



## **LOVELAND PLANNING COMMISSION MEETING AGENDA**

**Monday, November 28, 2016  
500 E. 3<sup>rd</sup> Street – Council Chambers  
Loveland, CO 80537  
6:30 PM**

### **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, sexual orientation, 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](mailto: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](mailto:ADACoordinator@cityofloveland.org) or 970-962-3319.

### **Notificación en contra de la discriminación**

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

**LOVELAND PLANNING COMMISSIONERS: Jeremy Jersvig (Chair), Carol Dowding (Vice-Chair), Michelle Forrest, Pat McFall, Rob Molloy, Mike Ray, David Cloutier, Jamie Baker Roskie, and Jeff Fleischer.**

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

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

### **III. REPORTS:**

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

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

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

- 1. Welcome new commissioner: Jeffrey Fleischer**
- 2. Planning Commission Appreciation Dinner: 12/12/16 prior to the regular meeting**

3. **12/12/16 Agenda Preview:**
  - i. **Process Improvements for Sign Approvals**
4. **Hot Topics:**

- c. **Committee Reports**
- d. **Commission Comments**

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

##### **Review and approval of the November 14, 2016 Meeting minutes**

#### **V. CONSENT AGENDA**

The Consent Agenda includes items for which no discussion is anticipated. Upon request by a Commissioner, staff member or citizen, any item may be removed from the Consent Agenda for discussion. Items removed from the Consent Agenda will be heard at the beginning of the regular agenda.

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 by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

- Does any Staff Member or Commissioner wish to remove an item from the Consent Agenda?
- Does any Community Member wish to remove an item from the Consent Agenda?

#### **VI. REGULAR AGENDA:**

##### **1. Larimer County Location and Extent Review (45 minutes)**

Larimer County is pursuing the development of a new office building at the NW corner of 1<sup>ST</sup> Street and Denver Avenue. The vacant 8-acre site would be developed to include a 48,000 square foot building that houses County services that will be relocated from the current downtown 6<sup>TH</sup> Street location. On November 15<sup>TH</sup>, the Loveland City Council approved a waiver of a number of City development-related fees to help make this project feasible. Fee waivers were also approved for a 10,000 square foot expansion of the Police & Courts building that is an associated component of the overall County project, with the expansion housing criminal justice services. By Colorado State Statute, the Planning Commission has the responsibility to review the site plan for the new County office development proposal. Staff supports the County proposal.

#### **VII. ADJOURNMENT**

#### **STUDY SESSION**

##### **1. Foundry Project Update: provided by the Brinkman Design Team (45 minutes)**

The Foundry is a proposed mixed-use development located in downtown Loveland between Backstage Alley and E. 1<sup>st</sup> Street from north to south and between N. Lincoln Avenue and N.

Cleveland Avenue from east to west. The net acreage of the site includes approximately 4 acres that the City purchased and has recently razed in preparation for the development. In collaboration with Brinkman (developer), the vision is to develop a mix of buildings and uses including a parking garage, movie theater, multi-story residential apartments with ground floor retail (4 to 5 stories), hotel, and central plaza with connecting paseos.

Beginning on October 6, 2016, the City of Loveland Development Review Team (DRT) and the Brinkman Team have been conducting weekly collaborative meetings to resolve design issues in preparation for the submittal of development applications early in 2017. Discussion points to-date have included street section design for both Lincoln and Cleveland avenues, edge treatments along buildings and sidewalks facing Lincoln/ and Cleveland, subdivision of land/vacating easements/rights-of-way, and utility design. The study session will provide an update on project progress but it is not intended to address detailed design issues or compliance with code requirements.

## **2. Unified Development Code (60 minutes)**

On November 14<sup>TH</sup>, the Planning Commission was provided with a detailed presentation on progress being made on the Unified Development Code, including a draft version of the *Development Review Procedures*. During the discussion, numerous questions arose, many of which centered on the level of public involvement in the development review process afforded by the new code provisions. Given the expressed concerns, the staff project team has decided to provide clarifications and give the Commission a further opportunity to ask questions and provide input.

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**November 14, 2016**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on November 14, 2016 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Meyers, Molloy, Forrest, Ray, McFall, Roskie, and Cloutier. Members absent: None. 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**

**Christi Brockway**, Larimer County citizen, expressed concern regarding the prairie dog colony that is located at 1<sup>st</sup> Street and Denver Avenue, the site of the new County office complex. She is requesting the Planning Commission's support in asking the county to safely and viably relocate the colony to County public land. Ms. Brockway referenced an information packet of prairie dog facts that was previously e-mailed to the Planning Commissioners. She indicated she would be also advocate for the relocation at the November 28, 2016 Planning Commission meeting.

**STAFF MATTERS**

**1. November 28, 2016 Agenda Preview:**

- **Larimer County Office Building Location and Extent Review.**  
**Mr. Paulsen, Current Planning Manager**, reported that this project review is similar to the review of a school site.
- **Foundry Project Update:**  
The Brinkman Team and Staff will present a more detailed informational session. The next project hearing is scheduled for January.
- **LDP/DDA Presentation**  
This presentation will not take place. The presentation is tentatively rescheduled for January at a date not yet determined.

**2. Planning Commission Vacancy Update:**

**Jeff Fleischer**, an Architect, has been nominated to fill the Planning Commission vacancy. He will begin his service on the Commission at the November 28<sup>th</sup> meeting pending approval by City Council at their November 15, 2016 meeting.

**3. Planning Commission Fall Recruiting Cycle:**

Application submission for this cycle ended at 5:00 pm this evening. The three incumbent commissioners have applied to continue their service. No other applications have been received.

4. **Planning Commission Appreciation Dinner:**

**Mr. Paulsen** reported that an invitation has been issued for the Planning Commission Appreciation Dinner to honor the Commissioners' service. It is scheduled for 5:30pm in the City Manager Conference room prior to the December 12, 2016 meeting.

5. **November 14, 2016 ZBA Hearing for a setback variance at 630 W. 5<sup>th</sup> Street.**

A ZBA hearing was held today. There has been no decision on the variance.

6. **Interim City Attorney Appointed:**

**Moses Garcia, Assistant City Attorney**, reported that **Clay Douglas** is now serving as Interim City Attorney.

## **COMMITTEE REPORTS**

**Commission Forrest** reported that the ZBA hearing conducted today regarding a setback variance was well attended by citizens of the neighborhood. She commends them for their participation. No decision was immediately rendered. It will be made within the next ten days.

**Commissioner Molloy** reported that the Title 18 Committee has met with the stakeholder group to review the first segments of the zoning code update. That update will also be discussed at the study session following this meeting.

## **COMMISSIONER COMMENTS**

*Commissioner Ray made a motion to cancel the December 26, 2016 meeting; upon a second from Commissioner Forrest, the motion was unanimously approved.*

**Commission Jersvig** initiated a discussion regarding the requirement that Planning Commission Members must reside within the city limits of Loveland. In the past there have been people interested in serving on the commission who resided within the city's GMA (Growth Management Area) but not within city limits. Future growth of the city would be within the GMA so it would be forward thinking to allow those residents to serve. He would like staff to draft a resolution to the City Council recommending the Council amend that ordinance to allow residence in the city's growth management area and well as within the city limits to apply to serve as a Planning Commission member.

Commission members supported the idea as forward thinking but felt they may be ramifications that they are not aware of. **Attorney Garcia** was asked to advise the group on the matter and he stated that the issue should be placed on the next meeting agenda. Such a resolution would need staff analysis and support before the resolution is brought forward.

## **APPROVAL OF THE MINUTES**

*Commissioner Dowding made a motion to approve the October 10, 2016 minutes; upon a second from Commissioner Forrest the minutes were approved. Commissioner Roskie abstained.*

## **CONSENT AGENDA**

### **1. The Larimer County Easement Vacation**

**Project Description:** This is a public hearing to consider the vacation of access, utility and building footprint easements that exist on Lot 1 of the Anderson Farm Eleventh Subdivision. This 3.4-acre site is located at the NW quadrant of the intersection of 1<sup>st</sup> Street and Denver Avenue. The site is being planned for a new County office complex that would accommodate many of the services currently provided at the downtown 6<sup>th</sup> Street location. The vacation of easements is part of the process of preparing the site for development by eliminating easements that were established to serve a previous development proposal; new easements will be established to serve the new development. On November 28, 2016, the Planning Commission will review a Location and Extent proposal for the new project. The Commission's role with the easement vacation request is to make a recommendation to the City Council for final action.

*Commissioner Dowding move to accept the Consent Agenda. Upon a second by Commissioner Ray, the motion was unanimously approved.*

## **REGULAR AGENDA**

### **2. Seven Lakes 11<sup>th</sup> Subdivision Preliminary Plat and Preliminary Development Plan**

**Project Description:** This is a public hearing to consider a Preliminary Development Plan and Preliminary Plat for a 37-lot residential subdivision on 5.5 acres located on vacant land in the Seven Lakes area. The undeveloped site is located between Pikes Peak Drive and Boise Avenue, on the north side of Mount Columbia Avenue. This property was previously approved for an independent/assisted living facility (The Lodge) that was not developed. The proposed housing development is allowed by the Seven Lakes North Planned Unit Development. Planning Commission has final authority on both the Preliminary Plat and the Development Plan; City review staff supports the applications subject to the proposed conditions.

**Troy Bliss**, Staff Planner, presented a preliminary Development and Preliminary Subdivision Plat for a proposed subdivision for single-family attached homes (townhomes) on the 5.5 acres. Two townhomes are already approved/constructed in place of The Lodge at this site.

There is a key issue that has been expressed by the Seven Lakes North HOA regarding detention. The storm water design for this project includes detaining storm water off-site in a pond located southeast across Boise Avenue. The pond is sized to accommodate this project because a master storm water design was created for Seven Lakes North PUD. The pond is owned and maintained by the Seven Lakes North HOA. In order for this

project to use the pond, there is a desire from the HOA to have the applicant participate towards the overall maintenance responsibilities. This is a matter that is being discussed between both parties but has not yet reached agreement. From the City's perspective, there is no requirement in place to assign maintenance responsibilities or even require an agreement. However, without an agreement, the City could not approve an FDP and Final Plat because the pond is not owned by the applicant and there is no storm water alternative in place. A resolution of this matter is a condition of approval for this Preliminary Plat and Development Plan. The applicant is not in agreement with this condition.

**Jason Messaros**, Landscape Architect with BHA Design, Inc., presented for the applicant that there has been an update to the sidewalk in keeping with the rest of the community but the landscaping remains the same as the originally proposed. This proposal is for four three-unit buildings, five four-unit buildings and one five unit building. There are 23 on-site parking spaces that are in addition to the requirements.

**Scott Bray**, Twin Lakes Development LLC, is developer of the entire Seven Lakes PUD. This project is the last piece of the PUD. Mr. Bray express that he has issues with the conditions relating to this drainage issue with the Master HOA being place on the final approval of this project. He described that the pond was designed to hold the run-off from this piece of property. He does not agree with City Attorney's opinion which states that there needs to be a legal agreement for use of the pond as this proposed development is not part of the Seven Lakes Master HOA. He does agree that there needs to be a maintenance agreement and he is working with the Master HOA to come up with that agreement but it is not yet in place. He expressed concern with the time frame he has had to work with in resolution of this issue.

**Kevin Gingery**, Senior Civil Engineer – Stormwater Division, provided history on the pond. He stated it is designed for and can hold the run-off from this property. He also detailed some of the problems with the pond due to the water table, cattails in the area and the outlet from the pond. The city has been working with the Master HOA on maintenance of the pond and the upstream problems with cattails, etc. This pond requires frequent maintenance. The Master HOA reached out to the city and asked for assistance in developing a maintenance agreement for the pond. He also stated that conditions regarding proof of legal use of the pond as well as agreements for maintenance are not uncommon requirements in an application approval of this type.

## **COMMISSIONER QUESTIONS AND COMMENTS:**

- Several Commissioners express concern that without this stormwater run-off agreement in place, they were reviewing an incomplete application and perhaps the application should be continued.
- **Commissioner Ray** questioned who owned the pond and if this development would be part of the Master HOA. **Mr. Bray** responded that the pond was owned by the Master HOA and this development would have its own HOA that would not be part of the Master HOA.

- **Attorney Garcia** stated that there was an opportunity missed when the property was sold and the rights to use the pond were not retained. The city has had previous problems with this type of situation. The city can become a third party in a dispute if this type of use agreement is not in place.

#### **CITIZEN COMMENTS:**

**Commissioner Jersvig opened the public hearing at 8:10 p.m.**

- Doug Rideout, President of the Seven Lakes North Master HOA, thanks Mr. Gingery and the city stormwater group for their help in working to bring this pond up to standards. This pond does not work as the other ponds in the development and requires more frequent maintenance. The HOA received the maintenance agreement from Mr. Bray on Friday, November 11<sup>th</sup> and the board will meet on Tuesday, November 15<sup>th</sup> on this agreement. The board is anxious to reach an agreement with Mr. Bray and is waiting on a review from their legal counsel in order to proceed. The current draft includes a maintenance and a use by right for the pond. He feels this can be resolved in a short period of time.

**Commissioner Jersvig closed the public hearing at 8:15 p.m.**

#### **COMMISSIONER COMMENTS:**

- **Commissioner Dowding** suggested that this applicant should be postponed until this drainage agreement is resolved.
- **Commissioner Molloy** indicated it could be approved with the conditions if the applicant would agree.
- **Commissioner Ray and Jersvig** questioned if **Mr. Bray** would accept the conditions. Mr. Bray said he would accept the conditions and the with the Master HOA issue should be resolved shortly.
- **Commissioner Molloy** agrees is a good update to previous plan and with the conditions accepted, recommends approval.
- **Commissioner Ray** would have preferred to continue the application until the drainage issue is resolved but feels this is project is an improvement over the previous plan.
- **Commissioner McFall** likes the improvements presented in this project. He would like to have seen a cleaner application before the commission.
- **Commissioner Forrest** supports project with the traffic flow, quality of buildings, etc. She feels this new plan will produce less run-off. She is also concerned that the commission was caught up in the drainage issue.
- **Commissioner Roskie** stated the property should have retained the use by right for the pond and the City Attorney was right to require this condition and is glad the applicant will accept the condition.
- **Commissioner Cloutier** agrees with **Commissioner Roskie**. He likes the new project and will approve it.

- **Commissioner Dowding** appreciates Mr. Garcia's input and concurs that this is a good project. It is much better than The Lodge.

*Commissioner Dowding moved to make the findings listed in Section VIII of the Planning Commission staff report dated November 14, 2016, and based on these findings approve the Seven Lakes 11<sup>th</sup> Subdivision Preliminary Development Plan, subject to the conditions listed in Section IX, as amended on the record. Commissioner Ray seconded the motion which passed unanimously after Mr. Bray accepted those conditions.*

*Commissioner Dowding moved to make the findings listed in Section VIII of the Planning Commission staff report dated November 14, 2016, and based on these findings approve the Seven Lakes 11<sup>th</sup> Subdivision Preliminary Plat, subject to the conditions listed in Section IX, as amended on the record. Commissioner Forrest seconded the motion which passed unanimously after Mr. Bray accepted those conditions.*

## **ADJOURNMENT**

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

**Commissioner Jersvig adjourned the meeting at 8:37 p.m.**

Approved by: \_\_\_\_\_  
Jeremy Jersvig, Planning Commission Chair

\_\_\_\_\_  
Linda Bersch, Interim Planning Commission Secretary.



## Current Planning Division

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## Planning Commission Staff Report

November 28, 2016

**Agenda #:** Regular Agenda - 1

**Title:** Larimer County Office Building

**Applicant:** Larimer County

**Request:** Statutory Review and Comment

**Location:** Northwest corner of E 1<sup>st</sup> Street and N Denver Avenue.

**Zoning District:** I – Developing Industrial

**Staff Planner:** David Eisenbraun

**Staff Recommendation:**

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

**Recommended Motions:**

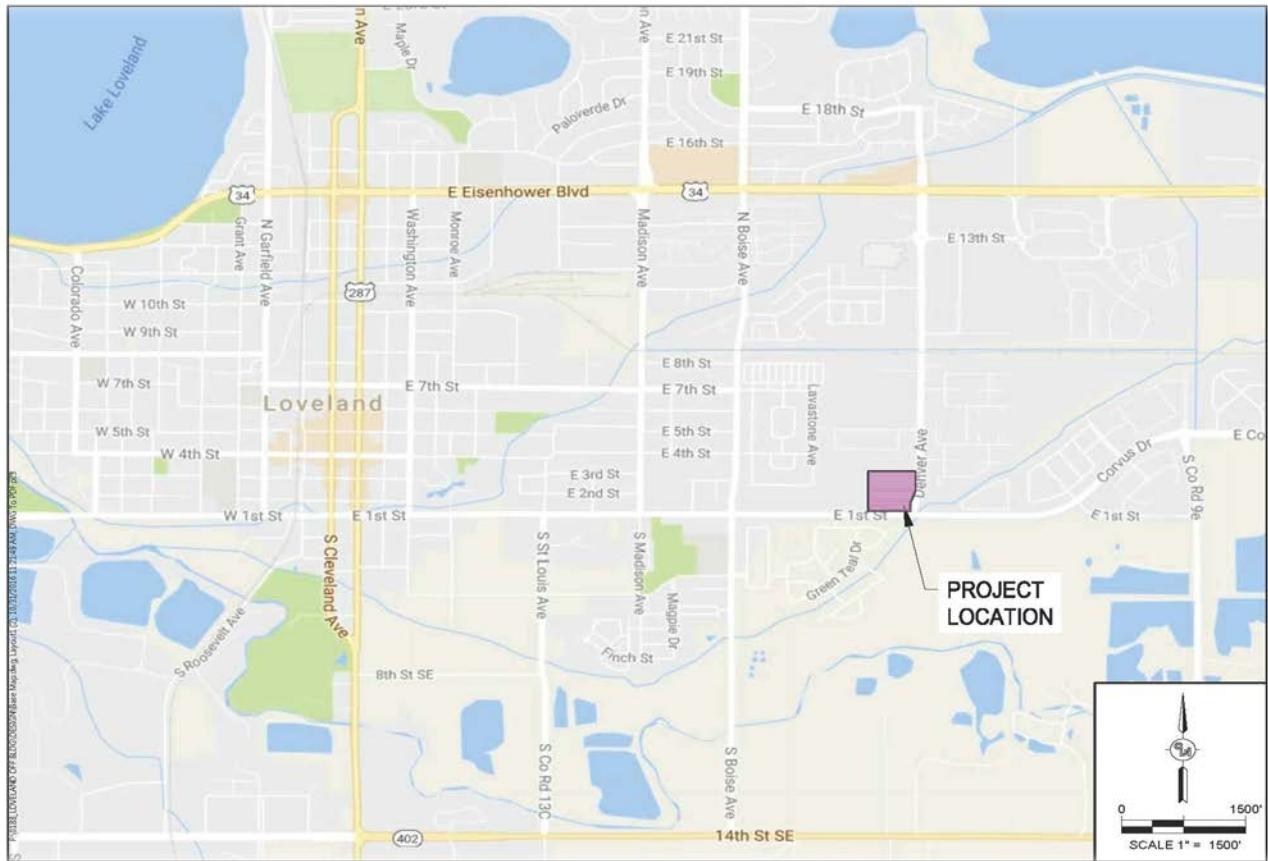
*“Move to communicate to the Larimer County Commissioner that the City of Loveland Planning Commission has reviewed the site plan for the proposed Larimer County Offices and the said location and plans are in compliance with the City Master Plan and with standards for infrastructure and utilities related thereto.”*

**Summary of Analysis:**

Larimer County is seeking to develop approximately 7.8 acres of vacant land in Loveland for their new 48,000 square foot county office. This facility will replace their existing building on 6<sup>th</sup> street in downtown Loveland. As depicted, the location and design of the project is suitable to the site and to surrounding area. The project will provide Loveland area residents with convenient access to County services. The ability to accommodate future expansion supports the plan for this facility to become a long term home and anchor for the county services to the southern portion of Larimer County.

Use of the property for an administrative governmental building is a use by-right under the I zone. The Planning Commission's review of the proposed location and site plan is a requirement under Colorado Revised Statutes, Section 31-23-209. Similar to public school sites, state law limits the Planning Commission's authority over the county as a separate governmental entity and a disapproval or any conditions of approval by the Planning Commission would be subject to review by the County Commissioners who may reject disapproval or any conditions of approval. Because the county is constructing this project, the county will facilitate all building permit reviews/approvals, much like the public schools do with the state.

## **I. VICINITY MAP:**



## **III. KEY ISSUES:**

City staff has reviewed the site plan and all information associated with the proposed office building. Based upon the nature of the site, it functions well for the proposed use and is appropriate based upon the City's Comprehensive Plan. The site is large enough to accommodate a 48,000 square foot building and all of the associated improvements (i.e. parking, landscaping, detention, etc.). Emergency access and the TIS have identified conformance to the City's ACF standards.

As the Planning Commission review of this proposal is not a public hearing, no public notice was required or provided for the meeting. Nonetheless, significant public information has been available about this project and significant coordination has occurred with nearby property owners.

## **II. SUMMARY:**

### Purpose of Review:

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

Per the State statute process on such matters, if the City of Loveland Planning Commission has any recommendations for Larimer County about the location or the site plan, the Commission can provide comments to the County in response to the plans and information reviewed. These comments can be presented at the Planning Commission meeting to the County representatives in attendance. Alternatively, the Planning Commission may request to bring forward concerns at a County Commissioner's hearing.

The site is currently vacant and is generally located on the northwest side on E 1<sup>st</sup> Street and N Denver Avenue; it is surrounded by undeveloped industrial land that this within the City's municipal boundaries. The City's Comprehensive Plan designates the land use as E – Employment.

In terms of the office building impact on the local area, traffic associated with the development will be, for the most part, mitigated with a campus style road network. The site has an entrance off of E 1<sup>st</sup> Street and N Denver Avenue with multiple supporting private roads surrounding the site. A majority of the vehicle trips will be associated with the administrative staff. General public coming to the site for county services, such as obtaining a license will make up the remainder of traffic. Based on the Traffic Impact Study, no turn lanes will need to be built along Denver Avenue or 1<sup>st</sup> Street, although there will be one additional turn lane striped for north bound traffic on Denver Avenue turning left into the site. A general understanding of how this impact will be observed is outlined in the attached Traffic Impact Study (TIS) (see **Attachment 2**).

A significant amount of coordination, collaboration, and general discussions have been held with City officials and staff, along with surrounding neighbors. The following outline generally captures these interactions with a brief overview of each topic:

- **June 30, 2016** – Concept Review meeting with Larimer County to discuss a proposed 50,000 square office building with various size and layout configurations. Upper City and County management along with the respective legal departments participated in this meeting. Organization between City and County staff was set into motion to ensure coordinated development.

- **October 25, 2016** – Larimer County brought their two concepts to a study session with City Council to inform and request a direction to proceed with design. Additionally, this meeting set the tone for future fee waiver requests and a new or amended IGA regarding expansion of the Police & Courts building. Larimer County Commissioner, Tom Donnelly was present at this meeting. Direction was given to the County in specific regards to looking favorably on the fee waivers and having a two site project, separating the criminal justice uses from the 1<sup>st</sup> and Denver site. Following this event, an article was published in the Loveland Reporter Herald about the project.
- **November 10, 2016** – Larimer County organized a courtesy neighborhood meeting with all property owners within 500 feet of their site to have a collective discussion about their future development. The discussion primarily focused on the Larimer County development offering insight to all participants about future street improvements, prairie dog removal strategies, and adjacent development.
- **November 14, 2016** – Larimer County brought forth to Planning Commission easement vacations from the previously platted Anderson Farm Eleventh Subdivision. This was coordinated by Larimer County and AVI Engineering in preparation for a new plat that will be directly applicable to the future County Office building needs.
- **November 15, 2016** – Larimer County went to City Council to formally propose their project direction and request a full set of fee waivers. Council responded and heard from a few members of the public who were in favor of the fee waivers, ultimately voting unanimously in favor of the fee waivers.
- **November 17, 2016** – Follow-up project meeting with County staff, consultants, and City staff to ensure project direction, scope and process moving forward.

As a result of the above actions, this project has been fully explained to City officials, surrounding neighbors and the general public. Concerns about the project have been minimal, other than the future of the prairie dogs which inhabit the site. Concerns that have been expressed, question the fate of the robust prairie dog colony currently living on this property. Additional minor concerns relate to the traffic impacts and how it will combine with the traffic from surrounding schools. Larimer County was able to adequately address concerns regarding traffic based on their site design and multiple access points. Furthermore, the County conveyed to residents that humane strategies regarding the prairie dogs, such as relocation, are being investigated. Lastly, site design techniques such as the location of parking, open spaces, and landscape improvement also help provide additional buffers ensuring that this primary corner is compatible with surrounding land uses. (see **Attachment 1**).

Acronyms:

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

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

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

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

Proposal:

Larimer County is proposing a 48,000SF development on the northwest corner of East 1st Street and Denver Avenue (aka Lot 1, Anderson Farm Eleventh Subdivision) in Loveland. This building and site both have room for future expansion if it is needed. This new facility will offer greater efficiencies and accommodations to the services they provide for residents in Loveland and beyond. The following information summarizes the primary areas of review by the City DRT:

- **Building:** The proposed 48,000 square foot building is a two-story building that will incorporate a variety of building archetypes such as: masonry pilasters, pedestrian scale facades, and brick materials— complementing the industrial and residential nature of this part of Loveland (see **Attachment 1**). All permitting of the building construction will be facilitated through the County.
- **Site Plan:** The site plan locates the building at the southeast end of the property – limiting impacts of the use on surrounding residential uses while maintaining a substantial buffer from future industrial developments (see **Attachment 1**).
- **Emergency Access, Circulation and Parking:** The proposed ingress/egress location along E. 1<sup>st</sup> Street and Opal Drive will provide sufficient access. The building will be fully sprinklered, adding to fire mitigation. Internal drive aisles will allow for sufficient emergency access and circulation on-site. With the new office building, a separate address will need to be assigned to the building for emergency services.

Circulation for the site is adequately designed, allowing for drive aisles that would accommodate two-way traffic along the entrance road and through all parking areas.

The site has sufficient parking to accommodate the use. Staff applied the standard professional office parking standards to this site, with a ratio of 1 space for every 250 SF of floor area. Additional parking spaces will allow for convenient snow storage.

- **Traffic:** The TIS analyzed the peak hour link volumes and levels of service this use would generate, finding that the City's ACF standards related to transportation would be met. By incorporating a newly striped left-turn lane into the site from N Denver Avenue. The TIS also identified the access locations, turn lanes, striping, and sight distances were appropriate to accommodate the proposed use at this location. Please refer to **Attachment 2**, for additional information regarding the traffic analysis. City staff believes that the traffic generated by the use can be adequately accommodated by the existing street system.

#### **IV. ATTACHMENTS:**

1. Site Plan
2. Traffic Impact Study (TIS) Excerpts

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

ACREAGE OF SITE - GROSS .....	7.76
EXISTING ZONING AREA .....	I – DEVELOPING INDUSTRIAL
PROPOSED ZONING AREA .....	NO CHANGE
COMPREHENSIVE PLAN DESIGNATION.....	E – EMPLOYMENT
EXISTING USE.....	UNDEVELOPED
PROPOSED USE.....	LARIMER COUNTY OFFICE BUILDING
BUILDING AREA (SF) PROPOSED.....	48,000 SQ FT
EXIST ADJ ZONING & USE - NORTH.....	I - INDUSTRIAL; UNDEVELOPED
EXIST ADJ ZONING & USE - EAST.....	PUD P-33; RESIDENTIAL
EXIST ADJ ZONING & USE - SOUTH .....	PUD P-86; RESIDENTIAL
EXIST ADJ ZONING & USE - WEST.....	I - INDUSTRIAL; UNDEVELOPED
UTILITY SERVICE - SEWER .....	CITY OF LOVELAND
UTILITY SERVICE - ELECTRIC.....	CITY OF LOVELAND
UTILITY SERVICE - WATER.....	CITY OF LOVELAND

#### **VI. BACKGROUND:**

The site previously went through the City of Loveland review process with a proposal to construct on ten building sites, multiple parking areas, utilities, and access roads. The project was approved by the City of Loveland for construction on 5/30/2006, but was never constructed and has been abandoned. The proposed use is for County administrative purposes, which falls under the uses permitted by right for said zoning district. The estimated construction is tentatively scheduled to begin in the fall of 2017 and estimated to be complete the summer of 2018.

### **VIII. FINDINGS AND ANALYSIS**

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

As described to the City, the Larimer County facility will be constructed and owned by Larimer County, a political subdivision of the state pursuant to the authority granted under C.R.S. Section 30-11-101 and C.R.S. Section 30-20-301 et seq. Therefore, pursuant to C.R.S. Section 31-23-209, the project must undergo a “location, character and extent” review. This process includes administrative review by the City of a site plan and associated public improvement construction plans (PICPs) to ensure that street, stormwater, fire prevention, and utility plans conform to applicable City, Fire Authority and State standards, as applicable.

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

**Transportation:** Transportation Engineering has analyzed the proposed Larimer County development finding that:

1. A Traffic Impact Study (TIS), prepared by Joseph Delich, P.E., has been submitted with the Larimer County Office Building site plan which demonstrates that the existing transportation system, can adequately serve the proposal.
2. Access to the development will be provided by a new accesses on E. 1<sup>st</sup> Street and N Denver Avenue.

In conclusion, the use of the subject property pursuant to any of the uses permitted by right under the zoning district will not adversely impact any existing City infrastructure. A positive determination of adequacy for transportation facilities for the proposed application has been made under the provisions above.

**Fire:** Adequate access to the premises is provided. Requirements of the 2012 International Fire Code, International Building Code (with regard to fire and life safety issues), and NFPA standards, currently adopted at the time of the project, will be as a result of the permit review through the State.

**Water/Waste Water:** This project is part of Anderson Farms 11th subdivision which is a replat of Lot 2, Block 1 Anderson Farm 4th. Anderson Farm 4th had 1 acre-foot per acre of water credit paid for the 49.57 acres back in 1985. They transferred 29.79 inches of Chubbuck water out of

water bank account no. 49 which equates to 49.57 AF of water using a ratio of 2 AF/in credit. The proposed project is north of 1st street and south of Halite Street and east of Peridot Ave and West of Denver Ave. Lot 1 for Anderson Farms 11th equals 7.76 acres which would equate to 7.76 AF of credit. Tract A has 1.14 acres which would equate to 14 AF of credit. A 1.5 inch commercial tap will need 8 AF of water right dedicated to it.

**Power:** Existing power service is adequate to serve the proposed county building. Extension of service will be required to supply power to the site.

**Stormwater:** The proposed development would conform to the City's stormwater requirements based upon the associated site plan and public improvement construction plans.

## **IX. RECOMMENDED CONDITIONS:**

1. An amended plat will be required to replat all necessary easements prior to formal approval of the Site Development Plan and Public Improvement Construction Plans.



# LOCATION AND EXTENTS PLAN

## LARIMER COUNTY LOVELAND OFFICES

LOCATED ON LOT 1 AND TRACT A ANDERSON FARM ELEVENTH SUBDIVISION IN THE SOUTHEAST  $\frac{1}{4}$  OF SEC. 18, T5N, R68W OF THE 6TH P.M., CITY OF LOVELAND, LARIMER COUNTY, CO

N DENVER AVENUE & E 1ST STREET

### SITE DATA

ZONING:	NEW BUILDING:
I - DEVELOPING INDUSTRIAL	48,000 SF (2 STORY, HT: >30')
ADJACENT ZONING:	USE:
I - DEVELOPING INDUSTRIAL	ADMINISTRATIVE
SITE AREA:	CONSTRUCTION TYPE :
8.9 ACRES (LOT 1 AND TRACT A TOTAL)	TBD (SPRINKLED)

### PARKING SUMMARY

PARKING REQUIRED:	
TOTAL SPACES - 1/250 SF BUILDING AREA =	192
HANDICAP - 151-200 TOTAL SPACES =	6
PARKING PROVIDED:	
REGULAR =	228
HANDICAP =	10
TOTAL SPACES =	238

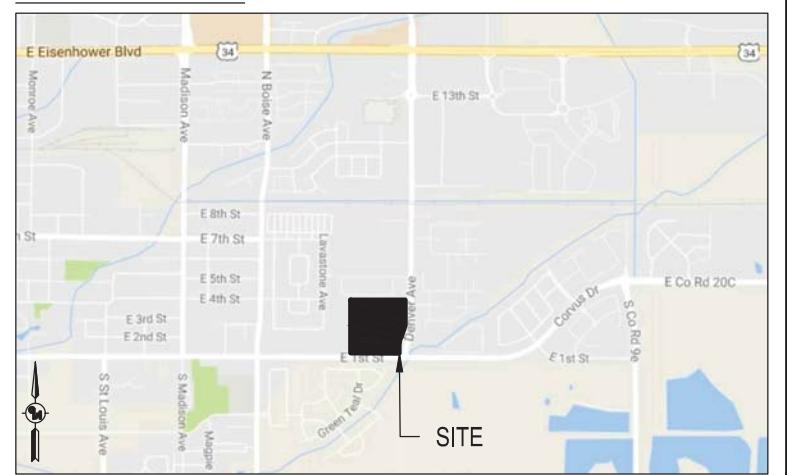
### INDEX OF DRAWINGS

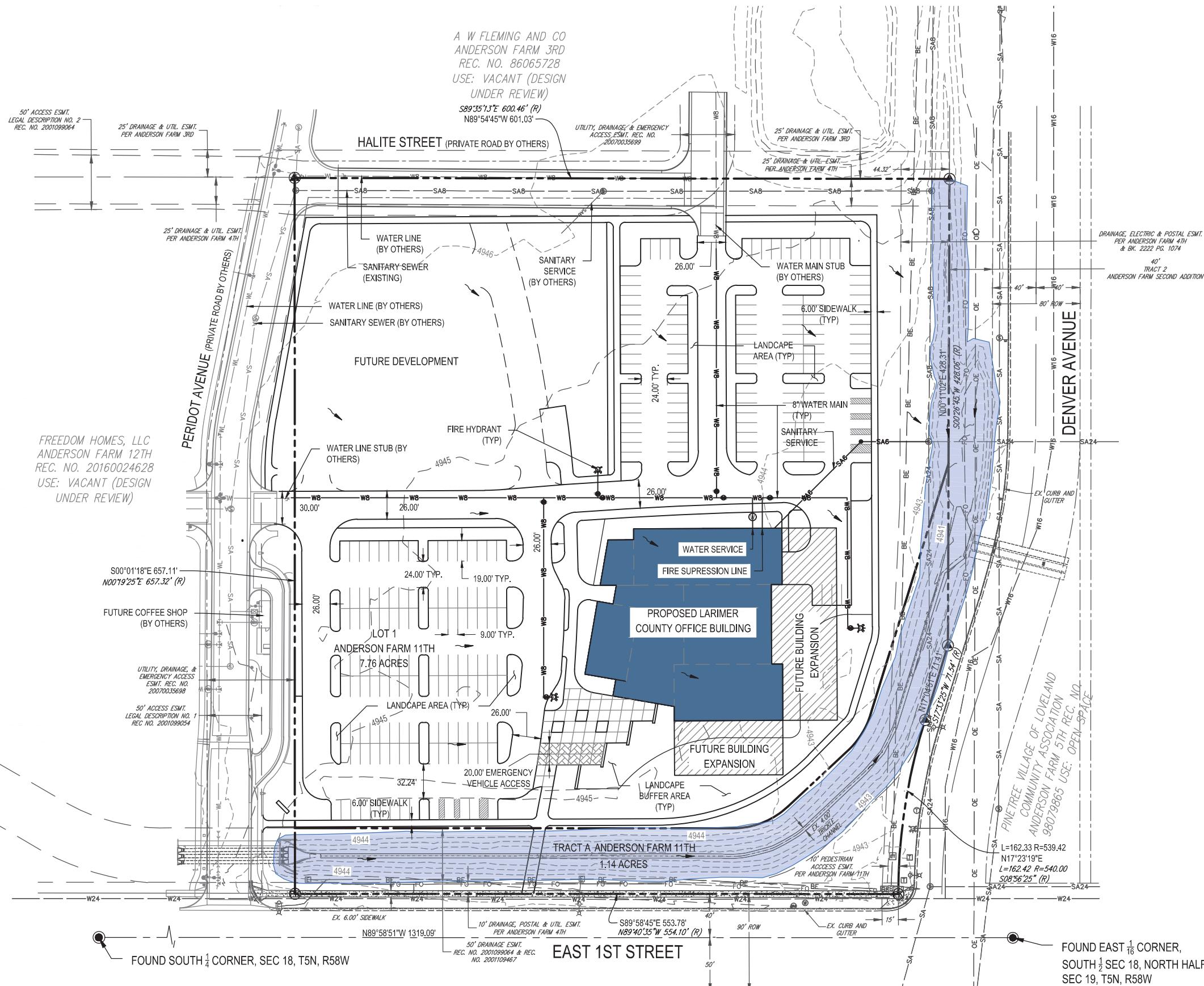
COVER SHEET:	SITE DATA, PARKING SUMMARY, INDEX OF DRAWINGS, LAND USE TABLE, VICINITY MAP
CIVIL:	LOCATION AND EXTENTS MAP
ARCHITECTURAL:	CONCEPT PLAN W/ LANDSCAPING CONCEPT PLAN W/O LANDSCAPING CONCEPT PLAN NORTH VIEW ISOMETRIC CONCEPT PLAN SOUTH VIEW ISOMETRIC SITE AMENITIES PARKING, SIGNAGE, AND CIRCULATION

### LAND USE DATA TABLE

BUILDING FOOTPRINT	<u>TOTAL</u> 27,169 SF (7.01%)
PARKING, WALKS, & DRIVES	138,218 SF (35.68%)
AREA OF LANDSCAPING	91,716 SF (23.68%)
FUTURE DEVELOPMENT	69,032 SF (17.82%)
TRACT A (NO IMPROVEMENTS PROPOSED)	49,622 SF (12.81%)
DEVELOPMENT BY OTHERS	<u>11,590 SF (3.00%)</u> 387,347 SF (8.9 ACRES)

### VICINITY MAP





## LEGEND

## EXISTING FEATURES

	SANITARY MANHOLE
	SANITARY SEWER MAIN
	WATER METER
	WATER MANHOLE
	FIRE HYDRANT
	WATER LINE
	OVERHEAD ELECTRIC
	BURIED ELECTRIC
	FIBEROPTIC LINE
	STORM SEWER
	FLARED END SECTION
	STREET INLET
	LIGHT POLE
	ELECTRICAL BOX
	TELEPHONE PEDESTAL
	STREET SIGN
	SITE BOUNDARY LINES
	RECORD BOUNDARY INFORMATION (PER ANDERSON FARM ELEVENTH SUBDIVISION)
	MEASURED BOUNDARY INFORMATION
	EXISTING GROUND SLOPE DIRECTION
	APPROXIMATELY 1' ABOVE 100-YR HIGH WATER LINE

## NOTES:

1. APPROPRIATE EMERGENCY ACCESS AND UTILITY EASEMENTS WILL BE PROVIDED AND RECORDED VIA THE ADMINISTRATIVE RE-PLATTING PROCESS.

PREPARED FOR:  
LARIMER COUNTY  
200 W OAK STREET, SUITE 203  
FORT COLLINS, CO 80522

ARMER COUNTY LOVELAND OFFICES



970.420.0086  
706 SOUTH COLLEGE, SUITE 203  
FORT COLLINS, CO 80524  
[AM@AMDC.COM](mailto:AM@AMDC.COM)

DATE PLOTTED:  
Nov 21, 2016

DESIGNED BY:

CHECKED BY:

—  
—

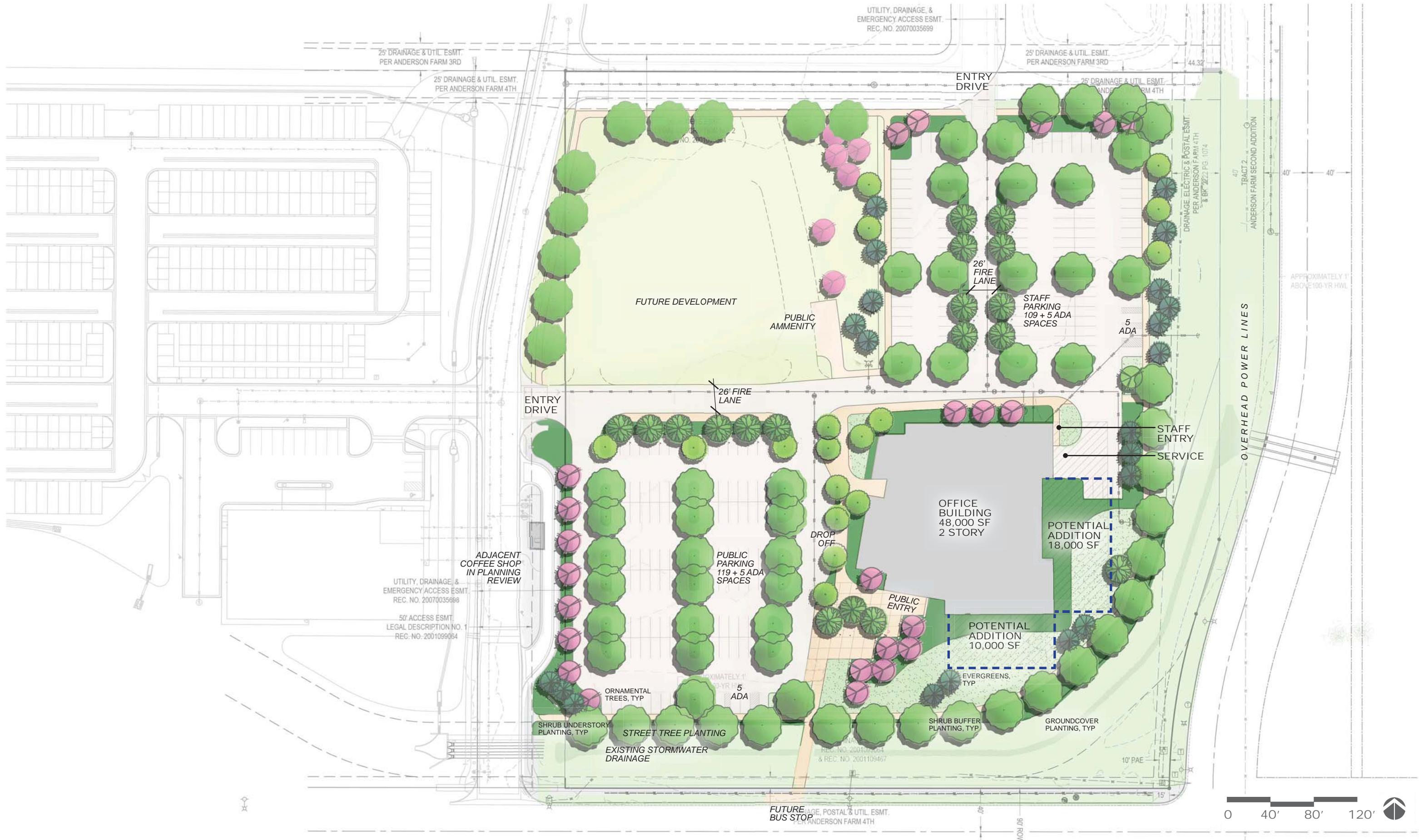
JOB NO.: 0188 15

## ANSWER

# LOCATION AND EXTENTS MAP

LOCATED ON LOT 1 AND TRACT A ANDERSON FARM  
ELEVENTH SUBDIVISION IN THE SOUTHEAST  $\frac{1}{4}$  OF SEC.  
18, T5N, R68W OF THE 6TH P.M., LARIMER COUNTY, CO

ATTACHMENT 1 OF



## CONCEPT PLAN



Larimer County Loveland Office Building  
**East 1st Street and North Denver Avenue**





NORTH VIEW



Larimer County Loveland Office Building  
**East 1st Street and North Denver Avenue**





Larimer County Loveland Office Building  
**East 1st Street and North Denver Avenue**

SOUTH VIEW



November 21, 2016

ATTACHMENT 1





40 0 40 80 120 Feet  
(IN FEET)  
1 inch = 40 ft  
ROTATION: 0°

**Galloway**  
Planning. Architecture. Engineering.  
3760 E. 15th Street, Suite 202  
Loveland, CO 80538  
970.800.3300 O  
www.gallowayus.com

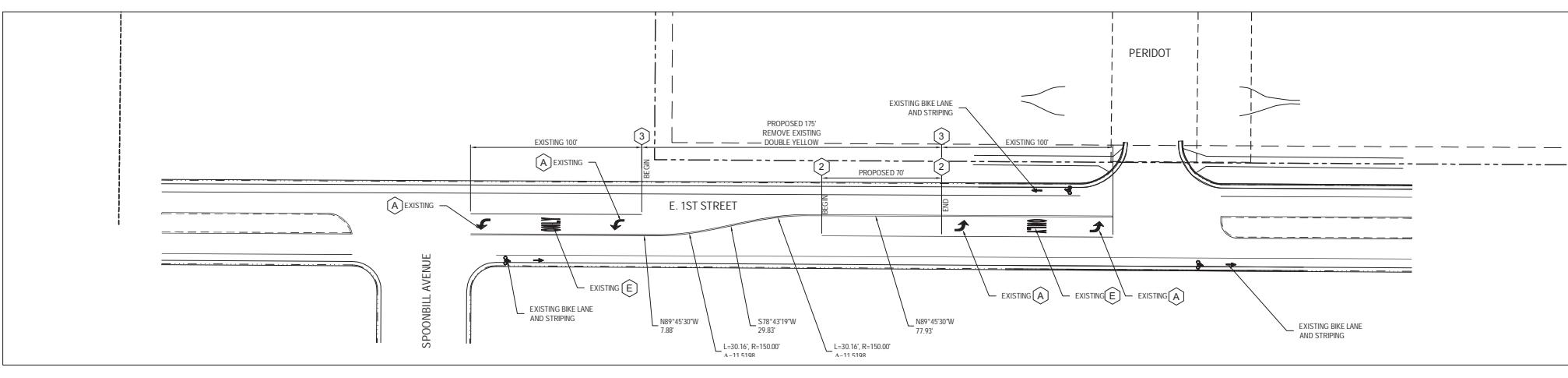
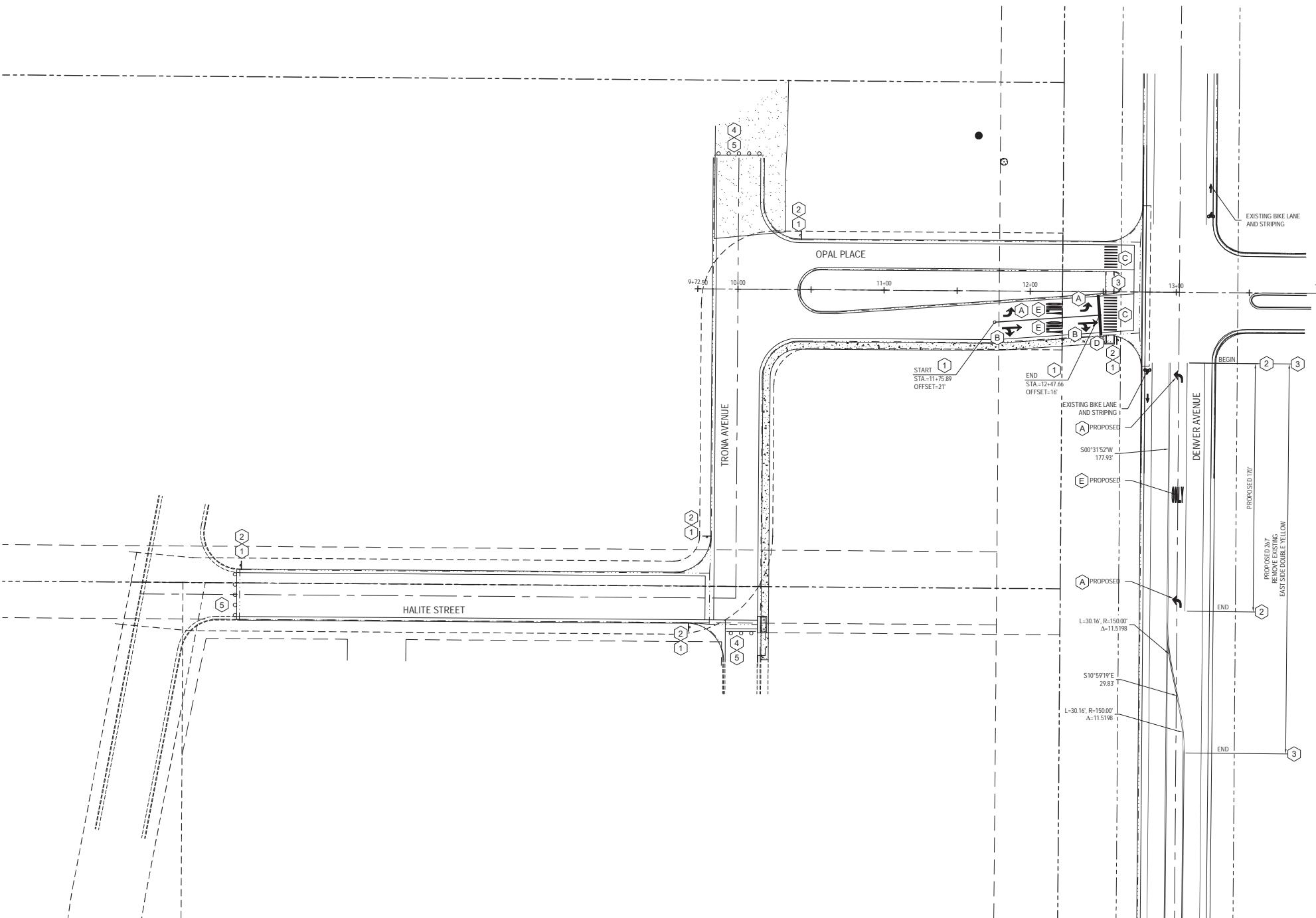
Gerrard Investments  
27486 County Road 13  
Loveland, CO 80534  
(970) 669-1463

NOT FOR CONSTRUCTION  
11/01/16

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## DENVER AVENUE AND 1ST STREET GERRARD INVESTMENTS, LLC

LOVELAND, CO



CALL UTILITY NOTIFICATION CENTER OF  
COLORADO  
811  
Know what's below.  
Call before you dig.  
CALL BEFORE YOU DIG IN ADVANCE TO DETERMINE IF YOU  
DIG, GRADE, OR POUR CONCRETE, YOU  
MAY BE HARMING UNDERGROUND MEMBER UTILITIES

Project No: GEDLV0000.01  
Drawn By: KIP  
Checked By: PLAN  
Date: 11/01/16

## SIGNAGE AND STRIPING PLAN

10

OF 16 SHEETS

ATTACHMENT 1

### III. PROPOSED DEVELOPMENT

Larimer County Complex is a proposed government complex. Figure 5 shows the site plan for Larimer County Complex site. Larimer County Complex development, as analyzed in this TIS, will consist of a 58,000 square foot building and a 15,000 square foot building. The analyses in this TIS assumed that Larimer County Complex will be built out over the next 4-5 years, following approval. The analysis year for the short range future was assumed to be the year 2020 and the long range future was assumed to be the year 2035. While it is likely that only one of the buildings (Phase 1) will be constructed by the short range future year, the City of Loveland requested that both buildings be included in this analysis future. There will be one full-movement access (Peridot Avenue) to/from E. 1<sup>st</sup> Street and one full-movement access (Opal Place) to/from Denver Avenue.

#### Trip Generation

Trip generation is important in considering the impact of a development on the existing and proposed street system. Trip Generation, 9<sup>th</sup> Edition, ITE was used to determine the trips that would be generated by Larimer County Complex development. A trip is defined as a one-way vehicle movement from origin to destination. Table 2 shows the expected trip generation from the site on a daily and peak hour basis. The full development trip generation resulted in 2,038 daily trip ends, 161 morning peak hour trip ends, and 208 afternoon peak hour trip ends.

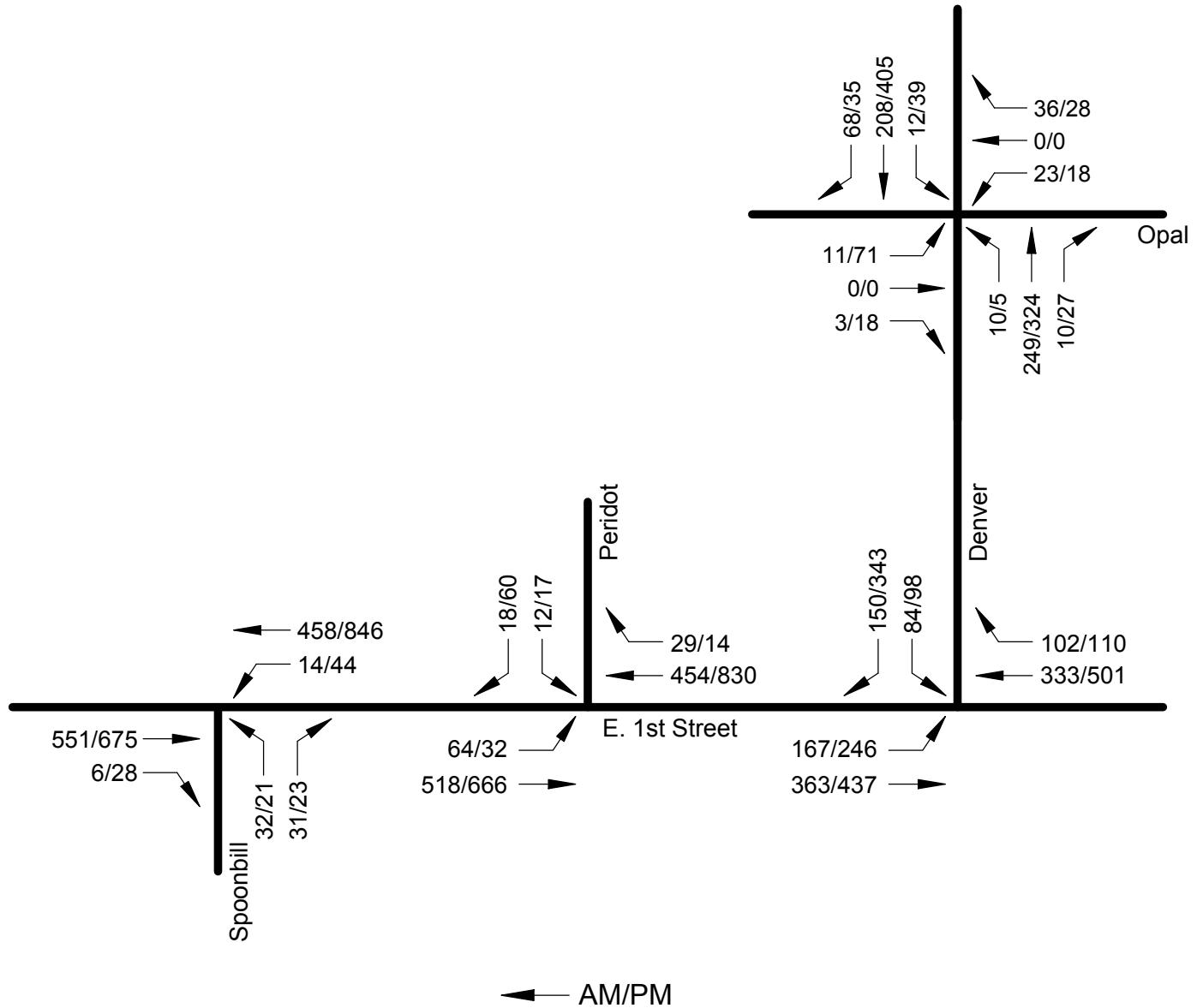
**TABLE 2**  
**Trip Generation**

Code	Use	Size	AWDTE		AM Peak Hour				PM Peak Hour			
			Rate	Trips	Rate	In	Rate	Out	Rate	In	Rate	Out
733	Government Complex	58.0 KSF	27.92	1620	1.97	114	0.24	14	0.88	51	1.97	114
733	Government Complex	15.0 KSF	27.92	418	1.97	29	0.24	4	0.88	13	1.97	30
Total				2038		143		18		64		144

#### Trip Distribution

Trip distribution for Larimer County Complex development was estimated using knowledge of the existing and planned street system, existing traffic patterns, development trends, and engineering judgment. Figure 6 shows the trip distribution used in the following analyses. The trip distribution analysis was agreed to in the scoping discussions and is contained in Appendix A.

N



## SHORT RANGE (2020) TOTAL PEAK HOUR TRAFFIC

Figure 10

**TABLE 3**  
**Street Traffic Volume Summary for the Existing and Short Range (2021) Conditions**

Street Segment		Direction	Existing Traffic Volume (AM/PM)	Date Existing Volume Taken	Regional Growth and Traffic from Build-out of Other Proposed Development* (AM/PM)	Site Generated Traffic (AM/PM)	Total Traffic (AM/PM)	ACF Traffic Threshold	ACF Compliance (AM/PM)	
1	E. 1 <sup>st</sup> Street west of Spoonbill Avenue	EB	463/622	9/16	507/681	50/22	557/703	890	Y/Y	
		WB	445/746	9/16	484/817	6/50	490/867	890	Y/Y	
2	E. 1 <sup>st</sup> Street west of Denver Avenue	EB	488/617	9/16	528/671	2/12	530/683	890	Y/Y	
		WB	427/769	9/16	463/835	20/9	483/844	890	Y/Y	
3	E. 1 <sup>st</sup> Street east of Denver Avenue	EB	409/465	9/16	443/506	4/29	447/535	890	Y/Y	
		WB	374/550	9/16	406/598	29/13	435/611	890	Y/Y	
4	Denver Avenue north of E. 1 <sup>st</sup> Street	NB	241/325	9/16	260/352	9/4	269/356	910	Y/Y	
		SB	215/392	9/16	232/424	2/17	234/441	910	Y/Y	
5	Denver Avenue north of Opal Place	NB	267/326	9/16	288/358	8/65	296/423	910	Y/Y	
		SB	204/413	9/16	224/450	64/29	288/479	910	Y/Y	
* Approved developments, not yet built:			Freedom Storage, Coffee Kiosk							
* Proposed developments, not yet approved:										
Notes/Comments										

**TABLE 6**  
**Short Range (2020) Total Peak Hour Operation**

Intersection	Movement	Level of Service	
		AM	PM
E. 1 <sup>st</sup> Street/Denver (signal)	EB LT	A	B
	EB T	A	A
	EB APPROACH	A	A
	WB T/RT	A	A
	SB LT	C	C
	SB RT	B	C
	SB APPROACH	C	C
	OVERALL	A	A
E. 1 <sup>st</sup> Street/Peridot (stop sign)	EB LT	A	B
	SB LT	C	C
	SB RT	B	C
	SB APPROACH	B	C
	OVERALL	A	A
E. 1 <sup>st</sup> Street/Spoonbill (stop sign)	WB LT	A	A
	NB LT	C	C
	NB RT	B	B
	NB APPROACH	B	C
	OVERALL	A	A
Denver/Opal (stop sign)	EB LT	C	E
	EB T/RT	A	B
	EB APPROACH	B	D
	WB LT	C	C
	WB T/RT	B	B
	WB APPROACH	B	C
	NB LT	A	A
	SB LT	A	A
	OVERALL	A	A

**TABLE 8**  
**Peak Hour Intersection Level of Service Summary**

Intersection & Critical Movements	Existing		2020 Background		2020 Total		ACF Compliant (Yes/No)
	AM Peak LOS	PM Peak LOS	AM Peak LOS	PM Peak LOS	AM Peak LOS	PM Peak LOS	
<b>Signal Control</b>							
E. 1st Street.Denver (Overall)	A	A	A	A	A	A	Y
Eastbound Left	A	B	A	B	A	B	Y
Eastbound Through	A	A	A	A	A	A	Y
Eastbound Approach	A	A	A	A	A	A	Y
Westbound Approach	A	A	A	A	A	A	Y
Southbound Left	C	C	C	C	C	C	Y
Southbound Right	B	C	B	C	B	C	Y
Southbound Approach	C	C	C	C	C	C	Y
<b>Stop Sign Control</b>							
E. 1st Street/Peridot (Overall)			A	A	A	A	Y
Eastbound Left			A	B	A	B	Y
Southbound Left			C	C	C	C	Y
Southbound Right			B	C	B	C	Y
Southbound Approach			B	C	B	C	Y
E. 1st Street/Spoonbill (Overall)	A	A	A	A	A	A	Y
Westbound Left	A	A	C	C	A	A	Y
Northbound Left	C	C	B	B	C	C	Y
Northbound Right	B	B	B	C	B	B	Y
Northbound Approach	B	C	A	A	B	C	Y
<b>Denver/Opal (Overall)</b>	A	A	A	A	A	A	Y
Eastbound Left			B	C	C	E	Y
Eastbound Through/Right			A	B	A	B	Y
Eastbound Approach			B	C	B	D	Y
Westbound Left	B	C	B	C	C	C	Y
Westbound Through/Right	B	B	B	B	B	B	Y
Westbound Approach	B	B	B	C	B	C	Y
Northbound Left			A	A	A	A	Y
Southbound Left	A	A	A	A	A	A	Y

#### IV. CONCLUSIONS/RECOMMENDATIONS

This study assessed the transportation impacts associated with the development of Larimer County Complex development in Loveland, Colorado. This study analyzed the transportation impacts in the short range (2020) and long range (2035) futures. As a result of these analyses, the following is concluded:

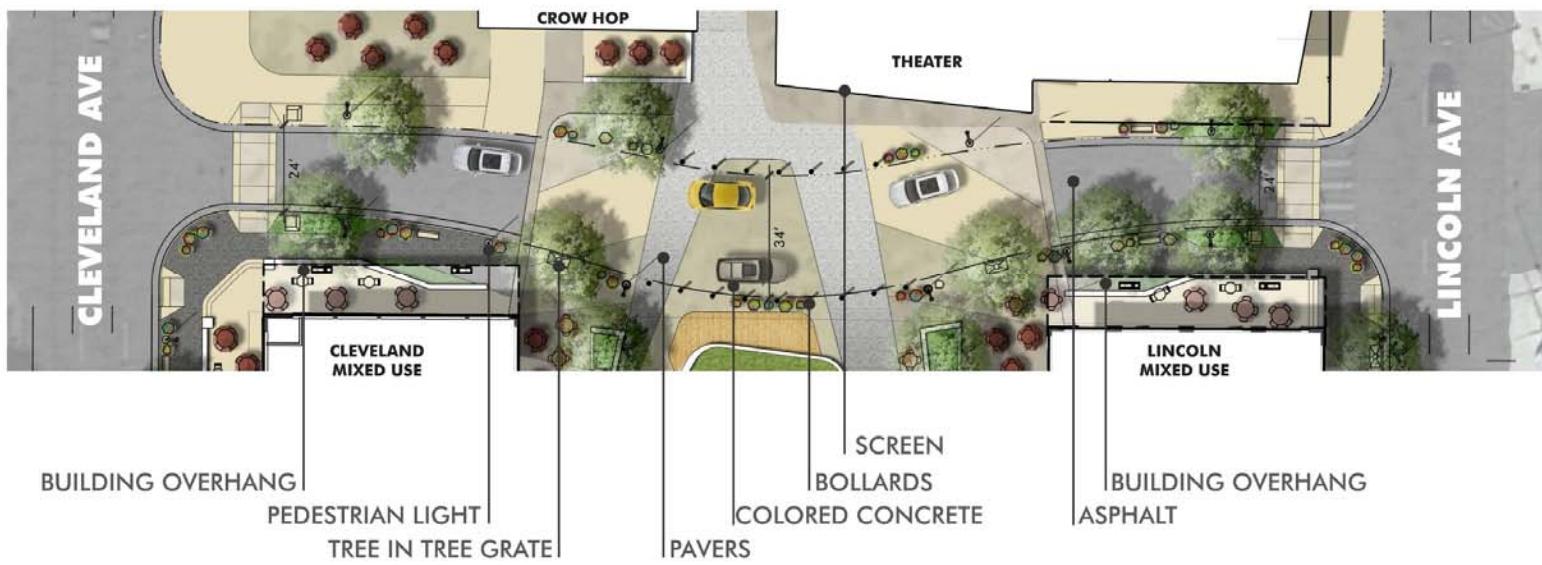
- Development of Larimer County Complex development is feasible from a traffic engineering standpoint. The full development trip generation resulted in 2,038 daily trip ends, 161 morning peak hour trip ends, and 208 afternoon peak hour trip ends.
- Current operation at the key intersections is acceptable based upon City of Loveland evaluation criteria.
- None of the stop sign controlled intersections are expected to meet peak hour signal warrants. In addition to this, the intersection spacing would not meet the signal spacing criteria.
- With short range (2020) traffic, including the Larimer County Complex development, the E. 1<sup>st</sup> Street/Denver, E. 1<sup>st</sup> Street/Peridot, E. 1<sup>st</sup> Street/Spoonbill, and Denver/Opal intersections operate at acceptable levels of service in the peak hours.
- With long range (2035) traffic, including the Larimer County Complex development, the E. 1<sup>st</sup> Street/Denver, E. 1<sup>st</sup> Street/Peridot, E. 1<sup>st</sup> Street/Spoonbill, and Denver/Opal intersections operate at acceptable levels of service, except the eastbound approach (LOS F) at the Denver/Opal intersection.
- Bicycle lanes exist along E. 1<sup>st</sup> Street and Denver Avenue. The sidewalk system in this area exists adjacent to developed parcels of land. As streets are improved, sidewalks will be incorporated to the standard cross sections.
- Table 9 shows a summary of the recommended improvements and the responsibility for that improvement. The short range (2020) range and long range (2035) geometry is shown in Figures 12 and 13, respectively.
- No environmental or special studies are required with this development.



# THE FOUNDRY SITE PLAN

11.28.16





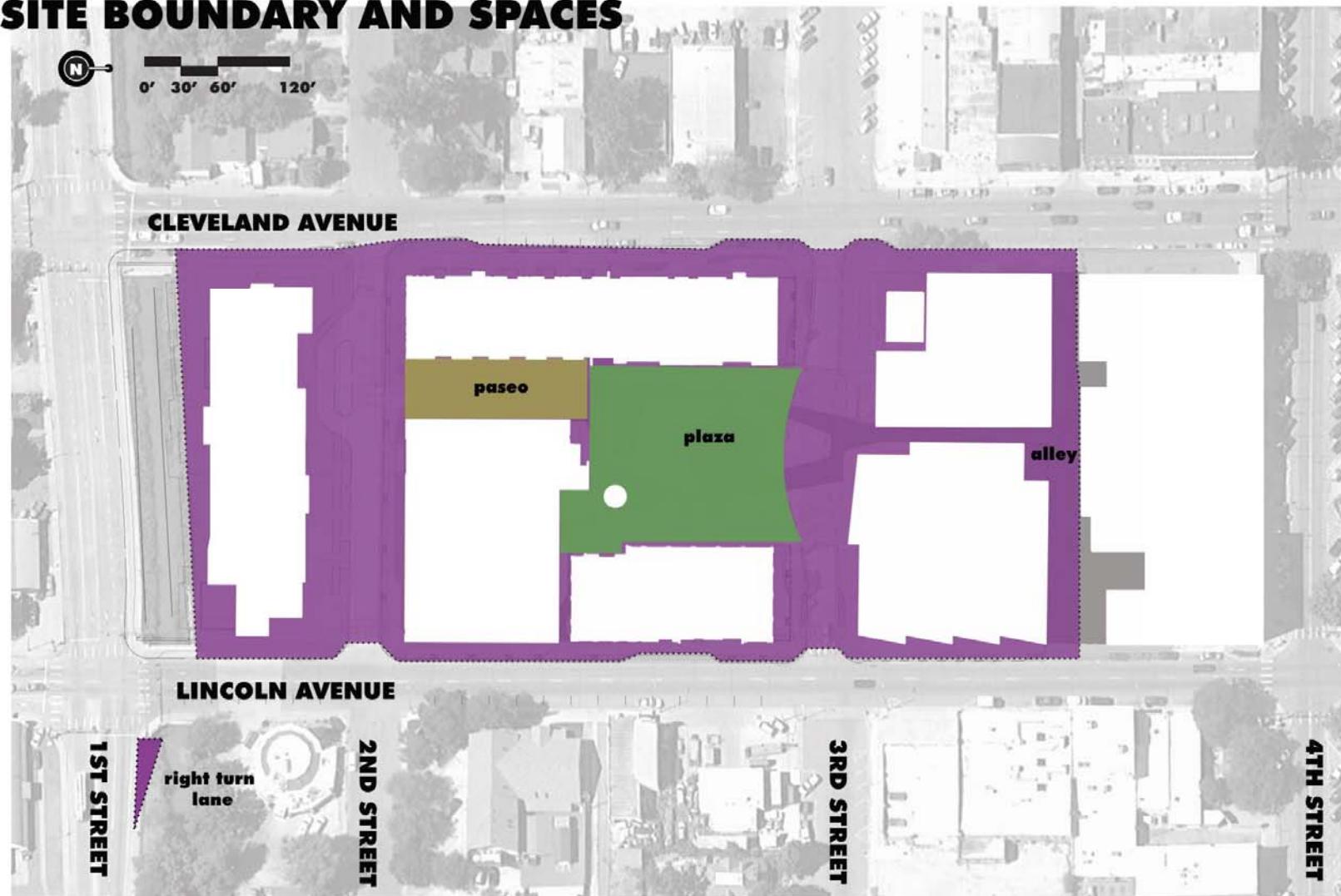
# THE FOUNDRY

## 3RD STREET STREETSCAPE

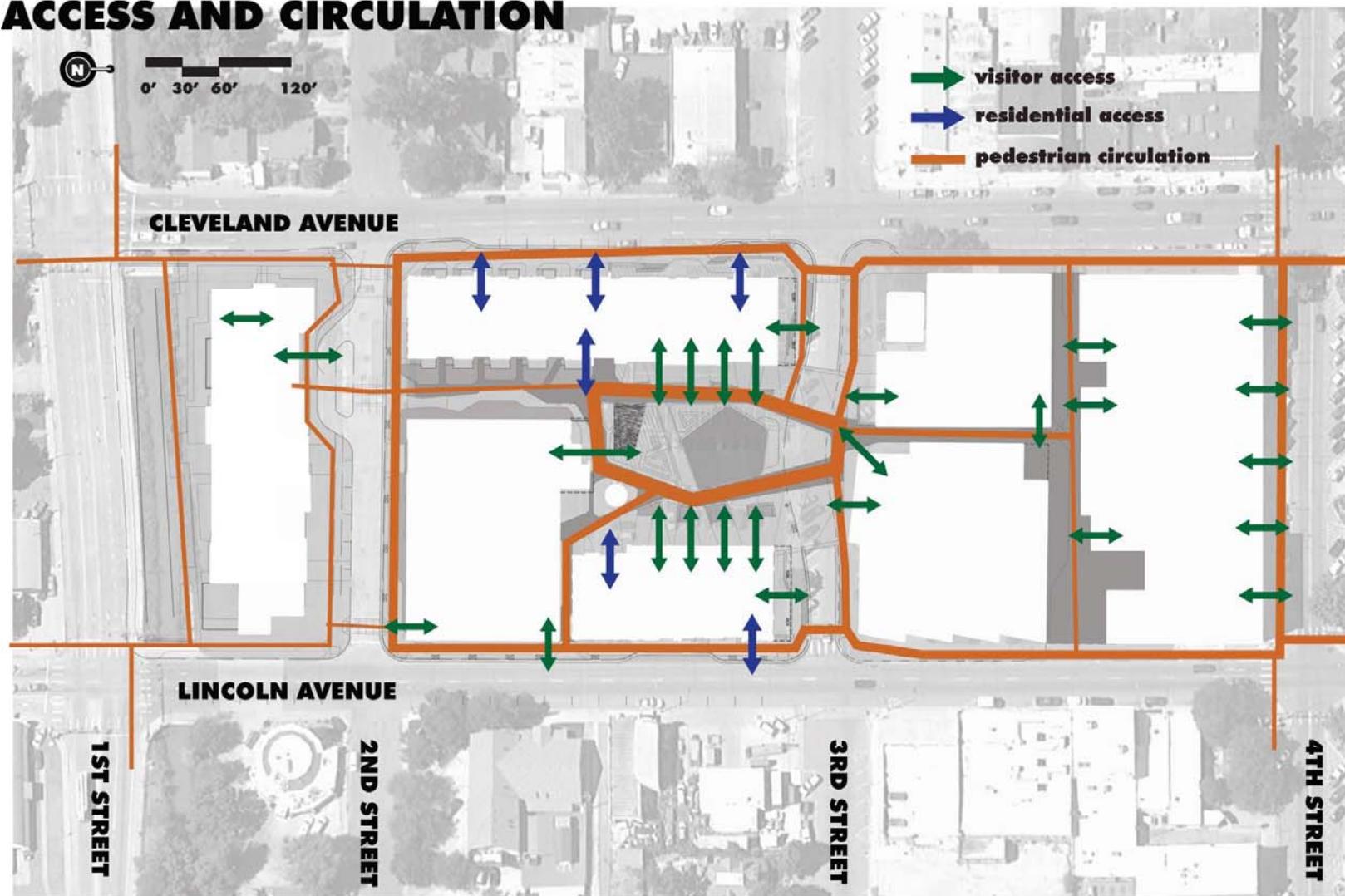
11.17.16



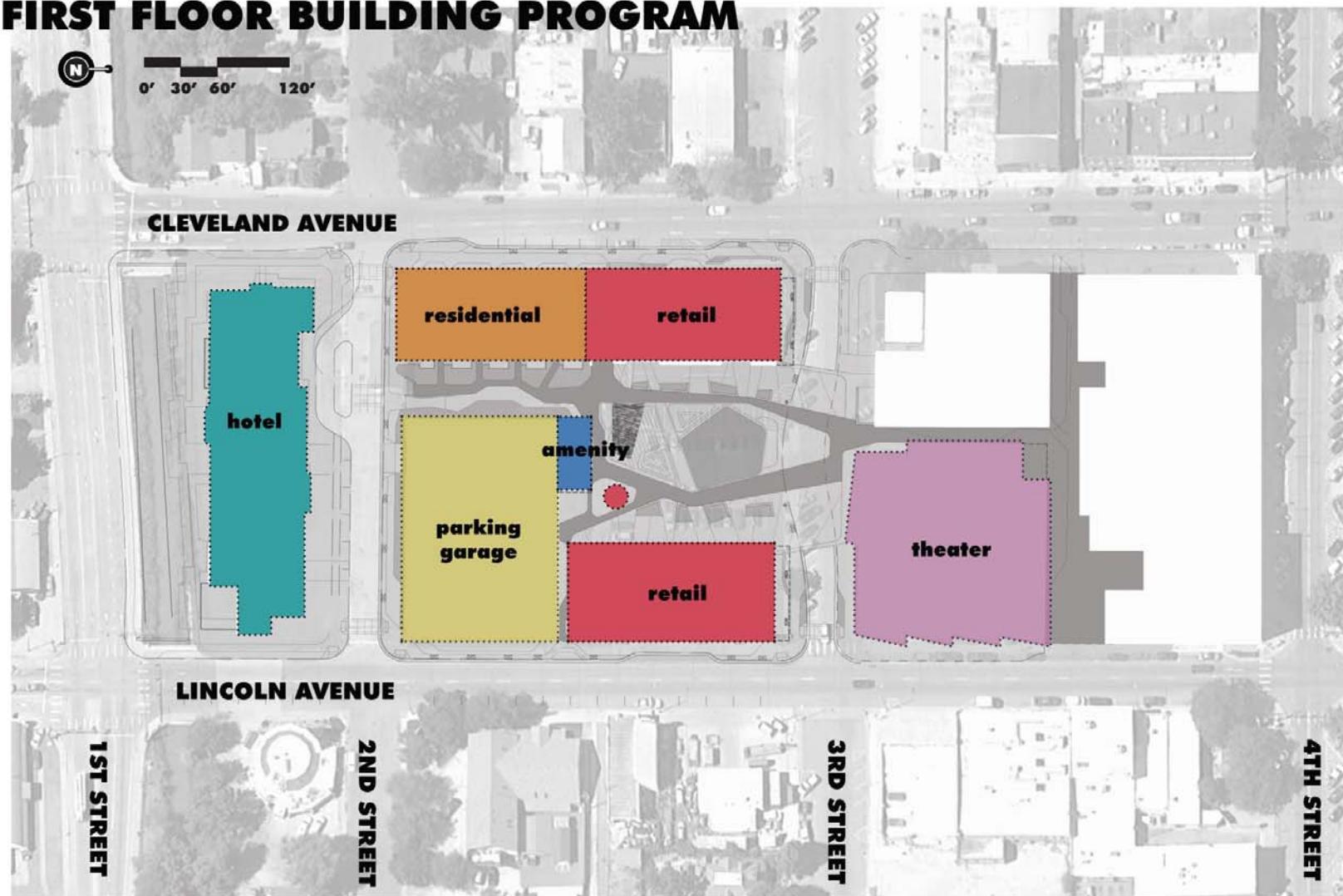
## SITE BOUNDARY AND SPACES



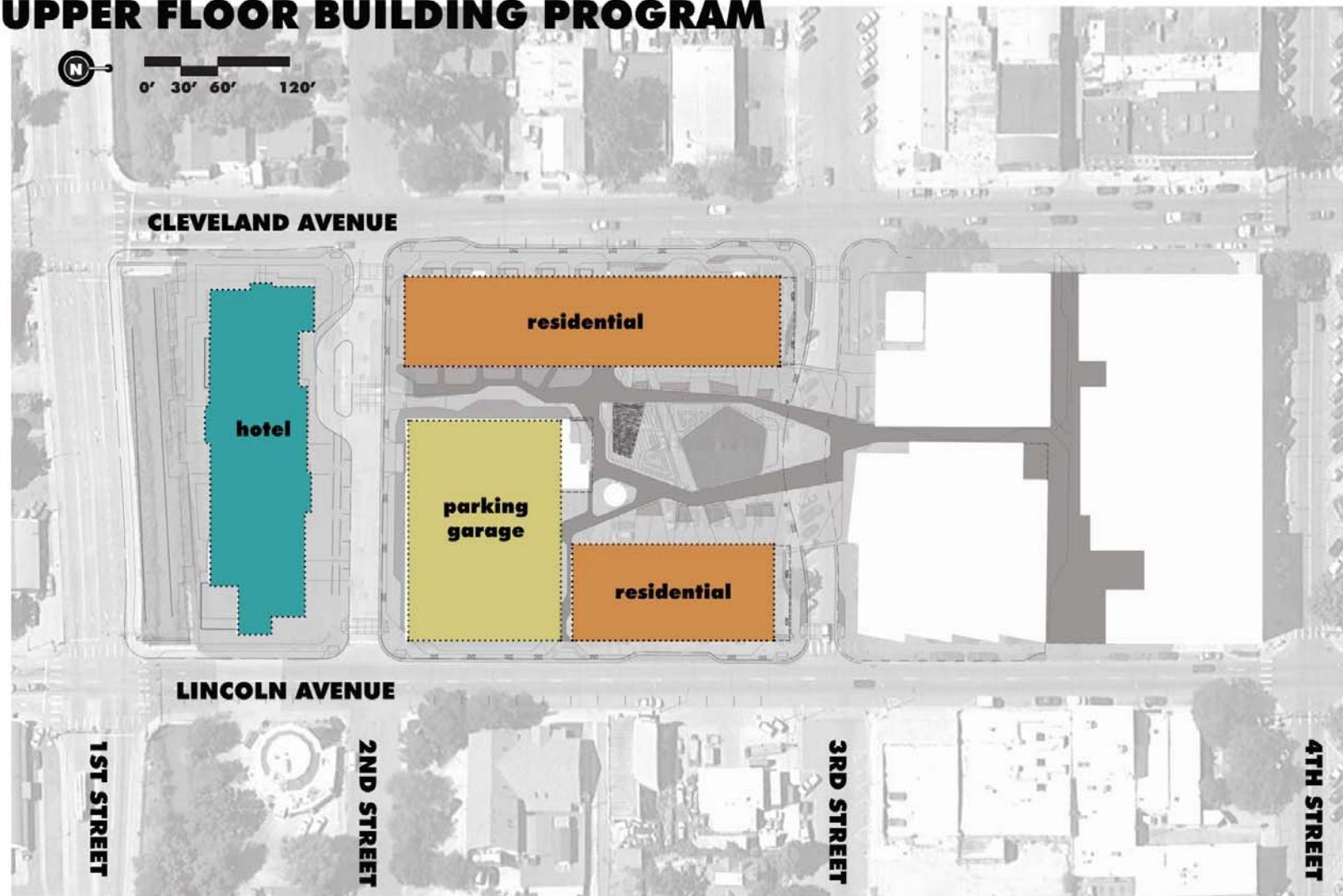
## ACCESS AND CIRCULATION



## FIRST FLOOR BUILDING PROGRAM



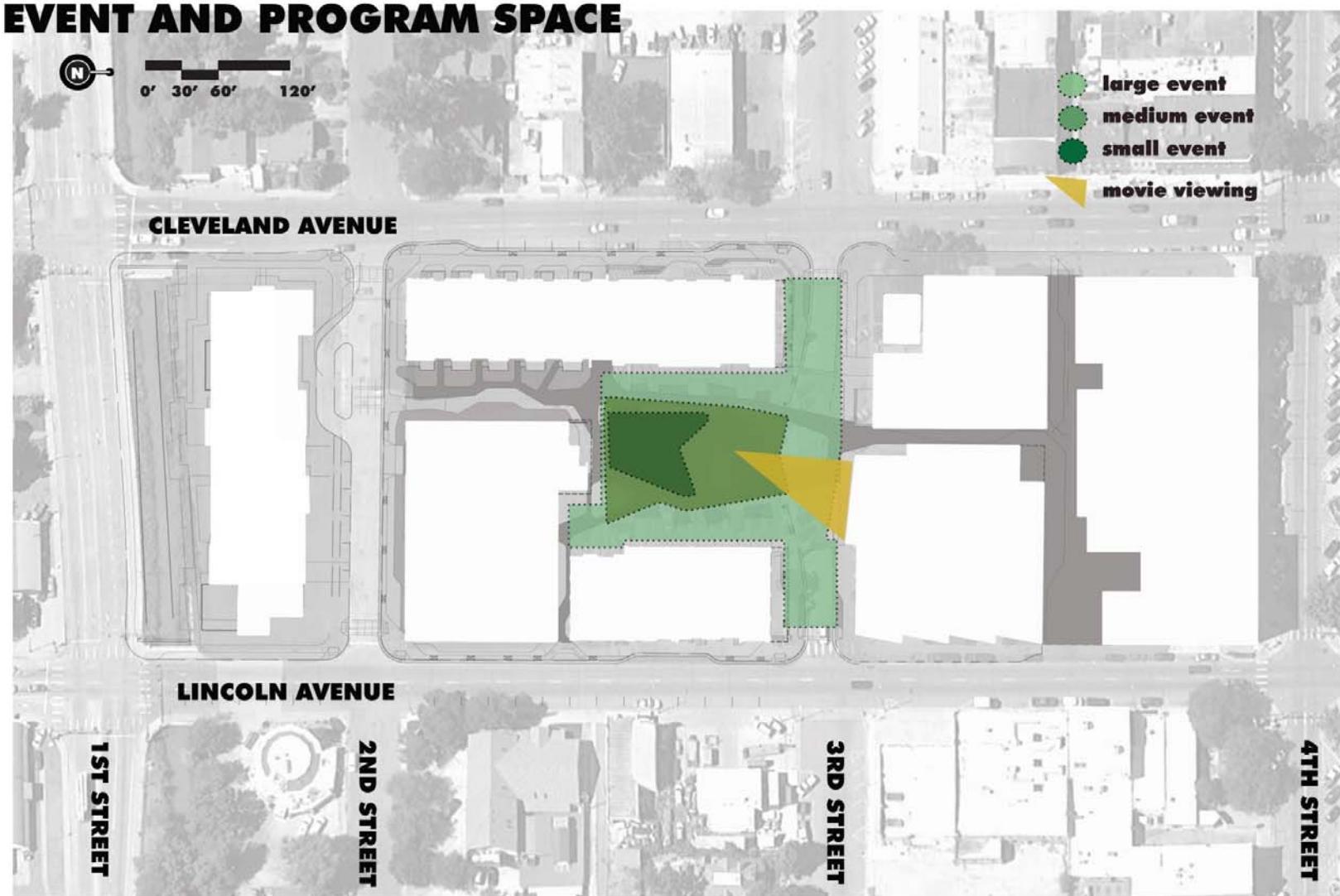
## UPPER FLOOR BUILDING PROGRAM



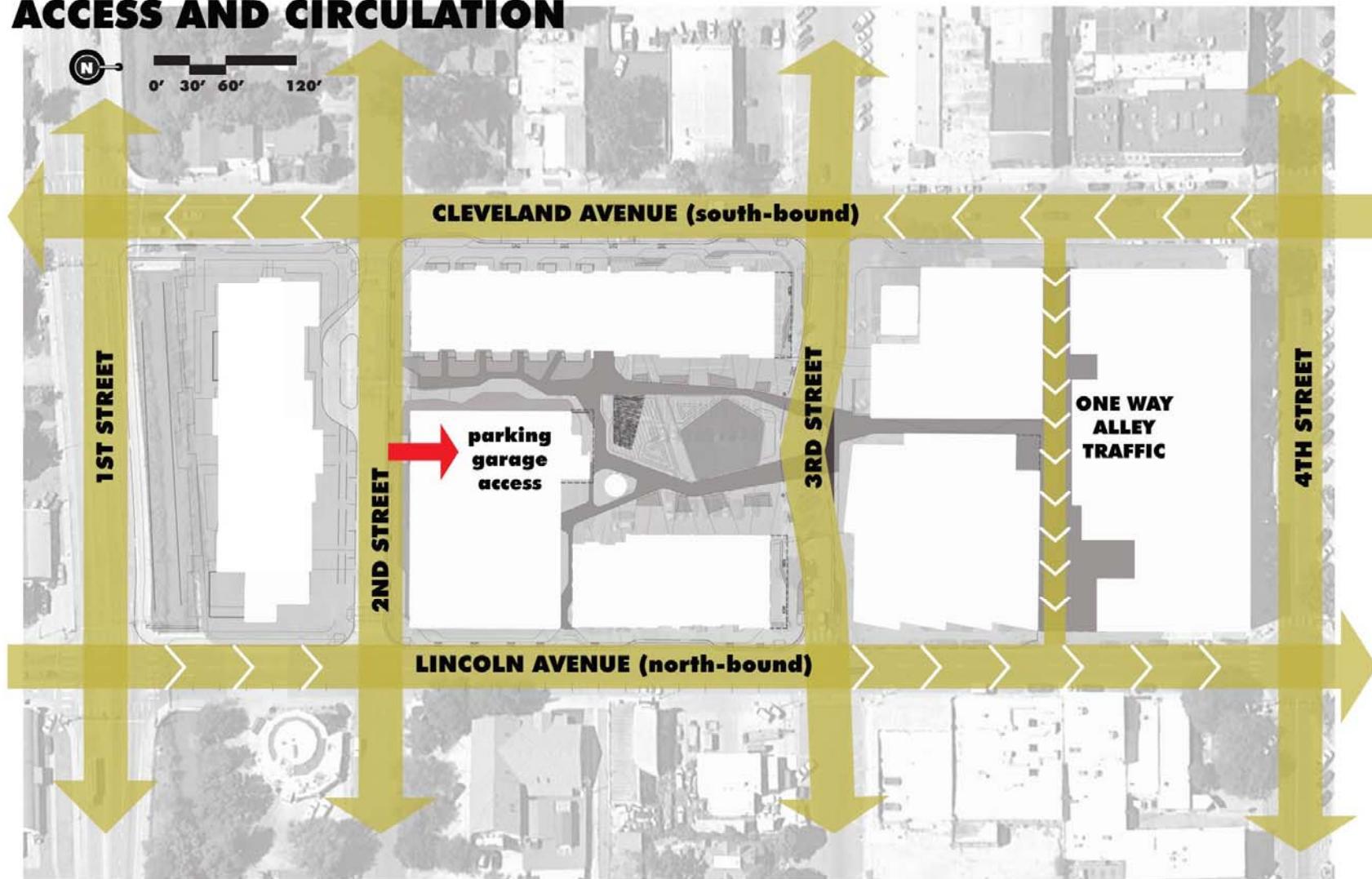
## BASEMENT FLOOR BUILDING PROGRAM



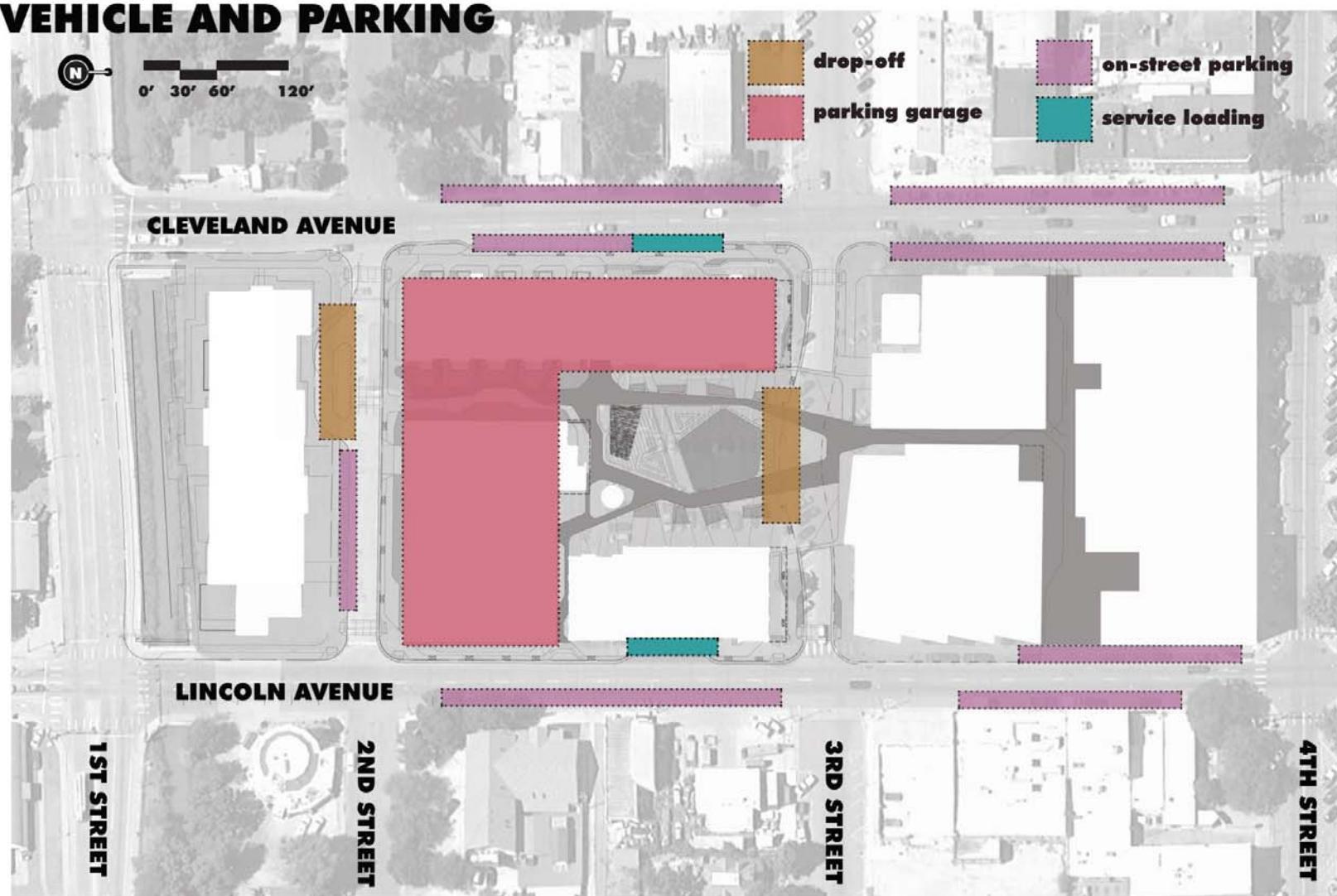
## EVENT AND PROGRAM SPACE

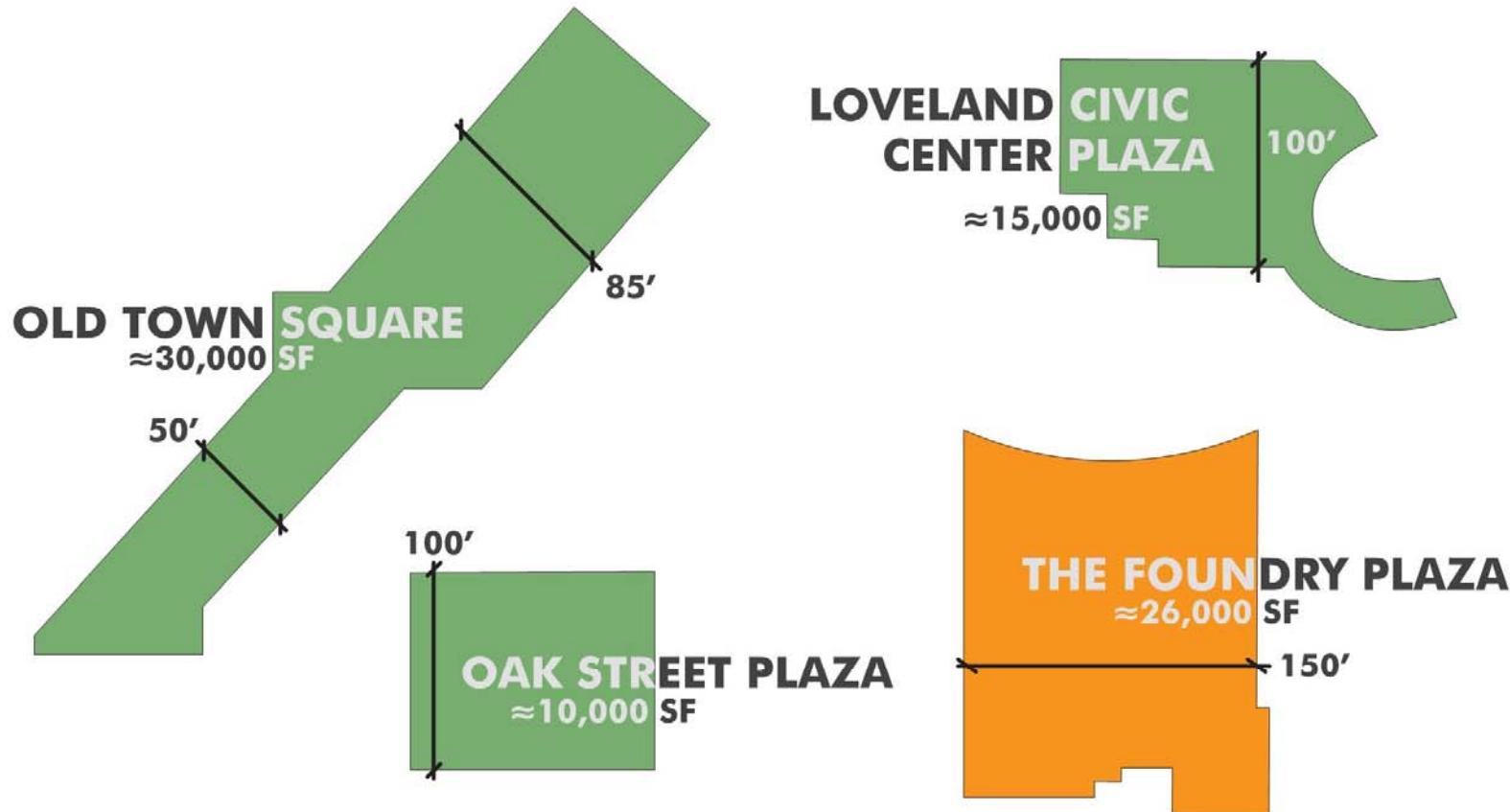


## ACCESS AND CIRCULATION



## VEHICLE AND PARKING





## THE FOUNDRY Comparative Size Study





## Development Services Administration

410 E. 5th Street • Loveland, CO 80537  
(970) 962-2523 • [eplan-planning@cityofloveland.org](mailto:eplan-planning@cityofloveland.org)  
[www.cityofloveland.org/DC](http://www.cityofloveland.org/DC)

## MEMORANDUM

November 28, 2016

To: Loveland Planning Commission  
From: Greg George, Special Projects Manager  
**Subject: Unified Development Code Update**

### A. INTRODUCTION

The study session on November 14, 2016 provided useful insights to potential concerns the Planning Commission may have regarding the new development review procedures being recommended by the UDC project team. Some Planning Commissioner members voiced concerns that the new code provisions would reduce opportunities for citizen input, including a reduction in the type of projects that would require neighborhood meetings and Planning Commission public hearings. In addition, there was concern that public outreach efforts so far were not successful in attracting participation from members of the general community.

The project team takes these comments seriously, and we are committed to working with the Planning Commission and others to address the concerns and to more clearly explain how the code development process will progress. Specifically, we encourage the Commission to not prematurely judge the new procedures until the Planning Commission has an opportunity in subsequent tasks to assist in the creation of new development standards and the classification of land uses as either a Use-by-Right, Limited Use, Adaptable Use, or Conditional Use within specific zoning district.

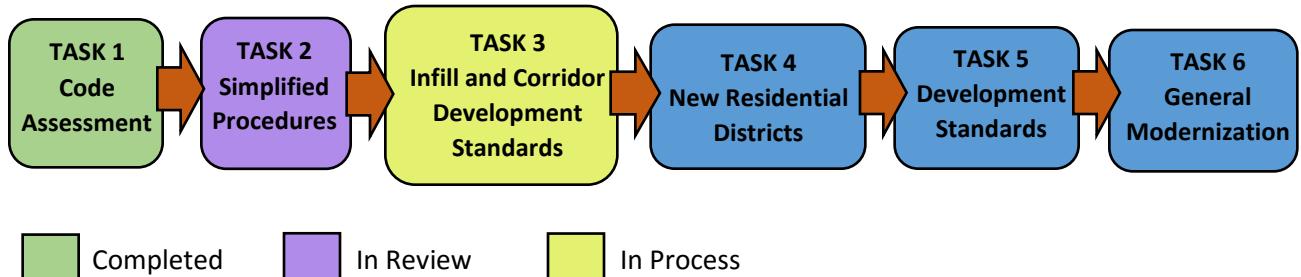
Public review of development applications will depend on the extent to which uses are designated as Adaptable Use or Conditional Use in the Land Use Table. The project team will work with the Planning Commission and City Council to achieve their desired level of public review through the process of developing supplemental development standards and the Land Use Table.

### B. GOAL

The project team would like to take advantage of the November 28<sup>th</sup> meeting to briefly review the new procedures again, but spend more time answering further questions from the Planning Commission. At the City Council study session on December 13<sup>th</sup> we hope to receive further direction on the general approach being taken so far with the new procedures. The project team is committed to working with the Planning Commission until the Commission is comfortable with the new procedures, with the understanding that the new procedures may be refined further as progress is made on Tasks 3, 4 and 5.

### C. PROJECT TASKS

The diagram below illustrates the sequence in which the six tasks are to be completed as part of the code update project. As draft material is developed for each task, the project team will come back to the Planning Commission at regular meetings with updates and to answer questions and address concerns as they arise. As work proceeds on each task, draft products from previous tasks will be revisited by the Planning Commission to determine if further revision are necessary. In Task 6, the final draft products from Tasks 2 through 5, and other components of the existing codes, will be standardized, revised as necessary and integrated into a single document to create a draft Unified Development Code (UDC). The draft code will then be reviewed using the same process as use for each of the preceding tasks, with the exception that the UDC will be presented to City Council for final adoption at a fully noticed public hearing.



### D. PUBLIC REVIEW OF DEVELOPMENT APPLICATIONS

The recommended procedures provide a structure to allow as much public review of development applications as desired by the Planning Commission and City Council. A Land Use Table will allow individual land uses to be designated as either a *Use-by-Right*, *Limited Use*, *Adaptable Use* or *Condition Use* in each zoning district.

1. **Use-by-Right (R):** Compatible with other uses in the zoning district, if in compliance with generally applicable zoning standards.
2. **Limited Uses (L):** Compatible with other uses in the zoning district, if in compliance with generally applicable zoning standards and use-specific standards.
3. **Adaptable Use (A):** Compatible with other uses in the zoning district, if in compliance with generally applicable zoning standards, use-specific standards and qualitative impact-mitigation measures. An Adaptable Use would require a public notice and comment period, could require a neighborhood meeting and could be appealed to the Planning Commission for a public hearing.
4. **Conditional Use (C):** Compatible with other uses in the zoning district, if in compliance with generally applicable zoning standards, use-specific standards, qualitative impact-mitigation measures and Planning Commission conditions. A Conditional Use would go directly to the Planning Commission for a public hearing.

## E. SUPPLEMENTAL STANDARDS

The supplemental standards are to be developed in Tasks 3 and 5. These standards will be designed to reclassify uses that are currently Special Review Uses to either Uses-by-Right, Limited Uses, Adaptable Uses or Conditional Uses. For example, a medical clinic is currently a Special Review Use in the R3 – Developing High Density Residential zoning district, but compliance with use-specific standards developed in subsequent tasks could make such a use compatible with other uses in R3 zone.

The following table provides examples of how different types of standards would be assigned to land uses in zoning districts.

TYPE OF STANDARD	SUBSCRIPT
Generally Applicable Zoning Standards	1
<b>Supplemental Standards</b>	
Use-Specific Standards	2
Qualitative Impact-Mitigation Measures	3
Planning Commission Conditions	4

## F. LAND USE TABLE

LAND USE TABLE							
LAND USE	ZONING DISTRICTS						
	Residential			Mixed Use	Downtown	Business	Industrial
	Estate	Low Density	High Density				
Medical Clinic	A <sup>1,2,3</sup>	A <sup>1,2,3</sup>	L <sup>1,2</sup>	L <sup>1,2</sup>	R <sup>1</sup>	R <sup>1</sup>	A <sup>1,2,3</sup>
Office	A <sup>1,2,3</sup>	A <sup>1,2,3</sup>	L <sup>1,2</sup>	R <sup>1</sup>	R <sup>1</sup>	R <sup>1</sup>	A <sup>1,2,3</sup>
Bank	A <sup>1,2,3</sup>	A <sup>1,2,3</sup>	L <sup>1,2</sup>	R <sup>1</sup>	R <sup>1</sup>	R <sup>1</sup>	A <sup>1,2,3</sup>
Restaurant w/drive thru	X	X	A <sup>1,2,3</sup>	L <sup>1,2</sup>	L <sup>1,2</sup>	R <sup>1</sup>	A <sup>1,2,3</sup>
Retail Store	X	C <sup>1,2,3,4</sup>	A <sup>1,2,3</sup>	L <sup>1,2</sup>	R <sup>1</sup>	R <sup>1</sup>	A <sup>1,2,3</sup>
Gas Station	C <sup>1,2,3,4</sup>	C <sup>1,2,3,4</sup>	A <sup>1,2,3</sup>	A <sup>1,2,3</sup>	A <sup>1,2,3</sup>	R <sup>1</sup>	L <sup>1,2</sup>
Lumberyard	X	X	X	C <sup>1,2,3,4</sup>	X	A <sup>1,2,3</sup>	R
Jail	X	X	X	X	X	X	C <sup>1,2,3,4</sup>

### LEGEND

R – Use-by-Right

L – Limited Use

A – Adaptable Use

C – Conditional Use

X – Use Not Allowed

 Required notice and comment to neighborhood and, at discretion of Director based on certain criteria, a neighborhood meeting with possible appeal to Planning Commission.

 Development application goes directly to Planning Commission for public hear.

## H. PUBLIC OUTREACH

The process for reforming Loveland's development codes includes an extensive outreach program, consisting of three working committees (see **Attachment 6**), regular distributions of information to an e-mail list of more than 260 individuals and organizations representing the "Development Community". This mailing list includes the extensive mailing list developed through the Create Loveland public outreach program. In the next few weeks the public outreach efforts to date will be expanded to include regular articles in the Reporter Herald and information included in the City's utility billing mailings. Information will also be expanded and regularly updated on the Unified Development Code webpage.

## G. ATTACHMENTS

1. [Task 2 Schedule](#)
2. [Development Review Procedures](#)
3. [Subdivision Platting Process Comparison](#)
4. [Simplified Procedures](#)
5. [November 14<sup>th</sup> slide show](#)
6. [Community Members](#)

**TASK 2 – SIMPLIFIED PROCEDURES**
**10/4/16**

Sub-Task	2016										2017
	Month										
	Aug	Sept	Oct	Nov	Dec	Jan					
<b>Internal team meeting</b>	8/22 1:00 pm	9/6 ★	9/20 ★	10/4 ★	10/18 ★	11/1 ★	11/15 ★	11/29 ★	12/13 ★	12/27 ★	
<b>Meeting with Todd</b>	8/25 9:30 am	9/8 ★	9/14 △	9/23 ★	10/6 ★	10/20 ★	11/3 ★	11/14 ★	12/1 ★	12/13 ★	12/29 ★
<b>Title 18 Committee</b>		9/1 ★	9/14 △	9/15 ★		10/20 ★		11/17 ★		12/15 ★	
<b>Proposed Updated Procedures</b>			9/16 —								
<b>Technical Committee</b>		9/14 △	9/23 ★								
<b>Staff written response</b>			9/29 ★								
<b>Revised updated procedures</b>				10/11 —							
<b>Stakeholder Committee</b>		9/14 △		10/20 8:00 am ★							
<b>Title 18 Committee</b>				10/20 7:00 am ★							
<b>Planning Commission Study Session/Open House</b>				Planning Commission - 6:30 pm Open House - 5:30 pm	11/14 ★	11/28 ★					
<b>City Council Study Session</b>									12/13 6:30 pm ★		
<b>Planning Commission Public Hearing</b>										1/23 6:30 pm ★	

★ Internal team meeting   ★ Meetings with Todd (video conference)   ★ Staff written response   ★ Deliverable   ★ Title 18 Committee   ★ Technical Committee  
 ★ Stakeholder Committee   ★ Planning Commission Study Session   ★ City Council Study Session   ★ Planning Commission Public Hearing  
 △ Title 18, Stakeholder and Technical Committee Kick-off Meeting

# **UNIFIED DEVELOPMENT CODE UPDATE**

## **Development Review Procedures**

**(Second Working Draft)**

**Presented to:**  
**City of Loveland Planning Commission**

**November 14, 2016 Study Session**

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## CHAPTER 2.02 DEVELOPMENT REVIEW BODIES

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### Division 2.02.01 City Staff and Referral Agencies

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#### 2.02.101 Director of Development Services

- A. **Generally.** The Director of Development Services ("Director") is the member of the City Staff who is ultimately responsible for processing an application to decision (in the case of administrative approvals) or making a recommendation to an approving body (in the case of public hearing approvals). The Director shall designate staff members to manage applications through the review process and be points of contact for applicants, and may also delegate review responsibilities to other members of the City Staff with relevant technical training or expertise, or, as appropriate, to consultants that are authorized by the City Council.
- B. **Duties and Responsibilities.** The Director shall allocate and supervise staff from the Development Services Department to administer this Code, including the following functions:
  - 1. Coordinating and conducting concept review meetings.
  - 2. Coordinating and conducting various meetings with applicants and citizens relating to development review and planning activities.
  - 3. Receiving and logging applications for development approval.
  - 4. Keeping records of development applications, including materials and outcomes.
  - 5. Reviewing application materials and verifying that applications are complete.
  - 6. Communicating with applicants to inform them that their applications are complete or not complete; and if the applications are not complete, what items are required to complete the application.
  - 7. Managing the processing of applications according to Chapter 2.03, Review Procedures.
  - 8. Processing and reviewing all applications (or causing applications to be reviewed) and either deciding the applications or making a recommendation regarding how the application should be decided based on the record documents and the applicable provisions of this Code.
  - 9. Setting applications on agendas of the Planning Commission or City Council, as appropriate.
  - 10. Setting applications on agendas for the Zoning Board of Adjustment and other boards and commission as appropriate.
  - 11. Providing public notice (or verifying public notice) as required by this Code.
  - 12. Promptly issuing written approvals, permits, resolutions, or orders that reflect the substance of approvals granted pursuant to this Code.
  - 13. Maintaining the Zoning Map, including:
    - a. Updates to reflect rezoning;
    - b. Appropriate annotations to indicate adaptable use approvals;
    - c. Appropriate annotations to indicate limited use approvals; and
    - d. Resolution numbers to indicate conditional use approvals.
  - 14. Tracking the term of approvals, and keeping records of approvals that have expired.
  - 15. Enforcing the provisions of this Code and approvals granted hereunder.
  - 16. Making recommendations regarding amendments to this Code and to the Comprehensive Plan and other land use or strategic plans approved or adopted by the City.
  - 17. Developing or supervising the development of master plans, special area plans, or strategic plans, however titled, as directed by the City Council.

## **2.02.102 Referral Agencies**

- A. **Generally.** The Director shall maintain a list of referral agencies, including but not limited to: special districts, fire protection districts, school districts, ditch or reservoir companies, irrigation districts, and utility providers that may be affected by land use and development within the City. The Director shall refer applications to affected referral agencies as required by this Code or, if not required by this Code, as the Director may determine appropriate
- B. **Referral Agency Review.** The applicant for development approval shall be responsible for the payment of review fees charged by referral agencies, if any.

## **Division 2.02.02 Elected and Appointed Officials**

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### **2.02.201 City Council**

- A. **Powers.** The City Council shall have all powers conferred upon it by the City of Loveland Home Rule Charter.
- B. **Delegations.** The City Council delegates authority to the Director, the Planning Commission, and the Board of Adjustment and Appeals as provided in this Code.
- C. **Appointments.** The City Council shall have the power to appoint members of the Planning Commission, the Board of Adjustment and Appeals as provided in Article 10 of the City of Loveland Home Rule Charter.
- D. **Meetings and Procedures.** Meetings of the City Council shall be conducted as provided in Article 4 of the City of Loveland Home Rule Charter.
- E. **Decisions.** The City Council shall decide applications for:
  - 1. Code Text Amendments
  - 2. Rezoning
  - 3. Certificates of Designation
  - 4. Vacations of Existing Right-of-Way
  - 5. Vacation of Obsolete Subdivisions
  - 6. General Development Plan
  - 7. Creation of Vested Rights
  - 8. Extension of Vested Rights
  - 9. Administrative Appeals from decisions of the Planning Commission (except decisions by the Planning Commission on appeals from decisions of the Director)
  - 10. City Council shall also adopt the comprehensive plans and other plans for the physical development of the City.

### **2.02.202 Planning Commission**

- A. **Generally.** There is established a Planning Commission consisting of nine members appointed by the City Council.
- B. **Powers and Duties.** The Planning Commission shall:
  - 1. Consider and decide the following types of applications:
    - a. Conditional Use
    - b. Height Exception
    - c. Oil and Gas Permit (Public Hearing)
    - d. Preliminary Development Plan
  - 2. The Planning Commission shall consider and recommend to the City Council approval, approval with conditions, or disapproval of the following types of applications:
    - a. Rezoning
    - b. Certificate of Designation
    - c. General Development Plan
    - d. Amendments to the Unified Development Code
  - 3. The Planning Commission shall decide appeals from final decisions of the Director.

4. The Planning Commission also shall consider and advise the City Council on all proposed changes to the Unified Development Code and recommend adoption of comprehensive plans for the physical development of the City, which plans may be adopted by resolution of the City Council, and perform such other duties as the City Council may by ordinance or resolution prescribe.

- C. **Qualifications for Membership.** All members of the Planning Commission shall be bona fide residents of the city of Loveland.
- D. **Selection of Membership.** Planning Commissioners shall be appointed by majority vote of a quorum of the City Council.
- E. **Term of Office.** The term of office for each member shall be three years.
- F. **Vacancies.** Vacancies shall be filled by majority vote of the City Council. The person appointed to fill a vacancy shall serve for the remainder of the original term, and may thereafter be re-appointed.
- G. **Order of Business.** The order of business at all regular meetings shall be established by the Planning Commission.
- H. **Regular Meetings.** Regular meetings of the Planning Commission shall be held in Council chambers, or other place designated by the Planning Commission Chairperson, in accordance with the schedule of meetings adopted by Council.
- I. **Special Meetings.** Special meetings shall be held upon the call of the chairperson or vice-chairperson or upon written request of two members of the Planning Commission. Notice of special meetings shall be given as much in advance as is reasonable under the circumstances requiring the meeting by notice to each of the members. Such notice shall set forth a time, place, date and purpose of the meeting.

## **2.02.203 Zoning Board of Adjustment**

- A. **Generally.** The Zoning Board of Adjustment is hereby created and delegated the authority to grant variances to the regulations contained in this Title.
- B. **Powers and Duties.** The Zoning Board of Adjustment shall be empowered to grant variances from certain standards set forth in this Title according to the standards set out in Section [2.05.303, Variances](#).
- C. **Membership.** The Zoning Board of Adjustment shall be composed of the members of the Planning Commission as it may be constituted from time to time.
- D. **Hearing Officer.** The Zoning Board of Adjustment may appoint a Zoning Hearing Officer from within the Board to conduct public hearings and make decisions on variances. The Hearing Officer may forward any matter on to the full Zoning Board of Adjustment.
- E. **Order of Business.** The order of business at all regular meetings shall be established by the Board of Adjustment and Appeals.
- F. **Regular Meetings.** Regular meetings of the Zoning Board of Adjustment shall be held in Council chambers, or other place designated by the Zoning Board of Adjustment Chairperson, in accordance with the schedule of meetings adopted by Council.
- G. **Special Meetings.** Special meetings shall be held upon the call of the chairperson or vice-chairperson or upon written request of two members of the Zoning Board of Adjustment. Notice of special meetings shall be given as much in advance as is reasonable under the circumstances requiring the meeting by notice to each of the members, personally served or left at their usual places of residence. Such notice shall set forth a time, place, date and purpose of the meeting.

## **Division 2.03.01 Purpose and Application**

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### **2.03.101 Purpose**

The purpose of this Chapter is to set out a standardized process for development review and administrative appeals in the City.

### **2.03.102 Application**

- A. **Generally.** All procedures for obtaining development approvals and for appealing decisions of the Director or the Planning Commission are set out in this Chapter.
- B. **Required Development Approvals.** [Division 2.03.02, Required Development Approvals](#), sets out the approvals and permits that may be required by the City for the use and development of real property. Section [2.03.202, Administrative and Public Hearing Development Approvals](#), sets out a comprehensive list of approvals and permits, along with their associated procedural requirements.
- C. **Standardized Development Review Procedures.** [Division 2.03.03 Standardized Development Review Procedures](#), sets out the standardized procedures for development review in the City.
- D. **Modifications and Corrections.** [Division 2.03.04, Modifications and Corrections](#), establishes the procedures to modify existing approvals and to correct scrivener's errors.
- E. **Required Notices.** [Division 2.03.05 Required Notices](#), details the notice requirements for each type of application that requires one or more public notices.
- F. **Administrative Appeals.** [Division 2.03.06 Administrative Appeals](#), sets out the process for appealing a decision of the Director or the Planning Commission.

## Division 2.03.02 Required Development Approvals

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### 2.03.201 Development Approval Required

Development approval is required for development within the City of Loveland unless specifically exempt from the application of this Code.

### 2.03.202 Administrative and Public Hearing Development Approvals

- A. **Generally.** Administrative development approvals are issued by the Director, the Floodplain Administrator or the City Engineer. Public hearing development approvals are granted by the Planning Commission, the Board of Adjustment and Appeals, the Floodplain Appeals Board, or the City Council after public hearing.
- B. **Approval Types.** Table 2.03.202, *Administrative and Public Hearing Development Approvals* sets out the development approvals that are required by this Code and whether they are approved administratively or after public hearing. Applications that can be appealed to a higher level decision body are identified with an asterisk \*.

Table 2.03.202 Administrative and Public Hearing Development Approvals					
Approval Type	Required For	Notice and Comment	Agency Referrals	Recommendation	Decision
Zoning / Amendments					
Text Amendment	Amending the text of this Code	Yes	Yes	Planning Commission ("PC")	City Council ("CC")
Rezoning (Map Amendment)	Amending zoning district boundaries on the official zoning map	Yes	Yes	PC	CC
Zoning / Land Use					
Permitted Use	Establishment or material modification of a Permitted Use	No	No	NA	Director
Limited Use	Establishment or material modification of a Limited Use	No	No	NA	Director
Adaptable Use (also Major Home Occupation)*	Establishment or material modification of an Adaptable Use	Yes	Yes	NA	Director
Conditional Use*	Establishment or material modification of a Conditional Use	Yes	Yes	Director	PC

Approval Type	Required For	Notice and Comment	Agency Referrals	Recommendation	Decision
Certificate of Designation	As provided by Colorado Statutes (e.g., hazardous waste disposal sites (see C.R.S. § 25-15-201, et seq.); hazardous waste incinerators (see C.R.S. § 25-15-501, et seq.); solid waste disposal site or facility (see C.R.S. § 30-20-100.5, et seq.); waste tire monofills (see C.R.S. § 30-20-1415))	Yes	Yes (including CDPHE)	PC	CC
<b>Zoning / Development Permits and Approvals</b>					
Master Sketch Plan	Phased development where site development plan is not submitted for all phases at one time	No	No	NA	Director
Sketch Site Development Plan	All development except agriculture, single-family detached residential, and duplex	No	No	NA	Director
Final Site Development Plan	All development except agriculture, single-family detached residential, and duplex, including final civil improvement drawings	No	No	NA	Director
Design Approval	Approval of architectural design in locations where architectural standards are applicable	No	No	NA	Director
Height Exception*	Approval of exceptions to the building height limitations of this Code	Yes	No	Director	PC
Setback Modification*	Approval of modifications to required setbacks	Yes	Yes, if modification affects easement holder	NA	Director
Oil and Gas Permit (Administrative)	Approval of oil and gas operations that involve surface use, pursuant to Chapter TBD	Yes	Yes	NA	Director
Oil and Gas Permit (Public Hearing)*	Approval of oil and gas operations that involve surface use, pursuant to Chapter TBD	Yes	Yes	Director	PC

Approval Type	Required For	Notice and Comment	Agency Referrals	Recommendation	Decision
Sign Permit	Installation of sign, or modification of sign for which permit is required pursuant to Section TBD	No	No	NA	Director
Erosion and Sediment Control Permit	Approval of cutting, dredging, filling, excavating, or stockpiling more than TBD cubic yards of rock, soil, or other fill material, but not including such activities with regard to agricultural operations or maintenance of existing ditches, reservoirs, or constructed wetlands.	No	Discretionary	NA	City Engineer
Site Work Permit	Authorizes horizontal construction	No	Yes	NA	City Engineer
<b>Subdivision / Plat</b>					
Plat or Annexation Map Corrections	Correcting minor errors and omissions on a plat or annexation map	No	Discretionary	NA	Director
Simple Plat, Lot Merger, or Boundary Line Adjustment	Platting a single lot that is contiguous with the boundaries of a single parcel that is described by metes and bounds; removing lot lines from a plat in order to merge abutting lots into a single lot; or moving a lot line that is shown on a subdivision plat	No	Discretionary	NA	Director
Sketch Plat*	Preliminary approval of plat design, a prerequisite to approval of a subdivision plat	Yes	Yes	NA	Director
Subdivision Plat	Creation of one or more new lots	No	Discretionary	NA	Director
Vacation of Right-of-Way	Vacation of a right-of-way that was dedicated to the City by plat, deed, or other recorded instrument	Yes	Discretionary	Director	CC

Approval Type	Required For	Notice and Comment	Agency Referrals	Recommendation	Decision
Termination of Required Private Easement*	Termination of a private easement that was required by a development approval and subsequently created by plat, deed, or other recorded instrument	Yes	Yes	NA	Director
Vacation of Required Obsolete Subdivision	Vacation of an obsolete subdivision as defined in Section TBD	Yes	Yes	Director	CC
Exceptions to Subdivision Requirements*	Approval of a subdivision plat that does not strictly comply with the applicable requirements of this Code	Yes	Yes	NA	City Engineer
<b>Planned Unit Developments</b>					
General Development Plan	Approval of zoning for a Planned Unit Development and general layout of a PUD project	Yes	Yes	PC	CC
Preliminary Development Plan*	Approval of land use and general patterns of development in a PUD project	Yes	Yes	Director	PC
Final Development Plan	Approval of specific development within a PUD project	No	Yes	NA	Director
<b>Vested Rights</b>					
Creation of Vested Rights	Vesting the right to implement a site specific development plan for a period of 3 years or more	See Sec. 2.01.411	Discretionary	Director	CC
Extension of Vested Rights	Extending a vested rights period	See Sec. 2.01.411	Discretionary	Director	CC
<b>New PUD Process</b>					
Zoning Document	Approval of land use zoning and general design of PUD, including a land plan, building and bulk standards and land use schedule	Yes	Yes	PC	CC
Concept Plan	Approval of a plan showing streets and zoning on adjacent properties and development areas, vehicular access and other features within the PUD	Yes	Yes	NA	Director

Approval Type	Required For	Notice and Comment	Agency Referrals	Recommendation	Decision
Variances and Appeals					
Variance*	Obtaining relief from the strict application of Code requirements, except Chapter TBD	Yes	Discretionary	Director	ZBA
Administrative Appeal from Director's Decision	Appealing a decision of the Director	No	No	NA	PC
Administrative Appeal from Planning Commission Decision	Appealing a decision of the Planning Commission	No	No	NA	CC

### 2.03.203 Improvements Agreements

- A. **Generally.** Development approvals may include requirements for the provision of public improvements, drainage improvements, or landscaping to serve the proposed development or land on which development is to occur, or to mitigate the impacts of the development, pursuant to the requirements of this Code.
- B. **Public Improvements Determination.** The Director shall determine whether the dedication, acquisition, relocation, modification, improvement, installation or construction of public improvements, drainage improvements, or landscaping shall be required for a proposed development or property based on applicable standards.
- C. **Improvements Agreement Required.** If the provision of public improvements, drainage improvements, or landscaping is required, the applicant (and landowner, if different) shall be required to enter into an improvements agreement in a form approved by the City Attorney and executed by the City Manager.
- D. **Essential Terms.** Improvements agreements shall include the following essential terms:
  - 1. *Identification of Improvements.* The improvements agreement shall identify the public improvements, drainage improvements, and landscape improvements that are required.
  - 2. *Assurances.* The improvements agreement shall provide adequate assurances that:
    - a. The improvements will be constructed to the City's established standards in a timely manner; and
    - b. The improvements will be maintained, repaired, or replaced, as appropriate, during their applicable warranty periods.
  - 3. *Security.* The improvements agreement may require the applicant to submit a cash deposit, irrevocable letter of credit, or bond to provide appropriate security for the assurances in the agreement. The City may require that the security be provided to the City prior to and as a condition of the issuance of permits for construction of the proposed development.
  - 4. *Subordination of Liens.* Except as otherwise agreed by the City, all mortgagees shall be required to subordinate their liens and interest in the property to the covenants and the restrictions of the improvements agreement.

- E. **Phasing.** The improvements agreement may, if approved by the Director, authorize the installation, construction, or reconstruction of public improvements, drainage improvements, or landscaping to be carried out in phases. Any phase of development approved through an improvements agreement must be an integrated, self-contained project consisting of all improvements and landscaping necessary to serve the portion of property to be developed as part of such phase. The City may impose reasonable conditions on phasing in order to preserve the integrity of the development, or to protect the public health, safety and welfare of the community or adjacent properties.
- F. **Construction Plans.** Prior to issuance of any development approval or permit for which an improvements agreement is a prerequisite, construction plans and specifications must be submitted to the City for review and approval. The City-approved construction plans shall be used as the basis for the cost estimates that are used to calculate the amount of security that is required by the improvements agreement.
- G. **Early Building Permits.** The improvements agreement may authorize the issuance of building permits prior to installation, construction, or reconstruction of certain public improvements, drainage improvements, or landscaping (collectively, the "Improvements") provided the applicant demonstrates and the Director finds that:
  - 1. Unanticipated difficulties beyond the applicant's control make it commercially impracticable to install the required improvements prior to the issuance of building permits, but it is reasonably probable that the Improvements will be installed within six months after the issuance of the building permits;
  - 2. Issuance of such building permits will not create a threat to public health, safety, or welfare;
  - 3. Prior to the issuance of any such building permits:
    - a. Adequate all-weather access to the construction site is provided for fire and emergency vehicles and approved by the Loveland Fire and Rescue Authority;
    - b. All underground electric lines and related equipment are installed, unless such installation is waived by the Loveland Water and Power Department;
    - c. Temporary erosion control measures are installed on the site in compliance with City standards;
    - d. Prior to the delivery of any combustible building materials to the construction site, adequate water supply for fire protection is provided to the construction site, and the water supply system is approved by the Loveland Water and Power Department and Loveland Fire and Rescue Authority;
    - e. The Director has verified that any other conditions the Director has determined to be necessary to avoid a threat to public health, safety, or welfare have been met; and
    - f. Financial security in a form satisfactory to the City, in the amount of 110 percent of the cost of installation of the Improvements that remain to be constructed at the time the building permits are issued has been provided to the City.
- H. **Temporary Certificates of Occupancy.** The Director may issue temporary certificates of occupancy prior to installation of all required improvements if the Director determines that issuance of such certificates of occupancy will not cause a threat to public health, safety or welfare.
- I. **Clear Certificates of Occupancy.** No inspections shall be made by the City for purposes of issuing a clear certificate of occupancy until all final improvements and other requirements imposed by the provisions of this Code or by the City at the time an annexation map or subdivision plat is approved have been installed or performed by the applicant in compliance with plans and specifications approved by the City engineer and as required by this Code or any other applicable ordinance or resolutions passed by the City.

## Division 2.03.03 Standardized Development Review Procedures

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### 2.03.301 Process Overview

- A. **Generally.** This Division sets out the steps in the standardized development review process. Some types of applications may involve additional or alternative procedures. Those applications, and their unique procedural attributes, are set out in [Division 2.07.06](#). Appeals are subject to [Division 2.03.06, Administrative Appeals](#), and not this Division.
- B. **Decisions by the Director.** Applications that are decided by the Director (see Section [2.03.202, Administrative and Public Hearing Development Approvals](#)), require the following process:
  1. Conceptual review meeting (Section [2.03.302](#))
  2. Threshold review (Section [2.03.304](#))
  3. Neighborhood meeting (if applicable, Section [2.03.305](#))
  4. Formal application (Section [2.03.306](#))
  5. Completeness review (Section [2.03.307](#))
  6. Stale applications (Section [2.03.308](#))
  7. Administrative review (Section [2.03.309](#))
  8. Agency referrals (if Section [2.03.202](#) requires agency referrals for the application type, or if Section [2.03.202](#) allows such referrals in the Director's discretion and the Director determines that they are necessary) (Section [2.03.311](#))
  9. Public comment (if Section [2.03.202](#) requires notice and comment for the application type, or if Section [2.03.202](#) allows such notice and comment in the Director's discretion and the Director determines that it is necessary) (Section [2.03.312](#))
  10. Effect of approval (Section [2.03.314](#))
  11. Effect of denial; successive applications (Section [2.03.316](#))
- C. **Decisions by the Planning Commission, Board of Adjustment and Appeals, and City Council.**
  1. Decisions by the Planning Commission, Board of Adjustment and Appeals, and City Council are subject to Sections [2.03.302](#) to [2.03.316](#), inclusive.
  2. If a decision requires a recommendation of the Planning Commission before a decision of the City Council, then the public hearing notice requirements of Section [2.03.310](#) and the hearing procedures requirements of Section [2.03.313](#) shall apply to the Planning Commission hearing and the City Council Hearing.

### 2.03.302 Conceptual Review Meeting

- A. **Generally.** A conceptual review meeting is required for all application types except sign permits and administrative appeals. The Director may establish and post a regular schedule for conceptual review meetings and for intake of required materials. The Director may make provisions for telephonic or video conferences.
- B. **Waiver.** The Director may waive the conceptual review meeting for good cause shown.
- C. **Purpose.** The purpose of the conceptual review meeting is threefold:
  1. To ensure the applicant is familiar with the procedural and substantive requirements of this Code;
  2. To coordinate with representatives from agencies and departments with an administrative interest in the development in order to discuss issues concerning the development early in the review process;
  3. To review the applicant's conceptual plan and to identify a list of application requirements.

D. **Required Materials.** A conceptual review meeting shall be requested on a form approved by the Director, which may include requirements for supplemental materials (e.g., preliminary plans) based on the type of application to which the conceptual review meeting relates. At a minimum, the request shall include sufficient supporting materials to explain:

1. The location of the proposed project;
2. The proposed uses (in general terms);
3. The proposed general arrangement of buildings, parking, access points, open spaces, and drainage facilities (including water quality and stormwater detention facilities);
4. The relationship to existing development;
5. Generally, the presence of natural resources, irrigation ditches or reservoirs, wetlands, open water, floodplains, and floodways on the subject property; and
6. Such other preliminary materials that the applicant or the Director believes will be pertinent to the application.

E. **Conceptual Review Meeting Report.** The Director shall provide written comments to the potential applicant at the conceptual review meeting.

F. **Formal Application Timing.** The applicant shall have 90 days from the date of transmittal by the City to file an application.

### **2.03.303 *Ex Parte* Communications**

A. **Generally.** *Ex parte* communications are communications between applicants or others (including, but not limited to, City residents) and the zoning board of adjustment or its designated hearing officer, Planning Commissioners or City Council members about the merits of a pending application for development approval or appeal outside of a noticed public hearing at which the development approval or appeal will be heard. It is the policy and practice of the City to decide applications and appeals only on the merits presented in the application or petition for appeal, in on-record public comments, and at public hearings (if public hearings are required). *Ex parte* communications are not allowed.

B. **Timing.**

1. Zoning Board of Adjustment. The prohibition on *ex parte* communications begins on the date that an appeal to the zoning board of adjustment or its designated hearing officer is filed pursuant to the requirements of this code and ends when the appeal period for a variance has expired.
2. Planning Commission. The prohibition on *ex parte* communications begins on the date that an appeal to the Planning Commission is filed pursuant to the requirements of this code and ends when the appeal period for a development approval has expired.
3. City Council. The prohibition on *ex parte* communications begins on the date that an appeal to City Council is filed pursuant to the requirements of this code and ends when the appeal period for a development approval has expired.

C. **Inadvertent Communications.** It is not always possible to prevent *ex parte* communications. The zoning board of adjustment or its designated hearing officer, Planning Commissioners and City Council members shall not privately discuss the merits of a pending application or appeal. If a communication is received outside of the record (e.g., it is not in the application, agency comments, or public comments, nor was it presented at a noticed public hearing) then the member shall disclose the communication, including the speaker and the substance of the communication, on the record of the public hearing before the application is heard. The decision-maker or recommending body must base its decision only on the evidence presented on the record. The contents of the *ex parte* communication shall not be considered part of the record for decision-making unless the information in the communication is also presented at the hearing (other than through the required disclosure).

#### **2.03.304 Threshold Review**

- A. **Generally.** Proposed development that meets certain thresholds shall be presented at a neighborhood meeting pursuant to Section 2.03.305, Neighborhood Meetings, before a formal application is filed.
- B. **Timing of Threshold Review.** The Director shall conduct a threshold review determination at the pre-submittal conference. If the proposed development is modified between the pre-submittal conference and formal application, the Director shall also conduct a threshold review at the applicant's request or upon formal application, whichever is earlier. If a neighborhood meeting is required, a formal application shall not be accepted until the neighborhood meeting is conducted.
- C. **Thresholds.** A neighborhood meeting shall be conducted pursuant to Section 2.03.305, Neighborhood Meetings, if:
  - 1. The subject property is located (TBD)
  - 2. The development involves (TBD)

Note: Thresholds could be based on use, intensity, density, adjacency, traffic impacts, etc.

#### **2.03.305 Neighborhood Meetings**

##### **A. Generally.**

- 1. If any threshold established by Section 2.03.304, Threshold Review, is met, then the applicant shall conduct a neighborhood meeting.
- 2. The Director may also require a neighborhood meeting for the following types of applications if, based on written comments received from the public pursuant to Section 2.03.312, Public Comment, and the level of compliance with this Code that is demonstrated by the application, the Director determines that a neighborhood meeting would be a productive means to resolve outstanding issues of code compliance:
  - a. adaptable or conditional uses;
  - b. zoning map amendments;
  - c. certificates of designation;
  - d. height exceptions;
  - e. oil and gas permits;
  - f. sketch plat;
  - g. vacation of easement or right-of-way;
  - h. vacation of access easement;
  - i. exceptions to subdivision requirements;
  - j. general development plans; and
  - k. preliminary development plans.
- 3. The Director may also require a neighborhood meeting for proposed text amendments that are likely to have a significant impact on particular neighborhoods.

##### **B. Purposes and Intent.**

- 1. **Purposes.** The purposes of the neighborhood meeting are:
  - a. To educate and inform City residents of pending development proposals in and near their neighborhood;
  - b. To encourage applicants to pursue early and effective communications with the affected residents in conjunction with applications, giving the applicant an opportunity to understand and attempt to mitigate any documentable adverse impact of the proposed project on the adjoining community;

- c. To provide residents and property owners a forum to work together to resolve potential concerns at an early stage of the process; and
- d. To facilitate ongoing communication between the applicant, interested residents and property owners, the Director, and City officials throughout the application review process.

2. *Intent.* Neighborhood meetings are intended to be forums in which the applicant and City residents work together in good faith. However, they are not required to generate complete consensus on all aspects of the applications, nor to supplant or add to the standards of this Unified Development Code.

C. **Notice.** Notice of the neighborhood meeting shall be prepared by the City per the requirements of Division 2.03.06, Required Notices.

D. **Conduct of Meetings.**

- 1. *Meeting Plan.* Neighborhood meetings shall be conducted according to a meeting plan approved by the Director, and shall be attended by a City staff member.
- 2. *Sign-In Sheet.* Participants in the meeting shall be invited to provide contact information on a sign-in sheet, and shall be notified that signing in will give them the opportunity to provide formal comments on the application at a later date.

E. **Community Participation Report.** If a neighborhood meeting is required, the applicant shall include a written Community Participation Report on the results of the neighborhood meeting with the formal application. At a minimum, the Community Participation Report shall include the following information:

- 1. Dates and locations of all meetings where residents were invited to discuss the applicant's proposal;
- 2. Copies of the sign-in sheets;
- 3. A summary of concerns, issues and problems expressed by participants; and
- 4. A summary of:
  - a. How the applicant has addressed identified issues; and
  - b. Issues that cannot or should not be addressed, and why those issues cannot or should not be addressed.

### 2.03.306 Formal Application

A. **Generally.** Every application for development approval required by this Code shall be submitted on a form approved by the Director, along with the corresponding development review fee. Applications shall include electronic versions of application forms and all attachments in a format approved by the Director.

B. **Forms.** The Director shall promulgate and periodically revise forms for each type of application required by this Code. The specific information requirements for each application shall have the purpose of facilitating:

- 1. The administration of the development review process;
- 2. The evaluation of the applications for compliance with the standards of this Code; and
- 3. Efficient and appropriate record-keeping.

C. **Waiver of Application Requirements.** The Director may waive specific submittal requirements, except application fees, if the Director determines that such requirements are unnecessary for the processing of the application for which the waiver is requested. However, if the Director subsequently finds that such information is pertinent to the evaluation of compliance with the standards of this Code, the Director may require the applicant to supplement the application.

D. **Schedule.** The Director is authorized, but not required, to establish regular intake days for any or all classifications of applications for development approval, except sign permits and appeals.

### **2.03.307 Completeness Review**

- A. **Generally.** Within three business days after an application is submitted, the Director shall review the application to verify that it is complete.
- B. **Complete Applications.**
  - 1. A complete application is an application that includes:
    - a. All of the information requested on the application form (except any items waived by the Director);
    - b. All supporting documents required by the application form (except any items waived by the Director);
    - c. Verification that there are no unpaid fines or delinquent property taxes or special assessments related to the subject property;
    - d. All supporting documents requested by the Director as a result of the Conceptual Review meeting; and
  - 2. Complete applications shall be processed according to the applicable procedures of this Code.
- C. **Incomplete Applications.**
  - 1. Incomplete applications shall be returned to the applicant with a written explanation that describes in general terms the materials that must be submitted in order to complete the application.
  - 2. Incomplete applications are not considered filed.
- D. **Application Filing Fee.** The applicable application filing fee shall be paid prior to the application being accepted for processing.

### **2.03.308 Stale Applications**

- A. **Generally.** Applications for development approval shall be diligently pursued by the applicant. This section is intended to extinguish applications that become stale due to inaction by the applicant.
- B. **Expiration of Stale Applications.** When an action by the applicant is required for further processing of an application (for example, if revisions are requested after agency referrals), the application shall become void six months after the date that the action is requested if the applicant either fails to take action or fails to request an extension of time pursuant to subsection C., below.
- C. **Extension of Time.** The Director may extend the time for expiration of an application by up to six additional months upon written request of the applicant before the end of the period set out in subsection B., above.

### **2.03.309 Administrative Review**

- A. **Generally.** Upon determination that an application is complete, the Director shall cause the application to be reviewed for technical compliance with all applicable requirements of this Code.
- B. **Referrals.** The Director shall refer applications to referral agencies pursuant to Section [2.03.311 Agency Referrals](#), when such referral is required by this Code. The Director may refer any application to one or more referral agencies if the Director determines that the agency will be affected by the application and the agency's expertise will be helpful to the review of the application.
- C. **Notice and Comment.** If the application type requires public notice and comment, the Director shall provide notice as required by [Division 2.03.05 Required Notices](#).
- D. **Recommended Revisions.**
  - 1. After the referral period and the notice and comment period, as applicable, and upon completion of the Director's review, the Director shall provide to the applicant the comments from City staff, and if applicable, referral agencies or the public. The applicant shall respond to the comments by

either revising the application materials or by providing a response that describes why revisions are not necessary.

2. The Director may refer a revised application or response to comments to referral agencies again if changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments (or lack thereof), or if the response requires the agency's technical expertise for adequate review.
3. The resubmittal shall not require an application fee unless both of the following conditions are met:
  - a. The revisions are clearly inappropriate or incomplete; and
  - b. Repeated failure to address comments requires more than three rounds of revisions.

E. **Administrative Decision or Recommendation.** Promptly after submittal of an application that appropriately addresses comments pursuant to subsection D., above, or promptly after the Director determines that no revisions to an original application are necessary:

1. If the application is for an administrative development approval, the Director shall approve, approve with conditions, or deny the application, as appropriate.
2. If the application is for an administrative development approval for which public notice is required, the Director shall issue notice of the decision (see Section [2.03.503, Specific Requirements by Notice Type](#)).
3. If the application is for a public hearing development approval, the Director shall make a recommendation regarding the application and forward the recommendation to the next body that will consider it for further recommendation or approval. The recommendation shall include the comments of the referral agencies and the public, if such comments are provided.

F. **Decision on Sign Permits.** The Director shall approve or deny a sign permit within three business days after it is determined to be complete pursuant to Section [2.03.307, Completeness Review](#). If the Director fails to timely decide the sign permit, it shall be deemed approved. Denial of a sign permit shall be in writing, which shall include the reasons for the denial.

### **2.03.310 Public Hearing Notice and Schedule**

- A. **Generally.** For applications that require public hearings, when administrative review pursuant to Section [2.03.309 Administrative Review](#), is complete, the Director shall coordinate with the applicant to cause notice to be issued according to the requirements of [Division 2.03.05 Required Notices](#), and set the application on the next available agenda of the next body that will consider the application, consistent with the legal requirements for public notice.
- B. **Coordination with Decision-Making Bodies.** The Director shall coordinate with recommending and decision-making bodies to fix reasonable times for hearings.
- C. **Notice to Applicant.** The Director shall notify the applicant regarding the time and place of public hearings.

### **2.03.311 Agency Referrals**

- A. **Generally.** As part of the review process, referral agencies may be notified and provided the opportunity to comment on the application.
- B. **Review Fees.** Referral agencies may charge a fee or require reimbursement for their review. The applicant shall be responsible for the payment of agency review fees.
- C. **Referral Period.**
  1. The referral period is 21 days, which commences upon delivery of the application and any applicable review fee to the referral agency.

2. Failure of an agency to respond within the prescribed time period (or extended period) shall indicate consent by that agency to the contents of the application.

D. **Extension of Referral Period.** Upon written request by the applicant or referral agency, the Director may extend the referral period or suspend the development review process in order to allow time for the applicant and the referral agency to resolve conflicts.

### **2.03.312 Public Comment**

Certain administrative review procedures (e.g., adaptable use review) require a public notice and comment period. During the public notice and comment period, the Director shall make application materials available at reasonable times for inspection, and shall accept written comments from the public regarding the application's compliance with this Code. The Director shall not consider public comments that are not pertinent to the evaluation of whether the application complies with the requirements of this Code.

### **2.03.313 Hearing Procedures**

- A. **Generally.** All public hearing development approvals that require a public hearing before the Planning Commission, Zoning Board of Adjustment, or City Council are subject to the procedural requirements of this Section and the applicable rules of the body conducting the hearing.
- B. **Hearing Procedures.** The Planning Commission, Zoning Board of Adjustment, and City Council shall adopt rules of procedure for the conduct of public hearings. The following general procedures shall be reflected in the adopted rules of procedure:
  1. Any person may appear at a public hearing, submit evidence, and be heard. Persons (other than the applicant) who seek party status shall provide written evidence regarding why such status should be recognized.
  2. If a speaker represents an organization, the body conducting the hearing may request written evidence of that person's authority to speak on behalf of the group in regard to the matter under consideration.
  3. Persons appearing at a public hearing shall identify themselves and state their address and similar information about any organization they represent.
  4. Citizens, applicants, and the City shall have the right to present expert witnesses.
- C. **Continuances or Withdrawals.**
  1. Requests for continuance may be granted at the discretion of the body holding the public hearing. If granted, the applicant shall pay all additional costs associated with the rescheduling of the hearing.
  2. Any application may be withdrawn, either in writing or on the record during the hearing, provided that the application is withdrawn before the vote on the recommendation or decision.
- D. **Decision or Recommendation.**
  1. If the hearing is before the Planning Commission, the Planning Commission shall:
    - a. If the Planning Commission is to decide the application according to Section [2.03.202, Administrative and Public Hearing Development Approvals](#):
      1. Approve the application;
      2. Approve the application with conditions;
      3. Deny the application; or
      4. Continue the hearing on the application; or
    - b. If the Planning Commission is to make a recommendation on the application according to Section [2.03.202, Administrative and Public Hearing Development Approvals](#):

1. Make a corresponding recommendation to the City Council on the application; or
  2. Continue the hearing on the application.
2. If the hearing is before the Zoning Board of Adjustment the Board shall:
  - a. Approve the application;
  - b. Approve the application with conditions;
  - c. Deny the application; or
  - d. Continue the hearing on the application.
3. If the hearing is before the City Council, the City Council shall:
  - a. Approve the application;
  - b. Approve the application with conditions;
  - c. Deny the application;
  - d. Continue the hearing on the application; or
  - e. Refer the application back to the Planning Commission for further review and recommendation if the Planning Commission previously considered the application.

#### **2.03.314 Effect of Approvals**

A. **Generally.** The development approvals set out in Section [2.03.202, Administrative and Public Hearing Development Approvals](#), shall have the effects set out in this Section.

[THIS SECTION WILL BE COMPLETED AFTER DISCUSSION WITH STAFF REGARDING DURATION OF APPROVALS]

#### **2.03.315 Vested Rights**

A. **Purpose.** The purpose of this Section is to provide procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.

B. **Vested Property Right Created.**

1. A vested property right shall be deemed to have been created only upon the approval of a site specific development plan in accordance with this Section.
2. Any approval of a site specific development plan, or amendment to an existing site specific development plan, that creates vested property rights shall be adopted by ordinance as a legislative act and shall be subject to referendum. When creating a vested property right, City Council may expressly exempt, in whole or in part, administrative amendments to a site specific development plan from additional review and approval by City Council under this Section.
3. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and which are applicable to all property subject to land use regulation by the City, including but not limited to the regulations concerning uniform building codes, uniform design standards, regulations concerning subdivision improvements and right-of-way dedications, and regulations establishing requirements and specifications for any public improvements.
4. The establishment of a vested property right shall not preclude the application of any legislatively adopted fees which are general in nature, uniform in character and applicable to all properties or a similarly situated class of properties.
5. The City may approve a site specific development plan subject to such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare of the City and its residents.

6. Any site specific development plan for a multiple-phase development may have separate vesting periods created for each phase. The vesting for any subsequent phase may be contingent upon completion of the preceding phase and review by the City Council. Such review shall include but not be limited to whether the landowner or developer is in compliance with its obligations to the City, including but not limited to the site specific development plan, the improvements agreement and any other agreements between the landowner and the City, as they may have been amended from time to time.

C. **Notice and Hearing.** Consideration of a site specific development plan for creation of vested property rights must be preceded by the applicable notice and public hearing in compliance with TBD.

D. **Notice of Approval.**

1. Each document constituting a site specific development plan shall contain the following language: "Approval of this plan or agreement constitutes a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended, and Section 2.03.315 of the Loveland Unified Development Code as amended." The failure of the document constituting a site specific development plan to contain the language specified this subsection shall invalidate and void the creation of the vested property right.
2. A notice stating that a vested property right has been created shall be published once by the City in a newspaper of general circulation in the City not more than 14 days after final adoption of the ordinance approving the site specific development plan. The notice shall include the following information:
  - a. A statement advising the public of the site specific development plan approval, including the name of the project and general location of the specific property or development parcels affected;
  - b. A statement that a vested property right has been created in accordance with Article 68 of Title 24, Colorado Revised Statutes, and Section 2.03.315 of the Loveland Unified Development Code.

E. **Duration of Vested Right.**

1. *Generally.* A property right vested pursuant to this Section shall remain vested for a period of three years.
2. *Extended Vesting Periods.* The City Council, in its legislative discretion, may approve an initial vesting period that is longer than three years, in consideration of the following factors:
  - a. The size and phasing of the development, and specifically but not limited to, whether the development can be reasonably completed within three years;
  - b. Economic cycles (including, local, regional, and state economic cycles, and national economic cycles);
  - c. Market conditions, and specifically but not limited to, absorption rates for leasing and sales of similar development projects;
  - d. Consistency with the City of Loveland Comprehensive Plan and other adopted plans;
  - e. Proposed public amenities and benefits that enhance the project and the overall attractiveness of the community, including the degree to which such public amenities and benefits are defined in terms of design, timeframe, and phasing with development;
  - f. Projected public financial benefits or costs anticipated to result from the development, including the timeframe for realization by the City or other public entities and potential costs for operation and maintenance of any new public amenities or infrastructure dedicated to the City or other public entities;
  - g. The breadth and scope of the requested vested property right, including but not limited to, the extent to which such vested property right restricts the City's ability to apply future

regulations for the purpose of providing public infrastructure, public services, or public facilities and for the purpose of meeting evolving community needs;

- h. Any proposed modifications to previously approved vested property rights to address changed conditions within the City, consistency with the Comprehensive Plan and other community plans, or performance of previously approved site specific development plans; and
- i. Any other factors deemed relevant to the City Council.

F. **Extension of Vested Property Rights.** A landowner may request an extension of vested property rights by submitting an application for extension of vested property rights at least 120 days prior to the expiration of the period of vested property rights. The extension request shall be processed in accordance with the procedural requirements of this Chapter, including but not limited to notice, public hearing, adoption by ordinance, and post-approval publication. The criteria in subsection E., above, shall be considered by City Council when determining whether to grant an extension to a vested property right.

G. **Forfeiture of Vested Property Rights.**

1. Failure to abide by the terms and conditions of a site specific development plan may result in a forfeiture of the vested property rights in accordance with the procedures set forth herein.
2. The process to consider forfeiture of vested property rights shall be initiated by passage of a resolution by the City Council stating the grounds therefor.
3. No vested property right shall be deemed forfeited until after notice and a public hearing. Notice shall be provided at least 30 days prior to the date of the public hearing, by publishing notice in a newspaper of general circulation in the City of Loveland and by mailing notice to the property owner(s), sent to the address of record according the County Assessor's records via first class United States mail. A copy of the resolution initiating the process to consider forfeiture of the vested property right shall be included with the mailed notice to the property owner(s).
4. At the hearing, the City Council shall consider all evidence and testimony presented concerning any failure to abide by the terms and conditions of a site specific development plan. The City Council may continue the public hearing to allow additional evidence to be presented.
5. If City Council finds a failure to abide by the terms and conditions of an approved site specific development plan, the City Council may take action by ordinance to declare the vested property rights forfeited. The forfeiture of a vested property right shall have no effect upon public streets, alleys, rights-of-way, or other lands or easements previously dedicated or conveyed to the City or other public entities pursuant to the terms of a site specific development plan. Upon forfeiture of vested property rights, the site specific development plan shall be subject to all zoning, land use, and general regulations in effect at the time of forfeiture and as such may be amended from time to time thereafter.

### **2.03.316 Effect of Denial; Successive Applications**

- A. **Generally.** It is the policy of the City not to allow successive applications for the same development approval after an application is denied. The limitations of this Section limit the consideration of successive applications.
- B. **Minimum Interval Between Submittal of Substantially Similar Applications.** If an application is denied, the City shall not accept any application that is substantially similar to the denied application for a period of 12 months, unless:
  1. After the application is denied, the City amends the applicable provisions in this Code in a manner that could allow for approval of the application; or

2. The Planning Commission waives the minimum interval requirement of this Section for good cause shown.

## Division 2.03.05 Required Notices

### 2.03.501 Required Notice by Application Type

Public notice of pending administrative decisions or scheduled hearings shall be provided as set out in Table 2.03.501, *Notice Requirements by Application Type*.

Approval Type	Notice Type			
	Published	Posted	Mailed	Internet
Zoning / Amendments				
Text Amendment	✓	-	-	✓
Rezoning (Map Amendment)	✓	✓	✓	✓
Zoning / Land Use				
Permitted Use	-	-	-	-
Limited Use	-	-	-	-
Adaptable Use (also Major Home Occupation)	-	✓	✓	✓
Conditional Use	-	✓	✓	✓
Certificate of Designation	✓	✓	✓	✓
Zoning / Development Permits and Approvals				
Master Sketch Plan	-	-	-	-
Site Development Plan	-	-	-	-
Design Approval	-	-	-	-
Height Exception	-	✓	✓	✓
Setback Modifications	-	-	✓	✓
Grading Permit	-	-	-	-
Oil and Gas Permit (Administrative)	-	✓	✓	✓
Oil and Gas Permit (Public Hearing)	-	✓	✓	✓
Subdivision / Plat				
Plat Corrections	-	-	-	-
Sketch Plat for Simple Plat, Lot Merger, Boundary Line Adjustment	-	-	-	-
Sketch Plat for Subdivision Plat	-	✓	✓	✓
Subdivision Plat	-	-	-	-
Vacation of City Right-of-Way or Easement	✓	✓	-	✓
Termination of Required Private Access Easement			✓	✓
Vacation of Obsolete Subdivision	✓	✓	✓	✓
Exceptions to Subdivision Requirements	-	✓	✓	✓
Planned Unit Developments				
General Development Plan		✓	✓	✓

Approval Type	Notice Type			
	Published	Posted	Mailed	Internet
Preliminary Development Plan		✓	✓	✓
Final Development Plan		-	-	-
Vested Rights				
Creation of Vested Rights	See Sec. <a href="#">2.03.315</a>	-	-	✓
Extension of Vested Rights	See Sec. <a href="#">2.03.315</a>	-	-	✓
Variances and Appeals				
Variance	-	✓	✓	✓
Administrative Appeal from Director's Decision	-	-	✓	✓
Administrative Appeal from Planning Commission Decision	-	-	✓	✓

## 2.03.502 Contents of Public Notice

A. **Generally.** Table 2.03.502, *Information Requirements by Application Type*, sets out the information that is required for each type of required notice. Information requirements for appeal notices are set out in subsection B., below, and information requirements for vested rights notices are set out in subsection C., below.

Table 2.03.502 Information Requirements by Application Type				
Required Information	Notice Type			
	Published	Posted	Mailed	Internet
Application Information				
The application type(s) for which notice is provided	✓	✓	✓	✓
Case number	✓	✓	✓	✓
Project name	✓	✓	✓	✓
Vicinity map identifying the site with respect to major cross-streets and community landmarks	✓	-	✓	✓
Address of the subject property	✓	-	✓	✓
Legal description of subject property	✓	-	✓	✓
Statement that legal description of subject property is on file with current planning division	-	-	-	-
Applicant name	✓	-	✓	✓
Project Description				
Existing zoning (and proposed zoning, if different)	✓	-	✓	✓
Summary of proposed development, including subject matter of application	✓	-	✓	✓
Contact Information				
Primary contact (applicant or applicant's representative) (name, company name, phone number, email address)	-	-	✓	✓

Required Information	Notice Type			
	Published	Posted	Mailed	Internet
Contact Information (cont.)				
Secondary contact (current planning division) (reviewing planner name, phone number, email address)	✓	✓	✓	✓
URL where additional project information is provided	✓	✓	✓	✓
Additional Contents for Public Hearing Notices				
Time, date, and location of public hearing	✓	✓	✓	✓
A statement that interested parties may appear and speak on the matter at the public hearing and/or file written comments with the current planning division, and that the right to appeal an administrative decision may be limited by <a href="#">Division 2.03.06</a> , Administrative Appeals, Loveland Unified Development Code	✓	-	✓	✓
Additional Contents for Administrative Decision Notices				
Deadline for public comments	NA	✓	✓	✓
Earliest date for administrative decision on application	NA	-	✓	✓
A statement that the right to appeal an administrative decision may be limited by <a href="#">Division 2.03.06</a> , Administrative Appeals, Loveland Unified Development Code	NA	✓	✓	✓

B. **Appeal Notices.** Notices of a pending appeal must include a copy of the petition for appeal and a date, time, and location for the appeal hearing, a copy of the rules of procedure for the Appellate Body. Such notices must be mailed to the applicant (if different from the appellant), the appellant, any person or entity that has applied for party status, and by internet posting.

C. **Vested Rights Notices.** Notice of a decision to grant vested rights shall be published in accordance with the requirements of C.R.S. § 24-68-101, as it may be amended from time to time.

### 2.03.503 Specific Requirements by Notice Type

#### A. Mailed Notice.

- Certified Mailing List.* The applicant shall submit a certified mailing list to the Director, including the names and addresses of all surface owners of record of all properties within the Notice Area described in Table 2.03.503, Notice Area, as may be modified pursuant to subsection A.3., below. The list shall be compiled from the names and addresses that appear in the records of the Larimer County Assessor not more than 30 days before the date the list is submitted to the Director.
- Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid (at the applicant's expense), to all property owners on the certified mailing list.
- Modification of Notice Area.*
  - Subject Property Adjacent to Lake, Golf Course, or Park.*
    - In general, if the subject property abuts a lake, golf course, or park (including properties that are separated from the lake, golf course, or park by an undevelopable parcel of land

up to 50 feet in width, the notice area shall be doubled in the direction of the lake, golf course, or park.

2. The Director may expand the required notice area to include up to all properties that abut the same lake, golf course, or park if the Director reasonably anticipates that the proposal may impact the use, enjoyment or viewshed of the other properties beyond the distance specified in subsection A.3.a.1., above.
  - b. Reduction in Notice Area for Infill Projects. Subject to subsection A.3.c., below, the distances in Table 2.03.503, Notice Area, shall be reduced by 50 percent for applications related to infill projects (except for oil and gas permits and variances) that are less than five acres in area. For the purposes of this provision, a project is an "infill project" if it is adjacent, on at least eighty percent of its boundary, to properties within the existing City limits.
  - c. Expansion of Notice Area. The distances in Table 2.03.503, Notice Area, may be expanded up to twice the specified distance if the Director reasonably anticipates that due to unusual elements of the application, material interest or concern regarding the application from community members beyond the required distance is probable. The reduction in notification area as described in subsection A.3.b., above, shall not apply when there is an expansion of the Notice Area pursuant to this provision.
  - d. Notice to Applicant Regarding Expanded Notice Area. The Director shall notify the applicant in writing of any determination to expand the required notification area, including the reasons for the expansion, at least 7 days prior to the deadline for postmarking the notice as set forth in subsection A.4., below.
4. *Deadlines.* Mailed notices shall be postmarked not later than:
  - a. 21 days before an administrative decision for which notice and comment is required; or
  - b. 15 days before a public hearing or appeal.
5. *Affidavit of Compliance.* An affidavit of the applicant's compliance with the mailed notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates. For mailed notices of public hearings, failure to provide the affidavit of compliance shall result in continuation of the public hearing.

**Table 2.03.503**  
**Notice Area<sup>1,2</sup>**

Approval Type	Notice Distance
Zoning / Amendments	
Rezoning (Map Amendment)	250 ft.
Zoning / Land Use	
Adaptable Use (also Major Home Occupation)	250 ft. <sup>3</sup>
Conditional Use	250 ft.
Certificate of Designation	2,000 ft.
Zoning / Development Permits and Approvals	
Height Exception	250 ft.
Setback Modifications	Abutting property closest to modified setback
Oil and Gas Permit (Administrative)	2,000 ft. <sup>4</sup>
Oil and Gas Permit (Public Hearing)	2,000 ft. <sup>4</sup>

Approval Type	Notice Distance
Subdivision / Plat	
Sketch Plat for Subdivision Plat	250 ft.
Vacation of Right-of-Way	250 ft.
Vacation of Access Easement	250 ft.
Vacation of Obsolete Subdivision	250 ft.
Exceptions to Subdivision Requirements	250 ft.
Planned Unit Developments	
General Development Plan	250 ft.
Preliminary Development Plan	250 ft.
Final Development Plan	250 ft.
Variances and Appeals	
Variance	250 ft.
Administrative Appeal from Director's Decision	same as original decision
Administrative Appeal from Planning Commission Decision	same as original decision
Comprehensive Plan	
Amendments to Future Land Use Map	250 ft.

**B. Additional Requirements for Published Notice.**

1. *Generally.* Published notice shall be published at the applicant's expense in a newspaper of general circulation in the City that is published not less frequently than weekly.
2. *Certification of Notice.* The applicant shall provide certification of notice from the newspaper prior to the public hearing or decision for which published notice is required. Failure to provide the certification of notice shall result in continuation of the public hearing.

**C. Posting Requirements.**

1. *Signs to be Posted by Applicant.* Posted notice shall be provided on signs provided by the applicant at the applicant's expense. It is the applicant's responsibility to post the sign(s) and ensure that they remain in place from the date of posting to the date of the decision or hearing to which they relate.
2. *Minimum Requirements.* Posted notice shall be provided with one sign per 600 feet of frontage or fraction thereof along each frontage of the subject property. Such notice shall be printed on wood, metal, or coroplast material, or other comparable material approved by the Director, and shall be not less than 8 sf. in area. Signs shall be located so that they are clearly visible from the abutting street.
3. *Deadline for Posting.* Notices shall be posted not less than 21 days before the decision; or 15 days before the public hearing to which the notices relate.
4. *Affidavit of Compliance.* An affidavit of the applicant's compliance with the posted notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates. For posted notices of public hearings, failure to provide the affidavit of compliance shall result in continuation of the public hearing.

**D. Internet Requirements.** The City shall create and maintain web pages upon which Director shall provide timely notice of applications and decisions for which Internet notice is required. Such internet

notice shall provide, at a minimum, a way for interested persons to request an opportunity to review the application materials; and may provide for electronic access to the application materials.

#### **2.03.504 Mineral Estate Notices**

The notification of mineral estate owners of the property which is the subject of a public hearing shall be given by the applicant at least 30 days prior to the public hearing in accordance with the requirements of the Colorado Notification of Surface Development Act, C.R.S. 24-65.5-101 *et seq.* (the "Act"). An affidavit of the applicant's compliance with such requirements shall be provided to the Director prior to the public hearing for which the notice was given and shall meet the provisions of the Act.

## Division 2.03.06 Administrative Appeals

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### 2.03.601 Purpose

The purpose of administrative appeals is to provide an opportunity for affected parties to seek review of a final decision of the Director or Planning Commission (the "Decision Below") to ensure that it is correct.

### 2.03.602 Appellate Body

Appeals shall be heard by the Planning Commission or the City Council. The Planning Commission shall hear appeals from final decisions of the Director. The City Council shall hear appeals from final decisions of the Planning Commission, except that the City Council shall not hear appeals of decisions made in the Planning Commission's role as an appellate body.

### 2.03.603 Party Status Required

- A. **Generally.** Appeals may be brought only by parties to the Decision Below.
- B. **Qualifications.** A person or entity is a "party" if the person is:
  - 1. The applicant;
  - 2. An abutting property owner;
  - 3. A property owner who received notice of the pending decision and timely provided written comments to the Director; or
  - 4. A property owner who received notice of public hearing and either participated in the public hearing or provided written comments to the Director at or before the public hearing.

### 2.03.604 Initiation of Appeal

- A. **Generally.** An administrative appeal is initiated by filing a petition, along with the required fee, with the Director.
- B. **Contents of Petition.** The petition for appeal shall include all of the following information:
  - 1. The name, address, email address; and telephone number of the appellant.
  - 2. The case number of the Decision Below.
  - 3. The date of the Decision Below.
  - 4. The reasons why the petitioner should be granted party status pursuant to Section 2.03.603 Party Status Required.
  - 5. A short statement regarding how the Decision Below did not conform to the applicable requirements of this Code. The statement shall refer to the specific section numbers upon which the appellant relies, and describe how the decision did not conform to the referenced Code sections.
  - 6. The petition for administrative appeal shall be filed within ten (10) calendar days after the Decision Below.

### 2.03.605 Threshold Review

- A. **Referral to City Attorney.** The Director shall promptly refer all petitions for appeal to the City Attorney for a determination of:
  - 1. Whether the petitioner has party status pursuant to Section 2.03.603 Party Status Required; and
  - 2. Whether the petitioner has provided sufficient detail in the petition to put the City on notice as to the legal basis of the appeal.

**B. Threshold Findings.**

1. If the City Attorney finds that the petitioner does not have party status or that the petition lacks the required specificity, then the appeal shall be summarily denied, and the City Attorney shall notify the applicant of the findings made as the basis for denial.
2. If the City Attorney finds that the petitioner has party status and that the petition includes the required level of specificity, then the City Attorney shall refer the application back to the Director, who shall promptly issue the required notices and place the item on the agenda of the Planning Commission or City Council, as appropriate, for the meeting that is set out in the notice.

**C. Effect of Threshold Decision.** Decisions of the City Attorney regarding threshold review are not subject to review under this [Division 2.03.06 Administrative Appeals](#).

### **2.03.606 Standards for Review**

Appeals are decided according to the same standards that applied to the Decision Below.

### **2.03.607 Scope of Review**

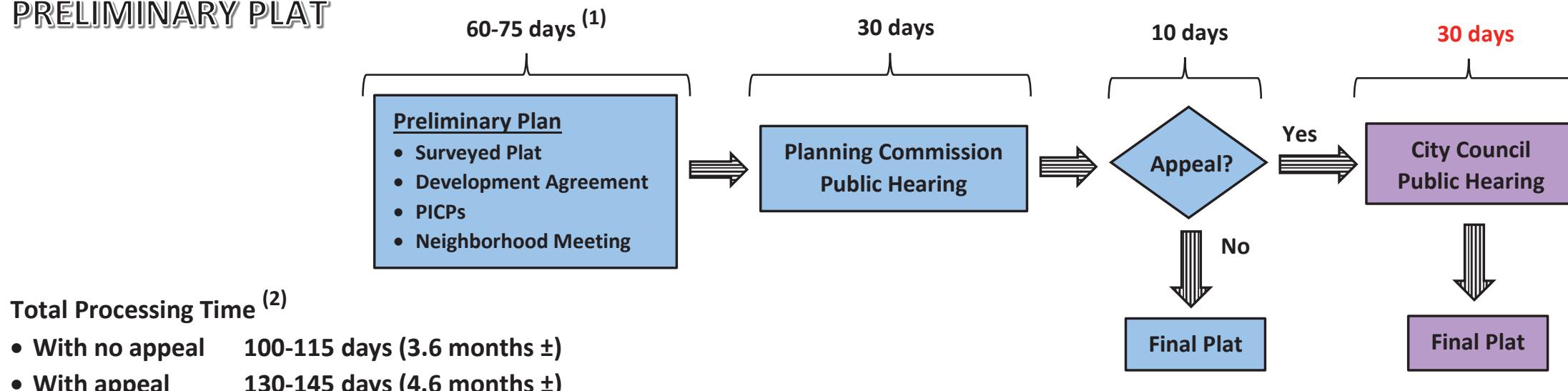
- A. **Generally.** The scope of appellate review is limited to the issues raised in the petition. Issues that are not described or obviously implied by the petition will not be considered on appeal.
- B. **New Evidence.** New evidence shall not be introduced on appeal.

### **2.03.608 Decision**

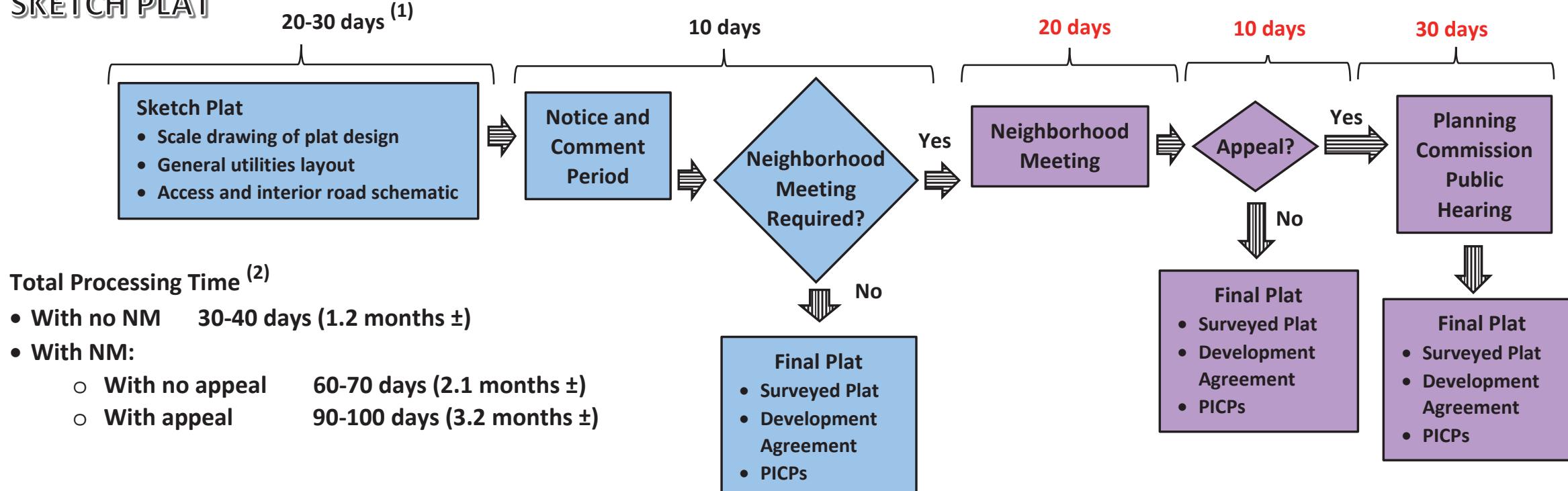
- A. **Generally.** Upon review of the record evidence in light of the arguments advanced on appeal, the Appellate Body shall determine whether the Decision Below was correct based on the evidence presented to the original decision-maker and the applicable Code provisions.
- B. **Nature of Relief on Appeal.**
  1. If the Decision Below was incorrect, the Appellate Body shall reverse and correct the decision below, and approve the original application, approve the original application with appropriate conditions, or deny the original application.
  2. If the Decision Below was correct, the Appellate Body shall affirm it.
- C. **Decisions Reduced to Writing.** The decision of the Appellate Body shall be promptly reduced to writing and shall include findings of fact and conclusions of law. The written decision shall be reviewed and executed by a member of the Appellate Body (as appropriate) who is designated by the members who cast votes in the majority.
- D. **Further Appeal.** The decision of the Appellate Body is a final quasi-judicial decision of the City that may be appealed to a court pursuant to the applicable Colorado Rules of Civil Procedure. The date of execution of the written decision shall be considered the date the administrative appeal was adjudicated.

# Subdivision Platting Process Comparison

## PRELIMINARY PLAT



## SKETCH PLAT



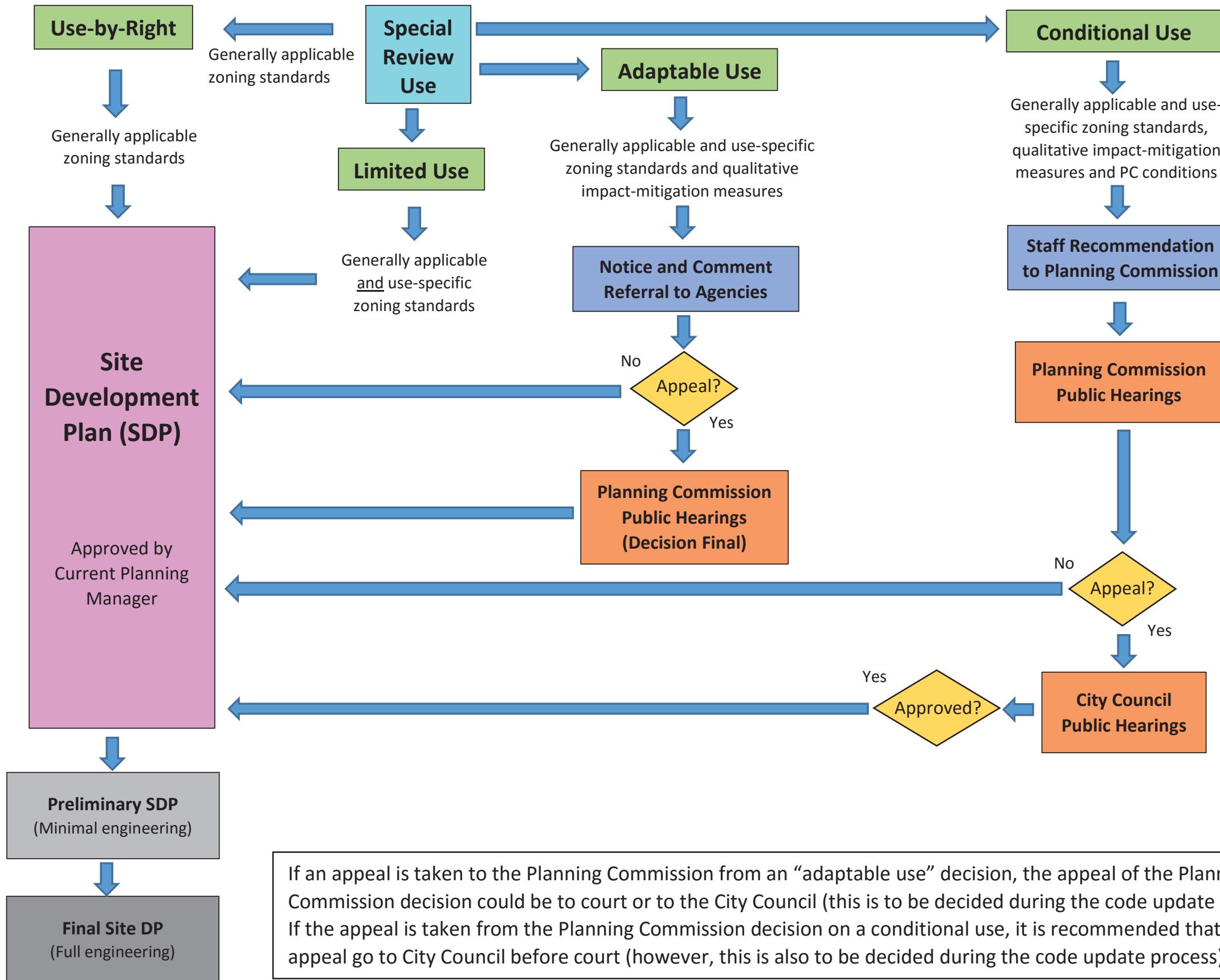
### LEGEND

- Minimum Process
- Extended Process

Note: 1. Processing time depends on number of resubmittals

2. Total processing time from submittal of complete application to submittal of Final Plat application

# STANDARDIZED DEVELOPMENT REVIEW PROCESS

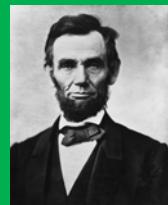


# UNIFIED DEVELOPMENT CODE UPDATE

## Development Review Procedures

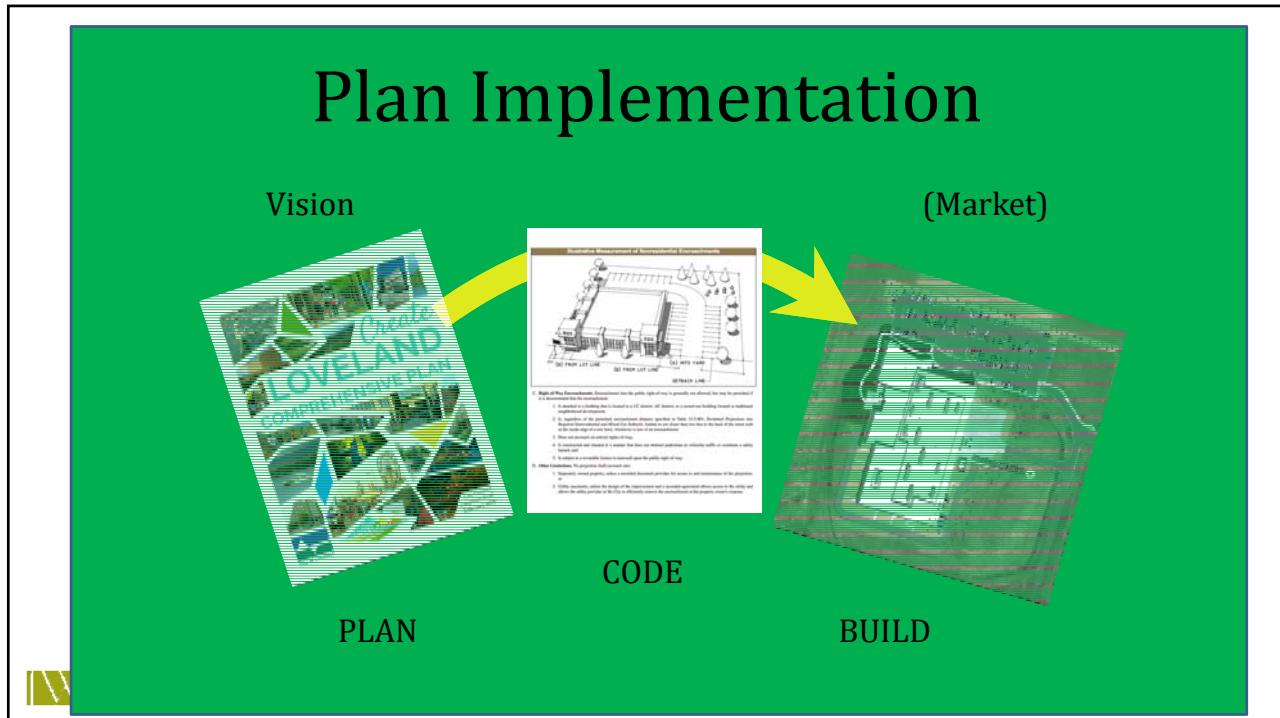
City of Loveland Planning Commission

November 14, 2016 Study Session



“The best way to  
predict your future  
is to create it.”

—Abraham Lincoln



## UNIFIED DEVELOPMENT CODE UPDATE

### Development Review Procedures

City of Loveland Planning Commission

November 14, 2016 Study Session

## BACKGROUND

- Comprehensive Plan adopted July 19, 2016
- Comprehensive Plan is implemented by Code
  - Current code pre-dates Plan, and has not been comprehensively updated in more than 20 years
  - To implement the Plan, reform is recommended
- Strategic Assessment submitted August 26, 2016
  - Addresses key points for substantive and procedural reforms to implement plan and create efficiency in development review

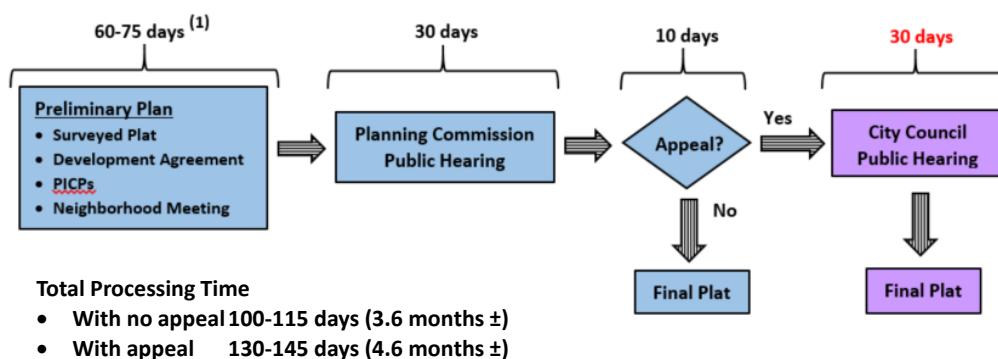
## GOALS (PLAN > CODE > BUILD)

- Make the approval process for all development applications as simple and efficient as practicable;
- Minimize the cost to applicants of preparing applications until all discretionary approvals have been granted; and
- Provide for effective citizen participation in discretionary decisions to ensure appropriate public process.

## More Administrative Process

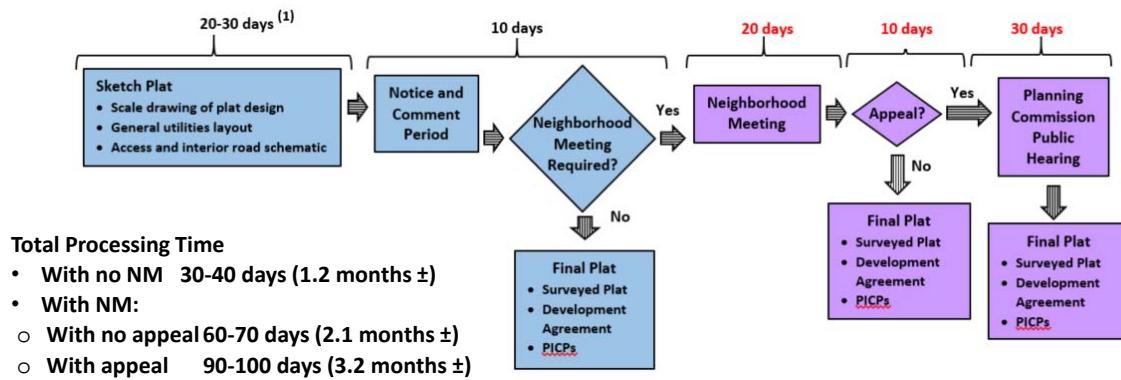
- Director makes decisions on most common application types based on articulated standards in code
- Planning Commission makes recommendations to City Council on the following application types:
  - Amendments to the Comprehensive Plan
  - Certification of Designation
  - General Development Plans
  - Zoning
- City Council makes final decision on all the above, plus:
  - Vacation of right-of-way
  - Vacation of obsolete subdivisions
  - Creation of vested rights
  - Annexations

## Subdivision Platting Process PRELIMINARY PLAT

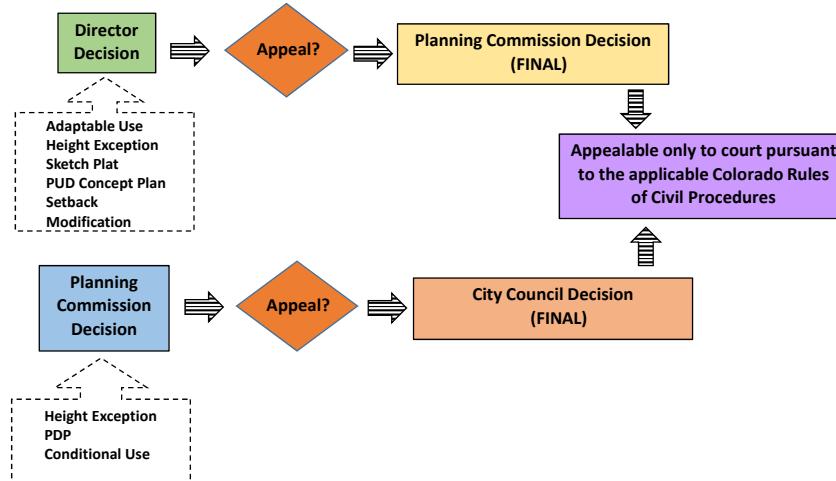


## Subdivision Platting Process

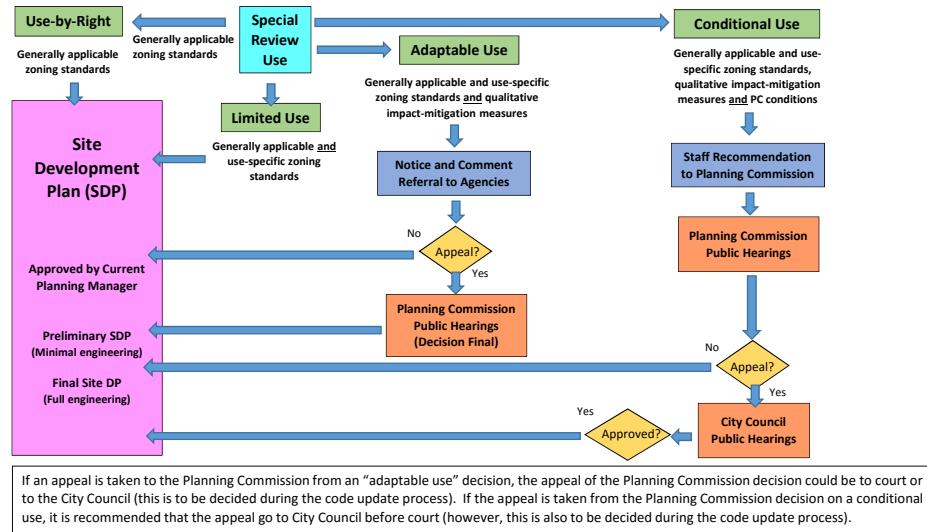
### SKETCH PLAT



## APPEAL PROCESS



## STANDARDIZED DEVELOPMENT REVIEW PROCESS



If an appeal is taken to the Planning Commission from an "adaptable use" decision, the appeal of the Planning Commission decision could be to court or to the City Council (this is to be decided during the code update process). If the appeal is taken from the Planning Commission decision on a conditional use, it is recommended that the appeal go to City Council before court (however, this is also to be decided during the code update process).

## COMMUNITY MEMBERS

### STAKEHOLDER COMMITTEE

**Steve Steinbicker** – Architecture West  
**Barbara Koelzer** – Regional Government Affairs Director  
**Jacque Wedding-Scott** – Director, Downtown Development Authority  
**Katie Cooley** – The True Life Company  
**Debbie Davis** – Guarantee Bank/Loveland Downtown Partnership/Elks  
**Jim Cox** – Architect/Historic Preservation Commission  
**Lee Martin** – Landmark Engineering  
**Steve McMillan** - Developer  
**Kim Perry** - McWhinney  
**David Crowder** – McWhinney  
**Jim Niemczyk** - McWhinney  
**Renae Hupp** – Loveland Berthoud Association of Realtors  
**Mark Koentopp** – Loveland Berthoud Association of Realtors  
**Kelly Haworth** – CanDo

### TECHNICAL COMMITTEE

**Ned Sparks** – Fire Authority, Division Chief/Fire Marshal  
**John Schumacher** – Building Division, Chief Building Official  
**Janet Meisel-Burns** – Parks and Recreation, Senior Parks Planner  
**Kevin Gingery** – Public Works, Senior Storm Engineer  
**Justin Stone** – Public Works, Transportation Development Review, Senior Civil Engineer  
**Kim Fentress** – Power Division, Development Review Coordinator  
**Melissa Morin** – Water Division, Civil Engineer  
**Kirsten Gjelde-Bennett** – City Clerk's Office, Administrative Specialist  
**Terry Andrews** – City Clerk  
**Katie Guthrie** – Public Works

### TITLE 18 COMMITTEE

**Cecil Gutierrez** – Mayor  
**Dave Clark** – City Council  
**Rob Molloy** – Planning Commission  
**Jamie Baker Roskie** – Planning Commission  
**Al Hauser** – Hauser Architects  
**Ken Merritt** – JR Engineering