



**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, September 11, 2017
500 E. 3rd Street – Council Chambers
Loveland, CO 80537
6:30 PM**

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

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. Current Planning Updates

1. Monday, September 25, 2017 Agenda Preview

i. Shamrock West (Davis Dental) –PDP PH

ii. Thornburg Hamilton – Vacation PH

iii. Thornburg Hamilton 3rd Subdivision Mineral Estate Hearing

2. Upcoming Unified Development Code Study Sessions:

- September 11th and 18th

3. Hot Topics:

- c. City Attorney's Office Updates:**
- d. Committee Reports**
- e. Commission Comments**

IV. APPROVAL OF MINUTES

Review and approval of the August 28, 2017 Meeting minutes

V. CONSENT AGENDA

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request removal of an item from the consent agenda for discussion. Items requested to be 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 anyone in the audience wish to remove an item from the Consent Agenda?
- Does any staff member wish to remove an item from the Consent Agenda?
- Does any Commissioner wish to add any item from the Regular Agenda to the Consent Agenda or remove an item from the Consent Agenda?

VI. REGULAR AGENDA:

1. Mountain Pacific GDP Amendment [20 minute presentation]

This is a Public Hearing to consider an amendment to the Mountain Pacific General Development Plan. The property is located at southeast corner of the intersection of Garfield Avenue (Hwy. 287) and 71st St (County Road 30). The application proposes to allow drive-thru fast food restaurant and drive-thru pharmacy uses on two lots located at the NW portion of the 20-acre Mountain Pacific project site. Allowance for new uses within a planned unit development requires a public hearing by the Planning Commission followed by a public hearing and final action by the City Council. Staff is supporting the amendment.

VII. ADJOURNMENT

STUDY SESSION:

1. Affordable Housing Code Changes

Alison Hade with the City's Community Partnership office will be discussing proposed code changes that address City incentives for affordable single family home developers. A tiered incentive program is recommended, with greater incentive levels provided to developers of homes for very low income residents and flexible incentive standards for projects with residents living between 60 and 100% of the area median income level.

2. Unified Development Code

The project team for the Unified Development Code project will present the Commercial Land Use Table (Fourth Working Draft), the Motor Vehicle and Transportation Land Use Table (Third Working Draft) and the Agricultural Land Use Table (First Working Draft). The Title 18 Committee reviewed these tables on September 7.

CITY OF LOVELAND
PLANNING COMMISSION MINUTES
August 28, 2017

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 28, 2017 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, McFall, Roskie, Fleischer, and Hitchcock. Members absent: Commissioners Ray and Forrest. 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: <https://loveland.viebit.com/>

CITIZEN REPORTS

There were no citizen reports.

CURRENT PLANNING UPDATES

1. **Robert Paulsen**, Current Planning Manager, reviewed the agenda items scheduled for the Monday, September 11, 2017 Planning Commission meeting. Items currently scheduled are a public hearing in regard to the Affordable Housing Code Changes and the Mountain Pacific GDP Amendment to look at some additional uses within this project which is located on north Highway 287.
2. **Mr. Paulsen** also noted that, due to fast approaching deadlines, study sessions for the Unified Development Code updates will need to be scheduled for all Mondays in September (except Labor Day) and possibly in October. He asked that Commissioners please be open to attending if possible. Unless the study session follows a scheduled Planning Commission meeting, these study sessions will begin at 6:00 pm at the Development Center, 410 E. 5th Street.
3. **Mr. Paulsen** noted that the Amendment to the Loveland GMA Overlay Zoning District is scheduled before the Larimer County Commissioners this evening. The amendment was approved by City Council and the Larimer County Planning Commission has recommended approval. Status will be updated at the next meeting
4. **Mr. Paulsen** also reported that the Brands/Brands West Flexible Zoning Overlay Zone was approved by City Council on 2nd reading on 8/1/17. He also noted that the Parkside Village Annexation was approved by City Council on 1st reading on 8/15/17; the 2nd reading is scheduled for 9/5/17.

CITY ATTORNEY'S OFFICE UPDATES

There was nothing to report from the City Attorney's office.

COMMITTEE REPORTS

The Title 18 Committee members reported that a meeting was held last week to review the same topic that will be discussed in tonight's study session. This committee is also now meeting four times a month to review the UDC updates.

COMMISSIONER COMMENTS

There were no comments.

APPROVAL OF THE MINUTES

Commissioner Dowding made a motion to approve the July 24, 2017 minutes as corrected; upon a second from Commissioner McFall, the minutes were unanimously approved.

REGULAR AGENDA

180 S. Jefferson – Special Review Appeal

Troy Bliss, Current Planning, introduced this item as an appeal of Special Review #933 that was approved for property at 180 S. Jefferson. The Special Review proposes to establish an existing building as a three-family dwelling unit and construct two (2) separate detached single-family dwelling homes – totaling five (5) dwelling units on this site. The property is zoned R3e – Established High Density Residential and is part of the long established Ballard Place subdivision. Multiple-family developments exceeding four (4) dwelling units are permitted only through approval of a special review in this zoning district. The special review includes a site plan that the City approved on July 10, 2017. Mr. Bliss noted that a neighborhood meeting was held in May and all required notices were issued. A public hearing tonight is part of this appeal.

Mr. Bliss summarized the project as illustrated in the staff report. The property is zoned R3e that allows up to four multi-family units as a use by right. The proposal is for five units consisting of the existing two family house, the addition of an efficiency unit in the basement of the existing house and the addition of two single family detached units that are two-story with the living unit over a double garage. The lot size at 9900 square feet exceeds the 9500 square foot minimum requirement for five units. Access and egress is only from South Jefferson Avenue. As proposed, there are nine parking spaces on site which satisfies the parking requirements. R3e zoning requires 20% open space which is also met. One item of note is that the bufferyard on the north side of the property is smaller than the landscape standards. This was not a concern at the neighborhood meeting. The south side bufferyard is within requirements for size but is somewhat deficient in terms of the number of plantings. The Adequate City Facility standards were met.

An appeal was filed on July 20, 2017, by Mr. Ian Rajala, a nearby property owner who resides at 140 S. Jefferson Avenue. Mr. Rajala provided justification for his appeal (see Attachment 1 of the Staff Report), outlining concerns with respect to parking, site circulation, traffic issues and overall design. The appeal was filed in accordance with the City of Loveland Municipal Code, Chapter 18.80 including review by the City Attorney's office. This appeal of an administrative decision is a *de novo* public hearing with the Planning Commission to consider upholding, reversing, or modifying the approval granted on July 10, 2017, by the Current Planning Division. Staff recommends the City's conditional approval of the project be upheld.

COMMISSIONER QUESTIONS AND COMMENTS:

- **Commissioner Fleischer** inquired if there was any way to improve the plantings on the north side of the property, such as between buildings. Mr. Bliss indicated there is insufficient width to meet requirements. The privacy fence is to be installed as a buffer.
- **Commissioner Jersvig** inquired about the current density of this subdivision. Mr. Bliss indicated that due to the size of lots, most of the adjacent area contains single family homes. There are pockets of higher density units and intermixed two-family units.
- **Commissioner Molloy** asked if fencing would continue on the south side of the property as he was concerned about headlights in the parking area. Mr. Bliss indicated the fence does not continue along the south edge but there would be plantings along that side.
- **Commissioner Hitchcock** noted that the designated parking for the existing duplex is a long distance away from the structure and asked if there were any standards regarding that distance. Mr. Bliss indicated there was not a particular standard for that.

Mr. Bliss introduced **Mr. Ian Rajala, Appellant**, who thanked the Commission for allowing his appeal. He is representing other members of his community that he has spoken with. He went on to elaborate on the following basis for this appeal:

- **Parking** – 9 parking spaces for 5 units would put more cars into the already crowded on-street parking situation. The 9 spaces include the garages for the new buildings and tenants may use the space for storage or larger vehicles may not fit or tenants may have more than 2 vehicles. Also, an RV has been parked on the property for some time.
- **Ingress and Egress** – Location of the garages and parking spots make them difficult to access. If tenant cars exceed the number of parking spaces, more traffic will be generated in and out of the lot if parking spaces are full. Local traffic would increase in addition to the increase caused by the community health center. Street width is a problem.
- **Noise and Light Pollution** – Noise and headlights from vehicles entering and leaving the property could be a problem. Most neighbors have single story homes and light from the second story of the new units will pollute the neighboring back yards. Additional exterior lights for the additional units will add to the light pollution.
- **Poorly Designed** – this project does not conform with the neighborhood that has house placement towards the front of the lot and single story designs. Privacy of back yards is an issue. He is concerned with the small percentage of landscaping on the property.

- Garbage Collection – there is a concern about five units having individual garbage/recycling collectors. That makes 10 carts that would be placed along the street on collection day. He is also concerned about how they will be stored on the property. Would a dumpster be a better option for this property? There is also concern for large items being dumped when renters move out.
- Nobody Wants It – Single-family occupants in the neighborhood do not want another multi-unit development. There already is a large number of these units in the area and they generate a large number of transient residents.
- Code Violations – Mr. Rajala discussed the number of times the police have been called to the address. He is concerned about long term maintenance of the property based on past experience. Drainage from the property has also been an issue.

He would like to see some compromise with the neighbors on these issues.

The attorney for the developer, **Mr. Roger Clark**, introduced himself. He noted that the property owner, **Mr. Ron Elliott**, has done extensive work to make this project compatible with the neighborhood. Mr. Elliott will discuss the project further but Mr. Clark contends that this appeal does not meet the limited grounds for appeal set out in Loveland Municipal Code, 18.80.090(b).

Mr. Ron Elliott introduced himself as the developer of the property. He stated he does not understand the compatibility issue and presented a picture showing the design of the existing house. He addressed the history of his ownership of the property and the cause of some of the concerns raised by the appellant. He noted that a parking analysis was completed; he is willing to designate an area for garbage collection containers and the grounds will be maintained by utilizing professional landscape and grounds maintenance. In regards to the transient concerns, isn't that the nature of a renter? Trespassers and squatters created the problems that caused police calls. The SWAT team incident that was referenced was using his property as a staging area for an incident at a nearby property. He will be removing the motor home that is currently on the property.

COMMISSIONER COMMENTS:

- **Commissioner McFall** indicated he visited the area and has some of the same concerns about compatibility of this project as raised by the appellant, especially with the two-story verses the existing one-story homes. He noted concerns with the driveway, maintenance and parking. **Mr. Elliott** noted that his existing structure is two-story.
- **Commissioner Jersvig** asked if there would be a property manager for the five units or any lease restrictions for keeping garages for parking and not storage. Mr. Elliott indicated he will be residing on site and will not use a property manager. He is willing to restrict garage use in the lease agreement with his tenants. Those units will have a 12 by 12 foot storage area on the ground floor as well as some attic storage.

Mr. Roger Clark spoke again about this appeal not meeting Code requirements. He interprets the code language as allowing for appeal only when the city staff fails to properly apply code requirements. He will respond to some of the items discussed in the appeal but he is not

acknowledging these items as legitimate grounds for appeal.

He went on to note that the project approvals are stricter than city regulations as far as lot size and height and width requirements. (9900 square feet rather than the 9500 required and height of 27 feet when 35 feet is allowed and a width that exceeds the requirement). While parking meets on-site parking requirements, Mr. Elliott is willing to go further in issuing parking permits to tenants; prohibiting use of garages for storage; limiting the efficiency unit to one designated parking space and prohibiting on street parking from that unit; and having designated parking for all spaces.

Mr. Clark again stated that the objections presented in the appeal: design not compatible when there are existing multi-family units in the neighborhood; nobody wants it and police reports, are not grounds for appeal as designated 18.80.030(b) which indicates an appeal needs to relate to whether city staff did or did not properly apply the code. Nor did staff accept false or misleading information. None of these provisions applies here. The developer has already agreed to the staff conditions for approval but is willing to add additional conditions such as meeting city requirements for lighting; permit parking; providing onsite storage so the garages are only used for parking; prohibiting boat or RV storage; providing a communal recycle cart and designating a storage place for trash carts. This project will make this property and the neighborhood a better place to be and asks that this appeal be denied and the staff recommendation be upheld.

Commissioner Jersvig verified with **Mr. Garcia, Assistant City Attorney**, that this appeal was accepted by the City Attorney's office. **Mr. Garcia** indicated that there is flexibility in the code as appealed; therefore, this appeal was accepted. **Mr. Clark** again stated that he disagrees with that interpretation because the appeal indicates the owner did not comply.

CITIZEN COMMENTS:

Commissioner Jersvig opened the public hearing at 7:55 p.m.

- **Alexia Rajala**, Loveland resident, indicated she is not wanting to squash the project. She spoke of the issue with the new two story units not being in line with the other houses and being able to overlook the neighbors' back yards. She is also concerned with the five units having individual trash/recycle carts. That makes ten carts that have to find space in an already crowded street on collection day. She appreciates the parking lease restrictions but felt that might deter renters. Parking lot lights will cause additional light pollution.
- **Becky Hawley**, Loveland resident, felt that the community had not been heard. She could not attend neighborhood meeting but did send an e-mail. The police calls were due to trespassers but is concerned about continuing upkeep of property, the on street parking problem and heavy traffic.
- **Jim Hawley**, Loveland resident, stated that the existing two-story is in line with other houses but is concerned about new units eliminating privacy from others' back yards. He feels a solution is building one-story units. He is also concerned about light pollution.

- **Fletcher Thompson**, Loveland resident, felt Mr. Elliott has done his best to fit this project into the neighborhood. Currently four street lights on Jefferson light up the night. The health center has contributed to the heavy traffic.
- **Omar Herrera**, Milliken resident, said new homes in other areas are close together and two-story houses in these developments and have eliminated back yard privacy. Mr. Elliott's project would provide needed jobs.
- **Kevin Brown**, Loveland resident, is the neighbor to the north next door to the project and is new to the neighborhood. He is concerned parking is not up to code and the small buffer on the north encroaches on him. Closing the alley helps him as it fixes a drainage problem that has caused problems for him in the past. Existing tenants on this property are good neighbors. The close parking is near his front window. He does hope these issues can be worked out.

Commissioner Jersvig closed the public hearing at 8:20 p.m.

COMMISSIONER COMMENTS:

- **Commissioner Jersvig** asked **Mr. Bliss** if he had investigated the police reports at this address and if the R3e zoning limits the number of multi-family in a neighborhood. Mr. Bliss reported that the police reports were not investigated. The zoning does not limit the number of multi-family units. The size of the lot dictates the number of units allowed on the lot.
- **Commissioner Roskie** clarified that if this project consisted of only four units, it would be considered a use by right within the current zoning.
- **Commissioner Molloy** inquired if the windows illustrated on the north side of the new units are the cause for the concern about light pollution; if the new development would require a drainage certificate and if that would possibly elevate the current drainage issues. He also asked if fencing the alleyway would totally close off that alley and if it could be used for trash pick-up? **Mr. Bliss** noted that a drainage certificate is required to alleviate any drainage problem for all surrounding properties. The windows illustrated are the only light source towards the north. The fencing will close off the alley to any access to or from 3rd Street. The alley is not all public right-of-way so the city could not use it for trash pickup. That is what prompted the use of individual trash carts.
- **Commissioners Fleischer** and **McFall** inquired about where that many trash/recycle carts would sit along the street on collection day or where on the property a common dumpster could be located. Mr. Bliss indicated that there was no space for a common trash collection enclosure. There is perhaps room behind the current structure for trash cart storage. Mr. Elliott will need to further address this issue.
- **Commissioner Hitchcock** inquired about the cantilevered second story on the back of the new buildings making the space available for plantings even smaller. **Mr. Bliss** said that the plant selection would have to be done with that limitation in mind.
- **Commissioner Roskie** asked, if this were a four-unit use by right project, would the code requirement be the same? **Mr. Bliss** reported that a ten-foot buffer would still apply and a variance would be required because five feet of buffer space is all that is available.

- **Commissioner Jersvig** asked Mr. Elliott to address the issues presented. **Mr. Elliott** stated that his lot is 300 square feet over the required minimum and that there are many two-story housing units in the immediate area in addition to his existing two-story unit. He is willing to offer the following considerations:
 - Move the windows in the north side of the new units so no light would shine into neighboring yards on that side of the units.
 - He has planned the drainage for the new development to alleviate any problems for his neighbor to the north.
 - Provide a trash dumpster with private collection in the space where the alley currently exists. If access is a problem, he could make room in the green space on the left. If a dumpster is not an option, trash carts will be stored behind the existing structure. A communal recycle cart would be provided, as there is insufficient space for five separate recycle carts.
 - The police calls were due to trespass/squatters on his property or theft from his house when he was out of state for health reasons. The SWAT team was utilizing his place for staging for a call at a neighboring site. He has installed a security system.
- **Commissioner Jersvig** asked **Mr. Rajala** to speak to the considerations presented regarding his concerns. Mr. Rajala indicated he is pleased with being able to share his concerns and with the considerations proposed by Mr. Elliott such as no windows on the north side of the upper floors of the new units; the parking although he is concerned about restrictions being enforced; accommodations for trash containers and the removal of the RV. He would like an opportunity to speak with his neighbors and solicit their input.
- **Commissioner McFall** indicated that this process was not a negotiation and the Commissioners make the decision.
- **Commissioner Roskie** made the point that this process is not a mediation. The Commissioners decision is solely based on how the staff applied the codes.
- **Commissioner Dowding** appreciates time neighbors have taken to be here tonight. She is uncomfortable with putting on conditions that are only enforceable by lease. There is no way to monitor or enforce that type of provision. She appreciates Mr. Elliot's willingness to move the windows. To her the development seems rather jammed in.
- **Commissioner Molloy** says there is a desire to live downtown and he thinks this does fit in. He likes the idea of the two separate units. If the efficiency wasn't included, we wouldn't be here. He does not feel two story dwellings with windows facing back yards is a problem and feels this is a quality project and he will support it.
- **Commissioner Roskie** is considering this appeal based on whether city staff properly applied the code. She appreciates the appeal coming before the commission but does not see anything that indicates the staff did not properly apply the code. The allowances staff granted are those they are allowed to give. The conditions the property owner is proposing are something the property owner can manage. She also does not want to get into lease requirements. This project is consistent with the zoning and character of the area and she will be voting to uphold staff's decision.
- **Commissioner Fleischer** will vote for this project as well. It seems that all findings were been met. Staff did a great job with the project.

- **Commissioner McFall** thanked all those in attendance. It is always good to see the community come in. He commends Mr. Elliott for wanting to make concessions. After looking at the area he does not see any other projects that encroach on the neighbors as much as this one does and for that reason he is going to vote against this.
- **Commissioner Hitchcock** thanks everyone for coming this evening. He has a concern with the five-foot setback that becomes three foot at the second floor level. He also has concerns for drainage and because there is limited grass, where children would play. He feels like we are shoe horning something into this piece of property.
- **Commissioner Jersvig** thanked all for coming out and Mr. Rajala for having an organized presentation. He notes that if it were not for the efficiency basement unit we wouldn't be here. Mr. Elliott has been very gracious in wanting to add his own conditions. We are not going to add any additional conditions over what the staff has already put in place. It would be good for the neighborhood if Mr. Elliott were to hold to those conditions. We are here to hear the appeal. Compatibility is the biggest issue and there are existing multi-family units in the immediate area. I will be voting yes.

Commissioner Dowding moved to adopt the findings in Section VII of this Planning Commission Staff Report dated August 28, 2017 and uphold the July 10, 2017 decision of the Current Planning Division approving the 180 S. Jefferson Avenue Special Review #933, subject to the conditions set forth in Section IX herein. Commissioner Roskie seconded the motion. After Mr. Elliott accepted those conditions, the motion was adopted with seven votes in favor and Commissioners McCall and Hitchcock opposed.

ADJOURNMENT

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

Commissioner Jersvig adjourned the meeting at 9:17 p.m.

Approved by: _____
Jeremy Jersvig, Planning Commission Chair

Linda Bersch, Interim Planning Commission Secretary.



**Planning Commission Staff Report
September 11, 2017**

Agenda #: Regular Agenda - #
Title: Mountain Pacific Business Park
Applicant: McCauley Constructors, Inc.
Request: **General Development Plan Amendment**
Location: Southeast of Garfield Ave/Highway 287 and 71st Street/County Road 30
Existing Zoning: Mountain Pacific Planned Unit Development
Proposed Use: Drive-thru fast food restaurant and drive-thru pharmacy
Staff Planner: Noreen Smyth

Staff Recommendation

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

Recommended Motions:

- 1. Move to make the findings listed in Section VII of the Planning Commission staff report dated September 11, 2017 and, based on those findings, recommend that City Council approve the Mountain Pacific Business Park General Development Plan Amendment, subject to the conditions in Section VIII, as amended on the record.*

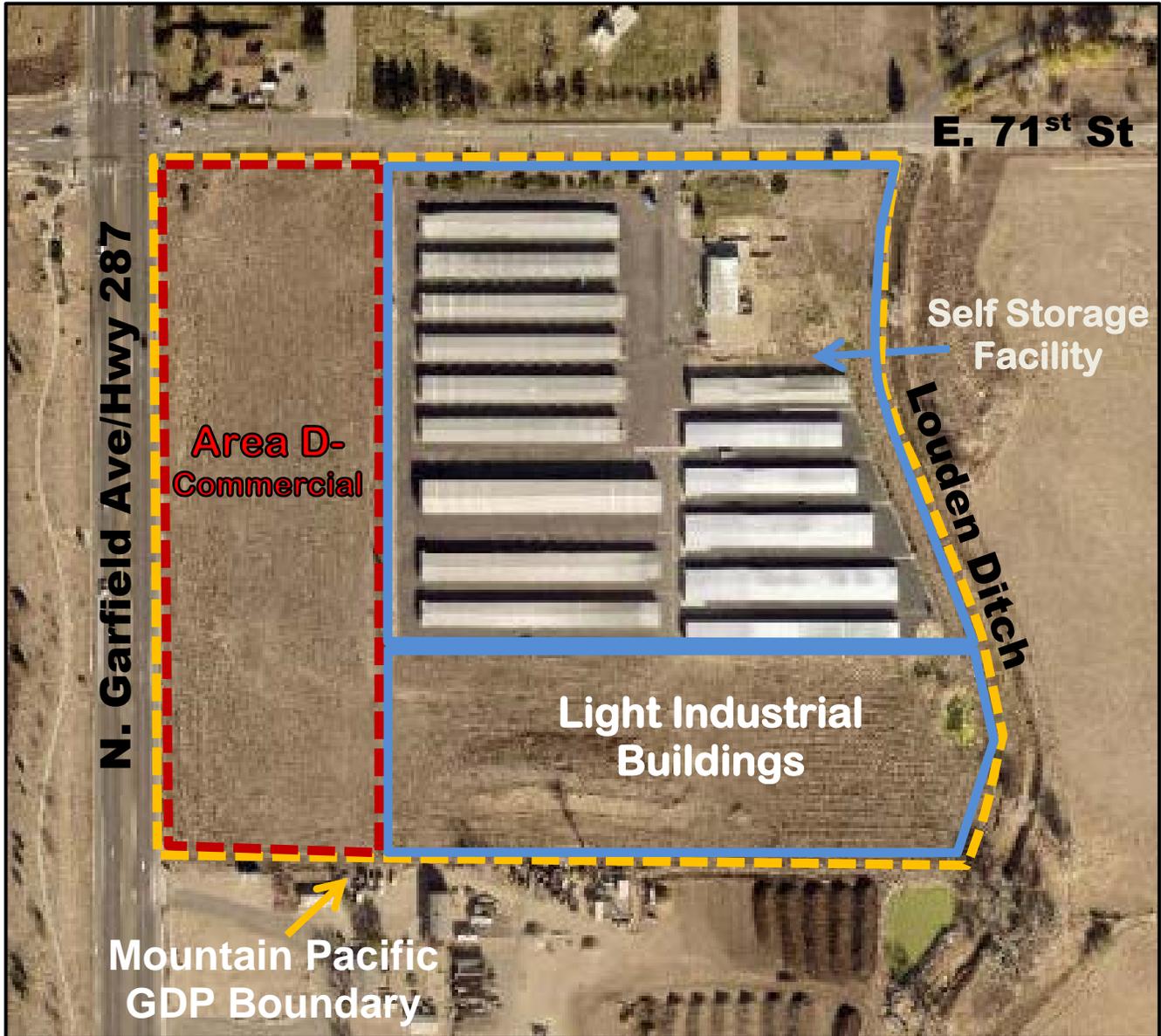
Summary of Analysis

This is a public hearing to consider an amendment to the Mountain Pacific Business Park General Development Plan (GDP). The amendment proposes to allow fast food drive-thrus in Area D of Mountain Pacific, which is not currently an allowed in either Area D or other areas within the development. The amendment also seeks approval of certain design standards relevant to such uses. Any changes to allowed uses in a GDP require an amendment to the GDP, and such amendments are heard by both the Planning Commission and the City Council at public hearings. If the amendment concerning allowed uses is approved, any fast food drive-thru uses (or any other use) will need to submit Preliminary Development Plan, Final Development Plan, and building permit applications for review prior to construction.

The 20.09-acre PUD is generally located southeast of Garfield Avenue and 71st Street. The area proposed for drive-thru uses is located near the northwest portion of the PUD.

The proposal meets all requirements of the Municipal Code and requirements relevant to amending a General Development Plan. Staff believes that all key issues have been resolved. The Commission's recommendation on the matter will be forwarded to the City Council, who have final decision-making authority on the GDP amendments.

I. VICINITY MAP



II. SUMMARY

Acronyms

The following abbreviations will be used throughout this report and are being provided to help clarify what each represents:

PUD: Planned Unit Development is a type of zoning that allows for the creation of zoning and design standards that are tailored to a site with this designation. This zoning is unique to a particular site or area, typically described in a development plan. The primary purpose of this zoning is to encourage a mixture of land use opportunities that are well integrated in

creating an efficient use of land that is suitable to the site, and both internally and externally compatible.

- GDP:** General Development Plan establishes the zoning, density/intensity and design standards for a PUD-zoned property. The plan itself is primarily conceptual in nature, meant to provide guidance with respect to locations for different land uses within a PUD. This plan is usually prepared in conjunction with the annexation of a property as its official zoning document. This plan must be approved by City Council.
- PDP:** Preliminary Development Plan is typically the initial step, detailing a specific development proposal within a PUD. Its contents are reviewed on the basis of the zoning requirements of the applicable GDP. This plan must be approved by Planning Commission, subject to appeal to City Council.
- FDP:** Final Development Pan is typically the final step of design preparing for actual construction of one or more uses on the site. Its contents are reviewed on the basis of the zoning requirements of the applicable GDP, the preliminary design that was approved at the PDP stage, and applicable City standards for installation of public improvements. Whenever possible, the City seeks to have the FDP combined with the Site Development Plan which is the first half of the building permit for the site.
- ACF:** Adequate Community Facilities is a program adopted by the City of Loveland to ensure that the community facilities needed to support new development, including fire protection, transportation, water, wastewater, stormwater, and power, meet or exceed defined levels of service. Staff from each applicable department evaluate a proposed development in order to ensure that it can meet ACF criteria and that negative impacts to infrastructure will not occur with the development.

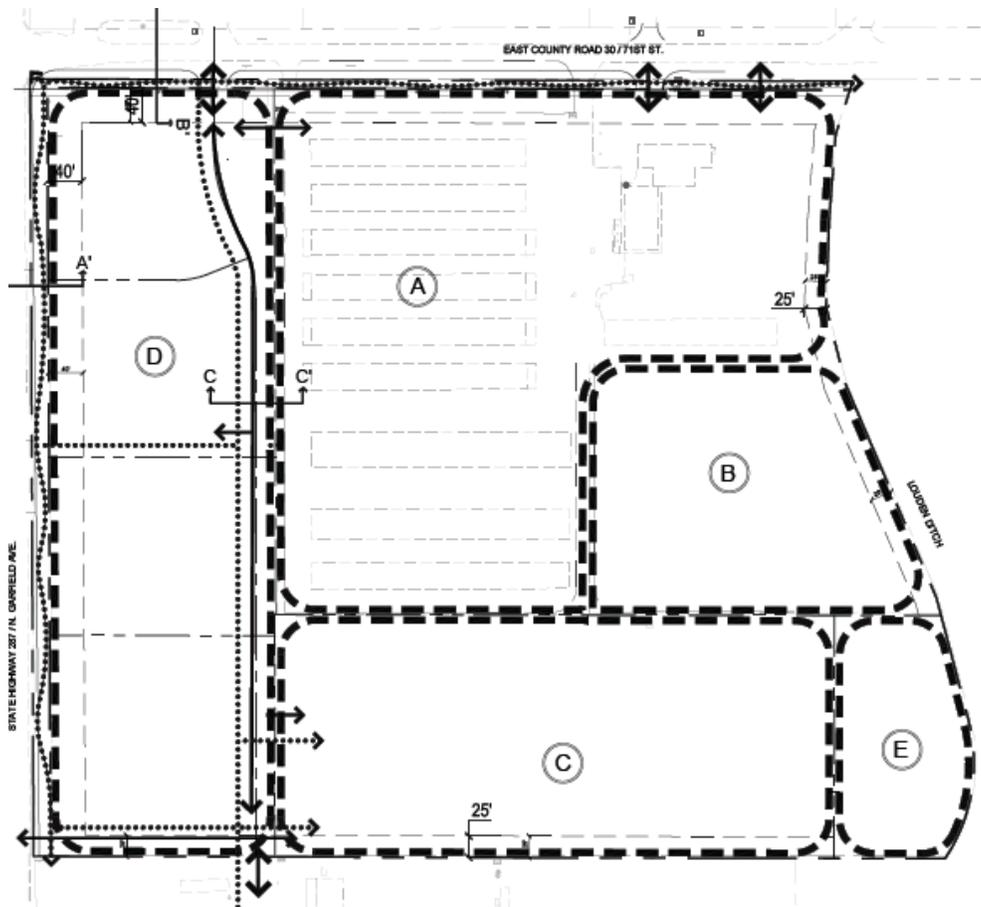
Location and Size

The overall Mountain Pacific PUD is 20.09 acres in size and located west of Garfield Avenue (Highway 287), south of 71st Street (County Road 30), and east of the Loudon Ditch. It consists of a 9.54 acre lot in the northeast portion of the PUD containing a self storage facility, a 5.4-acre lot to the south containing four light industrial buildings, and four currently vacant lots, approximately 1.3 acres each, fronting Garfield Avenue intended for commercial development.

History

The entire Mountain Pacific PUD was annexed in 2006 as the *Mountain Pacific First Addition*. A self storage facility was constructed on a lot within Mountain Pacific before it was annexed, while the rest of the Mountain Pacific land was undeveloped. A GDP was approved at the time of annexation, establishing PUD zoning, allowing a variety of commercial, light industrial, and office land uses in addition to the self storage use. Since the initial annexation and zoning, the following development applications have been approved:

- 2008 The Amended Plat of Parcels B and C, Mountain Pacific First Addition, is approved, establishing the boundaries of two lots within the Addition.
- 2014 Planning Commission recommends approval and City Council approves the updated Mountain Pacific PUD General Development Plan, which had become invalid for not being initiated within a year of its 2006 approval.
- 2015 The first PDP application, for an expansion of the self storage facility, is approved by the Planning Commission. Approval of an FDP followed, and the expansion of the facility proceeded to construction.
- 2015 A minor subdivision, the *Mountain Pacific First Subdivision*, is approved, creating the industrial lot to the south of the storage facility and four commercial lots along Garfield Avenue
- 2016 The second PDP application, for four light industrial/flex space/warehouse buildings and associated parking and detention, is approved. An FDP followed, and the buildings proceeded to construction. Certain minor improvements to the storage facility office building were also approved with the PDP/FDP.



The first PDP, heard by the Commission in 2015, concerned the expansion of the storage facility in Area A into Area B. The second PDP, heard by the Commission in 2016, concerned a light industrial proposal in Area C, along with some minor improvements to the existing office for the storage facility in Area A. The GDP amendment under consideration with this application concerns allowed uses within portions of Area D.

Current Proposal

Use

A GDP functions as the zoning document for a larger, multi-lot development, and the uses allowed in the development are specified in the document. For Mountain Pacific, the GDP allows different uses by area, with Areas A & B for self storage, Area C for light industrial/warehouse, Area D for office/retail/restaurant, and Area E for detention. A detailed list of specific types of uses is also provided for each area. In Area D, a standard restaurant, meaning a sit-down restaurant, is an allowed use, but neither fast food nor fast food with drive-thru was established with the GDP as an allowed use.

A coffee shop with a drive-thru, which is a type of fast food restaurant per zoning categorization, is interested in locating within Mountain Pacific. The specific lot the shop is interested in is at the northwest corner of Mountain Pacific, fronting both Garfield Avenue and 71st Street. The Mountain Pacific master developer has fielded some inquiries from other fast food drive thru businesses interested in Mountain Pacific, but none that are yet certain. To construct either the coffee shop with drive-thru or other fast food uses, the allowed use list within the GDP needs to be altered to include such uses.

The request under consideration in this staff report is to add “fast food drive-thru” to the list of allowed uses in Area D. As proposed, the amendment would allow such uses specifically on the northern two lots (out of the four total Area D lots) that front Garfield Avenue. The amendment (see Sheet 4 of the attached amended GDP) also references that a drive-thru pharmacy may locate on one of these lots. However, it should be noted that this reference has been added for informational purposes only, since drive-thru pharmacies are already allowed within Area D.

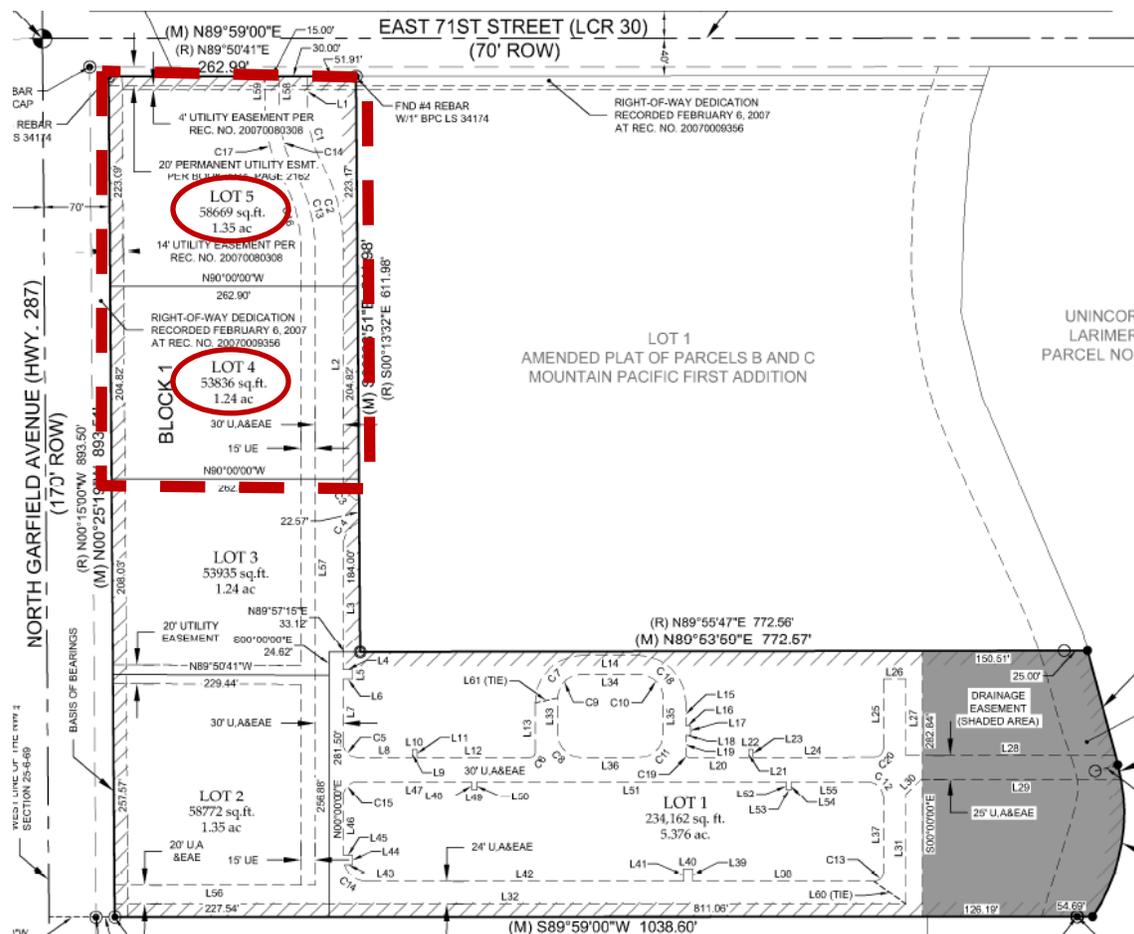
If the amendment is approved, prior to the development of a fast food drive thru or any other use on these lots, a PDP must be submitted for review by the Planning Commission and staff followed by an FDP/site development plan application for review by staff. The PDP and FDP will need to include building elevations, a landscape plan, a photometric (lighting) plan, and civil construction plans for utilities, transportation, and stormwater. Following the FDP, a building permit application can be submitted. All details of the site and building design will be reviewed at these stages. The current application before the Commission concerns only a request to allow the use on the property, with certain associated general design standards (see below) also included with the amendment.

Design Standards

The original Mountain Pacific GDP includes detailed architectural, landscape, and site design standards. Since it did not contemplate drive-thru uses, no site or architectural standards specific to such uses was included. In conjunction with amendment the use table on Sheet 4 to allow fast food drive-thrus, drive-thru design standards have been added to the GDP through the inclusion of a new Sheet 3. The proposed design standards specific to drive-thru uses include:

- Screening of drive lanes from walkways and streets
- Harmonious design of such screening with other on-site landscape
- Placement of drive lanes relative to buildings
- Setback of drive lanes when adjacent to public roadways
- Compliance with the architectural standards already established in the GDP for drive-thru uses

Compliance with these design standards will be ensured through a review of future PDP applications by both staff and the Planning Commission.



The GDP amendment under consideration with this application concerns allowed uses on Lots 4 & 5, Block 1, of the Mountain Pacific First Subdivision

Transportation

The amendment as originally proposed would have allowed fast food drive-thru uses on any of the four lots in Area D. However, relative to standard restaurants or most other commercial uses, fast food drive thru uses generate a larger volume of vehicular traffic. The Traffic Impact Study that was required in conjunction with the requested use amendment indicated, in the event four such uses were developed at this location, a significant enough impact to traffic to necessitate improvements on adjacent roadways. The applicant therefore revised their request to allow fast food drive-thru on only the two northernmost lots in Area D, and revised the TIS for this scenario.

The revised TIS allowing for a maximum of two fast food drive thru uses indicated an acceptably lower impact on adjacent roadways. Details of the vehicular access will be determined with the PDP and FDP applications to be submitted for each lot, although it should be noted that each of the Area D lots will have access through an existing internal private drive situated along the east side of Area D. As noted on Sheet 4 of the GDP, an access to Garfield Avenue at the south end of Area D and an access to 71st Street to the northeast of Area D may have movement limitations imposed by CDOT or the city during the future review of PDP and FDP applications. As indicated on Sheet 1, and also in Section VII of this report, a new Transportation condition has been added to the GDP:

Access points shown on the GDP are conceptual only and are not vested by the GDP. Access for future development of Parcel D shall be determined through the review of each specific site development plan application. Additional specific special conditions related to access improvements/restrictions and timing will be provided with each site specific site development plan application based on the findings and conclusions of the approved TIS or any subsequent TIS submittals.

III. SITE DATA

ACREAGE OF GDP-GROSS.....	20.09 AC
ACREAGE OF AREA D-GROSS.....	5.34 AC
ACREAGE OF AREA D AFFECTED BY AMENDMENT	2.59 AC
MASTER PLAN DESIGNATION.....	FORT COLLINS/LOVELAND CORRIDOR AREA
EXISTING ZONING.....	PUD-MOUNTAIN PACIFIC
EXISTING USE OF PUD.....	STORAGE, LIGHT INDUSTRIAL, & VACANT
EXISTING USE OF AREA D.....	VACANT
EXIST ADJ ZONING & USE - NORTH.....	UNINCORPORATED LARIMER CO-CEMETERY & CHURCH
EXIST ADJ ZONING & USE - SOUTH	UNINCORPORATED LARIMER CO-COMMERCIAL/ LIGHT INDUSTRIAL
EXIST ADJ ZONING & USE - WEST	I INDUSTRIAL– VACANT PROPERTY WITHIN THE LONGVIEW-MIDWAY INDUSTRIAL PARK
EXIST ADJ ZONING & USE - EAST	UNINCORPORATED LARIMER CO-IRRIGATION DITCH
UTILITY SERVICE – WATER.....	FORT COLLINS-LOVELAND WATER DISTRICT
UTILITY SERVICE –SEWER	CITY OF LOVELAND
UTILITY SERVICE – ELECTRIC.....	CITY OF LOVELAND

IV. KEY ISSUES

City staff believes that all key issues have been addressed in the development proposal. There were approximately 10 attendees at the neighborhood meeting who requested a detailed description of the anticipated traffic impact of the proposed uses.

V. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** Affidavits were received from Cathy Mathis of TB Group certifying that written notice of the neighborhood meeting was mailed to all property owners within 1,200 feet of the property on May 9, 2017 and that a notice of the neighborhood meeting was posted in a prominent location on the perimeter of the property on May 10, 2017, and similarly that notice was mailed on August 26, 2017 and a sign posted on August 27, 2017 for the Planning Commission hearing. In addition, a notice of the public hearing was published in the Reporter Herald on August 26, 2017.
- B. **Neighborhood Response:** A neighborhood meeting was held at 5:30 p.m. on May 25, 2017 in the Loveland Development Center. The meeting was attended by the applicant, the applicant’s transportation consultant, and city staff, with approximately ten area residents in attendance. The

attendees' questions centered on concerns about anticipated traffic impacts, to which the applicant's transportation consultant responded, including providing an explanation of the traffic study. The attendees did not express objection to the specific use proposed.

VI. FINDINGS AND ANALYSIS

The chapters and sections cited below are from the Loveland Municipal Code pertaining to PUD General Development Plans. Applicable findings contained in the Municipal Code are specified in italic print followed by the staff analysis as to whether the findings are met by the submitted application.

A. Land Use

1. **Section 18.41.050.D.4.a:** *The general development plan conforms to the requirements of Chapter 18.41 (Planned Unit Development Zone District Requirements and Procedures), to the city's master plans and to any applicable area plan.*

Current Planning: Staff believes that this finding can be met based on the following facts:

- The objectives of PUDs and the requirements for general development plans, as described in Municipal Code Chapter 18.41 (PUD Zoning) are met with the proposed amendment to the Mountain Pacific GDP. Any future development on the subject property must submit a preliminary development plan and a final development application, which will be required to meet the requirements for preliminary and final development plans as described in the same chapter.
- The Land Use Plan within the Create Loveland Comprehensive Plan designates the area of the subject property as *Regional Activity Center*. See the attached excerpts from Create Loveland for a more detailed description of this category. Restaurant uses are supported in *Regional Activity Center* areas, with no direct reference in the *Regional Activity Center* section of the Plan to drive-thru facilities. While some land use categories in the Comprehensive Plan prioritize walking, bicycling, and transit modes of transportation over automobile transportation, the *Regional Activity Center* does not, instead prioritizing regional vehicular access for interstate and state highways. The proposed addition of drive-thru uses on the subject property, while not specifically supported by the Comprehensive Plan, is not directly contrary to the goals of the *Regional Activity Center* land use category.
- The subject property is within Zone 1 of the 287 Strategic Plan. For Zone 1, the Plan encourages mixed uses, the establishment of employment-generating businesses, the inclusion of multimodal transportation amenities, the improvement of the east-west transportation network, shared parking to reduce the size of parking lots, and the creation of a northern gateway into Loveland. For all developments within the 287 Corridor, attention to design aesthetics is prioritized. The proposal to allow fast food drive-thru uses is neither directly encouraged or discouraged by the Plan. Design goals within the Plan will be enacted at the time specific development proposals for lots within Mountain Pacific are reviewed.
- The Plan for the Region Between Fort Collins and Loveland was jointly adopted by the City of Loveland and the City of Fort Collins in 1995, and the subject property is in Subarea 11 of the Plan. The Plan's purpose is to determine the future character and vision for the unincorporated areas between the two cities. One of the primary intents of the plan is to encourage areas close to Loveland to develop with a character consistent with that city, and likewise for areas close to Fort Collins to develop with a character consistent with that city.

The subject property was not within city limits at the time this Plan was adopted, and the goals of the Plan were considered in 2005 at the time of the property's annexation into Loveland and the development of the Mountain Pacific GDP.

2. **Section 18.41.050.D.4.b:** *Whether the proposed development will have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it. If such impacts exist, the planning division shall recommend either disapproval or reasonable conditions designed to mitigate the negative impacts.*

Current Planning: Staff believes that this finding can be met based on the following facts:

- The establishment of drive-thru uses near the northwest portion of Mountain Pacific is not anticipated to be detrimental to the other uses within the PUD: the self storage use to the east, the light industrial use farther southeast, or the future commercial uses anticipated to be developed to the south.
 - The establishment of drive-thru uses near the northwest portion of Mountain Pacific is not anticipated to negatively impact the cemetery located to the north of the subject property, on the opposite side of 71st Street/County Road 30.
 - The establishment of drive-thru uses near the northwest portion of Mountain Pacific is not anticipated to negatively impact the industrial park located to the west of the subject property, on the opposite side of Garfield Avenue/Highway 287.
 - Any development on the vacant lots within Mountain Pacific can increase traffic in the broader area, and it is possible that drive-thru uses may increase traffic to a greater extent than other uses that could potentially be developed on the property. However, because of the potential for increased traffic resulting from the proposed new uses, drive-thrus are limited to two lots within Mountain Pacific to ensure that the existing and proposed transportation infrastructure in the area can accommodate any increase in traffic.
 - Careful site design of any future developments on the currently vacant Mountain Pacific commercial lots should ensure compatibility with properties in the general area.
 - The GDP amendment incorporates quality architectural standards for drive-thru uses in keeping with the standards already established in the GDP for the rest of Mountain Pacific.
 - The site design standards for drive-thrus that are incorporated into the GDP amendment will provide for dense bufferyard screening of any drive-thru lanes and windows visible from the adjacent public streets. In addition, any new drive-thru lanes are to be set back from the Garfield Avenue right-of-way and the 71st Street right-of-way.
 - No specific objections to the establishment of uses involving drive-thrus were voiced at the neighborhood meeting.
3. **Section 18.41.050.D.4(c):** *Whether the proposed development will be complementary to and in harmony with existing development and future development plans for the area by:*
 - (i) *Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use.*
 - (ii) *Incorporating site planning techniques that will foster the implementation of the city's master plans, and encourage a land use pattern that will support a balanced transportation system, including auto, bike, and pedestrian traffic, public or mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the City.*

- (iii) *Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*
- (iv) *Incorporating identified environmentally sensitive areas, including but not limited to wetlands and wildlife corridors, into the project design.*
- (v) *Incorporating elements of community-wide significance as identified in the town image map.*
- (vii) *Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

Current Planning: Staff believes that these findings can be met based on the following facts:

- *(finding i) A large setback is provided along both Garfield Avenue and 71st Street which will include a densely planted bufferyard. Open space requirements are anticipated to be met with future specific development proposals for these lots.*
- *(finding ii) A specific site plan is not reviewed with the current GDP amendment concerning allowed uses. However, the site design standards proposed to be included with the amendment will foster the implementation of the design goals of adopted plans. The addition of sidewalks, bike lanes, other transportation improvements will be assessed with future site-specific development plans.*
- *(finding iii) The GDP amendment incorporates landscape design standards that include dense buffering along the adjacent streets. The existing GDP architectural standards will apply to any fast food drive-thru uses that locate in Mountain Pacific.*
- *(finding iv) There are no environmentally sensitive areas within the Area D of Mountain Pacific.*
- *(finding v) There are no elements of community-wide significance identified in the town image map within the GDP boundaries.*
- *(finding vii) The GDP amendment currently under consideration addresses land uses and certain site design standards relative to drive-thrus. The standards will help ensure a quality streetscape along adjacent public streets.*

B. City Utilities and Services

1. **Section 18.41.050.D.4.b:** *Development permitted by the GDP will not negatively impact traffic in the area or city utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires city staff to recommend either disapproval of the GDP or reasonable conditions designed to mitigate the negative impacts.*
2. **Section 18.41.050.D.4.c.vi:** *Whether development permitted by the GDP will be complementary to and in harmony with existing development and future development plans for the area in which the GDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the city's services and facilities.*

Transportation Engineering: Staff believes that these findings can be met based on the following facts:

- A Traffic Impact Study has been submitted with the Mountain Pacific 1st Addition GDP amendment

which demonstrates that the transportation system, incorporating typical expected improvements, can adequately serve the conceptual land uses proposed. The TIS shows that the Adequate Community Facilities (ACF) standards will be met for the roadway link volumes, site accesses and intersections. Given the Engineering Conditions set forth for this GDP amendment, together with information provided in the Traffic Impact Study, staff believes the GDP amendment can be approved without creating negative impacts to the City's public street system.

- No vesting will be granted with this GDP and specific requirements shall be determined with each site specific development plan. Full analysis of traffic impacts along with street design issues specific to the development will be reviewed with each development plan submittal. Any additional devices or measures (beyond those set forth in the Engineering Conditions) needed to mitigate traffic impacts will be addressed at that time.

Fire Prevention: Staff believes that these findings can be met based on the following facts:

- The development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The fast food restaurants will not negatively impact fire protection for the subject development or surrounding properties.

Building: Staff believes that these findings can be met based on the following fact:

- The proposed development will not negatively impact surrounding properties as the structures will be required to meet adopted Building Codes.

Water/Wastewater: Staff believes that these findings can be met based on the following facts:

- The GDP is consistent with the Department's Water and Wastewater master plan by being consistent with the 2015 Comprehensive Master Plan.
- The proposed development will not negatively impact City water and wastewater facilities.

Stormwater: Staff believes that these findings can be met based on the following facts:

- Proposed stormwater facilities will adequately detain and release stormwater runoff in a manner that will eliminate off-site impacts.
- When designed and constructed, the development will not negatively affect City storm drainage utilities.

Power: Staff believes that these findings can be met based on the following facts:

- The GDP is consistent with the Department's power master plan by being consistent with the 2016 Comprehensive Master Plan. Power believes that this project will have no negative impact on our system.
- The proposed development will not negatively impact City power facilities.
- The proposed development is in harmony with existing and future development and incorporates public infrastructure designed so that the proposed development will not negatively impact the levels of service of the City utilities adjacent to the development.

VII. RECOMMENDED CONDITIONS

The existing conditions on the Mountain Pacific GDP, as listed on the cover of the GDP, will continue to apply to the entirety of Mountain Pacific. With this GDP Amendment, staff recommends the following additional condition, which has been included on the cover of the attached amended GDP:

Transportation:

1. Access points shown on the GDP are conceptual only and are not vested by the GDP. Access for future development of Parcel D shall be determined through the review of each specific site development plan application. Additional specific special conditions related to access improvements/restrictions and timing will be provided with each site specific site development plan application based on the findings and conclusions of the approved TIS or any subsequent TIS submittals.

VIII. ATTACHMENTS

- A. Amended General Development Plan
- B. Plat of Subdivision
- C. Application
- D. Create Loveland (excerpt)

MOUNTAIN PACIFIC BUSINESS PARK PUD

Amended General Development Plan

For Parcel C of the Mountain Pacific Business Park GDP
 Replat of Lot 2, Block 1, Amended Plat of Parcels B and C, Mountain Pacific First Addition to the City of Loveland, Larimer County, Colorado

Legal Description:

A PARCEL OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 25, TOWNSHIP 6, RANGE 69 BEING MORE PARTICULARLY DESCRIBED AS PARCELS B AND C OF THE MOUNTAIN PACIFIC ADDITION TO THE CITY OF LOVELAND, LARIMER COUNTY COLORADO, ADA LOTS 1 AND 2, BLOCK 1, AMENDED PLAT OF PARCELS B AND C, MOUNTAIN PACIFIC ADDITION TO THE CITY OF LOVELAND.

Owners Certification:

KNOW ALL PERSONS BY THESE PRESENTS THAT: A STORAGE PLACE- FORT COLLINS, LLC (LOT 1) AND MOUNTAIN PACIFIC FC, LLC (LOT 2) BEING ALL THE LAWFUL RECORD OWNERS OF THE PROPERTY SHOWN ON THIS GENERAL DEVELOPMENT PLAN, EXCEPT ANY EXISTING PUBLIC STREETS, ROADS, OR HIGHWAYS, DO HEREBY CERTIFY THAT WE ACCEPT THE CONDITIONS AND RESTRICTIONS SET FORTH ON SAID PLAN AND IN THE CONDITIONS OF APPROVAL BY THE CITY OF LOVELAND, DATED OCTOBER 21, 2014 AND THAT WE CONSENT TO THE RECORDED OF ANY INFORMATION PERTAINING THERETO.

OWNER: A STORAGE PLACE - FORT COLLINS, LLC

(TITLE)
 STATE OF _____
 COUNTY OF _____

THE FOREGOING AGREEMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ 2016, BY _____

WITNESS MY HAND AND OFFICIAL SEAL
 MY COMMISSION EXPIRES _____ (NOTARY PUBLIC)

OWNER: MOUNTAIN PACIFIC FC, LLC

(TITLE)
 STATE OF _____
 COUNTY OF _____

THE FOREGOING AGREEMENT WAS ACKNOWLEDGED BEFORE ME THIS ____ DAY OF ____ 2016, BY _____

WITNESS MY HAND AND OFFICIAL SEAL
 MY COMMISSION EXPIRES _____ (NOTARY PUBLIC)

Approvals:

APPROVED THIS ____ DAY OF ____ 2016, BY THE CURRENT PLANNING MANAGER OF THE CITY OF LOVELAND, COLORADO.

(CURRENT PLANNING MANAGER)

APPROVED THIS ____ DAY OF ____ 2016, BY THE CITY ENGINEER OF THE CITY OF LOVELAND, COLORADO.

(CITY ENGINEER)

APPROVED THIS ____ DAY OF ____ 2016, BY THE CITY ATTORNEY OF THE CITY OF LOVELAND, COLORADO.

(CITY ATTORNEY)

APPROVED THIS ____ DAY OF ____ 2016, BY THE CITY PLANNING COMMISSION OF THE CITY OF LOVELAND, COLORADO.

(CHAIRPERSON)

APPROVED THIS ____ DAY OF ____ 2016, BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO.

(CURRENT MAYOR)

(ATTEST)

OWNER/APPLICANT:

MOUNTAIN PACIFIC FC, LLC
 DARRYL FLAMING
 PO BOX 9443
 RANCHO SANTA FE, CA, 92067
 (858) 792-1136

ENGINEER:

NORTHERN ENGINEERING
 CODY SNOWDON
 301 N HOWES ST, SUITE 100
 FORT COLLINS, CO, 80521
 (970) 221-4158

CONTRACTOR:

MCCAULEY CONSTRUCTORS INC.
 LEON MCCAULEY
 650 INNOVATION CIRCLE, P.O. BOX 200
 WINDSOR, CO, 80550
 (970) 686-6300

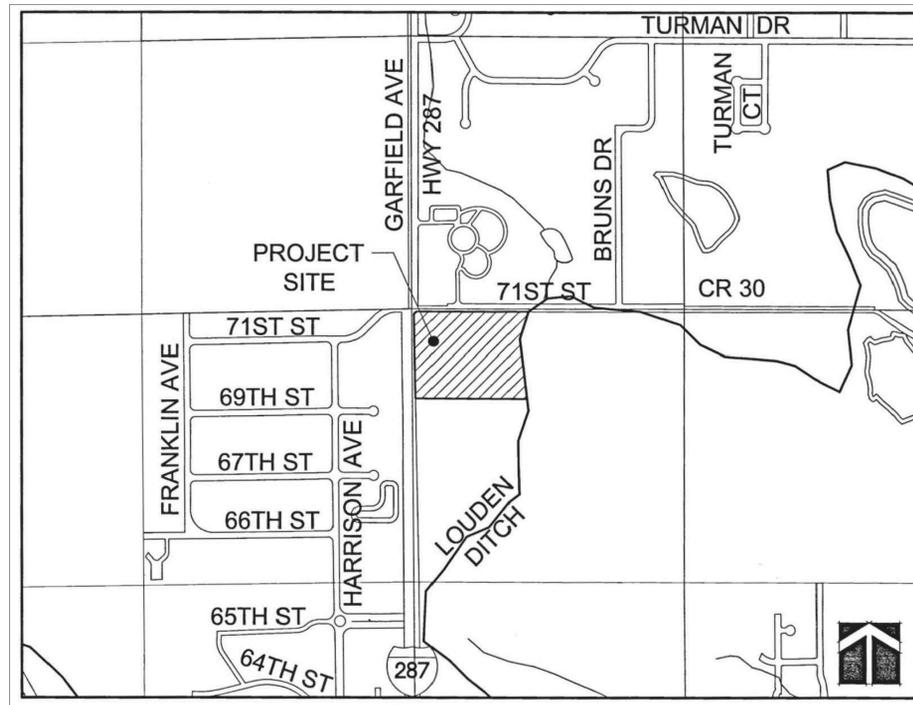
PLANNER/ LANDSCAPE ARCHITECT:

TB GROUP
 CATHY MATHIS
 444 MOUNTAIN AVE
 BERTHOUD, CO, 80513
 (970) 532-5891

ARCHITECT:

HAUSER ARCHITECTS
 AL HAUSER
 3780 E 15TH ST, #201
 LOVELAND, CO, 80538
 (970) 669-8220

Vicinity Map:



SITE DATA

EXISTING ZONING: PUD #93

TOTAL SITE AREA:	20.09 Ac	100%
AREA A:	7.19 Ac	35.78%
AREA B:	2.35 Ac	11.70%
AREA C:	4.17 Ac	20.76%
AREA D:	5.34 Ac	26.58%
AREA E:	1.04 Ac	5.18%

PUBLIC SERVICE PROVIDERS

WATER:	FORT COLLINS/LOVELAND WATER DISTRICT
SEWER:	CITY OF LOVELAND
ELECTRIC:	CITY OF LOVELAND
NATURAL GAS:	XCEL ENERGY
TELEPHONE:	QWEST
SCHOOLS:	THOMPSON SCHOOL DISTRICT R2-J
PARKS:	CITY OF LOVELAND
POLICE/FIRE:	CITY OF LOVELAND

Conditions of Approval:

CURRENT PLANNING:

- BEFORE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE CITY, THE DEVELOPER SHALL INSTALL ALL OTHER PRIVATE IMPROVEMENTS OR AMENITIES, SUCH AS PRIVATE WALKS, FENCES, WALLS, ETC. AS SHOWN ON THE APPROVED PLANS, UNLESS FINANCIAL SECURITY IS FILED BY THE DEVELOPER WITH THE CITY TO ASSURE INSTALLATION AT A LATER DATE ACCEPTABLE TO THE CITY.
- FOR PURPOSES OF IMPLEMENTATION OF THE CITY SIGN CODE, THIS PROPERTY SHALL BE DEEMED TO BE A SINGLE PREMISE. THE FIRST PDP APPLICATION SHALL INCLUDE, OR BE ACCOMPANIED BY, A PRELIMINARY PROPOSED PLANNED SIGN PROGRAM FOR THE ENTIRE PREMISE. THE FIRST FOP SHALL INCLUDE OR BE ACCOMPANIED BY, A FINAL PLANNED SIGN PROGRAM FOR THE ENTIRE PREMISE.
- THE LANDSCAPE BUFFER ALONG THE EASTERN PERIMETER OF AREA B WILL EMPHASIZE USE OF DENSE EVERGREENS AND SPECIES THAT ARE SUITABLE FOR THE NATURAL AREA ALONG THE ADJACENT DITCH.
- THE MINIMUM OPEN SPACE STANDARD FOR AREAS D AND C SHALL BE SATISFIED EXCLUSIVE OF ANY REQUIRED LANDSCAPE BUFFERYARD, PARKING LOT SCREENING, OR INTERNAL PARKING LOT LANDSCAPE, AS SET FORTH IN THE CITY OF LOVELAND SITE DEVELOPMENT PERFORMANCE STANDARDS AND GUIDELINES AND THE APPROVED GDP.
- ALL AREAS LANDSCAPED WITH GRASS OR SOD SHALL USE TYPES OF GRASS THAT ARE DROUGHT-TOLERANT AND REQUIRE LIMITED IRRIGATION.

PW-TRANSPORTATION:

- ALL FUTURE DEVELOPMENT WITHIN THIS GENERAL DEVELOPMENT AREA (GDP) SHALL COMPLY WITH THE LARIMER COUNTY URBAN AREA STREET STANDARDS (LQUASS) AND THE TRANSPORTATION PLAN AND ANY UPDATES TO EITHER IN EFFECT AT THE TIME OF A SITE SPECIFIC DEVELOPMENT APPLICATION.
- STREET LAYOUTS, STREET ALIGNMENTS, ACCESS LOCATIONS, INTERSECTION CONFIGURATIONS AND INTERSECTIONS OPERATIONS (TRAFFIC CONTROLS) SHALL BE DETERMINED AT THE TIME OF APPLICATION FOR SITE SPECIFIC DEVELOPMENT.
- THE OWNER SHALL DEDICATE TO THE CITY, AT NO COST TO THE CITY, RIGHT OF WAY FOR ALL STREET FACILITIES ADJACENT TO OR WITHIN, THIS PROPERTY THAT ARE SHOWN ON THE ADOPTED TRANSPORTATION PLAN.
- THE DEVELOPER AGREES TO ACQUIRE, AT NO COST TO THE CITY, ANY OFF-SITE STREET RIGHT-OF-WAY NECESSARY FOR MITIGATION IMPROVEMENTS PRIOR TO THE APPROVAL OF ANY SITE SPECIFIC DEVELOPMENT APPLICATIONS WITHIN THIS ADDITION, THE DEVELOPER SHALL SUBMIT DOCUMENTATION SATISFACTORY TO THE CITY, ESTABLISHING THE DEVELOPER'S UNRESTRICTED ABILITY TO ACQUIRE SUFFICIENT PUBLIC RIGHT OF WAY FOR THE CONSTRUCTION AND MAINTENANCE OF ANY REQUIRED STREET IMPROVEMENTS TO BOTH ADJACENT AND OFF-SITE STREETS.
- THE ULTIMATE ROADWAY IMPROVEMENTS INCLUDING, CURB, GUTTER, PAVEMENT WIDENING, STRIPING, AND ADJACENT TO THE PROPERTY FOR US 287 AND 71ST STREET SHALL BE DESIGNED AND CONSTRUCTION BY THE DEVELOPER, UNLESS DESIGNED AND CONSTRUCTED BY OTHERS. THE TIMING AND DETAILED SCOPE OF THESE IMPROVEMENTS WILL BE PER THE PHASING SHOWN IN THE APPROVED GDP.
- ACCESS POINTS SHOWN ON THE GDP ARE CONCEPTUAL ONLY AND ARE NOT VESTED BY THE GDP. ACCESS FOR FUTURE DEVELOPMENT OF PARCEL D WILL BE DETERMINED THROUGH THE REVIEW OF EACH SPECIFIC SITE DEVELOPMENT PLAN APPLICATION. ADDITIONAL SPECIFIC SPECIAL CONDITIONS RELATED TO ACCESS IMPROVEMENTS RESTRICTIONS AND TIMING WILL BE PROVIDED WITH EACH SITE SPECIFIC SITE DEVELOPMENT PLAN APPLICATION BASED ON THE FINDINGS AND CONCLUSIONS OF THE APPROVED TIS THAT WAS REVIEWED WITH THIS GDP AMENDMENT OR ANY SUBSEQUENT TIS SUBMITTALS OR UPDATES AS NEEDED.

WASTEWASTEWATER:

- PRIOR TO APPROVAL OF ANY PDP PHASE THAT REQUIRES THE CONSTRUCTION OF THE OFF-SITE WASTEWATER MAIN THE DEVELOPER SHALL PROVIDE A WASTEWATER IMPACT DEMAND ANALYSIS REPORT AND PRELIMINARY PUBLIC IMPROVEMENT CONSTRUCTION PLANS FOR THE WASTEWATER MAIN FROM THE PRESENT TERMINUS POINT IN N MONROE AVE TO THE DEVELOPMENT.
- PRIOR TO APPROVAL OF ANY PDP PHASE THAT REQUIRES THE CONSTRUCTION OF THE OFF-SITE WASTEWATER MAIN THE DEVELOPER SHALL PROVIDE LEGAL DOCUMENTATION DEMONSTRATING THEIR ABILITY TO OBTAIN ALL NECESSARY OFF-SITE EASEMENTS WITHOUT ANY RESTRICTIONS AND AT NO COST TO THE CITY. THE FORM OF THIS DOCUMENT SHALL BE REVIEWED BY THE AND SHALL BE FULLY EXECUTED, SIGNED BY THE DEVELOPER AND EACH PROPERTY OWNER OF RECORD OVER WHICH THE OFF-SITE EASEMENTS ARE LOCATED.
- PRIOR TO APPROVAL OF ANY PDP PHASE THAT REQUIRES THE CONSTRUCTION OF THE OFF-SITE WASTEWATER MAIN THE DEVELOPER SHALL PROVIDE ALL NECESSARY EXECUTED OFF-SITE GRANT OF UTILITY EASEMENTS FOR RECORDATION AND FINAL PUBLIC IMPROVEMENTS CONSTRUCTION PLANS FOR THE WASTEWATER MAIN FROM THE PRESENT TERMINUS POINT IN N MONROE AVE TO THE DEVELOPMENT.
- PRIOR TO APPROVAL OF ANY BUILDING PERMITS WITHIN PHASE THREE (C) OR PHASE FOUR (D) AS SHOWN ON THE GDP, THE DEVELOPER SHALL, IF NOT PREVIOUSLY CONSTRUCTED BY OTHERS, DESIGN AND CONSTRUCT A PUBLIC WASTEWATER MAIN FROM THE PRESENT TERMINUS POINT IN N MONROE AVE TO THE DEVELOPMENT.

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GRADING PLAN	9

SEAL

PROJECT TITLE

Mountain Pacific Business Park
 Amended General Development Plan
 Loveland, CO

PREPARED FOR

REVISIONS DATE

Staff Comments	06/09/17
Staff Comments	07/14/17
Staff Comments	08/09/17

DATE

07-29-16

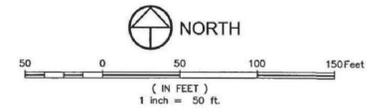
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COVER SHEET

SHEET INFORMATION

Sheet Number: 1

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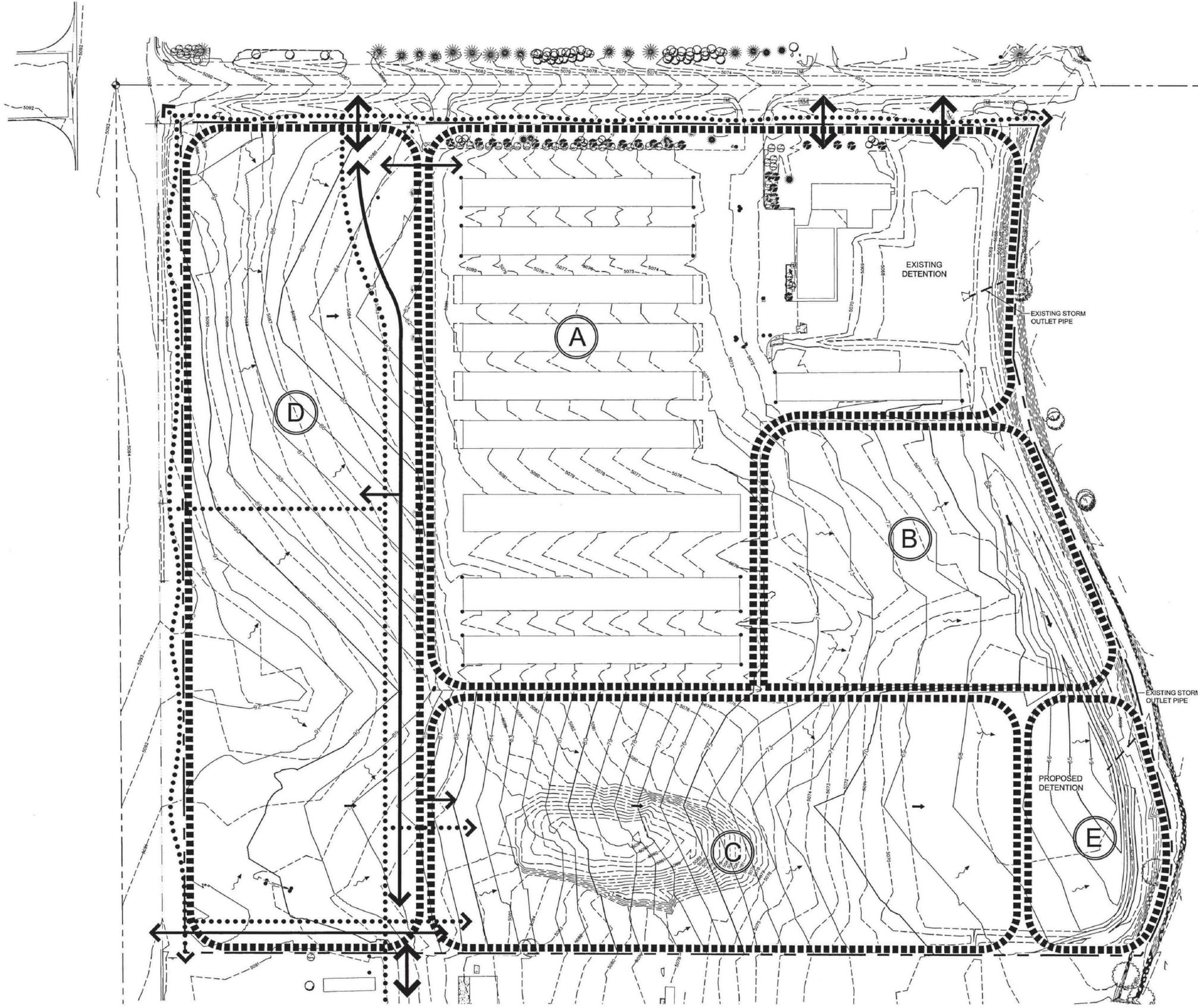


LEGEND:

EXISTING STORM SEWER	—ST—
PROPOSED STORM SEWER	—S—
PROPOSED STORM INLET	—SI—
PROPOSED CONTOUR	—0.3—
EXISTING CONTOUR	—5013—
PROPOSED SWALE	—S—
PROPOSED VERTICAL CURB & GUTTER	—S—
PROJECT BOUNDARY	—S—
LOT LINE	—S—
PROPOSED FIRE HYDRANT	—S—
PROPOSED SPOT ELEVATION	—S—
EXISTING SPOT ELEVATION	—S—
PROPOSED SLOPES	—S—
PEDESTRIAN ACCESS RAMPS	—S—
PROPOSED CONCRETE CROSS PAN (TYP.)	—S—

NOTES:

1. THE SIZE, TYPE AND LOCATION OF ALL KNOWN UNDERGROUND UTILITIES ARE APPROXIMATE WHEN SHOWN ON THESE DRAWINGS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE EXISTENCE OF ALL UNDERGROUND UTILITIES IN THE AREA OF THE WORK. BEFORE COMMENCING NEW CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND SHALL BE RESPONSIBLE FOR ALL UNKNOWN UNDERGROUND UTILITIES.
2. REFER TO THE PLAT FOR LOT AREAS, TRACT SIZES, EASEMENTS, LOT DIMENSIONS, UTILITY EASEMENTS, OTHER EASEMENTS, AND OTHER SURVEY INFORMATION.



REVISIONS

REVISIONS	DATE
Staff Comments	06/09/17
Staff Comments	07/14/17
Staff Comments	08/09/17

DATE

07-29-16

SHEET TITLE

GRADING PLAN

SHEET INFORMATION

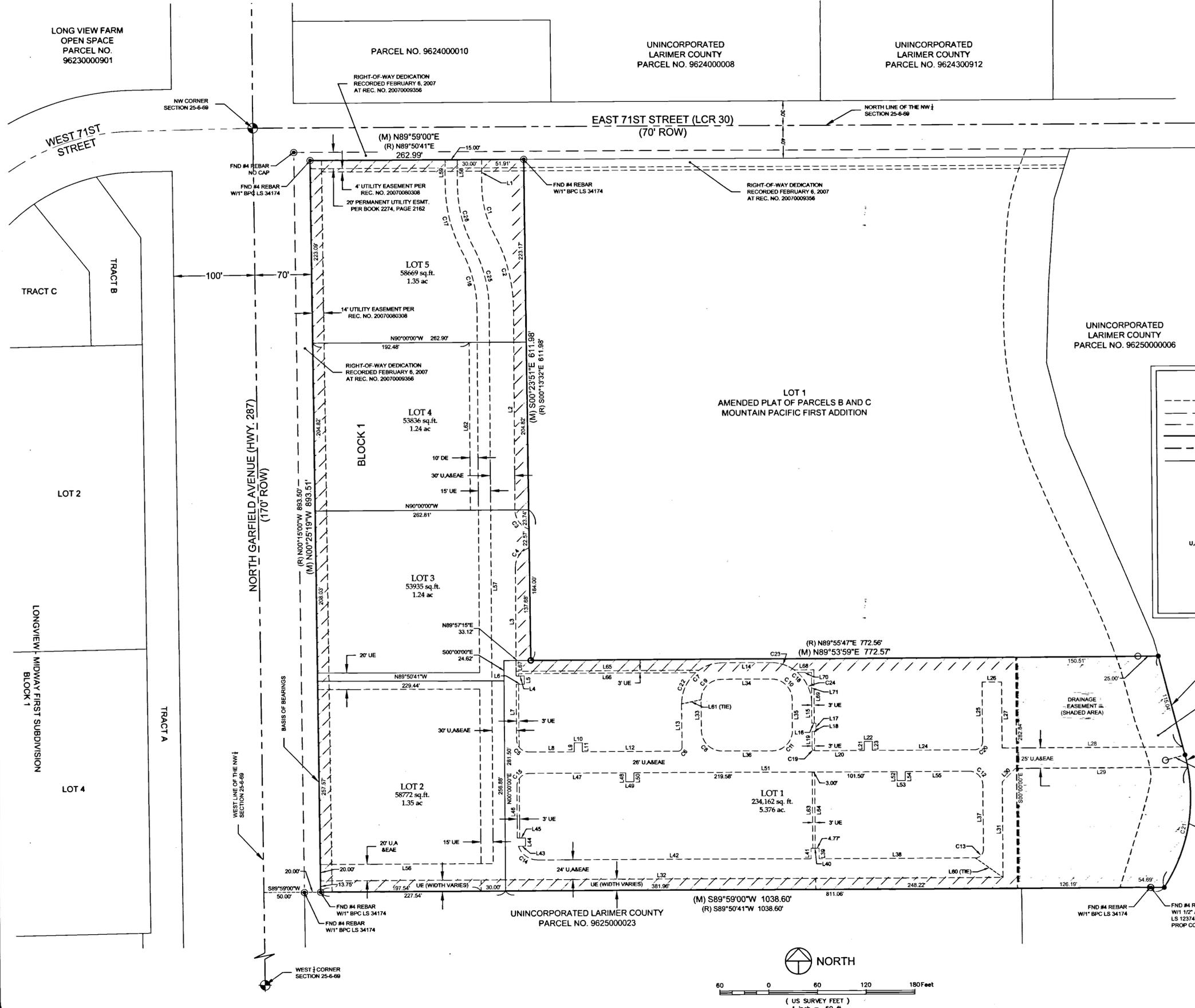
Sheet Number: 9

Of: 9



MOUNTAIN PACIFIC FIRST SUBDIVISION

BEING A SUBDIVISION OF LOT 2, BLOCK 1, AMENDED PLAT OF PARCELS B & C, MOUNTAIN PACIFIC FIRST ADDITION, LOCATED IN THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 6 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO



LINE	LENGTH	BEARING
L1	31.00'	N00°00'00"E
L2	245.69'	N00°00'00"E
L3	132.82'	S00°00'00"E
L4	10.00'	N90°00'00"E
L5	10.00'	S00°00'00"E
L6	10.00'	N90°00'00"W
L7	68.00'	S00°00'00"E
L8	56.83'	N89°59'44"E
L9	11.04'	N00°00'00"E
L10	10.00'	N90°00'00"E
L11	11.04'	S00°00'00"E
L12	117.85'	N89°59'44"E
L13	52.74'	N00°00'00"E
L14	60.00'	N89°59'56"E
L15	24.15'	S00°00'00"E
L16	5.00'	N90°00'00"E
L17	10.00'	S00°00'00"E
L18	5.00'	N90°00'00"W
L19	20.08'	S00°00'00"E
L20	60.75'	N89°59'44"E
L21	11.01'	N00°00'00"E
L22	10.00'	N90°00'00"E
L23	11.01'	S00°00'00"E
L24	125.77'	N89°59'44"E

LINE	LENGTH	BEARING
L25	72.81'	N00°04'06"W
L26	24.07'	N90°00'00"E
L27	80.82'	S00°00'00"E
L28	222.52'	S90°00'00"E
L29	212.38'	S90°00'00"E
L30	22.83'	N45°00'00"E
L31	116.89'	N00°00'00"E
L32	840.24'	N90°00'00"E
L33	37.74'	N00°00'04"W
L34	62.00'	N89°59'56"E
L35	37.74'	S00°00'00"E
L36	62.00'	S89°59'44"W
L37	79.00'	N00°00'00"E
L38	192.23'	N90°00'00"E
L39	12.73'	N00°00'00"E
L40	10.00'	N90°00'00"E
L41	12.73'	N00°00'00"E
L42	336.45'	N90°00'00"E
L43	8.71'	N90°00'00"W
L44	10.00'	S00°00'00"E
L45	10.00'	N90°00'00"E
L46	63.94'	S00°00'00"E
L47	119.10'	S89°59'44"W
L48	10.97'	N00°00'00"E

LINE	LENGTH	BEARING
L49	10.00'	N90°00'00"W
L50	10.97'	S00°00'00"E
L51	324.08'	S89°59'44"W
L52	10.99'	N00°00'00"E
L53	10.00'	N90°00'00"W
L54	10.99'	S00°00'00"E
L55	78.50'	S89°59'44"W
L56	212.56'	N90°00'00"W
L57	677.47'	S00°00'00"E
L58	30.99'	S00°00'00"E
L59	30.99'	N00°00'00"E
L60	41.62'	N54°46'57"W
L61	24.52'	N78°14'01"E
L62	204.81'	N00°00'00"E
L63	93.25'	N00°00'00"E
L64	93.25'	N00°00'00"E
L65	225.08'	N90°00'00"W
L66	218.20'	N90°00'00"E
L67	13.10'	N00°00'00"E
L68	24.40'	N90°00'00"W
L69	65.16'	N00°00'00"E
L70	17.52'	N90°00'00"E
L71	38.01'	S00°00'00"E

LEGEND

- EASEMENT LINE
- CENTERLINE
- - - EXISTING RIGHT-OF-WAY
- PLATTED BOUNDARY LINE
- - - RIGHT-OF-WAY
- LOT LINE
- ⊙ FOUND CORNER AS DESCRIBED
- SET #4 REBAR w/PLASTIC CAP LS 38470
- SET #4 REBAR w/ALUMINUM CAP 25 WITNESS CORNER, LS 38470
- CALCULATED POSITION TRUE CORNER FALLS IN DITCH
- U.A.E.A.E. UTILITY, ACCESS & EMERGENCY ACCESS EASEMENT
- UE UTILITY EASEMENT
- DE DRAINAGE EASEMENT
- (M) MEASURED BEARING & DISTANCE
- (R) RECORDED BEARING & DISTANCE

CURVE	DELTA	RADIUS	LENGTH	BEARING	CHORD
C1	28°13'14"	130.00'	64.03'	N14°06'37"W	63.39'
C2	28°13'14"	190.00'	93.58'	N14°06'37"W	92.64'
C3	71°21'31"	25.00'	31.14'	N35°40'45"W	29.18'
C4	71°44'13"	25.00'	31.30'	S35°52'06"W	29.30'
C5	90°00'18"	15.00'	23.56'	S45°00'08"E	21.21'
C6	89°59'44"	5.00'	7.85'	N44°59'52"E	7.07'
C7	89°59'56"	50.00'	78.54'	N44°59'56"E	70.71'
C8	90°00'12"	25.00'	39.27'	N45°00'10"W	35.38'
C9	90°00'00"	25.00'	39.27'	N44°59'56"E	35.38'
C10	90°00'04"	25.00'	39.27'	S45°00'02"E	35.38'
C11	89°59'44"	25.00'	39.27'	S44°59'52"W	35.35'
C12	90°00'28"	17.00'	26.71'	N45°00'02"W	24.04'
C13	90°00'00"	10.00'	15.71'	N45°00'00"E	14.14'
C14	71°29'29"	25.00'	31.19'	S44°15'16"E	29.21'
C15	89°50'00"	15.00'	23.52'	S45°04'43"W	21.18'
C16	28°13'14"	145.00'	71.42'	N14°06'37"W	70.70'
C17	28°13'14"	175.00'	86.20'	N14°06'37"W	85.33'
C18	90°00'04"	50.00'	78.54'	S45°00'02"E	70.71'
C19	90°00'16"	3.50'	5.50'	S45°00'08"E	4.99'
C20	90°03'50"	10.00'	15.72'	N44°57'49"E	14.15'
C21	44°01'00"	199.50'	153.28'	N11°37'43"E	149.52'
C22	49°29'08"	50.00'	43.18'	S24°44'33"W	41.89'
C23	34°53'42"	50.00'	30.45'	N72°33'13"W	29.98'
C24	49°28'58"	50.00'	43.18'	N24°44'29"W	41.89'
C25	28°13'14"	160.00'	78.81'	S14°06'37"E	78.01'
C26	28°13'14"	160.00'	78.81'	S14°06'37"E	78.01'

Delta = (M) 48°30'04"
 (R) 48°29'59"
 R=199.50' L= (M) 168.88'
 (R) 168.87'
 Dir = (M) S09°23'11"W
 (R) S09°33'30"W
 Chord = 163.88'

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

SECTION: 25
 TOWNSHIP: 6N
 RANGE: 69 W of the 6th PM

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

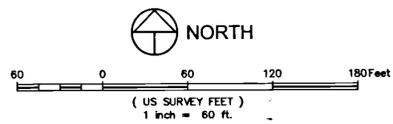
DATE: 11/15/16
 PROJECT: 891-C04
 DESIGNED BY: B. T. TERRY
 DRAWN BY: L. SMITH
 REVIEWED BY: B. T. TERRY

MOUNTAIN PACIFIC FIRST SUBDIVISION
 CITY OF LOVELAND, STATE OF COLORADO

Sheet 2
 Of 2 Sheets



Robert C. Tesley
 Registered Professional Land Surveyor
 Colorado Registration No. 38470
 For and on behalf of Northern Engineering Services, Inc.



GENERAL DEVELOPMENT PLAN APPLICATION

Project Name:		
PROJECT		
Narrative Description of Project , including purpose, number of lots, type of use, and other pertinent information:		
Existing Legal Description of Property Boundary (Lots, Blocks, Tracts and Subdivision Name, or Metes & Bounds):		
Address of Existing Buildings or Property:		
APPLICANT INFORMATION		
OWNER'S REPRESENTATIVE (CONTACT PERSON)		
Company:	Name:	Phone:
		Fax:
Address: _____		
City, State: _____		Zip Code: _____
Email Address: _____		
CONSULTANT		
Company:	Name :	Phone:
		Fax:
Address: _____		
City, State: _____		Zip Code: _____
Email Address: _____		
CONSULTANT		
Company:	Name :	Phone:
		Fax:
Address: _____		
City, State: _____		Zip Code: _____
Email Address: _____		
CONSULTANT		
Company:	Name :	Phone:
		Fax:
Address: _____		
City, State: _____		Zip Code: _____
Email Address: _____		

OWNER		
Company :	Name :	Phone:
		Fax:
Address: _____		
City, State: _____		Zip Code: _____
Email Address: _____		
SITE		
Site Use and Zoning	Existing Adjacent Zoning and/or Use	
Existing Use:	North Side:	
Proposed Use:	South Side:	
Existing Zoning:	West Side:	
	East Side:	
Other Information	Acreage of Site	
Number of Units Existing:	Gross:	
Number of Units Proposed:	Right-of-Way:	
Number of Lots Proposed:	Net:	
Non-Residential Bldg. Area (Sq. Ft.) Proposed:	Utility Services Provided by	
Total Number of Parking Spaces:	Water:	
	Wastewater:	
	Electric:	
FEMA FLOODPLAIN		
Is any portion located in a FEMA floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	* If Yes, please submit legal description	

DESIGNATION OF OWNER'S REPRESENTATIVE
The undersigned owner(s) agree(s) that (please print name) _____ represents the undersigned in all matters pertaining to this project, including subsequent modifications to the application. <p style="text-align: center;">Owner</p> Signature: _____ Date: 03.31.17
ACKNOWLEDGMENTS
I, as the Owner or Owner's Representative, hereby acknowledge that the application is correct and complete as per the specifications in the submittal checklist. <p style="text-align: center;">Owner or Owner's Representative</p> Signature: _____ Date: 03.31.17 Printed Name: _____

Mountain Pacific Business Park Amended GDP Findings Statement

A. The GDP conforms to the requirements of the Municipal Code Section 18.41.050.D.4 to the City's master plans and to any applicable area plan in the following ways:

B. The proposed development will not negatively impact traffic in the area, city utilities, or otherwise have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it.

The GDP will not have a negative traffic impacts to the area. A TIS has been provided and is being reviewed by the City's transportation department. There are sufficient utilities to serve the project.

C. The proposed development will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:

a. Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;

The GDP will be interconnected with adjacent properties within the Mountain Pacific Business Park. The open space is appropriate and the required bufferyards will be met. Landscape treatment setbacks will be incorporated into the perimeters of the site to soften arterial street impacts and to buffer the surrounding uses from the site.

b. Incorporating site planning techniques that will foster the implementation of the City's master plans, and encourage a land use pattern that will support a balanced transportation system, including auto, bike and pedestrian traffic, public or mass transit, and the cost effective delivery of other municipal services consistent with adopted plans, policies and regulations of the city;

The GDP is consistent with the City's master plans. The approved FDP for the site includes the construction of a new right turn lane from County Road 30 into the site that serves the retail pad sites and the industrial buildings currently under construction. A new sidewalk, curb and gutter and handicap ramps will also be constructed. The GDP provides a land use pattern that supports public and private facilities. Water is readily available to the site in County Road 30. Sewer has been extended from the south and will be provided by the City of Loveland.

c. Incorporating physical design features in the development that will provide a transition between the project and adjacent land uses through the provision of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures;

The proposed GDP will be unique and have its own "rural rustic" character. Clustered building placement of buildings is encouraged to allow view corridors along the site frontage. Buildings shall exhibit 360" architecture where all sides of the building have a high level of architectural detail and style. The GDP will be interconnected with adjacent properties within the Mountain Pacific Business Park. The open space is appropriate and the required bufferyards will be met.

- d. Incorporating identified environmentally sensitive areas, including, but not limited to, wetlands and wildlife corridors, into the project design;

There are no identified wetlands on the site. The Louden Ditch runs along the east property line, but all development is located far enough away due to the detention ponds.

- e. Incorporating elements of community-wide significance as identified in the town image map;

The GDP incorporates elements of community-wide significance as identified in the comprehensive plan.

- f. Incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities; and

The western frontage of the property faces State Highway 287, a major arterial. Total half-right of way, per LCUASS is 70', and has been dedicated per the Amended Plat of Parcels B and C, Mountain Pacific First Addition. Ultimate construction of the State Highway 287 will include 3-12' travel lanes, a 7' bike lane, curb, gutter, 10' parkway and 6' detached meandering walk.

The northern frontage of the property faces County Road 30, aka 71st Street, a major collector. The total 80' right of way, per LCUASS, is 80'. The south 40' has been dedicated approximately per the Amended Plat of Parcel 8 and C Mountain Pacific First Addition. Ultimate construction will include 2-12' travel lanes, 7' bike lane, 6' parkway, and 5' detached meandering walk.

- g. Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.

Landscape treatments shall meet the requirements of the City of Loveland Municipal Code, the City of Loveland Site Development Performance Standards and the "Plan for the Region between Fort Collins and Loveland". The intent is to provide a native, rural appearance using drought resistant groupings of trees, shrubs and grasses rather than a more formal arrangement of street trees and irrigated turf that would be expected closer to Downtown.

Pedestrian circulation will consist of a continuous network within the commercial retail and light-industrial portions of the site. As construction occurs on the western portion of the site, sidewalk connectivity shall be provided between the State Highway 287 frontage and the walk associated with the internal private drive. Each new site development plan shall include at least one 5' wide connecting concrete walk between the western frontage walk and the private drive walk, as shown conceptually in the land use plan.

Buildings in Area D shall be placed at least 40' behind the west property line. Clustered building placement of buildings is encouraged to allow view corridors along the site frontage. In addition buildings shall be placed between the State Highway 287 frontage and the parking lots where ever possible.

While each building shall reflect the "rural rustic" character as described below, individual buildings can be unique in terms of color, materials, fenestration, roof lines and other

architectural features. Variation between the buildings will provide visual interest and easy recognition by the general public.

- D. A description and discussion of all aspects of the GDP that do not comply with the regulations for the comparable zone district in the Municipal Code.

Regulations except as otherwise provided in this GDP, all development and use of property within this PUD shall comply with the appropriate provisions of the Loveland Municipal Code



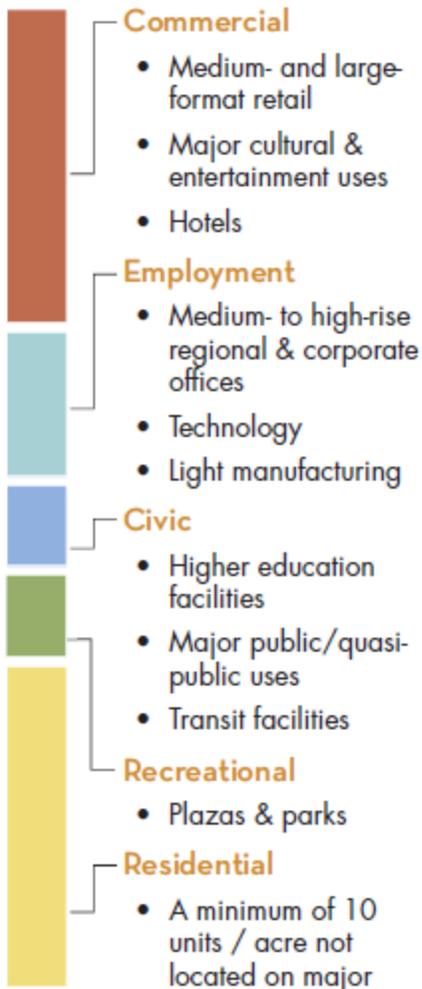
RAC - REGIONAL ACTIVITY CENTER

- Serves regional commercial, service and employment uses at major intersections along interstates and state highways.
- Allows for limited, high density residential.



Example: Promenade Shops at Centerra

Land Use Mix



Transportation

Highest Priority Mode



Regional access to/ from interstate & state highways; slow speeds, intuitive connectivity & wayfinding within

Priority Mode



Wide detached sidewalks with amenities like benches, planters, gathering places

Priority Mode



Designated bike accommodation such as bike lanes or protected bikeway

Priority Mode



Enhanced transit stations on adjacent collector & arterial network for local & regional bus service

Zoning Compliance

- MAC - Mixed-use Activity Center
- PUD - Planned Unit Development
- B - Developing Business

Form

- Larger scale plazas and paths
- Encourage high-quality architecture
- Street Pattern: Modified Grid
- Block Length: 300' - 1,500'
- Front Yard Setbacks: 0' - 700'
- Building Height: As determined by landscaping, easements & parking lot design





MEMORANDUM

To: Loveland Planning Commission

Through: Rod Wensing, City Manager's Office

From: Alison Hade, Community Partnership Office

Date: September 11, 2017

Subject: Proposed amendments to Title 16 at Chapter 16.43 of the Municipal Code regarding affordable housing

I. SUMMARY

The proposed Community Housing Development code change described below outlines a process for non-profit and for-profit developers to receive an incentive from the City of Loveland to build single-family affordable housing (Attachment 1). The recommendation is the result of meetings with the Affordable Housing Commission, Loveland Housing Authority, Loveland Habitat for Humanity, Aspen Homes, Brinkman Partners and LC Real Estate. The result is an incentive for homes affordable to residents living between 30% and 60% of the area median income (AMI) (Attachment 2) and a process for homes affordable to residents living above 60% AMI.

This meeting of the Planning Commission was originally scheduled and advertised as a Public Hearing but will now be a study session. It is anticipated that a formal code amendment addressing this topic will be developed and brought through the public hearing process following the Planning Commission study session and September 26, 2017 City Council study session. While no formal action can be taken in a study session, the Community Partnership Office is interested in obtaining feedback from the Commission.

II. BACKGROUND

The City of Loveland supports affordable housing primarily through the waiver of development, capital expansion (CEF) and other fees for non-profit and for-profit developers. Other fees include utilities and charges that must be reimbursed, or backfilled, by the general fund and cannot be waived outright by City Council. Non-profit developers, namely the Loveland Housing Authority and Habitat for Humanity, have historically received a waiver of close to 100% of building permit and capital expansion fees, as well as utility fees that require backfilling, for providing housing for people living between 30% and 60% of the AMI. For-profit organizations have historically only received fee waivers that do not require backfilling and the resulting housing has supported residents living at 60% of the AMI for rentals and 70% of the AMI for for-sale units. Affordable housing incentives used by other cities is included as Attachment 3 as a comparison.

The Planning Commission discussed the first round of changes to the Community Housing Development Code shown below on February 27, 2017 and March 13, 2017. City Council approved these changes on March 21, 2017 and April 4, 2017. Comments by City Council during the March 21, 2017 regular meeting were about prior issues with single-family incentives. Those concerns have been addressed through these code changes by outlining requirements that developers are expected to meet should an incentive be granted (see PowerPoint, Attachment 5). This list is not comprehensive and will likely expand with this discussion.

A list of all code changes already approved is below, followed by a recommendation for changes to 16.43.070 for single-family housing.

APPROVED CHANGES:

- Name change from the Affordable Housing code to Community Housing Development.
- **Purpose updated** to match the Comprehensive Plan and goals of the Affordable Housing Commission.
- **Increase deed restriction** duration for multi-family housing to 50 years and public facilities to 25 years.
- **Affordable Housing Designation** application process has been adjusted to require two meetings with City Council. The first approval locks in development fees but does not commit to a further incentive and provides City Council the opportunity to make an initial determination about whether the project meets top priority housing goals. Approval during a subsequent meeting describes the City's commitment to a specific incentive, which has historically been a waiver or a reduction of fees.
- **Incentives for multi-family housing** only for affordable units with two levels of investment: 1) up to 100% fee waiver for projects that include a mix of 30% to 60% AMI units; and 2) percentage waiver of fees (not including any backfilled fees) for affordable units in projects that do not include units for very low-income individuals.
- **Protection of City investment** by requiring the owner of a deed-restricted unit to sell or transfer the unit to another income-qualified household unless a hardship waiver is granted. A hardship waiver allows the owner to sell the unit to a non-income qualified buyer and repay a portion of the net proceeds, starting with 95% repayment during the first year and ending after 20 years. Hardship waiver requests are heard by the Affordable Housing Commission and may be appealed to Council if denied.

III. RECOMMENDATION

1. Incentives for single housing (16.43.070)

The Community Partnership Office recommends a tiered incentive structure for single-family housing with a greater incentive for housing affordable to residents living between 30% and 60% of the AMI. Loveland Habitat for Humanity is currently the only builder of affordable for-sale homes for very low-income residents and has been receiving an almost 100% waiver of

building development and capital expansion fees for about 20 years. As recommended, this 100% waiver would be formalized and available to all developers providing housing affordable to residents in the 30-60% of AMI category.

A new, second tier, of incentives for housing affordable to residents living above 60% of the AMI will no longer be listed showing a specific incentive. The City will not commit to a percentage waiver of fees, but will instead review projects for residents living between 60% and 100% of the AMI on a case-by-case basis. Removing the incentive chart from the code creates more flexibility and allows Council choice in the type of incentive offered, potentially including assistance with infrastructure or other public improvements instead of a waiver or reduction of fees, or a lock in the total cost of fees paid over time. Projects can be evaluated based on the priorities of the Council with a specific commitment described in a partnership agreement.

Specific requirements of all projects in which an incentive is requested will include:

- An Affordable Housing Designation approved by the Affordable Housing Commission and City Council.
- Review of proforma financials by the City of Loveland with a review by a third party and a cap on the amount of profit received by the company. (mission driven while still making a profit)
- An approved partnership and development agreement.
- An eligibility preference for applicants that live or work in Loveland.

The goal of partnering with developers building single-family housing is to provide an incentive that is flexible and responsive to market conditions, such as the cost of construction or the fluctuation in interest rates. This change acknowledges that no two projects are the same and does not indicate a specific commitment.

IV. COMMUNITY HOUSING DEVELOPMENT FUND

City Council directed 1.25% of sales tax revenue to be spent on incentives for affordable housing, including programs and services. Loveland's preferred partners have planned projects for the next five years. Estimates of incentives for these projects can be found in Attachment 4.

V. POTENTIAL NEXT STEPS:

Explore and potentially integrate the following elements:

- A cap on assets, which would eliminate the use of affordable housing for downsizing. Currently, residents living on a fixed income can sell a home and use the equity to purchase a new, smaller home.
- Limiting the resale value of homes to ensure long-term affordability. See Town of Breckenridge: <http://www.townofbreckenridge.com/home/showdocument?id=7470>
- Additional density

VI. ATTACHMENTS

- Attachment 1 – Title 16 Code revisions

- Attachment 2 – Area Median Income (AMI) table and affordable mortgage amounts for for-sale properties by AMI level.
- Attachment 3 – Types of incentives by City.
- Attachment 4 – Community Housing Development Fund spending over the next five years.
- Attachment 5 – September 11, 2017 Planning Commission PowerPoint

VII. PLEASE DIRECT QUESTIONS TO:

Please contact Alison Hade for any questions regarding the items listed above by telephone, email, or in-person.

Alison Hade, Administrator
Community Partnership Office
500 E. Third Street, Suite 210
alison.hade@cityofloveland.org
970-962-2517

Title 16

SUBDIVISION OF LAND*

Chapter 16.43

COMMUNITY HOUSING DEVELOPMENT

Sections:

- 16.43.010 Purpose.**
- 16.43.020 Community housing development fund established.**
- 16.43.030 Revenue sources for community housing development fund.**
- 16.43.035 Designation of affordable housing developments.**
- 16.43.040 Calculation of capital expansion fees for designated affordable housing developments.**
- 16.43.045 Dispersion and phasing of affordable housing units required.**
- 16.43.050 Design standards for affordable housing.**
- 16.43.055 Expedited development review for affordable housing developments.**
- 16.43.060 Exemption from capital expansion fees – not-for-profit or public facilities.**
- 16.43.070 Exemption from capital expansion fees – designated affordable housing developments and affordable housing units.**
- 16.43.071 Deferral of fees – community development.**
- 16.43.080 Deed restriction for affordable housing units and not-for-profit or public facilities required.**
- 16.43.090 Sales of deed-restricted affordable housing units.**
- 16.43.100 Use tax credit for affordable housing units.**
- 16.43.110 Annual review of affordable housing ownership.**

16.43.010 Purpose.

The purposes of this chapter are to:

- A. Encourage development of diverse housing types and complete neighborhoods;
- B. Support housing that meets the needs of low and moderate income households;
- C. Reduce homelessness by providing supportive housing with services.

16.43.020 Community housing development fund established.

There is created a special fund to be known as the community housing development fund for the purpose of receiving all revenues related to affordable housing programs and services and other appropriations from the general fund or other funds as approved or established by council. The fund and any interest earned in that fund shall be for the specific use of those programs and services as determined by council.

16.43.030 Revenue sources for community housing development fund.

The community housing development fund shall be funded through revenues derived from payments to the city as set forth in Section 16.43.090C., from gifts or grants, and from appropriations from the general fund or other funds, as council may from time-to-time establish or approve.

16.43.035 Designation of affordable housing developments.

All applications for designation of a housing development or housing unit as affordable shall be submitted to the affordable housing commission for review and recommendation to council. A decision

by the affordable housing commission not to recommend designation may be appealed to council. Council shall review such applications and make the final determination to approve, approve with conditions, or deny such applications by resolution. An application for designation of a housing development as affordable may not be combined with or include a request for exemption from a capital expansion fee or other fees. A designation of a housing development as affordable does not guarantee a reduction or exemption of capital expansion fees or other fees by council.

16.43.040 Calculation of capital expansion fees for designated affordable housing developments.

- A. Capital expansion fees, water rights requirements and fees, and any other fees imposed by the city upon an affordable housing development, whether for capital or other purposes (collectively, “development fees”) shall be calculated as of the date on which council adopts a resolution designating the housing development as affordable (the “designation date”). The development fees calculated under this section shall be valid for five years thereafter. At the end of the five-year period, the development fees shall be calculated each year thereafter on the basis of those development fees in effect five years prior. This adjustment shall continue each year until the last affordable housing unit within the affordable housing development receives a building permit, or the housing development loses its affordable designation in accordance with Subsection B. below.
- B. Ten years after the designation date, the housing development shall lose its affordable designation unless at least one affordable housing unit within the housing development has received a certificate of occupancy, in which case the development fees shall continue to be calculated as set forth in Subsection A. above. Notwithstanding the foregoing, any developer that has not obtained a certificate of occupancy at the end of the ten-year period may request that the affordable housing commission consider and make a recommendation to council to extend the housing development’s affordable designation and the fee reduction provided for herein for good cause shown. Any such extension shall be set forth in a development agreement approved by resolution of council.
- C. Notwithstanding anything herein to the contrary, the developer shall be entitled to pay the lower of the development fee in effect as of the designation date and the development fee in effect at the time such fees are paid.

16.43.045 Dispersion and phasing of affordable housing units required.

A. Where affordable housing units are part of a residential development also containing market-rate housing units, the planning commission shall review the preliminary plat to ensure that the affordable housing units shall, to the extent possible without creating practical difficulties, be mixed with the market-rate housing units and not clustered together or segregated from market-rate housing units in the development. The director, in all instances, shall have the discretion to approve the final location and distribution of affordable housing units in the development provided that such locations are in substantial compliance with the planning commission’s approval of the preliminary plat.

B. All development plans for affordable housing developments or that include affordable housing units shall indicate which dwelling units shall be constructed as affordable housing units. For single-family detached dwelling units, each lot upon which an affordable housing unit is to be constructed shall be designated on the development plan. For multi-family housing or duplex housing, the development plan shall indicate the percentage of units within the development that shall be constructed as affordable housing units. An affordable housing development may be developed in phases. For a phased development, each development plan shall indicate which dwelling units shall be constructed as affordable housing units. The director, in all instances, shall have the discretion to approve the number and location of affordable housing units within a phased development so long as the required ratio of affordable housing units to the overall number of market-rate units is maintained for each phase of the development. The development agreement for the affordable housing development shall specify the

required affordable housing ratio of affordable housing units to market-rate units to be maintained during construction of each phase of the development. The director shall also have the authority to approve administrative amendments to development plans changing the location of affordable housing units designated on a development plan for non-phased developments, provided that such locations are in substantial compliance with the planning commission's approval of the preliminary plat and with all other applicable provisions of this chapter.

16.43.050 Design standards for affordable housing.

The design standards set forth in Chapter 16.24 may be modified for subdivisions which are affordable housing developments in accordance with the Site Development Performance Standards and Guidelines. For affordable housing found in Chapter 7 of the Site Development Performance Standards and Guidelines, so long as the design of the subdivision remains at all times consistent with the overall health, safety, and welfare of the future residents of the subdivision. All Design modifications for affordable housing developments shall be subject to the approval of the director.

16.43.055 Expedited development review for affordable housing developments.

The city shall process all applications for affordable housing developments on an expedited time line. Complete applications for affordable housing developments shall be placed ahead of all other complete applications in the review process. All required reviews of applications for affordable housing developments by city staff members and city boards and commissions shall be accomplished in as expeditious a manner as possible consistent with good planning principles.

16.43.060 Exemption from capital expansion fees – not-for-profit or public facilities.

Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon a new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed will provide not-for-profit or public facilities open to Loveland area residents that might otherwise be provided by the city at taxpayer expense, that such facilities relieve the pressures of growth on the city-provided facilities, and that such facilities do not create growth or growth impacts. When a capital-related fee is waived pursuant to this section, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge in which case the affected utility fund shall be reimbursed by the general fund. No certificate of occupancy shall be issued for any project that obtains a fee waiver pursuant to this section unless the project is encumbered by a deed restriction that meets the requirements described in Section 16.38.080..

16.43.070 Exemption from capital expansion fees – designated affordable housing developments and affordable housing units.

- A. Council may by resolution grant an exemption from all or part of the capital expansion fees or any other fees imposed by the city upon new development, whether for capital or other purposes, upon a finding, set forth in a development agreement, that the project for which the fees would otherwise be imposed is an affordable housing development, and the development has been previously designated as such by resolution of council. When a capital-related fee is waived pursuant to this section, there shall be no reimbursement to the capital expansion fund by the general fund or any other fund, unless the capital-related fee is a utility fee or charge in which case the affected utility fund shall be reimbursed by the general fund.
- B. Exemptions granted pursuant to this section shall be done in accordance with the following tables:
 - 1. A new development that will contain rental housing and will not include market-rate units for rent may be eligible for a waiver of 100% of capital-related fees and charges or any other fees imposed by the city upon the development, at the discretion of council, if the development meets the following criteria: (a) 100% of the units will be available for rent by

persons earning 60% of the area median income or lower, and (b) at least ~~60~~50% of the units will be available for rent by persons earning 50% of the area median income or lower.

- If granted for a new development that will contain rental housing that does not meet the criteria above, any exemption approved by council shall only apply to individual affordable housing units ~~and~~, and shall not apply to market-rate units. Unless otherwise approved by council, the exemption shall be calculated as follows:

Percentage of area median income to be served for a particular affordable housing unit	Percentage of fees waived for the particular affordable housing unit
30%	100%
40%	90%
50%	80%
60%	70%

- A new development that will contain affordable for-sale housing units and will not include market-rate units for sale may be eligible for a waiver of 100% of capital-related fees and charges or any other fees imposed by the city upon the development, at the discretion of council, if the development meets the following criteria: (a) 100% of the units in the development will be available for-sale to persons earning 60% of the area median income or lower, and (b) at least 50% of the units will be available for-sale to persons earning 50% of the area median income or lower.
- A new development that will contain affordable for-sale housing units to be made available for persons earning 70-100% of the area median income may be eligible for a waiver of capital-related fees and charges or any other fees imposed by the city upon the development, depending upon the unique circumstances of the project and only following specific review and approval of the project by staff and council. To be considered for approval by council of a waiver of fees and charges, the development must contain the following elements, restrictions, or characteristics: (a) designation by council as an affordable housing development, (b) review of pro forma financial analysis by staff and third-party independent consultant, (c) approval of partnership agreement and development agreement with the city, and (d) preference for affordable units to families that currently live or work in Loveland. A waiver of fees or charges, or other economic or infrastructure incentives, may be approved in the sole discretion of council, for projects that meet these characteristics and requirements and further the goal of increasing the supply of affordable housing to the residents of the city
If granted for “for sale” housing, the exemption shall be as follows:

Percentage of area median income to be served	Minimum percentage of units in development set aside as affordable housing	Percentage of fees waived for affordable housing only
40%	5%	90%
50%	10%	80%
60%	15%	70%
70%	20%	60%
75%	25%	25%
80%	30%	15%

- Notwithstanding the above provisions of this Subsection B., council may increase the percentage of fees waived under this section upon making a finding in its resolution waiving the fees that such percentage increase will serve a public purpose, which public purpose shall be specified in the resolution. Council may also decrease the percentage of fees waived

under this section based upon the unique circumstances of a proposed development, the availability of funds, or for any other reason.

- C. Exemptions granted pursuant to this section shall be effective for one year from the date on which the exemption is granted unless extended by council for good cause shown. Any such extension shall be set forth in an amendment to the development agreement approved by resolution of council.
- D. Exemptions for fee waivers under this Title 16, including those capital-related utility fees and charges that must be reimbursed by the general fund, are granted at the sole discretion of council and under the specific terms approved by council.

16.43.071 Deferral of fees – community development

Council may allow for the deferral of fees imposed on not-for-profit or public facilities, designated affordable housing developments, or affordable housing units under the same procedures and requirements described in section 16.38.071.

16.43.080 Deed restriction for affordable housing units and not-for-profit or public facilities required.

- A. “For sale” affordable housing units. No certificate of occupancy shall be issued for any “for-sale” single-family dwelling, multi-family building, or duplex containing an affordable housing unit(s) unless:
 - 1. The applicant provides documentation satisfactory to the director of development services that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat;
 - 2. For a single-family dwelling only, the contract household-buyer of such unit has been income-qualified for purchase of such unit by the community partnership administrator; and
 - 3. A deed restriction or encumbrance has been placed on the property in a form approved by the city attorney, prohibiting the sale of the affordable housing unit(s) to any person or entity other than a qualifying household, prohibiting the rental of the property, and requiring the property to be owner-occupied, for a period of twenty years from the date of the initial purchase of the affordable housing unit(s). The deed restriction or encumbrance shall contain a provision stating that it is the intent of the parties that the respective rights and obligations set forth in the deed restriction or encumbrance shall constitute covenants, equitable servitudes, and/or liens that run with the land and shall benefit and burden any personal representatives, successors, and assigns of the parties. The deed restriction or encumbrance shall also contain a provision indicating that it automatically expires: (i) if title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender’s successor or assign, by foreclosure or deed-in-lieu of foreclosure; or (ii) twenty years after the date of the initial purchase of the affordable housing unit by the initial qualifying household, provided there is no existing default under the deed restriction or encumbrance.
- B. “For rent” units. No certificate of occupancy shall be issued for any “rental” multi-family building or duplex containing an affordable housing unit(s) unless:
 - 1. The applicant provides documentation satisfactory to the director of development services that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat;
 - 2. A deed restriction or encumbrance has been placed on the property in a form approved by the city attorney, prohibiting the rental of the affordable housing units to any person(s) other than a qualifying household, and prohibiting the conversion of the affordable housing units from “rental” units to “for-sale” units without the prior written approval of the city, for a period of fifty years from the date of the issuance of a certificate of occupancy. The deed restriction or encumbrance shall contain a provision stating that it is the intent of the parties that the respective rights and obligations set forth in the deed restriction or encumbrance shall constitute covenants,

equitable servitudes, and/or liens that run with the land and shall benefit and burden any personal representatives, successors, and assigns of the parties. The deed restriction or encumbrance shall also contain a provision indicating that it automatically expires: (i) if title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or (ii) fifty years after the date on which a certificate of occupancy was first issued for the property, provided there is no existing default under the deed restriction or encumbrance.

- C. Not-for-profit facilities. No certificate of occupancy shall be issued for a not-for-profit or public facility building that meets the requirements of Section 16.43.060 and that obtains a fee waiver pursuant to this section unless a deed restriction or encumbrance has been placed on the property in a form approved by the city attorney, prohibiting the sale of the not-for-profit or public facility to any person or entity for a use that does not meet the requirements of Section 16.43.060 for a period of twenty-five years from the date on which a certificate of occupancy was first issued for the property. The deed restriction or encumbrance shall contain a provision stating that it is the intent of the parties that the respective rights and obligations set forth in the deed restriction or encumbrance shall constitute covenants, equitable servitudes, and/or liens that run with the land and shall benefit and burden any personal representatives, successors, and assigns of the parties. The deed restriction or encumbrance shall also contain a provision indicating that it automatically expires: (1) if title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or (2) twenty-five years after the date on which a certificate of occupancy was first issued for the property, provided there is no existing default under the deed restriction or encumbrance.

16.43.090 Sales of deed-restricted affordable housing units.

- A. Every household-buyer of a deed-restricted affordable housing unit must be income-qualified by the community partnership administrator.
- B. Within the deed-restriction period of a particular affordable housing unit, the owner of a deed-restricted affordable housing unit may only sell or transfer the unit to another income-qualified household unless council approves a hardship waiver of the requirements of this section. The requirements of this section shall not apply to the owner of an affordable housing unit with a deed restriction recorded prior to July 1, 2017 or to those deed restrictions that are related to or the subject of a development agreement between the city and a developer executed prior to July 1, 2017.
- C. Deed restriction hardship waiver and payment required. Council may waive the requirement provided in subsection B, above, to allow an owner of a "for sale" affordable housing unit to sell such unit to a household that does not meet the definition of a qualifying household. Any requests for such deed restriction hardship waiver must be approved first by the affordable housing commission. The affordable housing commission's denial of a waiver may be appealed to council. A deed restriction hardship waiver granted by council shall require the owner to pay the city the amounts set forth by applying the calculation in the table below:

Number of years from original sale	Amount owed to city
1	95% of net proceeds
2	90% of net proceeds
3	85% of net proceeds
4	80% of net proceeds
5	75% of net proceeds
6	70% of net proceeds
7	65% of net proceeds

8	60% of net proceeds
9	55% of net proceeds
10	50% of net proceeds
11	45% of net proceeds
12	40% of net proceeds
13	35% of net proceeds
14	30% of net proceeds
15	25% of net proceeds
16	20% of net proceeds
17	15% of net proceeds
18	10% of net proceeds
19	5% of net proceeds
20	\$0

In no instance shall the payment required exceed the owner's amount of net proceeds from sale of the affordable housing unit.

16.43.100 Use tax credit for affordable housing units.

- A. Incentives provided. An applicant who meets all of the applicable criteria set forth in this section may receive, as a credit against any fees assessed by the city in connection with the construction of new affordable housing units within the city, or in connection with the reconstruction or remodel of an existing dwelling unit within the city, a sum equal to the building materials use tax paid to the city in connection with the construction of such units.
- B. Criteria to receive credit. The credit shall be issued at the time a certificate of occupancy is issued for the single family dwelling, multi-family building or duplex containing an affordable housing unit. In order to receive the use tax credit set forth in Subsection A., the applicant shall meet one of the following criteria:
 - 1. For "for-sale" dwelling units, the applicant shall provide documentation satisfactory to the director that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat.
 - 2. For "rental" dwelling units, the applicant shall provide documentation satisfactory to the director and the city attorney that the multi-family building or duplex containing affordable housing rental unit(s) are located in an affordable housing development and will provide affordable housing units to qualifying households for not less than fifty years.
- C. Application. Any person or entity that wishes to receive the incentive credit provided for in Subsection A., shall submit a completed use tax credit application to the community partnership administrator. The application shall be accompanied by documentation in support of the criteria set forth in this section. An application which fails to contain complete information and sufficient documentation to support the criteria set forth above shall not be considered. The completed application for the incentive credit shall be submitted and approved prior to issuance of a use tax credit and prior to issuance of a certificate of occupancy.

16.43.110 Annual review of affordable housing ownership.

Once each year, the community partnership administrator shall obtain an ownership report concerning each "for-sale" affordable housing unit for which the city has issued a certificate of occupancy. In the event an affordable housing unit is owned or occupied by a person other than the initial qualifying household, the current owner of the affordable housing unit shall submit documentation to the administrator verifying that the affordable housing unit is owned by a qualifying household and has not been rented. In the event the current owner fails to provide such information in a timely manner, or the information provided fails to support continuing compliance with the requirements

set forth in this chapter, the administrator shall advise the current owner in writing that the payment set forth in Section 16.43.090C. shall be paid to the city. If the current owner fails to pay the city within thirty days of the date any decision is made by the administrator pursuant to this section, the city may institute appropriate legal proceedings to recover the amount owed. Any such funds recovered shall be placed in the affordable housing fund.
(Ord 6100 § 6, 2017)

End Title 16

ATTACHMENT 2 – Area Median Income

AMI tables are distributed annually by the U.S. Department of Housing and Urban Development (HUD).

**2017 HUD Income Guidelines
Larimer County
Issued April 2017**

# of Persons in Household	1	2	3	4	5	6	7	8
100%	\$53,800	\$61,500	\$69,200	\$76,800	\$83,000	\$89,100	\$95,300	\$101,400
80%	\$43,040	\$49,200	\$55,360	\$61,440	\$66,400	\$71,280	\$76,240	\$81,120
75%	\$40,350	\$46,125	\$51,900	\$57,600	\$62,250	\$66,825	\$71,475	\$76,050
70%	\$37,660	\$43,050	\$48,440	\$53,760	\$58,100	\$62,370	\$66,710	\$70,980
60%	\$32,280	\$36,900	\$41,520	\$46,080	\$49,800	\$53,460	\$57,180	\$60,840
50%	\$26,900	\$30,750	\$34,600	\$38,400	\$41,500	\$44,550	\$47,650	\$50,700
40%	\$21,520	\$24,600	\$27,680	\$30,720	\$33,200	\$35,640	\$38,120	\$40,560
30%	\$16,150	\$18,450	\$20,750	\$24,600	\$28,780	\$32,960	\$37,140	\$41,320

Maximum affordable mortgage for for-sale single-family home.

Affordable For-Sale by AMI

AMI	Family of 3	Family of 4
70%	\$ 150,000	\$ 165,000
80%	\$ 170,000	\$ 190,000
90%	\$ 190,000	\$ 210,000
100%	\$ 210,000	\$ 235,000

ATTACHMENT 3: TERMS AND DEFINITIONS. TYPES OF INCENTIVES IN OTHER CITIES.

TYPE	NOTES	WHERE
Commercial Linkage	Impact fee on commercial development or on major employers to mitigate need for workforce housing. Should be preceded by nexus study. Adopted in Boulder February 2015.	Boulder Vail Pitkin County Telluride
Construction Defects	Resolution of issues of construction defects claims to enable for-sale multi-family housing. (3/16/15 – multi-family excluded from 2015 bill)	Legislative
Dedicated Property Tax	In Colorado, would be subject to TABOR and require voter approval.	Pitkin County Boulder
Dedicated Sales Tax	New sales tax or reallocation of already collected sales tax. New tax requires voter approval. Fort Collins’ Building on Basics is a .25% tax on non-food items, of which about 7% will be used for affordable housing.	Fort Collins Pitkin County
Density Bonus	Increase in number of units or decrease size of lot in a given area. Change in design standards to gain cost savings.	San Diego, CA
Document Recording Fee	Calculated as a fee per document or a value of construction. Opposed by the Board of Realtors and the Home Builders Association.	St. Louis, MO
Excise Tax	Residential and commercial tax paid on construction materials or per square foot. Cost is passed on to the buyer. Does not require a nexus study.	Boulder Parker
Fee Waiver/ Fee Reduction	Waiver or reduction of building development fees.	Loveland
Housing Trust Fund	Formula grant to states to increase and preserve rental housing for extremely low income households and homeless. Likely used only by Housing Authority. Funds not yet available.	Colorado Division of Housing
Incentive Zoning	Flexible zoning that offers an incentive in exchange for a desired public improvement, or in this instance, affordable housing. Developer can pay a fee in-lieu or dedicate land.	None known in CO Seattle, WA
Inclusionary Housing	Requires a percentage of housing to be provided at a specified affordable level. Typical requirement is 10% to 30% of homes built. Developer can “buy out” of inclusionary obligation. Not used for those with very low income. Could use rehabilitation of housing to fulfil contribution.	Boulder Denver Nationally: > 200
Land Banking	Land purchase by a municipality to sell with minimal profit for affordable housing.	Fort Collins
Lodging Tax	Generally used to fund tourism, not affordable housing. Snowmass, San Francisco and Columbus use LT to fund affordable housing.	Snowmass Village San Francisco, CA
Occupational Privilege Tax	(Head) tax assessed on an employer or employee on a per-worker basis. Denver charges \$5.75 to an employer and \$4.00 to employee per month for capital improvements, although not necessarily affordable housing.	Denver Aurora Greenwood Village
Public Financing	City to loan money at a lower interest rate.	Longmont
Real Estate Transfer Tax	Generally used in resort communities. Only Aspen applies RETT revenue to affordable housing.	Aspen
Residential Linkage	New larger residential development to pay for workforce housing. Generally used in resort towns. Should be preceded by nexus study.	Telluride

Use Tax	Additional assessment on construction materials. Requires voter approval.	San Miguel County
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ATTACHMENT 4

COMMUNITY HOUSING DEVELOPMENT FUND - FUND BALANCE		
Year	Fund Balance	Project
2017	\$ 400,000	
	\$ (57,747)	Habitat for Humanity back-filled fee waivers
	\$ (10,000)	LHA The Edge (year 2 of 3)
	\$ 332,253	
2018	\$ 832,253	Adding \$500,000 each year starting in 2018. All amounts are estimates.
	\$ (60,000)	Habitat for Humanity back-filled fee waivers
	\$ (10,000)	LHA The Edge (year 3 of 3)
	\$ (430,000)	LHA Mirasol III back-filled fee waivers
	\$ 332,253	
2019	\$ 832,253	
	\$ (68,000)	Habitat for Humanity back-filled fee waivers
	\$ (450,000)	4% LIHTC project - 72 to 84 units. Homeless housing added.
	\$ (45,000)	4% LIHTC - 8 units.
	\$ 269,253	
2020	\$ 769,253	
	\$ (70,000)	Habitat for Humanity back-filled fee waivers
	\$ (475,000)	4% LIHTC project - 84 units.
	\$ 224,253	
2021	\$ 724,253	
	\$ (70,000)	Habitat for Humanity back-filled fee waivers
	\$ (425,000)	Possible 9% LIHTC - 60 units. Single, mulit-family housing.
	\$ 229,253	

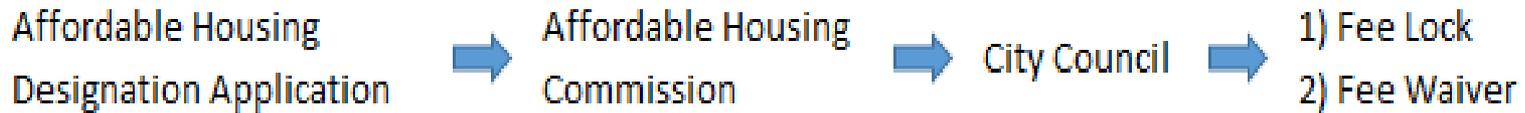
Affordable Housing Code

Planning Commission

September 11, 2017

REVIEW

- Deed restriction duration
- Affordable housing designation



- Fee waiver as incentive for multi-family.
- Protect city investments

Single-Family Incentives: 16.43.070(3)(4)

Recommendation

Percentage of area median income to be served	Percentage of fees waived for affordable housing only
30%	up to 100%
40%	up to 100%
50%	up to 100%
60%	up to 100%
70%	by negotiation
75%	by negotiation
80%	by negotiation
90%	by negotiation
100%	by negotiation

REQUIREMENTS

- APPROVED Affordable Housing Designation
- Financial review
- Partnership Agreement
- Live/Work Loveland

NEXT STEPS

- Cap on assets prior to buying
- Appreciation limits
- Density

HOUSING IN LOVELAND

For Rent



Room for rent \$600



LHA - The Edge



Lakemont Place \$1,100



Greens at Van de Water \$1,500

For Sale



Cost = \$59,000
Lot rent = \$600



Habitat for Humanity



400 sf x 2 = \$170,000?



\$210,000

Assumes family of 3

AMI	30%	40%	50%	60%	70%	80%	90%	100%
Income	\$ 20,760	\$ 27,680	\$ 34,600	\$ 41,520	\$ 48,440	\$ 55,360	\$ 62,280	\$ 69,200
Affordable Rent	\$ 519	\$ 692	\$ 865	\$ 1,038	\$ 1,211	\$ 1,384	\$ 1,557	\$ 1,730
Mortgage	\$ 62,909	\$ 83,879	\$ 104,848	\$ 125,818	\$ 146,788	\$ 167,758	\$ 188,727	\$ 209,697

Discussion

Study Session #2: Unified Development Code

Information will be provided prior to 9/11/17
Planning Commission Meeting