



## **LOVELAND PLANNING COMMISSION MEETING AGENDA**

**Monday, April 09, 2018  
500 E. 3<sup>rd</sup> Street – Council Chambers  
Loveland, CO 80537  
6:30 PM**

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**LOVELAND PLANNING COMMISSIONERS:** Carol Dowding (Chair), Pat McFall, Rob Molloy, Jamie Baker Roskie, Jeff Fleischer, Tim Hitchcock, Michael Bears and David Hammond.

### **CALL TO ORDER**

#### **I. PLEDGE OF ALLEGIANCE**

#### **II. 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, April 23, 2018 Agenda Preview**

- i. ~~Bighorn Addition – Annexation (PH)~~ Moved to 5/1/18**
- ii. All Access Emergency Easement Vacation (PH)**

###### **2. Hot Topics:**

- i. UDC Update**
- ii. Planning Commissioner Interviews**
- iii. Financial Disclosure Update**

**c. City Attorney's Office Updates:**

**d. Committee Reports**

**e. Commission Comments**

**III. APPROVAL OF MINUTES**

**Review and approval of the March 12, 2018 Meeting minutes**

**IV. 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?

**V. REGULAR AGENDA:**

**1. North Taft Third Addition (PH)**

This is a public hearing to consider the annexation and zoning of a 5.22-acre parcel located at the southeast corner of North Taft Avenue and West 43rd Street. This property is known as North Taft Third Addition. The site is an enclave, an area under Larimer County jurisdiction that is entirely surrounded by land that has been annexed into the City of Loveland. The proposed zoning is R2 – Developing Two-Family Residential, which allows single-family and duplex residential uses. The applicant is Rob Molloy, Planscapes. Staff is recommending approval of this request. Following Planning Commission review and action, this application will be forwarded to the City Council for final action.

**2. Development Permitting System Overview**

This is an informational/administrative item that is brought forward by Current Planning staff. This item will include a powerpoint presentation that is designed to explain the various components of Loveland's development permitting process, including development review, infrastructure design and installation, and the building permit review and approval. No action is required by the Planning Commission on this agenda item.

**VI. ADJOURNMENT**

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**March 12, 2018**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 12, 2018 at 6:30 p.m. Members present: Chairwoman Dowding; and Commissioners Molloy, McFall, Roskie, Fleischer, Hitchcock, Bears and Hammond. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Laurie Stirman, Assistant City Attorney; Lisa Rye, 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, announced there are no agenda items for the Monday, March 26, 2018 Planning Commission meeting and it has been cancelled.
2. **Mr. Paulsen** reported he will show a short PowerPoint presentation regarding the development permitting process at the Planning Commission meeting on April 9th.
3. **Mr. Paulsen** announced the application deadline for the Planning Commission vacancy is March 13 at 4:00 pm. Late applications will not be considered. Depending on the number of applications, the process may be reopened at a later date.

**CITY ATTORNEY'S OFFICE UPDATES**

**Laurie Stirman**, Assistant City Attorney, thanked the commissioners for the opportunity to serve during Moses Garcia's absence. She asked everyone to contact her with any questions.

**COMMITTEE REPORTS**

There were no committee reports.

**COMMISSIONER COMMENTS**

**Commissioner Molloy** stated he and **Commissioner Bears** attended the Boards and Commissions meeting. He was pleased with some aspects such as the booths, but also shared some disappointment with the event and wished more commissioners had attended.

## **APPROVAL OF THE MINUTES**

*Commissioner McFall made a motion to approve the February 26, 2018 minutes; upon a second from Commissioner Bears, the minutes were unanimously approved. Commissioners McFall and Hitchcock abstained.*

## **CONSENT AGENDA**

There were no items scheduled on the Consent Agenda.

## **REGULAR AGENDA**

### **1. Foundry Garage and Amenity Package – SDP**

This is an informational item. The Planning Commission approved the parking garage and amenity areas (i.e. plaza) on March 13, 2017. However, details associated with the final finishing of the parking garage and site furnishings had not been completed. Therefore, a commitment was made to present this information to the Planning Commission when details had been finalized. A memo has been provided to the Commission along with attachments addressing the parking garage art and site furnishing for the overall project. The art on the parking garage has been approved by the Visual Arts Commission. The site furnishings have been reviewed by City staff and by the Downtown Development Authority.

**Troy Bliss**, Senior Planner, reflected on the first year of the Foundry development and hopes that the commission is happy with what they see from the development so far. He mentioned that the project budget has been a driving factor for the parking garage and other areas of the project. He stated the Downtown Development Authority has seen the art proposal for the parking garage and Visual Arts Commission approved it at a hearing in February.

**Scott Ranweiler**, Development Manager for Brinkman Partners, presented the Foundry art design. There were approximately 200 applicants who submitted their art for the project. Mr. Ranweiler presented the winning selection and their creation “Solar Muse” by the artists James Dihn and Michael Stutz. The bronze foundry concept inspired the artists and they incorporated an anodized finish on aluminum to give a bronze hue. The art components will be applied to the south and east facades of the parking structure.

## **COMMISSIONER QUESTIONS AND COMMENTS:**

- **Commissioner Molloy** and **Commissioner McFall** expressed concern over the shadow painting of a little girl reaching up to the bottom portion of the art. **Mr. Ranweiler** responded by stating he has discussed raising the art 10 feet to keep out of reach.
- **Commissioner Hitchcock** expressed concern over why there were only 2 facades used for artwork. **Mr. Ranweiler** stated decisions were driven by the total budget of \$170,000.
- **Commissioner Fleisher** asked to move some of the flames from the south elevation to the more public east elevation.

- **Commissioner Roskie** asked if there were any Loveland artists that responded to the RFP. **Mr. Ranweiler** mentioned the budget constraint in a bronze art community might have been a challenge.
- **Commissioner Dowding** questioned if aluminum could withstand wind. She also wants to see more flames on the main side of the building. **Mr. Ranweiler** stated the structure is ribbed to offer rigidity, and will be equipped with well-placed fasteners. He will be working with structural engineers to make certain that there is structural integrity.

**Mr. Roger Sherman**, Landscape Architect with BHA Design, then presented the amenity package details for the Foundry project. Site elements were discussed in detail. Mr. Sherman stated high quality and cast fixtures will be used and bollards will be placed in locations where vehicles are to be restricted. The fire pits were selected to represent the foundry concept. There will be a shelter area with a translucent ceiling on it. The Thompson River Rotary Club is donating a sculpture which represents overcoming adversity by local artist, Danny Haskell, and will be displayed in the paseo area. Vertical sandstone structures, as well as a clock chosen by Rotary were also discussed.

#### **COMMISSIONER QUESTIONS AND COMMENTS:**

- **Commissioner Fleisher** asked about the location of string lighting. **Mr. Sherman** replied it will be located at the alley entrance, as well as in the paseo, and under the shelter.
- **Commissioner Hitchcock** expressed concern that with the shelter will not offer much shade. **Mr. Sherman** confirmed the materials used will give some, but not full shade.
- **Commissioner McFall** asked for clarification of the fire pit. Mr. Sherman confirmed it is gas and on a timer.
- **Commissioner Roskie** shared in concern for management of the fire pits.
- **Commissioner Dowding** stated that she loved the bike racks.
- **Commissioner Hitchcock** asked what is to prevent plaza visitors from pressing the button all night and turning on the fire pits. **Mr. Sherman** stated there will be a timer that will prevent fire pits from being used after certain hours.
- **Commissioner Hammond** asked how many bollards would be used and shared his concern over safety on Lincoln side of the project. He stated he wants the bollards black and heavy. Mr. Sherman responded that there will be lighted bollards along 3<sup>rd</sup> St. to prevent cars from coming down, and removable for fire vehicles. Commissioner Hammond commented on the great job of the design team and is excited to see this dress the town up, but wants to make sure all are safe.
- At 6:47 p.m. the Commission concluded discussion on The Foundry Garage and Amenity Package. No motion was needed as this was an informational item.

#### **2. Planning Commission Hearing Procedures and Overview**

This is an administrative item that responds to a recent request by the Planning Commission for more guidance on hearing procedures and related Commission operations. Staff has

provided two documents for review at the meeting. A particular area of focus will be in on hearing procedures.

**Laurie Stirman**, assistant City Attorney, distributed an update to the Planning Commission procedures provided by **Moses Garcia**, Interim City Attorney. She explained that under the “Motion for Reconsideration” portion, item #1 has been reworded as “Motion raised by a member of the Commission.” Ms. Stirman also clarified that the Motion for Reconsideration can occur at a subsequent meeting.

**Robert Paulsen**, Current Planning Manager, shared with the Commission that **Mr. Garcia**, Interim City Attorney, has recommended a change in procedure and that all public hearings be opened once the agenda item is recognized. Mr. Garcia also recommended all questions by the Commission, before the hearing is closed, be clarification questions only. The discussion by the Commission should not take place until after the public hearing is closed.

**Mr. Paulsen** spoke further on procedures by emphasizing that determinations of the project should be tied to the findings, which are contained in the Zoning Code and the Comprehensive Plan. He stressed that the job of the Planning Commission is to make a decision based on whether the project meets the required findings. Mr. Paulsen recommended to the Commissioners that they cite findings that are relative to their decisions in order to make stronger and more defensible and consistent with adopted City policies and codes.

## **COMMISSIONER QUESTIONS AND COMMENTS:**

- **Commissioner Molloy** stated the Commission’s purpose is to clean things up before they go to Council and make their decision easier. **Mr. Paulsen** agreed and added that Council relies on information from the Commission’s recorded minutes and uses the minutes to better understand the primary issues associated with the project. He also stressed that he is not telling the Commission how to vote, but asking the Commission to structure their decision in a way that is consistent with the framework provided by the required findings.
- **Commissioner Molloy** asked about the procedure format and if Commission discussion should occur after a motion has been made.
- **Commissioner Roskie** mentioned that Commissioners should be sure to not make opinion statements before the public has spoken and all information has been received. The Commission is responsible for making certain the law applies to the application before them; and, that the public has full confidence in the Commission’s decision.
- **Commissioner McFall** commended the Planning Staff on the research they do for the Commissioners.
- **Commissioner Dowding** asked for an amendment to the procedures to have the Planning Commission discussion occur after a motion has been seconded. She asked for a revised copy at the next meeting.
- At 7:59 p.m. the Commission concluded their discussion on Hearing Procedures.

## **ADJOURNMENT**

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

**Commissioner Dowding adjourned the meeting at 8:00 p.m.**

Approved by: \_\_\_\_\_  
Carol Dowding, Planning Commission Chair

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Lisa Rye, Interim Planning Commission Secretary.



## Current Planning Division

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

### Planning Commission Staff Report

April 9, 2018

**Agenda #:** Regular Agenda - 1  
**Title:** North Taft Third Addition (PZ 17-200)  
**Applicant:** Rob Molloy, Planscapes  
**Request:** **Annexation and Zoning (Conventional)**  
**Location:** Southeast corner of N. Taft Ave. & W. 43<sup>rd</sup> St. (4208 N. Taft Ave.)

#### *Comprehensive Plan Land Use*

**Designation:** LDR – Low Density Residential

**Existing Zoning:** FA - Farming

**Proposed Zoning:** R2 – Developing Two-Family Residential

**Staff Planner:** Jennifer Hewett-Apperson

#### *Staff Recommendation*

**APPROVAL** of the Annexation and Zoning.

#### *Recommended Motions:*

1. *Move to make the findings listed in Section VII of the Planning Commission staff report dated April 9, 2018, and, based on those findings, recommend that City Council approve the North Taft Third Addition subject to the conditions listed in Section VIII, as amended on the record, and zone the addition to R2 – Developing Two Family Residential.*

#### *Summary of Analysis*

The public hearing is to consider the following items:

- Annexation of 5.22 acres of property owned by Poverty Flats LLC, and;
- Zone the property R2 – Developing Two Family Residential to allow future development.

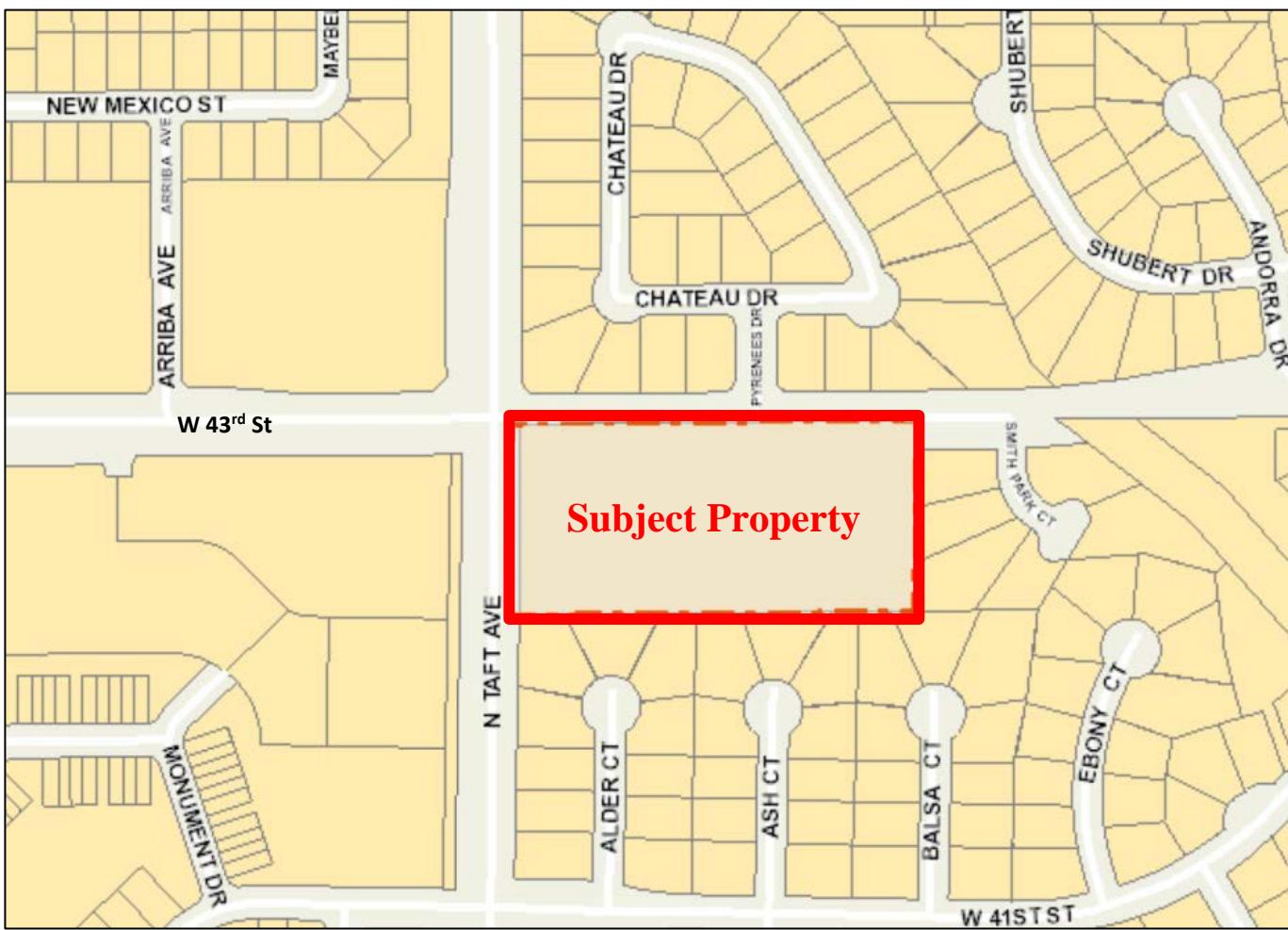
The proposal is to annex and incorporate the 5.22 acre property into the City for future residential development. This property is currently a county enclave that is wholly surrounded by properties within the jurisdiction of the City of Loveland.

Concerns regarding the annexation and future development of the property have been expressed by surrounding neighbors. These concerns generally include the higher density permitted by the R2 zoning district compared with many of the nearby single-family subdivisions.

## I. SUMMARY

This proposal is to annex 5.22 acres of land owned by Poverty Flats LLC and rezone from its current Larimer County designation of FA – Farming to R2 – Developing Two Family Residential. The primary purpose in pursuing annexation/zoning is to allow future development of the property in a manner consistent with the City's Comprehensive Plan, relative to the Low Density Residential (LDR) land use designation. Any necessary right-of-way for transportation improvements would be dedicated to the City as a condition of future development. From a utility perspective, the City has infrastructure (i.e. water, sanitary sewer, and electric) extended to this portion of Loveland and would be able to serve any future development.

### Vicinity Map



### Location/Land Use

The property is located at the southeast corner of N. Taft Ave. and W. 43<sup>rd</sup> St. The property is wholly surrounded by properties incorporated into the City of Loveland and constitutes a county enclave that can be annexed into the City of Loveland.

### Site Characteristics

The property includes two buildings, a single family home built in 1966 and a barn built in 1974. The property utilizes septic tank and associated leach field. The water source for the Property is comprised of

a groundwater well and an associated cistern. The current groundwater well was drilled to a depth of 245 feet below the ground surface.

The water is distributed to the residential building by a cistern pump situated within the basement storage room. The property slopes slightly to the north east at less than 20%. A possible wetland was mentioned in the Environmental report but there are no signs of wetland vegetation or surface water on the site.

Current access to the site is a driveway connecting Taft Avenue. A chain link fence also encompasses the property and an interior chain link fence surrounds the house. There are 10 mature trees on the site consisting of 5 Blue Spruces to the north west of the house and 5 Cottonwoods located on the east end of the property. The majority of the property consists of native grasses with manicured bluegrass surrounding the house.

#### Annexation/Zoning

Both City of Loveland policy and Larimer County policy, as documented in an Intergovernmental Agreement between the two entities, supports the annexation of land within the city's Growth Management Area (GMA) prior to development. In addition to meeting GMA standards, annexation requires compliance with state statutes regarding contiguity with municipal boundaries, an intent to develop at an urban level, and an indication that the property can be served with infrastructure. The subject property complies with these requirements, which is further summarized in the Findings section at the end of this report, and thus staff supports its annexation.

The zoning of the property occurs concurrently with its annexation, and the requested zoning for this property is R2 – Developing Two Family Residential, which allows single-family residential and duplexes as uses by right. In determining appropriate zoning for annexed land, the Create Loveland Comprehensive Plan, which is the city's vision for development, is the basis of the city's analysis. The Land Use Map of the Comprehensive Plan designates this area Low Density Residential (LDR), which allows for an average density of 2 – 4 dwelling units per acre. While the requested R2 zoning may result in a higher density, the location of this parcel at a major intersection warrants development that is higher in density and staff is of the opinion that the overall density in the vicinity will be maintained at a level compatible with the LDR land use.

#### Future Development Applications

The property is intended to be developed with residential uses that may include single family detached or duplexes. According to the applicant, additional details of the residential uses to be developed on the subject property are not known at this time. The applicant wishes to secure the annexation and zoning prior to preparing a specific development plan for the land. To develop the property with any of the permitted uses, the submittal of additional applications for staff review is required. A plat is needed to subdivide the property, a site development plan is needed for any multifamily residential or nonresidential uses, and a building permit is needed for structures.

Public improvement construction plans (PICPs) are also needed with future development applications to determine the location and provide designs for associated infrastructure. While the existing structure on the property obtains water from a private well and cistern and utilizes a septic system, the use of city water and sewer will be required with development. The property is currently in Poudre Valley REA's service area for power, but will become part of the city's service area on annexation. Stormwater facilities will be determined at the time detailed development applications are submitted. The subject property borders only one public street, Boyd Lake Avenue, and future access off of this street into the subject property will be decided at the time detailed development proposals are considered.

## II. KEY ISSUES

There are no key issues identified by staff with the proposal.

## III. ATTACHMENTS

- A. Annexation Map
- B. Petition for Annexation
- C. Petition for Zoning

## IV. SITE DATA

ACREAGE OF SITE GROSS .....	5.22 AC
MASTER PLAN DESIGNATION .....	LDR – LOW DENSITY RESIDENTIAL
EXISTING ZONING .....	LARIMER COUNTY FA FARMING
PROPOSED ZONING .....	R2 – DEVELOPING TWO-FAMILY RESIDENTIAL
EXISTING USE .....	SINGLE-FAMILY RESIDENTIAL
PROPOSED USE.....	RESIDENTIAL
EXIST ADJ ZONING & USE - NORTH .....	R1 – DEVELOPING LOW-DENSITY RESIDENTIAL (BROOKRIDGE)
EXIST ADJ ZONING & USE - SOUTH.....	R1 – DEVELOPING LOW-DENSITY RESIDENTIAL (WOODMERE)
EXIST ADJ ZONING & USE - WEST.....	PUD – GREENBRIAR PLANNED UNIT DEVELOPMENT (7-11 & ZIGGI'S COFFEE)
EXIST ADJ ZONING & USE - EAST.....	R1 – DEVELOPING LOW-DENSITY RESIDENTIAL (WOODMERE)
UTILITY SERVICE – WATER, SEWER.....	PRIVATE WELL, CISTERN AND SEPTIC SYSTEM
UTILITY SERVICE – ELECTRIC .....	POUDRE VALLEY REA

## V. BACKGROUND

- This parcel is a county enclave wholly surrounded by the City of Loveland. Both the City of Loveland and Larimer County consider these enclaves to be problematic and encourage owners to seek annexation.
- The annexation and zoning applications under consideration were submitted in October 2017 to bring the parcel within the limits of the City of Loveland and designate City zoning.

## VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from Rob Molloy, PlanScapes, certifying that written notice was mailed to all property owners within 1,200 feet of the property on March 12, 2018, and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on March 24, 2018. All notices indicated that the Planning Commission would hold a public hearing concerning the North Taft Third Addition on April 9, 2018.

B. **Neighborhood Response:** A neighborhood meeting was held at 6:00 p.m. on January 18, 2018, at the City of Loveland Development Center. The meeting was attended by approximately 30 neighbors and interested parties along with City staff and the applicant. At the meeting, concerns were voiced regarding the proposed density of the property.

## **VII. FINDINGS AND ANALYSIS**

In this section of the report, applicable findings are referenced in italic print, followed by staff analysis as to whether the findings can be met by the submitted applications. The annexation findings are from the Create Loveland Comprehensive Plan and from Title 17 (Annexations) of the Municipal Code, and the zoning and General Development Plan amendment findings are from Title 18.04 (Zoning-Purpose) and 18.41.050 D4 (Planned Unit Developments) of the Municipal Code. The consideration and action of the Planning Commission should be based on these findings.

### **Annexation/Zoning to Millennium PUD/GDP Amendment**

#### **1. Comprehensive Plan-Neighborhood & Community Assets Policy 4: *Coordinate the timing, location, and character of growth within the Growth Management Area (Annexation)***

**4.1 Annexations shall promote quality developments.**

**4.4 Encourage the annexation of county enclaves within city limits and discourage the creation of future enclaves.**

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

- The zoning of the property as R2 – Developing Two Family Residential will ensure that quality developments locate on the land.
- The land to be annexed is a county enclave.

#### **2. Comprehensive Plan-Neighborhood & Community Assets Policy 5: *Evaluate the fiscal and environmental impacts of development of annexation proposals.***

**5.1 Consider the capacity of community services and facilities, environmental resources, education, and transportation to accommodate development when annexing new lands to the city.**

**5.3 Minimize the short and long term costs to the city of providing community services and facilities for the benefit of the annexed area.**

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

- The capacity of community services and facilities to accommodate development on the annexed land is summarized below under *Loveland Municipal Code, Section 17.04.040*.
- The close proximity of the annexed land to existing city facilities will minimize the costs to the city of providing such facilities to the annexed land.

#### **3. Loveland Municipal Code, Section 17.04.020: *The annexation complies with the laws of the State of Colorado regarding annexation, including at least one-sixth contiguity between the City and the area seeking annexation.***

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

- The annexation complies with the Colorado State Statutes regarding annexation of lands and is within the City's Growth Management Area (GMA).
- This annexation will remedy a county enclave.
- The development of the property will encourage a compact pattern of urban development and will not be leapfrog or scattered site development. City utilities are available to the site.
- The annexation complies with the Intergovernmental Agreement with Larimer County to annex property within the City's GMA that are eligible for annexation.

#### **4. Loveland Municipal Code, Section 17.04.040:**

- i. *Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the City in order that the public needs may be served by such facilities and services. Such facilities include, but are not limited to, parks and recreation areas, schools, police and fire station sites, and electric, water, wastewater and storm drainage facilities. Such services include, but are not limited to, fire and police protection, provision of water, and wastewater services.*
- ii. *Whether the annexation and development pursuant to the uses permitted in the zone district will create any additional cost or burden on the existing residents of the City to provide such facilities and services in the area proposed for annexation.*
- iii. *Whether the annexation is in compliance with the Comprehensive Master Plan.*
- iv. *Whether the annexation is in compliance with all pertinent intergovernmental agreements to which the city is a party.*
- v. *Whether the annexation is in the best interest of the citizens of the City of Loveland.*
- vi. *Whether all existing and proposed streets in the newly annexed property are, or will be, constructed in compliance with City street standards, unless the City determines that the existing streets will provide proper access during all seasons of the year to all lots and that curbs, gutters, sidewalks, bike lanes, and other structures in compliance with City standards are not necessary to protect public health, safety, and welfare.*
- vi. *Whether the annexation complies with the water rights requirements set forth in Title 19 of the Loveland Municipal Code.*

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

- The Create Loveland Comprehensive Plan advocates the annexation of enclave parcels and the annexation of parcels within our Growth Management Area (GMA). The annexation meets the policies of the Comprehensive Plan per the summary provided in subsections 1a and 1b above.
- The annexation complies with the Intergovernmental Agreement with Larimer County to annex property within the City's GMA that are eligible for annexation.
- It is in the city's interest for development to occur on undeveloped infill sites such as the subject property.

**Transportation:** Annexing and zoning a parcel or property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. A condition is recommended to clearly ensure that all future development or land application within this proposed property shall be in compliance with the City of Loveland Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application. Moreover, as identified in the City Municipal Code Title 16, a Traffic Impact Study shall be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.

Therefore, pending future proposed development within this property, of which review and approval by the City is required, the Transportation Engineering Staff does not object to the proposed annexation and zoning.

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

- The development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The rezoning of the property to residential will not negatively impact fire protection for the subject development or surrounding properties.

**Water/Wastewater:** The subject annexation is situated within the City's current service area for both water and wastewater. The existing site does not have City water or wastewater service from the City of Loveland; instead is served water from an on-site well and cistern and wastewater by a private septic system. There are public water and wastewater mains adjacent to the existing site. The Department finds that:

- The annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2015 Comprehensive Master Plan.
- Public facilities are available to serve the development.

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

1. With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.
2. Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

**Power:** The subject annexation is situated within the City's current Growth Management Area. The Department finds that:

- The annexation and zoning is consistent with the Department's Power master plan by being consistent with the 2016 Comprehensive Master Plan.
- Public facilities are available to serve the development.
- The proposed development currently lies in the certified service territory of Poudre Valley REA. Upon completion of successful annexation, future development of the proposed annexation will be serviced by the City of Loveland. When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on new electrical services as defined in 40-915-204, CRS, and the City of Loveland Municipal Code 13.12.180. This surcharge will expire ten years after effective date of the takeover. Upon completion of successful annexation to the City of Loveland, the City will provide electric service to any future development of the proposed annexation.

## **5. Loveland Municipal Code Section 18.04.010:**

- i. *Whether the zoning will lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.*

ii. *Whether the character of the district and the particular uses permitted by right in the district will preserve the value of buildings and encourage the most appropriate use of land.*

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

- The provisions of the R2 zoning district accomplish the above. The use and development standards in City of Loveland Municipal Code will ensure that quality developments locate on the land.
- The request to allow residential uses on the property is compatible with development in the surrounding area. Any following development applications submitted for the property, including plats of subdivision, public improvement construction plans, site development plans, and building plans will need to demonstrate compliance with zoning, building, fire, transportation, and infrastructure standards.

**6. Mineral Extraction Colorado Revised Statute:** *The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-302 (1) as amended.*

**Planning:** Staff believes that this finding can be met, due to the following fact:

- A Mineral Extraction Evaluation Report will be completed prior to any development on this property.
- Given the small size of this parcel, it is likely that no economically viable mineral interests underlie the surface of the land.

**8. Loveland Municipal Code, Section 18.41.050 D4b:** *Whether the proposed development will negatively impact traffic in the area, city utilities, or otherwise have a detrimental impact on property that is in sufficient proximity to the proposed development to be affected by it. If such impacts exist, the current planning division shall recommend either disapproval of the general development plan or reasonable conditions designed to mitigate the negative impacts.*

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

- Per the summary of the Public Works (Transportation and Stormwater) and Water & Power Departments below, the city will be able to provide services to developments that locate on the annexed land in a manner that is not anticipated to be detrimental to property in proximity to the subject property.
- While development of the annexed land will increase traffic in the area, at the time a specific development is proposed and a subdivision and/or site development plan application is submitted to staff for review, transportation improvements will be required, as appropriate, to address the transportation needs associated with the new development.

**9. Loveland Municipal Code, Section 18.41.050 D4c:** *Whether the proposed development will be complementary to and in harmony with existing development and future development plans for the area in which the proposed development is to take place by:*

- i. *Incorporating natural physical features into the development design and providing sufficient open spaces considering the type and intensity of use;*
- 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 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;
- 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;
- vi. Incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the city's services and facilities; and
- 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.

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

- The annexed area will be subject to all standards within Title 18 and the Site Development Performance Standards, including open space, landscape & bufferyard, site design, architectural design, height & bulk, and parking standards.
- The annexed area will allow for a mix of residential uses and will provide for development in a manner consistent with the Create Loveland Comprehensive Plan.

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

Annexing and zoning a parcel or property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. A condition is recommended to clearly ensure that all future development or land application within this proposed property shall be in compliance with the City of Loveland Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application. Moreover, as identified in the City Municipal Code Title 16, a Traffic Impact Study shall be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.

Therefore, pending future proposed development within this property, of which review and approval by the City is required, the Transportation Engineering Staff does not object to the proposed annexation and zoning.

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

- The development site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company.
- The rezoning of the property to residential will not negatively impact fire protection for the subject development or surrounding properties.

**Water/Wastewater:** Staff believes that this finding can be met, due to the following:

The subject annexation is situated within the City's current service area for both water and wastewater. The existing site does not have City water or wastewater service from the City of Loveland; instead is served water from an on-site well and cistern and wastewater by a private septic system. There are public water and wastewater mains adjacent to the existing site. The Department finds that:

- The annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2015 Comprehensive Master Plan.

- Public facilities are available to serve the development.

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

1. With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.
2. Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

**Power:** The subject annexation is situated within the City's current Growth Management Area. The Department finds that:

- The annexation and zoning is consistent with the Department's Power master plan by being consistent with the 2016 Comprehensive Master Plan.
- Public facilities are available to serve the development.
- The proposed development currently lies in the certified service territory of Poudre Valley REA. Upon completion of successful annexation, future development of the proposed annexation will be serviced by the City of Loveland. When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on new electrical services as defined in 40-915-204, CRS, and the City of Loveland Municipal Code 13.12.180. This surcharge will expire ten years after effective date of the takeover. Upon completion of successful annexation to the City of Loveland, the City will provide electric service to any future development of the proposed annexation.

### **III. RECOMMENDED CONDITIONS**

Staff recommends the following conditions for the **Annexation/Zoning** application:

**Planning:**

Prior to development of the site, a mineral extraction report will be required, as well as documentation of whether mineral rights have been severed.

**Transportation:**

1. All future development within this addition shall comply with the Larimer County Urban Area Street Standards (LCUASS) and the 2035 Transportation Plan and any updates to either in effect at the time of a Minor Subdivision and/or a building permit application. Any and all variances from these standards and plans require specific written approval by the City Engineer.
2. The Developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any subdivision or development application and/or a building permit application 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.

**Power:**

The proposed development currently lies in the certified service territory of Poudre Valley REA. Upon completion of successful annexation, future development of the proposed annexation will be serviced by the City of Loveland. When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on new electrical services as defined in 40-915-204, CRS, and the City of Loveland Municipal Code 13.12.180. This surcharge will expire ten years after effective date of the takeover. Upon completion of successful annexation to the City of Loveland, the City will provide electric service to any future development of the proposed annexation.

## ANNEXATION PARCEL DESCRIPTION:

## PARCEL 1:

PARCEL 7 OF THE WARRANTY DEED RECORDED 07/08/2005 AT RECEIPTION NO. 2005-0056335 OF THE LARIMER COUNTY RECORDS, DESCRIBED AS FOLLOWS:  
A TRACT OF LAND LOCATED IN THE NW1/4 OF THE NW1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., LARIMER COUNTY, COLORADO, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NW CORNER OF SAID SECTION 2, THENCE EASTERLY ALONG THE NORTH LINE OF THE NW1/4 OF SAID SECTION 710.00 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF THE NW1/4 OF SAID SECTION 320.00 FEET; THENCE WESTERLY, PARALLEL TO THE NORTH LINE OF THE NW1/4 OF SAID SECTION 710.00 FEET TO A POINT ON THE WEST LINE OF THE NW1/4 OF SAID SECTION 320.00 FEET; THENCE NORTHERLY ALONG THE WEST LINE OF THE NW1/4 OF SAID SECTION 320.00 FEET TO THE TRUE POINT OF BEGINNING, EXCEPT FOR THAT PORTION CONVEYED IN WARRANTY DEED RECORDED AUGUST 30, 1996, AT RECEIPTION NO. 96063436 OF THE LARIMER COUNTY RECORDS.

(STREET ADDRESS: 4208 NORTH TAFT AVENUE, LOVELAND, COLORADO)

## PARCEL 2:

PARCEL(S) OF LAND CONVEYED TO THE COUNTY OF LARIMER IN WARRANTY DEED RECORDED 08/30/1996 AT RECEIPTION NO. 96063436, COUNTY OF LARIMER, STATE OF COLORADO.

## LEGAL DESCRIPTION PER TITLE COMMITMENT:

ALTA COMMITMENT FORM, COMMITMENT FOR TITLE INSURANCE  
ISSUED BY: STEWART TITLE GUARANTY COMPANY  
DATE: AUGUST 29, 2016  
FILE NUMBER: 01330-86278

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO, BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 2; THENCE EASTERLY ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 710.00 FEET; THENCE SOUTHERLY ALONG A LINE PARALLEL TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 320.00 FEET; THENCE WESTERLY, PARALLEL TO THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 710.00 FEET TO A POINT ON THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 2; THENCE NORTHERLY ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 320.00 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT FOR THOSE PORTIONS CONVEYED IN DEEDS RECORDED JUNE 22, 1960 IN BOOK 1119 AT PAGE 436 AND AUGUST 30, 1996 AT RECEIPTION NO. 96063436.

## NOTES:

1) THIS ANNEXATION MAP DOES NOT CONSTITUTE A TITLE SEARCH BY FARNSWORTH GROUP, INC. TO DETERMINE OWNERSHIP OF RECORD. FOR ALL INFORMATION REGARDING RIGHTS-OF-WAY, AND TITLE OF RECORD, FARNSWORTH GROUP, INC. RELIED UPON THE PUBLIC RECORDS OF THE ASSESSOR'S OFFICE OF LARIMER COUNTY AND INFORMATION PROVIDED BY THE CITY OF LOVELAND.

NOTES RELATED TO TITLE COMMITMENT INFORMATION  
REFERENCED FROM: ALTA COMMITMENT FORM, COMMITMENT FOR TITLE INSURANCE  
ISSUED BY: STEWART TITLE GUARANTY COMPANY  
DATE: AUGUST 29, 2016  
FILE NUMBER: 01330-86278

## SCHEDULE B-PART II NOTES:

SCHEDULE B OF THE POLICY OR POLICIES TO BE ISSUED WILL CONTAIN EXCEPTIONS TO THE FOLLOWING MATTERS UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY.

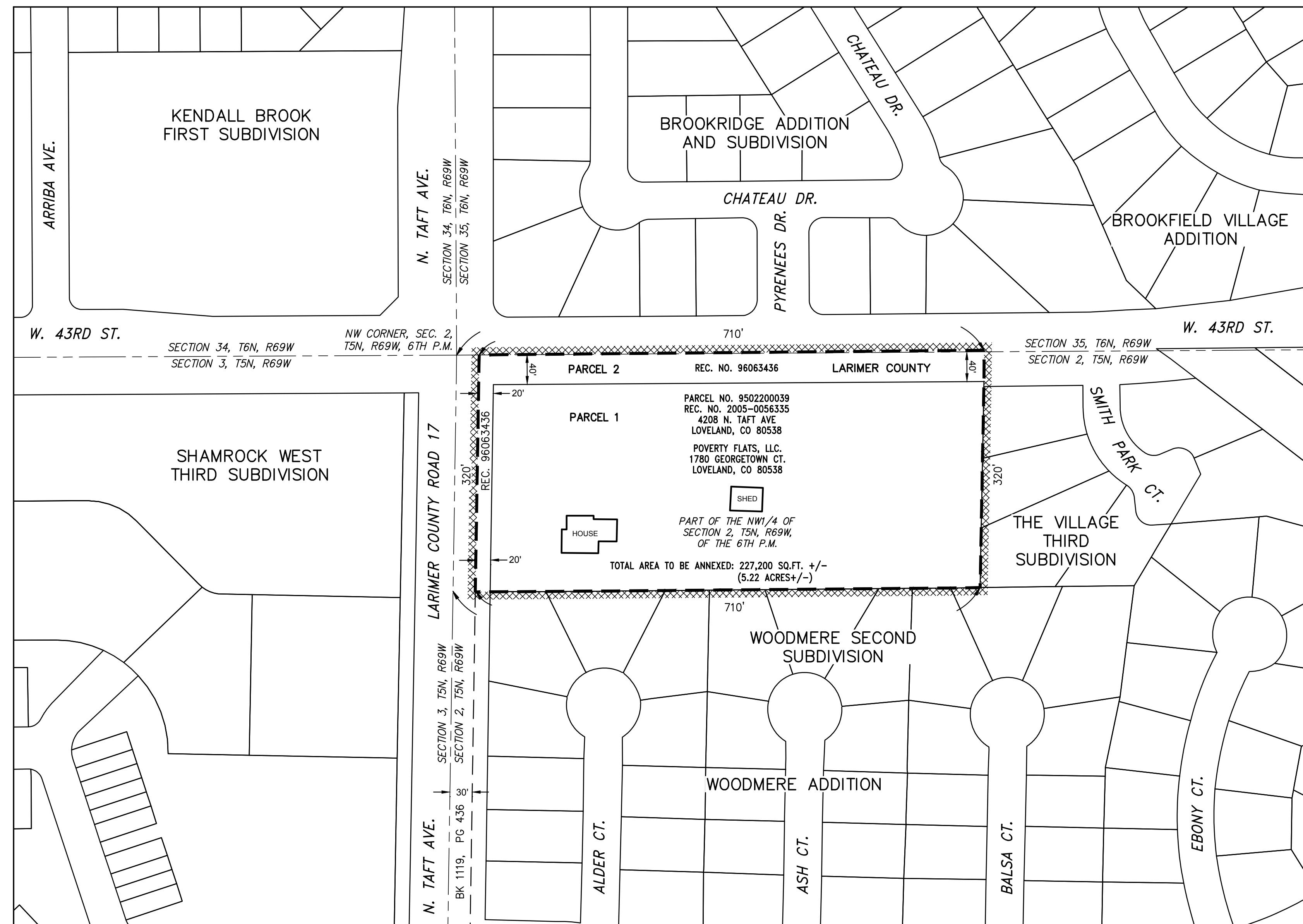
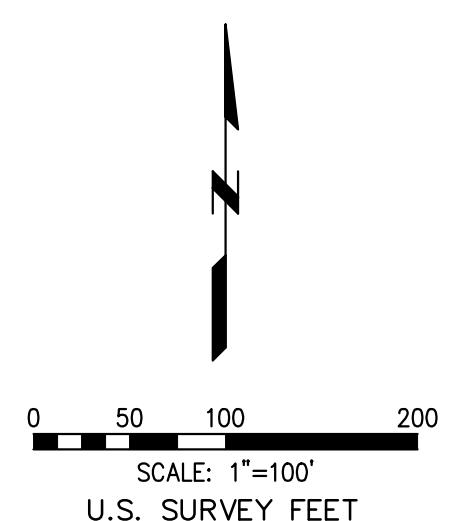
1. RIGHTS OR CLAIMS OF PARTIES IN POSSESSION, NOT SHOWN BY THE PUBLIC RECORDS.
2. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS.
3. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION, OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS.
4. ANY LIEN, OR RIGHT TO A LIEN, FOR SERVICES, LABOR OR MATERIAL HERETOFORE OR HEREAFTER FURNISHED, IMPOSED BY LAW OR NOT SHOWN BY THE PUBLIC RECORDS.
5. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS OR OTHER MATTERS, IF ANY, CREATED, FIRST APPEARING IN THE PUBLIC RECORDS OR ATTACHING SUBSEQUENT TO THE EFFECTIVE DATE BUT PRIOR TO THE DATE THE PROPOSED INSURED ACQUIRES FOR VALUE OF RECORD THE ESTATE OR INTEREST OR MORTGAGE THEREON COVERED BY THIS COMMITMENT.
6. (a) UNPATENTED MINING CLAIMS; (b) RESERVATIONS OR EXCEPTIONS IN PATENTS OR IN ACTS AUTHORIZING THE ISSUANCE THEREOF; (c) MINERALS OF WHATSOEVER KIND, SUBSURFACE AND SURFACE SUBSTANCES, IN, ON, UNDER AND THAT MAY BE PRODUCED FROM THE LAND, TOGETHER WITH ALL RIGHTS, PRIVILEGES, AND IMMUNITIES RELATING THERETO, WHETHER OR NOT THE MATTERS EXCEPTED UNDER (a), (b) OR (c) ARE SHOWN BY THE PUBLIC RECORDS OR LISTED IN SCHEDULE B.
7. WATER RIGHTS, CLAIMS OR TITLE TO WATER.
8. THE EFFECT OF INCLUSIONS IN ANY GENERAL OR SPECIFIC WATER CONSERVANCY, FIRE PROTECTION, SOIL CONSERVATION OR OTHER DISTRICT OR INCLUSION IN ANY WATER SERVICE OR STREET IMPROVEMENT AREA.
9. RESERVATIONS AND EXCEPTIONS IN PATENTS, OR ACTS AUTHORIZING THE ISSUANCE THEREOF, INCLUDING THE RESERVATION OF THE RIGHT OF PROPRIETOR OF A VEIN OR LODE TO EXTRACT AND REMOVE HIS ORE THEREFROM SHOULD THE SAME BE FOUND TO PENETRATE OR INTERSECT THE PREMISES AS RESERVED IN THE UNITED STATES PATENT RECORDED JANUARY 21, 1891 IN BOOK 32, PAGE 159. THIS AFFECTS THE SUBJECT PROPERTY.
10. RIGHT OF WAY CONVEYED TO LARIMER COUNTY BY DEED RECORDED JUNE 22, 1960 IN BOOK 1119 AT PAGE 436. SHOWN HEREON.
11. RESTRICTION AS CONTAINED IN DEED RECORDED JUNE 18, 1965 IN BOOK 1293 AT PAGE 440. THE SOUTH 30 FEET AND EAST 30 FEET OF THE SUBJECT PROPERTY ARE SUBJECT TO DEDICATION FOR STREET PURPOSES ONCE SURROUNDING PROPERTIES HAVE BEEN DEDICATED.
12. RIGHT OF WAY FOR THE CITY OF LOVELAND RECORDED JANUARY 1, 1996 AS RECEIPTION NO. 96063436. SHOWN HEREON AND SUBJECT TO PATENT, AGREEMENT, RESTRICTIONS EASEMENTS AND RIGHTS OF WAY OF RECORD.
- 2) THIS MAP DOES NOT CONSTITUTE A LAND SURVEY PLAT OR MONUMENTED LAND SURVEY.
- 3) THE ANNEXATION PARCEL DESCRIBED HEREIN IS ONE HUNDRED PERCENT (100%) CONTIGUOUS TO THE PRESENT BOUNDARY OF THE CITY OF LOVELAND.
- 4) THE ANNEXATION PARCEL IS OUTSIDE OF ANY FEMA FLOODWAY AND BOUNDARY AREAS.
- 5) PARCEL DIMENSIONS SHOWN HEREON ARE FROM THE DESCRIPTION OF THE PARCEL IN THE DEED RECORDED AT RECEIPTION NO. 2005-0056335 (PARCEL 7).
- 6) PARCEL LINES ARE FROM THE LARIMER COUNTY GIS, OBTAINED ON JUNE 2, 2016.

# NORTH TAFT THIRD ADDITION

## TO THE

### CITY OF LOVELAND

BEING AN ANNEXATION OF A PORTION OF THE NORTHWEST 1/4 OF SECTION 2, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF LARIMER, STATE OF COLORADO.



## OWNERSHIP TABLE

PARCEL NUMBER	PARCEL NAME	ASSESSOR'S PARCEL NUMBER AND RECEIPTION NUMBER	OWNER (AS OF JUNE 2, 2016)
1	NOT PLATTED	9502200039 (PARCEL 7 OF REC. NO. 2005-0056335)	POVERTY FLATS, LLC 1780 GEORGETOWN CT. LOVELAND, CO 80538
2	NOT PLATTED	(RIGHTS-OF-WAY OF REC. NO. 96063436)	LARIMER COUNTY

## ANNEXATION CALCULATIONS

TOTAL PERIMETER: 2,060 FEET +/- 100%  
 CONTIGUOUS PERIMETER: 2,060 FEET +/- 100%  
 REQUIRED CONTIGUITY (1/6): 333 FEET +/-  
 TOTAL AREA TO BE ANNEXED: 227,200 SQ.FT. +/- (5.22 ACRES +/-)

## PETITION FOR ANNEXATION

The undersigned, in accordance with Section 30(1)(a) of Article II of the State Constitution, and Article 12, Chapter 31, CRS, as amended, hereby petition the City Council of the City of Loveland, Colorado, for annexation to the City of Loveland the unincorporated territory more particularly described in Exhibit A, hereto, to be known as [name of addition], and in support of said Petition, the petitioners allege that:

1. It is desirable and necessary that the area described in Exhibit A be annexed to the City of Loveland, Colorado;
2. Not less than one-sixth (1/6) of the perimeter of the area described in Exhibit A is contiguous to the City of Loveland, Colorado;
3. A community of interest exists between the territory proposed to be annexed and the City of Loveland, Colorado;
4. The territory proposed to be annexed is urban or will be urbanized in the near future;
5. The territory proposed to be annexed is integrated or is capable of being integrated with the City of Loveland, Colorado;
6. The landowner signatures on the Petition comprise more than fifty percent (50%) of the landowners in the area proposed to be annexed, owning more than fifty percent (50%) of the area proposed to be annexed excluding streets and public alleys and any land owned by the annexing municipality and said landowners attest to the facts and agree that the conditions herein contained will negate the necessity of any annexation election;
7. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate:
  - a. Is divided into separate parts or parcels without the written consent of the landowner or landowners thereof, unless such tracts or parcels are separated by a dedicated street, road or other public way;
  - b. Comprising twenty (20) acres or more and which, together with the buildings and improvements situated thereon has an assessed value in excess of Two Hundred Thousand Dollars (\$200,000.00) for ad valorem tax purposes for the year preceding the annexation, is included within the territory proposed to be annexed without written consent of the landowner or landowners.
8. No part of the area proposed to be annexed is more than three miles from a point on the municipal boundary, as such was established more than one year before this annexation will take place;
9. The area proposed to be annexed comprises more than ten acres and an impact report as provided for in Section 31-12-105.5, CRS, as amended, has been prepared or the area proposed to be annexed comprises ten acres or less and an impact report as provided for in Section 31-21-105.5, CRS, is not required;
10. The area proposed to be annexed is located within Larimer County, the Thompson School District R2-J, the Thompson Valley Hospital District, the Loveland Rural Fire Protection District, the Fort Collins-Loveland Water District, the South Fort Collins Sanitation District, the Poudre Fire Authority, the Poudre Valley Hospital District, the Poudre School District R-1, the South Loveland Sanitation District, the Little Thompson Water District, and no others;
11. The mailing address of each signer, the legal description of the land owned by each signer and the date of signing of each signature are all shown on this Petition;

12. Accompanying this Petition are four (4) prints of the annexation map containing the information required under the City of Loveland Annexation Submittal Checklist;
13. The territory to be annexed is not presently a part of any incorporated city, city and county, or town;
14. The undersigned agree to the following conditions, which shall be covenants running with the land, and which shall, at the option of the city, appear on the annexation map:
  - a. Water rights shall be provided pursuant to city ordinance;
  - b. The territory to be annexed shall be included in the Municipal Sub-district of the Northern Colorado Water Conservancy District;
  - c. The owners shall participate in providing drainage plans and improvements and payment of a unit drainage fee as may be required by the city for the area;
  - d. Future development of this property shall be subject to payment of the capital expansion fees pursuant to the Loveland Municipal Code;
  - e. The undersigned hereby waive any and all "vested rights" previously created pursuant to Section 24-68-103, CRS, as amended;
  - f. Future provision of electrical services within the annexed territory is subject to a surcharge as provided in the Loveland Municipal Code;
  - g. The undersigned and the city may enter into a Pre-Annexation Agreement prior to the effective date of this annexation, which agreement shall be additional conditions as effectively as if set forth in this Petition; and
  - h. Any adverse development within the annexed territory shall comply with the City of Loveland Comprehensive Master Plan.

15. Petitioner represents that: (Check one)

No part of the property to be annexed is included within any site specific development plan approved by Larimer County, Colorado.

A site specific development plan has been approved by Larimer County, Colorado, which has created a vested right.

IN WITNESS WHEREOF, I/we have executed this Petition for Annexation this 5<sup>th</sup> day of OCTOBER, 2017.

POVERTY FLATS LLC

Petitioners/Owner's Signature

Address

City      State      Zip

Emily J. Stump  
Petitioner's/Owner's Signature  
EMILY J. STUMP, MEMBER  
1780 Georgetown Ct

Love Land CO 80538  
City      State      Zip

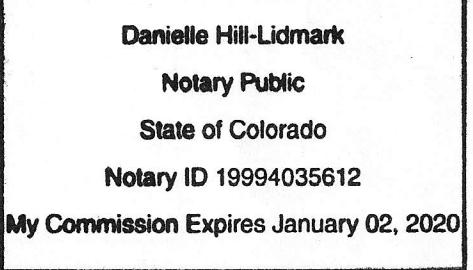
STATE OF COLORADO      )  
                            )ss  
COUNTY OF LARIMER      )

The foregoing signature was acknowledged before me this 5<sup>th</sup> day of OCTOBER, 2017, by  
EMILY J. STUMP, MEMBER OF POVERTY FLATS LLC

Witness my hand and official seal.

My commission expires: 1/2/20

Danielle Hill Redmark  
Notary Public



### Attorney Certification

I, RANDOLPH W. STARR, an attorney licensed to practice in the State of Colorado, hereby certify that I have examined the records of the Clerk and Recorder of Larimer County, Colorado and have verified that the signers of this Annexation Petition for the area referred to as the

Addition to the City of Loveland are the owners of real property in the area proposed for annexation. Furthermore, I certify that said owners own more than 50% of the land area, exclusive of street and alleys, as said area is described on Exhibit A of said Annexation Petition.

Randolph W. Starr  
3183

## **PETITION FOR REZONING**

To the City Council of the City of Loveland, Colorado and the Planning Commission for the City of Loveland, Colorado: The undersigned do hereby petition for a change of zoning of the following described real property, to-wit:

(1) 4208 N TAFT AVE LOVELAND COLORADO

from (2) FA-FARMING

District as zoned at present, to (3)

B2 DISTRICT

B2 DISTRICT District; and that the said Planning Commission and City Council consider this petition and amend Title 18 of the Loveland Municipal Code, changing the zoning of the above described property as petitioned for above. ALL PERSONS WHOSE SIGNATURES ARE AFFIXED HERETO STATE AND REPRESENT TO THE BEST OF THEIR KNOWLEDGE, INFORMATION AND BELIEF THAT THE ABOVE DESCRIBED REAL PROPERTY DOES NOT CONTAIN A "COMMERCIAL MINERAL DEPOSIT" AS DEFINED BY SECTION 34-1-302(1), CRS, AS AMENDED.

Signature and mailing address of signer must be provided in the space below. Also state if land is within or adjacent to the property described above. (4)

Poverty Flats, LLC  
Emily J. Stump, ~~LLC~~  
1780 Georgetown Ct  
Loveland, CO 80538

The following statement is intended to be represented as a sworn statement and an "oath" as defined by Section 18-8-501, CRS, as amended. (WARNING: A person commits a Class 1 petty offense if he makes a materially false statement, other than those prohibited by Sections 18-8-502 and 18-8-502, CRS as amended, which he does not believe to be true, under an oath required or authorized by law).

STATE OF COLORADO )  
 )ss  
COUNTY OF LARIMER )

(5) EMILY J. STUMP, MEMBER OF POVERTY FLATS, LLC, the affiant, being first duly sworn, upon oath depose(s) and say(s): that affiant was the circulator of the above and foregoing petition; that the signatures on said petition were signed in affiant's presence; and that they are the signatures of the persons they purport to be.

(6) Emily J. Stump

Subscribed and sworn to before me this 5<sup>th</sup> day of OCTOBER, 2017.

Witness my hand and official seal.

My commission expires: 1/2/20

Danielle Hill-Lidmark

**Notary Public**

**State of Colorado**

Notary ID 19994035612

**My Commission Expires January 02, 2020**

Danielle Dell Redmark  
Notary Public  
210 EAST 29th  
LOVELAND, CO 80538  
Address