



**LOVELAND PLANNING COMMISSION MEETING
AGENDA**

**Monday, May 14, 2018
500 E. 3rd Street – Council Chambers
Loveland, CO 80537
6:30 PM**

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“La Ciudad de Loveland está comprometida a proporcionar igualdad de oportunidades para los servicios, programas y actividades y no discriminar en base a discapacidad, raza, edad, color, origen nacional, religión, orientación sexual o género. Para más información sobre la no discriminación o para asistencia en traducción, favor contacte al Coordinador Título VI de la Ciudad al TitleSix@cityofloveland.org o al 970-962-2372. La Ciudad realizará las acomodaciones razonables para los ciudadanos de acuerdo con la Ley de Discapacidades para americanos (ADA). Para más información sobre ADA o acomodaciones, favor contacte al Coordinador de ADA de la Ciudad en ADAcordinator@cityofloveland.org.”

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

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, May 21, 2018 – UDC Study Session at 6:00 pm at the DC**
- 2. Monday, June 11, 2018 Agenda Preview**
 - i. 1001 ½ E 2nd Street - Variance Request – ZBA Hearing**
 - ii. 37th St. Vacation - Resolution**
 - iii. Kendall Brook GDP Amendment (Village Coop) - PH**
 - iv. Hendricks 1st Addition – Zoning – PH**
- 3. Hot Topics: Welcome new Commissioner: Milo "Buddy" Hovland**

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

III. APPROVAL OF MINUTES

Review and approval of the April 23, 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?

1. Ward Industrial 4th Subdivision

This is a noticed public hearing required by Colorado Revised State Statutes that affords mineral rights owners the opportunity to appear and state their interest in property that is undergoing an initial subdivision process within the City of Loveland. The subject property is a 7.7-acre site at the northwest corner of Ward Avenue and Crossroads Boulevard that is currently undergoing an administrative minor subdivision process. The role of the Planning Commission is to conduct the public hearing, allowing owners of severed mineral interests to be heard. The Commission has no role other than conducting the hearing; any subsequent negotiations will remain private, involving surface owners and mineral rights owners. No motion or action by the Commission is required.

V. REGULAR AGENDA

2. Bighorn Addition - PH

This is an application to annex and zone an undeveloped 5-acre property located at the NW quadrant of the intersection of Hwy. 287 and 57th Street. The applicant is requesting B-Developing Business District zoning. The applicant has not submitted development plans with the current applications but has indicated a desire to develop an indoor vehicle storage business at this location; this use would require special review approval under current code requirements. Staff has determined that the annexation and requested zoning are consistent with applicable regulations, plans and policies and is supporting approval of the applications. The Planning Commission's role is to conduct a public hearing and make recommendations to the City Council on the annexation and zoning applications.

3. Foundry Theater - PH

On February 26, 2018 the Planning Commission conducted a public hearing and approved the site plan for The Foundry Theatre based on a determination of compliance with the design standards of the Downtown Be Zoning District. Subsequent to the Planning Commission's approval, the Theatre design team submitted amended plans to the City which specified modifications to the elevations of the Theatre building. Given the nature of the modifications, it is necessary for the Planning Commission to conduct a new public hearing to determine if the adjusted design is in compliance with the applicable design standards specified in the Downtown Be Zoning District. Staff has reviewed the amended plans and is recommending approval. The Commission's role to conduct a public hearing and determine whether the modified plans meet the applicable findings specified in the Downtown Be Zoning District. The Commission's decision on this application is final barring appeal.

VI. ADJOURNMENT

MEMORANDUM

May 14, 2018 – Consent Agenda Item 1

To: Planning Commissioners

From: Troy Bliss, Senior Planner

RE: **Ward Industrial Park East Fourth Subdivision (PZ #18-00002) – Mineral Rights Hearing**

This a public hearing concerning mineral rights that is associated with an application for a minor subdivision being processed by the City. The minor subdivision proposes the division of a 7.7 acre-site' into three (3) separate lots for purposes of creating future industrial development sites. The new subdivision would be known as the Ward Industrial Park East Fourth Subdivision. The subject property is located at the northwest corner of Ward Avenue and Crossroads Boulevard.



Minor subdivision applications typically are not considered by the Planning Commission. Rather, such applications are generally processed administratively. However, the property being platted includes severed mineral estate owners, meaning that the mineral rights are owned separately from the surface rights. Title 24, Article 65.5 of the Colorado Revised State Statutes identifies this as a development application whereby a public hearing is required to be held with respect to the mineral estate owners. The requirement for a public hearing at the platting level reflects changes to state statutes which went into effect in August, 2007.

The Planning Commission serves as a conduit in which to facilitate the public hearing. No motion or action other than opening and closing the public hearing shall be made. Based upon the City of Loveland Municipal Code, approval of the minor subdivision plat is issued by the Director of Development Services. This approval will be issued following the public hearing providing no objections are made from mineral owners. Any mineral owners objecting to the application at the public hearing on May 14, 2018, may seek a surface use agreement with the property owner or pursue other civil remedies. This is coordinated through the property owner and mineral estate owner(s). The City is not party to such an agreement, consequently the only role of Planning Commission is to conduct a public hearing which affords notice to mineral rights owners and provides them the opportunity to be heard. The Planning Commission has no role relative to approval of this Minor Subdivision plat.

ATTACHMENT

Ward Industrial Park East Fourth Subdivision – Minor Subdivision Plat

1. For the Basis of Bearings used in the preparation of this plot the South line of the Southwest Quarter of Section 35, T6N, R68W, and assumed to bear S88°03'20"W according to the Final Recorded Plat of Ward Industrial Park East – Third Subdivision, between the monuments shown and described herein, with all bearings contained herein relative thereto.
2. Fidelity National Title Insurance Company, Title Report No. FO5944464-381-LVT dated September 29, 2017 was relied upon for information regarding easements and restrictions shown on this plot. All easements described in said Title Report which affect the property shown on this plot have been shown herein.

3. The United States Survey Foot is the unit of measure used in the preparation of this plat

4. NOTICE: According to Colorado law, you MUST commence any legal action based on any defect in this survey within **THREE** years after you first discovered such defect. In no event, may an action based upon any defect in this survey be commenced more than **TEN** years from the date of the certification shown hereon.

6. Unless otherwise approved by the City, all unsatisfied conditions of approval for the original subdivision of Ward Industrial Park East – First Addition to the City of Loveland, Colorado and any such unsatisfied conditions of approval for the Ward Industrial Park East Third Subdivision shall continue to apply to this property.

7. This plat is subject to all conditions, covenants, restrictions and conditions as set forth by the Plat of Ward Industrial Park East - First Addition to the City of Loveland, Colorado.

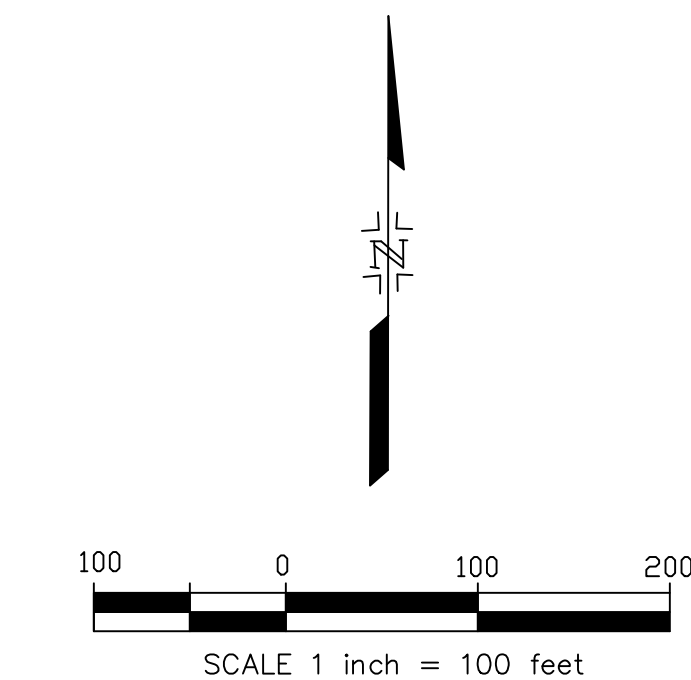
8. Any costs associated with the relocation, raising, or lowering of existing underground and overhead electric lines and facilities shall be the responsibility of the developer.




9. Easement/Right of Way Notes:
All previous easement dedications by WARD INDUSTRIAL PARK EAST THIRD SUBDIVISION, Loveland, Colorado remain in effect with this plat.
(20' UTILITY AND DRAINAGE EASEMENT) = Easement dedicated with this plat.

Total area in square feet of easements dedicated to the public or the city by this plat. = 6,460.00 Square Feet
Total area in square feet of easements dedicated to the public or city that are being vacated by this plat. = 0.00 Square Feet.

This site is located in Flood Zone 'C' per FIRM (Flood Insurance Rate Map) prepared by FEMA, Community Panel #080101-0234B per Map Index revised November 17, 1993.

Client: Ward East Ltd., LLP
P.O. Box 265
Loveland, CO 80539



 FOUND CONTROL CORNER
AS DESCRIBED HEREON
 FOUND OR SET #5 REBAR WITH RED
PLASTIC CAP-P.L.S. 20676 OR AS
DESCRIBED HEREON
 FOUND EXISTING MONUMENT
AS DESCRIBED HEREON

C1	CURV	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	47.64°		30.00'	90°59'10"	S46°27'05"E	42.79'
C2	113.87°	960.00'	6'47.46"	S02°26'23"W		113.81'
C3	108.37°	960.00'	6'28.04"	S09°04'18"W		108.51'
C4	131.16°	1040.00'	7'13.34"	S08°41'33"W		131.08'
C5	127.49°	1040.00'	7'01.26"	N01°34'03"E		127.41'
C6	47.12°	30.00'	90°00'00"	S4°03'20"W		42.43'
C7	231.50°	1000.00'	13'15.50"	S05°40'25"W		230.98'
C8	248.71°	1000.00'	14'15.00"	N05°10'50"E		248.07'
C9	50.05°	1040.00'	2'45.27"	S10°55'37"W		50.05'

LINE	BEARING	DISTANCE
L1	N88°02'25"E	43.64'
L2	N01°56'40"W	20.00'
L3	N88°02'25"E	38.56'

I, _____, an attorney licensed to practice law in the State of Colorado, certify that I have examined title to the above described land dedicated to the City of Loveland, Colorado, with such land described in Schedule A to Title Commitment No. _____, issued by _____ effective _____, 20____, and that in my professional judgment, my knowledge based on such title commitment updated through the date of execution of this plat and my actual knowledge, all persons executing the dedication of this plat are the owners or duly authorized signatories of such land in fee simple, such land is free and clear of all liens and encumbrances, except encumbrances set forth in Schedule B - Section _____ of such title commitment, or of such date of execution, and any such encumbrances do not impair the use of such land for the purposes set forth on this plat.

So sworn this _____ day of, _____ 2017

Attorney at Law

KNOW ALL PERSONS BY THESE PRESENTS that we thus undersigned, being all the owners and lienholders of the following described property, except any existing public streets, roads, or highways, which property is located in Section 35, Township 6 North, Range 68 West of the Sixth Principal Meridian, City of Loveland, County of Larimer, State of Colorado and All of Lots 2 and 5 of Block 1 if Ward Industrial Park - Third Subdivision according to the Final Plat as recorded July 28, 2006 as reception number 20060057147 in the office of County Clerk of Larimer County Colorado, more particularly described as

Considering the South line the Southwest Quarter of said Section 35 as bearing South 88°03'20" West between the South Quarter Corner and the Southwest corner of said Southwest Quarter as monumented with 1/2" Brass caps in monument boxes according to the final plat recorded as reception number 000557147, with a distance of 346.91 feet, thence North 0°57'30" East, a distance of 314.38 feet, commencing at the South Quarter Corner of said Section 35 thence South 88°03'20" West along the South line of said Southwest Quarter, a distance of 346.91 feet, thence North 0°57'30" East, a distance of 314.38 feet, thence North 88°03'20" West, along the Western boundary lines of Lots 5 and 2 of said Block 1, a distance of 1,122.25 feet, to the Northwest Corner of said Lot 2; thence North 88°03'20" East, along the Northern boundary line of said Lot 2 Block 1, a distance of 314.38 feet;

thence along the Easterly boundary lines of said Lots 2 and 5 of Block 1, the following Seven (7) courses and distances;

- 1) along the arc of a tangent curve to the right having a central angle of 90°59'10", and a radius of 30.00 feet an arc length of 47.64 feet the chord of said curve bears South 46°27'05" East, a chord length of 42.79 feet;
- 2) South 00°57'30" East a distance of 272.08 feet;
- 3) along the arc of a tangent curve to the right having a central angle of 13°15'50", and a radius of 960.00 feet an arc length of 222.24 feet the chord of said curve bears South 05°40'25" West, a chord length of 221.74 feet;
- 4) South 12°18'20" West a distance of 199.89 feet;
- 5) along the arc of a tangent curve to the left having a central angle of 14°15'00", and a radius of 1,040.00 feet an arc length of 258.66 feet the chord of said curve bears South 05°10'50" West, a chord length of 257.99 feet;
- 6) South 01°56'40" East a distance of 120.00 feet;
- 7) along the arc of a tangent curve to the right having a central angle of 90°00'00", and a radius of 30.00 feet an arc length of 47.12 feet the chord of said curve bears South 43°03'20" West, a chord length of 42.43 feet, to a point on the South boundary line of said Lot 5 Block 1;

thence South 88°27'00" West along the South boundary line of said Lot 5 Block 1, a distance of 218.40 feet, to the Point of Beginning.

containing an area of 337,461 square feet, 7.747 acres.

Owner(s)
Ward East Ltd., LLP

By: Terri L. Ward, Partner of
Ward East Ltd., LLP,
A Colorado Limited Liability Partnership

By: Timothy R. Ward, Partner of
Ward East Ltd., LLP,
A Colorado Limited Liability Partnership

By: Tina J.W. Meisner, Partner of
Ward East Ltd., LLP,
A Colorado Limited Liability Partnership

By: David M. Ward, Partner of
Ward East Ltd., LLP,
A Colorado Limited Liability Partnership

By: Diane K. Ward, Partner of
Ward East Ltd., LLP,
A Colorado Limited Liability Partnership

STATE OF COLORADO)
COUNTY OF LARIMER)

The foregoing instrument was acknowledged before me this _____ day of _____ 2017.

by Terri L. Ward, Timothy R. Ward, Tina J.W. Meisner, David M. Ward, Diane K. Ward, as Partners
of Ward East Ltd., LLP, A Colorado Limited Liability Partnership

Witness my hand and official seal

My commission expires _____
Notary Public

This plat is approved by the Director of Development Services of the City of Loveland, Larimer County, Colorado, this _____ day of _____, 2____, for filing with the Clerk and Recorder of Larimer County and for conveyance to the City of the public dedications shown herein, which are accepted; subject to the provision that approval in no way obligates the City of Loveland, for the financing or constructing of improvements on land, streets, or easements dedicated to the public except as specifically agreed to by the Director of Development Services.

Director of Development Services

Witness my hand and seal of the City of Loveland

ATTEST:

City Clerk

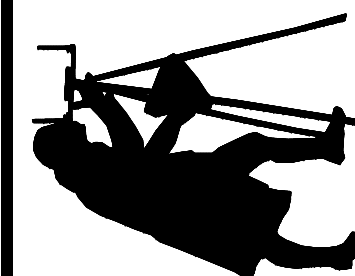
Michael J. DeDecker being a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey of the **WARD INDUSTRIAL PARK EAST - FOURTH SUBDIVISION** was made by me or under my supervision and that the survey is accurately represented on this plat and that the statements contained hereon were read by me and the same are true to the best of my knowledge.

Dated this _____ day of _____, 2017.

Michael J. DeDecker PLS
for and on behalf of
DeDecker Land Surveying

DATE	RECORD OF ISSUE	BY	CK.
09-26-2017	INITIAL ISSUE	MJD	
03-01-2018	ADDRESSED COMMENTS	MJD	

DEDECKER
LAND SURVEYING
4301 FAWN TRAIL
LOVELAND, COLORADO 80537
C (970) 217-2331 H (970) 663-2013



WARD EAST Ltd., LLP
MINOR SUBDIVISION FINAL PLAT
DESCRIPTION: LOTS 2 AND 5 BLOCK 1
WARD INDUSTRIAL PARK EAST -
THIRD SUBDIVISION

DESIGNED:
DRAWN: MJD
CHECKED:
APPROVED:
DATE: SEPTEMBER 26, 2017

SCALE: 1"=100'

PROJECT NO. 2017-65	REVISION NO.
DRAWING NO.	SHEET 24x36 1 of 1

Maintenance and upkeep of Stormwater detention ponds, stormsewer systems, swales, and permanent Stormwater quality improvements are required by the City of Loveland and are a continuing obligation of the Homeowner Association (HOA), Business Owner Association (BOA), or private property owner. The owner(s) or responsible parties (HOA, BOA) shall provide ongoing maintenance to the private Stormwater improvements as needed to maintain compliance with the approved construction plans and reports.



Development Services Current Planning

410 East Fifth Street • Loveland, CO 80537
(970) 962-2523 • TDD (970) 962-2620
www.Cityofloveland.org

Planning Commission Staff Report

May 14, 2018

Agenda #: Regular Agenda #1
Title: Bighorn Annexation
Applicant: Bighorn Loveland, LLC
Request: Annexation and Zoning
Location: West of N. Garfield Ave (Hwy 287), north of 57th Street
Existing Zoning: Larimer County B Business
Proposed Zoning: B-Developing Business
Staff Planner: Noreen Smyth

Staff Recommendation:

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

Recommended Motions:

1. *Move to make the findings listed in Section VIII of the Planning Commission staff report dated May 14, 2018; and, based on those findings, recommend that City Council approve the Bighorn Addition, subject to the conditions listed in Section IX, as amended on the record, and zone the addition B-Developing Business.*

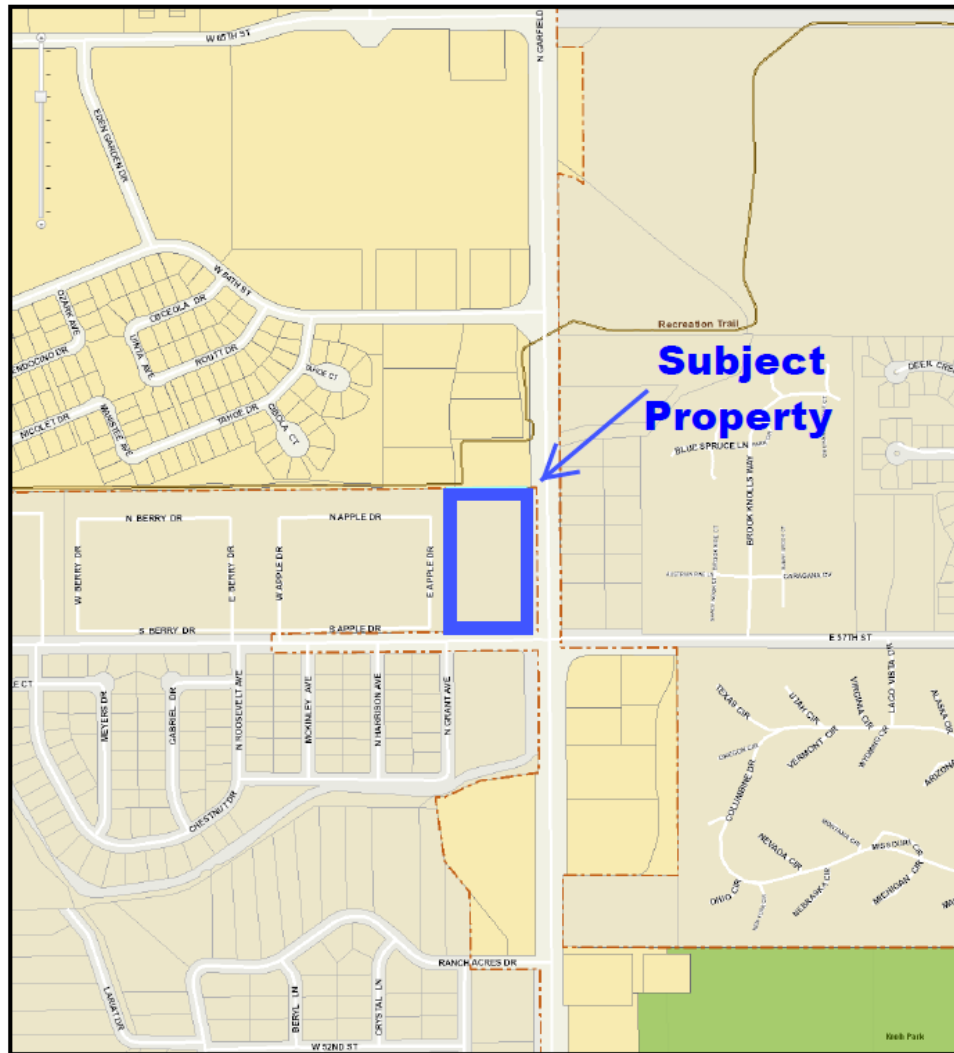
Summary of Analysis:

This is a public hearing and the Commission's role is to make recommendations to the City Council on the two associated components of this request. The applicant's request is to annex a 5.02-acre property at the northwest corner of the intersection of N. Garfield Avenue (Highway 287) and W. 57th Street and zone it B-Developing Business. Future development would be subject to the standards of that district and other Municipal Code requirements. No specific developments are being reviewed in conjunction with the annexation and zoning, but the applicant is interested in submitting an application for a special review for an indoor recreational vehicle storage facility if the annexation and zoning are approved.

At the neighborhood meeting, the applicant described to neighbors the annexation and the B-Developing Business zoning, along with the proposed indoor recreational vehicle storage facility that the applicant intends to pursue in the future. No specific concerns were voiced about the annexation or the zoning. No specific concerns were voiced about the proposed future development except for increased traffic, which will be considered in detail by the City with future development applications.

The annexation and B-Developing Business zoning are in line with the goals of the Create Loveland Comprehensive Plan and the goals of our Growth Management Area, and City services are readily available to the property. Staff supports the annexation and zoning.

I. VICINITY MAP:



II. SUMMARY:

Application

This is a public hearing concerning a request to annex as the “Bighorn Addition” (**Attachment 1**) a 5.02-acre tract of land at the northwest corner of the intersection of N. Garfield Avenue (Highway 287) and W. 57th Street; City of Loveland Application #PZ-17-193. In conjunction with the annexation, the applicant is seeking to zone the property B-Developing Business (**Attachment 2**). This public hearing concerns only the proposed annexation and zoning of the land, and not a specific development for the land. If the annexation and zoning are approved, detailed development applications will need to be submitted prior to development.

Description of Subject Property and General Area

The subject property is a rectangular area of land, roughly 400 feet by 600 feet in dimension. The easternmost part of the property, adjacent to N. Garfield Avenue, has a permanent ditch easement for the Loudon Irrigating Canal & Reservoir Company. The Loudon ditch runs through this area in a north-south direction. The ditch easement is 40 feet wide along the north half of the property and gets wider at the south half of the property, and totals 0.58 acres in size. There are other easements along the eastern portion of the property, including easements for City utilities, pedestrians & bicyclists, and telecommunications, some of which overlap the ditch easement and some of which are adjacent to the ditch easement. Near the western property line is a north-south City water & sanitary sewer easement.



Subject property as viewed from the intersection of N. Garfield Avenue and 57th Street.

The property is undeveloped, and is covered in grass with some shrubs along the ditch (**Attachment 3**). The land is relatively flat (except for the ditch), but sits at a higher elevation than the adjacent streets. There is a box culvert near the southeast corner of the property associated with the Loudon Ditch and located within the ditch easement, and a few utility boxes are situated south of the culvert. An informal asphalt path extends on the east side of the subject property in a north-south direction. A wood fence extends along the west property line, separating the subject property from an adjacent mobile home park that is outside City limits. The owner of the subject property also owns the adjacent mobile home park. The northwest corner of the property was previously utilized for parking and storage, but is no longer used as such.

To the north is a commercial development within City limits, the Peakview Commercial Park, which includes the Murphy Express gas station. To the east and to the south are N. Garfield Avenue and W. 57th Street, and the sections of both adjacent to the subject property are already

within City limits. East and south of the adjacent streets are undeveloped properties that are currently outside City limits but have proposed to annex with business zoning. To the southeast is the Tractor Supply-anchored Drake Loveland Commons commercial development.

Annexation

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 matters, which is further summarized in the Findings section at the end of this report, and thus staff supports its annexation.

Zoning and the Comprehensive Plan

Zoning

The subject property is zoned B Business in Larimer County's zoning system. The uses allowed by right and by special review in the requested City of Loveland B-Developing Business district are listed in **Attachment 6**, which is an excerpt from Title 18 of the Municipal Code (also known as the Zoning Code). While the specific uses and development standards of the county's business district differ from the City's B-Developing Business district, the existing county zoning classification and the proposed City zoning classification are similar.

Create Loveland Comprehensive Plan

The assignment of a City zoning district for property occurs concurrently with its annexation. In determining appropriate zoning, the Create Loveland Comprehensive Plan, which is the City's vision for development, is intended to be basis of analysis by staff, by the Planning Commission, and by City Council. The subject property is designated *Corridor Commercial* (**Attachment 8**) by the Future Land Use Map of the Create Loveland Comprehensive Plan (**Attachment 7**), and it is also within the *Enhanced Corridor* Overlay (**Attachment 9**). The requested B-Developing Business zoning for this property aligns with the goals of areas designated as *Corridor Commercial*. The *Enhanced Corridor* Overlay addresses matters related to specific uses and design standards along major transportation corridors in Loveland. The B-Developing Business designation is in line with the goals of the *Enhanced Corridor* Overlay, although most matters relevant to such goals will need to be implemented through the review of specific development applications rather than through the review of the annexation and zoning application.

Loveland 287 Strategic Plan

The City has also adopted the Loveland 287 Strategic Plan, which applies to all properties on Garfield Avenue/Highway 287, including the subject property. The Loveland 287 Strategic Plan was adopted in 2015, prior to the 2016 adoption of the Create Loveland Comprehensive Plan. References were included within Create Loveland incorporating other adopted area plans, included the Loveland 287 Strategic Plan, into the Create Loveland Plan. Thus, the Loveland 287

Strategic Plan is considered a component of the Comprehensive Plan even though it is a separate document.

The subject property is in Zone 1 (**Attachment 10**) of the Loveland 287 Strategic Plan. The Plan supports business uses along major corridors in the City that will promote a lively atmosphere and promote the interaction of customers/employees with other nearby businesses. Design policies within the Plan are proposed by staff to be implemented in the development of the property through conditions in the annexation agreement, which will be drafted by the City Attorney to accompany the annexation. These conditions are also referenced in Section IX of this report. The design policies include the following:

- Construction of detached sidewalk along adjacent streets
- Establishment of additional pedestrian and bicycle paths where appropriate
- A site layout that refrains from situating parking along Highway 287
- Installation of street trees
- Burial of overhead utility lines
- High-quality design of buildings and other structures, including use of high-quality building materials

Note that any future development may be exempted from one or more of the above once detailed development plans are submitted for City review, if it is assessed during the review that an exemption is warranted.

Future Development Applications

If the annexation and B-Developing Business zoning are approved, the applicant intends to pursue development of an indoor recreational vehicle storage business on the subject property. The use, which is categorized as a self service storage facility by the Zoning Code, is a special review use in the B district. While draft plans for the storage facility have been presented to the City at concept review meetings, the applicant is continuing to refine the layout. As such, there is no current draft site plan available for inclusion with this report, but the applicant will be prepared to field questions about the intended development at the May 14 hearing.

Note that bringing the property into the B-Developing Business district will allow any of the district's uses by right and uses by special review to potentially be developed on the property (pending compliance with any associated Municipal Code standards). It is also important to note that the City is in the process of preparing a Unified Development Code that, if adopted, will replace the Zoning Code (Title 18). The draft Unified Development Code retains the B-Developing Business district as a City zoning district, although it is possible that there will be adjustments to the district's use standards. Also, approval processes and certain design standards may change with the Unified Development Code that will impact how development applications are reviewed. If the Bighorn annexation and zoning are approved, the applicant anticipates submitting a special review application for an indoor recreational vehicle storage business shortly thereafter. As such, the special review application would be submitted prior to the adoption of the Unified Development Code, and would therefore be processed under the current standards of our Zoning Code (Title 18).

In addition to the special review application, a site development plan, public improvement construction plans, and building permit application are needed to pursue development after annexation. The City will be able to provide water and sewer for any development on the property through existing lines. The property is currently in Xcel's service area for power, but will become part of the City's service area upon annexation. Stormwater facilities and transportation improvements will be determined at the time detailed development applications are submitted.

III. KEY ISSUES:

There are no key issues identified by staff with the annexation and B-Developing Business zoning proposed for the property.

IV. ATTACHMENTS:

1. Annexation Map
2. Zoning Map
3. Site Inventory
4. Applicant's Narrative, Rezoning Assessment, and Land Use Consistency Summary
5. Petition for Annexation
6. B-Developing Business Chapter of the Municipal Code
7. Future Land Use Map-Create Loveland
8. CC Corridor Commercial Description-Create Loveland
9. EC Enhanced Corridor Overlay Description- Create Loveland
10. Zone 1 Policies- Loveland 287 Strategic Plan

V. SITE DATA:

SIZE OF SITE-GROSS.....	5.02 ACRES
COMPREHENSIVE PLAN DESIGNATION	CORRIDOR COMMERCIAL & ENHANCED CORRIDOR OVERLAY
EXISTING ZONING.....	LARIMER COUNTY B BUSINESS
EXISTING USE	VACANT
PROPOSED ZONING	B-DEVELOPING BUSINESS
PROPOSED USE.....	NO SPECIFIC USES PROPOSED IN CONJUNCTION WITH THE ANNEXATION AND ZONING REQUEST. A FUTURE SPECIAL REVIEW APPLICATION FOR AN INDOOR RECREATIONAL VEHICLE STORAGE FACILITY IS INTENDED TO BE SUBMITTED.
EXIST ADJ ZONING & USE - NORTH.....	PUD / COMMERCIAL
EXIST ADJ ZONING & USE - SOUTH.....	LARIMER COUNTY B BUSINESS / VACANT
EXIST ADJ ZONING & USE - WEST.....	LARIMER COUNTY M1 MULTIPLE-FAMILY / MOBILE HOME PARK
EXIST ADJ ZONING & USE - EAST.....	LARIMER COUNTY C COMMERCIAL / VACANT
UTILITY SERVICE - WATER	CITY OF LOVELAND

UTILITY SERVICE - WASTEWATER..... CITY OF LOVELAND
UTILITY SERVICE - POWER CURRENTLY XCEL; UPON ANNEXATION IT WILL
BECOME A PART OF THE CITY OF LOVELAND'S
SERVICE AREA

VI. BACKGROUND:

The application under consideration in this staff report was submitted in October 2017 to bring the parcel within the limits of the City of Loveland and the B-Developing Business district.

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION:

- A. Notification:** Affidavits were received from the applicant certifying that notice of both the neighborhood meeting and of the Planning Commission hearing was mailed to all owners of property within 1200 feet of the site, and that notices were posted in prominent locations on the perimeter of the project site at least 15 days prior to the date of the neighborhood meeting and of the Planning Commission hearing. A notice of the hearing was also published in the Reporter Herald on April 28, 2018. All notices stated that a neighborhood meeting would be held on April 3, 2018 or that a public hearing would be held by the Planning Commission on May 14, 2018.
- B. Neighborhood Response:** A noticed neighborhood meeting was held at 6:00 p.m. on April 3, 2018 at the clubhouse in the adjacent Cherry Village Mobile Home Park. Approximately 10 persons attended the meeting along with City staff, the applicant, and the applicant's consultants.

At the meeting, the applicant described the proposal to annex the land, zone it B-Developing Business, and later develop an indoor storage facility for recreational vehicles. Proposed elevations for the storage buildings were displayed. There were general questions about the proposal and timing from attendees. Concerns were voiced by a couple of neighbors about increases in traffic. There were no concerns voiced about the proposed annexation and B-Developing Business zoning.

VIII. 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 application. The annexation findings are from the Create Loveland Comprehensive Plan and from Title 17 (Annexations) of the Municipal Code, and the zoning findings are from the Create Loveland Comprehensive Plan and Title 18.04 (Zoning-Purpose) of the Municipal Code. The consideration and action of the Planning Commission should be based on these findings.

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.*
- 4.2** *All annexations shall be contingent upon a development agreement that clearly details the rights and obligations of the City and the land owner regarding the annexation and development of the annexed land.*
- 4.3** *Property owners and developers are encouraged to assemble available adjoining land parcels and prepare a master plan design for the larger area, rather than submit separate individual proposal.*
- 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:

- An annexation agreement will accompany the annexation of the property. The agreement will detail the obligations of the land owner relative to matters of City interest, including the provision of infrastructure and compliance with the design goals of the Loveland 287 Strategic Plan.
- While there remains some undeveloped land to the north/northwest of the subject property, that land, which is in City limits, is part of the Peakview Commercial Center and already has a General Development Plan guiding its future development. There are no immediately adjacent undeveloped parcels of land that could be assembled with the subject property for a larger development.
- While the subject property is not an enclave, its annexation helps fill in one of the few remaining gaps in the City boundary on the west side of N. Garfield Avenue/Highway 287. The City limit here extends to 71st Street/E. County Road 30 except for those few remaining unincorporated parcels.

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.*
- 5.2** *Consider the need for open lands and natural areas within the City limits when evaluating annexation proposals consistent with the recommendations contained in the adopted Parks & Recreation Master Plan.*
- 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.*
- 5.5** *The annexation of land should be allowed only if the owner can provide assurances that the land does not contain hazardous conditions that may pose a danger to the City or that reasonable avoidance and mitigation measures can be taken in the event that hazards or contamination exists. To make this determination, a Phase 1 Environmental Report should be prepared by a qualified third-party specialist.*
- 5.6** *Evaluate all development agreements and proposed annexations against the fiscal model included in this plan, ensuring that they deal satisfactorily with any fiscal or environmental impacts upon the property.*

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 Parks & Recreation Master Plan does not call for open lands or natural areas on the subject property. A north-south pedestrian easement is shown on the Annexation Map, along with additional right-of way along both adjacent streets that can potentially accommodate bicycle and pedestrian facilities. In addition, there is an existing east-west bicycle trail in close proximity to the subject property, in the Peakview Commercial Center to the north.
- 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.
- A Phase 1 Environmental Site Assessment Report prepared by Smith Environmental and Engineering dated June 1, 2017 has been submitted and there is no evidence of recognized environmental conditions on the subject property.
- The annexation and B-Developing Business zoning of the property are not anticipated to have a negative fiscal impact.

3. Comprehensive Plan-Neighborhood & Community Assets Policy 6: *Encourage a pattern of compact and contiguous development.*

- 6.1** *Direct growth to where infrastructure capacity is available, or committed to be available in the future. Continue to align financial incentives with contiguous development by requiring developers to install the infrastructure required to support their development.*
- 6.2** *Expand urban development and levels of service in a thoughtful and deliberate way through integration in land use, utility, and transportation planning; implementation of growth management policies, and the identification and preservation of open lands and natural areas.*
- 6.3** *Encourage development of new annexations that are immediately contiguous to other land in the City that are already receiving City services.*

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

- The availability of infrastructure to accommodate development on the annexed land is summarized below under *Loveland Municipal Code, Section 17.04.040*.
- Upon the future submittal of detailed development plans, the developer will be required to provide all necessary infrastructure. An annexation agreement that details the developer's obligations relative to the provision of infrastructure will accompany the annexation.
- Annexation of this land meets the City's growth management policies.
- There are no known natural areas on the subject property per the conclusions of the Phase 1 Environmental Site Assessment Report. The existing Loudon Ditch will be preserved with the annexation and with any future development applications.
- The subject property is immediately contiguous to other land in the City to the east and to the north.

4. 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).
- With three sides of the subject property adjacent to City limits, the annexation complies with the contiguity requirements of the Colorado State Statutes.
- No enclaves will be created by this annexation and the standards for annexation in the Municipal Code have been met.
- 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.

5. 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 parcels within the Growth Management Area (GMA). The annexation is in line with the policies of the Comprehensive Plan per the summary provided in sections VIII(1) through VII(3) 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.

- The requested B-Developing Business zoning of the property to allow commercial uses is compatible with other nearby development along N. Garfield Avenue/Highway 287. It is in the best interest of the citizens of Loveland if the land is developed according to City standards and under the review of City staff. Any future detailed development applications will need to demonstrate compliance with City zoning, building, fire, transportation, and infrastructure standards.

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 for transportation. A condition is recommended to clearly ensure that all future development applications within this 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.

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

- The subject annexation is situated within the City's current service area for both water and wastewater. There is an existing City of Loveland water main and wastewater main that run through the western portion of the lot. The Department finds that the annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the Comprehensive Master Plan.
- Public facilities are available to serve the development.

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

- The subject annexation is situated within the City's current Growth Management Area.
- The annexation and zoning is consistent with the Department's Power master plan by being consistent with the Comprehensive Master Plan.
- Public facilities are available to serve the development.
- The proposed development currently lies in the certified service territory of Xcel Energy. Upon completion of successful annexation, future development of the proposed annexation will be served power by the City of Loveland.

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

- With the annexation and future development, the Developer will engineer certain Stormwater facilities that will adequately collect, detain, and release Stormwater runoff in a manner that will eliminate off-site impacts.

- Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and service master plans.

Fire: Staff believes that this finding can be met, due to 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 annexation of this property for future RV storage development will not negatively impact fire protection for the subject development or surrounding properties.

6. 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 improvements.*
- ii. *Whether the character of the district and the particular uses permitted in the district will conserve the value of buildings and land and encourage the most appropriate use of land in accordance with the master plan for the City or other approved planning or engineering studies.*

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

- The development of the property pursuant to the standards of the B-Developing Business district and other applicable standards within the Municipal Code is not anticipated to be detrimental to the health, safety or welfare of the neighborhood or the general public.
- Per the summary in subsection 5 above, 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 other property in proximity to the subject property.
- As shown on the Annexation Map (**Attachment 1**), 22 feet of the subject property adjacent to N. Garfield Avenue and 20 feet along W. 57th Street will be dedicated as right-of-way with the recordation of the annexation.
- While any development of vacant land will increase traffic, at the time a specific special review and/or site development plan application is submitted to the City for review, appropriate transportation improvements will be required to address the transportation needs associated with the new development. The applicant is interested in submitting a special review for an indoor recreational vehicles storage facility if the annexation and zoning application is approved. Storage facilities generate a particularly low volume of traffic.
- Any future development applications will be reviewed in light of the design goals of the Create Loveland Comprehensive Plan and the associated Loveland 287 Strategic Plan. Conditions requiring the enactment of the design goals of these plans are proposed to be attached to the approval of this application; see Section IX of this report.
- The B-Developing Business district allows, by right or by special review, a wide variety of business uses along with certain light industrial and residential uses. Some

B-Developing Business district uses are in accordance with the Comprehensive Plan and other approved plans/studies while some uses are not. Thus, the district allows for the development of uses that are in accordance with the Comprehensive Plan and other approved plans/studies, but does not limit development to such uses.

7. 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 from Cole Garner Geotechnical was submitted, dated February 14, 2018, identifying no economically viable minerals to be extracted from the property. The report states that:
 - Sand and gravel deposits are not present;
 - The site is not mapped as a source for non-metallic minerals;
 - There are no known significant coal deposits; and
 - There are no oil/gas wells in the vicinity.

IX. RECOMMENDED CONDITIONS:

Staff recommends that the following condition be attached to the approval of the request:

Planning:

1. The policies of the Create Loveland Comprehensive Plan, including those for the Corridor Commercial and Enhanced Corridor areas, shall be implemented in the development of the property.
2. The policies of the Loveland 287 Strategic Plan shall be implemented in the development of the property. These include the following, unless exempted by the City during the development review process:
 - a. Construction of detached sidewalk along Highway 287.
 - b. Construction of sidewalk along W. 57th Street.
 - c. Installation of street trees along Highway 287 and W. 57th Street.
 - d. A site layout that refrains from situating parking between the building(s) on site and Highway 287.
 - e. Enhanced architectural elevations.
 - f. Landscape bufferyards along both Highway 287 and W. 57th Street meeting the minimum width and plant requirements of the Municipal Code.
3. No B-Developing Business district special review land use and no site layout is vested or approved as part of the annexation and zoning of the property.

PW-Transportation:

1. All future development within this addition shall comply with the Larimer County Urban Area Street Standards adopted October 2002 and the 2035 Transportation Plan and any updates to

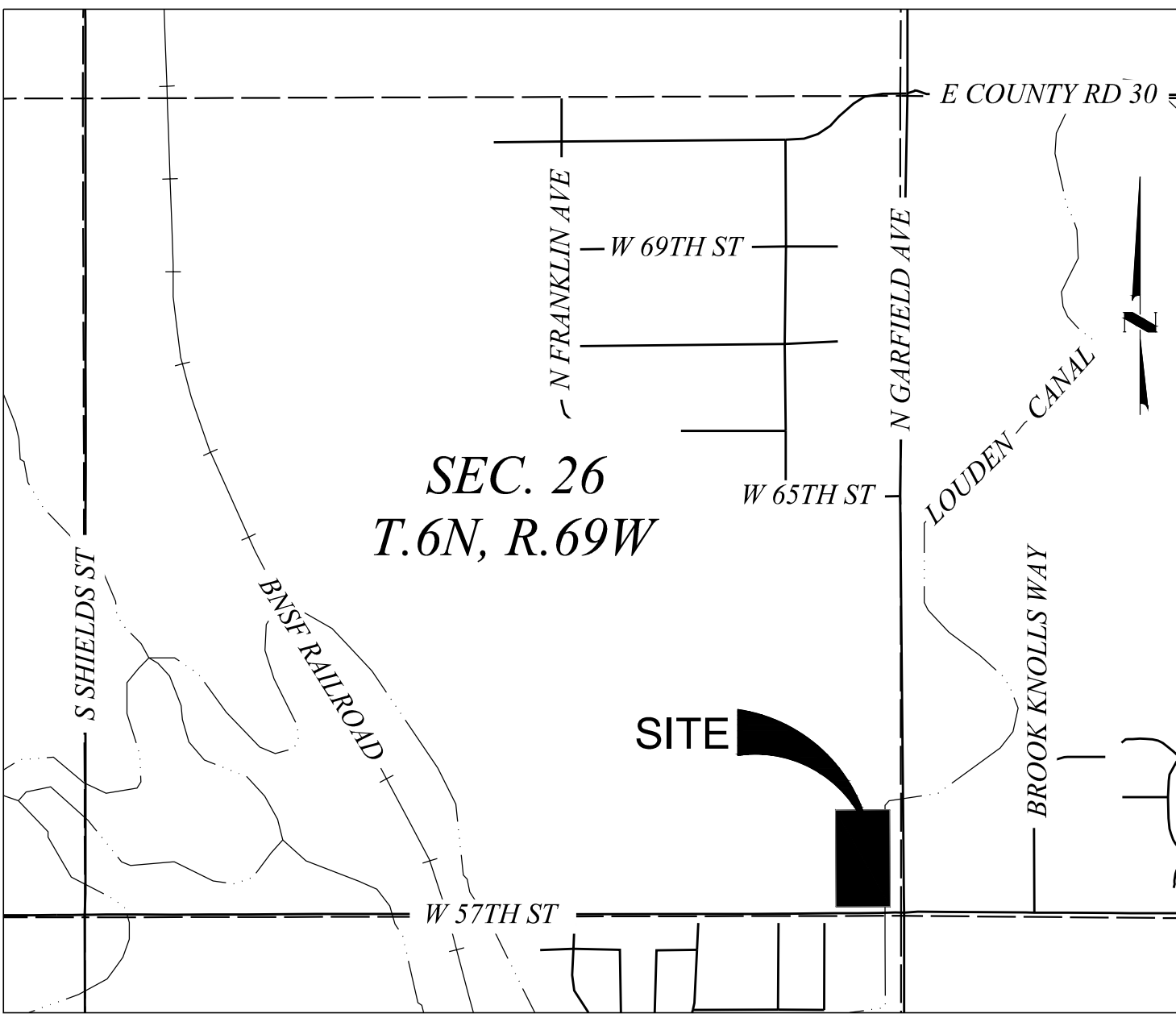
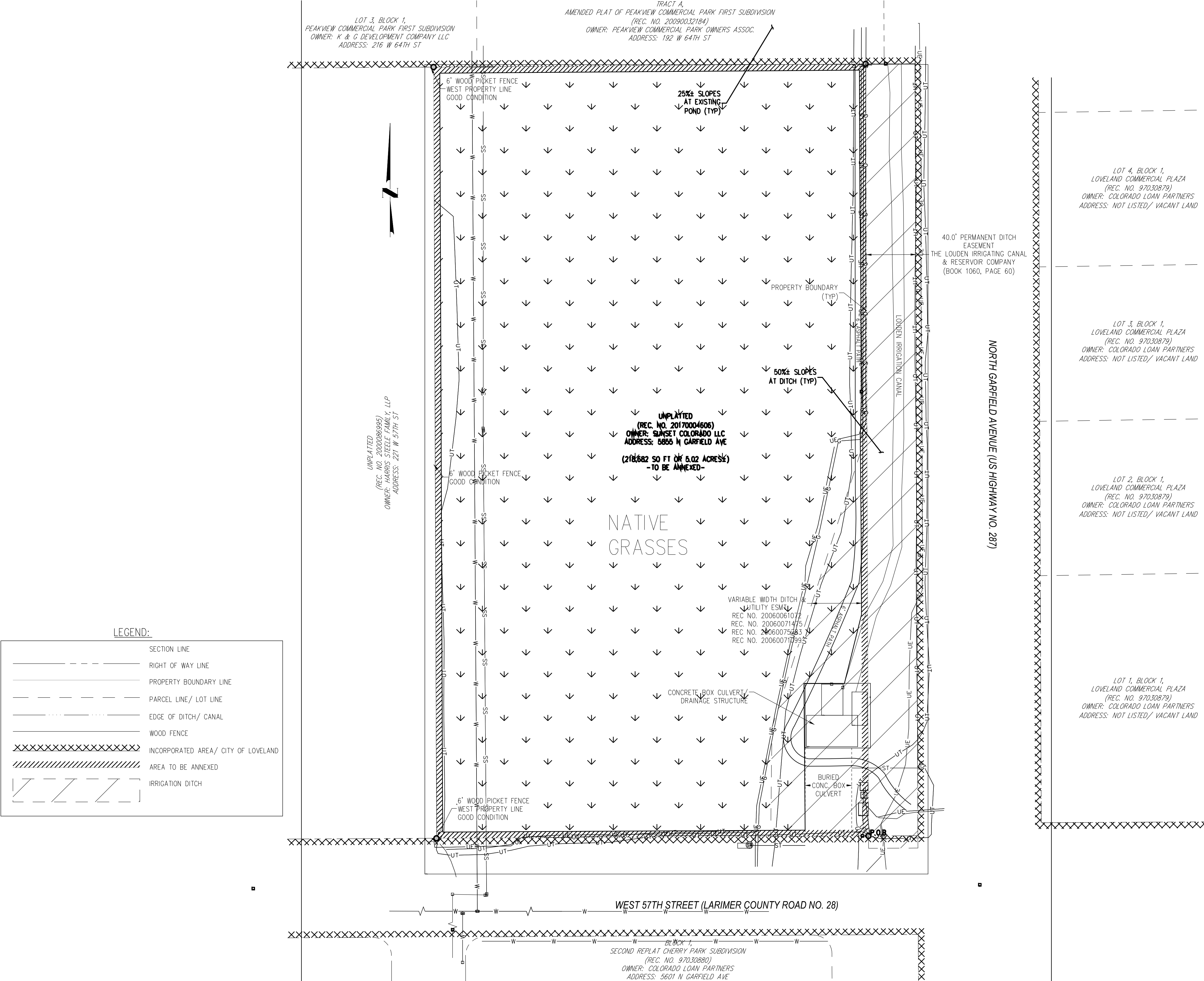
either in effect at the time of site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.

2. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan and CDOT Access Control Plan. Unless otherwise approved by the City Engineer, right-of-way for the following facilities shall be dedicated prior to recording of the annexation map:
 - a. Additional 20 feet of right-of-way to achieve a total minimum width of 60 feet for the north 1/2 of the right-of-way along the adjacent portion of W 57th Street.
 - b. Additional 22 feet of right-of-way to achieve a total minimum width of 72 feet for the west 1/2 of the right-of-way along the adjacent portion of US-287.
 - c. Prior to any future development plan approval by the City, the owner shall provide a preliminary design and additional right-of-way dedication for the ultimate free right intersection improvements on the north west corner of US-287 and W 57th Street.
3. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific development applications within this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets

NO CHANGES ARE TO BE MADE TO THIS DRAWING WITHOUT WRITTEN PERMISSION OF HARRIS KOCHER SMITH.

PLOTTED: 01/05/2018 2:56:40 PM BY: HANCOLOFF

BIGHORN LOVELAND SITE INVENTORY



- SITE INVENTORY:**
- SITE IS COVERED WITH NATIVE GRASSES.
- 5' ASPHALT PATH RUNS FROM NORTH TO SOUTH ALONG THE LOUDEN DITCH
- 6' WOOD PICKET FENCE IN GOOD CONDITION RUNS ALONG THE WEST PROPERTY LINE.
- THE LOUDEN IRRIGATION CANAL RUNS THROUGH THE SOUTHEAST CORNER OF THE SITE AND IMMEDIATELY OUTSIDE THE PROPERTY BOUNDARY TO THE EAST OF THE SITE. THE LOUDEN IRRIGATION CANAL IS OWNED BY THE LOUDEN IRRIGATING CANAL & RESERVOIR COMPANY. SLOPES OF APPROXIMATELY 25% EXIST ADJACENT TO THE SITE TO THE NORTH AND ARE PART OF THE EXTENDED DETENTION BASIN FOR THE PROPERTY TO THE NORTH. SLOPES OF APPROXIMATELY 50% EXIST TO THE EAST OF THE SITE AND ARE PART OF THE LOUDEN IRRIGATION CANAL. NO OTHER KNOWN RELEVANT NATURAL CHARACTERISTICS EXIST ON THE PROJECT SITE, INCLUDING:
- BODIES OF WATER AND OPERATING HIGH WATER LINE FOR RESERVOIRS;
 - JURISDICTIONAL WETLANDS OF THE U.S. AND NON-JURISDICTIONAL WETLANDS;
 - FEMA FLOODWAY AND FLOOD FRINGE BOUNDARIES;
 - STREAM CORRIDORS OR ESTUARIES;
 - LAND INCAPABLE OF MEETING PERCOLATION REQUIREMENTS;
 - SOILS HAVING A HIGH WATER TABLE, OR BEING HIGHLY ERODIBLE, OR HIGHLY ACIDIC;
 - LAND FORMERLY USED AS A LANDFILL OR HAZARDOUS INDUSTRIAL USE;
 - FAULT AREAS;
 - AQUIFER RECHARGE AND DISCHARGE AREAS;
 - MATURE STANDS OF VEGETATION;
 - WILDLIFE HABITAT AREAS AND CORRIDORS;
 - PHYSICAL LINKAGES TO OFF-SITE NATURAL AREAS AND OPEN SPACES;
 - NATURAL AREAS IDENTIFIED IN THE CITY OF LOVELAND NATURAL AREAS INVENTORY STUDY;

811 Know what's below.
Call before you dig.

CALL 3 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG. GRADE OR ELEVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES.

40 0 40 80
SCALE: 1" = 40'

CHECKED BY: NNM
DRAWN BY: JPS

HKS HARRIS KOCHER SMITH

1120 Lincoln Street, Suite 1000
Denver, Colorado 80203
P: 303.623.6300 F: 303.623.6311
HarrisKocherSmith.com

**BIGHORN LOVELAND
SITE INVENTORY EXHIBIT**

5855 N GARFIELD AVE., LOVELAND, CO

DATE	REVISION COMMENTS

ISSUE DATE: 09-29-2017 PROJECT #: 170108

SHEET NO.
1
1 OF 1

Narrative

The applicants are proposing to annex and zone this property into the City of Loveland as required by IGA (Intergovernmental Agreement) between the city and Larimer County. The property falls within the GMA (Growth Management Area). The intention is to construct self-storage buildings and rent the spaces to the public for recreation vehicles storage. Currently there is a high demand for indoor climate controlled storage spaces that are large enough to house recreational vehicles. The lot is 5.02 acres in size and is zoned B-Business within the county and is currently vacant. The property is bordered by N Garfield Ave. (Highway 287) to the east, 57th Street to the south, Cherry Village Mobile home Park to the west and Prairie View Commercial Park to the north. The Laudon Ditch runs along the east side of the property. It enters the property from under 57th Street on the south side and exit the property on the north side where it then crosses under highway 287. A street that was constructed as part of the Prairie View Commercial Park currently ends at the north property line in the northwest corner of the property with the intention of a future connection to this property. A detention basin also borders the north property line that is within the Prairie View Commercial Park. A temporary asphalt path runs along the west side of the Laudon Ditch. This path and access easement was added due to safety concerns for access to the commercial businesses to the north. The large mobile home park to the east is within the county and has existed for a number of years. Topography is relatively flat with a slight slope to the southwest. The zoning proposed by the owners is B-Developing Business and falls in line with what is written in the Create Loveland Comprehensive Plan. Indoor self-storage is a use by special review within this zoning district.

The applicants believe the city will agree that this type of self-storage will be the best fit for this property due to the very limited access to the site. An unofficial neighborhood meeting was held in the evening of September 7th at the Cherry Village Mobile Home Park clubhouse. Over 1000 invites were sent out 2 weeks before the meeting to all addresses within a 1000 ft buffer of the site. Around 40 residents were present at the meeting to look over site plan, building elevations and a landscape plan of what was to be proposed for the site. The overall opinions were positive for what was being proposed. The concerns mainly pertained to vehicle and pedestrian traffic. The residents were concerned that this development would provide ingress and egress onto 57th Street. They were informed that the owner intends to only provide emergency access to 57th Street. The residents were also concerned with pedestrian access to and from Wal Mart and other commercial properties in the Prairie View Commercial Parks and the Wintergreen Development. They were highly satisfied with the Siteplan that showed sidewalk improvements along 57th street and maintaining of the existing path along the Laudon Ditch. The overall consensus was that this type of development would be a benefit to them as opposed to most use-by-right land uses allowed in the B-Developing Business zoning district. Some of the most important benefits they acknowledged were the limited amount of traffic and noise this business would produce and the amount of noise buffering from the traffic on North Garfield the new buildings would provide.

REZONING ASSESSMENT

a) The purpose set forth in Section 18.04.010 of the Loveland Municipal Code would be met if any use permitted by right in the zone district being requested was developed on the subject property.

The zoning district proposed in this application is B-Developing Business which is consistent with the Comprehensive Plan. The most intense use permitted by right allowed in this zoning district could be a retail store or standard restaurant. These uses fall within what has been established to the north and have limited effect to the residential properties to the west. Access to this property has been established with the development to the north and not available thru the residential area to the west.

18.04.010 Purpose.

The zoning regulations and districts, as herein set forth, which have been made in accordance with a comprehensive zoning study, are designed to accomplish the following: 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 improvements. These regulations have been made with reasonable consideration as to the character of each district and its suitability for particular uses, with a view to conserving the value of buildings, land and encouraging the most appropriate use of land throughout the city in accordance with the adopted master plan for the city or other approved planning or engineering studies.

Land uses allowed

The land use to be proposed is not a use permitted by right but falls under a use by special review for the proposed zoning district. This land use will accomplish what is written under **18.04.010 Purpose** in the Title 18 Zoning Code. The property has a few restrictive elements that limit access to the property and because of this most uses permitted by right may not be successful but the land use proposed is the most appropriate use of this land. The development of this property will follow the rules and guidelines established in the City of Loveland's Site Performance Development Standards.

The north side of this property has contiguity to the city boundary therefore falls within the Growth Management Area as part of the Inter-Governmental Agreement with Larimer County. Annexation and zoning of this property must be applied for thru the city before development can occur. If annexation is denied by the city then the property will remain and can be developed in the county as stated in section 3.3.3 of the Larimer County Code.

3.3.3 Larimer County shall not accept applications for any of the following development applications for property within the GMA Overlay Zone District which has any contiguity to the boundary of the City unless the owner(s) of the property described in the application has first sought a decision concerning annexation from Loveland and Loveland has issued to Larimer County a written denial of the request for annexation:

2.1 Growth Management Area (GMA)

The Growth Management Area is that area into which urban development and annexation shall be directed and within which urban level services to support urban development will be needed. Urban level services for the GMA are anticipated to be provided by the City of

Loveland, the private sector, or a special district. The GMA includes land that is expected by the Parties to be annexed and developed within a timeframe as anticipated by the Loveland Comprehensive Plan. The Growth Management Area is that area of the County included in the Growth Management Overlay Zone District and subject to an intergovernmental agreement between the County and the applicable city or town.

WHEREAS, maintaining and enhancing areas of urban development in a thoughtful and deliberate way involves cooperation in land use and transportation planning, implementation of growth management policies, and the identification and preservation of open lands and natural areas; and

WHEREAS, concentrating urban development in areas designated for such development affords greater efficiency in the delivery of such services as electrical power, water, storm water, sanitary sewage disposal systems, transportation, fire and police protection and other services, and also affords a measure of predictability to landowners and residents concerning where services will, in the future, be provided and urban development will be permitted; and assure land eligible for annexation to the City of Loveland is annexed to the City prior to development.

b) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is compatible with existing land uses adjacent to and in close enough proximity to the subject property to be effected by development of it.

The Comprehensive Master Plan designates this site as B- Developing Business. The proposed use of this site will be indoor RV storage which is a Use-By-Special-Review under the B- Developing Business zone district and is compatible with adjacent land uses. The adjacent land use to the immediate north is detention pond. Beyond the detention pond is a retail tire dealer followed by a convenient store gas station which is part of the Prairie View PUD. The adjacent land use to the west is a large mobile home park and is part of the county. The land use to the east is a vacant piece of property that is zoned C-Commercial within county and is separated from this property by highway 287. The property to the south is a vacant piece of property and is zoned B-Business within the county. An unofficial neighborhood meeting was held on site of the neighboring mobile home park that shares the west property line of this property. A 1000 foot buffer was used as the designation for the notification area and over 1000 notification letters were sent 2 weeks before the scheduled meeting. Approximately 40 individuals from neighboring properties were present at the meeting. The proposed site plan, building elevations, and landscape plan were presented to the attendees and the overall comments from the residents were positive toward the use and design presented. The main concerns were existing vehicular and pedestrian traffic and if this proposal had a positive or negative effect.

This property is located within Zone 1 of the Hwy 287 Corridor Plan. Zone 1 includes properties along Highway 287 from 71st Street to 37th Street. The Plan states that the challenges consist of "A large number of vacant commercial properties along US 287 from 37th to 65th create gaps in destinations, and the strength of the Longview/Midway employment node could be better leveraged to generate additional growth. This lot is recognized as one of those "vacant commercial properties that creates a gap.

The plan also states that an “economic strategy” would be to “Concentrate future commercial uses at 65th Street, and employment uses in Longview/Midway. Transition remaining corridor to community-oriented services and higher-density residential uses to create more coherent and better planned commercial nodes, and **open vacant parcels to alternative development opportunities**”. This is consistent with the proposed land use in that the owner intends to use this parcel as an alternate development opportunity. The indoor RV storage that will be proposed will be very compatible to the existing land use to the west in that it will provide a buffer from the increasing disruption that highway 287 has caused due to growth. The intention is to provide vehicular access to the north within the commercial development and provide pedestrians a safer path along 57th Street and Highway 287.

c) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in impacts on city infrastructure and services that are consistent with current infrastructure and services master plans.

This property contains the necessary infrastructure due to the development to the north. There is a utility easement that crosses this property from north to south and city utilities that service properties to the north exist within this easement. Due to the limited access to this property ingress and egress is provided thru the property to the north which is part of the Peak view Commercial Park. The Loudon Ditch runs south to north along the east property line which restricts access to the property from highway 287. Due to the location of the property and its proximity to a major intersection on Highway 287, CDOT is also restricting access to the property

d) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is consistent with the policies contained in Section 4 of the Loveland Comprehensive Master Plan.

This property is designated in Section 4 as EC-Enhance Corridor Commercial under the Create Loveland Comprehensive Plan. The B-Developing Business falls under the zoning compliance. The planned development of this property will be part of the overall circulation of the PUD to the north which contains a variety of different land uses. The architecture for this proposal will meet or exceed the requirements written in the City of Loveland Site Performance Development Standards. There will be an emphasis on pedestrian connectivity with the residential property surrounding this area and the commercial properties to the north. Today the pedestrian connectivity only partially exists and this has been a safety concern for a number of years to local residents. The proposal will consist of wide detached sidewalks that can accommodate bicycles as written in section 4.

e) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is not detrimental to the health, safety, or welfare of the neighborhood or general public.

The development proposed for this property which is a use by special review under this zoning district will be an improvement to the health, safety and welfare of the neighborhood. The proposal will greatly reduce the noise created by the traffic that exists on highway 287 by creating a buffer made up of buildings and landscaping. Currently the property is vacant and does not provide a sound barrier for the ever increasing traffic that exists on Highway 287. The property is within the county and if annexed into the city and developed, improvement will be made to highway 287 and 57th Street that will provide safer passage for pedestrians. The proposal will only allow emergency access to 57th Street which reduces the concern of local residents. The proposed use will have a limited amount of traffic as compared to most uses by right allowed in the B-Developing Business zoning district.

LAND USE MAP CONSISTENCY

The Create Loveland Comprehensive Plan suggests that this piece of property should be designated as Corridor Commercial with an overlay of Enhanced Corridor – EC. Zoning compliance under the CC – Corridor Commercial can be BE- Established Business, B – Developing Business, MAC – Mixed-use Activity Center, or PUD – Planned Unit Development. The intention of this application is to establish a B – Developing business zone district which is consistent with the Land-Use Map which was adopted in 2016. The property owner intends to develop a indoor RV storage facility which is a use by special review under the B – Developing Business zone district. The development of this property will be cohesive with the established Prairie View commercial development to the north and utilize Prairie Views existing internal circulation for access. An emphasis on quality architecture will be stressed which follows the philosophies contained in the CC-Corridor Commercial category.

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 Bighorn 1st 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 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, Thompson R2-J Bond Payment the Thompson Valley Health Services District, the Loveland Fire Protection District, the Fort Collins-Loveland Water District, N Colorado Water Conservation District, Larimer County Pest Control 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 12 day of DECEMBER, 2017.

Thompson D. Forets
Petitioner's/Owner's Signature
13 CORPORATE PLAZA #150
Address
NEOPORT BEACH, CA 92660
City State Zip

Petitioner's/Owner's Signature

Address

City State Zip

STATE OF COLORADO)
)ss
COUNTY OF LARIMER)

The foregoing signature was acknowledged before me this _____ day of _____, 20____, by _____.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Attorney Certification

I, Jessica Alizadeh, an attorney licensed & practicing 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 Bighorn First Addition to the City of Boylston 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.



All-purpose Acknowledgment California only

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

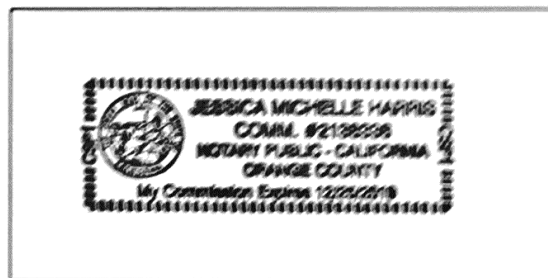
County of Orange

On 12/12/17 before me, Jessica Michelle Harris, notary public (here insert name and title of the officer),

personally appeared Theodore D. Fats

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.



Notary Seal

WITNESS my hand
and official seal.

Signature

For Bank Purposes Only

Description of Attached Document

Type or Title of Document Petition for Annexation

Document Date N/A

Number of Pages 1

Signer(s) Other Than Named Above N/A



Chapter 18.28

B DISTRICT-DEVELOPING BUSINESS DISTRICT

Sections:

18.28.000	Purpose.
18.28.010	Uses permitted by right.
18.28.020	Uses permitted by special review.
18.28.030	Minimum yards.
18.28.035	Height limitations.
18.28.040	Off-street parking.
18.28.050	Site development plan review.
18.28.060	Usable open space.
18.28.070	Lot area, multiple-family dwellings.
18.28.080	Residential landscaping.

18.28.000 Purpose.

The developing business (B) district is intended to provide for auto-oriented and auto-dependent uses, primarily along established commercial corridors of the city. This district is applied to many of the city's established commercial corridors and corresponds to the areas depicted as CC-corridor commercial on the Comprehensive Master Plan's Land Use Plan Map. These areas provide a wide range of general retail goods and services for residents of the entire community, as well as businesses and highway users, primarily inside of enclosed structures. Locations for this zone require good vehicular access.

18.28.010 Uses permitted by right.

The following uses are permitted by right in the B district:

- A. Financial services;
- B. Gas station with or without convenience goods or other services subject to Sections 18.52.060 and 18.50.135 and located three hundred feet or more from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district);
- C. Place of worship or assembly;
- D. Lodging establishments;
- E. Clubs and lodges;
- F. Medical, dental, or professional office or clinic;
- G. Office, general administrative;
- H. Parking lot and parking garage;
- I. Park or recreation area;
- J. Personal and business service shop;
- K. Public and private school;
- L. Essential public utility uses, facilities, services, and structures (underground);
- M. Indoor entertainment facility and theater;
- N. Restaurant standard;
- O. Retail store;
- P. Bed and breakfast establishment;
- Q. Accessory buildings and uses;
- R. Commercial child day care center licensed according to the statutes of the state;
- S. Multiple-family dwellings for the elderly;
- T. Combined use (or mixed-use) developments of permitted use;

- U. Boardinghouses and rooming houses;
- V. Community facility;
- W. Long term care facility;
- X. One-family dwelling;
- Y. Printing shop, provided that no such shop occupies more than 3,500 square feet of floor area;
- Z. Retail laundry;
- AA. Special trade contractor's shop (any outdoor storage shall be subject to special review as provided in Chapter 18.40.);
- BB. Two-family dwelling;
- CC. Antennas, as defined in Section 18.55.020, located on an existing tower or structure as provided in Section 18.55.030 and meeting all other requirements of Chapter 18.55;
- DD. Art gallery, studio, and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40.
- EE. Bar or tavern;
- FF. Convention and conference center;
- GG. Food catering;
- HH. Funeral home
- II. Garden supply;
- JJ. Health care service facility;
- KK. Outdoor storage of equipment or products or other goods as an accessory use subject to Section 4.06 of the Site Development Performance Standards and Guidelines;
- LL. Parking garage and parking lots;
- MM. Research laboratory;
- NN. Warehouse and distribution (enclosed within a building);
- OO. Hospital;
- PP. Workshop and custom small industry (entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.). Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40; and
- QQ. Shelter for victims of domestic violence, subject to Section 18.52.070.

18.28.020 Uses permitted by special review.

The following uses are permitted by special review in a B district subject to the provisions of Chapter 18.40:

- A. Vehicle sales and leasing of cars and light trucks;
- B. Vehicle minor and major repair, servicing and maintenance;
- C. Car wash;
- D. Combined-use (or mixed-use) developments containing one or more special review use(s);
- E. Dairy processing plants, laundry and dry-cleaning plants;
- F. Gas station with or without convenience goods or other services subject to Sections 18.52.060 and 18.50.135 and located less than three hundred feet from a residential use or zone district (measurement shall be made from the nearest site or lot line of the gas station to the nearest lot line of the residential use or zone district)
- G. Lumberyard;
- H. Light industrial, indoor;
- I. Mobile home park and RV park/campground;
- J. Pet store and veterinary clinic small animal hospitals;
- K. Printing shop over 3,500 square feet of floor area;
- L. Aboveground public utility and public service installations and facilities, essential public utility

- uses, facilities, services, and structures (above ground);
- M. Private recreational uses, outdoor;
- N. Restaurants and other eating and drinking places, outdoor;
- O. Undertaking establishments;
- P. Warehouses and enclosed storage;
- Q. Wholesale stores;
- R. Multiple-family dwelling;
- S. Restaurant, drive-in or fast food;
- T. Massage parlors(massage therapy included in definition of health care service facility);
- U. Congregate care facility;
- V. Combined use developments including one or more special review use(s);
- W. Attended recycling collection facility;
- X. Unattended recycling collection facility;
- Y. Convenience store;
- Z. Personal wireless service facility (on new structure) as defined in Section 18.55.020, located on a new structure, meeting all requirements of Chapter 18.55;
- AA. Group care facility;
- BB. Contractor's storage yard;
- CC. Domestic animal day care facility;
- DD. Open-air farmers market;
- EE. Outdoor recreation facility;
- FF. Nightclub;
- GG. Plant nursery;
- HH. Self-service storage facility;
- II. Vehicle rentals for cars, light trucks and light equipment;
- JJ. Sales and leasing of farm equipment and mobile homes, recreational vehicles, large trucks and boats with outdoor storage;
- KK. Vehicle rental for heavy equipment, large trucks, and trailers;
- LL. Outdoor storage of equipment, products or other goods as a principle use;
- MM. Crematorium, subject to Section 18.52.080; and
- NN. Firing range, indoor.

*See Chapter 18.40.

18.28.030 Minimum yards.

- A. Minimum yards in a B district, being the minimum distance of any building from a street right-of-way or zoning district boundary line, shall be twenty-five feet. The minimum distance of any building to an alley right-of-way or public alley easement boundary line shall be fifteen feet.
- B. Subsection A. notwithstanding, residential uses within a B district shall be the following setback requirements:
 - 1. The minimum front yard lot shall be as follows:
 - a. Single, two, and three-family dwelling: twenty feet.
 - b. All other residential uses: twenty-five feet.
 - 2. The minimum side yard of a lot shall be as follows:
 - a. Single, two, and three-family dwelling: one foot for each three feet or fraction thereof of building height; except that no side yard shall be less than five feet.
 - b. All other residential uses: ten feet.
 - c. Subsections 2.a. and b. notwithstanding, the minimum street side yard for any residential use shall be fifteen feet.
 - 3. The minimum rear yard of a lot shall be as follows:

- a. Principal structure: fifteen feet.
- b. Detached accessory: five feet.

18.28.035 Height limitations.

Buildings and structures in this zone shall comply with Chapter 18.54.

18.28.040 Off-street parking.

The minimum off-street parking in the B district shall be as provided in Chapter 18.42.

18.28.050 Site development plan review.

Category 2 development shall be subject to the provisions of Chapters 18.39 and 18.46, and the site development performance standards and guidelines as provided in Chapter 18.47.

18.28.060 Usable open space.

The usable open space in the B district shall be ten percent of the total lot area.

18.28.070 Lot area, multiple-family dwellings.

- A. The minimum area of a lot for multiple-family dwellings in the B district shall be seven thousand square feet for the first two units, plus one thousand square feet for each additional dwelling unit up to four dwelling units, plus two thousand square feet for each additional dwelling unit over four units.
- B. The minimum area of a lot for multiple-family dwellings for the elderly shall be seven thousand square feet.

18.28.080 Residential landscaping.

All residential parcels developed within the B district shall be landscaped with materials such as grass, shrubs, trees, or decorative materials. A minimum of two trees shall be provided for each two-family dwelling. The required trees shall be combinations of deciduous and coniferous trees with each deciduous tree having a minimum caliper of two inches at time of planting and each coniferous tree having a minimum height of six feet. All landscaping requirements shall be completed prior to occupancy of the structure or within thirty days following the beginning of the next planting season.

LEGEND

- Major Roads
- Railroad Tracks
- Growth Management Area (GMA)
- County Boundary
- Plan for The Region Between Fort Collins and Loveland
- Lakes
- Canals
- Big Thompson
- Airport Influence Area

Residential Mixed Use

- Estate Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential

Activity Center Mixed Use

- Regional Activity Center
- Corridor Commercial
- Downtown Activity Center
- Community Activity Centers
- Neighborhood Activity Centers
- Employment

Other Categories & Overlays

- Industrial
- Public Quasi Public
- Parks, Open Lands, and Environmentally Sensitive Places
- River Adjacent
- Complete Neighborhood
- Enhanced Corridor

This map is intended to serve as a guide for future land use patterns within the City of Fort Collins. It is based on the Comprehensive Plan and other planning documents. The map is generalized, recognizing that development proposals may contain a mixture of land uses and density levels to achieve the plan's goals. The map is not intended to be used for legal purposes or for zoning standards for protection of environmentally sensitive areas.

Land Use descriptions can be found in Chapter 3 of the Comprehensive Plan.

Future Land Use Map works in tandem with Specific Area Plans, System Plans, and Intersegmental Agreements as described in Chapter 2 of the Comprehensive Plan and the Specific Area and Related Plans.

See the Plan for The Region Between Fort Collins & Loveland for more information about land use patterns and density in that area.

Updated 2020/16

Attachment 7



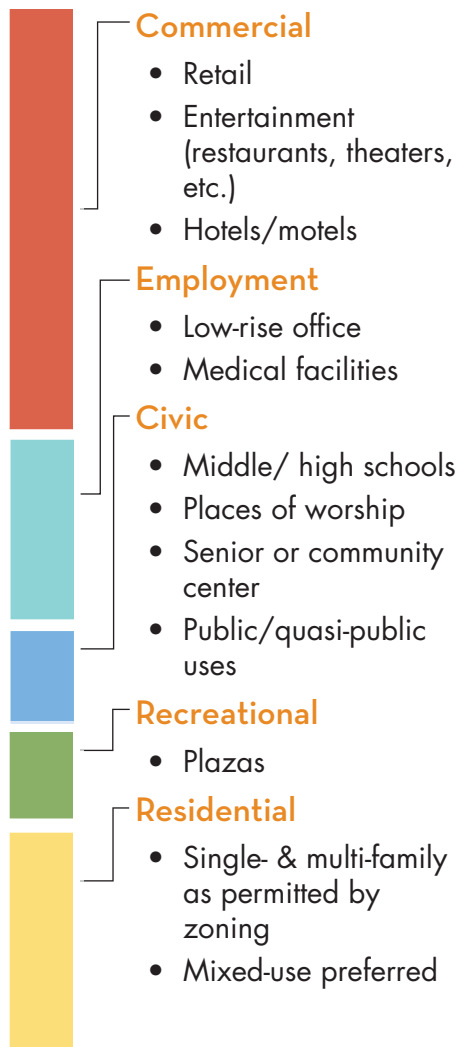
CC - CORRIDOR COMMERCIAL

- Serves local and regional retail uses; applies to a limited number of established businesses.
- New development under this category should better integrate parcels and circulation as they redevelop. Redevelopment should emphasize quality architecture and public realm over parking



Example: Shops at Wintergreen Village, Hwy 287

Land Use Mix



Transportation

Highest Priority Mode



Wide detached sidewalks with amenities like benches, planters, gathering places; connectivity between adjacent uses

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

Secondary Mode



Access to/from arterials; slow speeds within & connectivity between adjacent uses

Zoning Compliance

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

Form

- Upgrade existing streetscape and building appearance
- Screen existing parking lots
- Improve circulation and access control
- Street Pattern: Grid
- Block Length: 250' - 1,300'
- Front Yard Setbacks: 15' - 200'
- Building Height: 1 - 3 stories
- Core Non-residential Area: Shallow strips along portions of existing arterial roads





EC -ENHANCED CORRIDOR OVERLAY

- Intended to encourage redevelopment patterns and densities sufficient to leverage new private re-investment along established commercial corridors.



Example: Daybreak, UT; Mason Street in Fort Collins

Description

- Underlying designations include a wide range of commercial, employment, and residential uses.
- Maximize transit investment and advance transit readiness.
- Emphasize improving site planning and form rather than regulating use.

Location Factors

- Along arterial roads and near planned stations along commuter rail and I-25 corridors.
- Encourage mode transfer facilities.

Transportation

Highest Priority Mode



Transit mobility hub or commuter rail stations to serve frequent local and regional bus &/or rail service

Priority Mode



Oversized sidewalks with amenities like benches, planters, gathering places; connections to transit stops & adjacent areas

Priority Mode



Designated bike accommodation such as bike lanes or protected bikeway; bike parking

Non-prioritized Mode



Slow speeds within the development; parking access to transit

Zoning Compliance

- Underlying zoning will vary.

Form

- Highly connected transportation network
- Places for neighborhood activity encouraged
- High quality architecture
- Density: 10 - 30 units / acre
- Street Pattern: Grid
- Block Length: 350' maximum
- Front Yard Setbacks: 0' - 15'
- Building Height: 2 - 7 stories



ACTION PLAN

The detailed Zone 1 Action Plan consists of three Actions and seven Sub-Actions, as listed in the following table. All Sub-Actions have been individually ranked based on their ability to address the specific issues related to Zone 1, depending on each Sub-Action's overall effectiveness vs. anticipated cost, as shown in the quadrant diagram at right.

ACTIONS

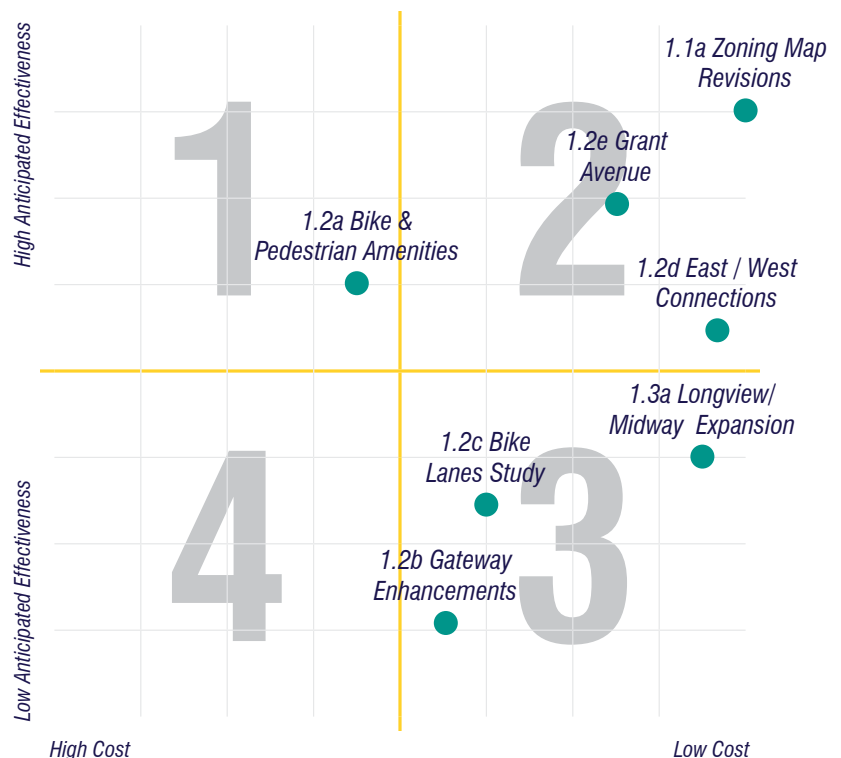
1.1 Encourage Mixed Use. Apply zoning to encourage mixed use and residential development in order to support retail districts to the north and south.

1.2 Include Multimodal Amenities. Improve the overall street section and east-west connections to incorporate multimodal travel.

1.3 Attract Business. Leverage the existing employment concentration to strengthen employment base and attract additional business.

SUB-ACTIONS

Zoning District Map Revisions • Flexible Code • Bike & Pedestrian Amenities & East/ West Connections • Gateway Enhancements • Longview/ Midway Industrial Park and the Peakview Commercial Park Expansion



ACTION PLAN

Action / Sub-Action	Value Added	Timeframe	Estimated Cost to City	Citizen Concern
1.1 Encourage Mixed Use. Apply zoning to encourage mixed use and residential development in order to support retail districts to the north and south.				
1.1a. Zoning District Map Revisions & Code Updates: Update the zoning code, including new overlay zones, to promote mixed use and residential development to support retail districts to the north and south. Create an overlay zone that reflects intent of the Complete Neighborhood category of the Future Land Use Plan. Update Shared Parking standards to provide reduced parking requirements for mixed-use areas as a whole, and not just mixed-use buildings. Implement a flexible code within the undeveloped area between 64th and 71st Streets to allow for flexibility in development. Encourage rental and ownership high-density housing on the Corridor.	<ul style="list-style-type: none"> • Removes barriers to redevelopment • Facilitates business reinvestment • Brings retail customers into walking and biking distance • Supports transit • Allows developers to create cohesive projects better suited to specific sites • Encourages residential and mixed use development to support commercial uses 	Immediate	In house and funds are appropriated for code consultant	Medium
1.2 Include Multimodal Amenities. Improve the overall street section and east-west connections to incorporate multimodal travel.				
1.2a. Bike and Pedestrian Amenities: Require pedestrian and cyclist amenities as new development occurs along US 287 and from adjacent neighborhoods. Require that new development provide connections and future right-of-way for east/west street connections from retail districts to adjacent neighborhoods. Look at revising the purpose of the B zoning designation to include the encouragement of walking and biking access to and from adjacent neighborhoods, and add a subsection outlining circulation, safety, and access standards for vehicles, bicycles, and pedestrians, such as stated in 18.29.040B.	<ul style="list-style-type: none"> • Improves public safety • Increases business activity by providing easy access from adjacent residential neighborhoods • Promotes business reinvestment 	Immediate	No cost, unless provided by City	High
1.2b. Gateway Enhancements: Create a northern gateway into Loveland.	<ul style="list-style-type: none"> • Promotes City recognition • Builds sense of City pride 	Immediate	Approx. \$250,000	Medium

ACTION PLAN

Action / Sub-Action	Value Added	Timeframe	Estimated Cost to City	Citizen Concern
1.2c. Bike Lanes Study: Undertake a study specifically for the US 287 Corridor to investigate the feasibility of a formal, dedicated bike lane for the length of US 287. Investigate opportunities for creative, alternative solutions to enhance bicyclist safety, such as painted, textured lanes, buffered lanes, or grade-separated lanes. Look at alternative parallel options through sections of reduced right-of-way widths. Coordinate with the Bicycle and Pedestrian Education Coalition (BPEC) to increase knowledge and awareness about how to safely share roads.	<ul style="list-style-type: none"> • Furthers City plans to provide bike lanes on US 287 • Promotes multi-modal accessibility • Encourages active transportation • Creates a finer-grained transportation network and higher visibility with more development opportunities 	0 - 5 years	Approx. \$200,000	High
1.2d. East/ West Connections: Investigate opportunities for new development to provide connections and future right-of-way for east/west street connections from retail districts to adjacent neighborhoods.	<ul style="list-style-type: none"> • Increases east-west mobility and improves access between residential and commercial uses • Provides more cohesive organization of land uses 	0 - 5 years	No cost, in house	High
1.2e. Grant Avenue: Study the feasibility of connecting Grant Avenue between 52nd Street and the Peakview Industrial Park to allow for an additional north/ south connection.	<ul style="list-style-type: none"> • Improves north/ south mobility • Reduces traffic congestion on US 287 	5 - 10 years	Approx. \$50,000 for initial feasibility study	Medium

1.3 Attract Business. Leverage the existing employment concentration to strengthen employment base and attract additional business.

1.3a Longview/ Midway Industrial Park and Peakview Commercial Park Expansion: Capitalize on the recent growth and development within the industrial park, and promote its access to FLEX bus transit. Work with existing businesses to determine what linkages and partnerships would benefit from additional development.	<ul style="list-style-type: none"> • Increases the viability of this employment center • Provides additional job opportunities • Encourages transit ridership 	0 - 5 years	No cost, in house	Medium
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MEMORANDUM

May 14, 2018 – Regular Agenda Item 3

To: Planning Commissioners

From: Troy Bliss, Senior Planner

RE: Foundry Theatre – Proposed Building Modifications

Recommended Motion:

1. Move to make the finding listed in Section I of the Planning Commission memorandum dated May 14, 2018, and based on the finding, approve the Foundry Theatre – Building Modifications.

I. BACKGROUND/OVERVIEW/ANALYSIS/FINDING

On February 26, 2018, the Planning Commission held a public hearing to consider the site plan and building design associated with the Foundry Theatre. The Planning Commission approved the project unanimously, subject to incorporating a minimum 30% brick along the east building elevation, facing N. Lincoln Avenue.

Following the Planning Commission's approval, the theatre developer (Metropolitan) has had ongoing discussions with their contractor relating to building costs. A specific issue has been the rising cost of steel and its impact on the overall budget for the project. In an effort to contain costs, modifications to the building design are proposed and attached to this memorandum (see **Attachments 1 and 2**). Adjustments to the exterior design of the building since the February Planning Commission public hearing at which the project was approved are as follows:

- East elevation – An additional 347 square feet of “red” brick has been added along the N. Lincoln Avenue façade, bringing the total amount of brick to 1601 square feet. When calculated over the entire east façade (5111 square feet) the overall percentage of brick is 31.32%. This is in compliance with the Be – Established Business District zoning requirements for building facades along a primary street.
- Southeast and Southwest elevations - The proposed modifications at these corners of the building represent the largest adjustments from the prior Planning Commission approval. The metal oval-shaped “hats” as they are called have been eliminated. These architectural elements were removed given the high expenses associated with their fabrication and shipment to Loveland – helping bring construction

of the building within budget. Smaller rectangular eaves are being provided in place of the “hats”. Additionally, the vertical projecting blade sign at the southeast corner has been reduced in scale and shape to correspond with the scale and shape of the rectangular eave.

City staff has reviewed the proposed building modifications and is recommending approval to the Planning Commission. The oval metal “hats”, while creating distinctive architectural features at prominent building corners, were not elements required as stipulated in the Be zoning design standards. Consequently, in the view of staff, the elimination of these design features does not compromise the project in terms meeting the required finding. Therefore, Planning staff believes all applicable finding can be met and staff is recommending approval of the project design as adjusted.

Attached to this memorandum (see **Attachment 3**) is the Planning Commission Staff Report dated February 26, 2018. This report is being provided for comparison and consideration for the proposed building modifications. Additionally, the applicable finding from this report has been extracted and updated to correspond with the recommended motion as follows:

18.24.080.G. Architectural Features

The following architectural standards are applicable to the Core Character Area in the Be zoning district:

- Building shall incorporate a combination of features including columns, pilasters, window dormers, bay windows, corbels, balconies, porches, or other similar architectural features that add interest;
- Elevations facing public streets and plazas shall contain a cornice parapet, capstone finish, eaves, projecting at least 12 inches, or other roof features;
- All rooftop mechanical equipment shall be screened from public streets;
- Each building fronting a public street shall have at least one primary entrance – placed on the primary pedestrian street;
- Windows/doors shall comprise at least 40% of the ground floors and 15% on all upper floors facing N. Lincoln Avenue, N. Cleveland Avenue, and E. Third Street. No wall facing a public street shall extend more than 20 feet (horizontally) without a window or other opening;
- Facades shall include recesses or projections and quality materials that reinforce the pedestrian character of the downtown (i.e. brick, textured and/or ground face concrete block, textured architectural precast panels, masonry, natural/synthetic stone, exterior insulation finishing systems, stucco, and similar high quality materials), and;
- Facades in the core character area are not required to mimic historical architecture – however should be compatible in scale, rhythm, materials, and mass



The building includes recesses/projections, raised parapets, cantilevers, canopies, etc. The building incorporates these elements along all facades – especially placing a lot of emphasis towards the public streets (i.e. E. Third Street and N. Lincoln Avenue). The building includes a primary entrance along E. Third Street and exits that resemble primary entrances along N. Lincoln Avenue. A significant amount of glazing is used at the entry of the building (southwest corner). However, given the nature of a theatre it becomes difficult to provide the amount of required window/door treatments. Building recesses/projections are incorporated with the entrances/exits, rooflines, marquee elements, and sign locations. The materials selected for the building

pull from those used throughout downtown such as brick, stucco, and decorative metal panels. (The use of metal is intended to be limited to an accent material (25% or less of any one façade). The building is designed with a strong linear orientation found throughout downtown but not within any traditional historic context. The building has more of a modern feel, especially with the choice of colors and architectural detailing. In terms of scale, rhythm, materials, and mass it is compatible with downtown as a whole but it will also create its own uniqueness that can be distinguished from downtown which is intentional with this development and the nature of use.

II. ATTACHMENTS

1. Foundry Theatre South Elevation
2. Foundry Theatre East Elevation
3. Planning Commission Staff Report dated February 26, 2018 (without attachments)







Planning Commission Staff Report

February 26, 2018

Agenda #: Regular Agenda - 2
Title: The Foundry Theatre – Site Development Plan (PZ 17-227)
Applicant: Scott Ranweiler, Brinkman Partners
Request: **Be-Established Business District Site Development Plan Review**
Location: Between E. First Street and E. Second Street (north/south) and between N. Lincoln Avenue and N. Cleveland Avenue (east/west)
Existing Zoning: Be – Established Business District
Proposed Use: Mixed-use development (Foundry)
Staff Planner: Troy Bliss

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 VIII of the Planning Commission staff report dated February 26, 2018, and based on those findings, approve the Foundry Theatre Site Development Plan, subject to the conditions listed in Section IX, as amended on the record.*

Summary of Analysis

This is a public hearing and quasi-judicial matter to consider The Foundry Theatre Site Development Plan (SDP). The role of the Planning Commission is to determine whether the plan as presented is in compliance with the standards specified in the Be Zoning District, Chapter 18.24 of the Loveland Municipal Code. The decision of the Planning Commission is final with respect to the SDP barring appeal. The project is a collaboration between the applicant, Brinkman Partners, and the City of Loveland.

The Foundry represents the City Council's effort to create a "downtown catalyst" project that will spur revitalization and renewed investment in the downtown. The envisioned mix of residential, entertainment, restaurant and retail uses, along with a city-owned parking structure oriented around a central plaza is part of a longstanding community vision. The financial and timing aspects of the project were established in January of 2016 between the Council and Brinkman; the project team is now working with a high level of urgency in order to meet various development parameters. City staff has worked closely with the Brinkman team to move the design to fruition. Staff believes that all key issues have been resolved and recommends approval of the submitted plans.

I. VICINITY MAP/AERIAL PHOTOGRAPHS



(The Foundry Site as Highlighted – Theatre Site Outlined in Red)



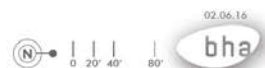
(View: Looking south from E. Third Street – Prior to Site Demolition)



(View: Looking north from Irrigation Ditch along E. First Street – Prior to Site Demolition)



THE FOUNDRY



II. INTRODUCTION

The Foundry Description and Status

The SDP is the fundamental application guiding the overall mixed-use redevelopment plan for the Foundry. The project itself is a \$75 million redevelopment in the core of downtown Loveland and is the focal point of the City's downtown redevelopment plans since 2009. The Foundry is a public/private partnership between the City of Loveland and Brinkman Partners that has been approved by City Council.

The Foundry represents a significant reinvestment to Loveland and its downtown. The redevelopment does create a catalyst for the south end – adding a destination to downtown that could draw regionally or beyond. This is also the single largest redevelopment in downtown Loveland that the City has ever considered. As an entrance or exit (depending on which way you are traveling), the magnitude of this project will present a visual attraction that incorporates elements from downtown but creates its own unique place. A key component of the project has been to provide more parking for downtown in the form of a multi-level parking garage. Uses including mixed-use, theater, and hotel have taken shape around creating this vision.

The Project is consistent with the City's approved Downtown Strategic Plan, specifically:

Goal 1 - Maintain and enhance the economic vitality of Downtown through private/public partnerships.

Goal 2 – Identify funding gaps to project development and structure tools to fill the gaps and achieve development.

And;

Goal 4 – Identify strategic catalyst projects that will significantly improve the economic conditions in downtown.

The Downtown Vision Book, approved by Council in 2010, envisioned this project and was the first to coin the term “South Catalyst.” The Vision Book was the basis for the original RFP for the developer, which led to the “North Catalyst” project (“Gallery Flats”) as well as the South Catalyst, now Foundry Project.

As outlined in Section 18.24.050.B of the Loveland Municipal Code, the Planning Commission shall review the SDP and issue a decision based on specific findings that would approve, approve with conditions, or deny the project as presented. Decision of the Planning Commission is final. This decision may however be appealed as specified in Section 18.80.050 of the Loveland Municipal Code. City Council approved a Disposition and Redevelopment Agreement in December 2016, which identifies, among many other items, timing on consideration of entitlements for the project.

This SDP application covers the third and final phase of the Foundry Project, for development of a theatre. Remaining project components an amenity package for all site furnishings and final façade design of the parking garage, which are anticipated to be presented to the Planning Commission on March 12, 2018. The project site is approximately 4 acres in size located in the heart of downtown between Backstage Alley and E. 1st Street and N. Lincoln Avenue and Cleveland Avenue. In order to visualize the magnitude and scope of this project, please see the following link: (<https://vimeo.com/183515325>). (Please note the video *does not* depict the final facades or building designs. It only illustrates the project mass and general building locations.) Prior actions by the Planning Commission related to this project have included:

- Recommendation for approval on vacating Opera Alley, portions of E. Third Street, a portion of E. Second Street;
- Approval of a Site Development Plan for the first phase of the Foundry (i.e. Parking Garage, Lincoln Mixed-Use Building, Cleveland Mixed-Use Building, and Central Plaza; and,
- Approval of a Site Development Plan for the second phase of the Foundry (i.e. Hotel).

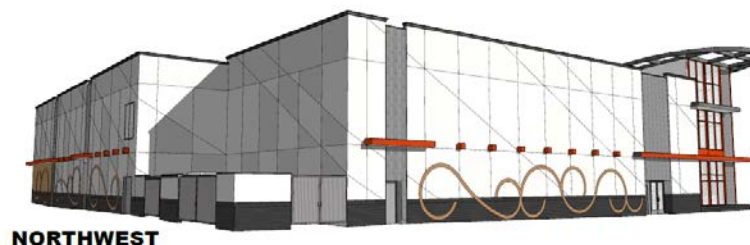
The overall intent with this third phase is to obtain land use approval relative to compliance with the Be zoning district for a theatre operated by Metropolitan.



Foundry Theatre Overview

The Foundry Theatre represents the third phase of the project in terms of land use entitlements. The site is approximately 0.65 acres in size, legally described as Lot 2, Block 3 of the Loveland Eleventh Subdivision, located at the far northeast end of the Foundry development. The general location is the northwest corner of N. Lincoln Avenue and E. Third Street. The building consists of a 26,000+ square foot, 2-story, 7-screen theatre. Exterior building materials are similar to those approved on the other Foundry buildings (i.e. brick, stucco, and decorative metal) with a color palate that does introduce some new colors like the red entry. Additionally, the rhythm is very linear (with the exception of the oval metal grid structures located at the southeast and southwest building corners). It is of the same bulk and scale as the parking garage and mixed-use buildings under construction to the south. In terms of height, the theatre is the shortest primary building within the Foundry development. The building is approximately 42 feet in height which is about 23 feet less than the mixed use buildings, about 13 feet less than the hotel (not under construction) and less than the bulk of the parking garage.

In terms of the site, the main entrance to the building is located along E. Third Street (southwest corner) that incorporates a lot of glass and store front systems, important to a downtown setting. The entry is embellished by prominent red window frames and marquee topped with a large oval tower element. The



southern portion of the site orients itself to the internal plaza. The east building elevation is another prominent elevation in terms of being adjacent to a public street (N. Lincoln Avenue). While no entry is provided, it was important to create entry features and architectural elements that relate to the street from both a pedestrian and vehicular perspective.

Service access is proposed off of Backstage Alley to the north. It will be fully enclosed and screened from public view. Along the west property boundary is an extension of the pedestrian walkway (paseo)

through the Foundry connecting to Backstage Alley. Backstage Alley is currently being redesigned to not only be a service area for all the businesses along the alley but also to establish a pedestrian corridor.

III. ROLE OF THE PLANNING COMMISSION

This Site Development Plan for the Foundry Theatre is a public hearing in which the Planning Commission determines whether the project as presented is consistent with applicable Be Zoning District standards based upon the findings outlined in Section IV of this staff report. City staff is recommending conditional approval to the Planning Commission. Conditions of approval are primarily conditions that apply to the Foundry development as a whole and have been applied to previous phases.

As part of the Planning Commission review, a determination needs to be made that the following findings have been met:

- The proposed development complies with the standards of Chapter 18.24 and any other provisions of the Municipal Code;
- The proposed development is consistent with the City's HIP Streets Master Plan;
- The proposed development is compatible with surrounding properties when considering the allowances for development intensity specified in Chapter 18.24 and the urban orientation of downtown; and,
- Adequate infrastructure is available to serve the proposed development.

The Planning Commission does not determine if the theatre use is appropriate. A theatre in the Be Zoning District is allowed by right. Exterior building material colors are not part of the Planning Commission consideration unless accent colors are found to not be compatible with predominant base colors.

IV. REVIEW OF THE THEATRE

Project Review

With respect to building design, the building falls short in complying with the following applicable Be zoning requirements:

- East building elevation facing N. Lincoln Avenue:
 - Windows and doors are to comprise at least 40% of the building façade;
 - No building wall shall extend more than 25 horizontal feet without a window or opening; and,
 - Building recesses and/or projections of approximately 4 feet shall be provided along at least 20% of the façade.
- All building facades:
 - At least 30% of the facades shall include brick or stone – finish materials consistent with the historic character of the area.

The type/functionality of a theatre use and the orientation of the lot fronting three public rights-of-way (i.e. N. Lincoln Avenue, E. Third Street and Backstage Alley) complicates development being able to fully comply with these standards. In consideration, City staff has found that the intent is being met based on the following:

- East building elevation facing N. Lincoln Avenue:
 - The interior space along N. Lincoln Avenue includes all screening rooms. Introducing 40% of windows/doors defeats the purpose. Faux windows are being applied along the upper portion of the building. However, the intent is to limit faux windows and/or doors

- due to not being “true” openings. Use of the movie poster glass inserts and backdrop to the sign/tower element add to the overall efforts in glazing requirements.
 - The building would be constructed at the property line. Therefore, the only option to address building recesses/projections is recessing. Again, this complicates the functionality and use of the interior screening room space – essentially taking away square footage. The screening rooms are programed to specific dimensions. The overall size of the lot adds further complications – it is a tight fit. In order to speak to the purpose and intent, elements of the building such as the oval tower, upper faux windows, and sign marquee provide appropriate projections. These elements do extend beyond the property line but given that they are elevated at certain heights above the sidewalk, such encroachments are allowed.
- All building facades:
 - The base and primary pedestrian level of the building incorporates the same type of brick that will be used on other buildings within the Foundry (i.e. black and red brick). Instead of adding brick to 30% of the entire building façades, which drives cost, the alternative is to include another compatible high-quality masonry element (i.e. stucco that incorporates a patterned design).

Other Key Project Considerations

Parking:

The overall Foundry site is located within General Improvement District #1 (GID) which will contribute to the assessments collected for maintaining/upgrading public parking and pedestrian facilities downtown. This project represents a big contribution to the GID due to the size of redevelopment and inclusion of the parking garage. As specified in 18.24.060.B, off-street parking is not required for non-residential or mixed-use developments located in the GID. And, while parking is not a component to Planning Commission’s consideration on the SDP, it is important to understand the relationship of the Foundry to the parking garage and its effects on downtown as a whole.

Walker Parking Consultants prepared a parking study in June 2016 with an update in December 2016 (see **Attachment 1**). This study is based on an overall shared-parking demand analysis that modeled aggregate, peak, and shared parking for all uses on the site. The model is specific enough to provide a breakdown of parking demand generated by different user groups, weekday versus weekend demand patterns, and the fluctuations in this demand at different times of the year. The analysis concludes that on average, the parking demand for the Foundry would never exceed the amount of parking spaces in the parking garage. Moreover, the parking garage would always have available public space for downtown visitors as a whole – not just the Foundry. This is important to note because the parking garage (and lot it sits on) will be owned and maintained by the City, offering public parking for all of downtown.

Adequate Community Facilities (ACF) Review:

The purpose of ACF is to ensure that community facilities needed to support new development meet or exceed the adopted level of service established by the City. Section 16.41.020 requires all non-residential and/or residential (containing more than 12 dwelling units) site plans to conform to ACF. The DRT has evaluated ACF throughout review of the Foundry with the following analysis:

16.41.100 Fire Protection and Emergency Rescue Services

Loveland Fire Authority – Adequate fire protection services are currently in place. To ensure that fire protection and emergency rescue services remain in place during construction, a development agreement is being prepared. Additionally, Loveland Fire Authority has been working with the applicant’s construction team in establishing proper access during construction in the event of any emergency. All

fire protection standards for the City of Loveland are being met as referenced in Appendix A – Table 2.3 of Chapter 16.41 of the Loveland Municipal Code.

16.41.110 Transportation Facilities

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

1. A Traffic Impact Study (TIS), prepared by Sean Kellar, P.E., PTOE, has been submitted with The Foundry Site Development Plan which demonstrates that the existing transportation system, can adequately serve the proposal.
2. Access to the development will be provided by the existing downtown street network with new driveway access to a parking garage located on Second Street.
3. The TIS has demonstrated that the operation of Cleveland Avenue, Lincoln Avenue, Second Street and Third Street will meet City standards.
4. The TIS shows the need for a west-bound right turn lane on First Street at Lincoln Avenue for the proposed development.
5. The proposed development is estimated to generate approximately 2,244 daily trips, 211 weekday AM peak hour trips, and 289 weekday PM peak hour trips and 349 Saturday peak hour trips.

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. A positive determination of adequacy for transportation facilities for the proposed application has been made under the provisions above.

16.41.120 and 16.41.130 Water Facilities and Services AND Wastewater Facilities and Services

Water/Wastewater - This development is situated within the City's current service area for both water and wastewater. Previous buildings within the development area received water and wastewater services from the City. Significant water and wastewater infrastructure upgrades will occur prior to building construction to provide water main capacity and relocate the existing wastewater main.

The Department finds that the Development will be compliant to ACF for the following reason:

1. Water and wastewater facilities and services meet or exceed the applicable ACF criteria.

16.41.140 Stormwater Facilities

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

1. Original development within downtown Loveland was constructed long before Storm Drainage Criteria was developed. As such, the original drainage system in downtown Loveland was deemed inadequate within the City of Loveland Master Drainage Plan. The Loveland Stormwater Utility has since constructed all of the identified storm drainage master planned improvements within downtown Loveland.
2. When constructed, the development will not negatively affect the existing City storm drainage infrastructure and will comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.140 the best it can given the downtown Loveland parameters of which we have to work.

16.41.150 Power

Power – This development is situated within the City’s current service area for power. Previous buildings within the development area received power service from the City. Power infrastructure upgrades will occur prior to building construction to provide City power services to the new development. The Power Division finds that the development will comply with Adequate Community Facilities for the following reasons:

1. The proposed development will not negatively affect City power facilities.
2. 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 service.

ACF Review Summary: In summary, adequate infrastructure is in place to accommodate the development along with changes that will create greater levels of service compared to what is currently in place. For example, the inclusion of a right turn lane at the intersection of N. Lincoln Avenue and E. First Street will create greater efficiency in vehicular movements. Additionally, improvements to the original drainage system in downtown will no longer have a negative impact to the City’s storm drainage infrastructure. From an infrastructure perspective, the Foundry will add to improving downtown as a whole.

Key Issues

A significant amount of coordination and initial planning was conducted with this project. Weekly meetings were held with the DRT and Brinkman Partners between October 6, 2016 and December 22, 2016, prior to any development application review. Formal applications were submitted at the beginning of January 2017 which began another series of bi-weekly meetings with the DRT and Brinkman Partners over the course of almost 3 months. This commitment to the project has been extremely valuable in addressing key issues ahead of time and finding solutions. Significant issues were uncovered that included:

- Complications with respect to location of existing fiber in N. Cleveland Avenue that needs to be re-routed;
- Construction of a right-turn lane at the intersection of E. First Street and N. Lincoln Avenue;
- CDOT approval on lane configurations in N. Lincoln Avenue and N. Cleveland Avenue;
- Re-routing sewer main;
- Transformer locations;
- Re-routing of external service provider lines (i.e. Century Link and Comcast);
- Dewatering of the parking garage; and,
- Grading/drainage for new development in relation to existing.

Staff, Applicant, Neighborhood Interaction

A. Notification

Mike McBride with BHA provided an affidavit, certifying that proper notice was provided which included signs posted in prominent locations and written notice mailed to all surface owners within 300 feet of the site on February 10, 2018. Additionally, notice was published in the Reporter Herald on February 10, 2018. All notices stated that the Planning Commission will hold a public hearing on February 26, 2018.

B. Neighborhood Interaction/Response

A neighborhood meeting is not required in conjunction with this application. However, from a neighborhood and surrounding property owner perspective, a lot of outreach has been done with the Foundry project as a whole. This has included information being conveyed through City newsletters/press releases, the Loveland Downtown Development

Authority (LDDA), speaking with surrounding business owners, and sharing the proposal during downtown events. Information obtained suggests a strong support to the project. Many citizens are encouraged to see redevelopment of this magnitude in downtown. City staff has also received email correspondence in support of the Foundry Theatre.

V. ATTACHMENTS

1. Parking Study Excerpts (for reference only)
2. Traffic Impact Study Excerpts
3. Loveland Eleventh Subdivision (for reference only)
4. Foundry Theatre Site Development Plan
5. Foundry Theatre Perspectives

VI. SITE DATA

ACREAGE OF SITE	+/- 4.0 ACRES
EXISTING ZONING	BE – CENTRAL BUSINESS DISTRICT
MASTER PLAN DESIGNATION	DAC – DOWNTOWN ACTIVITY CENTER
EXISTING USE	VACANT/UNDEVELOPED
PROPOSED USE.....	MIXED-USE DEVELOPMENT (FOUNDRY)
ACREAGE OF OPEN SPACE PROPOSED	N/A
EXISTING ADJACENT ZONING AND USE - NORTH.....	BE – CENTRAL BUSINESS DISTRICT – VARIOUS COMMERCIAL USES
EXISTING ADJACENT ZONING AND USE - EAST	BE – CENTRAL BUSINESS DISTRICT – VARIOUS COMMERCIAL USES
EXISTING ADJACENT ZONING AND USE - SOUTH	BE – CENTRAL BUSINESS DISTRICT – VARIOUS COMMERCIAL USES
EXISTING ADJACENT ZONING AND USE - WEST	BE – DEVELOPING BUSINESS – VARIOUS COMMERCIAL USES AND RESIDENTIAL USES
UTILITY SERVICE PROVIDER - SEWER	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - ELECTRIC.....	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - WATER	CITY OF LOVELAND
WATER RIGHTS PAID	NO WATER RIGHTS DUE

VII. BACKGROUND

The Loveland Original Town Addition is the oldest part of the City, annexed in 1877. The addition includes properties between E. Ninth Street and E. First Street (north and south) and N. Lincoln Avenue and N. Garfield Avenue (east and west). Most of the properties are within the Be zoning district. There are also some commercial and high-density residential properties up near E. Ninth Street.

The City went through an extensive environmental, demolition, and abatement process over the course of many months before getting to the point of preparing the SDP with Brinkman Partners. A lot went into this process involving a number of City staff and outside consultation to better understand the nature of the property and deliver a buildable site for the Foundry.

In January 2016, City Council selected Brinkman Partners (“Developer”) as the preferred developer following a competitive bid process. Throughout 2016, the City engaged in negotiation with the Brinkman Partners on the project. As negotiations progressed, the developer engaged the DRT, starting

the process of developing the SDP. At that point, the Developer renamed the project, the Foundry from its previous name of South Catalyst.

The DRT along with Brinkman Partners began a series of in-depth weekly design review meetings from October 6, 2016 to December 22, 2016 (11 weeks) before submittal of any formal development applications for review. The purpose was for the creation of a project charter. With a project of this size and scope, it was extremely important to identify all the participants, their roles, and open up all lines of communication. A project schedule was developed and agreed to between the DRT and Brinkman Partners – setting clear expectations and identifying key milestones/deliverables. And WE created the framework – allowing for a less complication and more efficiency during an aggressive review schedule. An incredible amount of coordination in terms of infrastructure, bringing external agencies to the table (CDOT, Comcast, Century Link, Xcel Energy), and design solutions resulted from these initial meetings. The value of this approach was extremely beneficial to the project. Everyone involved from the DRT to the Brinkman Team members, a huge amount of initial time and effort was put forth. It demonstrates the collaboration and quality of work presented. The behind the scenes work is not always brought forward. However, with The Foundry it was critical to the success of the project - worthy of recognition.

Remaining Components

Details of the parking garage façade and amenities/site furniture, and theatre are still undergoing design review. These final design features will be brought to the Planning Commission for review and approval at a later date – likely March 12, 2018. The following includes further details regarding these items:

- **Parking Garage:** Final detailing of the parking garage have not been fully provided. The applicant and the City staff are investigating features to enhance the building. Consideration has through the Arts Commission to make this determination. An artist has been selected that will feature three dimensional ribbons (meant to resemble flames associated with a foundry) along with a sculpture of a sun.
- **Amenities/Site Furniture:** Specific materials, colors, building/structure designs for the amenities/street furniture including but not limited to railings, benches, bicycle racks, planters, tree grates, fire pit, splash pad, shade structure, decorative lighting, and the *Little Man Ice Cream* have not been finalized. The expectation is that once these are finalized, Planning Commission will have the opportunity to review the site amenity package in relation to *Destination Downtown: HIP Streets Master Plan*.
- **Specific Colors Palate for Ground Surfaces:** All pavement colors including concrete, brick pavers, patios, etc. are not included. This however is not required in conjunction with Chapter 18.24 but has influenced the City's efforts in updating *Destination Downtown: HIP Streets Master Plan*. These elements are anticipated with the site amenity package as well.

VIII. FINDINGS AND ANALYSIS

Site Development Plan – Foundry Theatre

In approving a SDP application, the Planning Commission must determine that the findings outlined in this section have been met (Title 18, Chapter 18.24, Section 18.24.050.B). The following information provided includes the code citation/requirements (findings) identified in ***bold italic*** and the responses (analysis) underneath:

1. *The proposed development complies with the standards of this chapter and any other applicable provisions of the Loveland Municipal Code.*

18.24.060 Standards Applying to Entire BE Zoning District

18.24.060.A. Building Height:

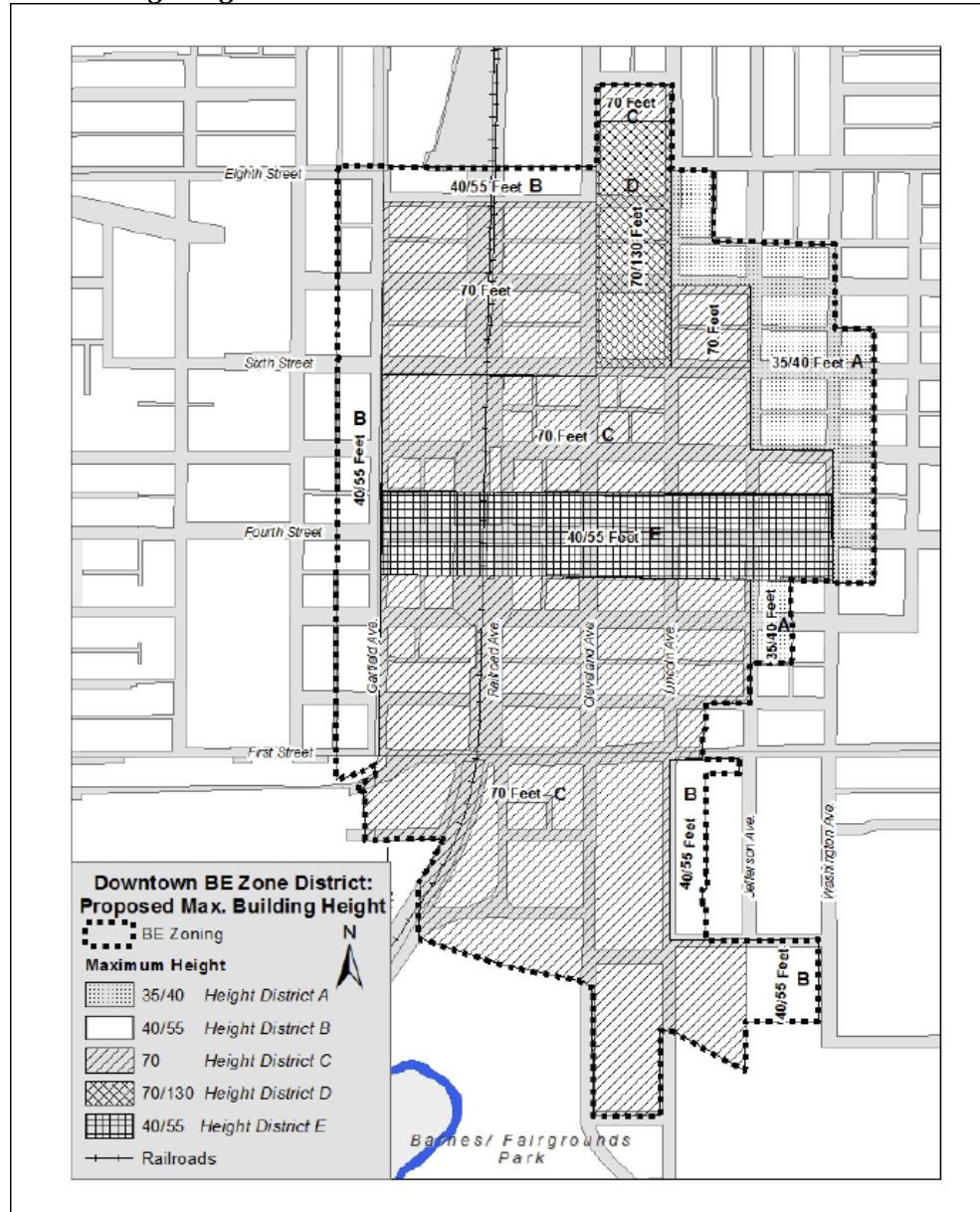


Figure 18.24.060-1: Downtown Area Height Limits

The Foundry site is located in Height District C as depicted in Figure 18.24.060-1. The building is less than 70 feet in height (approximately 55 feet). The tallest buildings within the overall project include both mixed-use buildings which are under 66 feet in height.

18.24.060.B. Off Street Parking:

The Foundry site is located in the GID. No off-street parking is required for non-residential and mixed-use development. Please refer to Section IV. (above) for information regarding parking.

18.24.060.D. Signs:

Signs shown on the building elevations are illustrative and have not been fully developed but will be designed to comply with all applicable City standards. The City will also be exploring options for unique signs like the marquee (shown along the east façade) through current efforts in updating the zoning ordinance. Electronic signs are currently not allowed in downtown due to their moving parts/flashing lights.

18.24.060.E. Illumination:

A photometric plan is included with the SDP demonstrating compliance with the City's outdoor lighting standards. All functional lighting and exterior to the site is designed to include full cut-off luminaires. While illustrated in the photometric plan, decorative lighting intended to provide ambiance is not evaluated under the City's outdoor lighting standards for being full cut-off.

18.24.060.F. Outdoor Eating Areas:

All areas along E. Third Street anticipated to include outdoor seating for eating areas will be fenced and distinguishable from the general pedestrian path. These areas will not create inadequate clear space affecting pedestrian movement. All areas will be defined by appropriate enclosures and properly maintained by the business owners.

18.24.060.G. Outdoor Storage:

No outdoor storage is proposed with this project. All service areas including trash/recycling/laundry/etc. are designed to be incorporated within each mixed-use building completely screened from view.

18.24.060.H. Outdoor Display:

No outdoor display is proposed with this project except during special events which require separate permit approvals.

18.24.060.I. Alley Levels of Service:

No alleys are being affected with this phase.

18.24.060.J. Civic Structures:

The parking garage is the only civic structure associated with this project. Details were provided to the Planning Commission in March 2017 with the expectation to have façade designs for a future hearing.

18.24.080 General and Core Character Areas Urban Design Standards:

18.24.080.C Primary Pedestrian Streets:

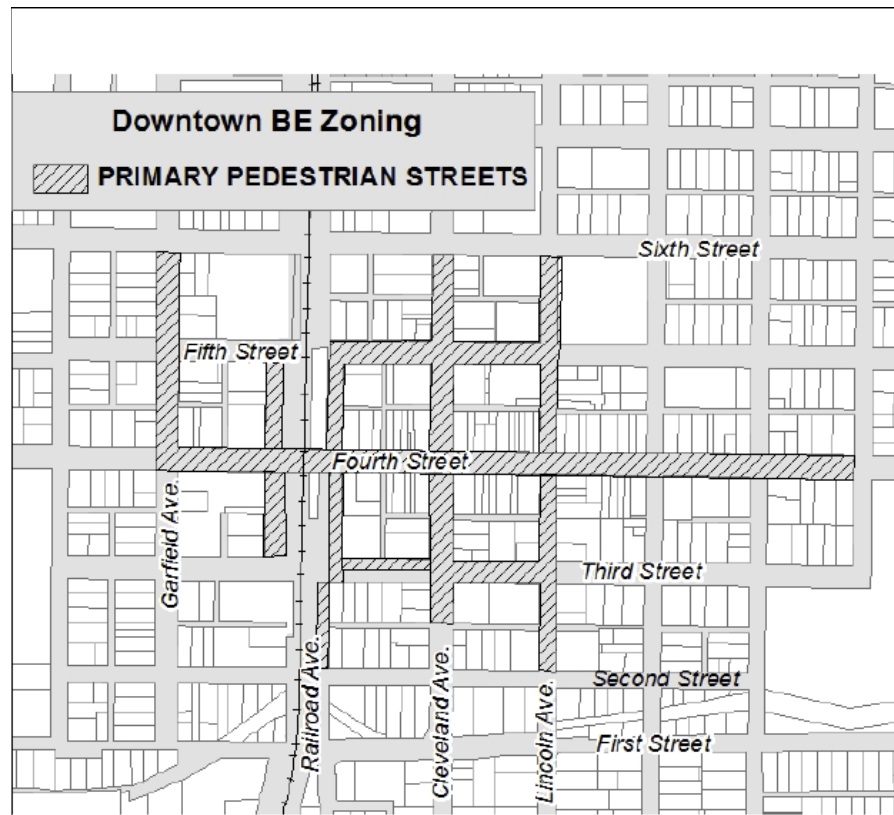
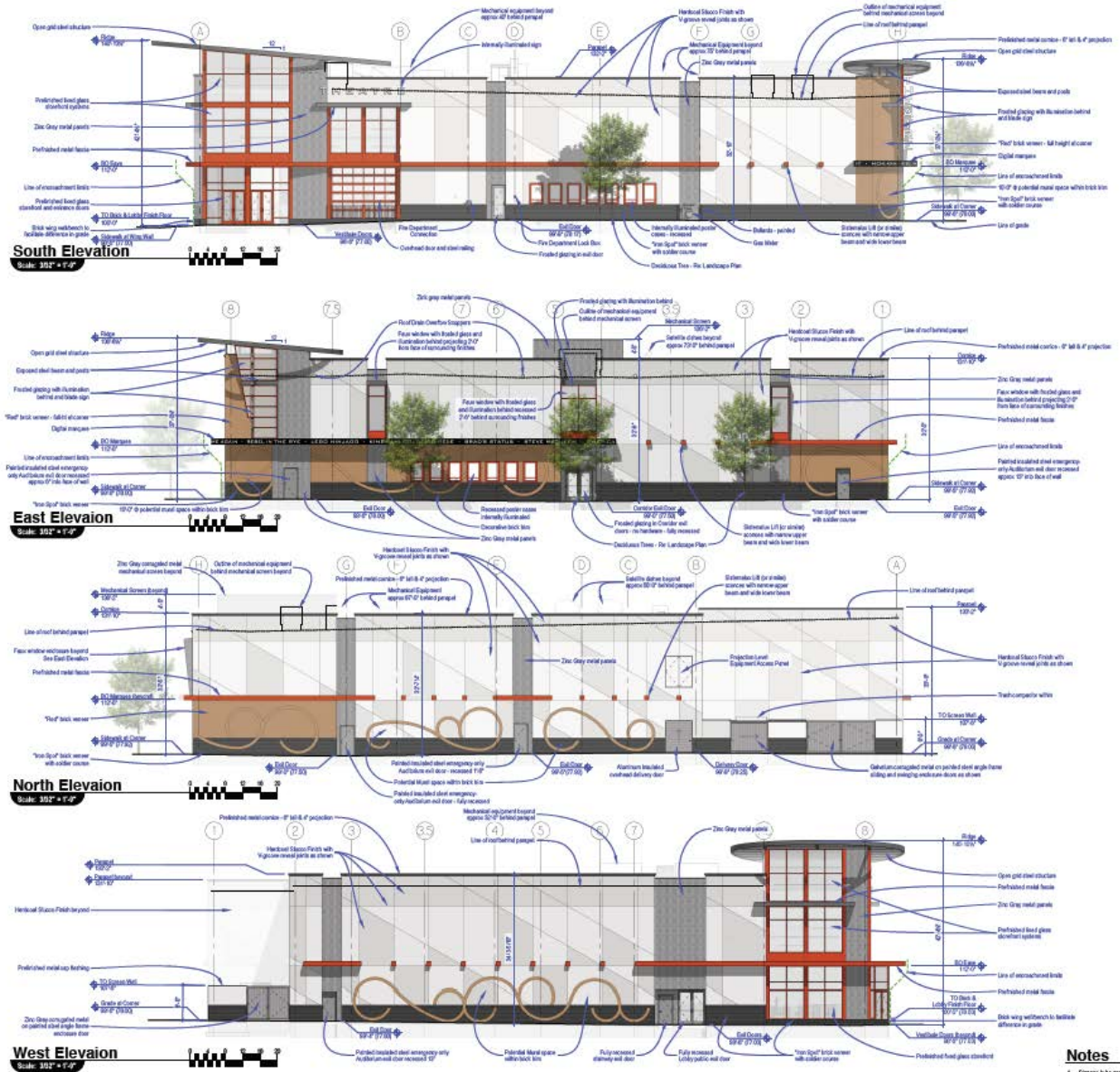


Figure 18.24.080-1: primary pedestrian streets

The primary pedestrian streets associated with this project include N. Lincoln Avenue (from Backstage Alley to E. Second Street), N. Cleveland Avenue (From Backstage Alley to Opera Alley), and E. Third Street (between N. Lincoln Avenue and N. Cleveland Avenue) as depicted in Figure 18.24.080-1.

18.24.080.D-F. Primary and Secondary Elevations and Lot Frontage:



The building fronts two primary pedestrian streets (i.e. N. Lincoln Avenue and E. Third Street). The building provides over an 14-foot setback from building façade to face of curb for the majority of the building frontages. Site design for the Foundry focuses heavily on the primary pedestrian streets in terms of creating adequate clear space for pedestrian movement – especially when considering architectural elements like canopies/awnings that extend beyond the property lines. The street level walk (where there are no elevation changes) maintains a wide path along all street frontages. Amenities such as street canopy streets, street furniture, outdoor seating areas, and decorative lighting will all add to the pedestrian experience creating a pleasant and safe walkable development around the perimeters – especially along a State Highway.

18.24.080.G. Architectural Features

The following architectural standards are applicable to the Core Character Area in the Be zoning district:

- Building shall incorporate a combination of features including columns, pilasters, window dormers, bay windows, corbels, balconies, porches, or other similar architectural features that add interest;
- Elevations facing public streets and plazas shall contain a cornice parapet, capstone finish, eaves, projecting at least 12 inches, or other roof features;
- All rooftop mechanical equipment shall be screened from public streets;
- Each building fronting a public street shall have at least one primary entrance – placed on the primary pedestrian street;
- Windows/doors shall comprise at least 40% of the ground floors and 15% on all upper floors facing N. Lincoln Avenue, N. Cleveland Avenue, and E. Third Street. No wall facing a public street shall extend more than 20 feet (horizontally) without a window or other opening;
- Facades shall include recesses or projections and quality materials that reinforce the pedestrian character of the downtown (i.e. brick, textured and/or ground face concrete block, textured architectural precast panels, masonry, natural/synthetic stone, exterior insulation finishing systems, stucco, and similar high quality materials), and;
- Facades in the core character area are not required to mimic historical architecture – however should be compatible in scale, rhythm, materials, and mass

The building includes recesses/projections, raised parapets, cantilevers, canopies, etc. The building incorporates these elements along all facades – especially placing a lot of emphasis towards the public streets. The building includes a primary entrance along E. Third Street and exits that resemble primary entrances along N. Lincoln Avenue. A significant amount of glazing is used at the entry of the building. However, given the nature of a theatre it becomes difficult to provide the amount of required window/door treatments. Building perspectives are included in the SDP illustrating the amount of recesses/projections that can be seen with the entrances/exits, roof-lines, marquee elements, and sign locations. The materials selected for the building pull from those used throughout downtown such as brick, stucco, and decorative metal panels. (The use of metal is intended to be limited to an accent material (25% or less of any one façade). The building is designed with a strong linear orientation found throughout downtown but not within any traditional historic context. The building has more of a modern feel, especially with the choice of colors and architectural detailing. In terms of scale, rhythm, materials, and mass it is compatible with downtown as a whole but it will also create its own uniqueness that can be distinguished from downtown which is intentional with this development and the nature of use.

18.24.080.H and J. Open Space and Pedestrian Facilities:

A great benefit and significant amenity to the Foundry project is the inclusion of a central plaza. This provides a focal point of activity where a variety of events can occur. The entire site is designed around the plaza with internal pedestrian connections leading to all areas of the development and into downtown as a whole. All perimeter and internal walkways have been designed to maximize the pedestrian experience – creating wide adequate clear spaces.

18.24.080.K. Other Site Amenities:

The Foundry will have a variety of other site amenities that will be present in detail later. These include the *Little Man Ice Cream*, fire pit, splash pad, central turf, planters, decorative lighting, benches, outdoor eating areas, patios/balconies, and City of Loveland Police presence as examples. These amenities and others are very important to the project, adding to the overall design.

18.24.110 Landscaping

18.24.110.D. Street Trees:

The following street tree requirements apply to all of downtown:

- Street trees shall be provided along all street frontages;
- Street trees shall be planted on 35-foot centers, as feasible;
- Installation of street trees shall be a minimum of 10 feet in width with new sidewalk construction (can be reduced based on site constraints);
- Street trees shall be of a species considered canopy trees;
- A minimum horizontal clearance of 6 feet shall be maintained;
- Tree lawns shall be low growing and durable - no rock mulching permitted (not applicable);
- Existing mature street trees should be maintained, where feasible (not applicable), and;
- All existing healthy and mature trees shall be preserved and incorporated into the design (not applicable)

All streets abutting the Foundry will include street canopy trees installed in tree grates within the public sidewalks – maintaining clear zones greater than 6 feet. The installation of street trees includes tree grate areas that are 8 feet wide. Not only are there site constraints but the intent with the design is to maximize a solid hard surface for pedestrian movement. By reducing 2 feet, more solid hard surface is picked-up along the sidewalks, while still maintaining an appropriate industry standard for the health of the trees.

2. The proposed development is consistent with the goals of the document, Destination Downtown: Heart Improvement Project Downtown Strategic Plan and Implementation Strategy.

The goals of the Destination Downtown plan focus on three (3) general areas. Specific descriptions of these goals and ideas in which to achieve them are included in Attachment 2 from the Destination Downtown plan for reference. The following is a brief description of the goals and an analysis of the Foundry project in reference to each:

Incorporating sustainability through design, making downtown a destination area.

The Foundry is designed to respect and celebrate Loveland's history. Its focus towards art through celebrating the City's foundries and artists is the basis behind the project, which emphasizes the integration of art throughout downtown. The Foundry pulls together a mixture of residential/lodging and commercial uses around a central plaza – creating a true destination area for downtown. The project is seen as a continuation of downtown – not competing with other businesses but rather providing more opportunities to draw people downtown – adding to the sustainability of downtown.

Multi-modal street design that respects the safety for vehicles, pedestrians, and bicyclists.

The Foundry site fronts along primary pedestrian streets (N. Lincoln Avenue, N. Cleveland Avenue, and E. Third Street) as depicted in Section 18.24.080 of the Loveland Municipal Code for the Be zoning district. Primary pedestrian streets are intended to facilitate comfortable pedestrian circulation to multiple destinations throughout downtown. The improvements that will be made along these streets demonstrate compliance with a downtown standard for development/redevelopment specific to creating strong emphasis to pedestrian connectivity. Wider sidewalks are designed along these frontages, providing greater separation from the street to provide a safer more pleasant pedestrian experience.

Primary vehicle access (such as to the parking garage) is taken off of a secondary street (E. Second Street) to respect safety and provide greater ingress/egress for vehicles. The parking garage will serve as the primary vehicular access to both mixed-use buildings. Future uses such as the theater and hotel will also utilize the parking garage. However, vehicle drop-offs are anticipated along both E. Third Street and E. Second Street. Particularly with respect to E. Third Street, a reconfigured design was created to minimize pedestrian and vehicle impacts through the curvilinear street, changes in surface materials, lighting, etc. – placing more emphasis on pedestrians.

Focus on public spaces that offer a variety of uses for a variety of users.

A key component to the Foundry in terms of focus on public spaces is the central plaza with connecting walkways (paseos) extending to all edges of the development to access downtown. The central plaza incorporates a variety of outdoor seating/eating areas along the ground floor of the mixed-use buildings, covered pavilion, benches, seating walls, etc. It is a great amenity to the project through the open space provided but also is anticipated to serve as a venue for a variety of special events in Loveland. The relationship of the central plaza to the parking garage is a key component, offering convenience in pulling people into downtown, especially when special events are occurring within the central plaza.

3. *The proposed development is compatible with surrounding properties while considering its location in an urban environment characterized by a diversity of uses and building types.*

The Foundry is structured around these criteria. This is a development that is specifically geared towards a downtown setting by means of building scale, use, pedestrian emphasis, and exterior open spaces. Additionally, this particular area within the Loveland Addition includes a diversity of uses, which the proposed project is compatible.

4. *Adequate infrastructure is available to serve the proposed development.*

As outlined in Section I. of this report (above), standards for ACF compliance are the criteria used by the City in demonstrating adequate infrastructure is available to serve the development. Review conducted by the DRT for the Foundry has resulted in all levels of service including fire protection/emergency rescue services, transportation facilities, water/wastewater facilities, stormwater facilities, and power to comply with Chapter 16.41 of the Loveland Municipal Code. It is important to note that in terms of compliance, infrastructure improvements will need to be constructed in conjunction with the development to comply with and/or improvement ACF.

IX. RECOMMENDED CONDITIONS

The following conditions are being recommended by the DRT for inclusion in a Development Agreement that will be recorded in conjunction with the Loveland Eleventh Subdivision. These conditions represent City/Developer obligations relative to public/private improvements.

Current Planning:

1. Future Site Development Plans associated with a Hotel, Theater, or any permitted use within the Be - Established Central Business District located on Lot 1, Block 1 and Lot 2, Block 3 of the Loveland Eleventh Subdivision shall be subject to Section 18.24.050 of the Loveland Municipal Code such that public hearing(s) with the Planning Commission will be required, regardless of whether or not criteria numbers 1, 2, and 3 apply.
2. The Metro District shall be responsible for maintaining all improvements located between building facades and edge of curb/gutter along all public rights-of-way depicted on the approved Foundry Site Development Plans. The Metro District shall be responsible for maintaining all improvements located within Outlots A and B of the Loveland Eleventh Subdivision. And, the Metro District shall be responsible for maintaining the portion of E. Third Street right-of-way as depicted on the approved Foundry Site Development Plan. Maintenance shall include but not be limited to pruning of all trees and shrubs, replacement of dead or dying plant materials, repair/replacement of damaged hard surfaces, repair/replacement of damaged irrigation systems, snow removal, trash clean-up, etc.
3. Streetscape improvements between building facade(s) and edge of curb/gutter along the south side of E. Second Street shall be designed/constructed in conjunction with development of a Hotel or any permitted use within the Be - Established Central Business District located on Lot 1, Block 1 of the Loveland Eleventh Subdivision.
4. All landscape and hardscape improvements located from the south edge of curb/gutter along E. Third Street and the north edge of curb/gutter along E. Second Street (north to south) AND the west edge of curb/gutter along N. Lincoln Avenue and the east edge of curb along N. Cleveland Avenue (east to west) shall be installed prior to or at the time of a Letter of Completion for either Lincoln or Cleveland Mixed-Use buildings as depicted on the approved Foundry Site Development Plan. Any landscape and/or hardscape improvements not installed at such time shall require escrow as specified in Title 16 of the Loveland Municipal Code.
5. For purposes of considering permitted freestanding or wall mounted signs, the premise of the Foundry shall be defined as the boundaries of the Loveland Eleventh Subdivision. All signs shall conform to the current City of Loveland design requirements including Design Guidelines for Downtown Loveland and/or Destination Downtown: HIP Streets Master Plan in effect at the time sign permits are submitted to the City for review/approval.
6. Trash/recycling/laundry/etc. shall be collected in designated loading/unloading areas. All deliveries to commercial and residential uses shall be made from designated loading/unloading areas. And, all moving activities shall occur in designated loading/unloading areas. Loading/unloading areas are depicted on the approved Foundry Site Development Plan. Such activities are prohibited to occur in any other locations within the public rights-of-way without City approval.
7. All service areas contained within the Mixed-Use buildings along N. Lincoln Avenue and N. Cleveland Avenue shall remain closed at all times except for trash/recycling/laundry/etc. collections.

8. All roof-top mechanical units, ground level mechanical units, and meters/electrical panels/boxes/conduit/wiring/etc. located on building facades shall be fully screened from public view. At the time of Letters of Completion for any building/structure depicted on the approved Foundry Site Development Plan, inspections will be performed by the City to assure proper screening. If full screening is not provided, the City shall reserve the right to require retrofitting.

Transportation:

1. All public improvements shall comply with the Larimer County Urban Area Street Standards (LCUASS) and any variances approved through the review process.

2. 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.

3. Prior to the issuance of any building permits within Lot 2, Block 3 of the Loveland Eleventh Subdivision, 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 North Lincoln Avenue, North Cleveland Avenue, East 2nd Street and East 3rd Street including roadway paving, curb & gutter, ramps and sidewalks as shown on the City approved Public Improvement Construction Plans titled The Foundry prepared by Interwest Consulting Group for the Loveland Eleventh Subdivision.

b) All public improvements as shown on the City approved Public Improvement Construction Plans titled The Foundry Theater, Lot 2, Block 3 of the Loveland Eleventh subdivision.

c) All final signing and striping as shown on the City approved Public Improvement Construction Plans titled The Foundry prepared by Interwest Consulting Group for the Loveland Eleventh Subdivision.

d) Alley improvements within Back Stage Alley as shown on the City approved Public Improvement Construction Plans.

4. All improvements on East 3rd Street other than the standard asphalt pavement shall be maintained by the same Metro District established to maintain the Central Plaza area for The Foundry. Curb, gutter and sidewalk maintenance is the responsibility of the adjacent property owner on all public streets per City Municipal Code.

5. Prior to the issuance of a Certificate of Occupancy for any buildings within the Loveland Eleventh Subdivision with the exception of the parking garage structure on Second Street, the Westbound right turn lane on First Street at Lincoln Avenue must be constructed and accepted by the City for use by the public.

6. Prior to placement of any amenities within the Public Right-Of-Way for The Foundry Hotel, Loveland Eleventh Subdivision, the developer shall obtain a Revocable Encroachment Permit from the City Public Works Department. The Revocable Encroachment Permit allows special amenities such as furniture, railings, planter pots and structural overhangs etc...to be placed within the right-of-way under special conditions of the permit.

7. 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).

8. 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.

9. 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.

Stormwater Engineering:

1. Prior to City signatures on the Site Development Plan, the Developer shall provide the City of Loveland with an acceptable final grading plan. The final grading plan shall also include all four sides of the adjacent Morgan property and shall provide equal to or better grading than currently exists around all four sides of the Morgan property.