



**DEVELOPMENT SERVICES
CURRENT PLANNING**

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FINAL FINDINGS AND DETERMINATIONS
Type II Zoning Permit
Thornburg-Hamilton Third Subdivision
Special Review #930

Posted: November 16, 2017

TITLE:	Thornburg-Hamilton Third Subdivision Special Review #930
LOCATION:	The site is located at the Southwest corner of Fairgrounds Avenue and Larimer County Road 30 (E. 71 st Street)
APPLICANT:	Windsor Plains, LLC Jon Turner
STAFF CONTACT:	Kerri Burchett, Current Planning
APPLICATION TYPE:	Special Review #930
STAFF RECOMMENDATION:	Staff recommends that the Current Planning Manager approve this special review allowing for the development of the residential project, subject to the conditions listed in Sections VIII of this report.

I. ATTACHMENTS

1. Vicinity Map
2. Special Review/Site Development Plan
3. Colored Site and Building Renderings

II. SITE DATA

EXISTING USE Vacant
PROPOSED USE Multifamily Residential
NUMBER OF UNITS 295 (160 apartments, 38 Townhomes, 97 Condominiums)
EXISTING ZONING AREA (acres) B – Developing Business (23.6 acres)

EXISTING ADJACENT ZONING & USE- North..... Town of Windsor – residential currently being developed
EXISTING ADJACENT ZONING & USE - East Town of Windsor – Fairgrounds Avenue and single family residential
EXISTING ADJACENT ZONING & USE- South..... B-Developing Business – vacant
EXISTING ADJACENT ZONING & USE - West..... B- Developing Business - vacant
UTILITY SERVICE – WATER..... Fort Collins Loveland Water District
UTILITY SERVICE – SEWER South Fort Collins Sanitation District
UTILITY SERVICE – ELECTRIC City of Loveland

III. PROJECT DESCRIPTION

The application proposes to develop a multifamily residential project consisting of apartments, townhomes and residential condominiums around a proposed new elementary school site for the Poudre School District. The property is located at the southwest corner of Fairgrounds Avenue and County Road 30 (East 71st Street) and is zoned B Developing Business. In the Business District, multifamily residential is permitted as a special review use. The special review process involves neighborhood outreach including a meeting, a comment period and an appeal period.

The development would consist of three distinct residential areas, which would be developed in multiple phases. A total of 295 residential units are proposed.

Figure 1: Site Plan



A. Apartments

The first phase of the development would consist of the apartments, located in the northern portion of the site, adjacent to County Road 30. There would be 10 individual apartment buildings, consisting of 160 total units, along with a central clubhouse and detached garages. Access to the apartments would be from County Road 30 and a new internal road named American Oak Street that would connect to Fairgrounds Avenue. The apartment buildings are proposed as two-stories with a maximum height of 29 ½ feet. The elevations would consist a combination of stone and lap siding and pitched, gable roofs.

Figure 2: Apartment Building Elevation



B. Condominiums

The multifamily condominium development would occur as the next phase of the residential project. The condominiums are located at the southern edge of the property and consist of 16 total buildings. The buildings would be arranged in 4, 5 and 8 unit structures and house a total of 97 units. Each unit would have an attached, double car garage and guest parking spaces throughout the site. The structures would be two-stories with a building height of 31 ½ feet. A park area is located central to the development and includes a picnic shelter.

Figure 3: Condominium 8 Unit Building Elevation



C. Townhomes

The townhomes would be the last residential phase developed on the site. The area designated for the townhomes is located between the apartments and condominiums, adjacent to Fairgrounds Avenue. Seven individual buildings would be constructed, housing a total of 38 units. The townhome units would be located on individual fee-simple lots subdivided through a preliminary plat process, which is currently under review. A centralized clubhouse with a swimming pool would also be developed as part of the townhome phase. Each unit would consist of an attached, double car garage with guest spaces distributed around the clubhouse and along Oaklawn Lane.

Figure 4: Townhome Building Elevation



IV. KEY ISSUES

Staff has not identified key issues associated with this special review application in terms of compliance with the standards in the Municipal Code. Neighbors attending the neighborhood meeting were interested in learning about the proposal and asked questions concerning traffic, the school site, building heights, and related services, but did not voice opposition to the project.

V. BACKGROUND

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| 1987 | The Thornburg Hamilton Addition was annexed into the City as part of a large, 302-acre tract. The property was zoned I Developing Industrial. |
| Sept. 1998 | A subdivision of the property was approved, dividing the land into 4 separate lots. The subject lot was created as Lot 3. |
| Sept. 2002 | The property was rezoned to B Development Business. |
| Dec. 2003 | The second subdivision was approved, subdividing Lot 4, which was the largest parcel, into 4 35 acres lots. |

VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** A letter advertising the neighborhood meeting was sent out by Mike Walker with TBG on February 9, 2017 to all neighbors within the “Neighborhood” as defined in Section 18.40.010.C of the Loveland Municipal Code. Meeting notice signs were posted on the property on February 11, 2017.
- B. Neighborhood Response:** A neighborhood meeting was held at 5:30 on March 2, 2017 in the Highland Meadows Clubhouse in Windsor. Twenty nine (29) members of the neighborhood attended the meeting along with City staff from Loveland, Town staff from Windsor and the applicant’s consultants. Questions from the neighborhood centered around traffic and improvements to Fairgrounds Avenue, the school site, price ranges for the residential products, building heights, and a general discuss on why the site cannot be developed into single family homes and how the development would benefit the neighborhood. Generally, the meeting was informational and no strong opposition was voiced.
- C. Project Schedule**
1. Special Review #930 was filed with the Current Planning Division on November 18, 2016.
 2. A neighborhood meeting for the special review and preliminary plat was held on March 2, 2017 in the Highland Meadows Clubhouse. 29 neighbors attended the meeting.
 3. The vacation of an access and utility easement to accommodate the residential project was approved by City Council on November 7, 2017.
 4. The staff preliminary findings and determination was posted on November 6, 2017.
 5. The public review period for the staff preliminary findings and determination is from November 7, 2017 to November 15, 2017. No comments from the neighborhood were received by city staff.
 6. The final findings and determination for the Special Review were posted on November 16, 2017 and the appeal period is from November 17, 2017 to November 27, 2017.

VII. FINDINGS AND ANALYSIS

Finding 1. *That the proposed special review use meets the purposes set forth in Section 18.04.010 of the Loveland Municipal Code.*

The proposed residential development would meet the purposes set forth in Section 18.04.010 of the Loveland Municipal Code, would not create unsafe or unhealthy conditions and will generally promote the health and welfare of citizens by providing additional housing opportunities. Multifamily residential is permitted in the Business District as a use by special review. City staff believes that residential uses on this property are appropriate due to the Poudre School District’s purchase of 14 acres of the property and intent to use the site to develop a new elementary school.

Finding 2. *That the effects of the proposed special review use on the surrounding neighborhood and the public in general will be ameliorated.*

The surrounding neighborhood includes single family residential uses on a variety of lot sizes to the east of Fairgrounds Avenue in the Town of Windsor. Directly north of the property is a multifamily development that the applicant is developing in Windsor. With the improvements to Fairgrounds Avenue that will be constructed with the proposal, including the widening of the roadway and a median, the effects on the surrounding neighborhood and the general public should be minimal.

Finding 3. *That in assessing the potential affects of the proposed special review use, at a minimum, the following matters have been considered:*

3a. *Type, size, amount, and placement of landscaping;*

The landscape plan identifies perimeter bufferyards on County Road 30, Fairgrounds Avenue, along internal streets and within parking areas. A landscaped median has also been designed in Fairgrounds Avenue to create an attractive streetscape and entry into the development. The landscape type, size, location, and amount meets or exceeds the requirements in the Municipal Code. Detached sidewalks with landscaped treelawns are located along all collector and arterial roads and will promote safe pedestrian paths while providing an enhanced sense of place around the school site.

3b. *Height, size, placement, and number of signs;*

Project identification signs for the development have not been designed or incorporated into the special review. Signs for the residential project will need to comply with the City's sign provisions in the Municipal Code that limits the number of signs to two per project entry and a maximum square footage of 35 square feet.

3c. *Use, location, number, height, size, architectural design, materials, and colors of buildings;*

All structures within the development are proposed as two story with a maximum building height of 31 feet. Elevations incorporate high quality materials including stone accents, shingle siding and lap siding to break up the mass of the structures. The colors are neutral and will be compatible with surrounding residential development. Overall, the building architecture will present a high quality appearance along County Road 30 and Fairgrounds Avenue.

3d. *Configuration and placement of vehicular and pedestrian access and circulation;*

Configuration and placement of vehicular and pedestrian access and circulation is compliant with City standards. Full movement accesses off County Road 30 and

Fairgrounds Avenue, along with a secondary right-in right-out access off Fairgrounds Avenue will provide the access to the development. Detached sidewalks will be provided on all collector and arterial roads. Both Transportation and Fire Department staff have reviewed the special review plans and have indicated compliance with the City's Adequate Communities Facilities Ordinance.

3e. *Amount and configuration of parking;*

Off-street parking is provided throughout the development and is compliant with the city parking standards. Guest spaces have also been allocated throughout the site and around common amenity areas such as the various clubhouses.

3f. *Amount, placement, and intensity of lighting;*

All lighting has been designed to comply with the City's requirements for internal parking areas. Light fixtures will not exceed 15 feet and will be full cut-off, residential fixtures. A photometric plan was submitted as part of the special review application and is in compliance with the lighting standards in the Municipal Code. Lighting on Fairgrounds Avenue, County Road 30, and along internal streets will be installed by the City of Loveland.

3g. *Hours of operation;*

This finding is not applicable to the residential development.

3h. *Emissions of noise, dust fumes, glare and other pollutants.*

This finding is not applicable to the residential development.

Finding 4. *Except as may be varied in accordance with this special review permit, the special review site plan conforms to the restrictions and regulations set forth in the Loveland Municipal Code for the zoning district in which the special review use is located.*

The proposed special review meets this finding. The proposed setbacks, building heights, open space, density, infrastructure, and landscape standards comply with all normal applicable restrictions and regulations set forth in the Municipal Code and the site development performance standards and guidelines.

Finding 5. *The special review site plan meets the requirements set forth in the Section 16.41 – Adequate Community Services – of the Loveland Municipal code.*

Transportation: Staff believes that this finding can be met, due to the following:

- A Traffic Impact Study (TIS) has been submitted with the Thornburg Hamilton special review application which demonstrates that the transportation system, incorporating

the required improvements, can adequately serve the land uses proposed. The applicant's traffic engineer, Eugene Coppola, P.E., indicates that the proposed residential project is estimated to generate approximately 2,728 daily trips, 420 weekday AM peak hour trips, and 269 weekday PM peak hour trips. This trip generation is in compliance with the city Adequate Community Facilities Ordinance.

- Access to the site will be from Fairgrounds Avenue and County Road 30/71st Street.
- In conclusion, the development of the subject property pursuant to any of the uses permitted by right under the zoning district will not adversely impact any existing City infrastructure when typical roadway improvements are constructed. A positive determination of adequacy for transportation facilities for the proposed SR has been made.

Fire: Staff believes that this finding can be met, based on the following facts:

- The development site is not within a 5 minute response from our nearest fire station (Station 6), however LFRA has an auto-aid agreement with Windsor/ Severance Fire, and the 5 minute response time from their Station 3 will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The Thornburg Hamilton Subdivision will not negatively impact fire protection for the subject development or surrounding properties.

Water/Wastewater:

- This development is located within the Fort Collins-Loveland Water District and South Fort Collins Sanitation District. The City has no concerns regarding the development.
- The development has been reviewed by the Water and Sanitation District. The District has indicated that they can adequately serve the project.

Stormwater: Staff believes that this finding can be met, due to the following:

- This project complies with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140.

Power: Staff believes that this finding can be met, due to the following:

This development is situated within the City's current service area for power. The Department finds that the development will be compliant to ACF for the following reasons:

- The proposed development will not negatively impact City power facilities.

- The proposed public facilities and services are adequate and consistent with the City's utility planning and provides for efficient and cost-effective delivery of City power.
- The special review site plan meets the requirements set forth in Section 16.41.150 -- Adequate Community Facilities of the Loveland Municipal Code.

VIII. CONDITIONS OF APPROVAL

Current Planning

1. All landscaping, irrigation, and fencing within the rights-of-way must be installed or financially secured with the city prior to the issuance of the first building permit within Thornburg Hamilton Third Subdivision. The maintenance of the fence and landscaping shall be the responsibility of the Developer or metropolitan district if said district has been established.
2. All landscaped areas shall have a permanent irrigation system installed capable of meeting the typical watering requirements of the plant material. Within the non-irrigated native grass area for the detention pond, permanent drip lines for the trees shall be installed and temporary irrigation of the seed mix shall be provided to ensure that the seed germinates and is established weed free.
3. Prior to the issuance of the first building permit in each phase of development on Lot 1, Thornburg Hamilton 3rd Subdivision, all landscaping and amenities associated with that phase shall be either installed or secured with the city. This includes all water irrigation meters and tap fees.
4. Prior to the issuance of the first residential building permit in Phase 3 of Lot 1, Thornburg Hamilton 3rd Subdivision, the clubhouse and associated amenities shown on the special review drawings shall be either constructed or financially secured.
5. The garages within Lot 1 are required parking spaces for vehicles and are needed to satisfy the City's parking standards. Garages shall be used for operable motor vehicles only. This condition shall also be incorporated into the covenants and restrictions for the property.
6. All common area landscaping, fencing, and amenities shall be either installed or financially secured with the city prior to issuance of the first building permit within Lot 3.

7. All landscaping within the individual townhome lots, as shown on the landscape plan, shall be installed or financially secured city the city prior to issuance of a certificate of occupancy for the lot.
8. Prior to the issuance of the first building permit within each phase of development in Lot 4, Thornburg Hamilton 3rd Subdivision, all landscaping, fencing and irrigation taps and meter shall be either installed or financially secured with the city.
9. Approval of the special review shall not be in effect until the Thornburg-Hamilton Third Subdivision has been recorded at the offices of Larimer County.

Transportation

10. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS).
11. The developer agrees to acquire and dedicate, at no cost to the City, any rights-of-way necessary for the required street improvements associated with this development.
12. Prior to the issuance of any building permits within the Thornburg Hamilton 3rd or 4th Filing, pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the Developer shall design and construct the following public improvements unless already designed and constructed by others:
 - a) All public street improvements on Fairgrounds Avenue (CR5) and CR30 including, intersection improvements, intersection pedestrian signalization, fencing on Fairgrounds Avenue, roadway paving, curb & gutter, raised medians and auxiliary turn lanes as shown on the off-site Public Improvement Construction Plans titled LCR 30 and Fairgrounds Avenue prepared by Northern Engineering.
 - b) All curb, gutter, roadway paving, sidewalks, ADA ramps and access driveways as shown on the City approved Public Improvement Construction Plans for Thornburg Hamilton 3rd Filing, within each respective phase as shown on the Phasing Plan.
13. If any future connections for access are proposed to the local residential roundabout with the development of the school site within the Thornburg Hamilton 3rd Subdivision that will result in school buses entering the roundabout, then a Roundabout Analysis Report as required by LCUASS Appendix I shall be submitted for review by the City and modifications to the roundabout may be necessary prior to any approval for the school site.
14. City signed Site Development Plans (including any associated Public Improvement Construction Plans), or the issuance of building permits, does not allow any construction within public street or alley rights-of-way or pedestrian easements. A separate City Development Construction Permit or Street right-of-way (ROW) Work Permit must be obtained by the Developer and/or his Contractor at the City Project Engineering office (and

approved by Project Engineering) prior to any repair or construction of sidewalk, curb and gutter, driveway accesses, or any other construction in City street or alley rights-of-way or pedestrian easements, (this includes all items proposed in rights-of-way such as utility street cuts, sidewalk ramps, construction staging proposed in street, landscaping, traffic control, etc.). (Call 970-962-2510 to discuss details to obtain a ROW Work Permit).

15. Prior to the commencement of any construction activity that will involve any existing or proposed street signs or traffic control devices for or within public street rights-of-way (ROW), the Developer and/or his Contractor shall contact the City Traffic Division at (970) 962-2535 to coordinate the removal, relocation, installation, and/or proper storing of the sign(s) or traffic control device(s) and obtain a ROW work permit from the City Public Works Engineering Division to do such work. However, if the Developer and/or his Contractor removes or relocates any existing street sign(s) or traffic control device(s) for or within the public ROW without first obtaining a ROW work permit from the City Public Works Division, then the contractor will be charged for the labor, materials, and equipment to reinstall the sign(s) or traffic control device(s) as deemed necessary by the City. The Developer and/or his Contractor will also be charged to replace any existing street signs or traffic control devices that were damaged or blemished during any construction activity as deemed necessary by the City. The Developer and/or his Contractor may also be subject to additional fines as per the Loveland Municipal Code.
16. All trees, shrubs, and other plant materials located within clear sight triangles shall be trimmed in accordance with the requirements of Section 7 of the Larimer County Urban Area Street Standards (LCUASS). Under current LCUASS requirements, trees shall be limbed to a height of not less than eight (8) feet and shrubs and other plant materials shall be maintained at a height of not more than thirty (30) inches, and said maintenance shall be conducted in perpetuity. Trees are also required to be kept limbed up a minimum of 8' above all street sidewalks.