



LOVELAND PLANNING COMMISSION MEETING

AGENDA

Monday, June 11, 2018

500 E. 3rd Street – Council Chambers
Loveland, CO 80537

6:30 PM *The City of Loveland is committed to providing an equal opportunity for services, programs and activities and does not discriminate on the basis of disability, race, age, color, national origin, religion, sexual orientation or gender. For more information on non-discrimination or for translation assistance, please contact the City's Title VI Coordinator at TitleSix@cityofloveland.org or 970-962-2372. The City will make reasonable accommodations for citizens in accordance with the Americans with Disabilities Act (ADA). For more information on ADA or accommodations, please contact the City's ADA Coordinator at ADACoordinator@cityofloveland.org.*

“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 ADACoordinator@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, June 25, 2018 Agenda Preview

i. Kendall Brook GDP Amendment

ii. New Vision Charter School: Location & Extent Review

2. Hot Topics:

i. Unified Development Code Update

ii. Postponement of the Hendricks Addition Annexation

c. City Attorney's Office Updates:

d. Committee Reports

e. Commission Comments

III. APPROVAL OF MINUTES

Review and approval of the May 14, 2018 Meeting minutes

IV. CONSENT AGENDA

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request removal of an item from the consent agenda for discussion. Items requested to be removed from the consent agenda will be heard at the beginning of the regular agenda.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

- Does anyone in the audience wish to remove an item from the Consent Agenda?
- Does any staff member wish to remove an item from the Consent Agenda?
- Does any Commissioner wish to add any item from the Regular Agenda to the Consent Agenda or remove an item from the Consent Agenda?

V. REGULAR AGENDA:

1. 1001 1/2 E 2nd Street Variance Request PH – Zoning Board of Adjustment Hearing

This public hearing item has been referred from the Zoning Board of Adjustment Hearing Officer. In hearing this item, the Planning Commission will serve in its role as the full Zoning Board of Adjustment. The variance application includes two associated variances relating to a residential development on property zoned R3e--Established High Density Residential. The property is located on the northeast corner of East Second Street and North Hayes Avenue. The property includes an existing single family home and a partially-constructed duplex. The variance application requests a lot size reduction and a front yard setback reduction to accommodate the duplex. The applicant has been stopped from proceeding with construction until the variance issues are resolved and an accurate building permit submittal is provided. Planning staff is recommending approval.

2. Annexation and Zoning Request PH -- Hendricks First Addition

This is a public hearing to consider annexation and the establishment of R3-High-Density Residential Zoning for a 25.7-acre property located in the southern portion of Loveland to the west Highway 287 and north of 19th Street SE. The property is owned by North Loveland LLC and Derby Hill Baptist Church. The site is part of a Larimer County enclave that is surrounded by properties that have been incorporated into the City. The applicant is pursuing annexation and zoning in order to allow future residential development. Concerns have been expressed by neighbors that future development of higher-density residential uses would not be compatible with existing development and would create traffic impacts. The annexation and zoning requests are consistent with the Comprehensive Plan and staff is recommending approval of both requests. The Planning Commission's role is to conduct a public hearing make recommendations to the City Council for final action.

VI. ADJOURNMENT

SUPPLEMENTARY INFORMATION

Public Hearing Procedures

The purpose of a public hearing is for the Planning Commission (PC as used below) to obtain full information as to the matter under consideration. This includes giving all interested parties the opportunity to speak (provide testimony) at the hearing.

The public hearing is a formal process. Below is the typical hearing sequence to be followed by the Planning Commission.

Annotations have been provided for clarity.

- 1. Agenda item is recognized by the Chair**
- 2. Public hearing is opened***
- 3. Staff presentation**
(May include clarifying questions to staff from Commissioners)
- 4. Applicant presentation**
(May include clarifying questions to applicant from Commissioners)
- 5. Public comment**
(All public comment should be made from the podium upon the PC Chair acknowledging the citizen speaking. Citizens should provide their name and mailing address in writing at the podium, and introduce themselves. The PC may ask clarifying questions of the citizens. At a public hearing, the PC does not respond to questions from citizens; questions directed to the applicant or staff should be requested through the Chair.)
- 6. Applicant response**
(The Chair typically requests that applicants respond to comments and questions raised during public comment)
- 7. PC questions to staff, the applicant and possibly to citizens who presented**
(Commissioners may use this step in the process to gain a more detailed understanding of relevant information)
- 8. Close public hearing**
(Unless specifically permitted by the Chair, further testimony is not allowed after the public hearing is closed)
- 9. Motion**
(Motions are made by a PC member with possible conditions)
- 10. Motion is seconded**
(A 2nd is required before the motion can be considered; a motion that fails to obtain a second dies)
- 11. PC discussion**
(The PC discusses the application and whether it satisfies the required findings)
- 12. PC Chair requests that the applicant agree to any conditions prior to a vote**
(If an applicant does not accept the proposed conditions, the PC may deny the application)
- 13. Vote**
(The decisions of the PC must address relevant findings of fact. These findings are specified in adopted plans and codes, and serve to guide zoning and annexation decisions. Relevant findings are itemized in the Staff Report and referred to in the recommended motion.)

* Note that the Planning Commission may place time limits on presenters. All presenters should communicate clearly and concisely, refraining from duplicating detailed information that has been provided by others.



Development Services Current Planning

410 East 5th Street • Loveland, CO 80537
(970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

Zoning Board of Adjustment Staff Report

June 11, 2018

Agenda #: Regular Agenda - 1

Title: 1001 ½ East 2nd Street

Applicant: Tyler Folger

Request: **Variance for a street-side setback and lot area**

Location: Northeast corner of East 2nd Street and North Hayes Avenue

Existing Zoning: R3e-Established High Density Residential

Staff Planner: Emily Tarantini

Staff Recommendation

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

Recommended Motions:

1. *Move to make the findings listed in Section VII of the Zoning Board of Adjustment staff report dated June 11, 2018, and, based on those findings:*
 - A) *Approve the requested reduction to the street-side setback.*
 - B) *Approve the requested reduction to the lot area square footage.*

Subject to the conditions listed in Section IX, as amended on the record.

Summary of Analysis

This public hearing is to consider two (2) variance requests for a residential property located at the northeast corner of East 2nd Street and North Hayes Avenue. The property is zoned R3e (Established High-Density Residential) and is located to the east of the Chilson Center parking lot, across Hayes Avenue.

The original noticing for the public hearing included a variance request for a rear yard setback reduction. However, after further review, staff determined that this variance is not necessary, as the area that was initially considered the rear of the property is actually the side yard of the property and the lot faces East 2nd Street. The side yard setback is consistent with the code requirements.

The two (2) variances being heard are as follows:

- 1) A street-side setback reduction to a portion of the duplex structure that is located 9 feet – 8 inches from the western property line. The street-side setback requirement for a three-family dwelling is 15 feet; the reduction to this setback is for 5 feet – 4 inches.
- 2) A lot area reduction from 7,000 square feet to 6,490 square feet. In the R3e zone, the minimum lot size for a three-family development is 7,000 square feet; the subject property is 510 square feet under this size.

This property was originally developed with two detached single-family homes. The current owner of the property has partially demolished one of the homes and replaced it with a duplex (attached two-family dwelling).

A building permit has not been issued for the demolition of the home or the construction of the duplex, resulting in a red tag notice on the property. Consequently, construction activities have been halted and occupancy denied until the outcome of the requested variances have been determined and building permit issues have been resolved. On page 4 of this report, section V, a timeline of construction-related activities associated with this property has been provided.

Staff is recommending approval of the two variances.

I. SUMMARY

The Zoning Board of Adjustment hearing officer has referred this variance application to the full Zoning Board of Adjustment. In conducting the public hearing, Planning Commission will serve in its role as the Zoning Board of Adjustment (ZBA). The decision of the ZBA is final unless an appeal is filed consistent with Title 18 of the Municipal Code.

The requested setbacks are the following:

1. A street-side setback reduction as measured from the façade of the northern portion of the duplex to the western property line of 5 feet – 4 inches (5'-4").
2. A reduction to the minimum lot area of 510 square feet (510 Sq. Ft.).

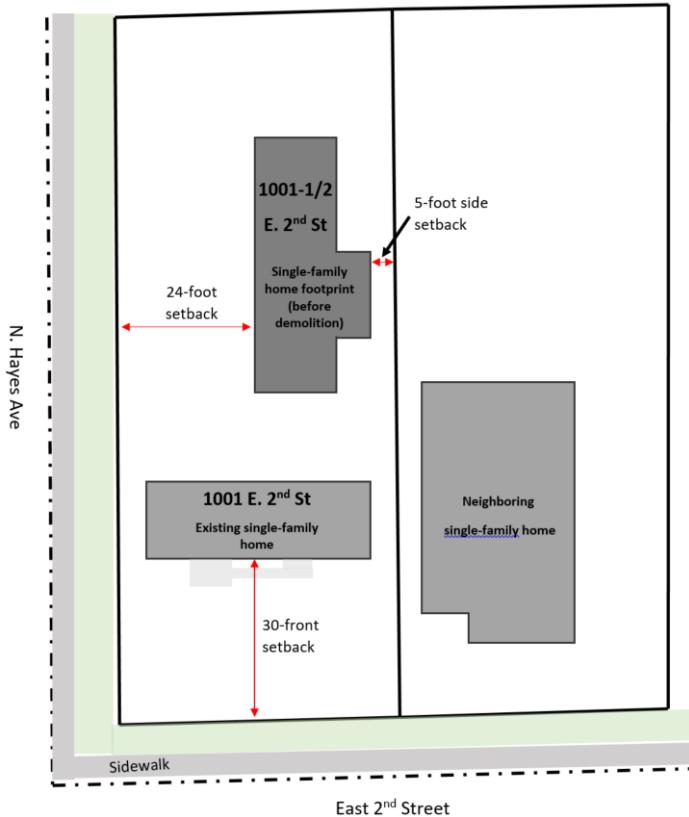
Street-side setback required in the R3e zoning district:

Required	Proposed
15ft (15' - 0") to the property line	9ft – 8in (9' - 8") to the property line

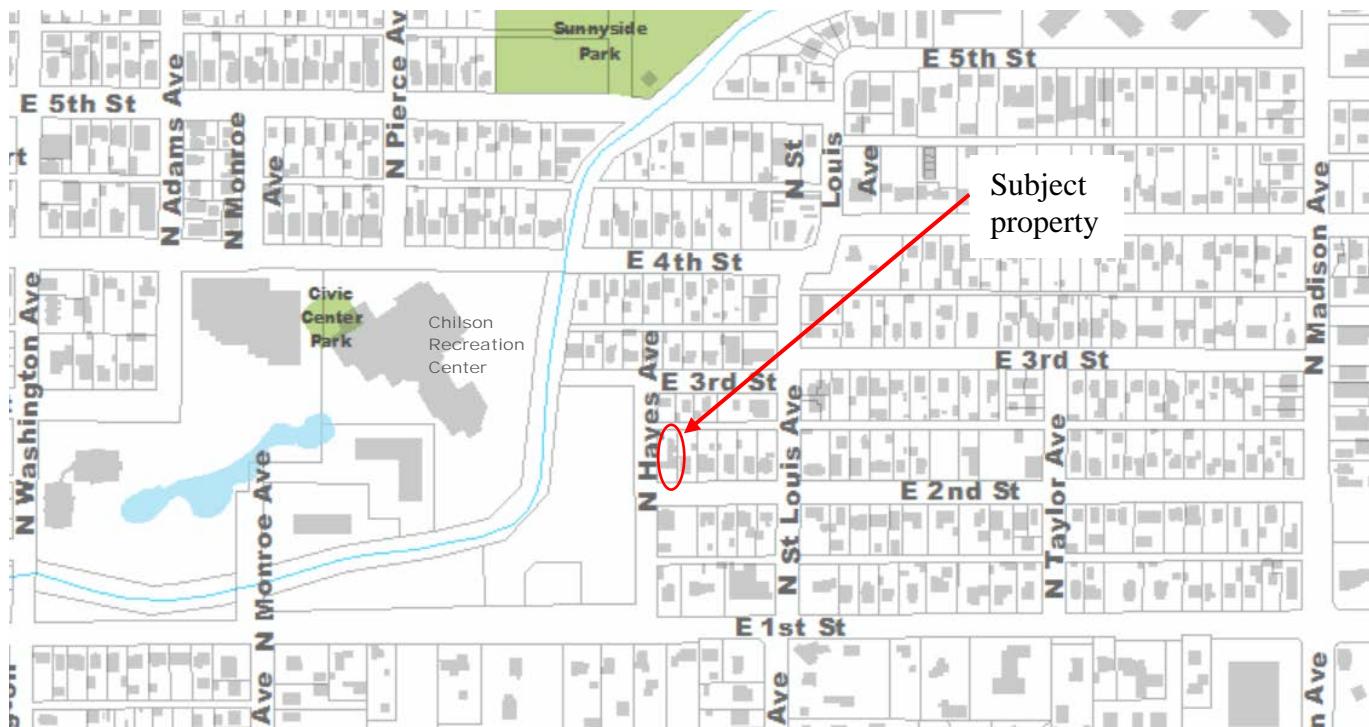
Three-family dwelling minimum lot area requirement:

Required	Existing
7,000 square feet	6,490 square feet

The site plan provided by staff illustrates the general location of the existing buildings on the subject property along with the location of the single-family home on the neighboring property to the east. Refer to **Attachment #2** for the original building permit from 1954.



VICINITY MAP



II. SITE DATA

LOT SIZE	6,490 SQUARE FEET
EXISTING ZONING	R3E- ESTABLISHED HIGH DENSITY RESIDENTIAL
MASTER PLAN DESIGNATION	MDR- MEDIUM DENSITY RESIDENTIAL
EXISTING USE	TWO-FAMILY RESIDENTIAL
PROPOSED USE	THREE-FAMILY RESIDENTIAL (MULTI-FAMILY)
EXISTING ADJACENT ZONING AND USE - NORTH	R3E- ESTABLISHED HIGH DENSITY RESIDENTIAL
EXISTING ADJACENT ZONING AND USE - EAST	R3E- ESTABLISHED HIGH DENSITY RESIDENTIAL
EXISTING ADJACENT ZONING AND USE - SOUTH	R3E- ESTABLISHED HIGH DENSITY RESIDENTIAL
EXISTING ADJACENT ZONING AND USE - WEST	R3E- ESTABLISHED HIGH DENSITY RESIDENTIAL

III. ATTACHMENTS

1. Building permit #BP-16-00492 (Application, scope of work and plans)
2. Building Permit site plan from 1954
3. Site aerial from 2016
4. Building elevations
5. Photographs of current conditions
6. Concept review meeting notes from June 2015 (Planning only)
7. Applicant's Justification

IV. KEY ISSUES

During the review of the variance application, staff found it important to mention the construction of the duplex (two-family dwelling unit) has already occurred which results in the following challenges:

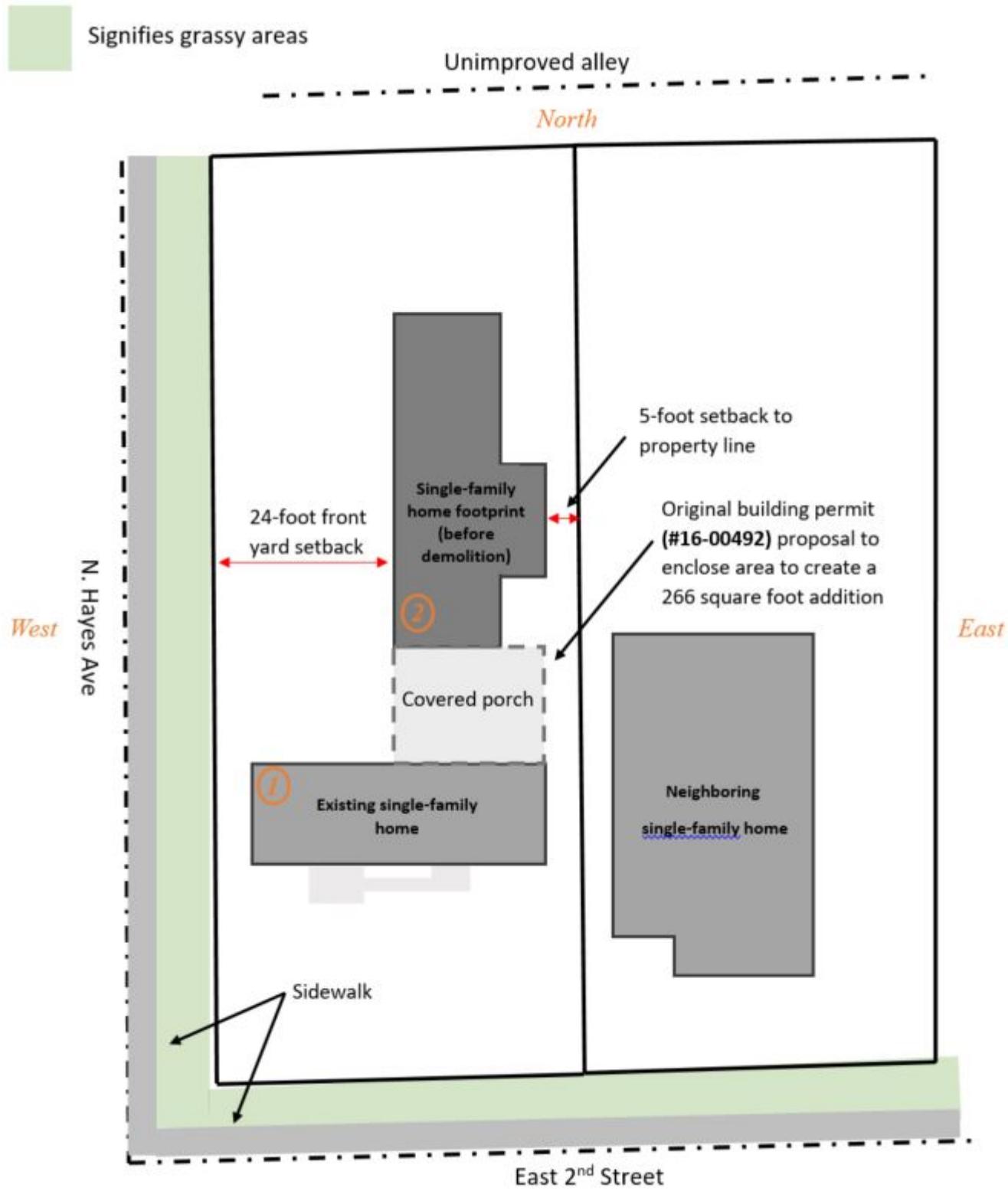
- The property has been red tagged twice over the course of two years for demolition of one of the single-family homes without a permit and construction of a duplex without the appropriate permits.
- A required site development plan and associated construction drawings have not been submitted.
- A building permit has not been submitted, technical details like square footages and construction type, have not been determined.
- Construction has been paused, building inspections have been discontinued and occupancy denied until the completion of this variance.
- The applicant expressed financial constraints as a hardship. If the variance requests are approved, a new building permit with new fees will be due.

V. BACKGROUND

- The subject property is known as lot 3, block 3 of the St. Louis Addition.
- A building permit was submitted to the city in 1954 to relocate two single-family detached homes onto the subject property. Both dwelling units were addressed off of East 2nd Street (1001 and 1001-1/2 East 2nd Street) with an approved 5 foot (5'-0") side yard setback on the eastern property line.
- June of 2015, the applicant attends a Concept Review meeting with a proposal to construct two duplexes (four units) on the site. The concept review meeting notes explain the process of first acquiring a variance for the deficiently sized lot; and second, the need to submit a site development plan and associated construction drawings--which are required for all multi-family projects.
- July of 2015, the applicant attends a project meeting with city staff to discuss rough sketches of the proposal for a three-family layout. The applicant is directed to move forward with requesting a variance and subsequently submit a site development plan and associated construction drawings for the project.
- March 3rd, 2016 the applicant submits a building permit for a crawlspace addition for one of the single-family homes on the lot.
- March 14th, 2016 the applicant clarifies with the Building Division that the permit is not only for a crawlspace but also for a 266 square foot addition (to unit 2) to include one bedroom and one bathroom. The permit is revised, re-entered, reviewed and issued.
- In August of 2016, the applicant/site is red tagged for demolishing one of the single-family homes without a demolition permit.

- In April of 2018, the applicant submits a request for a second concept review meeting which proposes to construct a duplex (two-family attached dwelling unit) in place of the demolished home, in addition to the existing single-family home on the lot. Upon site inspection, it is determined that the duplex has been constructed.
- In April of 2018, the applicant/site is red tagged for an expired permit and constructing a building that did not adhere to the submitted building permit plans.
- In April of 2018, the applicant submits an application for variances that would allow the existing improvements to the site to remain in place.

Previous conditions – Site Plan

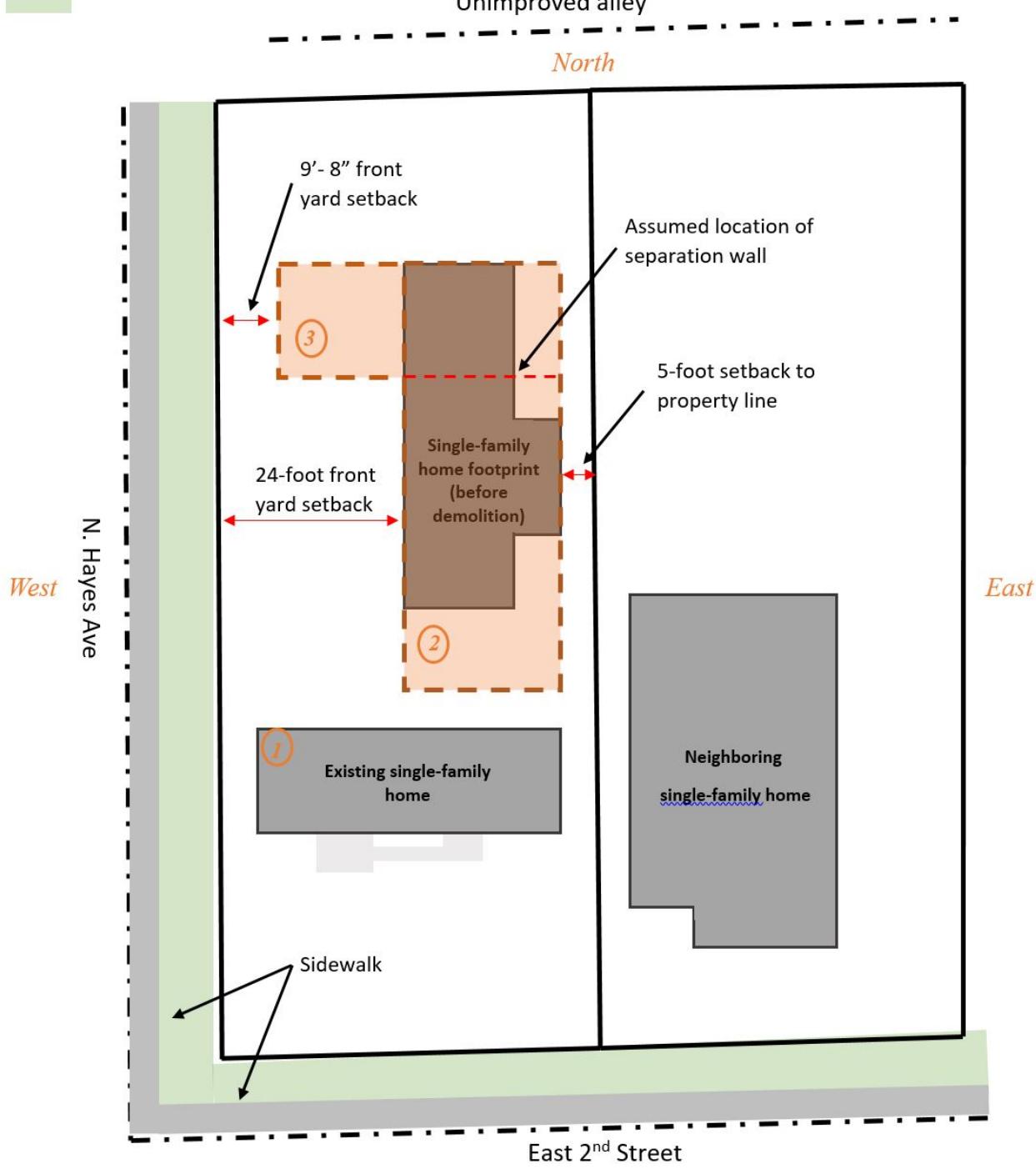


Site Plan created by staff

 Signifies newly constructed duplex

 Signifies grassy areas

Existing conditions-Site Plan



Site Plan created by staff

Building Permit #BP-16-00492
Submitted by the applicant for the 266 S.F. Addition
Dated 2/23/2016

City of Loveland
Application for Residential Building Permits
Alterations

Building Division * 500 E 3rd St., Suite 110 * Loveland, CO 80537

General Information (970) 962-2505 * Inspection Line (970) 962-2100 * TDD (970) 962-2620 * FAX (970) 962-2904

Address: <u>1001 1/2 E. 2nd St. Loveland, CO 80327</u>				
Owner Name: <u>Tyler Folger</u>		Home Phone: <u>970-308-0691</u>		
Owner Address: <u>Same</u> (Street)		(City)	(State)	(Zip)
Contractor Name: <u>Self</u>		License Number: _____ Phone: _____		
Project Contact Name: _____		Preferred Phone: _____		
Project Contact Fax: _____		Project Contact e-mail: <u>wordofmout@frii.com</u>		
		Number of Bedrooms: <u>1</u> New	Number of Bathrooms: <u>1</u> Full <u>1</u> 3/4- <u>1</u> 1/2- <u>1</u>	
Fireplace N Y # <u> </u>	Fire Pits N Y # <u> </u>	Type of Heat: <u>Gas</u> <input checked="" type="checkbox"/> <u>Electric</u> <input type="checkbox"/>	Electric Service Size: <u>Amps 120</u>	Storage Shed (sf) <u>N/A</u>
Fuel Type <u>N</u>	Fuel Type <u>N</u>	1st Floor (sf) <u>265.11</u> sqft New	2nd Floor (sf)	3rd Floor (sf)
Basement (sf) <u> </u>	Garden Level (sf) <u> </u>	Porch <u> </u> sf (Roof? <u>Y</u> <input checked="" type="checkbox"/> <u>N</u> <input type="checkbox"/>) Roof <u> </u> sf	Deck <u> </u> sf (Roof? <u>Y</u> <input checked="" type="checkbox"/> <u>N</u> <input type="checkbox"/>) Roof <u> </u> sf	Patio <u> </u> sf (Roof? <u>Y</u> <input checked="" type="checkbox"/> <u>N</u> <input type="checkbox"/>) Roof <u> </u> sf
Fin <u> </u> Unfin <u>✓</u>				
Garage (Detached/Attached) <u> </u> s.f. <u> </u>	Carport (Detached/Attached) <u> </u> sf			
- Car garage				
Basement ceiling height 4ft crawl space		A/C Yes <u>✓</u> No <u> </u> Type <u>Central</u>	City Calculated Valuation \$ <u>29965.00</u>	
Historical Eligibility <u>N</u> <u>Y</u>	Residential Fire Sprinkler System <u>Y</u> <u>N</u>	Client Total Valuation \$ <u>6600</u>		
Historical Register: <u>N</u> <u>Y</u>	Submit to Loveland Fire Prevention - 970-962-2536			
Describe Work/List Options: This permit is only for the addition of the crawlspace labled "New Crawl Space." It is part of a larger plan, but the rest of the plan cannot be done at this point. I am looking to expand under what is currently the car port, which will be taken down to have this addition.				
This permit is for the complete addition 266sf to include 1 bedroom.				
I certify this application is correct. I agree to perform the work described according to plans and specifications submitted and approved. I agree to comply with all city ordinances, state laws and building codes. Additionally, I UNDERSTAND THAT I AM RESPONSIBLE FOR ANY FEES OR EXPENSES INCURRED FOR PLAN REVIEW, PERMITS, INSPECTIONS AND OTHER FEES ASSOCIATED WITH THIS APPLICATION. FAILURE TO PICK UP AND PAY FOR THIS PERMIT WITHIN 90 DAYS OF APPROVAL WILL RESULT IN THE APPLICATION BEING CLOSED AND THE PLAN CHECK FEES BEING ASSESSED. ALL FEES UNDER THIS APPLICATION THEN BECOME NULL AND VOID. This application does not authorize any work within the right-of-way or curb cuts, contact Public Works at 970-962-2516.				
Signature <u>Tyler Folger</u>		Date <u>2/23/16</u>	Received By _____	Date _____
Building Division Comments		Client notification:		
Planning Division Comments		Application Number: <u>16-00492</u>		

Only enter the information as it pertains to the specific work performed under this application.

Attachment #1

Effective December 31, 2007

**Scope of work submitted by the applicant for Building
Permit #BP-16-00492
Dated 3/30/2016**

The scope of the project for 1001 ½ E. 2nd St. Loveland, CO

is as follows. Build upon wasted open space behind the building, due to initial design elements of the original structure. See Below:



The blue area on the plot plan is the current additional area (exact dimensions to be found on Foundation Plan PDF. That plan as other additions on it, but those are for later permits. This Area is currently called Car Port, but would be taken down to make room for this addition.

Currently this is a one-bedroom single family dwelling, and I would expand it to offer more living space. A 4-5ft Crawl space would be below this blue area and would serve as utility areas for heater, water heater, and allow easier access to replacement of wiring and piping, etc.

Equipment and appliances supported from the ground shall be level and firmly supported on a concrete slab or other approved material extending not less than 3 inches above the adjoining ground.

There is an area labeled "Crawl Space Access" that is on the Foundation plan an approximated (in Red) on this plan. This will span from the proposed foundation of 1001 ½ to 1001, and allow access to both buildings. It will be covered with a door.

The plan submitted is for a small addition to the South side of the existing building (1001 ½ E. 2nd St.) as of now. I will ask for other building permits as construction progresses. This is still a single family residence. It will just become larger in scope to be a better use of space and updated to improve the overall outside and inside appearance.

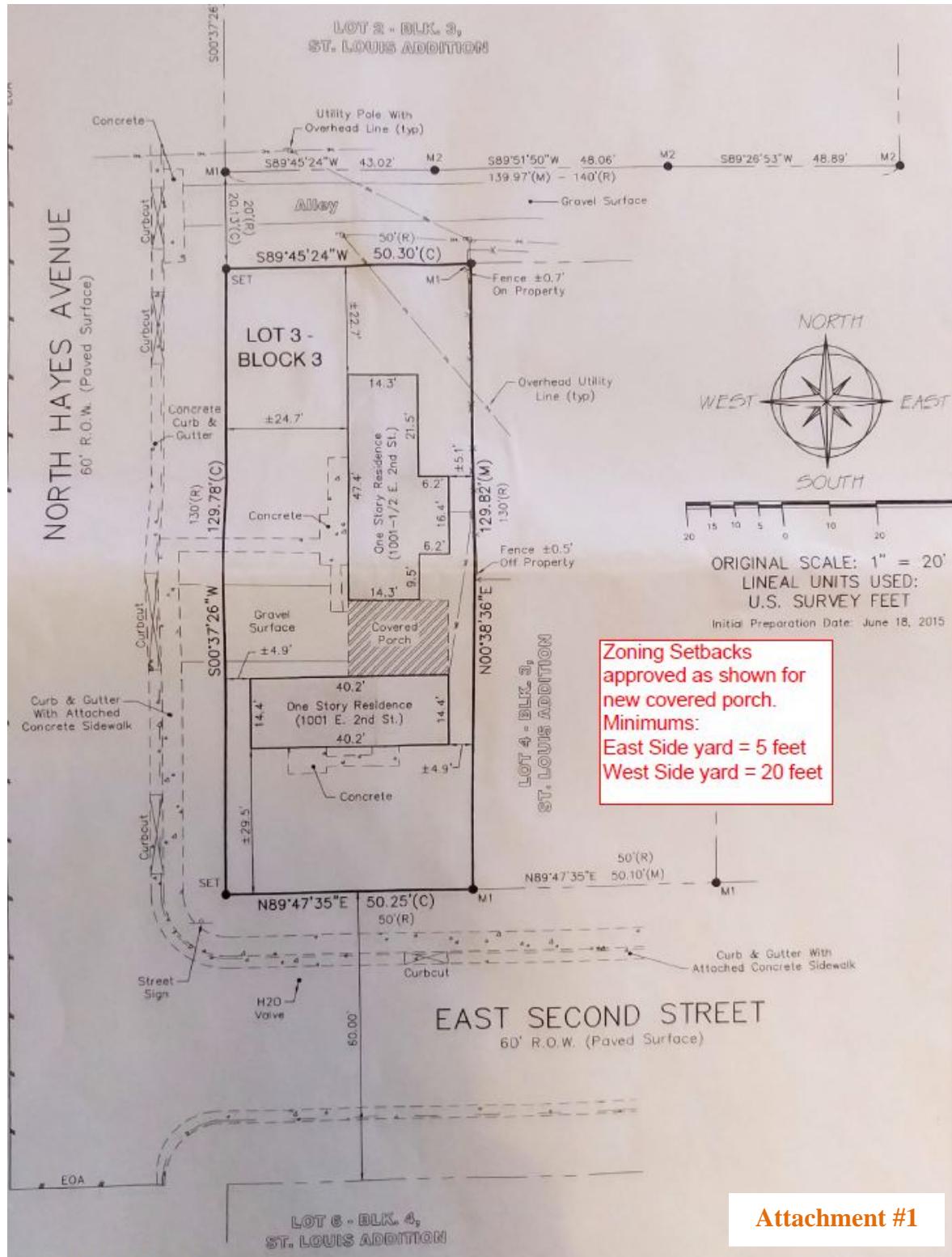
Tyler Folger
wordofmouth@frii.com

970-308-0691

Attachment #1

Reviewed for Code Compliance 3/30/16 BUILDING PERMIT BP-16-00492

**Site plan submitted by the applicant for Building
Permit #BP-16-00492, approved by City staff
Dated 3/31/2016**



VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. **Notification:** An affidavit was received from Tyler Folger certifying that written notice was mailed to all property owners within 200 feet of the property on May 23, 2018 and notice was posted in the appropriate location on May 23, 2018.
- B. **Neighborhood Response:** At the time this staff report was prepared, city staff had received no inquiries about the proposed variance requests.

VII. FINDINGS AND ANALYSIS

Findings 1-7 below are stipulated in Chapter 18.60 of the Municipal Code. For a variance to be approved it must be demonstrated that these findings have been or can be met. The staff analysis is provided in response to each finding below.

Finding 1. *There are unique circumstances or conditions that are particular to, or related to, the land or structure for which the variance is requested, in that:*

A. *Street-Side Setback Reduction*

The Municipal Code requires a 15 foot (15'-0") street-side setback measured from the building façade to the property line. The applicant constructed the duplex approximately 9 feet-8inches (9'-8") from the street-side (western) property line. Concept review meeting notes from June 2015 clearly identified the required western setback to be 15 feet (15'-0").

However, this subject property was platted with a western property line located approximately 8 feet (8'-0") behind the sidewalk as shown in **Attachment #3**. As a corner lot, the additional 8 feet (8'-0") of right-of-way essentially functions as part of the lot. If this additional 8 feet (8'-0") is added to the setback, the building is approximately 17 feet (17'-0") from the back of the sidewalk. While technically not meeting the setback requirement, the addition of right-of-way area functions as a sufficient setback. Also of note, is that the other side of Hayes Street does not include development as no lots were platted in this location due to the presence of an irrigation ditch. Consequently, a diminished street-side setback would not create direct visual impacts on any neighboring properties.

Staff believes this finding can be met in that the particular configuration of the corner lot line being setback a substantial amount from the back of the sidewalk functions as an appropriate street-side setback.

B. *Minimum Lot Area*

The R3e zone district requires a 7,000 square foot lot area for a three-family dwelling unit. The subject lot is 510 square feet deficient in meeting this requirement.

The property lines of this particular lot were located approximately 8 feet (8'-0") from the western property line and 9 feet (9'-0") from the southern property line, resulting in approximately 1,490 square

feet of additional right-of-way. While not technically part of the subject lot, this additional area is functionally part of the lot, including maintenance responsibility by the lot owner. Staff confirmed with City Transportation reviewer that these streets would not be widened in the foreseeable future.

Staff believes that this finding can be made with the consideration of the additional 1,490 square feet (1,490 Sq. Ft) of right-of-way located on the western and southern perimeters of the lot, allowing the multi-family layout to perform adequately on the site.

Finding 2. *That the special circumstances are not the result of actions or inactions by the Applicant or the current Owner, in that:*

A. Street-Side Setback Reduction

Staff believes that this finding can be made, although the applicant was informed of a 15 foot (15'-0") street-side setback requirement in concept review notes from June 2015. The additional 8 feet (8'-0") located on the western side of the property works to achieve the function of the full setback requirement as addressed in the analysis for **Finding 1** above.

B. Minimum Lot Area

This finding can be made. The unique location of the property lines have allowed this lot to function as a larger lot and ultimately created a sufficient lot area for a multi-family use; again, see analysis for **Finding 1**.

Finding 3. *That the strict interpretation and enforcement of the provisions of the code would cause an unnecessary or undue hardship, in that:*

A. Street-Side Setback Reduction

Meeting the strict interpretation of the 15 foot (15'-0") street-side setback would require the applicant to demolish the portion of the duplex and relocate the projection approximately 5 feet – 4 inches (5'-4") further east. A demolition of this portion of the building would serve no practical purpose and would result in (arguably) the diminished visual appearance of the structure.

B. Minimum Lot Area

Following the strict interpretation of the code would require the applicant to convert the duplex into a single-family dwelling unit by removal of the kitchen in one of duplex units and the conversion of the duplex into a single residential unit. Given the absence of objections to the variance from neighbors, this action would seem unreasonable and would serve no practical purpose.

Staff believes this finding can be made. Meeting the requirements of the Municipal Code would require the partial demolition of the structure. A continued disturbance to the neighborhood in terms of construction would occur along with a substantial loss of investment to the applicant.

Finding 4. *That granting the variance is the minimum action needed to accommodate or alleviate the difficulty or hardship involved, in that:*

A. Street-Side Setback Reduction

Granting a 5 foot – 4 inch (5'-4") reduction to the street-side setback will be the minimum action needed to accommodate the duplex.

B. Minimum Lot Area

Granting a 510 square foot (510 sq. ft.) lot area reduction is the minimum action needed to accommodate the three-family home.

Staff believes this finding can be made. Granting of the variances is the minimum needed to accommodate the existing development. The variances would allow the duplex to remain in place and avoid creating further disturbance to the neighborhood by demolishing a portion of the structure and converting the duplex into a single-family home.

Finding 5. *That the variance would not substantially impact the use and enjoyment or development of other property in the vicinity of the land or structure, in that:*

This finding can be made. The recently constructed duplex can be considered an improvement to the neighborhood as the previous home was in need of repair and upkeep. The three-family lot is in harmony with the R3e zoning district. As of the writing of this report, there have been no complaints about the construction of the duplex or objections to the variances from area neighbors.

Finding 6. *That the variance would not authorize any use in a zoning district other than a use specifically permitted in such zoning district, in that:*

This finding can be made. The subject property is zoned for a higher density residential use; the recently constructed duplex, which results in a three-family layout on the lot, meets the intent of the R3e zone district.

Finding 7. *The variance would not waive or modify the requirements of any use by special review, in that:*

This finding is not applicable to the variance proposal as the use of a duplex is not a special review use.

VIII. CONCLUSION

Although it has been determined that the applicant had many opportunities to follow the requirements of the code prior to the construction of the duplex, Current Planning staff believes that the following factors are relevant to the consideration of the variance requests:

- The variance requests provide minor accommodations to the applicant.
- The location of the subject property on a corner lot, with the existence of street right-of-way located between the back of the sidewalk and the lot line, allows the lot to function as a larger lot, accommodating the three dwelling units.
- Staff believes that the newly constructed duplex will not negatively affect the surrounding neighborhood and in fact staff believes that the new construction will serve as an improvement to the neighborhood.
- The construction of the duplex is in harmony with the R3e zoning district and fulfills the purpose of the district while maintaining the historic orientation on the lot.
- Staff has not received any objections related to the construction of the duplex.
- Approval would allow the applicant to begin the city review process, including the submittal of a site development plan, associated construction plans and building permits.

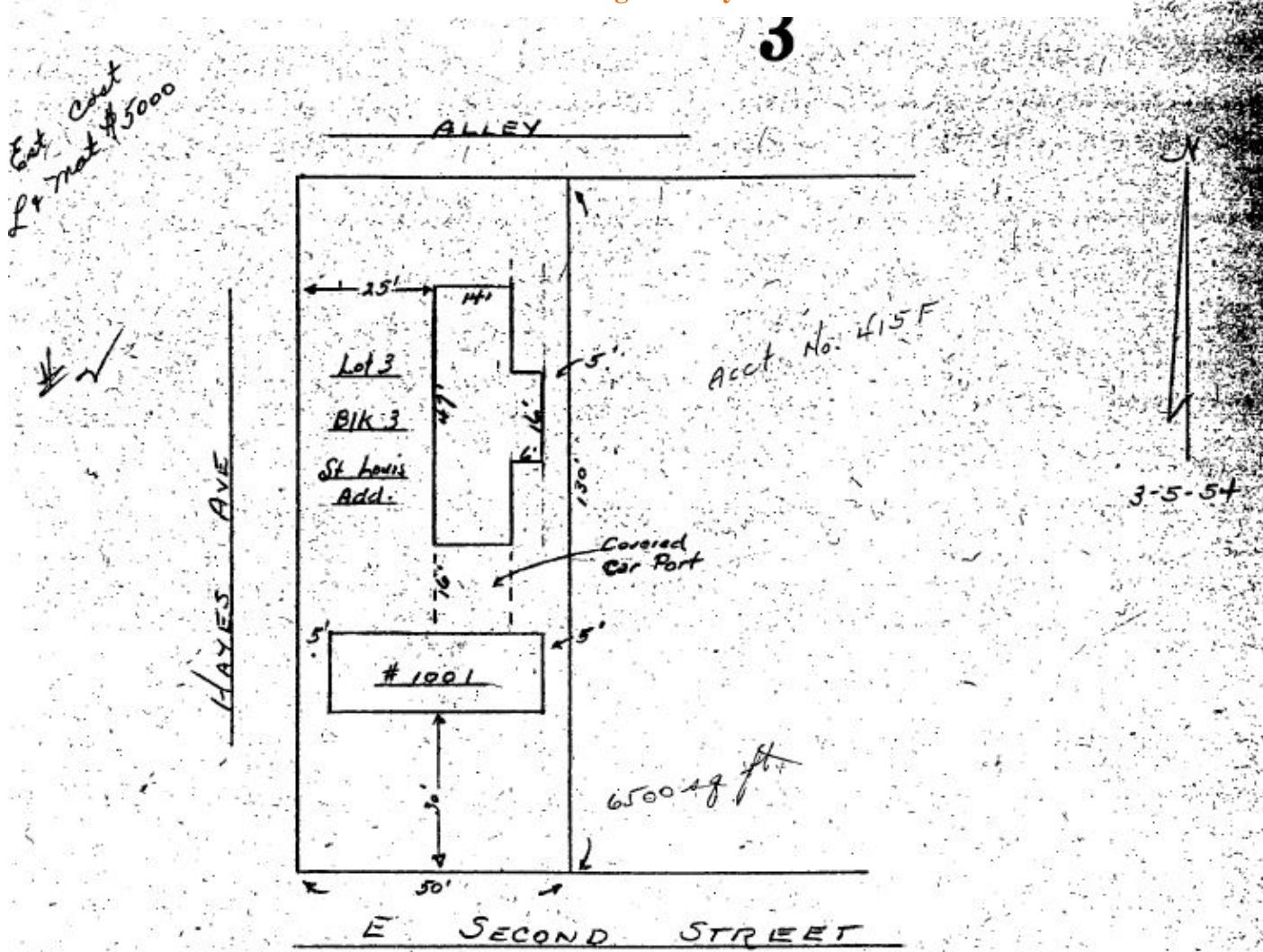
IX. RECOMMENDED CONDITIONS

Staff recommends the following conditions subject to a Certificate of Occupancy being issued:

- The applicant is to submit a building permit fee estimate request form.
- The applicant will submit a site development plan and associated construction plans prior to the submittal of a building permit.
- The applicant will submit building permit plans and complete all required inspections.
- The recently constructed duplex does not conflict with any easements on the lot.

Original Building Permit site plan #BP-54-0110
For the two single-family homes

110



I request permit to place the buildings that I am having moved from 14th St & Lincoln Ave. on Lot 3, Block 3, St Louis Addition, and located as shown above. Same to be converted into a Duplex Dwelling.

Lee B. Flood

O.K., G.E. Dallmand

City Engineer

By own.

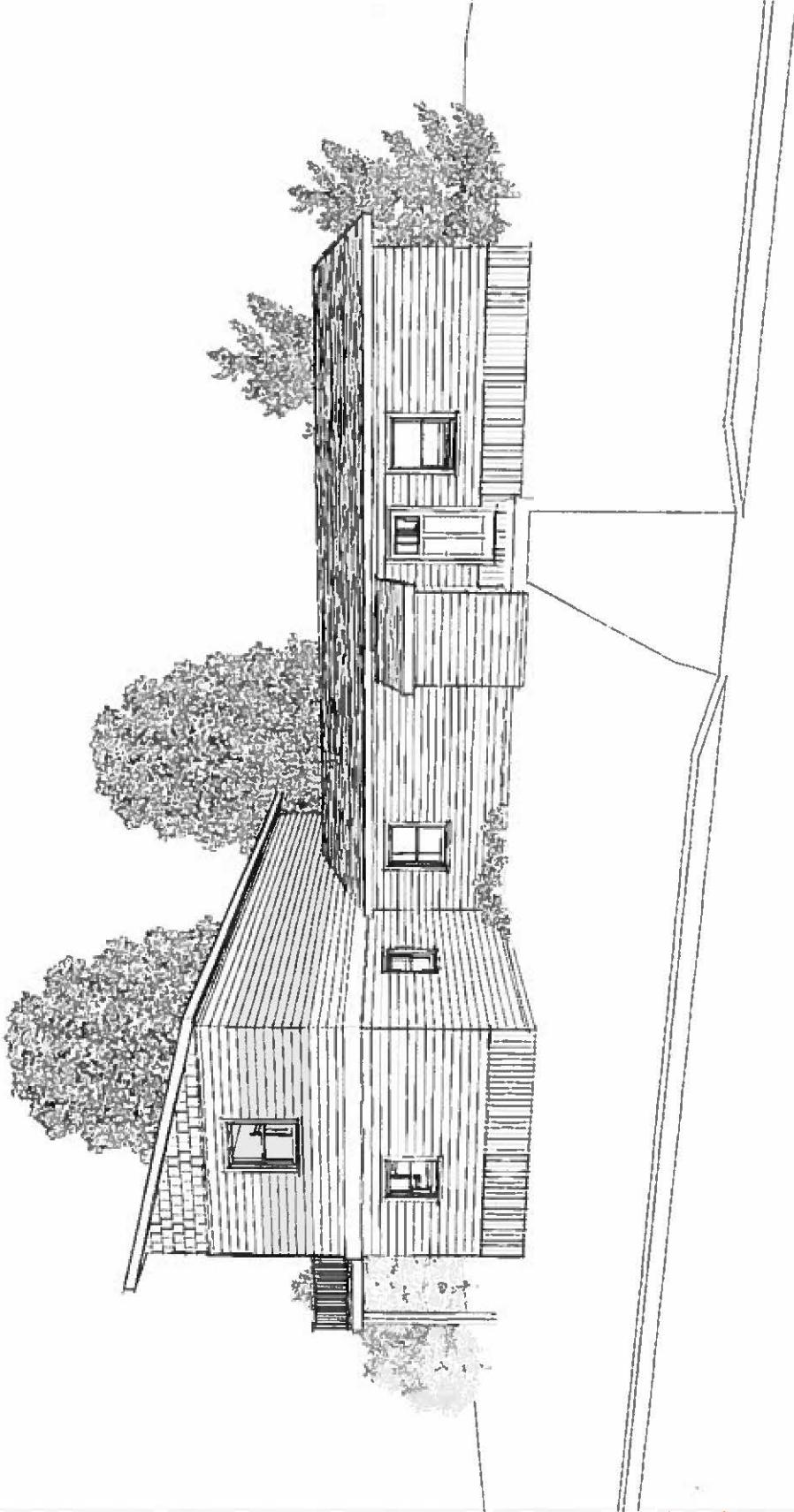
Attachment #2

GIS site aerial shows property line locations from the back of the sidewalk

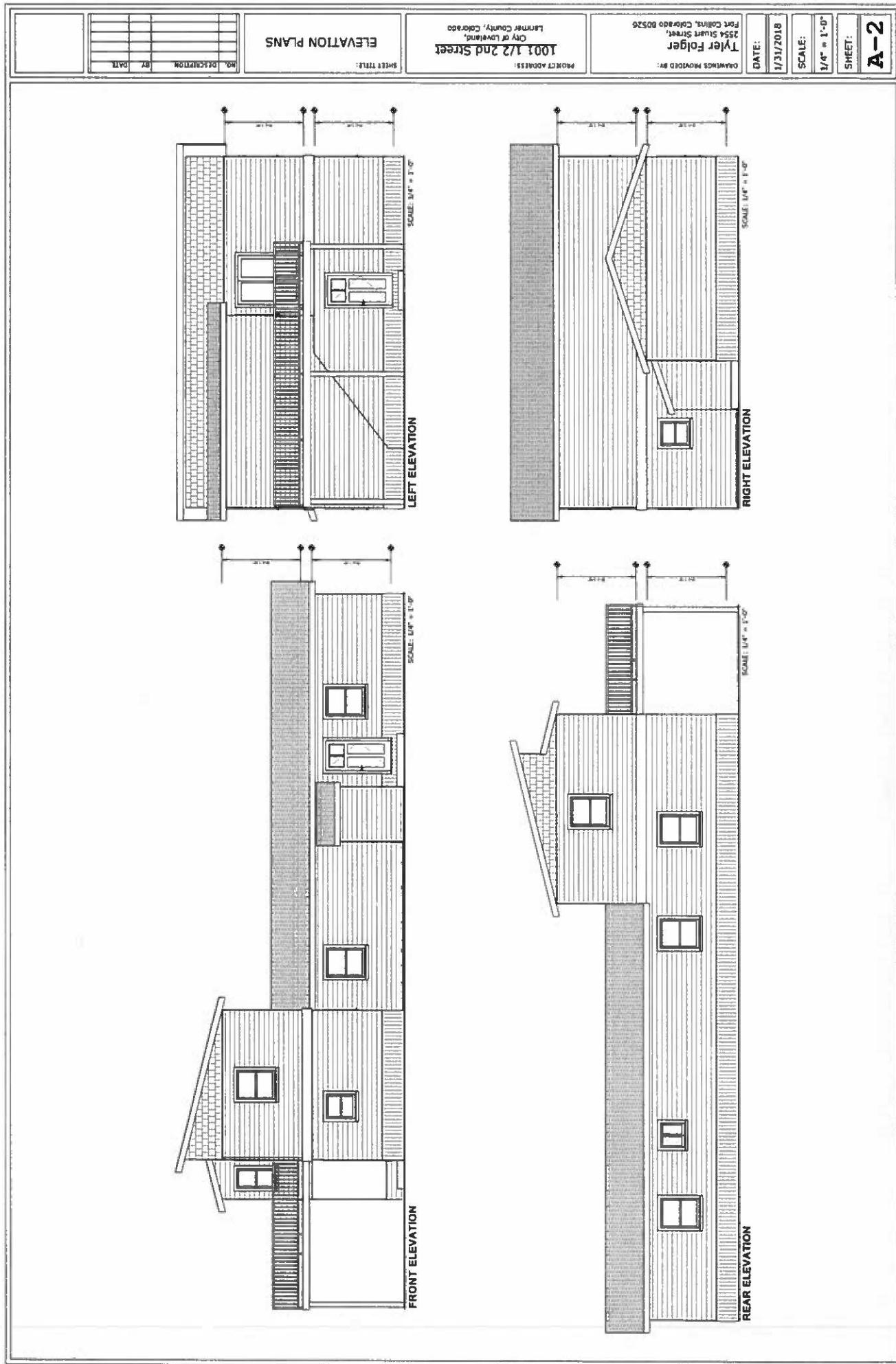


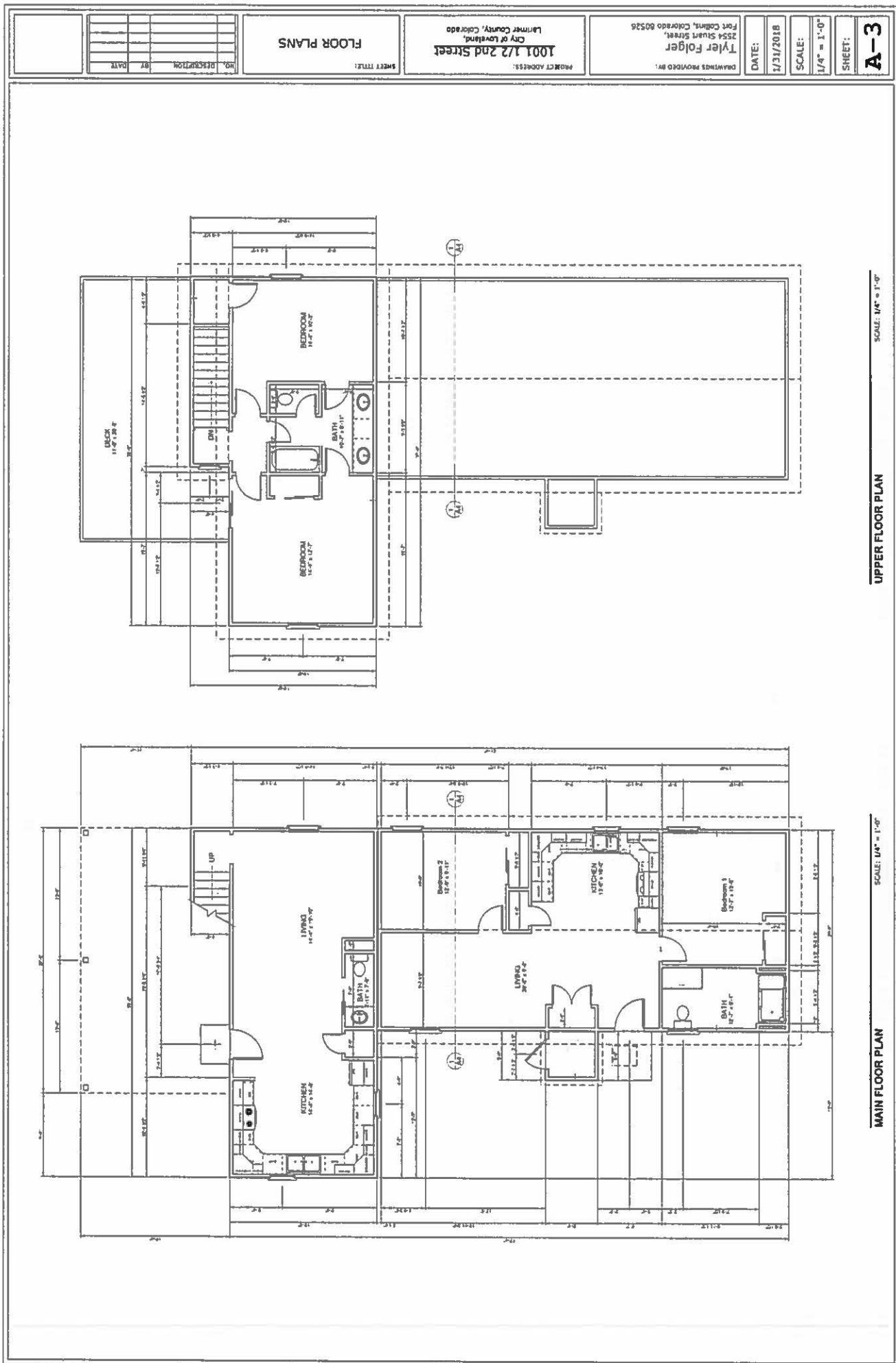
Aerial created by staff

Attachment #3

1001 1/2 2nd Street	TYlere Fogger	2554 Street Street,	Fort Collins, Colorado 80526	DATE:	1/3/2018	SCALE:		SHEET:	A-1
City of Loveland, Larimer County, Colorado	2554 Street Street,	Larimer County, Colorado							
1001 1/2 2nd Street	TYlere Fogger	2554 Street Street,	Fort Collins, Colorado 80526	DATE:	1/3/2018	SCALE:		SHEET:	A-1
City of Loveland, Larimer County, Colorado	2554 Street Street,	Larimer County, Colorado							
<p>Drawings and floor plans provided by the applicant during the concept review meeting in 2018</p> 									

Attachment #4





Photographs of current site
conditions



View from N. Hayes Avenue



View from the corner of N.
Hayes Ave and E. 2nd St



View from N. Hayes Ave



View from E. 2nd St (Rear of
building adjacent to
neighboring lot)



January, 2014

CONCEPT REVIEW MEETING APPLICATION

The City of Loveland is here to help with your development project. Concept Review meetings provide an opportunity to discuss proposals for development within the City and to obtain verbal and written feedback from City department representatives. The purpose of the meeting is to identify procedural and design requirements early in the process, and to identify the most effective pathway to achieve project approval. There is no fee for this meeting. It is not necessary to own the subject property to submit an application.

There are three time slots available on Thursday afternoons for Concept Review meetings each week. Each slot is 60 minutes: 1:15-2:15; 2:15-3:15; and 3:15-4:15. Available meetings are filled on a first-come, first-served basis.

To be scheduled for the next available Concept Review meeting, applicants must submit a completed application package (including the three components listed below) to the Current Planning office. The completed application package can be submitted in two ways:

1. E-mail a PDF to: eplan-planning@cityofloveland.org
2. Drop off or mail a paper copy with the Current Planning office.

Upon submitting your completed application package you will be contacted and notified of your assigned meeting date and time. Every effort will be made to accommodate specific date and meeting time requests. All meetings will be held in conference rooms one (1) or two (2) on the 2nd floor of the Fire Administration Building located at 410 E. 5th Street.

We look forward to assisting you with your project.

APPLICATION CHECKLIST

- 1. **Application Form** – the form follows this checklist and should be filled out completely.
- 2. **Vicinity Map** - a map identifying the project site within the neighborhood context, including the nearest major cross streets.
- 3. **Sketch Site Plan** - a neatly drawn site plan (does not need to be drawn by a professional) detailing the potential development on the subject property, including the following:
 - a. Existing and proposed property lines (Will easement dedication or vacation be necessary?)
 - b. Existing and proposed structures (Will the buildings remain? If they will change, how? What is the proposed building architecture?)
 - c. Existing and proposed site improvements (driveways, streets, sidewalks, curbs and gutters)
 - d. Existing and proposed landscape improvements (Will any natural features be impacted?)
 - e. Existing and proposed detention ponds, drainage features, and water quality features (How does the site drain now?)
 - f. Existing and proposed public and private utilities. (How does the existing property currently receive utility service? What upgrades are needed?)
 - g. Existing and proposed emergency vehicle access location. (How will access be provided?)

CR Scheduled
(for staff use only)

Date:

Time:

CONCEPT REVIEW MEETING APPLICATION

Project Name: _____

Project Address or Location: _____

Inside City Limits: Subdivision/Addition _____

Tract/Lot _____ Block _____

Outside City Limits: County Parcel ID _____

Existing Use: _____

Proposed Use: _____

Is this use currently occurring on the site? Yes
 No

Are you proposing to change the existing Zoning?

Yes, Proposed zone = _____

No

I don't know

Number of Lots Proposed: _____

Number of Phases: _____

Is any portion of this property located in a floodplain?

Yes

No

I don't know

How far along are you with your project?

- | | |
|--|--|
| <input type="checkbox"/> Conceptual only (I'm not sure if I am going to do it) | <input type="checkbox"/> Design (I know I want to do this project) |
| <input type="checkbox"/> Pre-application (I'm ready to submit) | <input type="checkbox"/> Fact-finding/due diligence |
| <input type="checkbox"/> Reviving a previous CR/development application | <input type="checkbox"/> I'd like to sell/list property |
| <input type="checkbox"/> Don't know/Need help | |

Project Time Frame:

Right now

In the next 1-2 months

In the next 3-6 months

In the near future (greater than 6 months)

Other: _____

Are there any critical timing issues we should know about? (Explain below)

Applicant Information:

Name: _____ Phone #: _____

Email: _____

Relationship to Project:

Property owner

Developer

Realtor

Design professional

Other: _____

Indicate who will be attending the Concept Review Meeting?

- | | |
|---------------------------------------|---|
| <input type="checkbox"/> Applicant | <input type="checkbox"/> Property owner |
| <input type="checkbox"/> Developer | <input type="checkbox"/> Design professional |
| <input type="checkbox"/> Realtor | <input type="checkbox"/> Legal representative |
| <input type="checkbox"/> Other: _____ | |

Number of applicant representatives attending: _____

Project Specific Questions (Required, add additional questions as necessary)

What would you like to discuss at the meeting? What questions do you have for city staff? Please write clear, understandable questions. Remember, the more specific the question the better the answer you will receive.

1. _____
2. _____
3. _____

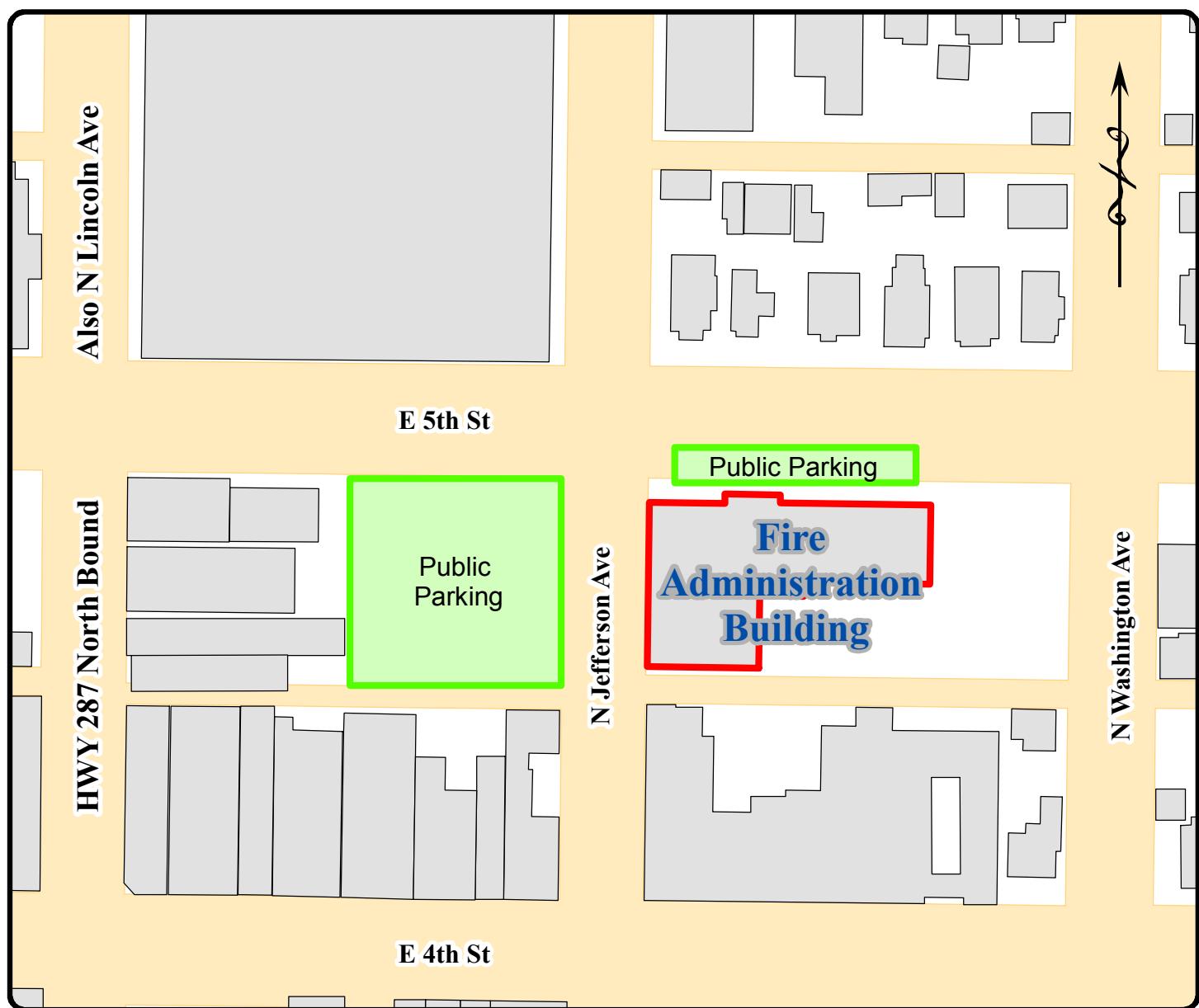
Project Narrative (Required)

Provide a detailed description of what your potential development entails. What are you proposing to do? What are the proposed uses? Include the approximate square footage of building(s) and any unique project attributes.

CONCEPT REVIEW MEETING



Concept Review Meetings are held in the Fire Administration Building (FAB). The FAB is located at 410 East 5th Street in downtown Loveland, one block east of Lincoln Avenue. The main building entry is on 5th Street. The Concept Review meetings will be held on the second floor in meeting rooms 1 and 2. Meeting start times are at 1:15, 2:15 and 3:15PM.





Development Services

500 East Third Street • Loveland, CO 80537
(970) 962-2523 • eplan-planning@cityofloveland.org
www.cityofloveland.org

CONCEPT REVIEW MEETING

6/4/15 @ 3:15 pm

Project Name: **E. 2nd STREET 3-PLEX**

Project Address: **1001 E. 2nd Street**

Project Location: **NE corner of E. 2nd St and Hayes Ave.**

Legal Description: **LOT 3, BLOCK 3, ST. LOUIS ADDITION**

Applicant: **TYLER FOLGER**

Purpose: The purpose of the Concept Review meeting is to assist you in assessing the overall feasibility of your concept and to provide you with initial guidance in submitting a development review application. The City comments provided at the meeting are based on the information submitted with your Concept Review application and as such, may be general in nature. At the meeting, staff will discuss relevant Code standards and policies, explain City processes, identify potential issues with the concept, and answer specific questions identified in the Concept Review application. Due to the preliminary nature of Concept Review applications, additional comments may be made by City staff once a formal application is submitted to the City. ***Please note that the information provided by the City for this Concept Review Meeting is valid for six (6) months from the date of these review comments. If no formal application(s) is/are filed within this time period, another Concept Review Meeting shall be scheduled for your project before the City will accept any formal application(s) for review.***

Follow-up Coordination/Assistance: City staff is available for follow-up assistance on any details of the project and you are welcome and encouraged to schedule a follow-up meeting to present more detailed information for comment prior to submitting formal applications. Please contact the planner listed below if you would like to discuss the project further.

Current Planning Review

Contact: Brian Burson, City Planner II, 970-962-2557, brian.burson@cityofloveland.org

1. Proposed Use/Overview of Property:

The application proposes to construct an addition to an existing two-family dwelling to convert it to a three-family dwelling. The two-family dwelling currently consists of separate structures, which is allowed by City code as a form of two-family dwelling. The proposed three-family dwelling would also be consistent with the City definition of a three-family dwelling.

The Concept Reviews applications contained limited information. It will be important to provide additional information before submitting formal applications.

Concept Review Meeting

2. Existing Zoning:

The property is currently zoned R3e – Existing High-density Residential, subject to conditions of approval for the annexation and subdivision, as found in pertinent City Council minutes of those approvals. (Copies available upon request.) The proposed uses are considered as uses by right in the R3e zone.

3. Comprehensive Plan:

The Comprehensive Plan recommends a land use of Medium-Density Residential (MDR) for this area, which supports residential development of 4-10 units per acre. Since the application proposes only one additional dwelling, staff believes that the proposal would be consistent with this recommendation. No amendment to the Comprehensive Plan will be necessary for the proposed use. This issue will also be part of the City's review and action on the lot area variance (see further comments below), and the ZBA may reach another conclusion. If not approved, the additional dwelling could not be approved by the City.

4. Annexation and/or Development Agreement:

There are no annexation or development agreements on file with the City for this site. Conditions of annexation were adopted by the City Council, at the time of those approvals. These conditions are contained in the City Council minutes of approval, and are considered legally binding on this property.

5. Approval Process/Applications Required:

Development of the property as described in the CR application would require a variance for the lot area (see further comments below), followed by a Site Development Plan, perhaps with limited content final Public Improvements Construction Plans (PICPs), Site Work Permit, and a Building Permit. Submittal checklists for these applications can be obtained from the City web-site, under the Development Services tab. Please be certain to use current checklists when preparing the applications. These applications can be reviewed and processed concurrently. It may be possible to waive/combine the Site Development Plan with the Building Permit submittal.

These processes are intended to be overlapping to save overall time for project review and approval, allowing commencement of project construction as quickly as possible. Timing/ staging of other steps of process is determined on a case-by-case basis, depending on a number of factors and criteria.

a. Variance: Based on City and county records, the lot area for this property is only 6,500 sq. ft. In the R3e zone, the normal minimum lot area is 7,000 sq. ft. for a three-family dwelling. Therefore, the lot area is not sufficient to meet the standards for the R3e zone. Approval of a variance for this non-compliant lot area is necessary. Much of the information needed for a variance application is also necessary for the Site Development Plan/ Building permit. The variance application should be submitted prior to submittal of the Site Development Plan/ Building Permit application.

b. Site Development Plan: A site development plan is required for development of the property. The site development plan must be submitted prior to submittal of the building permit application. The site development plan approves the site plan, landscape plan, architecture, and associated construction drawings.

c. Site Work Permit: A site work permit may be necessary to allow the construction of the on-site improvements, grading and utilities lines. After the first round of review of the site development plan, a customized site work permit will be provided by the city reviewers. The site work permit can be submitted and processed prior to or concurrently with the building permit, but must be approved prior to any site work occurring on the site.

d. Building Permit: Building must be submitted and approved prior to construction or alteration of the building or installation of any improvements. An estimate of City fees that are assessed with the building permit process can be requested by submitting an Estimate Request Form to the Building Division. Fee information can be found at on the City

Concept Review Meeting

web site at <http://www.cityofloveland.org/index.aspx?page=684> . Please note the following information is required to provide an accurate estimate: Total square footage of building; Occupancy type; Construction type; Lot size; Water tap size; and Electric service size.

6. Zoning Code/Subdivision Code/Site Development Standards:

Development of the property is governed by all applicable portions of Title 16, Title 18, and the Site Development Performance Standards and Guidelines, as well as the applicable provisions of SR # 423. The property is also subject to the design policies for the Hwy 34 Corridor Plan. The exact application of the Corridor Plan must be determined by discussions between the City and Applicant.

6a. Minimum lot area/dimensions:

As indicated above, the lot area does not meet the normal requirement for a three-family dwelling in the R3e zone. A variance is needed.

A minimum of 20% of the total lot area must be provided as useable open space to the residents. This cannot include the area devoted to landscape bufferyards or parking lot screening.

6b. Site/subdivision layout, including sidewalks, trails, roadways, circulation, environmentally sensitive areas:

A private sidewalk should be installed from the front door of each dwelling to the adjacent public sidewalk.

6c. Setbacks/minimum yards

The minimum building setbacks are as follows:

West: 15 feet to the dwelling portion of the structure and 20 feet from the adjacent sidewalk to any garage door. All open parking areas must provide 20 feet of clear space between the front of the parking space to the adjacent public sidewalk.

North: 1 foot of setback for every 5 feet of building height, with a minimum of 5 feet regardless

South: NA

East: 15 feet. The existing second dwelling is much closer than this, which leaves questions about how it was approved.

6d. Automobile & bicycle parking

Minimum parking is required at the rate of 2 spaces for each dwelling. These must be paved, and striped if appropriate. Alternative parking rates are sometimes possible, subject to the sole discretion of the Current Planning Manager. To seek alternative parking rate for the proposed use, written data and analysis from a qualified professional must be provided to the Current Planning Division as part of the development application.

If any of the units will be handicap accessible, one of the parking spaces must meet ADA and City standards for handicap parking.

Concept Review Meeting

7. Landscape Standards:

City landscape standards have four components, as follows:

a. Bufferyards:

North - No new landscape required for this development.

East – No new landscape required for this development.

South – No new landscape required for this development.

West - Type B, with parking lot screening if appropriate.

b. Parking lot screening:

If the parking is designed as a “parking lot”, parking lot screening is required. All parking lots must be screened from view of all adjacent streets, as provided in Section 4.07 of the Site Development Performance Standards and Guidelines (SDPSG). Screening can be achieved by landscape, landscaped berms, quality walls, or any combination of these. Parking lot screening must screen a least 2/3rds the length of any parking area, must achieve a minimum height of 3 feet within 3 years of initial planting, and must provide year-round screening. Immediate effectiveness is strongly preferred. If landscape is carefully chosen, it can be combined with the plants required for the bufferyards to avoid duplication.

c. Interior parking lot:

Not applicable to this development. If the west bufferyard is designed well, it can also provide some limited parking lot shading. Appropriate trees can be chosen to provide shade over the parking area. Trees and shrubs must be chosen to assure long term compatibility with adjacent parking spaces. Ornamental trees are not normally accepted as parking lot trees.

d. Building area/overall site:

Not applicable to this development.

e. A minimum of 75% of all landscaped area must consist of living plant material.

f. All landscaping must be installed or financial security provided to the city prior to the issuance of a certificate of occupancy for the building. All landscaping must have an automatic underground irrigation system.

8. Architectural standards:

Not applicable to this development. Architecture should be designed to be consistent with the existing property and other dwellings in the neighborhood.

9. Fences/walls:

Concept Review Meeting

All walls or fences must comply with the requirements of Section 4.09 of the SDPSG. This includes walls/fences that might be used for parking lot screening and screening of unsightly areas. The maximum height of walls/fences in the R3e zone is 6 feet above adjacent grade

10. Staff will be happy to meet with the applicant for follow-up discussions in any of these or related issues. These meetings normally occur on Thursday mornings between 830 am and noon. Please contact me to schedule these meetings.

Attachments:

-
-
-



Revised 10/7/2016

VARIANCE SUBMITTAL CHECKLIST

This checklist is required for variance requests to Title 18 standards of the Loveland Municipal Code. Please identify below which type of variance request is being submitted:

Indicate the type of Variance Requested:

Setback

Lot Dimensions

Open Space Percentage

Lot Area

Accessory Structure
Square Footage

Sign

Other, please describe: _____

APPLICATION CHECKLIST

Applicants must submit the following information, and verify by checking the adjacent boxes, in order for the application to be accepted. All information must be submitted electronically following the specifications listed in [Development Review Planning and Zoning Application Submittal Instruction Manual](#). Each file must be named according to the convention associated with each item.

- 1. **Filing Fee**
 - A. Complete and submit the Application Fee Worksheet, showing the fee calculation for the project:
<http://www.cityofloveland.org/home/showdocument?id=23108>
 - B. Check made payable to the City of Loveland, submitted upon verification of the fee by the Planning office.

File Name: **PZ# Fee Schedule.PDF**
- 2. **Application Checklist**

File Name: **PZ# Checklist.PDF**
- 3. **Application Form**

File Name: **PZ# Application.PDF**
- 4. **Vicinity map** identifying the project site within the neighborhood context, including the nearest major cross streets, scale and North arrow.

File Name: **PZ# Vicinity Map.PDF**
- 5. **List of Surface Owners** submitted prior to the required mailing. One copy of a list, certified by the Applicant, of the names and addresses of all surface owners of record of all properties as the names and addresses appear on the latest records of the Larimer County Clerk and Recorder. Refer to Chapter 18.05 Section 18.05.030.C for mailing radius. This list should be current within one month from the date of the required mailing.

File Name: **PZ# Mailing List.PDF**

- and would not adversely affect the neighborhood or other businesses within the vicinity in which the subject business is located; and
- C. The variance is the minimum necessary to permit the applicant to reasonably draw attention to its business.

For Electronic Message Signs only:

- D. The proposed area, setback and/or height of the electronic message sign module is the minimum required to be fully visible from the adjacent arterial or interstate roadway right-of-way;
- E. Traffic safety conditions will not be diminished by the increased square footage, increased height or decreased setback of the electronic message sign module; and
- F. There are no reasonable alternatives to the increased size, height, setback and/or design of the electronic message sign.

File Name: **PZ # Sign Justification.PDF**

If not included, please indicate the reason below:

CITY LINKS

Additional information regarding the City's development standards can be accessed through the following links:

Title 18 Zoning Standards of the Loveland Municipal Code:

<http://www.cityofloveland.org/modules/showdocument.aspx?documentid=72>

Site Development Performance Standards:

<http://www.cityofloveland.org/modules/showdocument.aspx?documentid=5006>



City of Loveland Variance Application

Project Name: _____

Indicate the type of Variance Requested:

- Setback Lot Dimensions Open Space Percentage
 Lot Area Accessory Structure Sign
 Other, please describe: _____

Legal Description of Property

Lot 3 Block 3 Subdivision ST. LOUIS

Address: 1001 1/2 E 2ND ST LOVELAND CO 80537

Applicant: (Company Name) TYLER FOLGER

Contact Person: TYLER FOLGER Phone: 970 308-0611 FAX: _____

Address: 2554 W. STUART ST City: FT. COLLINS State: CO Zip Code: 80526

Email Address: WORD OF MOUTH@FREE.COM

Consultant: (Engineer, Surveyor, Architect): CDS ENGINEERING

Contact Person: BOB GREENWALD /TREVOR Phone: (970) 667-8010 FAX: 667-8024

Address 1165 W. 2ND ST City: LOVELAND State: CO Zip Code: 80537

Owner: TYLER FOLGER

Contact Person: TYLER FOLGER Phone: 970 308-0611 FAX: _____

Address: 2554 W. STUART ST City: FT. COLLINS State: CO Zip Code: 80526

Email Address: WORD OF MOUTH@FREE.COM

Site Data

Land Use & Zoning

Existing Use: MULTI FAMILY

Existing Adjacent Use

Proposed Use: MULTI FAMILY

East Side: RESIDENTIAL South Side: STREET/RES

Existing Zoning: R-3e

West Side: OPEN/PARK North Side: ALLEY/RES

Lot Area: _____

Utility Service Provided by:

Water: CITY

Sewer: CITY

Electric: CITY

Acknowledgments:

I, as the applicant or representative of the applicant, hereby acknowledge that the application is correct and complete as per specifications of the attached information sheet and checklist.

A handwritten signature in black ink, appearing to read "TYLER FOLGER". It is written over a stylized oval shape.

Signature of Applicant/Owner

Date: 9/6/18

Justification Statement

The zoning code stipulates that the provisions of the code are to be regarded as the minimum provision necessary to protect public health, safety, comfort, morals, convenience, prosperity, and welfare. The applicant must demonstrate that anything less than the established minimums still provides for the purposes of the code and that there is adequate justification for the Board to look favorably on the request. The following justifications must be completed and submitted with the variance application.

1. Describe the unique circumstances or conditions that are particular to or related to the land or structure for which the variance is requested. The circumstances may include, but are not limited to, exceptional topographic conditions, the shape or dimensions of the property, or the existence of mature landscaping or natural features that impact the property;

Answer: (Setback Variance) The older existing building (1001 1/1 E. 2nd St) was built in 1920 and a foundation was set 5'1" from the property line. The other building on the property, from the same time, was set back 4'9" from the neighboring home as well. This has been a long established set back and has never been an issue or cause of contention between neighbors.

In permit # BP-16-00492, the setback was inspected with the new footing and foundation wall on 4/11/16, stating, "Setback & elevation is not changing from what is existing – Approved." See attached document #1. This is consistent with what was approved in this permit, and all documentation submitted, showing the setback at 5'1" on plot and building plans.

Answer: (Building Variance/Lot Area) The requirement to have 20ft length of off street parking would not be possible without the variance in setback that is being applied for in this request. So, without the granting of this variance, other variance requests would have to be submitted, causing possible safety issues for occupants of this building. This would also severely limit the usable space of this lot and

diminish the capacity of the occupants to enjoy the usable space that is currently provided.

2. Describe how the special circumstances are not the results of actions or inactions by the applicant or current property owner;

Answer: (Setback Variance) The set back is almost 100years old and is grandfathered in and approved via permit # BP-16-00492 and inspection of setback that was approved on 4/11/16 by the City of Loveland. None of these actions/inactions are the result of anything I have done.

Answer: (Building Variance/Lot Area) When calculating if I had enough land to add another dwelling unit I came up with 8457.15 feet² (See Document #2). Even if I was off on the exact calculation, I did not dream that I had 2,000sqft less than what seemed obvious as property boundaries. I am responsible for the landscaping, maintenance and care of the additional 2,000sqft, even though it is not counted as lot space. This seems excessive and unnecessary. This land still exists regardless of the fact that it is shown as 6,490sqft in County records. This is 2,000sqft of usable open space that is designed for the enjoyment of the residents.

3. Indicate how the strict interpretation and enforcement of the provisions of the Code would cause an unnecessary or undue hardship

Answer: (Setback Variance) A strict interpretation of the code would mean removing the foundation and all of the building above it. The roof and all structures below it would have to be removed including long standing areas of this building. It would destroy over \$100,000 worth of work and cost twice that to redesign and re-build. There would be no benefit to neighbors, or the neighborhood. The costs would cause foreclosure on my property and I would lose every penny I put into this beautiful house.

Answer: (Building Variance/Lot Area) Building the new building has blown away all budget I had many times over and the loans have incurred a lot of debt. I worked hard to build a structurally sound and aesthetically pleasing structure to live in with my family. I have since lost my family and without this variance, cannot afford to keep my house. I need this to be a multi-unit home just to afford the loan payments and keep everything I have worked so hard to build.

4. Explain how granting the variance is the minimum action needed to accommodate or alleviate the difficulty or hardship involved;

Answer: (Setback Variance) All other options would be incredibly costly and lead to major hardships. This variance would allow existing structures to remain without causing any issues with neighbors, the neighborhood or public concern. This is the best way forward for all parties involved.

Answer: (Building Variance/Lot Area) Every area of this house is designed to be two units, from the plumbing, HVAC, electrical and organization. Everything would need to be changed and re-drawn. This would be very time and money consuming. I'm only short 500sqft from not needing this variance at all, this is definitely the minimum action needed to alleviate the difficulty and hardship involved in this situation.

5. Describe why the approval of the variance would not substantially impact the reasonable use and enjoyment or development of other property in the vicinity of the subject land or structure;

Answer: (Setback Variance) Since the original buildings on this lot were within 5'1" and 4'9" respectively, there is no diminished use or enjoyment of this space that was, could be or would be used by allowing this variance. It was previously overgrown and weed infested. The area grew into the neighbors' property to the East and now the area is free of weeds and does not spread into their property to take care of. My neighbor to the North East (1012 E. 3rd St.) is extremely happy about the new building because it gives her privacy in her own

back yard and a shield from the noise of traffic from 1st street and the Chilson Center Parking lot. She brought us fresh baked cookies as a thank you every month over the winter when we were building. Many neighbors have commented on how nice the new building looks and how it helps all their property values and improves the appeal of the neighborhood.

Answer: (Building Variance/Lot Area) If this variance was not approved and ten more feet were taken from the east side of the building, it would not add usable space and would waste areas that would otherwise benefit from this space on the West side of the building. Utilities are easily put in this area and all access is open without the need of 10 additional feet.

The variance is only needed because there is an "imagined" lack of lot space, meaning the actual square footage that an occupant has at their disposal is far greater than what is on a Plot Plan. They have 2,000sqft more to enjoy than what is on city records. This property is also across the street from an open space and has no buildings for a significant distance to the West.

6. Indicate the zoning of the property and explain how the variance would not authorize a use in the zoning district that is specifically not permitted;

Answer: (Setback Variance) R3e. This is permitted in many situations and in almost every house on the street within a 500ft radius.

Answer: (Building Variance/Lot Area) R3e. This is permitted in high density residential areas (like this one) where the kind of proposed use is not outside the scope of the zoning.

7. Indicate if the property for which the variance is requested is subject to a special review and if so, how the variance would not waive or modify the requirements of any use approved by special review.

Answer: I do not know.



1 | Calculate your NPS Score - Simple, Customized Survey Tool

Qualtrics makes it easy to monitor, respond, and understand Customer Feedback. qualtrics.com/Qualtrics/NPS



2 | Get Earth & 360° View Maps Now - Enter Location For Earth Maps.

Enter Any Location. Get the MyEarthMap App. Get Earth & Satellite 360° Maps Now. myearthmaps.com



Output : Current Area

785.70 m² | 0.00 km² | 0.19 acres | 0.08 hectares | 8457.15 feet² | 0.00 square miles | 0.00 square na

Current Perimeter

122.865m OR 403.101feet

Document # 2

SITE PLAN

LOT 2 - BLK. 3,
ST. LOUIS ADDITION

----- = NEW BUILDING
ADDITIONS

NORTH HAYES AVENUE

60' R.O.W. (Paved Surface)

Concrete
M
Utility Pole With
Overhead Line (typ)
S89°45'24"W 43.02' M2
S89°51'50"W 48.06' 139 97'(M) - 40'(R) M2
S89°20'53"W 48.88' M2

Curb
Alley
SET
M1
Gravel Surface

S89°45'24"W 50'(R)
50.30'(C) M1
Fence ±0.7'
On Property

LOT 3 -
BLOCK 3

Concrete
Curb & Gutter
Curb & Gutter With Attached
Concrete Sidewalk

30'(R)
129.78'(C)

Concrete
Curb
Gravel Surface
Covered Porch
One Story Residence
(100' - 1/2 E. 2nd St.)
14.3' 21.5'
8.5' 6.2'
14.3' 16.4'
40.2' 14.4'
40.2' ±4.9'
±29.5' ±4.9'

LOT 4 - BLK. 3,
ST. LOUIS ADDITION



ORIGINAL SCALE: 1" = 20'
LINEAL UNITS USED:
U.S. SURVEY FEET
Initial Preparation Date: June 18, 2015

SET
N89°47'35"E 50.25'(C)
50'(R)
H2O Valve
Street Sign
Curb & Gutter With
Attached Concrete Sidewalk

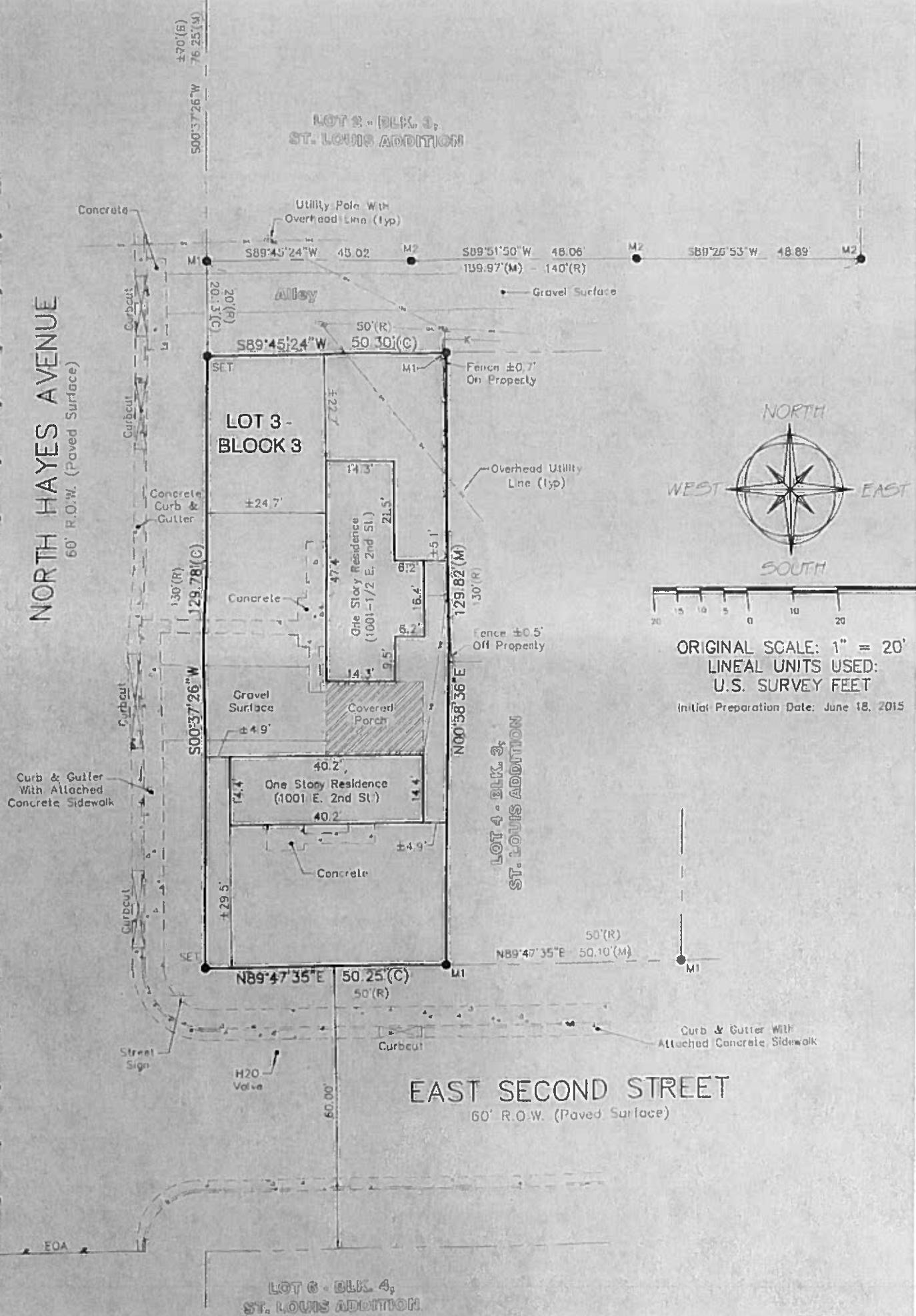
EAST SECOND STREET

60' R.O.W. (Paved Surface)

EOA

LOT 6 - BLK. 4,
ST. LOUIS ADDITION

NORTH HAYES AVENUE
60' R.O.W. (Paved Surface)

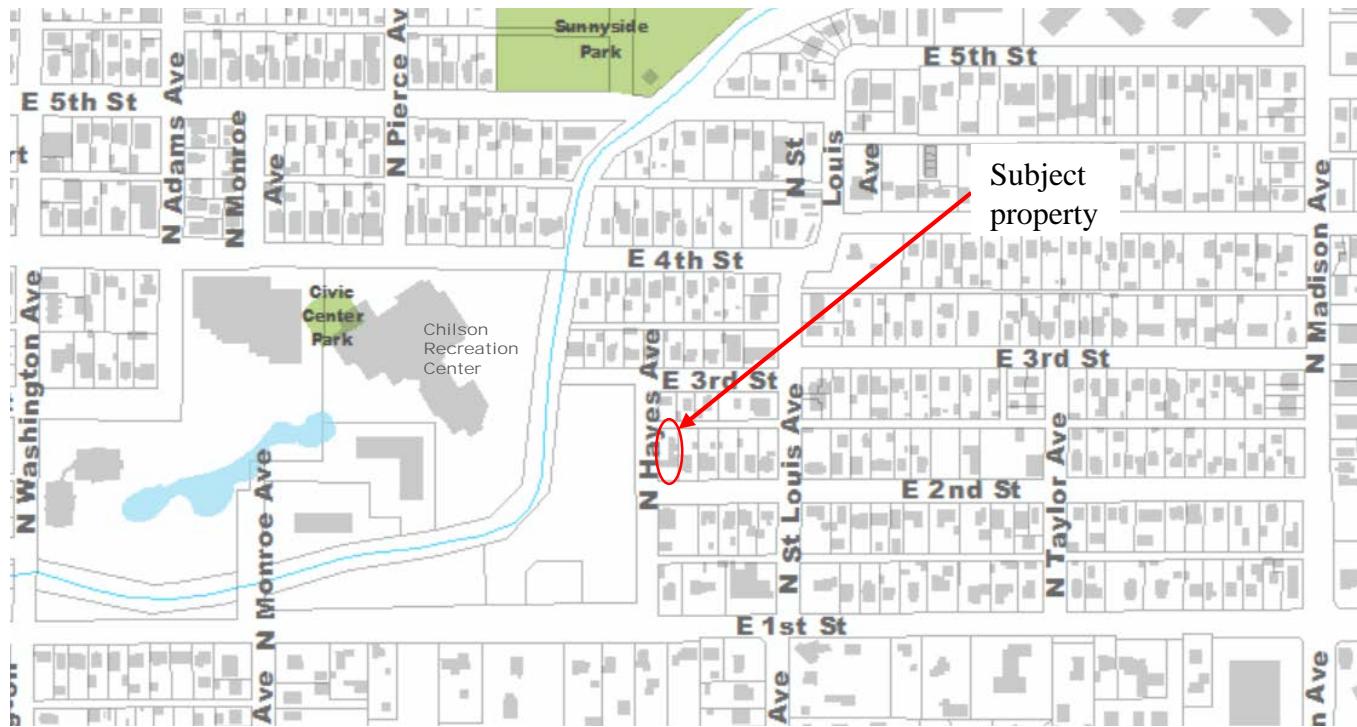


1001-1/2 East 2nd Street Variance Request

*Street-side setback reduction
Lot area square footage reduction*

Location

The property is located on the northeast corner of East 2nd Street and North Hayes Avenue. The property is zoned R3e-Established High-Density Residential.



This public hearing is to consider the following:

Street-side setback reduction

Required	Proposed
15ft (15'-0") to the property line	9ft-8in (9'-8") to the property line

Lot area square footage reduction

Required	Existing
7,000 square feet	6,490 square feet

Project background



Google view 2012

● 1920

The two detached single-family homes were constructed in 1920 at a different location.

● 1954

A building permit for the relocation of the two-single family homes is submitted to the city.

● June 2015

Applicant attends a Concept Review Meeting with a proposal to construct two duplexes (4 units).

● July 2015

Applicant attends a project meeting changing proposal to a three-family layout.

● March 2016

Applicant submits a building permit for a 266 square foot addition, to include one bedroom and one bathroom.

● August 2016

Site is **red tagged** for partially demolishing one of the single-family homes without a demolition permit.

● April 2018

Applicant attends a second Concept Review Meeting proposing to construct a duplex in place of the demolished home. Upon site inspection the duplex has already been constructed.

● April 2018

Site is **red tagged** for an expired permit and constructing a building that did not adhere to the original building permit plans.

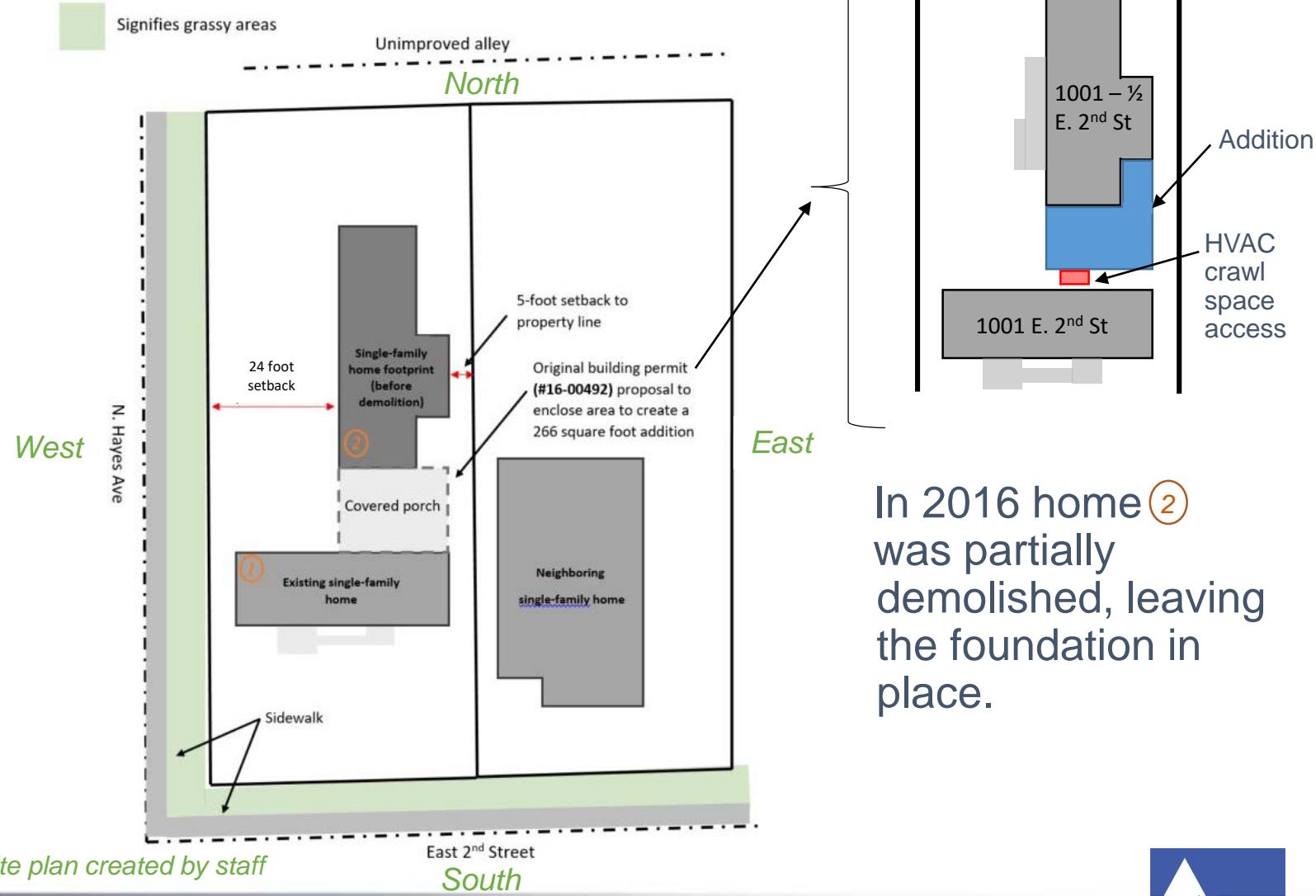
Variance highlights

- 1 Single-family home partially demolished without a building permit
- 2 Duplex built without the appropriate permit
- 3 Required site development plan and construction drawings have not been submitted
- 4 A building permit has not been submitted, technical details cannot be determined
- 5 Construction paused, building inspections discontinued and occupancy denied

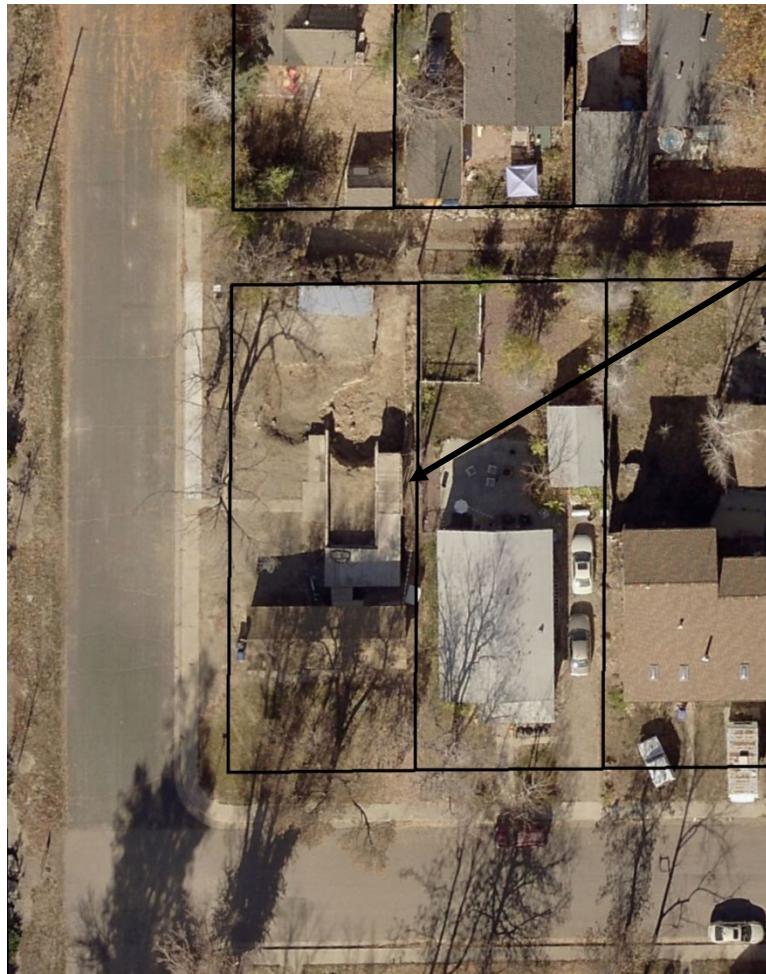


Current conditions

Previous site layout

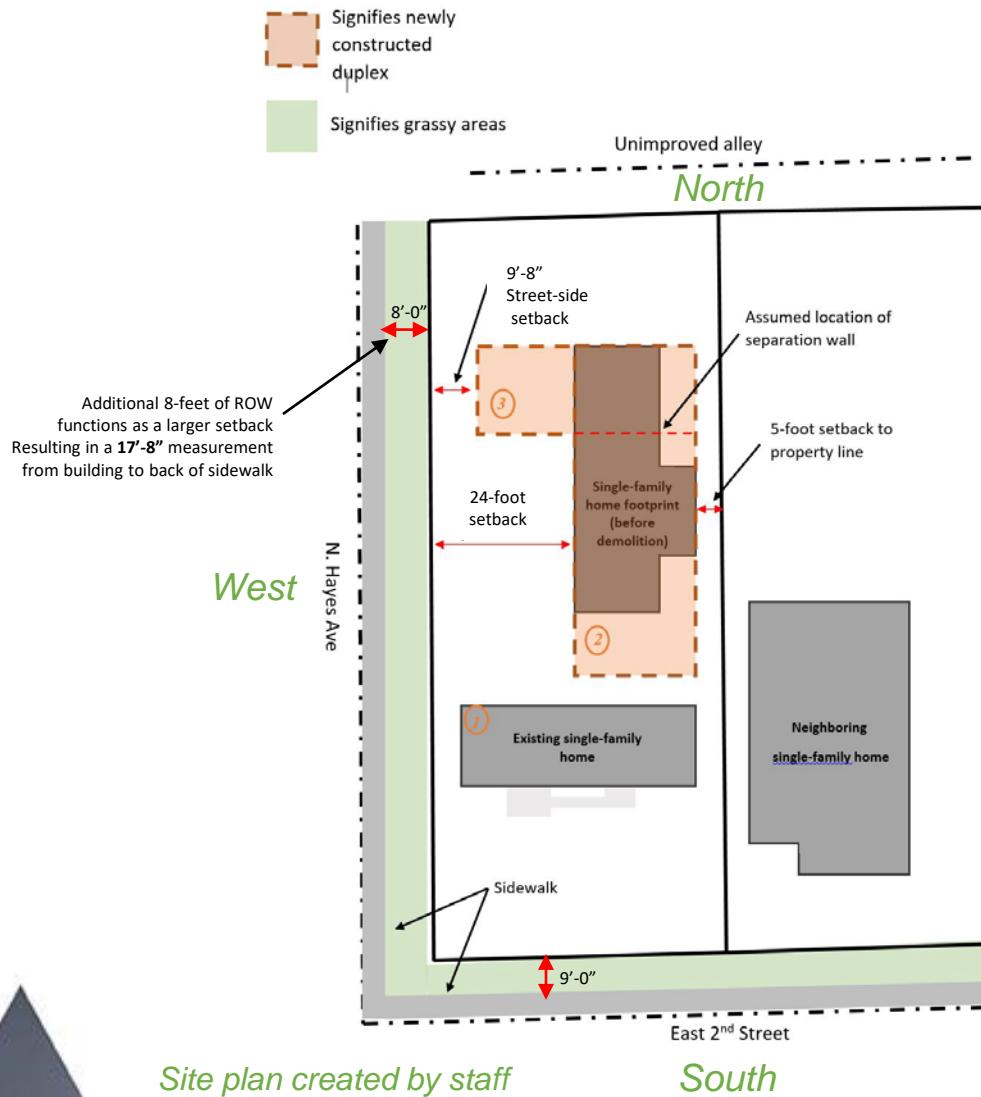


Site Aerial (captured partial demolition)



Foundation of original home located 5-feet from property line.

Current site layout



The municipal code requires a 15 foot street-side setback from building facade to the western property line.

Additional ROW functions as a larger setback.

1,490 Sq. Ft. of additional ROW depicts a larger lot area.

A multi-family structure layout performs adequately on site.

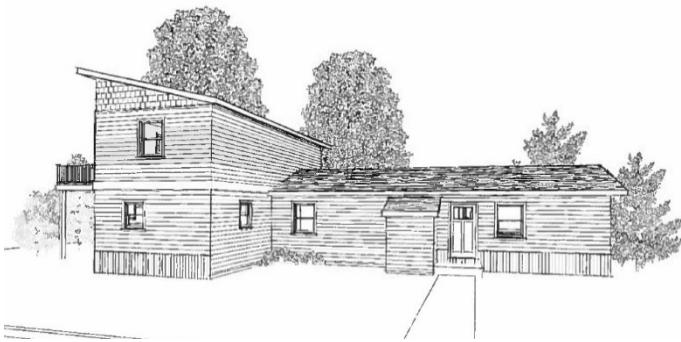
GIS Aerial (2016)



- Parcel
- Building footprints
- Sidewalk

Platting of this particular lot allows for both the street-side setback and lot area requirements to function

Building elevations



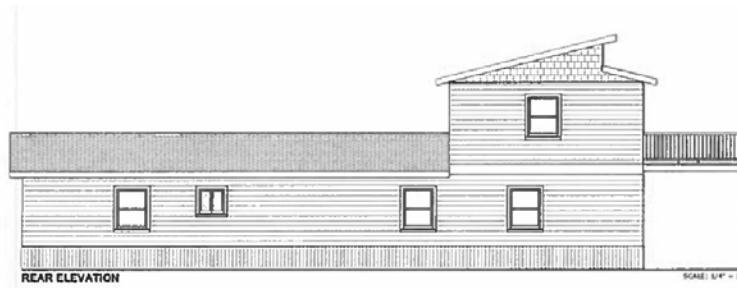
View from N. Hayes Ave



Front elevation (from N. Hayes Ave)



View from the alley (from the north side)



Rear elevation (from east property)

Building photographs

1



View from N. Hayes Avenue

2



View from the corner of N. Hayes Ave and E. 2nd St

3



View from N. Hayes Ave

4



View from E. 2nd St (Rear of building adjacent to neighboring lot)

Findings

Historic orientation of the lot

The duplex was constructed in a similar manner, preserving the historic orientation of the lot and location of the buildings.

Additional ROW

The lot was platted in a manner that allows it to function as a larger lot and gives the illusion of meeting the required street-side setback.

Positive impacts on the neighborhood

This is a positive impact on the neighborhood, the homes were in need of repair. The approval of the street-side setback does not affect the neighborhood.

Denial of the variances will result in a partial demolition of the duplex, this can be seen as a continued disturbance to the neighborhood.

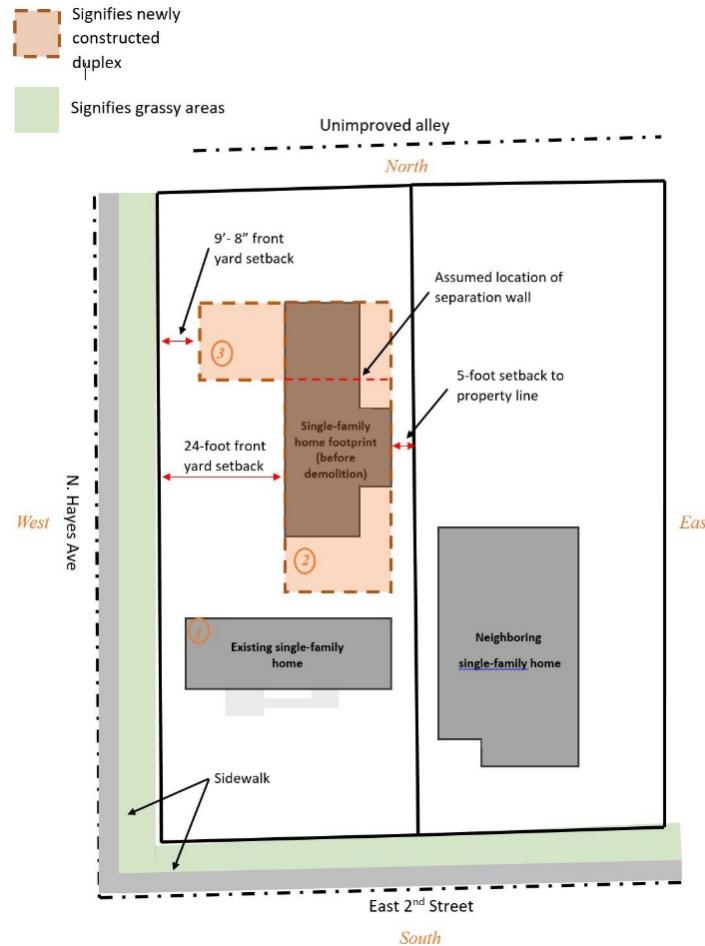


Current conditions

Staff recommends the following:

Approval of the two (2) requested variances

Approval will require the applicant to begin the city review process.



Recommended conditions:

 The applicant is to submit a building permit fee estimate request form.

Applicant expressed financial constraints as a hardship.

 The applicant will submit a site development plan and associated construction plans prior to the submittal of a building permit.

 The applicant will submit building permit plans and complete all required inspections



Current Planning Division

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

Planning Commission Staff Report

June 11, 2018

Agenda #: Regular Agenda - 1

Title: Hendricks First Addition (PZ 18-029)

Applicant: Lee Martin, Landmark Engineering

Request: **Annexation and Zoning (Conventional)**

Location: West Northwest of the intersection of HWY 287 and 19th Street SE

Comprehensive Plan Land Use

Designation: HDR – High Density Residential

Existing Zoning: FA - Farming

Proposed Zoning: R3 – Developing High Density Residential

Staff Planner: Jennifer Hewett-Apperson

Staff Recommendation

APPROVAL of the Annexation and Zoning.

Recommended Motions:

1. *Move to make the findings listed in Section VII of the Planning Commission staff report dated June 11, 2018, and, based on those findings, recommend that City Council approve the Hendricks First Addition subject to the conditions listed in Section VIII, and zone the addition to R3 – Developing High Density Residential.*

Summary of Analysis

The public hearing is to consider the following items:

- Annexation of 25.65 acres of property owned by North Loveland LLC and Derby Hill Baptist Church, and;
- Zone the property R3 – Developing High Density Residential to allow future development.

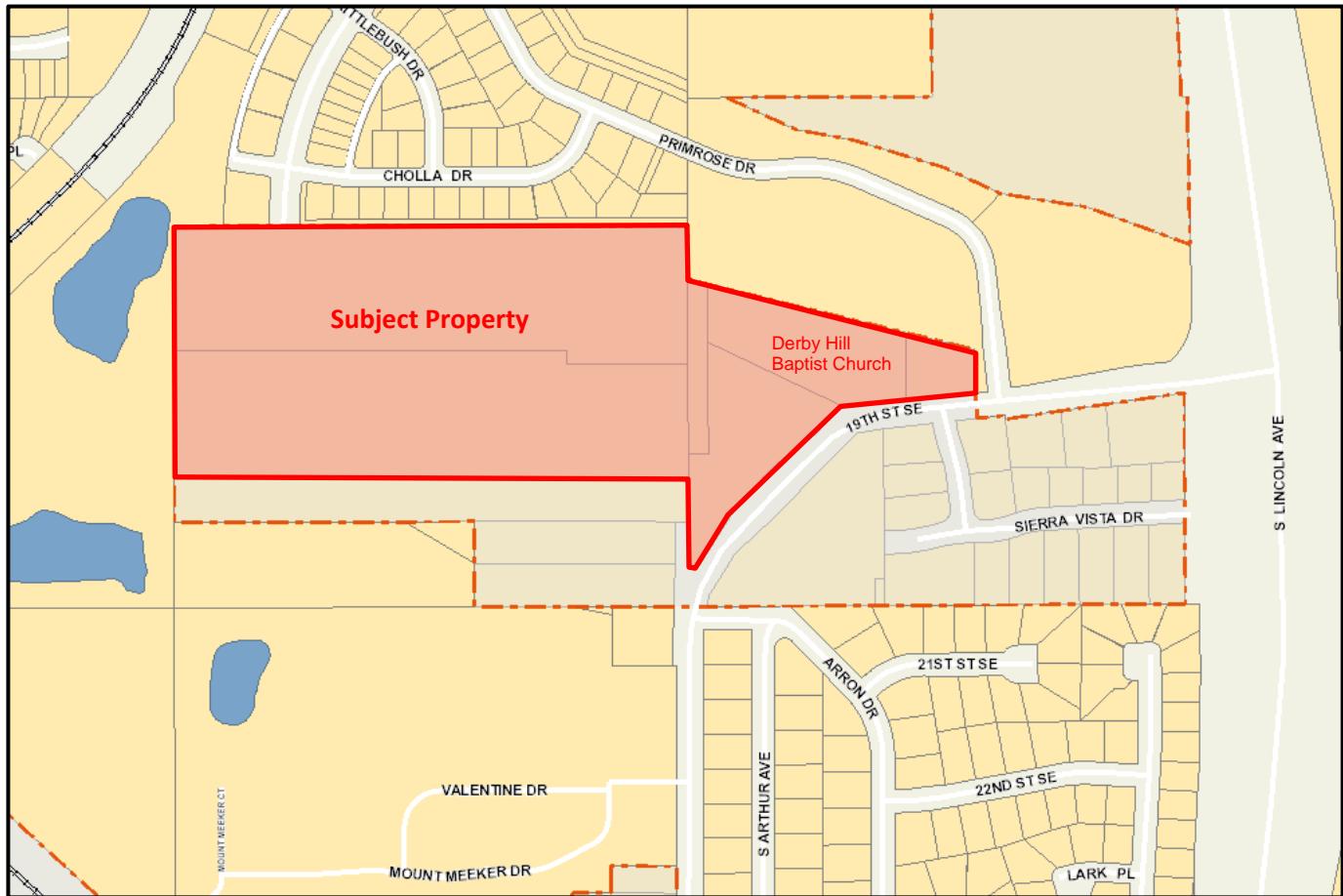
The proposal is to annex and incorporate the 25.65 acre property into the City for future residential development. This property is currently part of a county enclave, with the subject property surrounded by properties on the north, west and east sides that are within the jurisdiction of the City of Loveland.

Concerns regarding the annexation and future development of the property have been expressed by surrounding neighbors. These concerns generally include the higher density permitted by the R3 zoning district compared with many of the nearby single-family subdivisions and potential traffic impacts on the local road network.

I. SUMMARY

This proposal is to annex 25.65 acres of land owned by North Loveland LLC and Derby Hill Baptist Church and rezone from its current Larimer County designation of FA – Farming to R3 – Developing High Density Residential. The primary purpose in pursuing annexation/zoning is to allow future development of the property in a manner consistent with the City's Comprehensive Plan, relative to the High Density Residential (HDR) land use designation. Any necessary right-of-way for transportation improvements would be dedicated to the City as a condition of future development. From a utility perspective, the City has infrastructure (i.e. water, sanitary sewer, and electric) extended to this portion of Loveland and would be able to serve any future development.

Vicinity Map



Location/Land Use

The property is located west of the intersection of Hwy 287 and 19th Street SE. The property is part of a county enclave that is wholly surrounded by properties incorporated into the City of Loveland and constitutes a county enclave that can be annexed into the City of Loveland.

Site Characteristics

The property includes four buildings, two single family homes, an out building and a church. The properties utilize septic tanks and associated leach fields. The water source for the property is comprised of a groundwater well.

The property slopes to the north on its northern half to the north and northeast at varying degrees, but generally less than 20%. The southern and western portions of the property slope slightly to the west by 5% or less. There is a pond to the west of the property, with a pond easement on the northwestern corner of the property. There are no known wetlands, endangered species habitat or corridors on the site. Current access to the site is via 19th St. SE.

Annexation/Zoning

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

The zoning of the property occurs concurrently with its annexation, and the requested zoning for this property is R3 – Developing High Density Residential, which allows a variety of residential and supporting uses by right. In determining appropriate zoning for annexed land, the Create Loveland Comprehensive Plan, which is the City's vision for development, is the basis of the City's analysis. The Land Use Map of the Comprehensive Plan designates this area High Density Residential (HDR), which allows for an average density of 10 – 20 dwelling units per acre. The R3 zoning district is consistent with the Comprehensive Plan designation for this property.

Future Development Applications

The majority of this property is intended to be developed with residential uses, with the existing Derby Hill Baptist Church to remain. According to the applicant, additional details of the residential uses to be developed on the subject property are not known at this time. The applicant wishes to secure the annexation and zoning prior to preparing a specific development plan for the land. To develop the property with any of the permitted uses, the submittal of additional applications for staff review is required. A subdivision plat is needed to subdivide the property, a site development plan is needed for any multifamily residential or nonresidential uses, and a building permit is needed for structures.

Public improvement construction plans (PICPs) are also needed with future development applications to determine the location and provide designs for associated infrastructure. While the existing structures on the property obtain water from a private well and uses a septic system, the use of City water and sewer will be required with development. The property is currently in Xcel Energy's service area for power, but will become part of the City's service area on annexation. Most of the subject property drains naturally to Wernimont Pond, though future stormwater facilities will be determined at the time detailed development applications are submitted. The subject property is bordered by 19th Street SE. Future access will be from 19th Street SE and a future extension of Valency Drive.

II. KEY ISSUES

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

III. ATTACHMENTS

- A. Annexation Map
- B. Petition for Annexation & Zoning
- C. Applicant's Zoning Assessment

IV. SITE DATA

ACREAGE OF SITE GROSS	25.65 AC
MASTER PLAN DESIGNATION	HDR – HIGH DENSITY RESIDENTIAL
EXISTING ZONING	LARIMER COUNTY FA FARMING
PROPOSED ZONING	R3 – DEVELOPING HIGH DENSITY RESIDENTIAL
EXISTING USE	SINGLE-FAMILY RESIDENTIAL & CHURCH
PROPOSED USE.....	RESIDENTIAL & CHURCH
EXIST ADJ ZONING & USE - NORTH	PUD – SIERRA VALLEY (RESIDENTIAL) & MAC – MIXED USE ACTIVITY CENTER (GRACE COMMUNITY CHURCH) (CITY OF LOVELAND)
EXIST ADJ ZONING & USE - SOUTH.....	FA – FARMING (LARIMER COUNTY)
EXIST ADJ ZONING & USE - WEST.....	PUD – SIERRA VALLEY (CITY OF LOVELAND)/SINGLE FAMILY
EXIST ADJ ZONING & USE - EAST.....	R1 – RURAL ESTATE (LARIMER COUNTY)/ LARGE LOT SINGLE FAMILY
UTILITY SERVICE – WATER, SEWER	CITY OF LOVELAND UPON ANNEXATION
UTILITY SERVICE – ELECTRIC	CITY OF LOVELAND UPON ANNEXATION

V. BACKGROUND

- This parcel is a portion of a larger county enclave wholly surrounded by the City of Loveland. The subject property is surrounded by parcels within the City of Loveland on the north, west and east sides. Both the City of Loveland and Larimer County consider these enclaves to be problematic and encourage owners to seek annexation.
- The annexation and zoning applications under consideration were submitted in March 2018 to bring the subject property within the limits of the City of Loveland and designate City zoning.

VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** An affidavit was received from Lee Martin, Landmark Engineering, certifying that written notice was mailed to all property owners within 1,200 feet of the property on May 25, 2018, and notices were posted in prominent locations on the perimeter of the site at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on May 26, 2018. All notices indicated that the Planning Commission would hold a public hearing concerning the Hendricks First Addition on June 11, 2018.
- B. Neighborhood Response:** A neighborhood meeting was held at 6:00 p.m. on April 5, 2018, at the Derby Hill Baptist Church. The meeting was attended by approximately 31 neighbors and interested

parties along with City staff and the applicant. At the meeting, concerns were voiced regarding the proposed density of the property and traffic impacts from future development.

VII. FINDINGS AND ANALYSIS

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

Annexation/Zoning to R3 – Developing High Density Residential

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

4.1 Annexations shall promote quality developments.

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

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

- The zoning of the property as R3 – Developing High Density Residential is consistent with the Comprehensive Plan designation and will ensure that quality developments locate on the land.
- The land to be annexed is a portion of a county enclave.

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

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

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

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

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

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

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

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

- The annexation complies with the Intergovernmental Agreement with Larimer County to annex property within the City's GMA that are eligible for annexation.

4. Loveland Municipal Code, Section 17.04.040:

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

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

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

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

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

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

Fire: Staff believes that this finding can be met, due to the following 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 the Hendricks 1st Addition to the City will not negatively impact fire protection for the subject development or surrounding properties.

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

The subject annexation is situated within the City's current service area for both water and wastewater. There are existing properties within the annexation have City of Loveland water service (1901 S Garfield, 103 19th St SE, and 205-207 19th St SE.) There is also an additional water meter pit that is off and locked adjacent to 1901 S Garfield. The existing buildings are all on individual private septic systems.

The Department finds that:

- The annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2015 Comprehensive Master Plan.
- Public facilities are not available to serve the development and the conditions herein noted requires special conditions of the Developer of the subject annexation to extend water and wastewater mains to serve any future development within the annexation.

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

- 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.

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

- The annexation and zoning is consistent with the Department's Power Master Plan by being consistent with the 2016 Comprehensive Master Plan.
- Public facilities are available to serve the development.
- Upon completion of successful annexation, future development of the proposed annexation will be served power by the City of Loveland.

5. Loveland Municipal Code Section 18.04.010:

- Whether the zoning will lessen congestion in the streets; secure safety from fire, panic, and other dangers; promote health and general welfare; provide adequate light and air; prevent overcrowding of land; avoid undue concentration of population; and facilitate the adequate provision of transportation, water, sewage, schools, parks, and other public requirements.*
- Whether the character of the district and the particular uses permitted by right in the district will preserve the value of buildings and encourage the most appropriate use of land.*

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

- The provisions of the R3 zoning district accomplish the above. The use and development standards in City of Loveland Municipal Code will ensure that quality developments locate on the land.
- The request to allow residential uses as well as the existing church on the property is compatible with development in the surrounding area. Any following development applications submitted for the property, including plats of subdivision, public improvement construction plans, site development plans, and building plans will need to demonstrate compliance with zoning, building, fire, transportation, and infrastructure standards.

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

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

- A Mineral Extraction Evaluation Report was submitted as part of the application which determined that economical removal of sub-surface materials does not seem feasible due to the narrow configuration of the parcel, potential mining setback requirements and the location and quantity of easements and right-of-ways on the subject property.

VIII. RECOMMENDED CONDITIONS

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

Transportation:

1. All future development within the Hendricks 1st Addition shall comply with the Larimer County Urban Area Street Standards (LCUASS) adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of a 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, at no cost to the City, all necessary right-of-way for street facilities adjacent to, within or off-site as required by the adopted Transportation Plan.
3. The City of Loveland reserves the right to require and the owner(s) agree to dedicate in the future at no charge to the City a public street right-of-way for a collector street from existing Valency Drive on the north boundary to 19th Street S.E. as required by the adopted City of Loveland Transportation Plan. The right-of-way dedication shall occur with any future Subdivision/Site Development Plan application or at such time the City of Loveland deems the right-of-way necessary for future connectivity.

Water/Wastewater

4. At the time of development, the Developer shall submit to the City for review and approval a Water and Wastewater Impact Demand Analysis.
5. At the time of development, the Developer shall design and construct, unless designed and constructed by others, the following:
 - a. A new 24" water main (or size as determined by the current water master plan at the time) along 19th Street SE along the development's frontage (Tracts C, D, or E),
 - b. To serve development on Tracts A, B or C a new 12" water main from the current terminus at Valency Drive through the development to connect to the new water main in 19th St SE (noted above),

- c. To serve development on Tracts A, B or C a gravity wastewater main connecting to the current terminus at Valency Drive though the development,
 - d. To serve development on Tracts D or E a gravity wastewater main connecting to the current terminus at Primrose Drive to the site.
 - e. Any other water and/or wastewater improvements necessary for the development as noted in the Water and Wastewater Impact Demand Analysis.
6. Deferral of Water Rights -- Per Title 19.04.020 of the City's Code, water rights requirements shall be deferred until the time of development or redevelopment of the subject annexation as defined in this agreement. Per Application for Water Tap Outside City Limits, Reception No.192993, Dated May 4, 1977, there is a credit of 1 acre-foot of water rights for 103 19th St SE.
- f. Definition of development. For the purpose of this agreement, Development means any of the following:
 - i. Use of Land. The use of any building, structure, land, or water. This includes new uses or accessory uses, expansions of existing uses or accessory uses, and material changes to the operational characteristics of existing uses or accessory uses.
 - ii. Construction, Demolition, or Changes to Buildings or Structures. The demolition, construction, or modification of buildings or structures, except interior changes that do not increase floor area or residential density.
 - iii. Clearing, Grading, Re-Grading, Cutting, Filling of Land, and Other Disturbance or Alteration. Land clearing in anticipation of construction of infrastructure, structures, or buildings for non-agricultural purposes and re-construction or regrading of a previously approved site improvement, and any other disturbance of land, soil, vegetation, floodplains, or waterways, but not including agriculture, irrigation ditch or reservoir improvements or maintenance, gardening, or routine maintenance of landscape areas.
 - iv. Division, Subdivision, or Plat. Any division, subdivision, or platting of land for construction of infrastructure, structures, or buildings, for sale, or for lease, whether by metes and bounds, platting, or other technique.
 - g. Definition of redevelopment. For the purpose of this agreement, Redevelopment means renovation, modification, or reconstruction of a subject property in which:
 - i. More than 75 percent of the floor area of buildings on site are demolished and reconstructed; or
 - ii. The value of new building permits exceeds two times the appraised value of the existing land and improvements.

HENDRICKS FIRST ADDITION

BEING PARCEL 2 OF THE MAISCH EXEMPTION, LOT 1 OF THE AMENDED PLAT OF PARCEL 1 OF
THE MAISCH EXEMPTION, A PORTION OF THE NORTHEAST QUARTER OF SECTION 26, AND A
PORTION OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 69 WEST OF
THE 6TH P.M., LARIMER COUNTY, COLORADO.

Exhibit A

Hendricks Addition
Legal Description

Legal description of a parcel of land being a portion of the Northwest Quarter of Section 25 and a portion of the Northeast Quarter of Section 26, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Beginning at the West Quarter Corner of Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 335.79 feet to the TRUE POINT OF BEGINNING; thence North 89°48'03" West 222.49 feet, thence South 00°11'57" West 5.60 feet, to a point being a point on the South line of the North half of the South half of the Southeast Quarter of the Northeast Quarter of said Section 26; thence along said South line North 89°48'03" West 1107.67 feet to a point on the East line of Sierra Valley First Subdivision to the City of Loveland according to the plot on file in the office of the Clerk and Recorder said County; thence along said East line North 00°04'00" East 658.65 feet to a point on the South line of said Sierra Valley First Subdivision; thence along said South line South 89°52'28" East 1329.34 feet to a point on the West line of Grace Community Church First Subdivision to the City of Loveland according to the plot on file in the office of the Clerk and Recorder said County; thence along the West and Southerly lines of said Grace Community Church First Subdivision the following three courses and distances, South 00°02'33" East 137.40 feet; thence South 76°06'21" East 765.44 feet; thence South 00°20'26" East 114.10 feet; thence South 0513'15" East 75.04 feet to a point on the South right-of-way line of 19th Street Southeast; thence along said South right-of-way line the following courses and distances, South 84°23'38" West 243.52 feet; thence South 87°59'39" West 93.93 feet; thence South 44°58'39" West 215.00 feet; thence South 44°17'39" West 99.60 feet; thence South 47°34'39" West 135.90 feet; thence South 31°58'39" West 128.50 feet; thence South 11°02'39" West 29.99 feet to a point on the North line of Summit Addition to the City of Loveland according to the plot on file in the office of the Clerk and Recorder said County; thence along said North line North 89°52'21" West 18.59 feet to the True Point of Beginning. The above described parcel contains 27.293 acres more or less.

Legal Description
Tract A

Legal description of a parcel of land being a portion of the Northeast Quarter of Section 26, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Beginning at the West Quarter Corner of Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 853.15 feet to a point on the South line of Grace Community Church First Subdivision to the City of Loveland according to the plot on file in the office of the Clerk and Recorder said County; thence along said South line South 76°06'21" East 51.70 feet; to the TRUE POINT OF BEGINNING; thence continuing along said South line South 76°06'21" East 529.85; thence departing said South line South 00°00'23" East 177.48 feet to a point on the North right-of-way line of 19th Street Southeast; thence along said North right-of-way line South 83°52'33" West 166.31 feet; thence departing said North right-of-way line, North 64°28'45" West 386.93 feet; thence North 00°03'50" East 155.75 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 2.355 acres more or less.

The above described parcel contains 9.601 acres more or less.

Legal Description
Tract B

Legal description of a parcel of land being a portion of the Northeast Quarter of Section 26, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Beginning at the West Quarter Corner of Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 330.19 feet to a point on the South line of the North half of the Southeast Quarter of the Northeast Quarter of said Section 26; thence along said South line North 89°48'03" West 1330.18 to a point on the East line of Sierra Valley First Subdivision to the City of Loveland according to the plot on file in the office of the Clerk and Recorder said County; thence along said East line North 00°04'00" East 326.90 feet to a point on the South line of said line of Sierra Valley First Subdivision; thence along said South line South 89°52'28" East 1329.34 feet to a point on the West line of Grace Community Church First Subdivision to the City of Loveland according to the plot on file in the office of the Clerk and Recorder said County; thence along said West line North 00°00'23" East 362.64 feet; thence departing said West line, North 89°49'28" West 315.01 feet to a point on the West line of the Northwest Quarter of said Section 25; thence along said West line South 00°00'23" East 292.13 feet; to the TRUE POINT OF BEGINNING.

The above described parcel contains 10.245 acres more or less.

Legal Description
Tract C

Legal description of a parcel of land being a portion of the Northwest Quarter of Section 25, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being:

Lot 1, Amended Plat of Parcel 1 of the Maisch Exemption.

Being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 105.68 feet to the TRUE POINT OF BEGINNING; thence continuing along said West line North 00°00'23" West 747.47 feet to a point on the South line of Grace Community Church First Subdivision to the City of Loveland according to the plot on file in the office of the Clerk and Recorder said County; thence along said South line South 76°06'21" East 51.70 feet; thence departing said South line, South 00°03'50" West 155.75 feet; thence South 64°28'45" East 386.93 feet to a point on the North right-of-way line of 19th Street Southeast; thence along said North right-of-way line the following five courses and distances, South 43°51'37" West 99.18 feet; thence South 52°28'37" West 136.70 feet; thence South 42°13'37" West 150.00 feet; thence South 32°32'37" West 173.80 feet; thence South 89°29'37" West 27.67 feet; to the TRUE POINT OF BEGINNING.

The above described parcel contains 2.860 acres more or less.

Legal Description
Tract D

Legal description of a parcel of land being a portion of the Northwest Quarter of Section 25, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being:

Parcel 2 of the Maisch Exemption.

Being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 853.15 feet to a point on the South line of Grace Community Church First Subdivision to the City of Loveland according to the plot on file in the office of the Clerk and Recorder said County; thence along said South line South 76°06'21" East 51.70 feet; to the TRUE POINT OF BEGINNING; thence continuing along said South line South 76°06'21" East 529.85; thence departing said South line South 00°00'23" East 177.48 feet to a point on the North right-of-way line of 19th Street Southeast; thence along said North right-of-way line South 83°52'33" West 166.31 feet; thence departing said North right-of-way line, North 64°28'45" West 386.93 feet; thence North 00°03'50" East 155.75 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 2.355 acres more or less.

Legal Description
Tract E

Legal description of a parcel of land being a portion of the Northwest Quarter of Section 25, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 853.15 feet to a point on the South line of Grace Community Church First Subdivision to the City of Loveland according to the plot on file in the office of the Clerk and Recorder said County; thence along said South line South 76°06'21" East 51.70 feet; to the TRUE POINT OF BEGINNING; thence continuing along said South line South 76°06'21" East 183.89 feet to a point on the West line of said Grace Community Church First Subdivision; thence along said West line, South 00°20'26" East 114.10 feet to a point on the North right-of-way line of 19th Street Southeast; thence along said North right-of-way line South 83°52'33" West 180.20 feet; thence departing said North line, North 00°00'23" West 177.48 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 0.598 acres more or less.

Legal Description
Right-of-Way
19th Street Southeast

Legal description of a parcel of land being a portion of the Northwest Quarter of Section 25, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto, said point being the True Point of Beginning; thence along said West line North 00°00'23" West 105.68 feet to a point on the North right-of-way line of 19th Street Southeast; thence along said North right-of-way line the following six courses and distances, North 89°29'37" East 27.67 feet; thence North 32°32'37" East 173.80 feet; thence North 42°13'37" East 150.00 feet; thence North 52°28'37" East 136.70 feet; thence North 43°51'37" East 99.18 feet; thence South 83°52'33" East 346.51 feet; thence departing said North right-of-way line South 0513'15" East 75.04 feet to a point on the South right-of-way line of said 19th Street Southeast; thence along said South right-of-way line the following seven courses and distances, South 84°23'38" West 243.52 feet; thence South 87°59'39" West 93.93 feet; thence South 44°58'39" West 215.00 feet; thence South 44°17'39" West 99.60 feet; thence South 47°34'39" West 135.90 feet; thence South 31°58'39" West 128.50 feet; thence South 11°02'39" West 29.99 feet; thence departing said South right-of-way line North 89°52'21" West 18.59 feet to the True Point of Beginning.

The above described parcel contains 1.375 acres more or less.

OWNERS
NORTH LOVELAND, LLC
6661 ARAPAHOE ROAD, STE. 2
BOULDER, COLORADO 80303

OWNERS
DERBY HILL BAPTIST CHURCH
207 19TH STREET S.E.
LOVELAND, COLORADO 80537

CONSULTANT
LANDMARK ENGINEERING LTD.
3521 W. EISENHOWER BLVD.
LOVELAND, CO 80537

ANNEXATION DATA TABLE

TOTAL BOUNDARY PERIMETER OF THIS ADDITION = 5716.55 FEET
TOTAL BOUNDARY CONTINUITY = 3098.56 FEET
MINIMUM LENGTH OF BOUNDARY TO MEET 1/6 CONTINUITY = 950.90 FEET
1/6 TOTAL PERIMETER = 1:1.84
PRESENT CITY LIMITS OF LOVELAND = 
CONTIGUOUS BOUNDARY OF LOVELAND = 

SURVEYOR'S CERTIFICATE:

I, Erik J. Snyder, a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the annexation map shown hereon is a reasonably accurate depiction of the parcel of land legally described herein and, to the extent described herein, that at least one sixth (1/6) of the peripheral boundary of said parcel is contiguous to the boundary of the City of Loveland, Colorado. The map was compiled using existing plats, deeds, legal descriptions, and other documents and is not based on the field survey nor should it be construed as a boundary survey.

Dated this _____ day of _____, 2018.

Snyder Land Surveying Inc.

By: _____

Erik J. Snyder
Colo. L.S. 38555

The foregoing instrument was acknowledged before me this _____ day of _____, 2018, by Erik J. Snyder.

Witness my hand and official seal

My commission expires: _____

Notary Public

MAYOR'S CERTIFICATE:

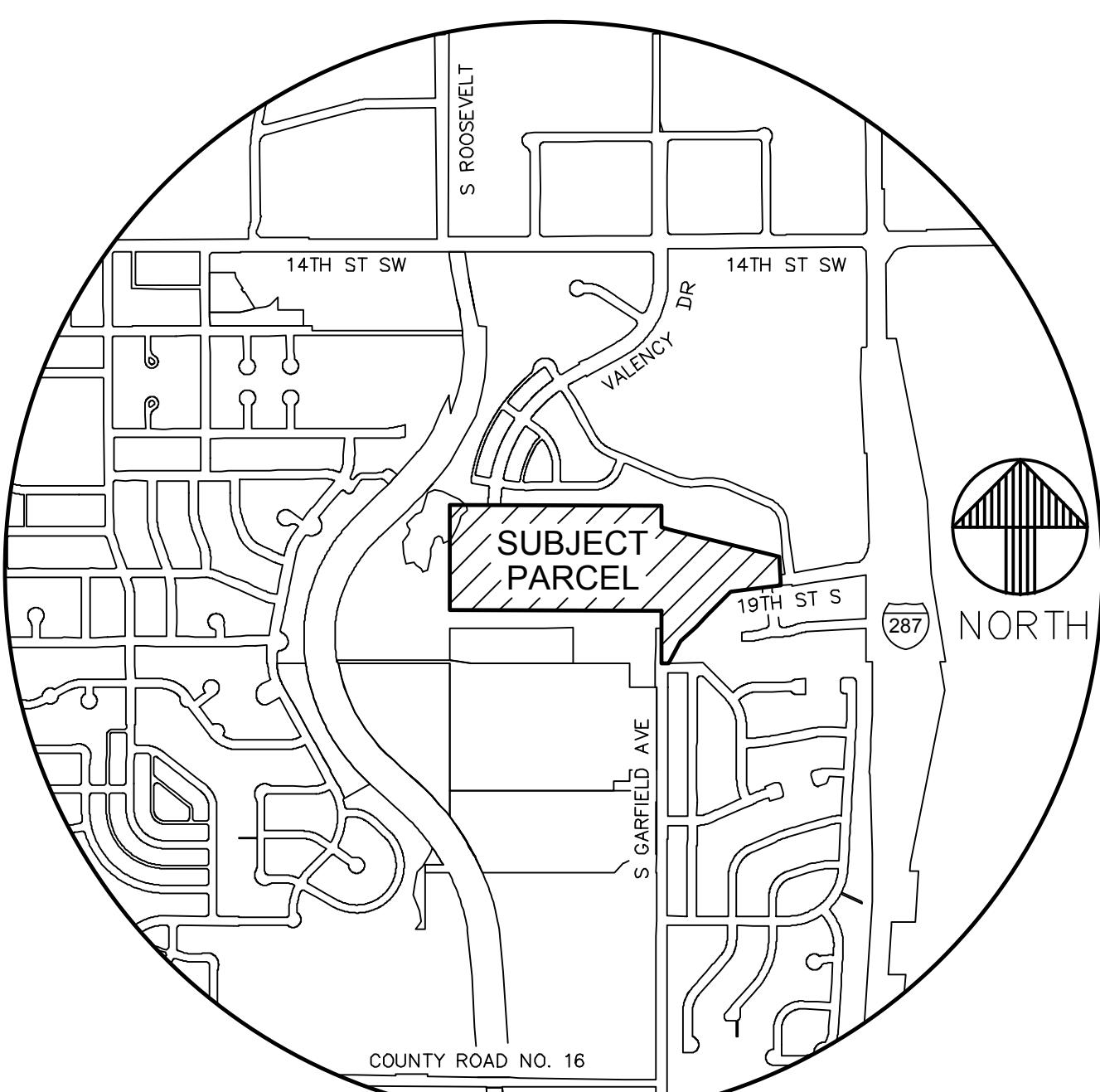
This map is approved by the City Council of the City of Loveland, Larimer County, Colorado by Ordinance No. _____, passed on second reading on this _____ day of _____, 2018, for filing with Clerk and Recorder of Larimer County.

By: _____ Mayor

Attest: _____ City Clerk

GENERAL NOTES

1. This project is subject to an Annexation Agreement which has been recorded in the Real Property records of the Office of the Larimer County Clerk and Recorder.
2. Basis of Bearings:
Assumed the West line of the Northwest Quarter of Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto, being monumented as shown hereon.



VICINITY MAP
1" = 2000'

REVISIONS	By	Date

DESCRIPTION	

Landmark	Engineering Architects Geotechnical
3521 W. Eisenhower Blvd., Loveland, CO 80537	www.landmarkcd.com
(970) 667-6220	Fax (970) 667-6258

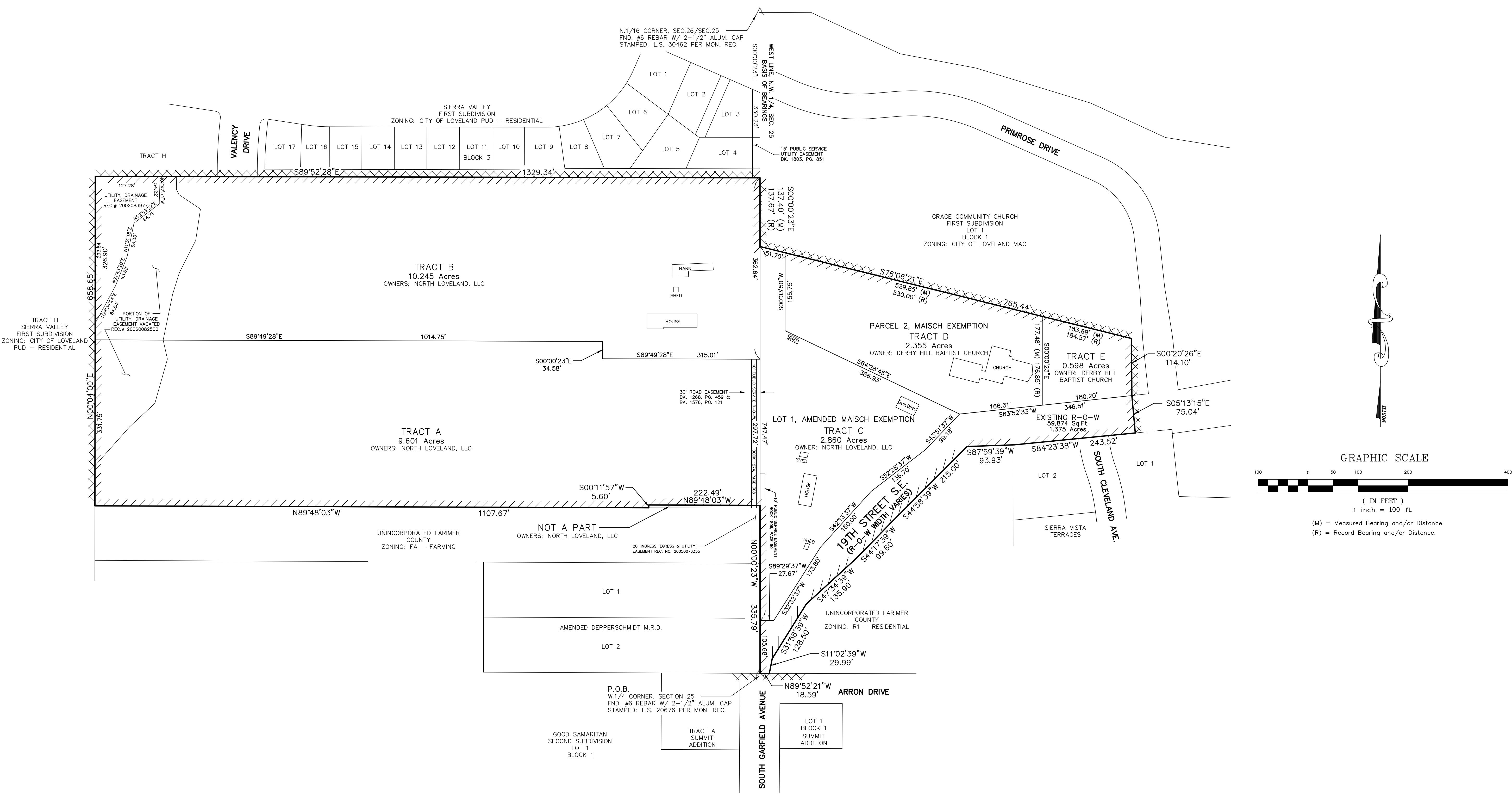
DATE: FEB., 2018
SCALE: 1"=100'
DRAWN: J.S.G
CHECKED: E.J.S.
APPROVED: E.J.S.

CLIENT: HENDRICKS DEVELOPMENT, LLC
TITLE: HENDRICKS FIRST ADDITION CITY OF LOVELAND, COLO.

JOB NO.: HENDRD 17L1A01

HENDRICKS FIRST ADDITION

BEING PARCEL 2 OF THE MAISCH EXEMPTION, LOT 1 OF THE AMENDED PLAT OF PARCEL 1 OF
THE MAISCH EXEMPTION, A PORTION OF THE NORTHEAST QUARTER OF SECTION 26, AND A
PORTION OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 5 NORTH, RANGE 69 WEST OF
THE 6TH P.M., LARIMER COUNTY, COLORADO.



CITY OF LIVELAND, CULU.

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 Hendricks First Addition and in support of said Petition, the petitioners allege that:

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

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

15. Petitioner represents that: (Check one)

- No part of the property to be annexed is included within any site specific development plan approved by Larimer County, Colorado.
- A site specific development plan has been approved by Larimer County, Colorado, which has created a vested right.

IN WITNESS WHEREOF, I/we have executed this Petition for Annexation this 5th day of

March, 2018.

W.M. A.
Petitioner/Owner's Signature

425 Forest Street
Address

Denver, CO 80220
City State Zip

Petitioner/Owner's Signature

N.F.
Address

City State Zip

STATE OF COLORADO)
COUNTY OF LARIMER)ss
)

The foregoing signature was acknowledged before me this 5th day of March, 2018, by
Margaret A Hendricks.

Witness my hand and official seal.

My commission expires: October 12 2020

DIMITRINKA TRIFONOVA NOTARY PUBLIC STATE OF COLORADO NOTARY ID 2016403890 MY COMMISSION EXPIRES OCTOBER 12, 2020
--


Notary Public

Attorney Certification

I, Richard V. Lopez #21373, an attorney licensed to practice in the State of Colorado, hereby certify that I have examined the records of the Clerk and Recorder of Larimer County, Colorado and have verified that the signers of this Annexation Petition for the area referred to as the Hendricks First Addition to the City of Loveland are the owners of real property in the area proposed for annexation. Furthermore, I certify that said owners own more than 50% of the land area, exclusive of street and alleys, as said area is described on Exhibit A of said Annexation Petition.

ANNEXATION AND ZONING APPLICATION

Project Name: Hendricks First Addition Proposed Zoning: R-3		
PROJECT		
Narrative Description of Project, including purpose and other pertinent information:	The owners of the Hendricks First Addition, which is part of an enclave entirely surrounded by portions of the City of Loveland, wish to annex the land to allow for its development. Please see attached application materials for additional information.	
Existing Legal Description of Property Boundary (Lots, Blocks, Tracts and Subdivision Name, or Metes & Bounds):	Please see attached.	
Address of Existing Buildings or Property:	1901 S. Garfield; 103 19th St. SE; 207 19th St. SE	
APPLICANT INFORMATION		
OWNER'S REPRESENTATIVE (CONTACT PERSON)		
Company: Landmark Engineering	Name: Lee Martin, RLA	Phone: 970-667-6286 Fax:
Address: <u>3521 W. Eisenhower Boulevard</u>		
City, State: <u>Loveland, CO</u>		Zip Code: <u>80537</u>
Email Address: <u>LMartin@LandmarkLtd.com</u>		
CONSULTANT		
Company: Landmark Engineering	Name : Lee Martin, RLA	Phone: 970-667-6286 Fax:
Address: <u>3521 W. Eisenhower Boulevard</u>		
City, State: <u>Loveland, CO</u>		Zip Code: <u>80537</u>
Email Address: <u>LMartin@LandmarkLtd.com</u>		
CONSULTANT		
Company:	Name :	Phone: Fax:
Address: _____		
City, State: _____		Zip Code: _____
Email Address: _____		
CONSULTANT		
Company:	Name :	Phone: Fax:
Address: _____		
City, State: _____		Zip Code: _____
Email Address: _____		

OWNER		
Company : North Loveland LLC	Name : Meg Hendricks	Phone: 720-261-9781 Fax:
Address: <u>6661 Arapaho Rd, Ste 2</u>		
City, State: <u>Boulder, CO</u>		Zip Code: <u>80303</u>
Email Address: <u>Hendricks.Meg@icloud.com</u>		
SITE		
Site Use and Zoning		Existing Adjacent Zoning and/or Use
Existing Use: Agricultural / Vacant		North Side: PUD & MAC
Proposed Use: Residential		South Side: FA - Farming (County)
Existing Zoning: FA - Farming (County)		West Side: PUD
		East Side: R1 - County
Other Information		Acreage of Site
Number of Units Existing: <u>2</u>		Gross: <u>27.293</u>
Number of Units Proposed: <u>TBD</u>		Right-of-Way: <u>1.375</u>
Number of Lots Proposed: <u>TBD</u>		Net: <u>25.918</u>
Non-Residential Bldg. Area (Sq. Ft.) Proposed: <u>TBD</u>		Utility Services Provided by
Total Number of Parking Spaces: <u>TBD</u>		Water: City of Loveland
		Wastewater: City of Loveland
		Electric: City of Loveland
FEMA FLOODPLAIN		
Is any portion located in a FEMA floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		* If Yes, please submit legal description
DESIGNATION OF OWNER'S REPRESENTATIVE		
The undersigned owner(s) agree(s) that (please print name)		
Landmark Engineering, Ltd. represents the undersigned in all matters pertaining to this project, including subsequent modifications to the application.		
Owner Signature: <u>Meg HES</u> Date: <u>3/5/18</u>		
ACKNOWLEDGMENTS		
I, as the Owner or Owner's Representative, hereby acknowledge that the application is correct and complete as per the specifications in the submittal checklist.		
Owner or Owner's Representative		
Signature: _____ Date: _____		
Printed Name: _____		

PETITION FOR REZONING – DRAFT –

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

(1) 1901 S. Garfield Ave. and 103 19th Street SE (see Exhibit A – Tracts A, B & C, Hendricks First Addition)

from (2) Larimer County FA-Farming

District as zoned at present, to

(3) R3 – Residential

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

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

North Loveland LLC

6661 Arapaho Rd, Ste 2

Boulder, CO 80303

YES – Signer is the record owner of this parcel. The land is within the property described above.

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

STATE OF COLORADO)
)ss
COUNTY OF LARIMER)

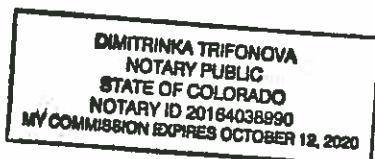
(5) Margaret Anne Hendricks, the affiant, being first duly sworn, upon oath depose(s) and say(s): that affiant was the circulator of the above and foregoing petition; that the signatures on said petition were signed in affiant's presence; and that they are the signatures of the persons they purport to be

(6)

Subscribed and sworn to before me this 5th day of March, 2018.

Witness my hand and official seal.

My commission expires: October 12 2020



Notary Public

400 S. Colorado Blvd, Glendale, 80246

Address

NOTE: If additional sheets are needed in order to record more signatures, the Circulator's Affidavit should be placed at the end of the last signature sheet, in the same form.

FOOTNOTES AND GENERAL INSTRUCTIONS:

1. Insert here the description as set forth in the need to the petitioners, and the street address thereof, if specific lots or parcels of land are to be rezoned. If a large area is to be rezoned, the outside boundaries of the area to be rezoned should be set forth. If additional space is needed, attach additional sheets.
2. Insert the name of the zoning district in which the described property is located.
3. Insert the name of the zoning district in which the petitioners desire to have the described property placed.
4. Insert the word "Yes" if the Signer is the record owner of any parcel of property located within or partly within the area of the property located within or partly within the area of the property proposed for rezoning, or if the Signer is the record owner of property either immediately adjacent in the rear of the property proposed for rezoning and extending one hundred (100) feet from the street frontage of such property. Otherwise, insert the word "No".
5. Insert the name of the person who circulated the Petition.
6. The Circulator's Affidavit must be signed by the Circulator before a Notary.
7. Filing fee must be paid when the Petition is filed.
8. The original and two (2) signed copies of the Petition must be filed with the City Clerk at least thirty (30) days prior to the regular meeting of the Planning Commission at which the Petition is to be considered and heard.
9. All Petitions for Rezoning must be filed in accordance with the provisions of Chapter 16.08 of the Loveland Municipal Code. All Petitions for Rezoning must be filed at least thirty days prior to the meeting at which they are to be heard or considered, as further provided in Chapter 16.08. Review the applicable provisions of Title 16 and 18 of the Loveland Municipal Code, prior to filing the Petition.

Legal Description
Tract A
Assessor Parcel Number 95261-00-002

Legal description of a parcel of land being a portion of the Northeast Quarter of Section 26, Township 5 North, Range 69 West of the 6th P.M. County of Larimer, State of Colorado being more particularly described as follows:

Beginning at the West Quarter Corner of Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 335.79 feet to the TRUE POINT OF BEGINNING, thence North 89°48'03" West 222.49 feet, thence South 00°11'57" West 5.60 feet, to a point being a point on the South line of the North half of the South half of the Southeast Quarter of the Northeast Quarter of said Section 26; thence along said South line North 89°48'03" West 1107.67 feet to a point on the East line of Sierra Valley First Subdivision to the City of Loveland according to the plat on file in the office of the Clerk and Recorder said County; thence along said East line North 00°04'00" East 331.75 feet; thence departing said East line South 89°49'28" East 1014.75 feet; thence South 00°00'23" East 34.58 feet; thence South 89°49'28" East 315.01 feet to a point on the West line of the Northwest Quarter of said Section 25; thence along said West line South 00°00'23" East 292.13 feet; to the TRUE POINT OF BEGINNING.

The above described parcel contains 9.601 acres more or less.

Legal Description
Tract B
Assessor Parcel Number 95261-00-027

Legal description of a parcel of land being a portion of the Northeast Quarter of Section 26, Township 5 North, Range 69 West of the 6th P.M. County of Larimer, State of Colorado being more particularly described as follows:

Beginning at the West Quarter Corner of Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 330.19 feet to a point on the South line of the North half of the South half of the Southeast Quarter of the Northeast Quarter of said Section 26; thence along said South line North 89°48'03" West 1330.18 to a point on the East line of Sierra Valley First Subdivision to the City of Loveland according to the plat on file in the office of the Clerk and Recorder said County; thence along said East line North 00°04'00" East 331.75 feet to the TRUE POINT OF BEGINNING; thence continuing along said East line North 00°04'00" East 326.90 feet to a point on the South line of said line of Sierra Valley First Subdivision; thence along said South, South 89°52'28" East 1329.34 feet to a point on the West line of Grace Community Church First Subdivision to the City of Loveland according to the plat on file in the office of the Clerk and Recorder said County, said point also being a point on the West line of the Northwest Quarter of said Section 25; thence along said West line South 00°00'23" East 362.64 feet; thence departing said West line, North 89°49'28" West 315.01 feet; thence North 00°00'23" West 34.58 feet; thence North 89°49'28" West 1014.75 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 10.245 acres more or less.

Legal Description
Tract C
Assessor Parcel Number 95252-07-001

Legal description of a parcel of land being a portion of the Northwest Quarter of Section 25, Township 5 North, Range 69 West of the 6th P.M. County of Larimer, State of Colorado being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 105.69 feet to the TRUE POINT OF BEGINNING; thence continuing along said West line North 00°00'23" West 746.84 feet to a point on the South line of Grace Community Church First Subdivision to the City of Loveland according to the plat on file in the office of the Clerk and Recorder said County; thence along said South line the following 2 courses and distances South 76°07'58" East 51.57 feet; Thence South 00°00'24" East 1.49 feet; thence departing said South line, South 00°03'13" East 154.03 feet; thence South 64°29'41" East 386.47 feet to a point on the North right-of-way line of 19th Street Southeast; thence along said North right-of-way line the following five courses and distances, South 43°44'16" West 99.22 feet; thence South 52°31'34" West 136.44 feet; thence South 42°12'53" West 149.06 feet; thence South 32°35'20" West 174.74 feet; thence South 89°33'49" West 27.79 feet; to the TRUE POINT OF BEGINNING.

The above described parcel contains 2.860 acres more or less.

Legal Description
Proposed Lot D
Assessor Parcel Number To Be Determined

Legal description of a parcel of land being a portion of the Northeast Quarter of Section 26, Township 5 North, Range 69 West of the 6th P.M. County of Larimer, State of Colorado being more particularly described as follows:

Beginning at the West Quarter Corner of Section 25 and considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°00'23" West and with all bearings contained herein relative thereto; thence along said West line North 00°00'23" West 335.79 feet to the TRUE POINT OF BEGINNING, thence North 89°48'03" West 222.49 feet, thence South 00°11'57" West 5.60 feet, to a point being a point on the South line of the North half of the South half of the Southeast Quarter of the Northeast Quarter of said Section 26; thence along said South line South 89°48'03" East 222.51 feet; to the TRUE POINT OF BEGINNING.

The above described parcel contains 1,246 square feet more or less.

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 Hendricks First Addition and in support of said Petition, the petitioners allege that:

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

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

15. Petitioner represents that: (Check one)

- No part of the property to be annexed is included within any site specific development plan approved by Larimer County, Colorado.
- A site specific development plan has been approved by Larimer County, Colorado, which has created a vested right.

PETITION FOR REZONING – DRAFT –

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

(1) 207 19th Street SE, Loveland, CO (see Exhibit A – Tracts D & E, Hendricks First Addition)

from (2) Larimer County FA-Farming District as zoned at present, to

(3) R3 – Residential District; and that the said Planning Commission and City Council consider this petition and amend Title 18 of the Loveland Municipal Code, changing the zoning of the above described property as petitioned for above. ALL PERSONS WHOSE SIGNATURES ARE AFFIXED HERETO STATE AND REPRESENT TO THE BEST OF THEIR KNOWLEDGE, INFORMATION AND BELIEF THAT THE ABOVE DESCRIBED REAL PROPERTY DOES NOT CONTAIN A "COMMERCIAL MINERAL DEPOSIT" AS DEFINED BY SECTION 34-1-302(1), CRS, AS AMENDED.

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

Derby Hill Baptist Church

207 19th Street SE

Loveland, CO 80537

YES – Signer is the record owner of this parcel. The land is within the property described above.

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

STATE OF COLORADO)
)ss
COUNTY OF LARIMER)

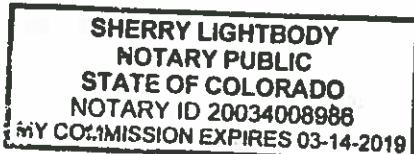
(5) David J. Herre, the affiant, being first duly sworn, upon oath depose(s) and say(s): that affiant was the circulator of the above and foregoing petition; that the signatures on said petition were signed in affiant's presence; and that they are the signatures of the persons they purport to be.

(6) David J. Herre

Subscribed and sworn to before me this 5 day of March, 2018.

Witness my hand and official seal.

My commission expires: _____



Sherry Lightbody
Notary Public
935 Old Meadow
Address
Loveland Co 80537

IN WITNESS WHEREOF, I/we have executed this Petition for Annexation this 5 day of

March, 2018.

D. D. H.
Petitioner/Owner's Signature

207 19th St SE
Address

Loveland, CO 80537
City State Zip

Petitioner/Owner's Signature

Address

City State Zip

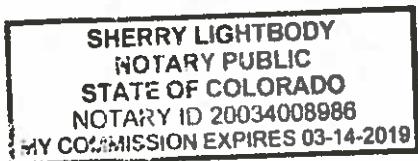
STATE OF COLORADO)
COUNTY OF LARIMER)ss
)

The foregoing signature was acknowledged before me this 5 day of March, 2018 by

David Herre.

Witness my hand and official seal.

My commission expires: _____



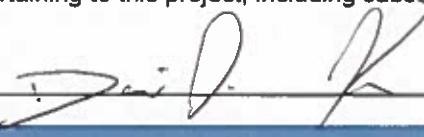
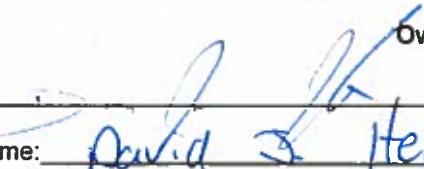
Sherry Lightbody
Notary Public

Attorney Certification

I, Richard V. Lopez #21373, an attorney licensed to practice in the State of Colorado, hereby certify that I have examined the records of the Clerk and Recorder of Larimer County, Colorado and have verified that the signers of this Annexation Petition for the area referred to as the Hendricks First Addition to the City of Loveland are the owners of real property in the area proposed for annexation. Furthermore, I certify that said owners own more than 50% of the land area, exclusive of street and alleys, as said area is described on Exhibit A of said Annexation Petition.

ANNEXATION AND ZONING APPLICATION

Project Name: Hendricks First Addition Proposed Zoning: R-3		
PROJECT		
Narrative Description of Project, including purpose and other pertinent information:	The owners of the Hendricks First Addition, which is part of an enclave entirely surrounded by portions of the City of Loveland, wish to annex the land to allow for its development. Please see attached application materials for additional information.	
Existing Legal Description of Property Boundary (Lots, Blocks, Tracts and Subdivision Name, or Metes & Bounds):	Please see attached.	
Address of Existing Buildings or Property:	1901 S. Garfield; 103 19th St. SE; 207 19th St. SE	
APPLICANT INFORMATION		
OWNER'S REPRESENTATIVE (CONTACT PERSON)		
Company: Landmark Engineering	Name: Lee Martin, RLA	Phone: 970-667-6286 Fax:
	Address: 3521 W. Eisenhower Boulevard	
City, State: Loveland, CO		Zip Code: 80537
Email Address: LMartin@LandmarkLtd.com		
CONSULTANT		
Company: Landmark Engineering	Name: Lee Martin, RLA	Phone: 970-667-6286 Fax:
	Address: 3521 W. Eisenhower Boulevard	
City, State: Loveland, CO		Zip Code: 80537
Email Address: LMartin@LandmarkLtd.com		
CONSULTANT		
Company:	Name:	Phone:
	Fax:	
Address:		
City, State:		Zip Code:
Email Address:		
CONSULTANT		
Company:	Name:	Phone:
	Fax:	
Address:		
City, State:		Zip Code:
Email Address:		

OWNER		
Company : Derby Hill Baptist Church	Name :	Phone: Fax:
Address: <u>207 19th Street SE</u>		
City, State: <u>Loveland, CO</u>		Zip Code: <u>80537</u>
Email Address:		
SITE		
Site Use and Zoning		Existing Adjacent Zoning and/or Use
Existing Use: Agricultural / Vacant		North Side: PUD & MAC
Proposed Use: Residential		South Side: FA - Farming (County)
Existing Zoning: FA - Farming (County)		West Side: PUD
		East Side: R1 - County
Other Information		Acreage of Site
Number of Units Existing: 2		Gross: 27.293
Number of Units Proposed: TBD		Right-of-Way: 1.375
Number of Lots Proposed: TBD		Net: 25.918
Non-Residential Bldg. Area (Sq. Ft.) Proposed: TBD		Utility Services Provided by
Total Number of Parking Spaces: TBD		Water: City of Loveland Wastewater: City of Loveland Electric: City of Loveland
FEMA FLOODPLAIN		
Is any portion located in a FEMA floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No		* If Yes, please submit legal description
DESIGNATION OF OWNER'S REPRESENTATIVE		
The undersigned owner(s) agree(s) that (please print name)		
Landmark Engineering, Ltd. represents the undersigned in all		
matters pertaining to this project, including subsequent modifications to the application.		
Owner		
Signature:  Date: <u>03/05/2015</u>		
ACKNOWLEDGMENTS		
I, as the Owner or Owner's Representative, hereby acknowledge that the application is correct and complete as per the specifications in the submittal checklist.		
Owner or Owner's Representative		
Signature:  Date: <u>3/05/2015</u>		
Printed Name: <u>David S. Herre</u>		

March 2018

Hendricks First Addition Rezoning Assessment

The proposed zoning for the Hendricks First Addition is R-3 – High Density Residential. Responses to the City's five criteria for rezoning the property follow.

- 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.

LMC § 18.04.010: 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.

As discussed in the Land Use Map Consistency analysis, the R-3 zoning designation complies with the planned High Density Residential use that has been in place for several years (at least since the 2005 Comprehensive Plan was adopted). By implementing this small portion of the 2015 Comprehensive Plan, the above goals are realized for the properties to be annexed and rezoned.

- 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.

Any proposed development of the subject property will incorporate adequate buffers between conflicting land uses. The most significant potential compatibility concern may be with existing homes in the Sierra Valley neighborhood to the north of the property, particularly if the Hendricks Property is developed with apartments or townhomes. A setback width of 100' has been proposed along the northern property line for any use other than single-family detached residential homes and duplexes. Please refer to the Site Inventory Map / Conceptual Site Plan within this application for additional details.

- 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.

Existing city utility infrastructure is expected to accommodate the proposed development. Both water and sewer are in place north of the subject property, and are sized accordingly. Streets through the property (Valency Drive) and adjacent to the property (19th Street SE) will be improved, subject to Site Development Plans submitted in future applications.

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.

The proposed R-3 zoning is consistent with the 2015 Comprehensive Plan. Please refer to discussion in the Land Use Map Consistency analysis submitted with this application.

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 ultimate composition of development to be proposed on the property is unknown at this time; however, the City's Development Plan process is intended to identify any potential issues that may arise, such that these may be mitigated through design. The health, safety, and welfare of existing neighborhoods and general public will not be affected.