOT BE PERMITTED.
   e. TEMPORARY SIGNS. SHALL BE PERMITTED AS OUTLINED IN THE CITY OF LOVELAND ZONING CODE.

ACCESS, CIRCULATION AND PARKING REGULATIONS

COLLECTOR STREETS WILL PROVIDE THE PRIMARY CIRCULATION FROM THE NORTH END OF THE SITE TO THE SOUTH END OF THE SITE AND LINKS THE EASTERN AND WESTERN BOUNDARIES PERMITTING MAXIMUM CONNECTIVITY TO AND WITH THE ADJACENT SITES. CIRCULATION IS INTENDED TO PROVIDE CONNECTIVITY TO MAJOR TRANSPORTATION CORRIDORS ADJACENT TO THE SITE. THE SITE HAS THE POTENTIAL TO LINK ADJACENT PROPERTIES WITH PEDESTRIAN WAYS FOR USE IN BOTH RECREATION AND COMMUTER PURPOSES. THE DESIGN WILL PERMIT EFFICIENT PUBLIC SAFETY CONNECTIONS AS WELL AS CONNECTIONS THAT WILL BENEFIT THE GENERAL PUBLIC AS ADJACENT PROPERTIES EVENTUALLY DEVELOP. DESIRED CONNECTIVITY CAN BE PROVIDED AND REDUCTION OF PRESSURES ON ADJACENT ARTERIALS IS POSSIBLE, WHILE DESIGNING ACCESS TO THOSE ARTERIALS AT APPROPRIATE LOCATIONS.

A. PURPOSE. THESE PERFORMANCE STANDARDS AND DESIGN GUIDELINES SHALL APPLY TO ALL DEVELOPMENT, INCLUDING SINGLE FAMILY AND PAIRED HOME DEVELOPMENT, AND ARE INTENDED TO ENSURE THAT THE PARKING LOTS, ACCESS DRIVES, AND PEDESTRIAN AND BICYCLE FACILITIES OUTSIDE PUBLIC RIGHTS-OF-WAY ARE WELL DESIGNED WITH REGARD TO SAFETY, EFFICIENCY AND CONVENIENCE, BOTH WITHIN DEVELOPMENT SITES AND TO/FROM SURROUNDING AREAS. SIDEWALK AND/OR BICYCLE FACILITIES MAY BE REQUIRED TO EXTEND OFF-SITE BASED ON NEEDS CREATED BY A PROPOSED DEVELOPMENT.

B. GENERAL PERFORMANCE STANDARDS.
   a. ADHERE TO LOCAL AND APPLICABLE FIRE AND LIFE SAFETY REQUIREMENTS.
   b. THE PARKING AND CIRCULATION SYSTEM WITHIN EACH DEVELOPMENT SHALL ACCOMMODATE THE MOVEMENT OF VEHICLES, BICYCLES, AND PEDESTRIANS THROUGHOUT THE PROPOSED DEVELOPMENT AND TO/FROM SURROUNDING AREAS, SAFELY, AND SHALL CONTRIBUTE TO THE ATTRACTIVENESS OF THE DEVELOPMENT. THE ON-SITE PEDESTRIAN SYSTEM SHALL PROVIDE ADEQUATE DIRECTNESS, CONTINUITY, STREET CROSSINGS, VISIBLE INTEREST AND SECURITY AS DEFINED BY THESE PERFORMANCE STANDARDS AND DESIGN GUIDELINES. THE ON-SITE BICYCLE SYSTEM SHALL CONNECT TO THE CITY'S ON-STREET BIKEWAY NETWORK. CONNECTIONS TO THE CITY'S OFF-ROAD TRAIL SYSTEM SHALL BE MADE, TO THE EXTENT REASONABLY FEASIBLE.
   c. BACKING AND TURNING MOVEMENTS ASSOCIATED WITH PARKING LAYOUT SHALL NOT OBSTRUCT OR CONFLICT WITH TRAFFIC, EITHER ON OR OFF-SITE.
   d. ALL PARKING LOTS CONTAINING THREE OR MORE PARKING SPACES SHALL BE DESIGNED TO PROVIDE ADEQUATE ROOM TO ALLOW VEHICLES TO TURN AROUND AND TRAFFIC CONTROLLED THEREIN SO ALL VEHICLES ARE ABLE TO TRAVEL IN A FORWARD DIRECTION WHEN ENTERING AN ADJOINING PUBLIC RIGHT-OF-WAY, EXCLUDING RIGHTS-OF-WAY FOR ALLEYS.
   e. PARKING FEATURES, SUCH AS PARKING STALLS AND ACCESS DRIVES, SHALL BE CLEARLY AND PERMANENTLY DEFINED ON THE PARKING SURFACE.
   f. CURBS, WHEEL STOPS OR OTHER BARRIERS SHALL BE PROVIDED IN PARKING LOTS TO PREVENT VEHICLES FROM EXTENDING BEYOND THE PERIMETER OF THE PARKING LOT AND TO PREVENT VEHICLES FROM CONTACTING A WALL, FENCE, SIDEWALK, OR LANDSCAPING.
   g. PARKING LOTS SHALL BE DESIGNED USING THE ANGLES, LAYOUT AND DIMENSIONS SHOWN BELOW UNLESS OTHER ANGLES, LAYOUT OR DIMENSIONS HAVE BEEN APPROVED BY THE CITY ENGINEER.
   h. ALL OFF-STREET PARKING LOTS, INCLUDING LOADING, MANEUVERING AND ACCESS DRIVES, SHALL BE PAVED WITH ASPHALT, CONCRETE OR SIMILAR MATERIAL APPROVED BY THE CITY ENGINEER, EXCEPT THAT SUCH PARKING AREAS ON A LOT ON WHICH A SINGLE FAMILY DETACHED DWELLINGS AND PAIRED HOME DWELLINGS IS BEING DEVELOPED OR REDEVELOPED AND AREAS DESIGNATED FOR OUTDOOR STORAGE SHALL BE SURFACED WITH ASPHALT OR CONCRETE, COMPACTED GRAVEL OR OTHER SURFACING THAT DOES NOT CREATE DUST.
   i. ALL OFF-STREET PARKING AREAS SHALL BE UNOBSTRUCTED AND FREE OF OTHER USES. NO PART OF OFF-STREET PARKING FOR ANY BUILDING OR USE REQUIRED TO COMPLY WITH THE PROVISIONS OF THIS SECTION SHALL BE INCLUDED AS PART OF AN OFF-STREET PARKING AREA SIMILARLY REQUIRED FOR ANOTHER BUILDING OR USE AND NO PART OF AN OFF-STREET PARKING AREA REQUIRED FOR ANY BUILDING OR USE TO COMPLY WITH THE PROVISIONS OF SAID SECTION SHALL BE CONVERTED TO ANY USE OTHER THAN PARKING AREA UNLESS ADDITIONAL PARKING AREA IS PROVIDED TO REPLACE SUCH CONVERTED PARKING AREA AND TO MEET THE REQUIREMENTS OF ANY USE TO WHICH SUCH PARKING SPACE IS CONVERTED.
   j. UNOBSTRUCTED VEHICULAR ACCESS TO AND FROM A PUBLIC STREET SHALL BE PROVIDED FOR ALL OFF-STREET PARKING LOTS. VEHICULAR ACCESS SHALL BE PROVIDED IN SUCH MANNER TO PROTECT THE SAFETY OF PERSONS USING SUCH ACCESS OR TRAVELING IN THE PUBLIC STREET FROM WHICH SUCH ACCESS IS OBTAINED AND TO MAINTAIN THE TRAFFIC-CARRYING CAPACITY OF THE PUBLIC STREET FROM WHICH SUCH ACCESS IS OBTAINED.
   k. OFF-STREET GUEST PARKING SPACES FOR PAIRED HOME AND TOWNHOME/CONDOMINIUM DWELLINGS SHALL BE LOCATED WITHIN A REASONABLE DISTANCE TO THE HOMES.
   l. LIGHT FIXTURES PROVIDED FOR ANY OFF-STREET PARKING LOT ADJACENT TO A RESIDENTIAL USE OR RESIDENTIALLY ZONED AREA SHALL SHIELD THE SOURCE OF LIGHT FROM SIGHT AND PREVENT THE SPILLOVER OF DIRECT LIGHT ONTO SUCH USE OR ZONED AREA, WHILE STILL PROVIDING SECURITY TO MOTORISTS, PEDESTRIANS AND BICYCLISTS.
   m. THE PROPERTY OWNER SHALL BE RESPONSIBLE TOR MAINTAINING ANY PARKING LOT IN GOOD CONDITION AND FREE OF REFUSE AND DEBRIS.
   n. ALL OFF-STREET PARKING LOTS WITH TEN (10) OR MORE SPACES SHALL BE SCREENED.
   o. ALL OFF-STREET PARKING LOTS WITH FIFTEEN (15) OR MORE SPACES SHALL CONTAIN INTERIOR A PARKING ISLAND WITH LANDSCAPING. ONE (1) TREE AND FOUR (4) SHRUBS MINIMUM
   p. SIDEWALKS ALONG PUBLIC STREETS SHALL BE DESIGNED, CONSTRUCTED, AND MAINTAINED IN ACCORDANCE WITH THE CITY OF LOVELAND STREET STANDARDS.
   q. ALL LIGHTING POLES IN COMMON USE AREAS WILL BE 20 FEET IN HEIGHT OR LESS. ALL LIGHTING WILL BE DOWNWARD FACING AND FULL CUT OFF.

C. DESIGN GUIDELINE. REQUIRED PARKING SPACES SHALL BE LOCATED WITHIN A REASONABLE DISTANCE TO THE USE WHICH REQUIRES THE SPACE.

D. VEHICULAR ACCESS.
   a. PERFORMANCE STANDARDS
      i. ALL DEVELOPMENT SHALL BE SUBJECT TO THE REQUIREMENTS FOR OBTAINING CITY APPROVAL OF THE DESIGN, NUMBER AND LOCATION OF VEHICULAR ACCESSES OF THE CITY STREET STANDARDS.
      ii. APPROVAL OF ANY PARTICULAR DESIGN PLAN BY THE CITY SHALL NOT RELIEVE THE DEVELOPER OF THE RESPONSIBILITY TO COMPLY WITH THE REQUIREMENTS OF THIS SUBSECTION
      iii. ACCESS AND ASSOCIATED SITE DESIGN CONFIGURATION SHALL MEET THE REQUIREMENTS SET FORTH IN THE CITY OF LOVELAND STREET STANDARDS.
      iv. FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE LOVELAND MUNICIPAL CODE.
      v. EVERY ACCESS TO A STATE HIGHWAY SHALL COMPLY WITH THE STATE HIGHWAY ACCESS CODE.
   b. DESIGN GUIDELINES.
      i. IT IS THE POLICY OF THE CITY TO PROTECT THE MOBILITY OF THROUGH TRAFFIC ON NON-LOCAL STREETS BY RESTRICTING THE NUMBER OF ACCESS POINTS TO PRIVATE PROPERTY TO A MINIMUM. HOWEVER SHOULD IT BE NECESSARY FOR THE EFFICIENT DEVELOPMENT OF PRIVATE PROPERTY, MORE THAN ONE ACCESS TO A PUBLIC STREET MAY BE PERMITTED WHEN THE ADDITIONAL ACCESS WILL NOT BE HAZARDOUS TO FUTURE SAFETY AND OPERATION OF THE STREET, AND THE ADDITIONAL ACCESS IS NECESSARY TO PROMOTE THE SAFE, EFFICIENT AND FREE FLOW OF TRAFFIC ON AND OFFSITE, AS DETERMINED BY THE CITY ENGINEER.

E. PARKING LOT LAYOUT.
   a. PERFORMANCE STANDARDS
      i. PARKING LOTS SHALL BE DESIGNED AND CONSTRUCTED TO MEET THE FOLLOWING OBJECTIVES
         1. MINIMIZE THE NUMBER OF VEHICULAR TURNING MOVEMENTS AND POINTS OF VEHICULAR CONFLICT, PARTICULARLY AT ACCESS POINTS.
         2. LOGICALLY CONNECT ADJACENT PROPERTIES.
         3. PROVIDE FOR EMERGENCY VEHICLE ACCESS AND PREVENT ACCESS TO SERVICE AREAS OR LOADING ZONES FROM OBSTRUCTING EMERGENCY VEHICLE ACCESS DRIVES.
         4. PROVIDE ADEQUATE SPACE TO ALLOW THE STAGING OF FIRE FIGHTING EFFORTS.
         5. INSTALL STANDARD TRAFFIC CONTROL SIGNS AND DEVICES TO DIRECT TRAFFIC WHERE NECESSARY WITHIN A PARKING LOT.
         6. PROVIDE USERS THE NECESSARY SIGHT DISTANCES, PARKING LOT STACKS, AND TRAFFIC CONTROL DEVICES TO ENSURE THE SAFEST AND MOST PREDICTABLE SYSTEM OF PARKING AND CIRCULATION.
      ii. THE PARKING LOT LAYOUT SHALL SPECIFICALLY ADDRESS THE INTERRELATION OF PEDESTRIAN, VEHICULAR AND BICYCLE CIRCULATION IN ORDER TO PROVIDE CONTINUOUS, DIRECT PEDESTRIAN ACCESS WITH A MINIMUM OF DRIVEWAY AND ACCESS DRIVE CROSSINGS.
   b. DESIGN GUIDELINES. PARKING AND LANDSCAPE DESIGN SHALL CONFORM WITH THIS DOCUMENT AND THE LOVELAND SITE DEVELOPMENT PERFORMANCE STANDARDS (SDPS) FOR ANY ITEMS NOT SPECIFICALLY MENTIONED WITHIN THIS DOCUMENT.

F. SAFETY CONSIDERATIONS.
   a. PERFORMANCE STANDARDS
      i. PARKING LOTS, ACCESS DRIVES, AND LANDSCAPING SHALL BE DESIGNED TO PROVIDE ADEQUATE SITE DISTANCES FOR SAFE AND EFFICIENT MOVEMENT OF PEDESTRIANS, BICYCLES AND VEHICLES.
      ii. MINIMIZE CONFLICTS BETWEEN PEDESTRIAN AND VEHICULAR TRAFFIC.
      iii. TO THE MAXIMUM EXTENT FEASIBLE, PEDESTRIANS SHALL BE SEPARATED FROM VEHICLES AND BICYCLES.
      iv. PARKING LOTS AND ACCESS DRIVES, INCLUDING ACCESS DRIVES TO LOADING ZONES AND SERVICE AREAS, SHALL BE DESIGNED SO THAT THERE IS NO VEHICLE STACKING INTO A PUBLIC RIGHT-OF-WAY.
   b. DESIGN GUIDELINES.
      i. SIGHT DISTANCE TRIANGLES SHOULD BE CALCULATED, IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN THE CITY OF LOVELAND STREET STANDARDS, FOR ALL INTERSECTION OF ACCESS DRIVES, ACCESS DRIVES AND PEDESTRIAN WALKWAYS, ACCESS DRIVES AND BICYCLE LANES OR TRAILS, AND ACCESS DRIVES AND PUBLIC STREETS.
      ii. WHERE COMPLETE SEPARATION OF PEDESTRIANS FROM VEHICLES AND BICYCLES IS NOT POSSIBLE, POTENTIAL HAZARDS SHOULD BE MINIMIZED BY THE USE OF TECHNIQUES SUCH AS SPECIAL PAVING, GRADE SEPARATIONS, PAVEMENT MARKING, SIGNS OR STRIPING, BOLLARDS, MEDIAN REFUGE AREAS, TRAFFIC CALMING FEATURES, LANDSCAPING, LIGHTING OR OTHER MEANS TO CLEARLY DELINEATE PEDESTRIAN AREAS, FOR BOTH DAY AND NIGHT USE.
      iii. WHERE PEDESTRIANS AND BICYCLISTS SHARE WALKWAYS, THE PEDESTRIAN/BICYCLE SYSTEM SHOULD BE DESIGNED TO BE WIDE ENOUGH TO EASILY ACCOMMODATE THE AMOUNT OF PEDESTRIAN AND BICYCLE TRAFFIC VOLUMES THAT ARE ANTICIPATED. A MINIMUM WIDTH OF EIGHT (8) FEET SHALL BE REQUIRED FOR SUCH SHARED WALKWAYS AND SUCH WALKWAYS SHALL MEET AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS (AASHTO) GUIDELINES, GUIDE FOR DEVELOPMENT OF BICYCLE FACILITIES, AS AMENDED. ADDITIONAL WIDTHS, OF UP TO FOUR FEET, MAY BE REQUIRED TO ACCOMMODATE HIGHER VOLUMES OF BICYCLE AND PEDESTRIAN TRAFFIC WITHIN AND LEADING TO DEVELOPMENT SITES IN THE ZONING DISTRICTS AND LEADING TO RECREATIONAL, INSTITUTIONAL, CIVIC, AND PUBLIC USES.
      iv. DEVELOPMENT PLANS SHOULD INCLUDE SITE AMENITIES THAT ENHANCE SAFELY AND CONVENIENCE AND PROMOTE WALKING OR BICYCLING AS AN ALTERNATIVE MEANS OF TRANSPORTATION. SITE AMENITIES MAY INCLUDE DRINKING FOUNTAINS, CANOPIES AND BENCHES.

G. CURB CUTS AND RAMPS PERFORMANCE STANDARDS.
   a. CURB CUTS AND RAMPS SHALL BE LOCATED AT CONVENIENT, SAFE LOCATIONS FOR THE PHYSICALLY DISABLED, FOR BICYCLISTS AND FOR PEOPLE PUSHING STROLLERS OR CARTS.
   b. THE LOCATION AND DESIGN OF CURB CUTS AND RAMPS SHALL MEET THE REQUIREMENTS OF CITY STREET STANDARDS AND THE AMERICANS WITH DISABILITIES ACT AND SHALL AVOID CROSSING OR FUNNELING TRAFFIC THROUGH LOADING AREAS, DRIVE-IN LANES AND OUTDOOR TRASH STORAGE/COLLECTION AREAS.

H. WALKWAYS.
   a. PERFORMANCE STANDARDS
      i. WALKWAYS WITHIN A DEVELOPMENT SITE SHALL BE LOCATED AND ALIGNED TO DIRECTLY AND CONTINUOUSLY CONNECT AREAS OR POINTS OF PEDESTRIAN ORIGIN AND DESTINATION AND SHALL NOT BE LOCATED AND ALIGNED SOLELY BASED ON THE OUTLINE OF A PARKING LOT CONFIGURATION THAT DOES NOT PROVIDE SUCH DIRECT PEDESTRIAN ACCESS. WALKWAYS SHALL LINK STREET SIDEWALKS WITH BUILDING ENTRIES THROUGH PARKING LOTS.
      ii. WHERE IT IS NECESSARY FOR THE PRIMARY PEDESTRIAN WALKWAY TO CROSS ACCESS DRIVES, THE PEDESTRIAN SAFETY SHALL BE GIVEN A PRIORITY. THE MATERIAL AND LAYOUT OF THE PEDESTRIAN ACCESS SHALL BE CONTINUOUS AS IT CROSSES THE ACCESS DRIVE, WITH A BREAK IN CONTINUITY OF THE ACCESS DRIVE PAVING AND NOT IN THE PEDESTRIAN WALKWAY SURFACE.
   b. DESIGN GUIDELINES.
      i. PEDESTRIAN WALKWAYS IN PARKING LOTS SHOULD BE SEPARATED FROM THE SURFACE OF THE PARKING LOT WITH AN ELEVATED PAVED SURFACE NOT LESS THAN FIVE (5) FEET IN WIDTH.
      ii. PEDESTRIAN WALKWAYS IN PARKING LOTS SHOULD BE WELL-MARKED USING PAVEMENT TREATMENTS, SIGNS, STRIPING, SIGNALS, LIGHTING, TRAFFIC CALMING TECHNIQUES, MEDIAN REFUGE AREAS AND LANDSCAPING.

I. ON-SITE/OFF-SITE PEDESTRIAN/ BICYCLE FACILITIES PERFORMANCE STANDARDS.
   a. THE PEDESTRIAN AND BICYCLE CIRCULATION SYSTEM REQUIRED ON THE DEVELOPMENT SITE SHALL BE DESIGNED TO PROVIDE, OR ALLOW FOR, DIRECT CONNECTIONS TO OFF-SITE PEDESTRIAN AND BICYCLE FACILITIES PROVIDING ACCESS TO MAJOR DESTINATIONS INCLUDING, BUT NOT LIMITED TO, PARKS, SCHOOLS, NEIGHBORHOOD AND CONVENIENCE SHOPPING CENTERS, AND TRANSIT STOPS THAT ARE LOCATED EITHER WITHIN THE DEVELOPMENT OR ADJACENT TO THE DEVELOPMENT.
   b. THE PEDESTRIAN AND BICYCLE CIRCULATION SYSTEM REQUIRED ON THE DEVELOPMENT SITE SHALL PROVIDED OR ALLOW FOR, ON-SITE CONNECTIONS TO EXISTING OR PLANNED OFF-SITE PEDESTRIAN AND BICYCLE FACILITIES AT POINTS NECESSARY TO PROVIDE DIRECT PEDESTRIAN AND BICYCLE TRAVEL FROM THE DEVELOPMENT TO MAJOR PEDESTRIAN DESTINATIONS LOCATED WITHIN THE NEIGHBORHOOD. IN ORDER TO PROVIDE DIRECT PEDESTRIAN CONNECTIONS TO THESE DESTINATIONS, THE CITY MAY REQUIRED THE DEVELOPER TO CONSTRUCT ADDITIONAL SIDEWALKS OR WALKWAYS NOT ASSOCIATED WITH A STREET, OR AN EXTENSION OF A SIDEWALK FROM THE END OF A CUL-DE-SAC TO ANOTHER STREET OR WALKWAY.

J. REQUIRED NUMBER OF OFF-STREET PARKING SPACES
PARKING SPACE ALLOCATIONS TO BE BASED ON STANDARDS IN THE LOVELAND MUNICIPAL CODE SECTION 18.42, AND THE CITY OF LOVELAND SITE DEVELOPMENT PERFORMANCE STANDARDS AND GUIDELINES.

VALERIAN
Landscape Architecture | Urban Design
Irrigation Design | Planning
3001 Brighton Boulevard | Suite 643 | Denver, CO 80216

CONSULTING GROUP
CIVIL | WATER RESOURCES | ENVIRONMENTAL
CWC CONSULTING GROUP
1604 GRANDVIEW CT
CASTLE ROCK, CO 80104
PHONE: 303.395.2700

COMPANIES
THE TRUE LIFE
THE TRUE LIFE COMPANIES
5251 DTC PARKWAY, SUITE 1175
GREENWOOD VILLAGE, CO 80111
PHONE: 303.810.2704

STAMP:

PROJECT:

PROJECT NARRATIVE

GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM
LOVELAND, COLORADO

PROJECT #: 15-005
DESIGNED BY: CK/PM
DRAWN BY: CK
CHECKED BY: PM
ORIGINAL DATE: MARCH 16, 2016

#	REVISION	DATE
1	CITY COMMENTS	5/28/16

SHEET #: 6 of 7

CC EXHIBIT A

PC ATTACHMENT 6

The password to the public access wireless network (colquest...

LEE FARM ADDITION
GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM

BEING A GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

GENERAL DEVELOPMENT PLAN NARRATIVE: (continued)

SUPPLEMENTAL REGULATIONS

CHILD CARE CENTERS, GROUP CARE AND CHILD DAY CARE FACILITIES: SHALL COMPLY WITH THE LOVELAND MUNICIPAL CODE

TEMPORARY USES:

A. APPLICABILITY. THE STANDARDS AND REQUIREMENTS IN THIS SECTION SHALL APPLY TO THE ESTABLISHMENT, REESTABLISHMENT AND CONTINUED OPERATION SUBSEQUENT TO THE ADOPTION OF THESE PROVISIONS OF THE FOLLOWING TEMPORARY USES:

a. TEMPORARY MERCHANT. ANY PERSON WHO ENGAGES IN THE BUSINESS OF SELLING, OFFERING FOR SALE, OR SOLICITING ORDERS FOR GOODS OR SERVICES FROM A SINGLE LOCATION, INCLUDING, BUT NOT LIMITED TO; THE SALE OF CHRISTMAS TREES, FIREWORKS, PUMPKINS, PRODUCE, RUGS, ARTWORK AND ANIMALS. THE SITE ON WHICH A TEMPORARY MERCHANT ENGAGES IN SUCH BUSINESS MAY CONTAIN OUTDOOR DISPLAY AND SALES AREAS AND DISPLAY STRUCTURES.

b. TEMPORARY CONSTRUCTION OFFICE. A MOBILE OFFICE UNIT LOCATED ON A LOT WHERE CONSTRUCTION ACTIVITY AUTHORIZED BY THE CITY IS OCCURRING AND THE OFFICE IS NOT ACCESSIBLE BY THE GENERAL PUBLIC.

c. RESIDENTIAL SALES OFFICES. A MOBILE OFFICE UNIT OR MODEL HOME USED BY SALES PERSONNEL TO MARKET AND SELL RESIDENTIAL PROPERTIES WITHIN THE SAME SUBDIVISION IN WHICH THE TEMPORARY SALES OFFICE IS LOCATED. NO PROPERTIES MAY BE MARKETED OR SOLD FROM A TEMPORARY SALES OFFICE THAT IS NOT LOCATED WITHIN THE SAME SUBDIVISION AS SUCH TEMPORARY SALES.

d. TEMPORARY EXPANSION OF USE. A MODULAR OR MOBILE BUILDING USED TO EXPAND A PERMANENT BUILDING CONTAINING A PRINCIPAL USE, INCLUDING BUT NOT LIMITED TO TEMPORARY SCHOOL CLASSROOMS AND OFFICES.

e. TEMPORARY ESTABLISHMENT OF USE. A MODULAR OR MOBILE BUILDING USED TO ESTABLISH A PRINCIPAL USE ON A VACANT LOT PRIOR TO CONSTRUCTION OF THE PERMANENT BUILDING FOR SUCH USE.

f. MISCELLANEOUS. ADDITIONAL TEMPORARY USES MAY BE PERMITTED UPON CONSENT OF THE METROPOLITAN DISTRICT INCLUDING BUT NOT LIMITED TO; RECYCLING BINS, DONATION BINS

B. PERMIT REQUIREMENTS. NO TEMPORARY USE SHALL BE CONDUCTED IN THE CITY UNLESS SUCH USE HAS BEEN AUTHORIZED BY THE CITY THROUGH THE ISSUANCE OF A "TEMPORARY USE PERMIT" IN ACCORDANCE WITH THE PROCEDURES OUTLINED IN THE LOVELAND MUNICIPAL CODE.

C. ADDITIONAL STANDARDS FOR CERTAIN TEMPORARY USES.

a. TEMPORARY CONSTRUCTION OFFICE.

i. TEMPORARY CONSTRUCTION OFFICES SHALL BE PERMITTED ONLY ON LOTS WHERE CONSTRUCTION ACTIVITY IS, OR WILL BE, OCCURRING, PURSUANT TO AUTHORIZATION BY THE CITY. NO TEMPORARY CONSTRUCTION OFFICE SHALL BE INSTALLED ON A CONSTRUCTION SITE UNTIL THE CITY HAS GRANTED AUTHORIZATION FOR SUCH CONSTRUCTION ACTIVITY.

ii. IF A MOBILE OFFICE UNIT IS USED TO ESTABLISH A TEMPORARY CONSTRUCTION OFFICE, THEN SUCH OFFICE UNIT SHALL COMPLY WITH THE CITY CODE.

b. RESIDENTIAL SALES OFFICES.

i. RESIDENTIAL SALES OFFICES SHALL BE LOCATED ONLY WITHIN THE RESIDENTIAL SUBDIVISION CONTAINING THE PROPERTIES BEING MARKETED AND SOLD FROM SUCH SALES OFFICE.

ii. IF A MOBILE OFFICE UNIT IS USED TO ESTABLISH A RESIDENTIAL SALES OFFICE, THEN SUCH OFFICE UNIT SHALL COMPLY WITH THE CITY CODE.

iii. SALES OFFICES LOCATED IN A MODEL HOME SHALL COMPLY WITH THE CITY CODE.

iv. EACH SUBDIVISION SHALL BE ALLOWED A SALES OFFICE IN EITHER A MOBILE OFFICE UNIT OR MODEL HOME FOR PURPOSES OF SALE OF LOTS OR DWELLING UNITS WITHIN THE SUBDIVISION.

v. NO TEMPORARY USE PERMIT SHALL BE ISSUED FOR A RESIDENTIAL SALES OFFICE UNLESS A SITE PLAN, MEETING THE STANDARDS SET FORTH IN THE DEVELOPMENT APPLICATION INFORMATIONAL REQUIREMENTS MASTER LIST, IS APPROVED BY THE CITY.

vi. SHALL ADHERE TO APPLICABLE BUILDING CODE, THE AMERICAN DISABILITIES ACT, AND THE CITY FIRE CODE REGULATIONS.

vii. AT THE DISCRETION OF THE DIRECTOR, THE LOT CONTAINING THE SALES OFFICE SHALL BE LANDSCAPED TO BE CONSISTENT WITH THE CHARACTER OF A RESIDENTIAL NEIGHBORHOOD.

D. TIME LIMITS FOR TEMPORARY USE PERMITS. THE TIME LIMITS SET FORTH IN THE CITY CODE SHALL APPLY TO TEMPORARY USE PERMITS.

E. TERMINATION AND REMOVAL OF TEMPORARY USES.

a. IF THE ACTIVE AND CONTINUOUS DISPLAY AND SALE OF MERCHANDISE OR THE PROVISION OF A SERVICE IS NOT CARRIED ON AS A TEMPORARY USE DURING A PERIOD OF THIRTY (30) DAYS, THE TEMPORARY USE SHALL BE TERMINATED AND SHALL BE REMOVED FROM THE SITE. REMOVAL SHALL OCCUR WITHIN TEN (10) DAYS OF THE EXPIRATION OF THE THIRTY (30) DAY PERIOD.

b. UPON VACATING THE PREMISES, THE SITE SHALL BE LEFT IN A CONDITION THAT IS EQUAL TO OR BETTER THAN THE APPEARANCE OF THE SITE PRIOR TO THE ESTABLISHMENT OF THE TEMPORARY USE.

F. MODIFICATIONS. CHANGES OR MODIFICATIONS TO A TEMPORARY USE PERMIT SHALL REQUIRE THE SUBMITTAL OF A NEW APPLICATION, PAYING OF ALL APPLICATION REVIEW FEES, AND APPROVAL OF A NEW TEMPORARY USE PERMIT, EXCEPT THAT THE DIRECTOR MAY AUTHORIZE MINOR VARIATIONS IN THE LOCATION OF STRUCTURES OR IMPROVEMENTS CAUSED BY ENGINEERING OR OTHER UNFORESEEN DIFFICULTIES. SUCH CHANGES OR MODIFICATIONS AUTHORIZED BY THE DIRECTOR SHALL NOT MODIFY THE CHARACTER OR USE OF AN APPROVED TEMPORARY USE PERMIT. THE DIRECTOR MAY REQUIRE THE APPLICANT TO SUBMIT A REVISED SITE PLAN.

G. APPEALS. THE APPLICANT FOR A TEMPORARY USE PERMIT MAY APPEAL DECISIONS OF THE DIRECTOR TO THE PLANNING COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THE CITY CODE.

H. ENFORCEMENT.

a. IT SHALL BE UNLAWFUL FOR THE OWNER OF ANY PROPERTY SUBJECT TO TEMPORARY USE PERMIT ISSUED BY THE CITY TO ALLOW SUCH USE TO BE OPERATED IN ANY MANNER OTHER THAN IN COMPLIANCE WITH SUCH PERMIT AND THE STANDARDS SET FORTH IN THIS SECTION.

b. THE APPLICANT FOR ALL USES SUBJECT TO THE REQUIREMENTS OF THIS SECTION AND FOR WHICH A TEMPORARY USE PERMIT HAS BEEN ISSUED BY THE CITY SHALL DISPLAY SUCH PERMIT IN A MANNER MAKING SUCH PERMIT READILY VISIBLE. IF SUCH PERMIT IS NOT DISPLAYED IN ACCORDANCE WITH THIS REQUIREMENT, THE CITY MAY REQUIRE THE IMMEDIATE TERMINATION AND REMOVAL OF THE TEMPORARY USE AND ALL APPURTENANCES ASSOCIATED WITH SUCH USE.

CONDITIONS

PLANNING - REVIEW:

1. STAGGERED SETBACKS SHALL BE INCORPORATED WITHIN THE SINGLE-FAMILY AREAS. A SETBACK MATRIX SHALL BE INCLUDED IN THE PRELIMINARY DEVELOPMENT PLAN SUBMITTALS THAT CONTAIN SINGLE FAMILY USES.
2. GARAGES FOR PAIRED RESIDENTIAL UNITS SHALL NOT EXTEND MORE THAN 12 FEET BEYOND THE FRONT OF THE FACADE OF THE LIVING PORTION OF THE DWELLING.
3. ALL LOTS ALONG LOCAL STREETS SHALL HAVE ONE TREE AND CORNER LOTS SHALL HAVE ONE TREE PER STREET FRONTAGE PLANTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
4. ANY APPLICATION FOR ANY PRELIMINARY DEVELOPMENT PLAN IN WHICH A WETLAND IS LOCATED SHALL NOT BE CONSIDERED COMPLETE BY THE CITY UNLESS THE APPLICATION INCLUDES CORRESPONDENCE WITH OR A COPY OF ANY PERMIT REQUIRED BY THE ARMY CORPS OF ENGINEERS FOR DISTURBANCE OF A WETLAND.
5. NO PRELIMINARY DEVELOPMENT PLAN IN WHICH WETLANDS ARE LOCATED SHALL BE APPROVED UNLESS THE APPLICANT DEMONSTRATES THAT THE EXISTING WETLANDS WILL BE PRESERVED IN A CONDITION SIMILAR TO ITS PRESENT STATE. TO PRESERVE THE WETLANDS, THE APPLICANT SHALL SUBMIT A REPORT DETAILING POTENTIAL IMPACTS OF THE DEVELOPMENT ON THE WETLANDS AND INCLUDE MITIGATION MEASURES TO ADDRESS THESE IMPACTS. AT A MINIMUM, THE REPORT SHALL ADDRESS THE POST-DEVELOPMENT WATER REGIME OF THE WETLANDS AND BUFFERING PROPOSED FOR WATER QUALITY AND WILDLIFE HABITAT AROUND THE WETLANDS.
6. NO PRELIMINARY DEVELOPMENT PLAN IN WHICH WETLANDS ARE LOCATED SHALL BE APPROVED UNLESS THE APPLICANT DEMONSTRATES THAT THERE IS NO NET LOSS IN THE EXTENT TO WHICH THE EXISTING WETLANDS WITH THE LEE FARM ADDITION WOULD RETAIN THE QUANTITY AND QUALITY OF STORM WATER RUN-OFF PRIOR TO BEING DISCHARGED.
7. ANY APPLICATION FOR A PRELIMINARY DEVELOPMENT PLAN WITHIN AREA C (WETLAND AREA) SHALL INCLUDE A COMPLETE UPDATED ENVIRONMENTALLY SENSITIVE AREA REPORT BY A QUALIFIED PROFESSIONAL NO DEVELOPMENT SHALL BE APPROVED IN AREAS IDENTIFIED IN SAID REPORTS AS WETLAND OR OTHERWISE ENVIRONMENTALLY SENSITIVE OR BUFFER AREAS RECOMMENDED IN SAID REPORT.
8. NO PRIVATE LOTS SHALL EXTEND INTO EXISTING OR DEVELOPED WETLANDS OR OTHER ENVIRONMENTALLY SENSITIVE AREAS OR WITHIN THE BUFFERS ESTABLISHED AS PART OF THE MITIGATION AND PROTECTION OF THESE WETLANDS AND OTHER ENVIRONMENTALLY SENSITIVE AREAS.
9. BUFFER YARDS. THE DEVELOPER AND/OR HOMEBUILDER SHALL INSTALL ALL CURBSIDE BUFFER YARDS, COMMON OPEN SPACE, PRIVATE WALKS AND/OR PATHS AND OTHER OPEN SPACE AND/OR PRIVATE PARK AMENITIES, INCLUDING ALL FENCES AND/OR WALLS LOCATED IN, OR ALONG THE EDGE OF; BUFFER YARDS AND OPEN SPACE. THESE IMPROVEMENTS SHALL BE INSTALLED PRIOR TO ISSUANCE OF THE FIRST BUILDING PERMIT IN THE CURRENT CONSTRUCTION PHASE, UNLESS ADEQUATE FINANCIAL SECURITY BAS BEEN FILED BY THE DEVELOPER WITH THE CITY. ALL FORMAL LANDSCAPED AREAS SHALL BE IRRIGATED BY A PERMANENT, AUTOMATIC IRRIGATION SYSTEM.
10. ALL AREAS SHOWN AS IRRIGATED TURF IN THE APPROVED LANDSCAPE PLAN SHALL BE LANDSCAPED USING DROUGHT TOLERANT SPECIES. ALL COMPONENTS OF IRRIGATION SYSTEMS, EXCEPT FOR SPRINKLER HEADS AND CONTROL BOXES, SHALL BE BURIED AT SUFFICIENT DEPTH BELOW GROUND SURFACE TO INSURE THAT NORMAL OPEN SPACE MAINTENANCE MEASURES WILL NOT DAMAGE THE IRRIGATION SYSTEM.
11. A TYPE D LANDSCAPE BUFFER YARD SHALL BE INSTALLED BY THE DEVELOPER AND/OR HOMEBUILDER FOR ALL DOUBLE FRONTAGE RESIDENTIAL LOTS IN THE DEVELOPMENT. FOR PURPOSES OF MEETING THIS REQUIREMENT, THE STREET TREES FOR SAID BUFFER YARDS MAY BE PLANTED AT SPACING NO GREATER THAN THIRTY-FIVE FEET ON CENTER AND THE BUFFER YARD SHALL BE A MINIMUM WIDTH OF 20 FEET.
12. THE DEVELOPER AND/OR HOMEBUILDER SHALL PLANT THE TREE LAWN ALONG BOTH SIDES OF ALL INTERIOR ARTERIAL OR COLLECTOR STREETS WITH STREET TREES AND SOD. THE TREES IN THE TREE LAWN SHALL BE CONSIDERED AS A PART OF THE REQUIRED BUFFER IN 11 ABOVE. THESE TREES SHALL BE PLANTED AT 30-40 FEET REGULAR SPACING EXCEPT TO ALLOW FOR NECESSARY DRIVEWAYS. PERMANENT IRRIGATION SHALL BE INCLUDED IN THIS INSTALLATION TO INSURE THE HEALTH AND VITALITY OF THE SOD AND TREES. THE SOD AND STREET TREES SHALL BE PLANTED BEFORE ISSUANCE OF THE FIRST BUILDING PERMIT IN ANY GIVEN CONSTRUCTION PHASE, UNLESS ADEQUATE FINANCIAL SECURITY HAS BEEN FILED BY THE DEVELOPER WITH THE CITY.
13. ALL PRIVATE WALKS AND/OR PATHS AND OTHER OPEN SPACE AND/OR PRIVATE PARK AMENITIES SHALL BE INSTALLED BY THE DEVELOPER AND/OR HOMEBUILDER BEFORE ISSUANCE OF THE FIRST BUILDING PERMIT IN THAT CONSTRUCTION PHASE, UNLESS ADEQUATE FINANCIAL SECURITY IS FILED WITH THE CITY.
14. EROSION CONTROL FENCE. BEFORE ANY GRADING OR OTHER DISTURBANCE TO ANY PORTION OF THE LAND WITHIN LEE FARM, A TEMPORARY 4 FOOT MESH FENCE AND EROSION CONTROL FENCE, OR A CONTINUOUS ANCHORED HAY BALE FENCE, SHALL BE INSTALLED BY THE DEVELOPER. FOR THOSE AREAS FOR WHICH MODIFICATION AND/OR ENHANCEMENTS ARE EXPRESSLY APPROVED BY THE CITY AND/OR ACOE, THE FENCE SHALL BE INSTALLED BY THE DEVELOPER AFTER COMPLETION OF ALL APPROVED MODIFICATIONS AND/OR ENHANCEMENTS.
15. SOLID FENCES. SOLID MATERIAL FENCES, AS DEFINED IN CHAPTER 18.48 OF THE MUNICIPAL CODE, AS AMENDED, SHALL NOT BE ALLOWED IN THE FRONT YARD OF ANY RESIDENTIAL LOT. NO SOLID MATERIAL FENCES SHALL BE INSTALLED ON ANY LOT CLOSER TO ANY STREET THAT ABUTS THE SIDE OF SAID LOT THAN THE MINIMUM SIDE YARD SETBACK ON THE LOT.
16. OPEN SPACE LANDSCAPING. DEVELOPER SHALL ENSURE THAT THE OWNER(S) OF THE COMMON OPEN SPACES SHALL MAINTAIN ALL LANDSCAPE OR OTHER IMPROVEMENTS APPROVED BY THE CITY IN GOOD CONDITION AT ALL TIMES. MAINTENANCE SHALL INCLUDE BUT NOT BE LIMITED TO, APPROPRIATE IRRIGATION, REPLACEMENT OF DEAD OR DYING PLANTS, REGULAR REPAIR AND FLUSHING OF IRRIGATION SYSTEMS, REPLACEMENT OF MULCH AND WEED FABRIC, AND CONTROL OF WEEDS.
17. LOTS THAT ABUT THE BUCK ADDITION WITHIN THE BUBBLE B-1 SHALL BE SINGLE FAMILY DETACHED UNITS.

PW-TRANSPORTATION:

1. ALL FUTURE DEVELOPMENT WITHIN THIS GDP SHALL COMPLY WITH THE LARIMER COUNTY URBAN AREA STREET STANDARDS (LCUASS) ADOPTED OCTOBER 2002 AND THE TRANSPORTATION PLAN ADOPTED OCTOBER 2001 AND ANY UPDATES TO EITHER IN EFFECT AT THE TIME OF A SITE SPECIFIC DEVELOPMENT APPLICATION. ANY AND ALL VARIANCES FROM THESE STANDARDS AND PLANS REQUIRE SPECIFIC WRITTEN APPROVAL BY THE CITY ENGINEER.
2. NOTWITHSTANDING ANY CONCEPTUAL INFORMATION PRESENTED IN THE GDP SUBMITTAL; STREET LAYOUT, STREET ALIGNMENTS, ACCESS LOCATIONS, INTERSECTION CONFIGURATIONS AND INTERSECTION OPERATIONS (TRAFFIC CONTROLS) SHALL BE DETERMINED AT THE TIME OF APPLICATION FOR SITE SPECIFIC DEVELOPMENT.
3. NOTWITHSTANDING ANY INFORMATION PRESENTED IN THE MASTER TRAFFIC IMPACT STUDY FOR THE GDP, THE DEVELOPER SHALL PROVIDE ANY ADDITIONAL TRAFFIC INFORMATION, CORRECTIONS, REVISIONS AND ANALYSIS REQUIRED BY THE CITY TO VERIFY COMPLIANCE WITH THE ADEQUATE COMMUNITY FACILITIES ORDINANCE AT THE TIME OF APPLICATION FOR SITE SPECIFIC DEVELOPMENT PLAN REVIEW AND APPROVAL. FUTURE TRAFFIC IMPACT STUDIES FOR SITE SPECIFIC DEVELOPMENT PLANS SHALL USE A STUDY AREA DETERMINED BY CONSIDERING THE CUMULATIVE TRIP GENERATION WITHIN THE ENTIRE GDP (I.E. -- TRAFFIC FROM THE PROPOSED USE PLUS TRAFFIC FROM PREVIOUSLY APPROVED SITE SPECIFIC DEVELOPMENT PLANS).
4. THE OWNER SHALL DEDICATE TO THE CITY, AT NO COST TO THE CITY, RIGHT-OF-WAY FOR ALL STREET FACILITIES ADJACENT TO, OR WITHIN, THIS ADDITION THAT ARE SHOWN ON THE ADOPTED TRANSPORTATION PLAN. UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER, THE TIMING OF THE DEDICATION(S) SHALL BE AS FOLLOWS:
   A. A RIGHT-OF-WAY FOR 43RD STREET AND WILSON AVENUE SHALL BE DEDICATED PRIOR TO THE RECORDING OF THE FIRST DEVELOPMENT APPLICATION WITHIN THIS ADDITION.
   B. RIGHT-OF-WAY FOR CASCADE AND 35TH STREET SHALL BE DEDICATED PRIOR TO, OR CONCURRENT WITH, APPROVAL OF CURRENT PHASE OF THE DEVELOPMENT APPLICATION WITHIN THIS ADDITION OF WHICH IT IS INCLUDED.
5. THE DEVELOPER AGREES TO ACQUIRE, AT NO COST TO THE CITY, ANY OFF-SITE RIGHT-OF-WAY NECESSARY FOR MITIGATION IMPROVEMENTS. PRIOR TO THE APPROVAL OF ANY SITE SPECIFIC DEVELOPMENT APPLICATIONS WITHIN THIS ADDITION, THE DEVELOPER SHALL SUBMIT DOCUMENTATION SATISFACTORY TO THE CITY ATTORNEY AND THE CITY ENGINEER, ESTABLISHING THE DEVELOPER'S UNRESTRICTED ABILITY TO ACQUIRE SUFFICIENT PUBLIC RIGHT-OF-WAY FOR THE CONSTRUCTION AND MAINTENANCE OF ANY REQUIRED STREET IMPROVEMENTS TO BOTH ADJACENT AND OFF-SITE STREETS.
6. THE ULTIMATE ROADWAY IMPROVEMENTS, INCLUDING SIDEWALK, ADJACENT TO THE PROPERTY FOR 43RD STREET AND WILSON AVENUE SHALL BE DESIGNED AND CONSTRUCTED BY THE DEVELOPER, UNLESS DESIGNED AND CONSTRUCTED BY OTHERS. A CASH-IN-LIEU PAYMENT MAY BE ACCEPTED FOR ALL OR PART OF THE IMPROVEMENTS, IF APPROVED BY THE CITY ENGINEER. THE TIMING AND DETAILED SCOPE OF THESE IMPROVEMENTS WILL BE DETERMINED THROUGH REVIEW AND APPROVAL OF THE SITE SPECIFIC DEVELOPMENT PLANS.
7. NO PARKING WILL BE ALLOWED ON 35TH STREET WITHIN THIS GDP. ADDITIONALLY, NO HOUSE OR DRIVEWAY SHALL FRONT ONTO 35TH STREET WITHIN THIS GDP.
8. CASCADE AVENUE SHALL BE DESIGNED AND CONSTRUCTED TO THE LCUASS MAJOR COLLECTOR ROADWAY STANDARDS WITHIN THIS GDP UNLESS OTHERWISE MODIFIED ON THE ADOPTED TRANSPORTATION PLAN.

FIRE:

1. FOR ESTABLISHING THE PROPOSED ZONING OF THIS DEVELOPMENT FOR RESIDENTIAL WITH SOME SHARED COMMUNITY SPACES, THE DEVELOPMENT IS SUBJECT TO COMPLYING WITH THE FOLLOWING:
   - THERE SHALL BE A MINIMUM OF TWO ACCESSES TO EACH AND EVERY PHASE OF THE DEVELOPMENT.
   - THERE SHALL BE ADEQUATE WATER PER THE CURRENTLY ADOPTED IFC FOR EACH PHASE OF THE DEVELOPMENT.
   - ALL STRUCTURES SHALL COMPLY WITH THE MOST CURRENTLY ADOPTED BUILDING AND FIRE CODES AT THE TIME OF DEVELOPMENT.

WATER/WASTEWATER:

1. WATER BOOSTER STATION REQUIREMENTS. THE PARTIES ACKNOWLEDGE THAT IN ORDER TO PROVIDE WATER SERVICE TO ANY PROPERTY WITHIN THE BOOSTED PRESSURE ZONE 2 (BPZ2), WHICH IS A PRESSURE ZONE IS IDENTIFIED TO SERVE BUILDINGS WITH A FINISHED FLOOR AT AND ABOVE ELEVATION 5160, UPGRADES TO THE EXISTING 29TH STREET WATER BOOSTER STATION (LOCATED ABOUT 3/4 MILES WEST OF N. WILSON AVE. AND JUST SOUTH OF W. 29TH STREET) NEED TO BE DESIGNED AND CONSTRUCTED UNLESS DESIGNED AND CONSTRUCTED BY OTHERS. NO BUILDING PERMITS SHALL BE ISSUED FOR ANY PHASE OF THE DEVELOPMENT WITHIN THE BPZ2 REGION UNTIL THE BOOSTER STATION IMPROVEMENTS HAVE BEEN COMPLETED, ACTIVATED, AND ACCEPTED BY THE CITY. THE CITY AND THE DEVELOPER WILL PARTICIPATE TOGETHER AND EACH WILL COST SHARE THEIR APPROPRIATE PORTION OF DESIGNS AND CONSTRUCTION COSTS AS AGREED TO BETWEEN THE PARTIES.
2. UNLESS CONSTRUCTED BY OTHERS, THE DEVELOPER SHALL DESIGN AND CONSTRUCT AT A MINIMUM THE FOLLOWING PUBLIC IMPROVEMENTS PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS WITHIN BPZ2:
   A. ALL PORTIONS OF THE WATER UTILITY INFRASTRUCTURE SYSTEM WHICH IS NECESSARY TO CONVEY SERVICE AND LOOPING REQUIREMENTS FOR WATER QUALITY AS ILLUSTRATED IN THE PUBLIC IMPROVEMENT CONSTRUCTION PLANS (PICPS) FOR VANGUARD-FAMLECO 13TH SUBDIVISION, OTHERWISE KNOWN AS HUNTERS RUN WEST FILING 1. SPECIFICALLY THIS INCLUDES A 16" WATER MAIN FROM THE 29TH STREET WATER BOOSTER STATION TO THE SITE AND A 12" WATER MAIN FROM BAYFIELD DRIVE TO THE SITE.
3. UNLESS CONSTRUCTED BY OTHERS, THE DEVELOPER SHALL DESIGN AND CONSTRUCT AT A MINIMUM THE FOLLOWING PUBLIC IMPROVEMENTS PRIOR TO THE ISSUANCE OF ANY BUILDING PERMITS WITHIN THE WESTERN WASTEWATER BOUNDARY:
   A. ALL PORTIONS OF THE WASTEWATER UTILITY INFRASTRUCTURE SYSTEM WHICH IS NECESSARY TO PROVIDE GRAVITY WASTEWATER SERVICE AS ILLUSTRATED IN THE PUBLIC IMPROVEMENT CONSTRUCTION PLANS (PICPS) FOR VANGUARD-FAMLECO 13TH SUBDIVISION, OTHERWISE KNOWN AS HUNTERS RUN WEST FILING 1. SPECIFICALLY THIS INCLUDES EXTENDING THE 8" WASTEWATER MAIN FROM TABERNASH DRIVE TO THE SITE.
4. WITH ANY PDP SUBMITTAL THE DEVELOPER SHALL PROVIDE A WATER AND WASTEWATER IMPACT DEMAND ANALYSIS REPORT FOR APPROVAL.

PARKS AND REC:

1. THE DEVELOPER SHALL DEDICATE A MAXIMUM 30' WIDE PEDESTRIAN ACCESS EASEMENT FOR THE RECREATION TRAIL ALONG WILSON AVENUE PRIOR TO FDP APPROVAL. FINAL EASEMENT WIDTH AND LOCATION WILL BE DETERMINED DURING PDP.
2. THE DEVELOPER SHALL DEDICATE AN ADEQUATELY SIZED EASEMENT FOR THE RECREATION TRAIL UNDERPASS FOR WILSON AVENUE. THE EASEMENT SIZE AND LOCATION SHALL BE DETERMINED DURING PDP AND SHALL MINIMIZE THE NEED FOR RETAINING WALLS AND MEET ADA REQUIREMENTS.
3. THE DEVELOPER SHALL CONSTRUCT A 10' WIDE COMBINED CONCRETE TRAIL/SIDEWALK, MEETING CITY OF LOVELAND TRAIL STANDARDS, FOR THE ENTIRE LENGTH OF THE EAST PROPERTY LINE ALONG WILSON AVENUE AND CONNECT TO THE FUTURE UNDERPASS.
4. PER THE PROPOSED GDP CONCEPTUAL SITE PLAN, AN ENVIRONMENTALLY SENSITIVE AREAS REPORT WILL BE REQUIRED PRIOR TO PDP APPROVAL FOR AREA C DUE TO THE EXISTENCE OF WETLANDS LABELED ON THE PROPOSED GDP.
5. RECREATION TRAIL DEDICATIONS SHALL BE RECORDED ON THE FINAL PLAT OR SHALL BE DEDICATED BY SEPARATE INSTRUMENT.
6. THE DEDICATIONS AND CONSTRUCTION OF THE TRAIL/SIDEWALK ALONG WILSON AVENUE SHALL BE COMPLETED IN THE FIRST PHASE OF THE DEVELOPMENT. DESIGN AND ENGINEERING OF THE PROPOSED PEDESTRIAN UNDERPASS SHALL ALSO BE COMPLETED IN THE FIRST PHASE OF THE DEVELOPMENT, THE CONSTRUCTION SHALL BE COMPLETED 'BY OTHERS'.

VALERIAN
Landscape Architecture | Urban Design
Irrigation Design | Planning
3001 Brighton Boulevard | Suite 643 | Denver, CO 80216

CWC CONSULTING GROUP
CIVIL ENGINEERING | PLANNING | SURVEYING
CWC CONSULTING GROUP
4625 CASTLETON WAY, SUITE 175
CASTLE ROCK, CO 80104
PHONE: 303.395.2700

THE TRUE LIFE COMPANIES
THE TRUE LIFE COMPANIES
5291 COLORADO BLVD, SUITE 175
GREENWOOD VILLAGE, CO 80111
PHONE: 303.810.2704

STAMP:

PROJECT:

PROJECT NARRATIVE

GENERAL DEVELOPMENT PLAN - AMENDMENT ONE
THE VILLAGES AT LEE FARM
LOVELAND, COLORADO

PROJECT #: 15-005
DESIGNED BY: CK/PM
DRAWN BY: CK
CHECKED BY: PM
ORIGINAL DATE: MARCH 16, 2016

#	REVISION	DATE
1	CITY COMMENTS	5/28/16

SHEET #:

7 of 7

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Lee Farm GDP

Master Traffic Impact Study

KE Job #2016-007

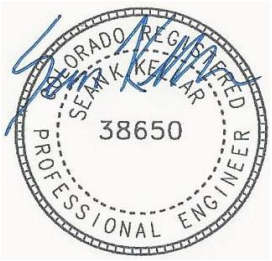
Prepared For:

The True Life Companies
5251 DTC Parkway, Suite 1175
Greenwood Village, CO 80111

Prepared By:

KELLAR ENGINEERING

skellar@kellarengineering.com
970.219.1602 phone



March 11, 2016

Sean K. Kellar, PE, PTOE

This document, together with the concepts and recommendations presented herein, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization from Kellar Engineering shall be without liability to Kellar Engineering.

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Introduction

This Master Traffic Impact Study (MTIS) is for the proposed Lee Farm General Development Plan (GDP) located at the northwest quadrant of the Wilson Avenue/35th Street intersection in Loveland, CO. See Vicinity Map on page 4. The purpose of this MTIS is to verify that the long range 2035 peak hour link volumes of the streets adjacent to and within the Lee Farm GDP will comply with the approved City of Loveland 2035 Transportation Plan and to verify that the project has the ability to demonstrate compliance with the Adequate Community Facilities (ACF) Ordinance and the Larimer County Urban Area Street Standards (LCUASS) at the time of development. A Traffic Impact Study (TIS) will also be provided with the subsequent submittal of the Lee Farm Preliminary Development Plan (PDP).

Kellar Engineering (KE) has prepared the MTIS to document the results of the project's anticipated traffic generation characteristics and to identify projected impacts to the local and regional transportation system. The proposed development is anticipated to generate approximately 7,547 daily weekday trips, 594 AM peak hour trips, and 788 PM peak hour trips.

Existing Conditions and Roadway Network

The project site is located at the northwest quadrant of the Wilson Avenue/35th Street intersection in Loveland, Colorado. The project site is currently undeveloped land. Residential land uses exist north and south of the project site. Additionally, the land west of the project site is currently undeveloped but zoned for residential. Wilson Avenue is an existing north/south street that borders the east side of the Lee Farm project site. Wilson Avenue is classified as a 4-lane Arterial on the 2035 Transportation Plan with a posted speed of 45 mph adjacent to the project site. Wilson Avenue is currently constructed to the 4-lane cross section with bike lanes and auxiliary lanes. 43rd Street is an existing east/west street located north of the project site. 43rd Street is classified as a 2-lane Arterial on the 2035 Transportation Plan and has a posted speed of 35 mph. 43rd Street is currently constructed to its ultimate 2-lane Arterial cross section per Chapter 7 of the Larimer County Urban Area Street Standards (LCUASS) with: two 13' wide thru lanes, a 16' wide center turn lane, and 7' wide bike lanes. 29th Street is an

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existing east/west street located south of the project site. 29th Street is classified as a 2-lane Arterial on the 2035 Transportation Plan and has a posted speed of 35 mph. 29th Street is currently constructed to the LCUASS 2-lane Arterial cross section adjacent to the developed properties. 29th Street does not have a bike lane or curb and gutter on the south side of 29th Street when adjacent to undeveloped land. Future development will construct the ultimate adjacent curb, gutter, and sidewalk along the south side of 29th Street along each development's property frontage. 12' wide thru lanes and a 12' wide center turn lane still exists along the entire cross section of 29th Street. 35th Street is a future east/west street that will be constructed within the Lee Farm project site. 35th Street is classified as a Major Collector on the 2035 Transportation Plan within the project site and will be designed and constructed to the LCUASS Major Collector cross section with a posted speed of 35 mph upon development of the property. Cascade Avenue is a future north/south street that will be constructed within the Lee Farm project site. Cascade Avenue is classified as a Major Collector on the 2035 Transportation Plan within the project site and will be designed and constructed to the LCUASS Major Collector cross section with a posted speed of 35 mph upon development of the property.

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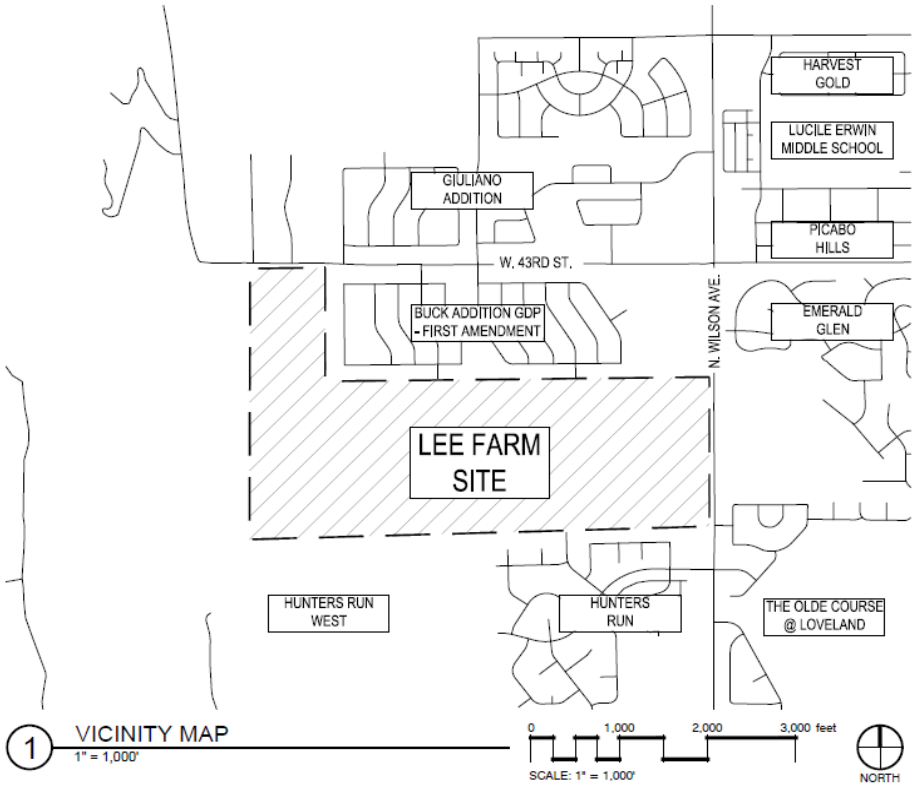
Vicinity Map



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Pedestrian/Bicycle Facilities and School Routing

Wilson Avenue currently has 7' wide bike lanes and detached sidewalks adjacent to the developed properties. A continuous sidewalk system currently exists on the east side of Wilson Avenue. Upon development of the Lee Farm project, sidewalk will be designed and constructed along the west side of Wilson Avenue adjacent to the project site. Additionally, the internal streets within the Lee Farm project site will have sidewalks on both sides of the street and the internal Major Collector streets (Cascade Avenue and 35th Street) will also have bike lanes and sidewalks on both sides of the street. Ponderosa Elementary School is located northwest of the 43rd Street and Wilson Avenue intersection. Additionally, Lucille Irwin Middle School is located northeast of the 43rd Street and Wilson Avenue intersection. Pedestrians from Lee Farm will be able to cross Wilson Avenue at the 35th Street/Wilson Avenue signalized intersection and walk north along the continuous sidewalk network on the east side of Wilson Avenue to 43rd Street to walk to both Lucille Irwin Middle School and Ponderosa Elementary School via a signalized crossing of 43rd Street and a continuous sidewalk network along the north side of 43rd Street. Additionally, pedestrians will also be able to walk along the internal local street sidewalk connections from Lee Farm via the future local street connections to Julesburg Drive and Le Veta Drive within the Buck First Subdivision to the north.

Proposed Development

The Lee Farm GDP is a residential development within Loveland, CO upon a currently undeveloped property consisting of approximately 750 single family dwelling units and approximately 70 townhomes. Due to the size and scale of the overall development, the project will likely develop in phases. A TIS will also be provided with the future Lee Farm PDP to address the future phasing of the Lee Farm project and to demonstrate compliance with the ACF Ordinance and the Larimer County Urban Area Standards (LCUASS).

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Trip Generation

Site generated traffic estimates are determined through a process known as trip generation. Rates and equations are applied to the proposed land use to estimate traffic generated by the development during a specific time interval. The acknowledged source for trip generation rates is the *Trip Generation Report* published by the Institute of Transportation Engineers (ITE). ITE has established trip generation rates in nationwide studies of similar land uses. For this study, KE used the *ITE 9th Edition Trip Generation Report* average trip rates. The Lee Farm GDP is anticipated to generate approximately 7,547 daily weekday trips, 594 AM peak hour trips, and 788 PM peak hour trips. Table 1 summarizes the estimated trip generation for the proposed development.

Trip Distribution

Distribution of site traffic on the street system was based on the area street system characteristics, existing traffic patterns and volumes, anticipated surrounding development areas, and the proposed access system for the project. The directional distribution of traffic is a means to quantify the percentage of site generated traffic that approaches the site from a given direction and departs the site back to the original source. Figure 2 illustrates the trip distribution used for the project's analysis.

Traffic Assignment

Traffic assignment was obtained by applying the trip distribution to the estimated trip generation of the development. Figure 3 shows the site generated traffic assignment for the AM and PM peak hour link volumes.

Background Traffic and Total Traffic

Background traffic projections were based upon long range traffic projections from other previously approved traffic impact studies near the project site and from the 2035 Transportation Plan. Figure 4 shows the Long Range Background 2035 Peak Hour Link Volumes. Additionally, Figure 5 (Long Range Total 2035 Peak Hour Link Volumes) shows the total long range projected traffic which consists of combining the Site

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Generated Peak Hour Link Volumes with the Long Range Background 2035 Peak Hour Link Volumes.

Adequate Community Facilities (ACF) Ordinance Criteria

The long range total 2035 peak hour link volumes shown in Figure 5 were compared with the ACF Traffic Thresholds in Table 2 to verify that the streets adjacent to and within the Lee Farm GDP meet the link volume criteria in the Adequate Community Facilities (ACF) Ordinance. As shown in Table 2, the street links will meet the ACF Ordinance criteria. See Appendix for the Peak Hour Traffic Link Volume Worksheets.

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Table 1- Lee Farm GDP Trip Generation

ITE Code	Land Use		Average Daily Trips		AM Peak Hour Trips					PM Peak Hour Trips				
		Size	Rate	Total	Rate	In	Rate	Out	Total	Rate	In	Rate	Out	Total
210	Single Family	750 DU	9.52	7,140	0.19	143	0.56	420	563	0.63	473	0.37	278	751
230	Townhome	70 DU	5.81	407	0.07	5	0.37	26	31	0.35	25	0.17	12	37
Total				**7,547**		**148**		**446**	**594**		**498**		**290**	**788**

DU= Dwelling Units

Figure 1: Recent Traffic

Traffic Counts of: Wilson/43rd, Wilson/Woodward Access, and Wilson/35th on 3/8/16

Traffic Counts of: Wilson/29th on 3/9/16

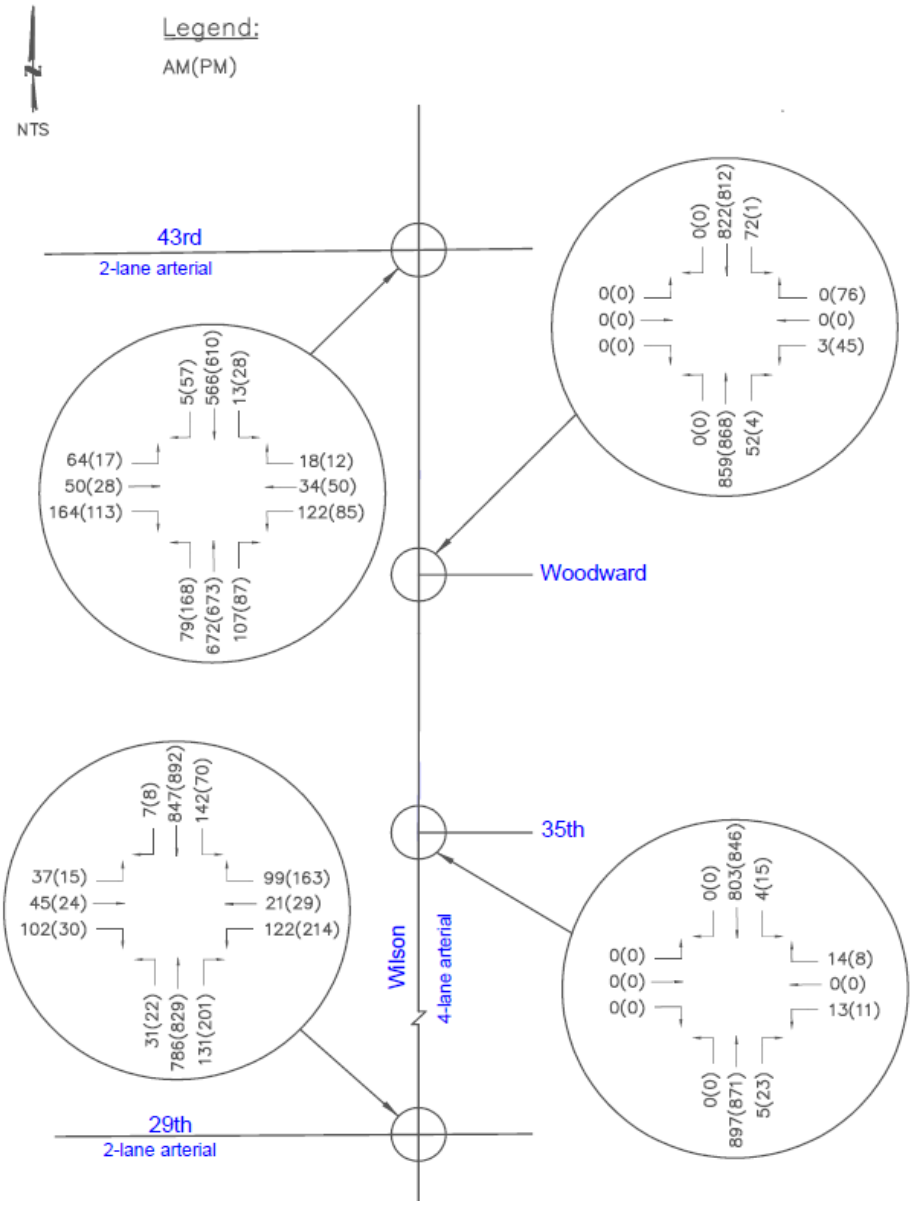

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Figure 2: Trip Distribution

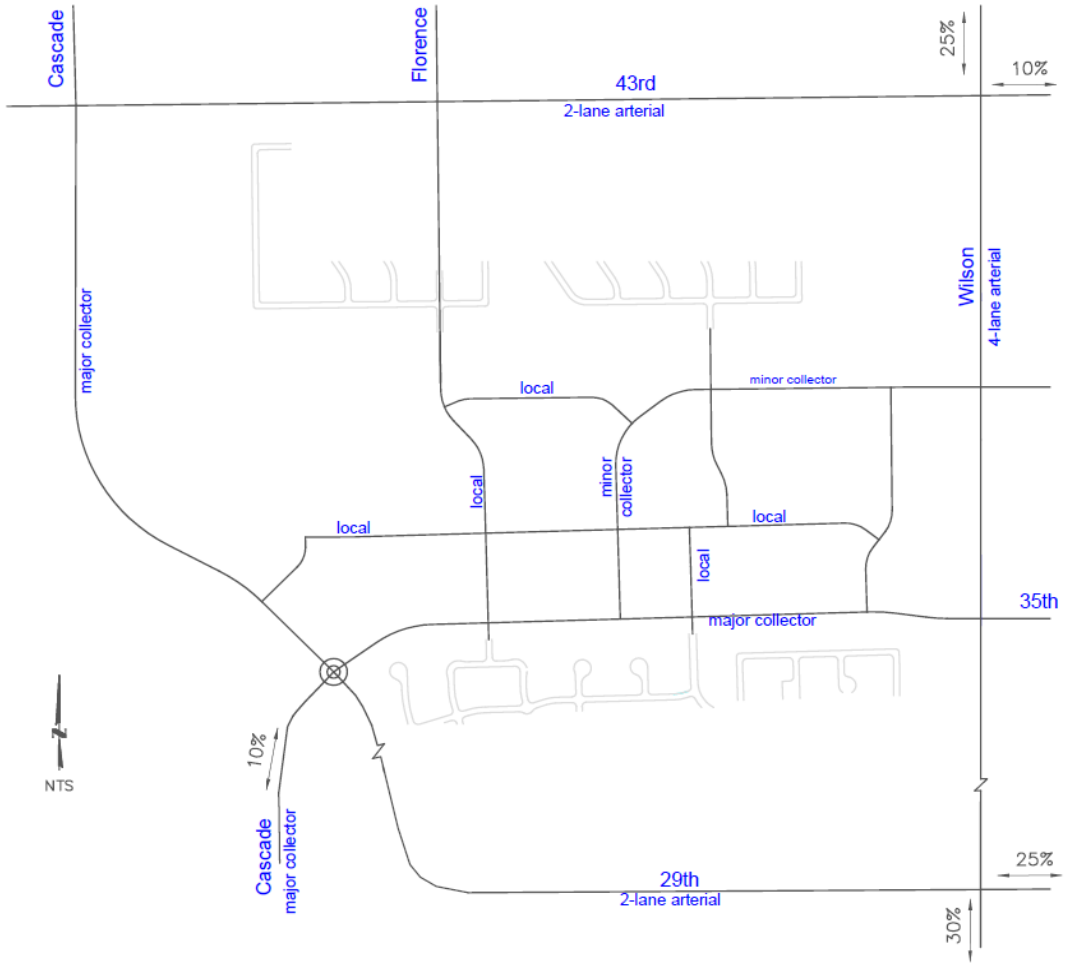

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Figure 3: Site Generated Peak Hour Link Volumes

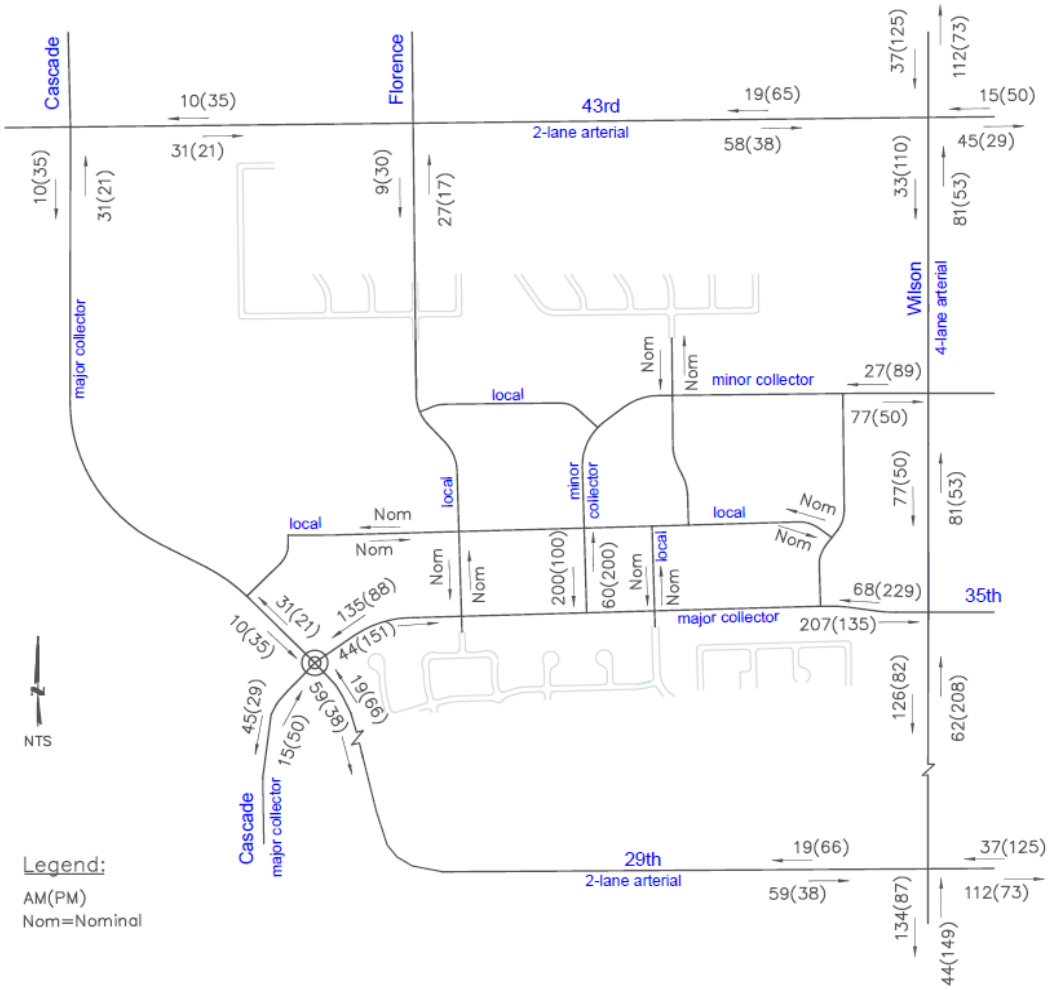

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Figure 4: Long Range Background 2035 Peak Hour Link Volumes

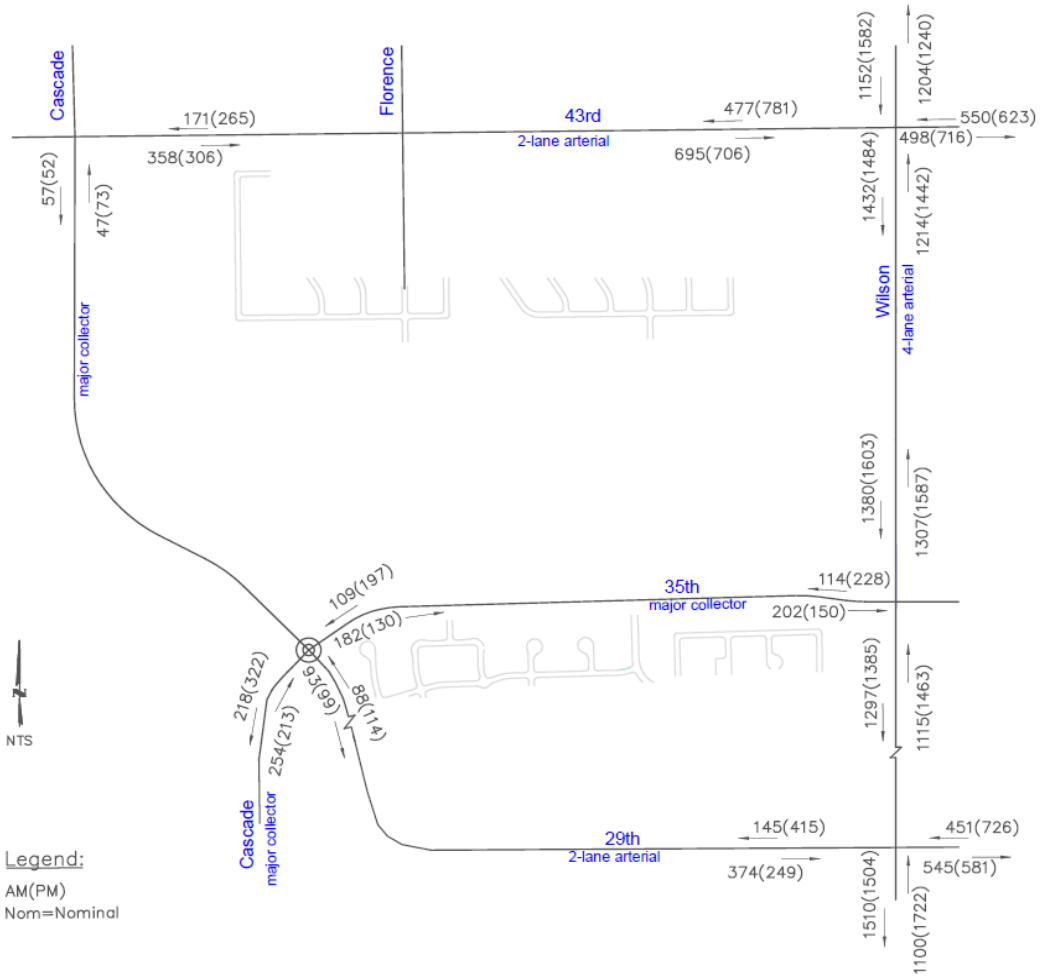

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Figure 5: Long Range Total 2035 Peak Hour Link Volumes

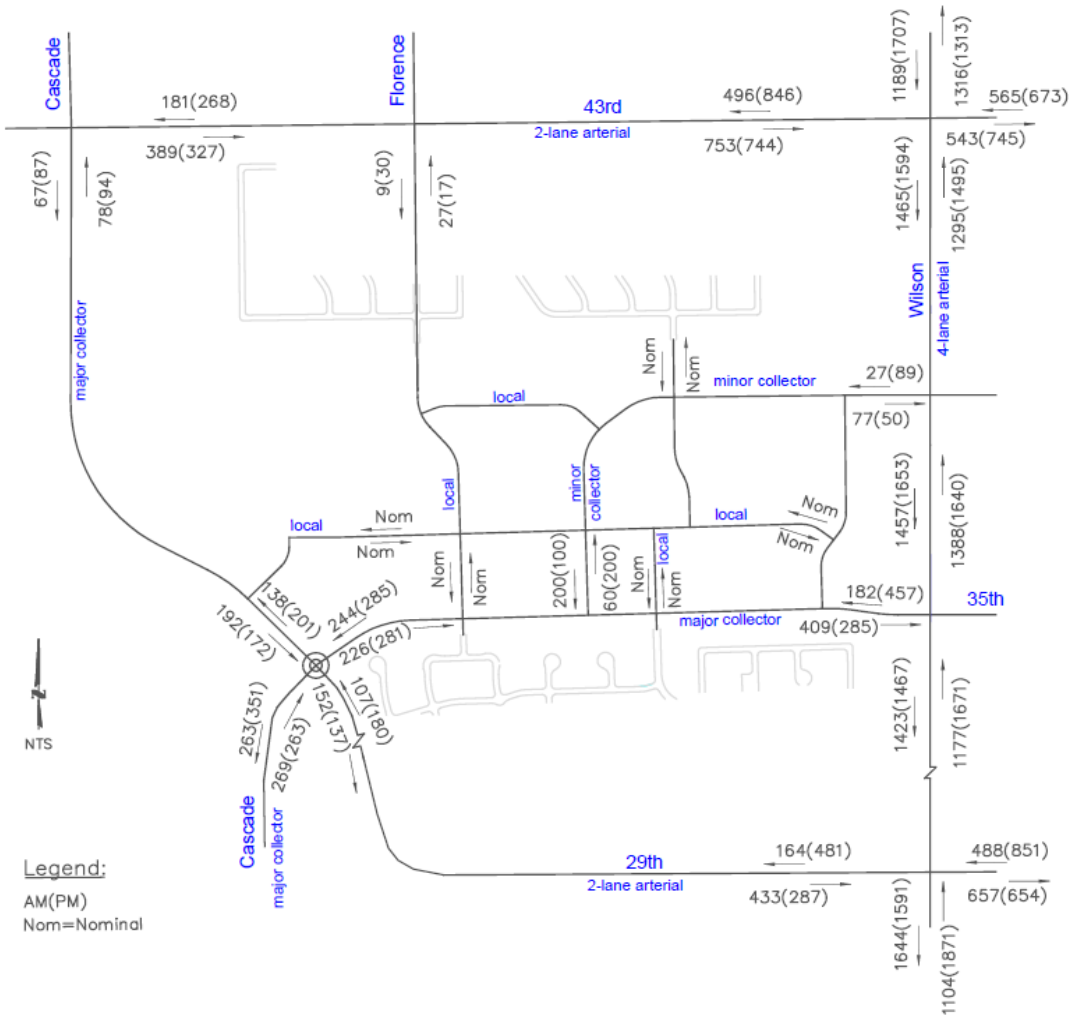

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Table 2: Long Range Total

2035 Peak Hour Link Volumes

Street Segment	Street Classification	Direction	Total Traffic AM(PM)	ACF Traffic Threshold	ACF Compliance
Wilson north of 43rd	4-lane arterial	NB	1316(1313)	2030	Y(Y)
		SB	1189(1707)	2030	Y(Y)
Wilson south of 43rd	4-lane arterial	NB	1295(1495)	2030	Y(Y)
		SB	1465(1594)	2030	Y(Y)
Wilson north of 35th	4-lane arterial	NB	1388(1640)	2030	Y(Y)
		SB	1457(1653)	2030	Y(Y)
Wilson south of 35th	4-lane arterial	NB	1177(1671)	2030	Y(Y)
		SB	1423(1467)	2030	Y(Y)
Wilson south of 29th	4-lane arterial	NB	1104(1871)	2030	Y(Y)
		SB	1644(1591)	2030	Y(Y)
43rd east of Wilson	2-lane arterial	EB	543(745)	995	Y(Y)
		WB	565(673)	995	Y(Y)
43rd west of Wilson	2-lane arterial	EB	753(744)	995	Y(Y)
		WB	496(846)	995	Y(Y)
43rd east of Cascade	2-lane arterial	EB	389(327)	995	Y(Y)
		WB	181(268)	995	Y(Y)
35th west of Wilson	major collector	EB	409(285)	645	Y(Y)
		WB	182(457)	645	Y(Y)
35th east of Cascade	major collector	EB	226(281)	645	Y(Y)
		WB	244(285)	645	Y(Y)
29th east of Wilson	4-lane arterial	EB	657(654)	2070	Y(Y)
		WB	488(851)	2070	Y(Y)
29th west of Wilson	2-lane arterial	EB	433(287)	995	Y(Y)
		WB	164(481)	995	Y(Y)
29th east of Cascade roundabout	2-lane arterial	EB	152(137)	995	Y(Y)
		WB	107(180)	995	Y(Y)
Cascade south of 43rd	major collector	NB	78(94)	645	Y(Y)
		SB	67(87)	645	Y(Y)
Cascade north of 35th roundabout	major collector	NB	138(201)	645	Y(Y)
		SB	192(172)	645	Y(Y)
Cascade south of 29th roundabout	major collector	NB	269(263)	645	Y(Y)
		SB	263(351)	645	Y(Y)
minor collector (39th Street) west of Wilson	minor collector	EB	77(50)	395	Y(Y)
		WB	27(89)	395	Y(Y)

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minor collector north of 35th	minor collector	NB	60(200)	395	Y(Y)
		SB	200(100)	395	Y(Y)
Florence south of 43rd	local	NB	27(17)	60	Y(Y)
		SB	9(30)	60	Y(Y)

Conclusion

This Master Traffic Impact Study (MTIS) for the Lee Farm GDP verifies that the long range 2035 peak hour link volumes of the streets adjacent to and within the Lee Farm GDP will comply with the approved City of Loveland 2035 Transportation Plan and that the project has the ability to comply with the Adequate Community Facilities (ACF) Ordinance and the Larimer County Urban Area Street Standards (LCUASS) at the time of development. A Traffic Impact Study (TIS) will also be provided with the subsequent submittal of the Lee Farm Preliminary Development Plan (PDP) that will address specific intersection level of service. However it can be determined based upon the results of the MTIS that the Lee Farm GDP will be able to meet the City of Loveland's Standards for traffic at the time of development. The findings of the Lee Farm Master Traffic Impact Study are summarized below:

1. The Lee Farm GDP has the ability to comply with the Adequate Community Facilities (ACF) Ordinance and the Larimer County Urban Area Street Standards (LCUASS) and meet the City's standards for traffic at the time of development.
2. The Lee Farm GDP is anticipated to generate approximately 7,547 daily weekday trips, 594 AM peak hour trips, and 788 PM peak hour trips.
3. The Lee Farm GDP complies with the ACF Ordinance criteria for peak hour link volumes in the long range (2035) future.
4. The MTIS verifies that the long range 2035 peak hour link volumes of the streets adjacent to and within the Lee Farm GDP will comply with the City of Loveland 2035 Transportation Plan.
5. A Traffic Impact Study will be submitted with the Lee Farm PDP that will address intersection level of service (LOS) operation and demonstrate intersection LOS compliance with the ACF Ordinance.

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6. The following are the roadway classifications for the streets adjacent to and within the Lee Farm GDP:

   a) Wilson Avenue – 4-Lane Arterial

   b) 43rd Street – 2-Lane Arterial

   c) 29th Street – 2-Lane Arterial

   d) 35th Street – Major Collector

   e) Cascade Avenue – Major Collector

   f) 39th Street – Minor Collector

   g) Florence Drive (within the Lee Farm GDP) – Local Residential

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CITY OF LOVELAND
PLANNING COMMISSION MINUTES
August 8, 2016

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 8, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, McFall and Roskie. Members absent: Cloutier, Meyers and Ray. City Staff present: Bob Paulsen, Current Planning Manager; Tree Abalo, Assistant City Attorney; Cita Lauden, Planning Administrative Specialist; Linda Bersch, Interim Planning Commission Secretary.

CITIZEN REPORTS

There were no citizen reports.

These minutes are a general summary of the meeting. A complete video recording of the meeting is available for two years on the City's web site as follows: http://loveland.pegcentral.com

STAFF MATTERS

1. **Robert Paulsen,** Current Planning Manager, alerted the Commissioners that the August 22nd Planning Commission Meeting would include two very important public hearings on the following:
    i. Mirasol III Addition and PUD – GDP Amendment and Annexation
    ii. N. Taft Avenue Subdivision – Preliminary Plat.
2. **Mr. Paulsen** gave an update on the Eisenhower Reinvestment Zone Fee Waivers (approved with amendments at the 7/19/16 Council Meeting). There is now the availability for property owners to pursue fee waivers for development and redevelopment along West Eisenhower particularly along the corridor between Taft and Wilson Avenues. Owners will have the opportunity be exempted from certain city development related fees.
3. **Mr. Paulsen** informed that the Flexible Zoning Overlay provisions were approved by City Council on first reading at the Council meeting on August 2, 2016. Second reading will take place on the 16th. These provisions were approved as recommended by the Planning Commission. City Council comments were favorable and the efforts of the Planning Commissioners in developing this overlay are very much appreciated.
4. **Mr. Paulsen** reported there are no Hot Topics at this time.

COMMITTEE REPORTS

Commissioner Molloy stated that a Title 18 meeting is to be held this Thursday. Mr. Paulsen reported that this meeting's topic will be discussion of the possible amendments to our electronic sign provisions. This stems for a joint study session with City Council that was held July 26th. At that meeting, direction from Council was to pursue certain adjustments to the electronic message sign provisions along the I-25 corridor. These adjustments should be to the Planning

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Commission in September or October. A study session will be scheduled with the Planning Commissioners before any public hearing on these amendments.

Mr. Paulsen also reported that Planning Staff has started working with the consultant hired to do an assessment of the zoning code. Staff should be receiving that assessment this week and will be scheduling an outreach meeting with the development community, tentatively on August 23rd, to review these potential updates. Staff is moving forward with this effort which will take up to 18 months or possibly longer to fully complete the updates to our Zoning Code and Subdivision Ordinance.

Commissioner Forrest reported that a Zoning Board of Adjustment hearing was held prior to this meeting. A variance regarding fencing was requested. The report should be available in the next couple of days.

COMMISSIONER COMMENTS

Commissioner McFall reported he was contacted by Dan Maas, COO of the Thompson School District. The District would like present an award of recognition to the Planning Commission for their excellent relationship with the District. **Commissioner McFall** will accept this award for the Commission.

APPROVAL OF THE MINUTES

Commissioner Dowding *made a motion to approve the July 11, 2016 minutes; upon a second from* ***Commissioner Roskie,*** *the minutes were approved.*

CONSENT AGENDA

There were no items on the consent agenda.

REGULAR AGENDA

1. **Lee Farm Addition – GDP Amendment**
   Project Description: This is a quasi-judicial item that includes a public hearing. The new owner of the 247-acre Lee Farm property located on the west side of North Wilson Avenue is pursuing an amendment to the approved General Development Plan. Proposed changes include removal of a community center, the elimination of a multi-family component and the reconfiguration of internal streets. Neighborhood residents have raised concerns over the plan amendment, particularly the proposed location of 35th Street. Staff is recommending approval. The Planning Commission must make a recommendation to the City Council for final action.

   Troy Bliss explained that the Lee Farms PUD was approved in 2006. The new owner, True Life Companies, is requesting an amendment to the General Development Plan (GDP). There will be upcoming development phases that will provide more specific detail on each phase and provide interested citizens the opportunity to participate in

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public hearings. The proposed GDP amendment is to the use and density of the development. Commercial development is being eliminated as a development option and the number of dwellings is being reduced from approximately 1050 units to 820 units with same mix of residential uses. Also requested is a GDP vesting extension from one year to a period of ten years. The major neighborhood concern is the changing of the street design and alignment of West 35th Street. A neighborhood meeting was held June 28, 2016. A report of that meeting is included as Attachment 4 of the staff report. **Mr. Bliss** also reported that this amendment concurs with Create Loveland. The staff recommends approval of this amendment with the conditions listed in Section IX of the staff report. The city council is scheduled to hold their public hearing for this matter on September 20, 2016.

Katie Cooley and staff of True Life Companies presented details of the proposed GDP amendment objectives which include: the reduction in density from 1057 units to 820 and the redistribution of housing types; relocation of proposed roadways/streets; the elimination of commercial development; storm water improvements, pedestrian linkages and buffers and screening.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Jersvig** inquired about the construction of 35th Street and who was responsible for the construction of the adjacent round-a-bout. **Mr. Bliss** said the expectation is that 35th Street will be completed in phases beginning at Wilson; however, that level of detail has not been finalized at this point. The adjacent round-a-bout is a design function of proposed Hunters Run West development. If this development would occur before Hunters Run West, a negotiation between the respective developers would have to take place.
- **Commissioner McFall** noted that the decrease of density in the development is about 230 units and inquired as to what type of units made up that decrease. **Mr. Bliss** said that the decrease was across the board in all types of units. **Commissioner McFall** also asked what the distance is between the proposed street and the Hunter's Run property line in this amendment and what it was before. **Mr. Bliss** stated that the distances from the north edge of that property to the street is about 80 feet now and was about 300 feet in the original proposal. **Commissioner McFall** stated he could understand the adjacent neighborhood's concern.
- **Commissioner Molloy** asked what other developments the True Life Companies have done. **Ms. Cooley** said, while they are fairly new to Colorado, they are working on Willow Bend in Thornton which is still in entitlements and as the developer and builder of paired homes on 80 lots in Aurora. They are a national company that does mostly residential. **Commissioner Molloy** inquired about who would do the build out in this development. **Ms. Cooley** reported they have worked with national builders such and Lennar and would be using both national and local builders here. **Commissioner Molloy** also inquired about whether trails in the development would connect with the city trail system. He also expressed concern about the appearance of the out front detention pond and whether the connector street in the north east corner of the development would have access onto Wilson. **Ms. Cooley** said the trail would connect with the city tunnel to be

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built under Wilson. She stated that since that detention pond would be the front entrance to their development, they want it to be a nice amenity. The minor collector street in question will not have access to Wilson. It will only access the proposed commercial development in the Buck addition. **Commissioner Molloy** also inquired about signalization at the 35th Street intersection with Wilson. **Ms. Cooley** said there is already a signal there; however, it will need some minor improvements.

- **Commissioner Roskie** inquired about traffic calming along the north/south connector streets and was there a neighborhood concern about sound attenuation in terms of buffering along 35th Street. **Ms. Cooley** said at this level, detail about traffic calming is not yet available. In terms of buffering of sound, a traffic study showed that due to less density there would be less traffic than originally approved. Since 35th is a neighborhood collector street, a typical decibel report of 45-60 is the same as occurs in other subdivisions. There will be landscaping and a fencing buffer along this street for noise reduction.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:32 p.m.

- **Jim Vernon**, resident, lives on the border of 35th Street and feels this development proposal would gut his property values. It is disingenuous to state that the street buffer was increased from 70 feet to 80 feet when, in reality, it is being reduced from the 300 feet to 80 feet. The previous plan was better and this amendment should be rejected. This plan claims to make a feathering approach with higher density near Wilson; however, the placement of town homes and the flex use area moves higher density directly opposite the northern border of Hunters Run. He stated adjacent land use is not being respected. He was strongly opposed to the new design.
- **K. C. Hogan**, resident, echoed Mr. Vernon's concerns. She worked with original developer for nine months to get our properties mirrored and to have the road in front of the new development to respect what is currently there and to approve a thirty foot easement between the properties with a privacy fence so residents can have the privacy we are used to. This plan puts a condo and patio home right behind my house. I had a market analysis done that shows a decrease in value of my home is ten thousand dollars and with condos and patio homes placed there a decrease of forty-five thousand dollars or more. I have a problem with that.
- **Jerry Westbrook**, resident, said his issue is with drainage. For the past several years he has worked with a commercial developer at 43rd and Wilson on improving drainage. That development plan is now gone. The question is will the Lee Farms proposed drainage pond be sufficient to keep water from running over Wilson Avenue?
- **Shanna Vernon**, resident Hunters Run, indicated that her main concern is about the road. The road was supposed to be in Lee Farms subdivision. In the previous meeting, the developer said that placement would make that subdivision feel segregated. We feel this new road puts all the burden on our subdivision. We don't feel connected. This road alignment aids that subdivision but we now have to deal

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with noise, lights and traffic. Having the buffer go from 300 feet down to 80 feet is unacceptable. This make us feel further alienated.

- **Kevin Lear**, resident of the Buck neighborhood, stressed that the notion of like against like needs to be honored in the new plan. The plan needs to be modified so only single family detached homes are along the Buck development. Some density increases in some portion of the plan along the west are from estate lots to the single family designation. He commended the inclusion of the north/south trail but has a concern about the trail system in the Buck subdivision, especially in regard to a wall along the trail. The city should make sure that wall does not prohibit Buck residents from accessing the trail.
- **L. P. Magley,** resident Buckhorn Village, expressed concern over the fact that roads and cars directly behind us will destroy our quality of life. Town homes and condos would turn into low income rentals and drive property values down and create more crime, noise, traffic and light pollution. This would take away our view and the quality of our life. I know we cannot stop new development but this is too pristine an area to have condos and town homes and patio homes. Make it all single family homes, he requested.
- **Josh Cacka,** resident Buck subdivision, appreciates the lower density and lack of commercial development. He does have concern about drainage and thinks the city underestimates how bad the water table is there. The whole area floods across Wilson. Will this retention pond make it better? He also has a concern about the increase of density right next to Buck subdivision. The plan needs to be modified so only single family detached homes are along the Buck development. Also there is a need for a street buffer along the Buck side.

Commissioner Jersvig closed the public hearing at 7:50 p.m.

- **Commissioner Jersvig** stated he would like the applicant to answer some of the property owners' concerns regarding the drainage on 35th Street and if what is proposed to would keep storm water off Wilson Avenue. **Brett Woolard** of CWC Consultants, project engineer, said they are aware of the current flooding and are working with Public Works to address the issue. The current pond is undersized and they are designing to current standards to retain any flow out of the property on the property. The lower density will help reduce runoff as will the larger swale design in this amendment. The right designs for this issue are still being worked on with the Public Works staff.
- **Commissioner Molloy** said he is aware that many of the existing homes in the area have sump pumps and it appears homes in this development may have to as well. He is also concerned the 35th Street appears to be higher than the current homes and that is going to be an issue going forward. **Mr. Woolard** indicated that one lane in the center of the roadway must be high enough for emergency vehicle access. They will further study this issue. **Mr. Woolard** discussed that the like for like issue on the home redesign/lot configuration is mostly for the drainage issue. Tabernash Street will shut down and not be a full movement street. Hunters Run will use 35th to get to Wilson. The purpose of the connector streets within Lee Farms was also discussed. Those are part of the city's long range plan.

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- **Commissioner McFall** expressed concerns regarding moving 35th Street alignment closer to Hunters Run, with the relocation being the length of over one and one half times the length of a football field. Hunters Run homeowners had the expectation of a larger buffer. Why was this move made? **Ms. Cooley** indicated this was largely for drainage. If the road wasn't moved they don't believe it would solve any of drainage concerns that are there are now. **Commissioner McFall** questioned the reduction of single family units. Ms. Cooley indicated it would only affect the estate lots numbers as they created a buffer of smaller single family lots near the power lines instead of estate lots. The decrease on townhomes is from 480 down to 200. They are still fronting like product to like product because the patio homes are single family ranch and the flex section is for paired homes and would front the proposed Hunters Run West area that has not been built yet. The price point for the homes in the development was discussed. The target is $350,000 for single family and probably higher for patio homes because of common area maintenance. Due to market conditions, condos cannot be priced this high.
- **Commissioner Jersvig** noted that a metro district has been approved for the property so there will be additional property taxes on residents. He believes this and the pricing eliminates the concern regarding low income housing. He also inquired about the concern for more buffering on the north end of the property. Ms. Cooley indicated that could be addressed at the next phase, at the PDP level. It has not been addressed at the GDP level.

COMMISSIONER COMMENTS:

- **Commissioner Molloy** indicated he likes the plan overall but does have tremendous concerns about the road height that needs to be addressed at the PDP level. He is an advocate of detached sidewalks even on local streets. The biggest concern of the two adjacent neighborhoods is drainage and if improvements can been made in this amendment, it is a great benefit. This design brings better pedestrian movement that has been a concern about children getting to school in the past. He will be interested in how these trails tie into city trails in the PDP plan. Tabernash being closed to Wilson is a good plan. Density being brought down is a good plan. He does have concerns about the loss of the commercial area but the area at 43rd is a better place for it. Overall he is for the amendment.
- **Commissioner Forrest** also has concern about height of road because will take a long time for the buffering to do its job. Lowering the road while keeping emergency access would be a better solution. The Plan is well laid out. She likes the fact that there is a neighborhood park and that the wetlands have been considered. Keeping that natural habitat is asset to development. She is for project.
- **Commissioner McFall** also has concerns with the height of road but does have greater concern for the loss of the larger buffer. He is not happy with that aspect.
- **Commissioner Roskie** is in general agreement with what has been said. Improvement in density and drainage are generally positive. The mix of housing types is good. Compatibility is good with the reduction in density. She does have concerns about the movement of the road as it is a real disruption to the expectations of the neighbors but drainage is a real issues in this area so she will be voting for the amendment.

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- **Commissioner Dowding** understands the movement of 35th Street and how it will improve drainage in Hunters Run as well as this development. Everyone benefits from lower density. Different housing types improve neighborhoods and she likes the neighborhood park. She agrees about detached sidewalks. Drainage is a difficult thing for everyone but it is best is to put water where it is held away from homes. She will be voting in favor.
- **Commissioner Jersvig** thanked the applicant for their presentation and most importantly the residents for coming and speaking. He emphasized that we do consider your comments. But stated that he will be supporting this amendment as it is a major improvement over the original GDP. He understands the concerns of the road being moved but believes the benefit of the drainage improvement outweighs those concerns and will be supporting the amendment.

Ms. Cooley was asked by **Commissioner Jersvig** if she accepts the conditions listed in the staff report. She replied affirmatively.

Commissioner Dowding *motioned to make the findings listed in Section VIII of the Planning Commission staff report dated August 8, 2016, and based on these findings recommend approval of Lee Farm General Development Plan Amendment #1, subject to the conditions listed in Section IX, as amended on the record. Upon a second by* ***Commissioner Forrest*** *the motion passed with five ayes and one nay (Commissioner McFall)*

Commissioner Jersvig called for a recess at 8:30 p.m.

Commissioner Jersvig called the meeting to order at 8:40 p.m.

2. **Adjustment to Future Land Use Map Amendment Procedure**
   This is an information item to discuss potential changes in procedures for handling Comprehensive Plan amendments.

Karl Barton, senior planner with the Strategic Planning Division, presented that Staff is considering a change in the way comprehensive plan future land use map amendments are processed. Instead of processing them individually, either with or without an associated development application, they could instead be processed annually, along with a general update on the comprehensive plan. Staff is interested in the Planning Commission's comfort in moving forward with the proposed process.

Mr. Barton presented background on the use of the land use maps in the Comprehensive Plan as well as the information on the current and proposed processes. He reported that the advantage of this approach is that it recognizes the advisory role of the future land use map. It also facilitates a more comprehensive annual examination of larger areas, so that future land use decisions are not being made on a parcel by parcel basis or only at the time of an application. Also, the yearly review will keep the Comprehensive Plan fresh in people's minds. The disadvantage is that, while the review of zoning and annexation applications with respect to the future land use map would still take place, there would not be a separate application to tie the review to. There is the possibility this would cause confusion for the

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Commission or applicant.

Therefore, the Commission and Council would continue to see applications containing statements about future land use map consistency, but there would not be a specific / separate application. On an annual basis, the Commission would see a comprehensive plan update agenda item that would include an assessment of rezoning and annexation applications approved during that year and a recommendation on what revisions to the future land use map would be appropriate.

CITIZEN COMMENTS:

There were no citizen Comments

COMMISSIONER COMMENTS:

- **Commissioner Dowding** has always thought of the land use map as a big picture item so likes this change to annual updates.
- **Commissioner Jersvig** asked if this would have any negative effect on the speed of development**. Mr. Barton** replied that this should make things go faster. This reduces complexity. **Mr. Paulsen** said he thinks this is a positive change. For example, now if a density exceeds the mapped designation by small amount we would have required a comp plan amendment; with this proposed change, we don't have to be so rigid. If the request is generally consistent with the comp plan we would eliminate a procedure that is not adding any value to process.
- **Commissioner Molloy** asked if the reverse is true in regard to getting trends or rezones where the land use plan was behind the current changes in the area. **Mr. Barton** noted that the Comprehensive plan is living document as all docs it feeds are as well.
- **Commissioner Jersvig** indicates he needs more details but the change seems good**.**
- **Commissioner Forrest** likes the concept**.**
- **Commissioner Roskie** says this seems like best practice and sounds completely consistent with what planning should be for.
- **Commissioner Jersvig** questioned how would work for flex zoning. **Mr. Barton** indicated would still look at consistency with comprehensive plan and would approve each on its own merits.
- **Mr. Paulsen** and **Mr. Barton** summed up that this is an internal procedural change that may require a small language change in Concept Loveland. The commission will be kept informed as the process goes forward.

ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 9:10 p.m.

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Approved by: _____
Jeremy Jersvig, Planning Commission Chair

Linda Bersch
Linda Bersch, Interim Planning Commission Secretary.

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Troy Bliss

From: Troy Bliss
Sent: Wednesday, September 14, 2016 12:52 PM
To: Troy Bliss
Subject: Lee Farm Development Proposal

From: "Hogan, Kc" <kc.hogan@hpe.com>
Date: September 4, 2016 at 1:31:17 PM MDT
To: "ccouncil@cityofloveland.org" <ccouncil@cityofloveland.org>
Cc: "Hogan, Kc" <kc.hogan@hpe.com>
Subject: Lee Farm Development Proposal

Dear Loveland City Council Members,

On Aug 8, 2016, I attended the planning commission's meeting regarding the Lee Farm proposed amendment to the CDP that was approved in 2006. I have to say that I was very disappointed with the outcome of the meeting and the decision of the planning commission to recommend the amendment to this development. I was very impressed with Patrick McFall who took the opinions of the community to heart, and really listened to our concerns and voted against the proposed changes.

In the review with the planning commission, the developer focused on the drainage issues which are very critical to our communities and the city, however, they did not acknowledge the major concerns of the citizens in the neighboring communities, and dismissed them as insignificant compared with the drainage concerns.

In 2006, the original developer proposed a higher density development than what is currently being proposed, however, they also paid attention to the neighboring community's concerns, and made every effort to help make this an acceptable compromise to the neighboring communities. The CDP that was approved by the city council in 2006 provided a development that mirrored the Hunter's Run community on the south side of the Lee Farm development so that our property values would not be reduced by additional houses that provided no additional value to the city and the surrounding communities. Additionally, the original developer agreed to take the road off of 35th and put it to the north of the 'mirrored' housing so that there would not be an impact on the Hunter's Run community.

While the currently proposed amendment reduces the overall density of the development, the change in distribution of the type of homes within this development is detrimental to the neighboring communities. The proposed amendment takes the multi-family homes and moves them from the east side of the development in the original CDP to the middle of the development, and moves the road from 35th to run right behind the houses in the Hunter's Run development. The original CDP had a 30 foot buffer and matching cul-de-sac areas with privacy fences to the south and the main road running on the north side of the cul-de-sac plots in Lee Farm.

This new developer insists that the drainage will be improved with the new design. I agree that a larger swale between Hunter's Run and Lee Farm will definitely help with the drainage issues currently being experienced, however, I do not see the advantage of putting the road right next to the current Hunter's Run community. If the new developer wants to improve the drainage from the original CDP, the wider swale will definitely help with that, and it is part of the proposed amendment, however, they could also still mirror the properties as in the original CDP with the road running in front of the mirrored plots rather than being so close to the 'backyards' of the existing community of Hunter's Run.

I am very happy that the new developer has chosen to put a park in place of the commercial area of the original CDP. I think that this will improve the original plan and create a sense of community that will bring the current Hunter's Run

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community and the Buckhorn community together with the new Lee Farm development. I do not however agree with the movement of the multi-family homes to the middle of the development which will not only block the views that the current neighboring communities enjoy, it will also considerably decrease the property values of the current property owners. Also, the proposal puts patio home directly behind the current Hunter's Run property owners rather than like houses which will also decrease our current property values.

I also find it very suspicious that the prairie dogs who have lived in the Lee Farm area for the past 14 years since I have lived here, all of a sudden have 'disappeared' within a few months of this new developer taking ownership of this parcel of land. This makes me question the intentions of the developer, and do they really have the best interests of the surrounding communities and our city in general in mind. This is a developer from California that has been buying up land in up and coming communities to improve their profitability. They have already convinced the city council to approve a metro district for this development which has failed throughout Colorado. The Deer Meadows community is a perfect example of such a district. Again, these metro districts originated in California, and have now found their way into Colorado. They have not been very successful within our state in the past, and I question the probability of success for this one.

Everything that I have researched about this developer makes me wonder what their intentions are. I am a Colorado native, and have lived in the Front Range community since 1991. I love my state, and I love Loveland, and would hate to see someone from outside of our state convince our leaders that this is best for our community.

I would highly encourage you, my city council to reject this proposal and request that the developer go back and re-examine the proposal with community input, and really listen to that community input. I would like to request that the developer keep the original development 'mirror sites' on both the Hunter's Run side and the Buckhorn side of the new development. I would also suggest that the increased swale be incorporated into the new proposal to deal with the water issues that have plagued this area. This will be a win/win for everyone in that the water issues will be mitigated, and the neighboring communities will have the least disruption and property loss from this new development while still providing the developer with adequate profitability.

I have attached both the currently approved CDP as well as a picture of the proposed changes from the developer. As you can see from the picture, patio homes and condominiums are in the proposal for the area directly to the north of the single family homes in Hunter's Run. This is of great concern to myself as a current home owner in the Hunters Run development, as I had my home built on a cul-de-sac for a reason so that I could ensure the safety of my family. I did not expect to have a road built directly behind my backyard which defeats the purpose of living on a cul-de-sac.

I am circulating a petition within my neighborhood for signatures of Hunter's Run homeowners and other concerned citizens, and will provide that to the City Council when they meet to hear this new proposal on September 20, 2016. I appreciate your consideration of my proposal, and trust that you will do what's best for our city and the neighboring communities.

Best Regards,
KC Hogan
3444 Atwood Court
Loveland, CO 80538
970-613-9555
Emails to or from City Council are subject to public disclosure under the Colorado Open Records Act (CORA), with limited exceptions. All emails addressed to or sent from City Council, including email addresses, will be visible in an online system in order to promote transparency, except those considered confidential under CORA. Emails with "#private#" in the subject line will appear in the online system, but the content and subject line will be restricted from view. However, the City of Loveland cannot guarantee that an email marked "#private#" will remain private under CORA

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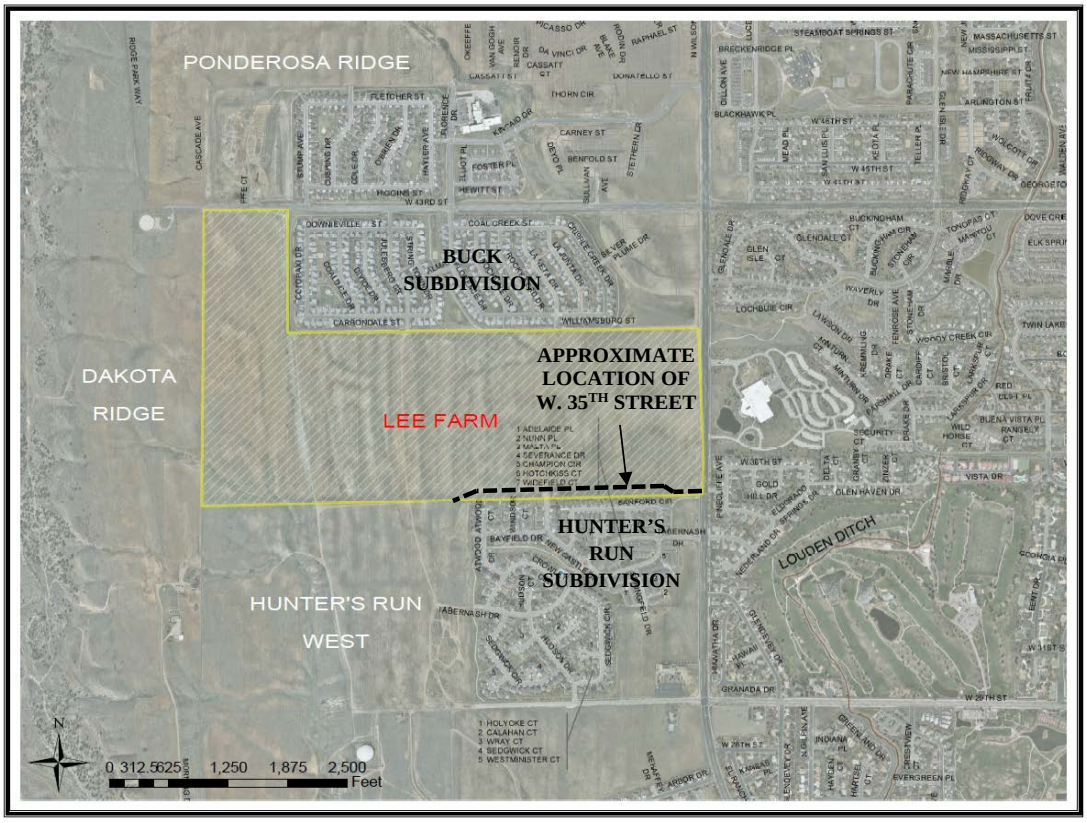
Attachment 3



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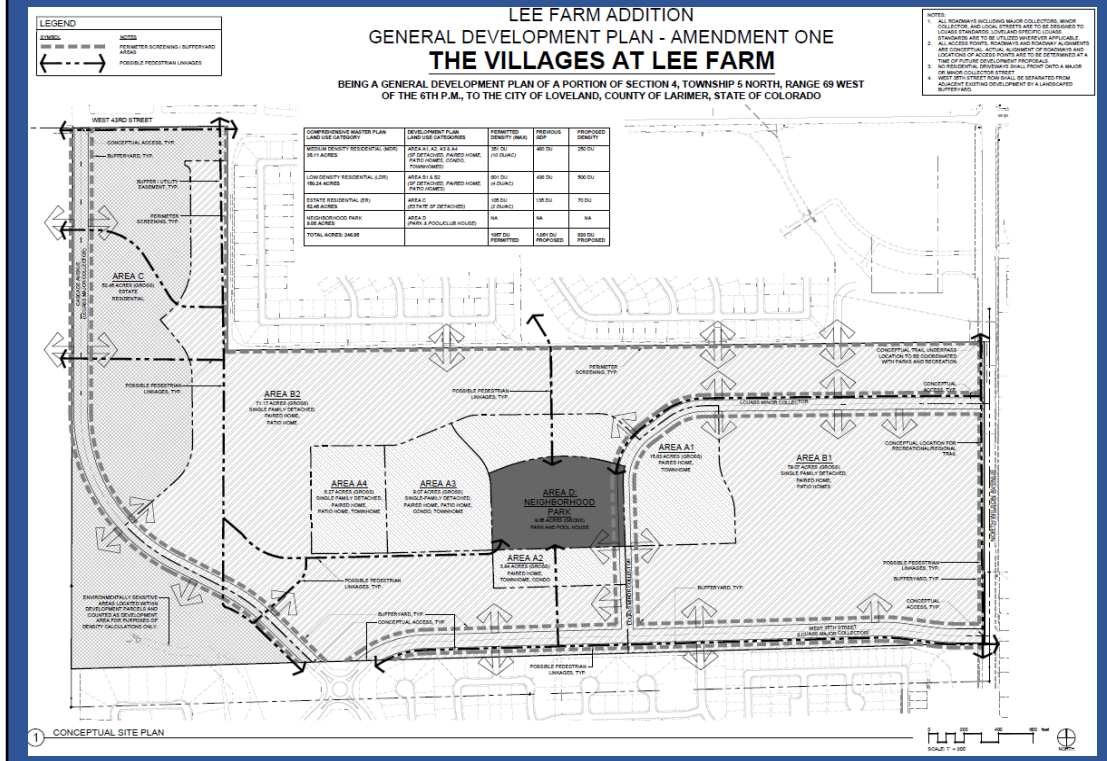
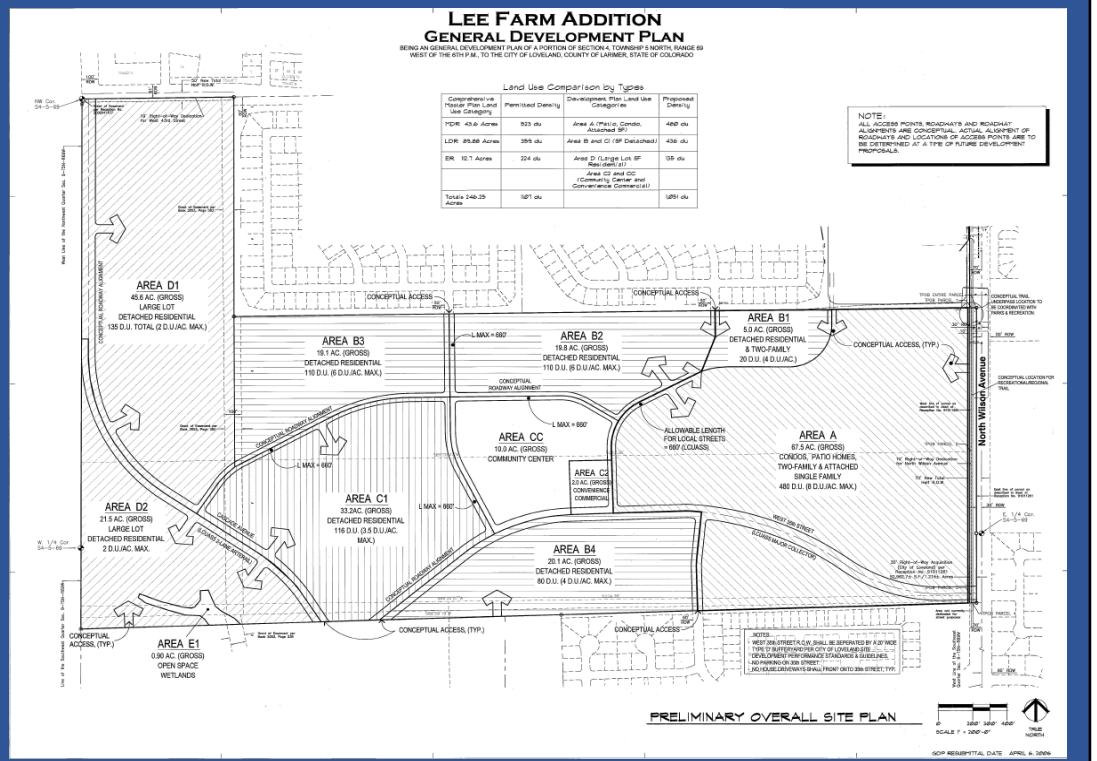
Project Details:

- General Development Plan (GDP) Amendment - rezoning of 247 acres associated with the Lee Farm Addition Planned Unit Development (PUD). Proposed changes to existing GDP include:
  - Use and Density
  - Internal Street Spine
  - Design Standards
  - GDP Vesting



Proposed Amendment to GDP



Existing GDP (Approved 2006)

Role of the City Council:

- Conduct a public hearing for consideration of the *Lee Farm Addition GDP Amendment* proposal.
- Determine compliance related to the City's Comprehensive Master Plan and all applicable standards for approval, approval with conditions, or denial of the proposed amendment.
- Determine compatibility with rezoning in terms of existing development and future land uses.
- The Planning Commission recommended condition approval of this amendment at a public hearing held on August 8, 2016 by a vote of 5 to 1. City Council is the final decision making body on amendments to GDP's.

City of Loveland

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Neighborhood Involvement:

- Development proposal was initially presented to surrounding property owners at a neighborhood meeting on *June 28, 2016*.
  - Approximately 70 property owners attended
  - Meeting documented in a summary provided by Applicant (see Attachment 4 of staff report)
  - One (1) additional neighborhood meeting was held before the application was submitted for review – not required by the City but supported by applicant

- Throughout City review, many concerns have been expressed – see neighborhood summary.

- Seven neighbors presented concerns to the Planning Commission at a hearing on August 8, 2016. Additionally, email correspondence was received following the Planning Commission hearing identifying continued concerns, primarily with respect to the proposed alignment of W. 35th Street.

- Key issues with this proposal have generally included:
  - Proposed alignment of W. 35th Street;
  - Street connectivity with developed subdivisions;
  - Townhome and Condo uses;
  - Obstruction of views, and;
  - Overall growth potential in northwest Loveland

City of Loveland

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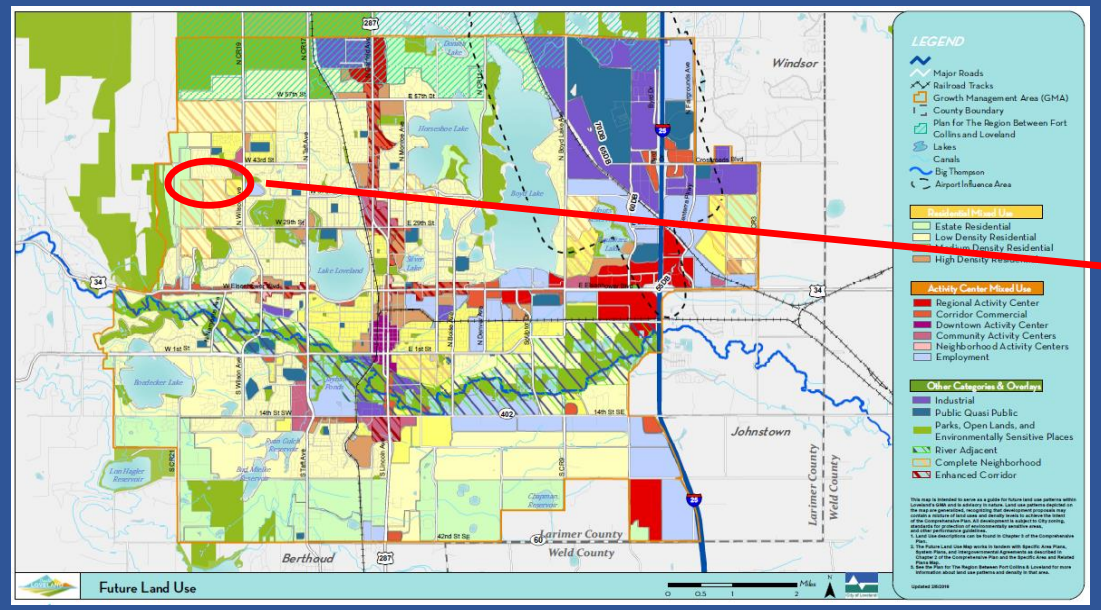
City Staff Analysis:

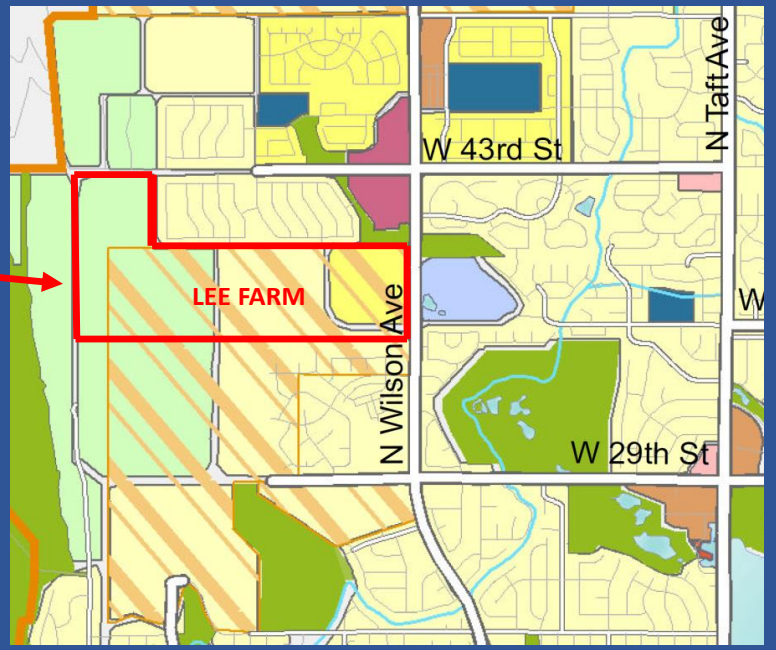
Zoning - How does zoning support this type of use?

- Lee Farm is a master planned community. As part of the zoning, a GDP was created, allowing for a variety of housing opportunities on the subject property.

Comprehensive Plan - How does this project comply with the Comprehensive Plan and land use of Estate, Low, and Medium Density Residential?

- In limited areas of a master planned community, the City's Comprehensive Plan allows opportunities for higher density. This is further supported by a policy to feather density and provide for a variety of housing options within the City.

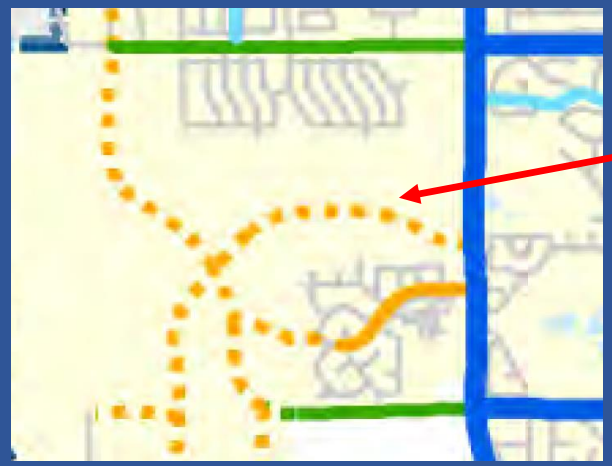


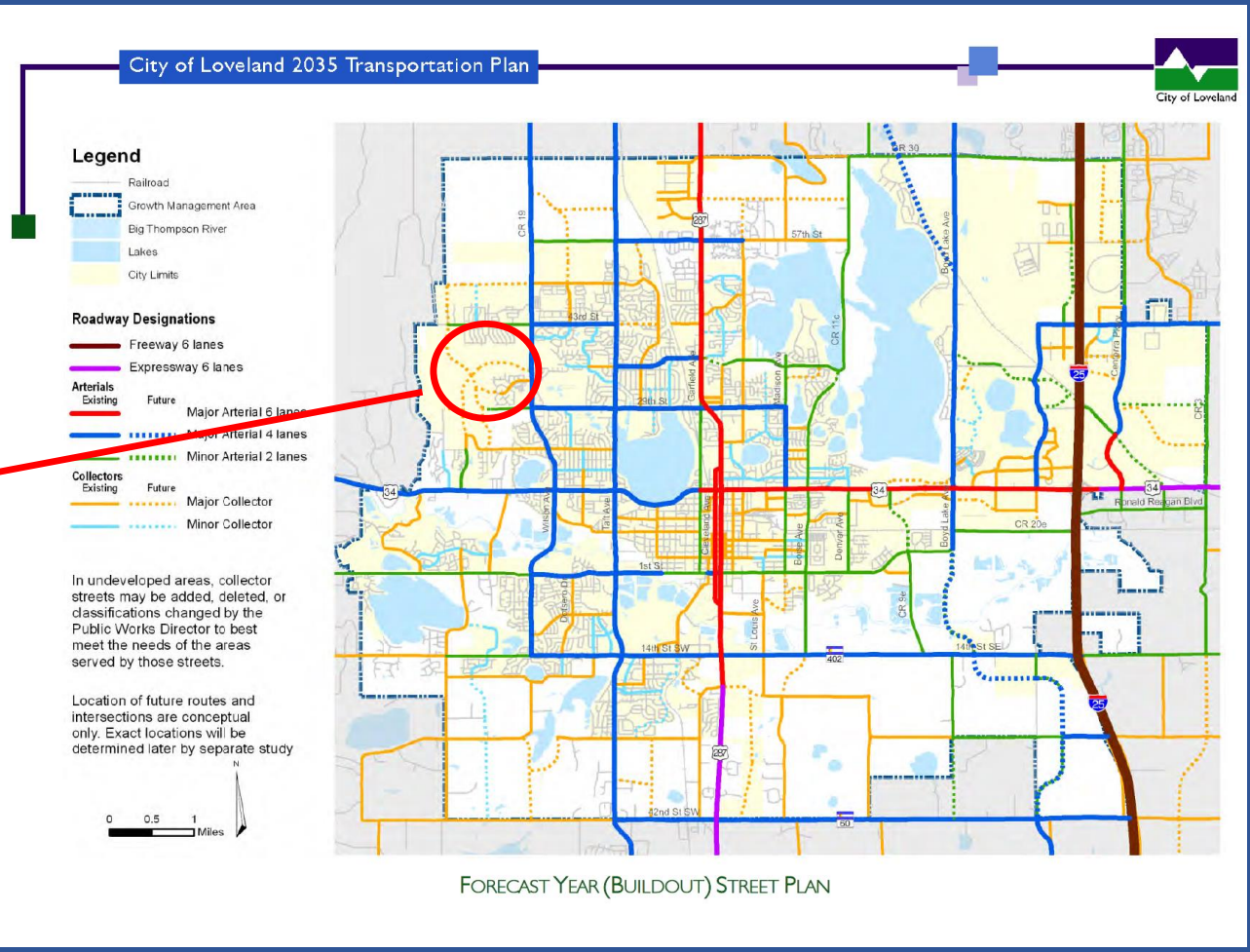


City Staff Analysis (continued):

Adequate Community Facilities (ACF) – How can the City existing/proposed street network support the amount of traffic this project will generate?

- All development must comply with the adopted ACF standards for delivery of services (i.e. transportation, emergency protection, utilities, and stormwater).





FORECAST YEAR (BUILDOUT) STREET PLAN

City of Loveland

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City Staff Analysis (continued):

Design Standards and Guidelines

- Streets, access and circulation, parking, grading and drainage, landscaping and screening/buffering.

Environmental Sensitivity

- Mitigation, areas of interest, soils, etc.

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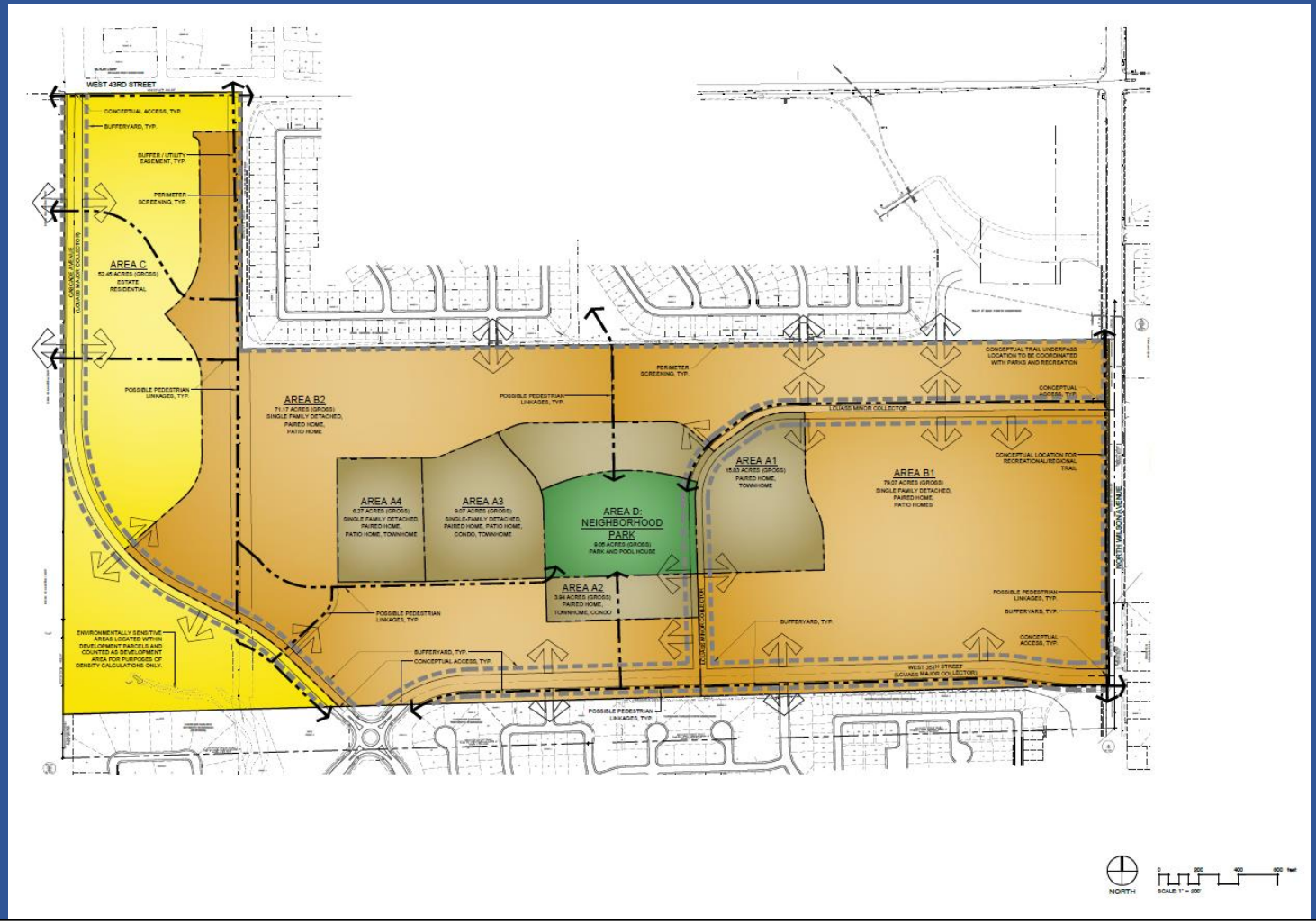
City staff recommendation:

The recommendation from Planning Commission and City staff includes conditions of approval that would be applied to the project. These conditions are outlined in the Planning Commission staff report.



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AGENDA ITEM: **5.6**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Leah Browder, Public Works Director
PRESENTER: Chris Carlson, Civil Engineer II

City of Loveland

TITLE:
An Ordinance Enacting a Supplemental Budget Appropriation to the 2016 City of Loveland Budget for Construction of the Wilson to Taft Avenue Flood Recovery Project.

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

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action. The project's construction would not be funded.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration. The project will be delayed accordingly.

SUMMARY:
This ordinance will appropriate funding for construction of the Wilson to Taft Avenue Flood Recovery project. This project contains all remaining flood recovery work between Wilson Avenue and Centennial Park, including the following: replacement of the pedestrian bridge crossing the Big Thompson River downstream of Wilson Avenue; repair and realignment of several sections of concrete pedestrian trail between Wilson and Taft Avenue; repairs, utility protection, trail realignment, and erosion protection north of the Cottonwood Meadows Subdivision at an avulsion area; repair of three damaged storm sewer outfalls; repair and restoration of a pre-flood stormwater quality treatment pond; and construction of a trail connection to the west sidewalk on Taft Avenue.

The overall project budget is $1,125,000. The Parks and Recreation Department currently has $600,000 appropriated for this flood recovery work. The Open Lands and Trails Division will contribute $50,000 already appropriated from recreation trail CEF's. This provides a total of $650,000 from the Parks and Recreation Department's existing appropriated funds. The Public Works Department currently has $192,903 appropriated for this flood recovery work. The Public Works and Parks & Recreation Department 2016 budget appropriations combined together equal $842,903. This requires a supplemental appropriation request of $282,097 to cover the anticipated $1,125,000 project budget. Based on a percentage split in types of eligible work, $209,020 will be appropriated from the Stormwater Utility Capital Fund and $73,077 from the General Fund. Therefore, $282,097 in supplemental appropriation is requested. This project is eligible for partial reimbursement from FEMA.

BUDGET IMPACT:
☐ Positive
☒ Negative
☐ Neutral or negligible
The appropriation uses existing balances within the General Fund and Stormwater Utility Capital fund. The existing working cash balance of the Stormwater Utility Capital fund is $7,379,642. It

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will be reduced by $209,020 to a new balance of $7,170,622. The General Fund balance will be reduced by $73,077.

BACKGROUND:

On March 2, 2014, City Council originally appropriated funding for the engineering costs of numerous flood recovery projects. That included funding for the multiple projects generally within the Wilson to Taft Avenue reach of the Big Thompson River. Projects within this reach include replacement of the Wilson Avenue pedestrian bridge, trail realignment and repairs, storm sewer outfall and stormwater quality pond replacement, utility protection, bank protection, and flood hazard mitigation. Initial engineering analysis and conceptual design was completed for the projects, which led to a scope change request being submitted to FEMA for approval in July 2015. Final design and construction was then postponed pending FEMA approval.

By December 2015 FEMA had not responded to the City's request for a scope change so staff decided to move forward with final design and environmental permitting in order to construct the project during the next available river construction window of the winter of 2016/2017. On March 15, 2016, City Council approved a re-appropriation and early rollover of funds into the 2016 budget for the final design work with the anticipation of construction beginning in late fall 2016. Staff would request a supplemental appropriation for construction costs once final design and a detailed cost estimate was completed. It was staff's understanding that FEMA review of the proposed scope changes would also occur in the spring or summer of 2016. Unfortunately, FEMA is months to years behind in their review process and has not yet reviewed the request. Staff has been told that FEMA is working on it but it is uncertain when a formal response will be received.

In order to not lose another year's construction window and further postpone repairs, Public Works will now proceed with the construction of these flood recovery projects. It is still our desire to receive FEMA approval of the scope changes prior to construction; however, we recommend moving forward with construction without further delay even if FEMA does not respond. Therefore, the project was advertised to bidders on September 2. It is anticipated that construction bids will be opened on September 29, a construction contract will be brought to City Council for award on October 18, and construction will start on approximately November 7, pending receipt of environmental permits. If that schedule remains, construction will occur throughout the winter with final completion expected by late May 2017.

Much of the funding for this project's construction has already been appropriated. The Parks and Recreation Department currently has $600,000 appropriated for this flood recovery work, which includes $70,000 in CIRSA insurance payment for the bridge damages and upfront funds of $134,415 that will be reimbursed by a GOCO grant. The Open Lands and Trails Division will contribute $50,000 already appropriated from recreation trail CEF's. This provides a total of $650,000 from the Parks and Recreation Department's existing appropriated funds.

The Public Works Department currently has $192,903 appropriated for this flood recovery work. The Public Works and Parks & Recreation Department 2016 budget appropriations combined together equal $842,903. This requires a supplemental appropriation request of $282,097 to cover the anticipated $1,125,000 project budget. Based on a percentage split in types of eligible work, $209,020 will be appropriated from the Stormwater Utility Capital Fund and $73,077 from the General Fund.

Original approved FEMA project worksheets state that up to $332,000 of work within the project is eligible for Public Assistance reimbursement. The City's scope change requests, if approved as submitted, would allow for up to $644,000 to be eligible for FEMA reimbursement. There is also the possibility that some components of the project could be designated by FEMA to receive

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hazard mitigation funds as additional reimbursement, however, staff does not believe that can be counted on at this time.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Ordinance

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FIRST READING **September 20, 2016**

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2016 CITY OF LOVELAND BUDGET FOR CONSTRUCTION OF THE WILSON TO TAFT AVENUE FLOOD RECOVERY PROJECT

WHEREAS, the City has received reserved funds not anticipated or appropriated at the time of the adoption of the 2016 City budget for construction of the Wilson to Taft Avenue flood recovery project; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the 2016 City budget for construction of the Wilson to Taft Avenue flood recovery project, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That reserves in the amount of $209,020 from fund balance in the Stormwater Utility Fund are available for appropriation. That reserves in the amount of $73,077 from fund balance in the General Fund are available for appropriation. Such revenues in the total amount of $282,097 are hereby appropriated to the 2016 City budget for construction of the Wilson to Taft Avenue flood recovery project. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

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Supplemental Budget
General Fund 100

Revenues		
Fund Balance		73,077
Total Revenue		**73,077**
Appropriations		
100-91-999-0000-47120	Transfers to Capital Projects Fund	73,077
Total Appropriations		**73,077**

Supplemental Budget
Capital Projects Fund 120

Revenues		
120-00-000-0000-37100	Transfers from General Fund	73,077
120-00-000-0000-37345	Transfers from Stormwater Utility Fund	209,020
Total Revenue		**282,097**
Appropriations		
120-23-280-0000-49352	Transfers to Capital Projects Fund	282,097
Total Appropriations		**282,097**

Supplemental Budget
Stormwater Utility Fund 345

Revenues		
Fund Balance		209,020
Total Revenue		**209,020**
Appropriations		
345-23-280-0000-47120	Transfers to Capital Projects Fund	209,020
Total Appropriations		**209,020**

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

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

ADOPTED this _____ day of October, 2016.

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Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

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AGENDA ITEM: **5.7**
MEETING DATE: 9/20/2016
TO: City Council
FROM: Tami Yellico, City Attorney
PRESENTER: Tami Yellico, City Attorney

TITLE:
A Resolution Of The Loveland City Council Approving The Consolidated Service Plan For Foundry Loveland Metropolitan District

RECOMMENDED CITY COUNCIL ACTION:
After a public hearing, consider adoption of the resolution.

OPTIONS:
1. Adopt the action as recommended.
2. Deny the action.
3. Adopt a modified action.
4. Refer back to staff for further development and consideration.

SUMMARY:
This proposed resolution is to approve the Service Plan for Foundry Loveland Metropolitan District (the "District"). The District is generally located between 1st Street and Back Stage Alley, between Cleveland Avenue and Lincoln Avenue in the City of Loveland. It consists of approximately 4 acres for mixed-use development. The purpose of the District will be to construct, finance, operate, and maintain a portion of the public improvements for the benefit of its occupants, taxpayers, and visitors. A mill levy cap of 50 mills is proposed for the District, subject to certain adjustment provisions.

BUDGET IMPACT:
☐ Positive
☐ Negative
☒ Neutral or negligible

BACKGROUND:
The proposed metropolitan district is a 4-acre property, as depicted on Attachment A, and is located between 1st Street and Back Stage Alley, between Cleveland Avenue and Lincoln Avenue in downtown Loveland. The purpose of the District will be to levy property taxes on the properties within the Foundry Project to assist in paying the debt on the special revenue bonds to be issued by the City on behalf of the DDA to finance the parking garage and other public improvements, and for the District to own and maintain the public plaza spaces. This is one element of a financial plan, in which the City, the District, and the Developer will be making a substantial investment in downtown Loveland for the benefit of the community in the creation of the Foundry Project.

The total estimated costs of the public improvements in 2016 dollars is $22,500,000. The District shall not have the authority to issue Debt of any type or amount without prior written consent of the City Council. After obtaining approval of the City and the District Court, the District may be permitted to obtain voter authorization for the issuance of Debt and the levying of taxes under TABOR. The maximum mill levy the District may impose for the payment of debt

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and related expenses is 50 mills. The District is expected to be obligated to impose a debt service mill levy of 25 mills and an operations and maintenance mill levy of 5 mills, pursuant to a an agreement with the City.

If City Council approves the service plan then the Developer must ask the District Court to order an election on the District questions at the November 8th election, this has to be done no later than October 8th. The question of forming the District and the District tax question is voted upon by eligible electors, that would include residents of the proposed District, persons who own taxable property in the proposed District, or persons whose spouse owns taxable property in the proposed District, or persons obligated to pay property taxes under a contract to purchase taxable property within the proposed District.

REVIEWED BY CITY MANAGER:
SCA

LIST OF ATTACHMENTS:

1. Resolution with Exhibits A (Service Plan), B (Affidavit of Publication), and C (Certificate of Mailing)– approves the creation of the proposed District and the Consolidated Service Plan for the District
2. Map of Foundry property is attached to this coversheet as Attachment A

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RESOLUTION NO. R-90-2016

A RESOLUTION OF THE LOVELAND CITY COUNCIL APPROVING THE CONSOLIDATED SERVICE PLAN FOR FOUNDRY LOVELAND METROPOLITAN DISTRICT

WHEREAS, pursuant to Section 32-1-204.5, C.R.S., as amended, the Service Plan for Foundry Loveland Metropolitan District (the "District") has been submitted to the City Council (the "City Council") of the City of Loveland, Colorado (the "City"); and

WHEREAS, a copy of said Service Plan for Foundry Loveland Metropolitan District is attached hereto as Exhibit A and incorporated herein by reference (the "Service Plan"); and

WHEREAS, the boundaries of the proposed District are wholly contained within the boundaries of the City; and

WHEREAS, notice of the hearing before the City Council for its consideration of the Service Plan was duly published in the *Loveland Reporter-Herald* on August 30, 2016 as required by law, as evidenced by the "Affidavit of Publication," attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, notice of the hearing before the City Council was also duly mailed by first class mail, on August 31, 2016 to interested persons, defined as follows: (1) the Colorado Division of Local Government; (2) the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the proposed Districts' boundaries; and (3) the property owners within the proposed District as listed on the records of the Larimer County Assessor, as evidenced by the Certificate of Mailing attached hereto as Exhibit C and incorporated herein by reference; and

WHEREAS, pursuant to the provisions of Title 32, Article 1, C.R.S., as amended, the City Council opened a public hearing on the Service Plan for the proposed Districts on September 20, 2016; and

WHEREAS, the City Council has considered the Service Plan, and all other testimony and evidence presented at the hearing.

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

Section 1. That the hearing before the City Council was open to the public; that all interested parties were heard or had the opportunity to be heard; and that all relevant testimony and evidence submitted to the City Council was considered.

Section 2. That evidence satisfactory to the City Council for finding each of the following was presented at the hearing:

a. there is sufficient existing and projected need for organized service in the area to be serviced by the proposed District;

b. the existing service in the area to be served by the proposed District is inadequate for present and projected needs;

c. the proposed District is capable of providing economical and sufficient service to the area within its proposed boundaries;

d. the area to be included within the proposed District has, or will have, the financial ability to discharge the proposed indebtedness on a reasonable basis;

e. adequate service is not or will not be available to the area through the City or other existing municipal or quasi-municipal corporations within a reasonable time and on a comparable basis;

f. the facility and service standards of the proposed District are compatible with the facility and service standards of the City and each municipality which is an interested party pursuant to Section 32-1-204(1), C.R.S.;

g. the proposal is in substantial compliance with any Master Plan adopted by the City pursuant to Section 31-23-206, C.R.S., as amended;

h. the proposal is in substantial compliance with any duly adopted City, County, regional and State long-range water quality management plans for the area; and

i. the creation of the proposed District will be in the best interest of the area proposed to be served.

Section 3. That the City Council hereby determines that the requirements of Sections 32-1-202 (1), (2), and (3), C.R.S., relating to the filing of the Service Plan for the District, and the requirements of Sections 32-1-204 (1) and (1.5), C.R.S., relating to notice of the hearing by City Council, and the requirements of Section 32-1-204.5, C.R.S., relating to the approval by the City Council have been fulfilled in a timely manner.

Section 4. That the City Council hereby approves the Service Plan for Foundry Loveland Metropolitan District as submitted.

Section 5. That a certified copy of this Resolution shall be filed in the records of the City and the Larimer County Clerk and Recorder, and submitted to the petitioners under the Service Plan for Foundry Loveland Metropolitan District for the purpose of filing in the District Court of Larimer County.

Section 6. That the City Council's findings in this Resolution and its approval of the Service Plan for Foundry Loveland Metropolitan District are conditioned upon the proponents of the Service Plan having reimbursed the City for all the charges and fees it has incurred with its bond counsel and public finance consultant relating to their review of the Service Plan for Foundry Loveland Metropolitan District and creation of the District.

Section 7. That this approval of the Service Plan for Foundry Loveland Metropolitan District shall be further conditioned upon the owner of the real property contained within Foundry Loveland Metropolitan District (the "Owners") providing to the Loveland City Attorney a mill levy disclosure statement signed by the Owners in a form acceptable to the City Attorney, which statement shall be recorded with the Larimer County Clerk and Recorder, and further conditioned upon an agreement between the City and the Owners, in a form acceptable to the City Manager and City Attorney, requiring the Owners to provide the mill levy disclosure statement to all prospective purchasers of lots in Foundry Loveland Metropolitan District prior to any purchaser entering into the contract to purchase a lot from the Owners, or their successors and assigns.

Section 8. That nothing herein limits the City's powers with respect to the District, the properties within the District, or the improvements to be constructed by the District.

Section 9. That the City's findings are based solely upon the evidence in the Service Plan for Foundry Loveland Metropolitan District, including projections provided by the developer/proponent of the District, and such other evidence presented at the public hearing and the City has not conducted any independent investigation of the evidence. The City makes no guarantee as to the financial viability of the District or the achievability of the results as set forth in the Service Plan for Foundry Loveland Metropolitan District.

Section 10. That this Resolution shall be effective as of the date of its adoption.

Adopted this 20th day of September, 2016.

CITY OF LOVELAND, COLORADO, a Colorado municpal coporation

By: _____
Cecil Gutierrez, Mayor

ATTEST:

By: _____
City Clerk

APPROVED AS TO FORM:

City Attorney

EXHIBIT A
TO RESOLUTION

Consolidated Service Plan for
Foundry Loveland Metropolitan District

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EXHIBIT B
TO RESOLUTION

Affidavit of Publication

FIDAVI UB

REPORTER-HERALD

PERRY

30th day of

RMH

RITA MARIE HARNER-WARD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144012758
MY COMMISSION EXPIRES NOVEMBER 4, 2018

OF COLORADO, CITY OF LOVELAND
NOTICE OF PUBLIC HEARING
THE ORGANIZATION OF FOUNDRY LOVELAND METROPOLITAN DISTRICT, CITY OF LOVELAND, STATE OF COLORADO

PUBLIC NOTICE IS HEREBY that the City Council for the City of Loveland, Colorado, will hold a public hearing at or about 6:00 p.m. on September 20, 2016 in the City Council Chambers, 500 East Third Street, Loveland, Colorado, for the purpose of considering a Service Plan for the organization of a proposed special district to be known as Foundry Loveland Metropolitan District and to form a basis for adopting a Resolution approving, disapproving or conditionally approving the Service Plan for Foundry Loveland Metropolitan District. The proposed District is generally located to the east of North Cleveland Avenue, south of Back Stage Alley, west of North Lincoln Avenue, and north of east First Street in Loveland, Colorado, and includes that certain rope located at 1638 East 18th Street, Loveland, Colorado.

The proposed District will be a metropolitan district that may provide for the financing, design, acquisition, installation, construction, operation, and maintenance of public improvements related to water, sanitary sewer, street, traffic and safety control, drainage and water, arks and recreation, transportation, and television relay and translator, and further provide for mosquito and pest control, covenant enforcement, and security, as authorized in the District's Service Plan and the Colorado Special District Act. A mill levy cap of 50 mills is proposed for the District, subject to adjustments and release provisions.

NOTICE IS FURTHER that, pursuant Section 32-1-203(3.5), C.R.S., as amended, any person owning property in the proposed District may request that his or her property be excluded from the proposed District prior the City Council's approval of the Service Plan by submitting a request to the City Loveland City Council stating reasons why said property should not be included in the proposed District and requesting that such real property be excluded from the proposed District. Such request shall be filed no later than ten (10) days prior to the public hearing on the Service plan, but the City of Loveland City Council shall not be limited in its action with respect exclusion of territory based upon such request. Any request for exclusion shall be acted upon before final action the City of Loveland City Council. All protests and objections to the proposed District shall be deemed to be waived unless presented the time and in the manner specified by the City of Loveland.

BY ORDER OF CITY COUNCIL FOR
OF LOVELAND, STATE OF COLORADO
30, 2016 - 5678599

EXHIBIT C
TO RESOLUTION

Certificate of Mailing

STATE OF COLORADO, CITY OF LOVELAND, COUNTY OF LARIMER

CERTIFICATION OF MAILING NOTICE OF HEARING AND PUBLICATION

IN RE THE ORGANIZATION OF FOUNDRY LOVELAND METROPOLITAN DISTRICT, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

IT IS HEREBY CERTIFIED by the undersigned, as follows:

1. That, the City Council of Loveland, Larimer County, Colorado, set a public hearing for Tuesday, the 20th day of September, 2016, at 6:00 p.m., at 500 East Third Street, Loveland, Colorado 80537, considering a Service Plan and related documents for Foundry Loveland Metropolitan District (the "District").

2. That, as a part of said action, directions were given that copies of the Notice of Public Hearing be mailed, by first class mail, not more than thirty days nor less than twenty days prior to said hearing, to interested persons, defined as follows: (1) the owners of record of all property within the Title 32 special districts as such owners of record are listed in the Larimer County Assessor's records; (2) the Division of Local Government; (3) the governing body of any municipality or special district which has levied an ad valorem tax within the next preceding tax year, and which has boundaries within a radius of three (3) miles of the District's boundaries.

3. That, in compliance with said directions, a copy of the Notice of Public Hearing, attached as Exhibit A, was deposited in the United States first class mail on August 31, 2016 to owners of record of all property within the Title 32 special districts; the Division of Local Government; and the governing body of any municipalities and special district which has levied an ad valorem tax within the next preceding tax year and which has boundaries within a three (3) mile radius of the District's boundaries, as per the listings attached as Exhibit B.

4. That, as a part of said action, directions were given that the Notice of Public Hearing be published one time in a newspaper of general circulation within the District. In compliance with said directions, a copy of the Notice of Public Hearing, attached as Exhibit A, was published on August 30, 2016 in *The Loveland Reporter-Herald*, an Affidavit of Publication is attached as Exhibit C.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of September, 2016.

Stacie L. Pacheco, Paralegal

EXHIBIT A

NOTICE OF PUBLIC HEARING

STATE OF COLORADO, CITY OF LOVELAND

NOTICE OF PUBLIC HEARING

IN RE THE ORGANIZATION OF FOUNDRY LOVELAND METROPOLITAN DISTRICT, CITY OF LOVELAND, STATE OF COLORADO

PUBLIC NOTICE IS HEREBY GIVEN that the City Council for the City of Loveland, Colorado, will hold a public hearing at or about 6:00 p.m. on September 20, 2016 in the City Council Chambers, 500 East Third Street, Loveland, Colorado, for the purpose of considering a Service Plan for the organization of a proposed special district to be known as Foundry Loveland Metropolitan District and to form a basis for adopting a Resolution approving, disapproving or conditionally approving the Service Plan for Foundry Loveland Metropolitan District. The proposed District is generally located to the east of North Cleveland Avenue, south of Back Stage Alley, west of North Lincoln Avenue, and north of east First Street in Loveland, Colorado, and includes that certain property located at 1638 East 18th Street, Loveland, Colorado.

The proposed District will be a metropolitan district that may provide for the financing, design, acquisition, installation, construction, operation, and maintenance of public improvements related to water, sanitary sewer, street, traffic and safety control, drainage and stormwater, parks and recreation, transportation, and television relay and translator, and further provide for mosquito and pest control, covenant enforcement, and security, as authorized in the District's Service Plan and the Colorado Special District Act. A mill levy cap of 50 mills is proposed for the District, subject to certain adjustments and release provisions.

NOTICE IS FURTHER GIVEN that, pursuant to Section 32-1-203(3.5), C.R.S., as amended, any person owning property in the proposed District may request that his or her property be excluded from the proposed District prior to the City Council's approval of the Service Plan by submitting a request to the City of Loveland City Council stating reasons why said property should not be included in the proposed District and requesting that such real property be excluded from the proposed District. Such request shall be filed no later than ten (10) days prior to the public hearing on the Service plan, but the City of Loveland City Council shall not be limited in its action with respect to exclusion of territory based upon such request. Any request for exclusion shall be acted upon before final action of the City of Loveland City Council. All protests and objections to the proposed District shall be deemed to be waived unless presented at the time and in the manner specified by the City of Loveland.

BY ORDER OF CITY COUNCIL FOR THE CITY OF LOVELAND, STATE OF COLORADO

Published In: *The Loveland Reporter-Herald*
Published On: August 30, 2016

EXHIBIT B

Property Owners within the Boundaries of the District
Taxing Entities within a 3-mile radius of the Boundaries of the District
Division of Local Government

FOUNDRY LOVELAND METROPOLITAN DISTRICT

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CITY OF LOVELAND
500 E 3RD ST, STE 350
LOVELAND, CO 80537

RE: 320 N CLEVELAND AVE, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 210 N CLEVELAND AVE, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 206 N CLEVELAND AVE, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 130 N CLEVELAND AVE, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 215 E 2ND ST, LOVELAND CO 80537

CITY OF LOVELAND
219 E 2ND ST
LOVELAND, CO 80537

RE: 219 E 2ND ST, LOVELAND CO 80537

CITY OF LOVELAND
227 E 2ND ST
LOVELAND, CO 80537

RE: 227 E 2ND ST, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 220 E 2ND ST, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 240 E 2ND ST, LOVELAND CO 80537

CITY OF LOVELAND
201 N LINCOLN AVE
LOVELAND, CO 80537

RE: 201 N LINCOLN AVE, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 123 N LINCOLN AVE, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 216 E 3RD ST, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 270 E 3RD ST, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

RE: 301 N LINCOLN AVE, LOVELAND CO 80537

CITY OF LOVELAND
500 E 3RD ST, STE 330
LOVELAND, CO 80537

CITY OF LOVELAND
410 E 5TH ST
LOVELAND, CO 80537

RE: 319 N LINCOLN AVE THRU, LOVELAND CO 80537

THOMPSON R2-J SCHOOLD DISTRICT
STEPHEN TOWNE
2890 N MONROE AVE
LOVELAND, CO 80538

LARIMER COUNTY
COUNTY COMMISSIONERS
BOB KEISTER
PO BOX 1190
FORT COLLINS, CO 80522

LOVELAND RURAL FIRE PROTECTION DISTRICT
GREG WHITE
1423 W 29TH ST
LOVELAND, CO 80538

THOMPSON VALLEY HEALTH SERVICES DISTRICT
MARVI DOLGENER
4480 CLYDESDALE PKWY
LOVELAND, CO 80538

LARIMER COUNTY PEST CONTROL
COUNTY COMMISSIONERS
C/O LARIMER COUNTY NATURAL RESOURCES
PO BOX 1190
FORT COLLINS, CO 80522

NORTHERN COLORADO WATER CONSERVANCY DISTRICT
JOHN BUDDE
220 WATER AVE
BERTHOUD, CO 80513

LITTLE THOMPSON WATER DISTRICT
JAMES C HUBBARD
835 E STATE HIGHWAY 56
BERTHOUD, CO 80513

SOUTH FORT COLLINS SANITATION DISTRICT
MIKE DITULLIO
5150 SNEAD DR
FORT COLLINS, CO 80525

CITY OF LOVELAND
ATTN: FINANCE DIRECTOR
CITY MANAGERS OFFICE
500 E 3RD ST, STE 330
LOVELAND, CO 80537

LOVELAND DOWNTOWN DEVELOPMENT AUTHORITY
CITY MANAGERS OFFICE
500 E 3RD ST, STE 330
LOVELAND, CO 80537

LOVELAND GENERAL IMPROVEMENT DISTRICT 1
ATTN: FINANCE DIRECTOR
CITY MANAGERS OFFICE
500 E 3RD ST, STE 330
LOVELAND, CO 80537

FORT COLLINS-LOVELAND WATER DISTRICT
MIKE DITULLIO
5150 SNEAD DR
FORT COLLINS, CO 80525

US 34/CROSSROADS CORRIDOR RENEWAL PLAN
ATTN: FINANCE DIRECTOR
CITY MANAGERS OFFICE
500 E 3RD ST, STE 330
LOVELAND, CO 80537

LOVELAND URBAN RENEWAL AUTHORITY
ATTN: FINANCE DIRECTOR
CITY MANAGERS OFFICE
500 E 3RD ST, STE 330
LOVELAND, CO 80537

CENTERRA METROPOLITAN DISTRICTS
NOS. 2 & 4
C/O PINNACLE CONSULTING GROUP INC
1627 E 18TH ST
LOVELAND, CO 80538

WATERFALL METROPOLITAN DISTRICTS
NOS. 1&2
C/O PINNACLE CONSULTING GROUP INC
1627 E 18TH ST
LOVELAND, CO 80538

PINNACLE HOLDING COMPANY, LLC
C/O PINNACLE CONSULTING GROUP INC
1627 E 18TH ST
LOVELAND, CO 80538

VDW METROPOLITAN DISTRICTS NOS. 1 – 3
C/O PINNACLE CONSULTING GROUP INC
1627 E 18TH ST
LOVELAND, CO 80538

BLK 41 – FINLEYS ADD URP
ATTN: FINANCE DIRECTOR
CITY MANAGERS OFFICE
500 E 3RD ST, STE 330
LOVELAND, CO 80537

LOVELAND MIDTOWN METROPOLITAN
DISTRICT
C/O PINNACLE CONSULTING GROUP INC
1627 E 18TH ST
LOVELAND, CO 80538

COLROADO DIVISION OF LOCAL GOVERNMENT
1313 SHERMANST, RM 521
DENVER, CO 80203

EXHIBIT C

AFFIDAVIT OF PUBLICATION

AFFIDAVIT OF PUBLICATION

REPORTER-HERALD

State of Colorado
County of Larimer

I, the undersigned agent, do solemnly swear that the LOVELAND REPORTER-HERALD is a daily newspaper printed, in whole or in part, and published in the City of Loveland, County of Larimer, State of Colorado, and which has general circulation therein and in parts of Larimer and Weld counties; that said newspaper has been continuously and uninterruptedly published for a period of more than six months next prior to the first publication of the annexed legal notice of advertisement, that said newspaper has been admitted to the United States mails as second-class matter under the provisions of the Act of March 3, 1879, or any, amendments thereof, and that said newspaper is a daily newspaper duly qualified for publishing legal notices and advertisements within the meaning of the laws of the State of Colorado; that a copy of each number of said newspaper, in which said notice of advertisement was published, was transmitted by mail or carrier to each of the subscribers of said newspaper, according to the accustomed mode of business in this office.

The annexed legal notice or advertisement was published in the regular and entire edition of said daily newspaper once; and that one publication of said notice was in the issue of said newspaper dated **August 30, 2016**.

Agent

Subscribed and sworn to before me this 30th day of **August, 2016** in the County of Boulder, State of Colorado.

Notary Public

Fee $ 38.61
Account #222605
Ad # 5678599

RITA MARIE HARMEK-WARD
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20144013758
MY COMMISSION EXPIRES NOVEMBER 4, 2018

STATE OF COLORADO, CITY OF LOVELAND
NOTICE OF PUBLIC HEARING
IN RE THE ORGANIZATION OF FOUNDRY LOVELAND METROPOLITAN DISTRICT, CITY OF LOVELAND, STATE OF COLORADO

PUBLIC NOTICE IS HEREBY GIVEN that the City Council for the City of Loveland, Colorado, will hold a public hearing at or about 6:00 p.m. on September 20, 2016 in the City Council Chambers, 500 East Third Street, Loveland, Colorado, for the purpose of considering a Service Plan for the organization of a proposed special district to be known as Foundry Loveland Metropolitan District and to form a basis for adopting a Resolution approving, disapproving or conditionally approving the Service Plan for Foundry Loveland Metropolitan District. The proposed District is generally located to the east of North Cleveland Avenue, south of Back Stage Alley, west of North Lincoln Avenue, and north of east First Street in Loveland, Colorado, and includes that certain property located at 1638 East 18th Street, Loveland, Colorado.

The proposed District will be a metropolitan district that may provide for the financing, design, acquisition, installation, construction, operation, and maintenance of public improvements related to water, sanitary sewer, street, traffic and safety control, drainage and storm-water, parks and recreation, transportation, and television relay and translator, and further provide for mosquito and pest control, covenant enforcement, and security, as authorized in the District's Service Plan and the Colorado Special District Act. A mill levy cap of 50 mills is proposed for the District, subject to certain adjustments and release provisions.

NOTICE IS FURTHER GIVEN that, pursuant to Section 32-1-203(2.5), C.R.S., as amended, any person owning property in the proposed District may request that his or her property be excluded from the proposed District prior to the City Council's approval of the Service Plan by submitting a request to the City of Loveland City Council stating reasons why said property should not be included in the proposed District and requesting that such real property be excluded from the proposed District. Such request shall be filed no later than ten (10) days prior to the public hearing on the Service plan, but the City of Loveland City Council shall not be limited in its action with respect to exclusion of territory based upon such request. Any request for exclusion shall be acted upon before final action of the City of Loveland City Council. All protests and objections to the proposed District shall be deemed to be waived unless presented at the time and in the manner specified by the City of Loveland.

BY ORDER OF CITY COUNCIL FOR THE CITY OF LOVELAND, STATE OF COLORADO

Published: Loveland Reporter Herald August 30, 2016 - 5678599

Lincoln Ave.
4th Street
Metro District
Director Parcel
1st Street
Cleveland Ave.

AGENDA ITEM: **5.8**
MEETING DATE: 9/20/2016
TO: City Council
FROM: City Clerk
PRESENTER: Tami Yellico, City Attorney

TITLE:
An Ordinance To Transfer The Property At 130 N. Cleveland Avenue To Brinkman Capital, LLC For A Portion Of The Foundry Project In The City Of Loveland.

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

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

SUMMARY:
Staff has been working on the financing plan for the public improvements for The Foundry Project ("Project"). A key component of the Project financing is the formation of a Metropolitan District ("District") by Brinkman Capital, LLC (the "Developer") that will have the same boundaries as the Project area. The District will be comprised of all of the properties in the Project, including 130 North Cleveland Avenue. The negotiations to this point have included the transfer of property owned by the City to the Developer for the Project, with the City retaining the property on which the garage will be located. Public improvements in the Foundry include a public parking garage, public plaza, and other public improvements. The purpose of the District will be to levy property taxes on the properties within the Project to assist in paying the debt on the special revenue bonds to be issued by the City on behalf of the DDA to finance the parking garage and other public improvements, and for the District to own and maintain the public plaza spaces. Through this financial plan, the City, the District, and the Developer will be making a substantial investment in downtown Loveland for the benefit of the community. The ordinance was approved on first reading by City Council at the September 13, 2016 Special Meeting.

As we have discussed in the past, the first step in creating the District is for the City Council to approve the District's service plan. The proposed service plan is scheduled to come to City Council on September 20, 2016. If City Council approves the service plan then the Developer must ask the District Court to order an election on the District questions at the November 8, 2016 election, this has to be done no later than October 8, 2016. The question of forming the District and the District tax question is voted upon by eligible electors, that would include residents of the proposed District, persons who own taxable property in the proposed District, or persons whose spouse owns taxable property in the proposed District, or persons obligated to pay property taxes under a contract to purchase taxable property within the proposed District. The City currently owns all the property within the proposed District and the City is exempt from paying taxes, so would not qualify as an elector for the District ballot questions. The City plans to transfer most of the property within District to the Developer in 2017 to build the Project, and the first step is to transfer 130 North Cleveland to the Developer, who will pay taxes on the parcel and be eligible to vote on the District election questions. The property transfer

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documents will have numerous conditions that will provide for the reconveyance of the parcel to the City if the Project does not go forward for any reason.

A timeline of all anticipated next steps for the Project is Attachment A to this memorandum.

REVIEWED BY CITY MANAGER:

LIST OF ATTACHMENTS:

Attachment A - Timeline
Attachment B – Ordinance
Attachment C – Purchase Agreement

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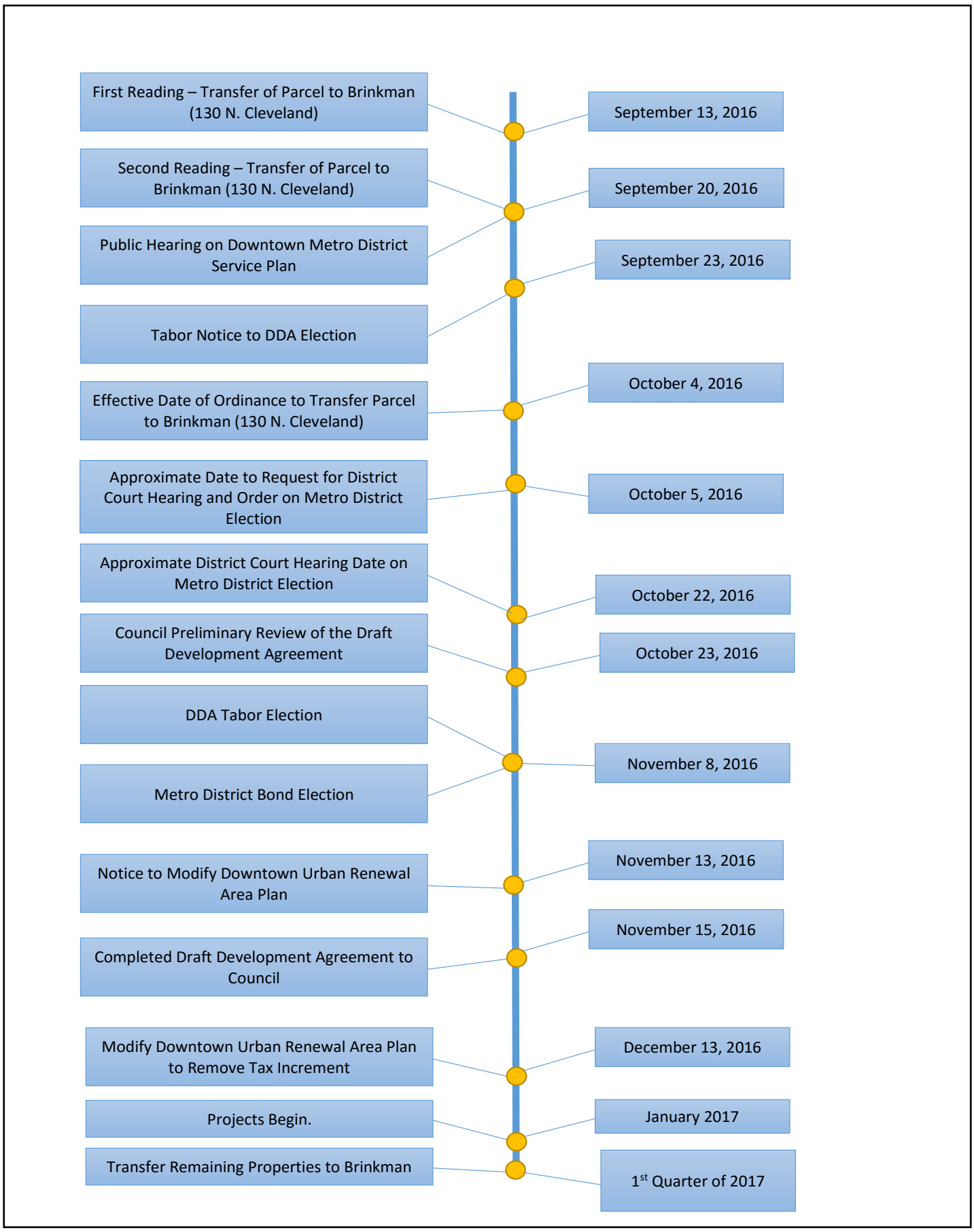
First Reading – Transfer of Parcel to Brinkman (130 N. Cleveland)
September 13, 2016
Second Reading – Transfer of Parcel to Brinkman (130 N. Cleveland)
September 20, 2016
Public Hearing on Downtown Metro District Service Plan
September 23, 2016
Tabor Notice to DDA Election
Effective Date of Ordinance to Transfer Parcel to Brinkman (130 N. Cleveland)
October 4, 2016
Approximate Date to Request for District Court Hearing and Order on Metro District Election
October 5, 2016
Approximate District Court Hearing Date on Metro District Election
October 22, 2016
Council Preliminary Review of the Draft Development Agreement
October 23, 2016
DDA Tabor Election
Metro District Bond Election
November 8, 2016
Notice to Modify Downtown Urban Renewal Area Plan
November 13, 2016
Completed Draft Development Agreement to Council
November 15, 2016
Modify Downtown Urban Renewal Area Plan to Remove Tax Increment
December 13, 2016
Projects Begin.
January 2017
Transfer Remaining Properties to Brinkman
1st Quarter of 2017

FIRST READING **September 13, 2016**

SECOND READING **September 20, 2016**

ORDINANCE NO. 6049

AN ORDINANCE AUTHORIZING THE SALE OF REAL PROPERTY LOCATED WITHIN THE CITY OF LOVELAND AT 130 NORTH CLEVELAND AVENUE PURSUANT TO SECTION 4-7 OF THE CITY OF LOVELAND MUNICIPAL CHARTER

WHEREAS, the City of Loveland, Colorado (the "City") is the owner of certain real property located in the City between East 1st Street and East 4th Street, and between North Cleveland Avenue and North Lincoln Avenue, (the "Site") including property located at 130 North Cleveland Avenue (the "Property"); and

WHEREAS, pursuant to a competitive bidding procedure established by the City, Brinkman Development, LLC (the "Developer") submitted a proposal dated November 13, 2015 concerning the redevelopment of the Site; and

WHEREAS, the City and the Developer entered into that certain Exclusive Negotiation Agreement dated February 25, 2016, as amended (the "ENA") relating to the redevelopment of the Site which was later amended by Motion at the June 7, 2016 Loveland City Council meeting, and again by Resolution #R-81-2016 at the August 16, 2016 Loveland City Council meeting; and

WHEREAS, pursuant to the ENA, the City, the Loveland Downtown Development Authority and the Developer are currently negotiating a Disposition and Redevelopment Agreement (the "DRA") for the redevelopment of the Site in connection with a project to be located on the Site to be known as the Foundry (the "Project"); and

WHEREAS, in connection with the redevelopment of the Site and the construction and acquisition of the Project, the Developer desires to purchase the Property from the City; and

WHEREAS, the Property is not needed for any City governmental purpose, and it is in the best interests of the City and its citizens to sell the Property to the Developer to facilitate the redevelopment of the Project; and

WHEREAS, the redevelopment of the Site, including the Property, will serve a public purpose and result in public benefits to the City and the citizens thereof, and the Developer will expend significant funds and resources in undertaking the redevelopment of the Project; and

WHEREAS, the City desires to sell the Property to the Developer on the terms and conditions set forth in the "Purchase and Sale Agreement" attached hereto as Exhibit A and incorporated by reference (the "Contract"); and

WHEREAS, the City Council has determined and hereby determines that the public purpose and public benefits resulting from the redevelopment of the Project on the Site by the Developer in accordance with the terms and provisions of the DRA, together with the $100 purchase price set forth in the Purchase Agreement, will constitute adequate consideration for the sale of the Property to the Developer in accordance with the terms and provisions of the Contract; and

WHEREAS, pursuant to Section 4-7 of the City of Loveland Municipal Charter, the City Council must act by ordinance to approve the transfer of fee ownership in real property owned by the City.

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

Section 1. That the City Council hereby finds and determines that the Property is not needed for any City governmental purpose and is important to the redevelopment of downtown Loveland and the redevelopment of the Project, and that the sale of the Property on the terms and conditions set forth in the Contract serves a public purpose and is in the best interest of the City of Loveland.

Section 2. That the City Manager is authorized to enter into the Contract and to execute all documents, the form of which shall be approved by the City Attorney, necessary to consummate the sale of the Property for One Hundred ($100) to Brinkman Capital, LLC subject to the terms and conditions of the Contract.

Section 3. That the City Manager is authorized, following consultation with the City Attorney, to approve changes to the form or substance of the Purchase and Sale Agreement and all exhibits and documents related thereto as deemed necessary to effectuate the purposes of this Ordinance or to protect the interests of the City.

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

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ADOPTED this 20th day of September, 2016.

_____
Cecil A. Gutierrez, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

City Attorney

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PURCHASE AND SALE AGREEMENT

WHEREAS, the City of Loveland, Colorado (the "City") is the owner of certain real property located in the City between East 1st Street and East 4th Street, and between North Cleveland Avenue and North Lincoln Avenue, (the "Site") including property located at 130 North Cleveland Avenue, the legal description of which is set forth on Exhibit A attached hereto and incorporated herein by this reference (the "Property"); and

WHEREAS, pursuant to a competitive bidding procedure established by the City, the Buyer's affiliate, Brinkman Development, LLC submitted a proposal dated November 13, 2015 concerning the redevelopment of the Site; and

WHEREAS, the City and the Buyer entered into that certain Exclusive Negotiation Agreement dated February 25, 2016, as amended (the "ENA") relating to the redevelopment of the Site which was later amended by Motion at the June 7, 2016 Loveland City Council meeting, and again by Resolution #R-81-2016 at the August 16, 2016 Loveland City Council meeting; and

WHEREAS, pursuant to the ENA, the City, the Loveland Downtown Development Authority (the "Authority") and the Buyer are currently negotiating a Disposition and Redevelopment Agreement (the "DRA") for the redevelopment of the Site in connection with a project to be located on the Site to be known as the Foundry (the "Project"); and

WHEREAS, in connection with the redevelopment of the Site and the construction and acquisition of the Project, the Buyer desires to purchase the Property from the City; and

WHEREAS, the City desires to sell the Property to the Buyer in connection with the redevelopment of the Site and the construction and acquisition of the Project pursuant to the terms and conditions of this Agreement.

NOW THEREFORE, in consideration of the promises and covenants set forth herein, the parties agree as follows:

1. **Conditions of Conveyance**

a) The City hereby agrees to convey to the Buyer by special warranty deed (the "Deed") all of its right, title and interest in the Property. The delivery of the Deed and the closing on this conveyance ("Closing") shall occur as set forth in Paragraph 3(a) herein.

b) The Buyer hereby agrees to purchase the Property from City for the sum of One Hundred and no/100ths dollars ($100.00) to be paid in accordance with Paragraph 3(a) herein, in U.S. dollars ("Purchase Price"). All payments required to be made shall be made in funds which comply with all applicable Colorado laws ("Good Funds").

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c) The Buyer will obtain and pay for a current commitment for an ALTA Owner's Policy of Title Insurance for the Property from Stewart Title ("Title Company") and copies of all documents referred to therein as exceptions ("Title Commitment"). The Title Commitment is in the amount of the Purchase Price and commits to insure fee simple title to the Property in the Buyer and to delete or insure over the standard exceptions which relate to (1) parties in possession, (2) unrecorded easements, (3) survey matters, (4) any unrecorded mechanics' liens, (5) gap period (effective date of commitment to date Deed is recorded), and (6) unpaid taxes, assessments and unredeemed tax sales prior to the year of Closing. The Buyer agrees to take title to the Property subject to all exceptions to title disclosed by the Title Commitment (the "Permitted Exceptions"), but no other exceptions.

d) Buyer agrees that the Property will be deemed to be part of the "Developer Parcel" as defined in the DRA and that the Property shall be subject to all the terms and conditions concerning the "Developer Parcel" as set forth in the final executed DRA.

e) Buyer agrees to pay the entire cost of the Title Policy (as hereinafter defined) and all closing costs incurred in connection with the conveyance of the Property.

2. **City's Obligations at Closing**

At Closing, City shall deliver, or cause to be delivered, the following:

a) The Deed, in the form set forth in **Exhibit "B"**, attached hereto and incorporated herein by this reference, executed and acknowledged by City sufficient to convey to the Buyer fee simple title to the Property, free and clear of all liens and encumbrances except for 1) the lien of real property taxes for the current year pro-rated after the date of Closing and 2) Permitted Exceptions.

b) Possession of the Property.

c) Such documentation which the Title Insurer may reasonably require in order to confirm the proper authority of Buyer to consummate this transaction and to issue the Title Policy.

3. **Buyer's Obligations at Closing**

At Closing, the Buyer shall deliver, or cause to be delivered, the following:

a) An ALTA Owner's Policy of Title Insurance (the "Title Policy") in the amount of the Purchase Price issued by the Title Insurer to the Buyer, insuring fee simple title to the Property subject to no exceptions other than the Permitted Exceptions, and all

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endorsements thereto.

b) The cost of the Title Policy and all other closing costs.

4. **Payment by the Buyer**

Buyer shall pay the Purchase Price for the Property of One Hundred dollars ($100), plus the cost of the Title Policy and all other closing costs, in Good Funds to the Title Company at Closing. Closing shall occur on or before October 3, 2016, or at such other date and at such location as the Parties may mutually agree upon.

5. **Reconveyance of Property to City**

The City shall have the right to require the Developer to reconvey the Property back to the City, in accordance with this Section 5, upon the occurrence of any of the following events:

a) The City, the Authority and the Developer have not executed and delivered the DRA on or prior to December 31, 2016, unless the City and the Developer agree to extend such date.

b) After the execution and delivery of the DRA, the remainder of the Developer Parcel, as defined in the DRA, is not conveyed to the Developer by the Required Closing Date (as defined in the DRA).

c) After the remainder of the Developer Parcel is conveyed to the Developer in accordance with the DRA, the City's right to have the Developer reconvey the Property shall be governed by the DRA.

Except as hereinafter provided, to exercise its right to require the Developer to reconvey the Property, the City shall provide written notice to the Developer that it is exercising its option to compel reconveyance of the Property to the City. Any reconveyance of the Property pursuant to this Section 5 shall be completed on the date that is no more than thirty (30) days after the giving of the notice exercising the election for such reconveyance. Developer shall reconvey the Property to the City by special warranty deed, which will be subject to (i) any real property taxes and assessments against the Property for the year of reconveyance, payable the following year, that are not yet due and payable as of the reconveyance; (ii) those title exceptions and matters to which the warranty of title in the Deed conveying the Property to the Developer is subject; (iii) any title exceptions or matters arising from measures or actions taken in furtherance of the redevelopment of the Project which were in accordance with the DRA or approved by the City; and (iv) any utilities easements or similar grants of interests or title matters arising in the ordinary course of actions and measures taken to proceed with the redevelopment of the Project. Any applicable real property taxes and assessments for the year of reconveyance will be prorated to the date of reconveyance or otherwise allocated so that Developer bears the taxes and assessments accruing during its period of ownership. Any recording fees or documentary fees attributable to the reconveyance of the Property will be paid by the Developer.

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In the event that a lien, mortgage or deed of trust has been placed on the Property to secure a loan or other financing relating to the Property, the Developer shall repay any amounts owing pursuant to such loan or other financing and discharge the lien and mortgage on the Property in connection with the reconveyance of the Property. To the extent that the Developer does not repay any such amounts owing pursuant to any such loan or other financing, the City may, but is not required, to make such payment directly to the lender and receive a credit against any amounts owed by the City to the Developer pursuant to this Section 5.

The City agrees that in order to exercise its right to have the Property reconveyed to the City, that the City shall be required to pay to the Developer $100.

Notwithstanding the foregoing or any provision to the contrary contained herein, after the remainder of the Developer Parcel is conveyed to the Developer pursuant to the terms and provisions of the DRA, the City's rights to require reconveyance of the Property shall be governed by the DRA and all references in the DRA to the Developer Parcel shall be deemed to include the Property.

6. **Acknowledgments and Representations**

a) The City acknowledges, represents and warrants that the City has good and merchantable title to the Property and that there exists no restriction on the right of the City to sell and convey the Property to the Buyer as herein contemplated, except as may be set forth in this Agreement and that the City is lawfully seized and possessed of the Property and that it has a good and lawful right to enter into this Agreement.

b) Buyers' Investigation. Except for the express representations and warranties of City set forth herein, Buyer acknowledges and agrees that there are no representations or warranties of any kind whatsoever, express or implied, made by City in connection with this Agreement, the conveyance of the Property to the Buyer, the physical condition of the Property, whether the Property complies with applicable laws, or whether the Property is appropriate for Buyer's intended use. The Buyer represents and agrees that it has (or will have chosen not to have) fully investigated the Property and all matters pertaining thereto. Except for the express representations and warranties of the City set forth herein, Buyer also acknowledges and agrees that: (i) Buyer is not relying on any statements or representations of the City or its officers, employees, agents, consultants or its representatives; (ii) Buyer, in entering into this Agreement and in financing and completing its construction of the Project, is relying entirely on its own investigation of the Property; (iii) Buyer is aware (or has chosen not to be aware) of all zoning regulations, other governmental requirements, prior and current Property and physical conditions, and other matters affecting the use and condition of the Property; and (iv) Buyer's decision of whether to accept conveyance of the Property on the terms and conditions hereof shall be made solely in reliance on the City's express representations and warranties in this Agreement and on Buyer's review, inspection and investigation of the Property and of materials, documents,

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information and studies relating to the Property. **EXCEPT FOR THE EXPRESS REPRESENTATIONS AND WARRANTIES OF THE CITY SET FORTH HEREIN, THE CONVEYANCE OF THE BUYER PROPERTY AS PROVIDED FOR HEREIN IS MADE ON A STRICTLY "AS IS" "WHERE IS" CONDITION AND BASIS "WITH ALL FAULTS" AS OF THE CLOSING DATE, AND THE CITY MAKES NO WARRANTY OR REPRESENTATION, EXPRESS OR IMPLIED, OR ARISING BY OPERATION OF LAW, INCLUDING, BUT IN NO WAY LIMITED TO, ANY WARRANTY OF QUANTITY, QUALITY, CONDITION, HABITABILITY, MERCHANTABILITY, SUITABILITY OR FITNESS FOR A PARTICULAR PURPOSE OF THE PROPERTY, ANY IMPROVEMENTS LOCATED THEREON OR ANY SOIL CONDITIONS RELATED THERETO.**

c) Buyer's Release**.** Except for claims based on breach of the City's representations and warranties herein, Buyer, for itself and Buyer's successors, lessees and assigns (collectively, "Buyer's Assigns"), hereby releases the City from, and waives, any and all claims and liabilities against the City for, related to, or in connection with, any prior or current environmental or physical condition of the Property (or the presence of any matter or substance relating to the environmental condition of the Property), including, but not limited to, claims and/or liabilities relating to (in any manner whatsoever) any hazardous, toxic or dangerous materials or substances previously or now located in, at, about or under the Property, or for any and all claims or causes of action (actual or threatened) based upon, in connection with, or arising out of, the Federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, and as it may be further amended from time to time, the Federal Resource Conservation and Recovery Act, as amended and as it may be further amended from time to time, the Colorado Hazardous Waste Act, as amended, and as it may be further amended from time to time, or any other claim or cause of action (including any federal or state based statutory, regulatory or common law cause of action) related to environmental matters or liability with respect to, or affecting, the Property. Upon Closing, Buyer and Buyer's Assigns shall assume the risk that adverse matters, including but not limited to, construction defects and adverse physical and environmental conditions, may not have been revealed by Buyer's investigations, and upon Closing Buyer and Buyer's Assigns, shall be deemed to have waived, relinquished and released the City and the Authority and their successors from and against any and all claims, demands, causes of action (including causes of action in tort), losses, damages, liabilities, costs and expenses (including attorney fees and court costs) of any and every kind or character, known or unknown, which Buyer or Buyer's Assigns might have asserted or alleged against the City, at any time by reason of or arising out of any latent or patent construction defects or physical conditions, violations of any applicable laws (including, without limitation, any environmental laws) and any and all other acts, omissions, events, circumstances or matters regarding the Property, with the exception of claims based on breach of the City's express representations and warranties herein. Buyer acknowledges and agrees that the waivers, releases and other provisions contained herein were a material factor in City's conveyance of the Property to the Buyer for

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the Project. The City is unwilling to convey the Property to Buyer unless City is released as expressly set forth above. Buyer further acknowledges and agrees that the waivers, releases and other provisions contained herein were a material factor in the City's agreement to convey the Property to the Buyer. Buyer, with Buyer's counsel, has fully reviewed the disclaimers and waivers set forth in this Agreement, and understands the significance and effect thereof. The terms and conditions of this Section 6 will expressly survive the Closing and will not merge with the provisions of any Closing documents, and shall survive any termination of this Agreement.

7. **Integration and Modification**

a) This Agreement contains the entire and only agreement between the parties, and supersedes all prior negotiations, representations, and preliminary or other agreements between them respecting the subject matter. Any prior representation, promise, warranty, or condition in connection with such subject matter which is not incorporated into this Agreement shall not be binding on either party.

b) No modifications, alterations, amendments, additions or deletions to this Agreement or to any of its provisions shall be binding upon the party against whom the enforcement of such modifications, alterations, amendments, additions, or deletions is sought unless such modifications, alterations, amendments, additions, or deletions have been made in writing and signed by each party or for and on behalf of each party by someone authorized to sign.

8. **Covenants Attached to Land**

It is the intent of the parties that all of the Buyer's obligations contained herein shall constitute covenants running with the land and equitable servitudes and shall be binding upon the successors, heirs, and assigns of the parties.

9. **Governing Law**

This Agreement shall be construed in accordance with the laws of the State of Colorado The parties to this Agreement recognize that there are legal restraints imposed upon the City by the constitution, statutes, and laws of the State of Colorado and the City's Code and Charter, and subject to such restraints, the parties intend to carry out the terms and conditions of this Agreement. Whenever possible, each provision of this Agreement shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of this Agreement or any application thereof to a particular situation shall be held invalid under applicable law, such provision or application thereof shall be ineffective only to the extent of such invalidity without invalidating the remainder of such provision or any other provision of this Agreement. Venue for any judicial proceeding concerning this Agreement shall only be in the District Court for Larimer County, Colorado.

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10. **Further Acts**

In addition to the acts recited in this Agreement to be performed by either party, the parties agree to perform, or cause to be performed, on or after the Closing, any and all such further acts as may be reasonably necessary to consummate the transactions contemplated herein.

11. **Headings**

Headings used in this Agreement are used for reference purposes only and do not constitute substantive matter to be considered in construing this Agreement.

12. **Notices**

All notices, demands, requests and other communications required or permitted hereunder shall be in writing, and shall be deemed to be delivered when actually received or, regardless whether actually received or not, on the third day following deposit in a regularly maintained receptacle for the United States mail, postage paid, certified, return receipt requested, addressed to the addressee as follows:

If to Buyer:
Kevin Brinkman
Brinkman Capital, LLC
3003 E. Harmony Road, Suite 300
Fort Collins, CO 80525

If to the City:
City Manager
500 East Third Street
Loveland, CO 80537

With a copy to:
City Attorney
City of Loveland
500 East Third Street, Suite 330
Loveland, CO 80537

12. **Default**

a) Default by Either Party. Notwithstanding the provisions of paragraph above, if prior to Closing, either party refuses to consummate this Agreement for reasons other than as permitted by the terms of this Agreement, such refusal shall constitute a breach and default of this Agreement and the non-defaulting Party's remedies shall be limited to the right to enforce the defaulting Party's obligations hereunder by an action for injunction, specific performance, or other appropriate equitable remedy or

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for mandamus, or by an action to collect and enforce payment of sums owing hereunder, and no other remedy, and no Party shall be entitled to or claim damages for a default by the defaulting Party, including, without limitation, lost profits, economic damages, or actual, direct, incidental, consequential, punitive or exemplary damages.

b) Attorney's Fees. If it shall be necessary for either party to employ an attorney to enforce its rights pursuant to this Agreement because of the default of the other party, whether or not suit is commenced, the defaulting party shall reimburse the non-defaulting party for its reasonable attorney's fees, court costs and other expenses related thereto.

IN WITNESS WHEREOF, the parties have executed this Agreement the day and year first above written.

CITY OF LOVELAND

_____
Stephen C. Adams, City Manager

ATTEST:

_____
City Clerk

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BUYER:
BRINKMAN PARTNERS, LLC

_____

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing was subscribed and sworn to before me this ____ day of _____, 2016 by Kevin Brinkman of Brinkman Capital, LLC.

Witness my hand and official seal.

My commission expires _____.

_____
Notary Public

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EXHIBIT A
Legal Description of Property

PROPERTY DESCRIPTION

LOTS 10, 11 AND 12, BLOCK 24, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO.
EXCEPT THAT PORTION CONVEYED BY DEED RECORDED AUGUST 14, 2001 AT RECEPTION NO. 2001069804

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EXHIBIT B
FORM OF DEED

THIS SPECIAL WARRANTY DEED is made this ___ day of_____, 2016, between the CITY OF LOVELAND, COLORADO, a Colorado home rule municipality ("Grantor"), and BRINKMAN DEVELOPMENT, LLC, a Colorado limited liability company ("Grantee"), whose address is _____.

WITNESSETH, that Grantor, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed and by these presents does grant, bargain, sell, and convey to Grantee, subject to the exceptions, restrictions and reservations hereafter described, that certain real property located in Larimer County, Colorado, as more particularly described in Exhibit A attached hereto and incorporated herein by reference (the "Property"):

TO HAVE AND TO HOLD the Property, together with all and singular the rights and appurtenances thereof, to the same belonging or in any way appurtenances thereof, to the same belonging or in any way appertaining, to the only proper use and benefit of Grantee in fee simple.

THIS DEED is made expressly subject to the title exceptions set forth on Exhibit B attached hereto and incorporated herein by reference (collectively, the "Title Exceptions").

GRANTEE ACKNOWLEDGES AND AGREES, that in accepting this deed, it does for itself and its successors and assigns, covenant and agree with Grantor and its successors, notwithstanding any applicable City of Loveland, Colorado, zoning ordinances to the contrary, to the following use restrictions for the Property or any portions thereof (collectively, the "Deed Restriction"):

> No portion of the Property or any building, structure or improvement presently or subsequently erected on the Property, shall be used for any of the following uses: (a) indoor housing or raising of animals; (b) pawn shops; (c) skateboard park; (d) retail motor vehicle sales, rental or repair; (e) check cashing or payday loan businesses; (f) manufacturing or processing of an end product from a natural raw material source, whether animal, mineral or vegetable (g) tattoo parlors; (h) self-storage units; (i) gun stores; (j) recycling collection and / or processing facilities; (k) retail car wash; (l) clubs or lodges (provided that a hotel shall not be considered a lodge for purposes hereof); (m) crematorium; (n) junkyard; (o) jails, detention and penal centers and facilities; (p) retail gas station; (q) long-term care facilities; (r) dairy processing plant; (s) laundry and dry-cleaning plants; (t) retail cannabis or cannabis related businesses including growing operations; and (q) retail laundry and dry-cleaning establishments.

Grantee agrees that this Deed Restriction shall attach to and run with the Property and that Grantor and its successors shall be entitled to judicially enforce this Deed Restriction by mandatory injunction and any other remedy available at law or in equity. Grantee and Grantor agree, for

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themselves and their respective successors and assigns, that venue for any judicial action to interpret or enforce the Deed Restriction shall only be in the District Court for Larimer County, Colorado.

SUBJECT TO real property taxes for the current year, encumbrances created by Grantee or Grantee's agents, and the Title Exceptions, Grantor agrees to warrant and forever defend the right and title to the Property to the Grantee against the claims of all persons claiming by, through or under Grantor, and not otherwise.

GRANTEE, for itself and its successors, lessees and assigns (collectively, "Grantor's Assigns"), hereby releases the City from, and waives, any and all claims and liabilities against Grantor for, related to, or in connection with, any prior or current environmental or physical condition of the Property (or the presence of any matter or substance relating to the environmental condition of the Property), including, but not limited to, claims and/or liabilities relating to (in any manner whatsoever) any hazardous, toxic or dangerous materials or substances previously or now located in, at, about or under the Property, or for any and all claims or causes of action (actual or threatened) based upon, in connection with, or arising out of, the Federal Comprehensive Environmental Response, Compensation and Liability Act, as amended, and as it may be further amended from time to time, the Federal Resource Conservation and Recovery Act, as amended and as it may be further amended from time to time, the Colorado Hazardous Waste Act, as amended, and as it may be further amended from time to time, or any other claim or cause of action (including any federal or state based statutory, regulatory or common law cause of action) related to environmental matters or liability with respect to, or affecting, the Property. Grantee and Grantee's Assigns hereby assume the risk that adverse matters, including but not limited to, construction defects and adverse physical and environmental conditions, may not have been revealed by Grantee's investigations, and Grantee and Grantee's Assigns, hereby waive, relinquish, and release Grantor from and against any and all claims, demands, causes of action (including causes of action in tort), losses, damages, liabilities, costs and expenses (including attorney fees and court costs) of any and every kind or character, known or unknown, which Grantee or Grantee's Assigns might have asserted or alleged against the Grantor, at any time by reason of or arising out of any latent or patent construction defects or physical conditions, violations of any applicable laws (including, without limitation, any environmental laws) and any and all other acts, omissions, events, circumstances or matters regarding the Property, with the exception of claims based on breach of the Grantor's express representations and warranties set forth in the Purchase and Sale Agreement pertaining to the Property.

IN WITNESS WHEREOF, Grantor has executed this Special Warranty Deed on the day and year first above written.

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GRANTOR:

CITY OF LOVELAND, COLORADO, a Colorado home rule municipality

By: _____
City Manager

ATTEST:

_____

City Clerk

APPROVED AS TO FORM:

_____

City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this ____ day of _____, 2016, by Stephen C. Adams as City Manager of the City of Loveland, Colorado, and Teresa G. Andrews as City Clerk of the City of Loveland, Colorado.

Witness my hand and official seal.

My commission expires: _____

_____

Notary Public

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