**LOVELAND PLANNING COMMISSION MEETING**
**AGENDA**
**Monday, July 22, 2019**
**500 E. 3rd Street – Council Chambers**
**Loveland, CO 80537**
**6:30 PM**

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**LOVELAND PLANNING COMMISSIONERS: Patrick McFall (Chair), Michael Bears, Jeff Fleischer, Rob Molloy, David Hammond, Milo Hovland, Susan Peterson, and Deborah Tygesen.**

**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, August 12, 2019 Agenda Preview**
   - i. **Taft Rezoning – PH**
   - ii. **Savannah Industrial Site - Conditional Use - PH**
2. **Highway 34 Upgrades**
3. **Planning Commission meeting time: Is 6:30 start still agreeable?**

**A. City Attorney's Office Updates**

**B. Committee Reports:**

**C. Commission Comments**

## III. APPROVAL OF MINUTES

**Review and approval of the July 8, 2019 meeting minutes**

## IV. REGULAR AGENDA

### 1. Mineral Addition Zoning Document – Troy Bliss – Public Hearing

This is a public hearing item that involves a Zoning Document Amendment for one non-residential lot in the Mineral Addition Planned Unit Development (PUD). The vacant, one-acre lot is one of two non-residential lots in the 30-lot Mineral Addition that is located along the east side of South Taft Avenue immediately north of Carlisle Drive and to the south of First Street. The lot is addressed as 691 Split Rock Drive and is adjacent to Carlisle Drive.

The requested Zoning Document Amendment, which is equivalent to a zone change, would expand the use allowance for the lot to include a restaurant with a drive-through facility; allowed uses currently include specified commercial and office uses but does not allow the requested use. The proposed use is a Ziggi's Coffee Cafe, which is a newer prototype (for Ziggi's) that includes an interior cafe component. Should the amendment be approved, the proposed Ziggi's Cafe would be allowed to proceed through the City's Site Development Plan review and Building Permit review processes.

Staff believes that key issues have been resolved and that the request meets the applicable criteria for a zone change. The role of the Planning Commission is to conduct a public hearing and to forward a recommendation to the City Council for final action.

### 2. Wireless Telecommunications & UDC Amendments – Public Hearing

This is a public hearing item that involves amendments to the Municipal Code. Staff is requesting that the Planning Commission provides a recommendation to City Council for adoption of the City of Loveland Wireless Communications Code located in Title 14 of the Loveland Municipal Code, and associated amendments to the Unified Development Code (Title 18) and Title 13 of the Loveland Municipal Code regarding pole attachments.

The Wireless Communications Code consolidates existing code provisions that address wireless telecommunications with new provisions relating to small cell wireless facilities in the public rights-of-way. This code adoption is in response to state legislation and FCC regulations regarding small cell wireless facilities. The City is now required to permit small cell wireless facilities to be deployed in the public rights-of-way, with limited regulation by the City. The purpose of the new code is to regulate such wireless communications facilities to the extent the City is permitted. Specifically, the code requires that providers comply with the City's design standards, sign a master license agreement, and comply with other requirements to protect public health, safety and welfare.

## V. 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 center podium upon direction from the Chair. 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 agrees 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 in response to criteria specified in adopted plans and codes, and serve to guide zoning and annexation decisions. Relevant criteria and 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.**

# CITY OF LOVELAND
# PLANNING COMMISSION MINUTES
# July 8, 2019

A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on June 10, 2019 at 6:30 p.m. Members present: Chairman McFall; and Commissioners Bears, Hovland, Molloy, and Tygesen. Members absent: Commissioners Fleischer, Hammond, and Peterson. City Staff present: Robert Paulsen, Current Planning; Laurie Stirman, Assistant City Attorney; Lisa Rye, Planning Commission Secretary.

*These minutes are a general summary of the meeting. A complete video recording of the meeting is available for two years on the City's web site as follows:* https://loveland.viebit.com/

## CITIZEN REPORTS

There were no citizen reports.

## CURRENT PLANNING UPDATES

1. **Robert Paulsen, Current Planning Manager,** provided a preview to the agenda for the Monday, July 22nd Planning Commission meeting. The items coming before the Commission are the Wireless Telecommunications Code and UDC Amendments, and the Mineral Addition Zone Change, both of which will be public hearings.

2. **Mr. Paulsen** announced that the Planning Commission currently has one vacancy. He urged anyone that is interested to contact him. Applications will be accepted through the end of the enrollment period, which closes on July 31, 2019.

## CITY ATTORNEY'S OFFICE UPDATES

**Laurie Stirman, Assistant City Attorney,** noted there is nothing to report.

## COMMITTEE REPORTS

**Commissioner Hovland,** Zoning Board of Adjustment (ZBA) hearing officer, reported that so far this year there has been one hearing in April and four in June. It appears that more variance requests will be processed this year. **Mr. Paulsen** stated that with the adoption of the Unified Development Code on January 1, 2019, allowances for setbacks have changed administratively, which will cause an increase in the number of variances processed. **Commissioner McFall** requested that an email be sent to commissioners, asking for volunteers to serve as substitute ZBA hearing officer.

## COMMISSIONER COMMENTS

**Commissioner Molloy** asked if the City has approved the newly proposed internet service. **Mr. Paulsen** answered that the Loveland City Council has approved bond funding for the fiber-optic broadband project "Pulse", which will be available to Loveland's residents and businesses. The City will begin establishing the infrastructure for the project soon.

**Commissioner McFall** asked for further information regarding possible upgrades to Highway 34 when funding becomes available. **Mr. Paulsen** responded that he is unable to speak regarding this, but he will contact the City Transportation Department and ask for an update through a presentation at a future meeting or a written report for the Planning Commission.

## APPROVAL OF THE MINUTES

***Commissioner Hovland** made a motion to approve the **June 10, 2019** minutes; upon a second from **Commissioner Bears,** the minutes were approved unanimously.*

## REGULAR AGENDA

### 1. Raw Water Study – Informational Item

**Project Description:** In April of 2019, Water Division staff completed a water use study titled: "Summary of Indoor vs. Outdoor Water Use Study Summary". Water Division staff has been asked to provide a summary of the findings of the study as the cost of residential water rights has an effect on the cost of residential development and ultimately on housing.

**Nathan Alburn, Water and Power Department – Water Resource Team,** discussed water rights and explained that prior appropriation is used in Colorado, which means that the first to divert from the river becomes the highest priority for water use. The city owns two main types of water rights, including native diversions, which come directly from the Big Thompson River, and trans-basin diversions from the western side of the Continental Divide through a tunnel that flows into Lake Estes. As the city grows, more water rights are required.

**Mr. Alburn** discussed the cost of water rights and the impact on housing costs. The current CBT price is around $40,000 - $50,000 per unit, with a unit being approximately one acre-foot. One house uses approximately .5 acre-feet, and approximately $18,640 in water rates based on the current cash-in lieu price. Since 2010, there has been a steady increase in the cost of water rights. **Mr. Paulsen** pointed out that the cost of water rights can translate to a large amount of money that developers must pay before they are able to build housing projects.

**Mr. Alburn** explained that the main purpose of the study was to analyze the current water use of

residential developments. The two key goals of the study were to analyze residential structures built after low flow fixtures were mandated in 1994 and 1997, and to analyze the current trends of water users within the City of Loveland. Data from 2008 to 2017 was analyzed and indoor and outdoor water usage was calculated for three main types of dwelling units: Single Family Detached, Single Family Attached, and Multi-Family. Based on the study, the staff determined the potential water rights required for each of the three types of dwelling units. Water usage was observed, system loss factors were calculated, vacancies were accounted for, and 99% confidence interval was applied to the sample data.

**Mr. Alburn** presented the main findings of the 2008-2017 Water Use Study, which showed that indoor water usage per dwelling unit has decreased for all analyzed types, and that outdoor water usage per lot has decreased for all types of analyzed housing developments. The study also revealed that single-family detached units, on average, use substantially more water for both indoor and outdoor use than other types of dwellings within the analyzed data set. Finally, staff recommends updating the residential water rights requirement to be more in line with the observed water usage trends. It is also recommended that a table showing water rights calculations to be added to the municipal code, specific to different dwelling unit, which includes the new category of Cottage Homes and Micro Homes.

**Commissioner McFall** stated that he understands that there will be a savings to developers, but asked how it can be guaranteed that the developer will pass that savings onto the homebuyer. **Mr. Alburn** responded that we cannot force them to lower their price, but allows the developer to be more competitive in their pricing.

**Mr. Alburn** concluded that this information will be presented to the Loveland Utilities Commission on July 17th, followed by a City Council 1st reading on August 6th, and finally a City Council 2nd reading on August 20th.

## COMMISSIONER COMMENTS:

**Commissioner Molloy** stated that he believes the Planning Commission supports the information in the presentation. Commissioner McFall agreed that if it would be helpful, he would like to show support in the form of a motion.

***Commissioner Molloy*** *moved to support the information presented to the Planning Commission as it moves onto the next level with the Loveland Utilities Commission.* ***Commissioner Hovland*** *seconded the motion.*

*The motion was unanimously approved.*

## 2. Taft Rezoning– Public Hearing

**Item Description:** The City is initiating the rezoning of seven (7) R1e-Established Low Density Residential lots to B-Developing Business. The proposed B zoning district represents a more

appropriate designation under current and future conditions. The B zoning designation is also compatible with surrounding uses and development patterns. The public hearing is to consider a rezoning of parcels which include Lots 1-4, East Sprenger Addition (rezoning from R1e to B) and Lots 1-3, Block 1, Moline Subdivision (rezoning from R1e to B).

The seven (7) properties are City-owned parcels that will be directly affected by the widening of N. Taft Avenue as this is planned to expand up to 40 feet onto these existing lots. The widening project is estimated to begin in 2022 and has been a City-planned project for over 20 years.

**Commissioner McFall opened the public hearing at 7:20 p.m.**

**Ms. Emily Tarantini, Current Planning**, described the subject property, which is located on the NW corner of W. 12th Street and North Taft Avenue. A commercial business area is located north of the property, as well a massage therapy business and a 1st Bank. Existing single-family homes are located to the east, west, and south of the property. Ms. Tarantini stated that seven lots are small, and total approximately 1.89 acres, which are currently all zoned R1e – Established Low Density Residential. The proposed zoning is B-Developing Business, which would match the existing zoning that exists north of the property.

**Ms. Tarantini** stated that rezoning is related to the widening project of N. Taft Ave, which has been a City project for over 20 years, and will help reduce congestion at the intersection and improve traffic safety and traffic flow. The City purchased the seven lots over 10 years ago in order to complete the project, as the Right of Way widening will extend up to 40 feet into the northern lots. The widening project will reduce points of access onto N. Taft Avenue from seven to only one point of access, which will greatly improve safety. She added that rezoning the lots is consistent with the visions of the Comprehensive Plan for a commercial node at major intersections.

The City's public outreach process was discussed, which included staff review, and a noticed neighborhood meeting held June 27, 2019. **Ms. Tarantini** stated that eight residents attended the meeting and shared their concerns such as the project timeline, possible future development, buffering or wall along the Hilltop Drive homes, and future access. One individual who attended the meeting expressed opposition.

**Ms. Tarantini** addressed the concerns of the neighbors, and stated that the estimated date for completion of the road widening is in 2022, with home demolition being complete around 2021. Future development within the B-zone district would allow for commercial, retail and restaurant uses, and multi-family residential uses. The Unified Development Code (UDC) provides for buffering between homes and a potential commercial development. She added that future access to the site from Taft Avenue would be limited to a mid-block right-in, right-out facility. Access from W. 12th would be possible generally from the location of the existing alley. Finally, she stated that there was opposition from a neighbor that lives on the east side of N. Taft Avenue, which is directly across Taft Avenue from the project site. This neighbor expressed concern related to potential uses and the possibility of a fast-food restaurant, obstructed visibility, potential light pollution from commercial signage, and visual pollution they will see from their lot. Ms. Tarantini explained that the type of development that will be proposed for the property

is unknown; this is not a proposal tied to development, it is strictly a proposal to rezone. She added that any new development will be subject to the UDC and development standards.

**Ms. Tarantini** added that the Loveland Comprehensive Plan designates land use of these lots as LDR – Low Density Residential. There are three goals of the plan, which include revitalization of corridors and gateways, cultivating vibrant economic centers, and creating a connected and accessible community.

**Commissioner McFall** asked if the property was rezoned for commercial use, how cars could get from the site, back onto Taft Avenue. **Shawn Fetzer, Public Works Engineer,** answered that although it would go through Development Review approval, they would recommend full movement onto W. 12th Street. **Commissioner Molloy** added that a full traffic study would need to be completed with any application.

**Commissioner McFall** asked for the breakdown of square feet for the whole property. **Commissioner Molloy** answered that it is about 80,000 square feet.

**Commissioner Molloy** asked if there are plans for replatting the lots into one or two lots. **Ms. Tarantini** answered that the City is not initiating the lot mergers, but for development purposes they will most likely need to be merged. She added that the four larger lots would be the most developable area. **Commissioner Molloy** asked if the B-zoning would require a neighborhood meeting. **Ms. Tarantini** answered that the more intense uses would require a neighborhood meeting.

**Commissioner McFall** questioned why residential can't go back into that area and why it would have to be rezoned. He said the answer to this from the City was that they do not want residents backing into a major street, but questioned why access could not be from the back alley onto 12th Street as it is to the lots located to the south. **Ms. Tarantini** explained that in order to provide access off W. 12th Street, the alley would need to become reconfigured into a road, becoming 24-28 feet wide. There would be a need to provide for buffering as well as parking behind each unit, and each lot would need to meet front-yard setback requirements. She stated there does not appear to be enough available area to work with a single-family scenario. **Commissioner McFall** asked that staff be more explicit with their answers to citizens' questions.

**Robert Paulsen**, added that the City does not know what the use may be, but it probably will not be high-traffic generator because of the limited access available to the property. The site could be used for multi-family residential, commercial, or office use. An attached residential development project might be a logical use.

**Commissioner McFall** asked if any future development use for this site will come before the Planning Commission after this evening. **Mr. Paulsen** answered that it depends on the type of use. Many commercial uses would be allowed without a neighborhood meeting or public hearing. More intense adaptable uses would go through a neighborhood meeting. Commercial uses of higher intensity would need to come before the Planning Commission.

**Commissioner McFall** asked what the recourse is for citizens if they disagree with a proposed

development at a neighborhood meeting. **Commissioner Molloy** answered that they can make an appeal to the Planning Commission.

**Commissioner Molloy** stated that he could not see the lots working for single-family houses since they are not deep enough. With open space and parking requirements, he sees it being a difficult space to develop for multi-family. He believes it will take some creative design to make the space work. He stated moving a commercial building closer to the street and allowing for parking in the back would work well.

**Commissioner McFall opened the public comment at 7:48 p.m.**

**CITIZEN COMMENTS:**

**Robert Kubik, resident,** raised concerns about commercial zoning. He shared that that the lot sizes were glazed over, that lot seven is 80 feet wide by 190 feet deep, and the other three lots are 75 feet wide. The lots to the south of 12th Street are remaining as zoned residential and they are demolishing the houses. They have an alley in the back, are 75 x 120 feet deep, and they can still be residential. The houses on the east side of Taft have circular drives, so cars are not backing out onto Taft. He added that the houses that will be demolished are on lots where the houses are located very close to the sidewalks.

He shared that adding a business will increase traffic on 12th Street, and will be dangerous as there are many high school students walking the area and there are many Sunday morning traffic jams with a church in the neighborhood. Mr. Kubik stated that he would be more willing to support the project if it was known what type of business would be going in that area. He added that it is hard for him to accept that the lots are unusable as residential when the lots directly south will be smaller, but are staying single family residential.

**Tim Champine, resident,** stated he agrees with Mr. Kubic regarding traffic congestion in the area. He supports the widening project, but does not understand why you would want to bring in businesses that will contribute to more congestion, especially during peak hours. He shared that many cars will go from 12th Street, across Taft, over to Loch Mount to get to Lake Loveland which is an unsafe situation. He shared that he is concerned for the pedestrians that tend to cross at 12th and Taft Avenue.

**Commissioner Bears** asked if he thinks widening Taft and adding a median will help improve the area. **Mr. Champine** answered that the widening might be good for through traffic, but that putting businesses in the area will bring more cars and more congestion.

**Jessica Kubic, resident**, shared that there is already empty and unsightly commercial space along the Highway 34 and Taft Avenue corridor, which should be the focus of revitalization. She believes that we do not need any more commercial space in that area and the lots should remain zoned for residential.

**Commissioner McFall** asked what the difference is between the houses north and south of 12th Street and why are they being zoned differently. **Mr. Fetzer** responded that as you move north towards the intersection at Eisenhower and Taft, there will greater widening in this area, as there will be dual turn lanes, both southbound and northbound, onto Hwy 34. Part of the project is to add turn lanes from Taft onto 12th Street, but signals and crosswalks in this area will not be added since it is too close to the intersection.

**Commissioner Molloy** asked if there would be a right-in /right out only access onto Taft from residences. He also asked if West 12th would be full movement onto Taft. **Mr. Fetzer** answered affirmative to both. **Commissioner Molloy** asked how this new design would be safer. He also added that he is concerned regarding full movement from West 12th Street creates a situation similar to the one with Safeway traffic entering and exiting on Taft Ave. **Mr. Fetzer** stated there are many rear-end collisions on Eisenhower, and the left turn lanes will prevent this. The median will channelize the vehicles and this will be safer for drivers.

**Commissioner McFall closed the public hearing at 7:48 p.m.**

***Commissioner Molloy*** *moved to make the findings set forth in the Planning Commission staff report dated July 8, 2019 and, based on those findings recommend that the City Council approve the following:*

1. *Lots 1-4, East Sprenger Addition rezone*
2. *Lots 1-3, Block 1, Moline Subdivision rezone*

**COMMISSIONER DISCUSSION:**

**Commissioner Molloy** asked if Lots 1-3 could remain as single-family and only Lots 4-7 be rezoned.

**Commissioner Mc Fall** shared that the motion could be approved or denied as it is stated. He agreed with Commissioner Molloy and is concerned with the rezoning of all lots.

**Mr. Paulsen** shared with the Commission that if they do not believe there is enough information and that staff has not explored all the possibilities, the motion could be tabled. The Planning Commission is not constrained by City staff's recommendation. He added that it would be easier for the full recommendation be presented to City Council instead of in parts. He suggested that decision be postponed until the August 12th Planning Commission meeting.

***The motion was unanimously rescinded.***

**Commissioner McFall** shared that he is concerned with rezoning all lots to commercial. He would like City staff to look at reasoning why it is not probable to leave some as residential and rezone commercial.

**Commissioner Molloy** stated he is most concerned with using 12th Street as commercial access onto Taft. He asked staff to provide scenarios of what will and will not work for development in

the area.

**Mr. Paulsen** stated that staff will look at the remaining dimensions of the properties, study the viability of the properties under both commercial and residential scenarios, and recommend the most appropriate zoning for the area. He added that despite staff's recommendation, the Planning Commission has the final decision, which goes onto City Council.

***Commissioner Molloy*** *made a motion to postpone the Taft Avenue Rezone project until the August 12, 2019 Planning Commission meeting; upon second by* ***Commissioner Bears****, the motion was unanimously adopted.*

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

**Commissioner McFall adjourned the meeting at 8:18 p.m.**

Approved by:_____

Patrick McFall, Planning Commission Chair

_____

Lisa Rye, Planning Commission Secretary

**CURRENT PLANNING DIVISION**
410 E. 5th Street | Loveland, CO 80537 | 970-962-2523
eplan-planning@cityofloveland.org | cityofloveland.org/DC

# Planning Commission Staff Report

## July 22, 2019

| Mineral Addition Planned Unit Development – Zoning Document Amendment | | |
|---|---|---|
| **Agenda #**: Regular Agenda #2 | **PZ #19-00067** | **Zoning Document Amendment** |
| **Location** | 691 Split Rock Drive – Northeast corner of S. Taft Avenue and Carlisle Drive | |

**VICINITY MAP**

*Site Highlighted in Red*

| Development Review Team Recommended Motion | |
|---|---|
| ***Recommended Motion(s):***<br>Move to make the findings listed in this Staff Report dated July 22, 2019, and based on those findings recommend approval of the Zoning Document Amendment, adding a restaurant with drive-thru as a use permitted for Lot 1, Block 2 – Mineral First Subdivision subject to the condition provided on page 8 of this report. | |
| **Options** | **Consequence** |
| ***Approve the Motion*** | Approval of the motion would allow the application to proceed onto City Council for consideration of an ordinance to amend the Zoning Document, allowing the development of a restaurant with drive-thru use. |
| ***Deny the Motion or take no action*** | Denying the motion would require the applicant to reconsider the application or proceed onto City Council knowing that the request is not supported by Planning Commission.<br><br>Taking no action on the motion would cause further delay in the applicant's ability to develop the site. |
| ***Adopt a Modified Action*** | As an alternative, additional conditions could be added to the Zoning Document Amendment (based upon the findings) should the Planning Commission identify finding not being addressed and contrary to the City staff analysis. |
| ***Refer back to Staff*** | If the item was referred back to staff, staff requests specific direction from the Planning Commission to be provided in reaching resolution on the requested Zoning Document Amendment. |

**Project Summary**

This application for a Zoning Document Amendment focuses on one non-residential lot (i.e. 691 Split Rock Drive – subject property), just shy of an acre in size within the Mineral Addition Planned Unit Development (PUD). The proposal is to amend the zoning document (akin to a rezoning), allowing a restaurant with drive-thru use on the subject property. This amendment is required because a restaurant with drive-thru use is not listed as a permitted use within the PUD (see **Attachment D**). Uses permitted within the PUD include a mixture of less intensive commercial and office uses. The PUD controls the intensity by establishing maximum building coverages and floor area ratios on the non-residential lots. The following is an excerpt from the PUD listing the permitted uses:

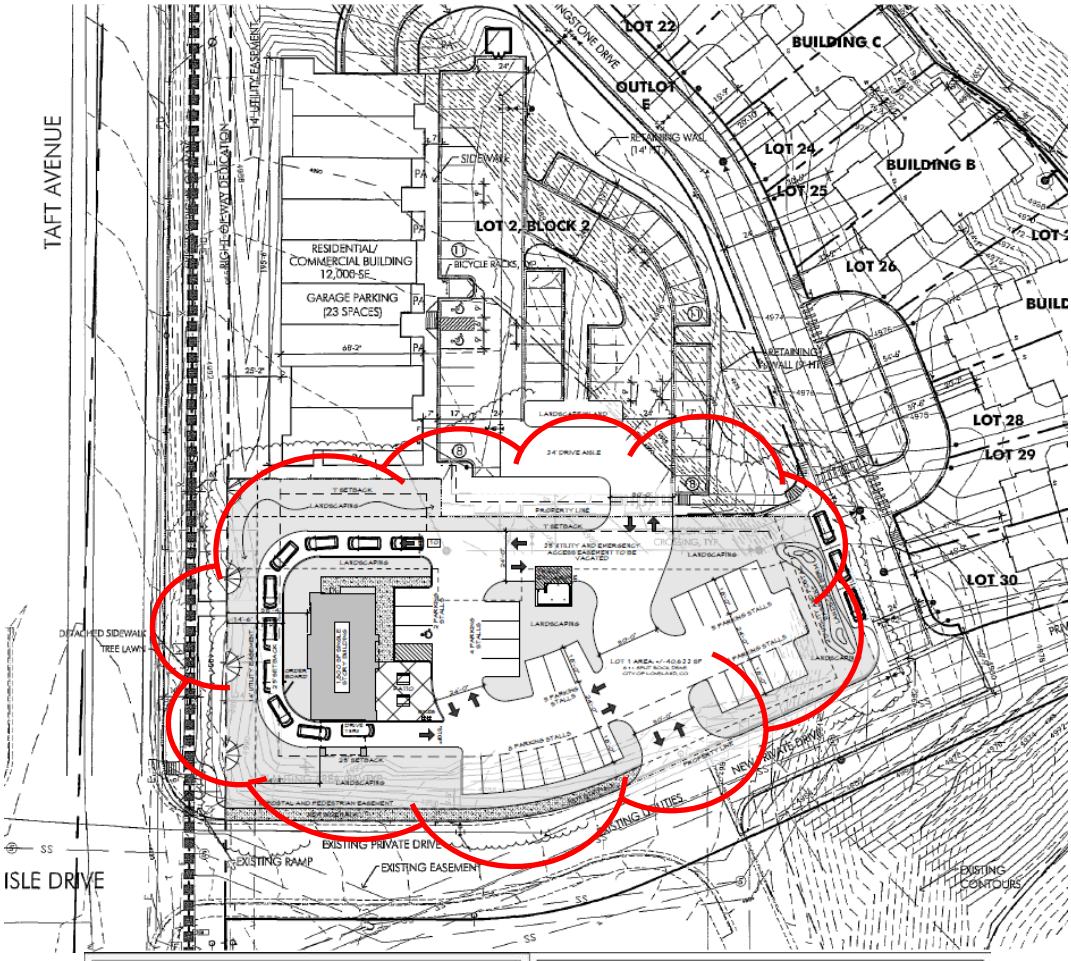
*Permitted uses on Lots 1 & 2 of Block 2:*

a. *Banks, saving and loan and finance companies*
b. *Medical and dental laboratories*
c. *Membership clubs*
d. *Offices and clinics*
e. *Parking lots and garages*
f. *Parks and playgrounds*
g. *Personal service shops*
h. *Restaurants and other eating and drinking establishments, indoor and outdoor*
i. *Retail stores*
j. *Child care centers licensed according to the state statutes of the state*
k. *Printing shops*
l. *Retail laundries*
m. *Private recreational uses, outdoor*
n. *Residential (2nd floor, Lot 2, Block 2 only)*

Mineral Addition PUD is primarily a 30-lot residential subdivision. The PUD was established in 2006 as a non-phased PUD through approval of a Preliminary Development Plan (PDP). As this PUD was created before the adoption of the Unified Development Code (UDC), the reference to PDP is no longer used and takes the place of what is now called a Zoning Document. All but two of the residential lots have been developed as attached two-family dwelling units. These units have a consistent architectural design and take advantage of the scenic natural environment backing to a reclamation pond. Two lots at the immediate northeast corner of S. Taft Avenue and Carlisle Drive were established as non-residential lots. These lots were intended to accommodate compatible uses within the context of residential

development. Earlier concepts for these lots include a bank with drive-thru and a mixed-use building. Access into the subdivision is from Carlisle Drive off of S. Taft Avenue. Carlisle Drive connects east into Split Rock Drive – both of which are private drives within the Mineral Addition PUD.

The goal with this request in amending the zoning document is to develop a *Ziggi's Coffee Café*. This is a newer prototype in terms of the *Ziggi's* franchise that incorporates a café component as a supportive use to the residential portion of the PUD while at the same time maintaining a drive-thru for a broader customer base. This concept is reflected on the zoning document (see **Attachment C**) over what was the bank with drive-thru shown on the PDP (**Attachment D**). The concept plan should be evaluated based on site orientation in determining findings of compatibility and mitigating impacts on surrounding properties. If the Zoning Document Amendment is approved, a detailed Site Development Plan will be reviewed by the City as the next and final step under the UDC for PUD's. Additionally, the applicant has provided a narrative explaining the use in greater detail and some of the additional outreach that they have conducted on their own (see **Attachment A**).



**Attachments**

| Attachment A – Applicant's compatibility narrative<br>Attachment B – Applicant's community participation report<br>Attachment C – Zoning Document Amendment<br>Attachment D – Mineral Addition PDP | |
|---|---|
| **Applicant Information** | **Development Review Team Contacts** |
| **Applicant:**<br>Greg and Jill Bland<br>Spiritual Bean, LLC | **Planner:** Troy Bliss |
| | **Traffic Engineer:** Randy Maizland |
| | **LFRA:** Ingrid McMillan-Ernst |
| **Property Owner:**<br>Greg and Jill Bland<br>Spiritual Bean, LLC | **Stormwater:** Suzette Schaff |
| | **Power:** Mark Warner |
| | **Water/Wastewater:** Melissa Morin |

| **Site Data** | |
|---|---|
| **Subdivision** | Mineral Addition First Subdivision |
| **Land Area** | Approximately 41,000 square feet |
| **Existing Buildings** | N/A – site is vacant/undeveloped |
| **Topography** | The site has been impacted (particularly at the north end) by excavating existing dirt for fill in the construction of a large retaining wall along Split Rock Drive. Additional fill will need to be brought onto the site and regraded. |
| **Access** | -Entering the site from Carlisle Drive<br>-Exiting via a shared access easement with the property to the north (when developed) onto Split Rock Drive or using Carlisle Drive |
| **Water Provider** | City of Loveland |
| **Wastewater Provider** | City of Loveland |
| **Power Provider** | City of Loveland |

| **Subject Property and Adjacent Property Designations** | | | |
|---|---|---|---|
| | **Existing Zoning** | **Comprehensive Plan** | **Existing Land Use(s)** |
| **Subject Property** | Mineral Addition PUD | Employment | Vacant/undeveloped non-residential site |
| **Adjacent North** | Mineral Addition PUD | Employment | Vacant/undeveloped non-residential site |
| **Adjacent South** | I – Developing Industrial | Employment | Light Industrial – Thompson Valley School District Administrative Offices and Front Range Community College |
| **Adjacent East** | Mineral Addition PUD | Employment | Existing two-family attached dwelling units |
| **Adjacent West** | R2 – Developing Medium Density Residential | Community Activity Centers | Existing two-family attached dwelling units |

| Relevant Zoning District Regulations | | |
|---|---|---|
| **Mineral Addition PUD** | **Required** | **Proposed** |
| **Lot Area** | 0.94 acres | 0.94 acres |
| **Minimum Open Space** | 20% | 40% |
| **Maximum Building Heights** | 40 feet | 24 feet |
| **Maximum Lot Coverage/Maximum Floor Area Ratio** | 20%/0.17 | 10%/0.04 |
| **Minimum Building Setback:** | | |
| • **Front** | 25 feet | 38 feet |
| • **Private Drive Setback** | 25 feet | 246 feet from Split Rock Drive<br>46 feet from Carlisle Drive |
| • **Interior Side** | 7 feet | 37 feet |

| Neighborhood Outreach | |
|---|---|
| **Notification** | A neighborhood meeting was held on June 18, 2019, at the Development Center and began at 5:30 p.m. Property owners within a 500-foot radius around the subject site were notified by mail and a sign posted at least 15 days in advance of the meeting. Additionally, notice for the Planning Commission hearing on July 22, 2019, was also mailed to property owners within a 500-foot radius of the site and a sign posted at least 15 days in advance of the hearing. |
| **Neighborhood Response** | No neighborhood response has been provided. At the neighborhood meeting held on June 18, 2019, approximately 6 neighbors along with the applicant and City staff were in attendance. All of the neighbors were from the Mineral Addition PUD, expressing unanimous support for the project. Of particular note, neighbors really liked the proposal of a neighborhood coffee shop. They felt that the concept plan in terms of site orientation was appropriate, particularly with respect to having the drive-thru away from the residences along S. Taft Avenue. The applicant also provide a community participation report from their perspective on the neighborhood meeting (see **Attachment B**). |

| Planning Commission Criteria and Findings for Approval or Denial |
|---|
| **Pursuant to Section 18.17.907.G. of the City of Loveland Municipal Code the Planning Commission shall consider and make findings regarding the following criteria for Planned Unit Development zoning amendments. All findings must be met in order to approve the requested zoning amendment.** |
| **Criteria** |
| **1. The Zoning Document is consistent with the policies and goals of the Comprehensive Plan, any applicable adopted area plan, or community plan of the City, or reflects stated conditions that have changed since the adoption of the Comprehensive Plan. Specific plan policies are referenced at the end of this document;** |
| *Finding: Staff finds that the criteria has been met.*<br>*Analysis: The Mineral Addition PUD zoning was established prior to the last update of the Comprehensive Plan. The zoning provided for a limited amount of residential uses that have been developed and a commercial component along Taft Avenue that has remained vacant. The PUD provided a list of allowable commercial land uses that would be expanded to allow a restaurant with a drive thru facility. The conceptual drawings have demonstrated that such use can be developed in a compatible manner with the residential neighborhood and the neighborhood is in support of the amendment. The expanded commercial use is consistent with the intent of the existing PUD and as such, the comprehensive plan.* |

*The proposed use expansion is also complementary to the larger zoning and land use context which includes the Rocky Mountain Center for Innovation and Technology (aka HP Campus), Thompson Valley School Administration Offices, and the Front Range Community College.*

**2. The Zoning Document either:**

**a. Advances the following policy objectives:**

**i. Promoting more economical and efficient use of land while providing a harmonious grouping of a variety of land uses;**

**ii. Allowing for a project that assists in the implementation of adopted City plans (and not as a device to circumvent the standards of this UDC and good planning practice);**

**iii. Addressing a unique situation or conferring a substantial benefit to the City; or**

**b. The creation of a PUD zone is the only practical way to avoid completely prohibiting a legal, permitted business use within the City.**

*Finding: Staff finds that the criteria has been met.*

*Analysis: Amending the Zoning Document to allow a restaurant with drive-thru adds more opportunity for non-residential uses within the PUD. Further, the applicant is invested in the property, seeking to develop a site that has been vacant for 13 years since zoning has been in place, thus promoting economical use of the land. The proposed restaurant with drive-thru is consistent with the types of permitted uses in the Mineral Addition PUD. By allowing this use furthers the implementation of the Mineral Addition PUD in building out the subdivision and fulfilling its vision. Additionally, development of a vacant commercial site within the City is a benefit in terms of providing municipal services, collecting tax revenue, and furthering the objectives of development within the City's Growth Management Area (GMA).*

**3. The PUD complies with all applicable City standards not specifically modified or waived by the Zoning Document;**

*Finding: Staff finds that the criteria has been met.*

*Analysis: All applicable City and PUD standards will be met with this Zoning Document Amendment. No standards are proposed to be modified.*

**4. The PUD is integrated and connected with adjacent development thru street connections, sidewalks, trails, multi-use pathways, and similar features;**

*Finding: Staff finds that the criteria has been met.*

*Analysis: The PUD is already integrated and connected with adjacent development through a network of sidewalks and streets.*

**5. To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;**

*Finding: Staff finds that the criteria has been met.*

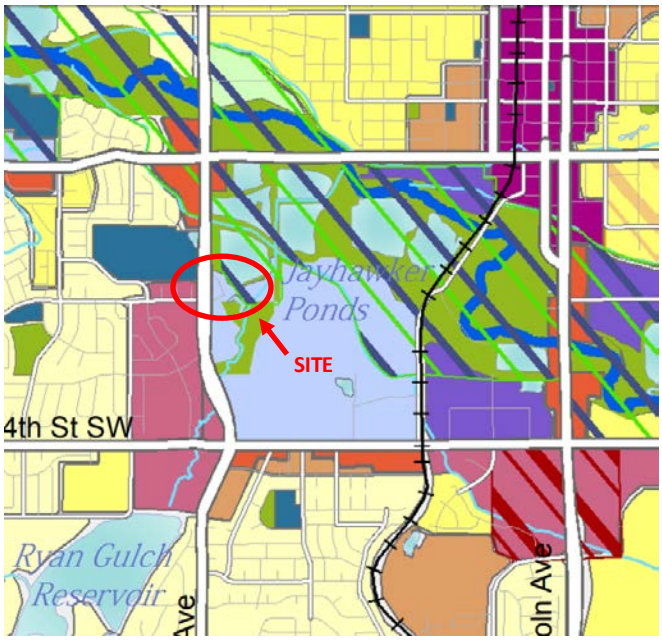
*Analysis: The proposed concept plan shown on Sheet A1 of Attachment C, demonstrates that a restaurant use with a drive-thru can be compatible with the established residential development and with the broader land use context. A condition of approval has be recommended to ensure a site orientation consistent with the concept plan to mitigate any potential significant adverse impacts on the neighborhood.*

**6. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;**

*Finding: Staff finds that the criteria has been met.*

*Analysis: All infrastructure currently exists to serve this development. No public roads, major utility lines, or stormwater facilities need to be constructed as a result of the proposed use. Furthermore, all services that exist support this*

| |
|---|
| *development (as well as development of the addition non-residential lot to the north) in maintaining sufficient levels of service.* |
| **7. The same development could not be accomplished thru the use of other techniques, such as complete neighborhood development, application of the Enhanced Corridor Overlay Zone, height exceptions, variances, minor modifications, or a planned unit development is a preferable way to regulate the subject property due to its large land area or multi-year build-out schedule; and** |
| *Finding: Staff finds that the criteria has been met.*<br>*Analysis: Since the subject property falls within an established PUD, this is the preferable way to facilitate the proposed development.* |
| **8. As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, and capacity.** |
| *Finding: Staff finds that the criteria has been met.*<br>*Analysis: The proposed Zoning Document Amendment does not change the phasing of the Mineral Addition PUD.* |

| Planning Commission Comprehensive Plan Policy Guidance for Approval or Denial | |
|---|---|
| **In considering an application for approval or denial the Planning Commission finds that the application either complies or does not comply with the following goals, and policies within the City of Loveland Comprehensive Plan:** | |
| **Create Loveland**<br>  <br> | **Land Use Designation: Employment**<br>• **Regional employment and related commercial uses.**<br>***N/A***<br><br>• **Emphasizes open space and preservation as natural features as buffers.**<br>***N/A***<br><br>• **Proposed developments that do not contain office or light industrial uses may be allowed if such uses or zoning exist near the proposed development.**<br><br>*The proposed development does not contain office or light industrial uses. However, the proposed restaurant with drive-thru is within the larger employment land use area that does include both office and light industrial uses.* |

| Staff Recommendation |
| --- |
| Staff is recommending approval of the Zoning Document Amendment for the Mineral Addition PUD with the following condition.<br><br>1. If Lot 1, Block 2 is developed as a drive- thru restaurant, the site shall be oriented in a manner generally consistent with the conceptual rendering on Sheet A1 of the Mineral First Subdivision Zoning Document Amendment 2. |

April 26th, 2019

To: City of Loveland – Planning

Re: Narrative – Ziggi's Coffee (Re: 691 Split Rock, Lot 1, Block 2 - Mineral First Subdivision)

Our intent with this application is to amend the current zoning to allow a drive-through. The drive through will support a Ziggi's Coffee Shop that will be built on this property.

The amendment of the current zoning will allow for the construction of a Ziggi's Coffee shop that will serve as both a local neighborhood coffee and light food provider. In addition, it will provide a casual and relaxing community meeting place for nearby neighbors, surrounding communities and the Thompson School District/Front Range CC and the Thompson Valley High School.

In an effort to be a good neighbor, we have started preliminary discussions with the neighbors and businesses immediately surrounding this lot.

For instance, on Saturday, March 16th, we met with a member of the Split Rock HOA Board and received a very positive response. Afterwards, he also shared our plans with the rest of the Split Rock HOA members and again we received positive feedback. We've already agreed to make some minor concessions to help the neighborhood (described below). There were some minor questions, which we provided answers for and have also offered to attend an upcoming HOA meeting if necessary.

We have also met with the COO, Todd Piccone of the Thompson School District Headquarters, on the south side of Carlisle to share our plans and vision for the café and they were very excited as they have a large administrative staff, plus 200+ educators who come through for training each week. In addition, they loan space to Front Range Community College for evening classes from 6-9pm. They feel between the two needs; our café will be a very welcomed homework/relaxing place.

We intend to use the neighborhood feedback, along with that from the concept review, to develop the café and property to be aesthetically pleasing, yet very functional from a design and consumer use perspective, while balancing it with appropriate costs ratios. This will include such things as beautification of landscaping on the east end of the lot to reduce noise and direct visibility, shading our parking lot lights away from the homes as much as possible and possibly carving out spaces for three parallel parking spots on the east side as well (e.g. costs to build/asphalt/curb will be with the HOA if we do this).

Please let us know if you have any additional questions.

Best regards…

Jill

Jill Bland

E: jill.bland@ziggiscoffee.com

C: (303) 929-6347

**ATTACHMENT A**

## Troy Bliss

**From:** Greg Bland <gregbland6@gmail.com>
**Sent:** Wednesday, June 19, 2019 7:30 AM
**To:** Troy Bliss
**Cc:** Bland Jill
**Subject:** Planning Mtg - 691 Split Rock - Amendment

Good morning Troy...

Thank you for your assistance with this meeting yesterday.

Overall, we felt the meeting went very well! The questions that pertained to our lot seemed to be minor in nature (e.g. trash control, landscaping questions and construction access).

I think we addressed their questions and made them comfortable by sharing more information of about the site/building plans, Jill's oversight during construction and the new driveway on Carlisle that'll keep traffic off Split Rock.

There was a question on stormwater, but, the PUD addressed it. And access regarding Lot 2 to the north, that didn't pertain to our amendment.

We were really happy to see that at the conclusion of the meeting, most of those in attendance made a point to come over and personally wish us luck and to tell us they're happy to have us as the business going in.

We are excited to keep things moving forward and I believe the next meeting will be on July 22nd, correct?

Thanks again for all of your help Troy!

Greg & Jill Bland
c: 303-801-8126



**ATTACHMENT B**

# ~~PRELIMINARY DEVELOPMENT PLAN NARRATIVE~~ Lot 1, Block 2 - Mineral First Subdivision Zoning Document Amendment 2

## Purpose of the Project

The following narrative applies to this 37.50 acre Preliminary Development Plan (PDP), referred to as the Mineral Addition PDP. The purpose of the project is to develop this former mining site as a mixed use project with residential and commercial uses. The primary objective is to meet the growing demand of the area with the mix of uses while providing continuity in style and design.

## Land Use

Overall Concept: The Mineral Addition PDP will be developed as a single phase project with the commercial uses beginning the project followed up closely by the residential units located along the lakes edge. Our intent is to create a cohesive development between the mix of uses by maintaining vehicular and pedestrian circulation, providing consistent landscape themes and protecting the sensitive nature of the site. Enhancements of the existing wetlands along the lake edge and planting of native plant materials are the primary missions for the landscape. Architectural style and construction materials will be designed to reinforce the natural theme dictated by the natural beauty of the site.

**Permitted Uses**

Permitted uses on Lots 1-30 of Block 1:

a. Single-family attached dwellings (Two-Family Dwellings)

Setbacks: Staggered front setbacks shall be provided for the attached dwelling units at a minimum of 2 feet. Side setbacks shall be a minimum of 7'. Rear setbacks shall be a minimum of 5'.

Building Height: The maximum height for structures 35 feet. Refer to the Loveland Municipal Code section 18.54 for information on calculating building height.

Elevations: Refer to sheets 11- 16 for prototypical elevations of the single-family housing.

Signage: Signage shall comply with section 18.50 of the Loveland Municipal Code.

Permitted uses on Lots 1 & 2 of Block 2:

a. Banks, savings and loan and finance companies
b. Medical and dental laboratories
c. Membership clubs
d. Offices and clinics
e. Parking lots and garages
f. Parks and playgrounds
g. Personal service shops
h. Restaurants and other eating and drinking establishments, indoor and outdoor
i. Retail stores
j. Child care centers licensed according to the state statutes of the state
k. Printing shops
l. Retail laundries
m. Private recreational uses, outdoor
n. Residential (2nd floor, Lot 2, Block 2 only)
2 o. Restaurant with drive thru (Lot 1)

Setbacks: Refer to the setback table located Sheet 2.

Building Height: The maximum height for structures is 40 feet. Refer to the Loveland Municipal Code section 18.54 for information on calculating building height.

Elevations: Refer to sheets 11-16 for prototypical elevations of the commercial structures.

Signage: Signage shall comply with section 18.50 of the Loveland Municipal Code.

Permitted uses on Outlots A, B, & E :

a. Private recreational uses, outdoor

Setbacks: Not Applicable

Building Height: Built structures are not allowed on these lots.

## Circulation

Overall Concept: Primary access to the site will be from Taft Avenue, a major arterial. Two access points across from Audrey and Carlisle Drives will provide access. A private drive with parking on one side will serve as access for the residential and commercial uses. A private driveway will serve as access for the single estate home located in the southeast corner of the site.

Components:

1. Vehicular: The private drive is designed to accommodate parking on one side of the street. The private access drive on the south side shall meet fire safety standards. Streets shall be configured to encourage traffic calming.

2. Pedestrian: An overall system of pedestrian ways will be provided, both along roadways as well as through open space areas. A detached sidewalk will be provided along Taft Avenue in accordance with the standards. The commercial area will provide connection from Taft Avenue to the commercial area and the residential area. The residential area will have an attached sidewalk adjacent to the housing. A proposed private trail is planned around Mineral Lake connecting the residential areas to the open space. Signage shall clearly indicate ownership and maintenance when entering or exiting the private trail system. Parking for Jayhawker Ponds is provided for on the north end of the site with connecting access to Taft Avenue.

3. Performance Standards: The private drive is designed in accordance with the Larimer County Urban Area Street Standards for a "Lane" classification with parking allowed on one side of the street. The Preliminary Plat provides for dedication of necessary Right of Way to accommodate Taft Avenue's ultimate development.

## Public and Private Utilities

Water and Sewer
Water and sewer service will be provided by the City of Loveland. A 12" waterline will be constructed in Taft Avenue and an 8" water main will be looped through the site to provide an internally looped distribution system . Sewer service will be extended from the existing main at the northwest corner of the intersection of Audrey and Taft Avenue. The sewer will be located in the internal private drive and will collect effluent from both the residential area and the commercial area.

Storm Drainage
This site is located within the Ryan Gulch Basin as defined by the Loveland Stormwater Master Plan. Stormwater runoff will be collected in two storm pipes and will sheet flow into the existing pond on the site. This existing pond will provide stormwater detention and water quality enhancement. No modifications are proposed to this pond. All structures will be elevated to a minimum of 1' above the overflow elevation of this pond. The Ryan Gulch runs through the southeast corner of the overall site. It is proposed to maintain the Gulch. There is one proposed crossing of the Gulch with a private drive that leads to a single residence. A drainage culvert under the private drive will pass the minor flows while the major flows will overtop the private drive.

Electric and Natural Gas
Electric service will be provided by the City of Loveland Light and Power Department, and Xcel Energy will provide natural gas.

Telephone
Qwest will provide telephone service.

Parks, Open Space, and Natural Areas
This area is identified as a natural area in the City of Loveland's 2003 Open Lands Plan as a priority area for protection. It is also identified in the City's 1993/1996 Natural Areas Inventory as site no. 38 and no. 40. Additionally, an environmental assessment (completed by Cedar Creek Associates on February 24, 2004 and updated March 3, 2005) indicates that the ponds, wetlands, Ryan Gulch drainage, adjacent big Thompson Ditch and mature cottonwoods on the property remain as the only natural habitat features. Open space areas will be maintained and enhanced in a few areas while minimizing the disturbance of the remainder of the site.

## Public and Private Utilities (continued)

Public Facilities Providers

Police: Loveland Police Department
Fire: Loveland Fire Department
Schools: Thompson R2-J District
Parks and Open Space: City of Loveland

## Landscaping

Overall Concept: The design intent PDP is to create a comprehensively planned community through the integration of the site features. The creation of a well conceived overall landscape program for the development will serve to provide for a unique identity in the man-made areas as well as the natural areas. Several design elements will be used to reinforce the image of this development. The elements include: buffering treatment along Taft Avenue, an enhanced and protected landscape treatment along sensitive edges and cohesive plantings for the commercial and residential portions.

Edge Treatment:

1. Landscaping: Perimeter landscape treatment shall occur primarily along Taft Avenue with a large buffered landscape adjacent to the Right-of-Way. The interior portion of the project shall feature native landscape buffers,enhanced wetland buffer treatments, complimentary fencing, and sidewalks. A significant stand of mature trees is located at the south end of the property and shall remain undisturbed. The jurisdictional wetlands around Mineral Lake shall be enhanced using the palette of landscape materials as recommended in the Revegetation/Enhancement Plan. Buffer yards shall comply with City of Loveland's Site Development Performance Standards and Guidelines.

2. Access: Entry points are proposed from the site's abutting roadway and existing entrance. Each entry point will be designed as a part of the development's overall theme in terms of landscape and architectural treatment

3. Fencing: The use of fencing shall occur between the residential structures and a 40' water's edge setback creating a buffered edge from the enhanced wetlands along the east edge of Mineral Lake. The low-profile fencing shall create a protective barrier and meander along the top of bank to discourage pedestrian movement in the buffer. See Sheet 4 as an example of the fence type.

Streetscape: the landscape treatment along Taft Avenue shall have a tree-lined streetscape mixed with a meandering native area directly adjacent. The mix of formal with informal planting shall create a transition to the naturalistic setting of the property. This approach shall help to visually unify the overall site. One 2-inch caliper street tree shall be planted every forty (40) feet along Taft and a canopy tree shall be planted per each duplex building in the residential areas. The commercial areas shall conform to City of Loveland's Site Development Performance Standards and Guidelines.

Open Space Areas: Lake edges will be enhanced with additional trees, grasses and shrubs as recommended in the Revegetation/Enhancement Plan to protect the existing wetlands. The north, east and south sides of the existing lake shall remain undisturbed from development and remain in their respective natural states.

Maintenance: The landscaped areas of the development, including perimeter areas, common open space, and entry features will be maintained by a Property Owners Association. Maintenance of landscaping within each lot will be the responsibility of a Homeowner's Association. A Property Owners Association will privately maintain landscaping within the public right-of-way and the private drives.

## Environmentally Sensitive Areas

In accordance with the Environmentally Sensitive Areas Report prepared by Cedar Creek Associates, the following is a detailed description of the various environmentally sensitive conditions per that report and proposed treatments for the Mineral Addition PDP.

Non-native Grasslands
Non-native grassland is present primarily around the perimeter of the reclaimed gravel mine pond, upland areas west of the gravel pit pond, and southeast of Ryan Gulch. These areas have been converted from what was probably native grassland and moist meadow communities by past sand and gravel extraction activities. Gross cover in most of these areas is relatively dense, contributing over 50 to 60 percent total. Dominant non-native grass species recorded in non-native grassland habitat were crested wheatgrass (Agropyron cristatum), cheatgrass (Anisantha tectorum), smooth brome (Bromopsis inermis), and intermediate wheatgrass (Thinopyrum intermedium). Dominance by these species varies depending on location. The large non-native grassland area west of the gravel pit pond supports essentially a monoculture of crested wheatgrass, while sites around the pond perimeter and along Ryan Gulch support grasslands dominated by smooth brome and intermediate wheatgrass. Shrub cover is generally lacking in areas of non-native grassland. Non-native grasslands do not meet any habitat criteria for classification as environmentally sensitive areas. Although non-native grassland habitats represent undeveloped open space for wildlife populations, their overall value as wildlife habitat is reduced by the general lack of woody vegetation, low vegetation species diversity, and the predominance of non-native grass and/or annual weed species. No prairie dog towns are present, and grass cover is too dense for this area to attract colonization by prairie dogs.

Treatment - The non-native Grasslands that exist west of the lake comprise the area for development of the residential and commercial portions of the PDP. The open space areas left after development shall consist of native grassland and shrub species.

Rabbitbrush/Non-native Grasslands
This habitat is characterized by dense stands of rubber rabbitbrush (Chrysothamnus nauseosus) with varying amounts of smooth brome, cheatgrass, and Canada thistle (Breea arvensis) in the understory. Shrub cover provided by rubber rabbitbrush is highly variable, ranging from 35 to 75 percent, with the densest stands located along the western edge of the gravel pit pond. Wildlife inhabitants and use of rabbitbrush grassland is similar to that described for native/non-native grassland except that the presence of higher levels of shrub cover increases overall habitat diversity. Mountain cottontails and mule deer feed on rabbitbrush, and these shrubs also provide hiding cover and resting areas for these species. Increased vegetation structural diversity created by rubber rabbitbrush also attracts additional songbird species and provides potential nesting habitat for songbirds such as vesper sparrow and green-tailed towhee. Dense stands of rabbitbrush near the gravel pit pond may also provide suitable nesting cover for waterfowl species such as mallard, gadwall, and green-winged teal.

Treatment - This area is located in between the west edge of the lake and the rear lot lines of the duplex developments. In accordance with the recommendations of Cedar Creek, the area shall be enhanced with additional native shrubs and trees to encourage wildlife habitation. Additionally, a low impact fence shall be built along the rear property lines of the duplex units to discourage intrusion into the area.

Non-native Grassland/Weedy/Cottonwood Woodland
Several large, mature cottonwood (Populus deltoides) trees characterize this habitat area. The understory is dominated by a mix of annual weeds and non-native grass species. The cottonwoods range in size from 1.5 to 5 feet in diameter and 40 to 50 feet tall. Some are partially decadent. Several small Russian olive (Elaeagnus angustifolia) trees are also supported around the perimeter of the small, horseshoe-shaped pond. The vegetation understory is highly variable in this habitat and appears to have been heavily influenced by past ground disturbances. Total herbaceous vegetation cover ranges from relatively sparse (less than 25 percent) to fairly dense (greater than 75 percent), and species dominance abruptly shifts from annual weeds to non-native grasses from one area to another. Predominant herbaceous species recorded in this habitat were smooth brome, cheatgrass, intermediate wheatgrass, wild licorice (Glycyrrhiza lepidota), Canada thistle, kochia (Bassia sieversiana), prickly lettuce (Lactuca serriola), and musk thistle (Carduus nutans). Wildlife use of this habitat is similar to non-native grassland except for the presence of the large cottonwood trees. These trees provide potential perch and nest sites for songbirds and open-country raptors such as red-tailed hawk and Swainson's hawk. With the proximity of the ponds and waterfowl use of these ponds, the large cottonwoods also provide potential hunting perches for wintering bald eagles. One bald eagle was observed flying from one of the larger cottonwoods and making a pass over waterfowl on the frozen surface of the gravel pit pond during the December 2002 survey. Cavities observed in some of the larger cottonwoods represent suitable nesting habitat for small owls, woodpeckers, swallows, and chickadees. Although most of the cottonwood trees in this area are of appropriate size and configuration to support raptor nesting, no raptor nests were observed during either of the field surveys. The cottonwoods are the only native trees growing on the property, and because of their size, were classified as environmentally sensitive based on City of Loveland guidelines. The presence of large trees in this area increases the overall habitat diversity of the area, especially since these trees provide commanding views of the nearby ponds as well as portions of Ryan Gulch. However, overall habitat quality is reduced somewhat by the dominance of weedy and non-native grass species in the understory. This area in combination with Ryan Gulch is cataloged as Site No. 38 in the City of Loveland's Natural Area mapping (Design Workshop, Inc. et al. 1993, revised 1996). The site was given an overall habitat ranking of "5" with medium enhancement potential. Given the presence of the large cottonwoods in proximity to Ryan Gulch, adjacent ponds and wetlands, but with drawback of fairly disturbed non-native understory, an overall habitat rating of "5" seems appropriate for this area.

Treatment - The proposed treatemtn for the Non-native grassland/Weedy/Cottonwood Woodland area shall be minimal distrubance in the form of a 15' wide gravel roadway along the north edge of the area. No enhancement or additional landscape is proposed for the area. The roadway shall be located to minimize disturbance of the large Cottonwood trees and the existing wetlands described below.

Ponds and Wetlands
The wetland shoreline zone around the perimeter of the reclaimed gravel pit pond is relatively narrow and not continuous due, in part, to nearly vertical embankments from the water's edge to adjacent uplands along portions of the shoreline. Wetland vegetation is generally not well developed, except along the southern pond perimeter and at the northwest corner of the pond. In most areas the top of the gravel pit cut bank creates a sharp demarcation between the shoreline wetland zone and topographically elevated areas supporting primarily upland vegetation species. Wetlands are present in the relatively narrow shoreline zone where wetland associated vegetation has established between the bank sideslope and open water. Wetlands are continuous around the perimeter of the small, horseshoe-shaped pond. Characteristics of wetlands around the two ponds are similar and consist primarily of cattail (Typha latifolia) stands in the more saturated zones and dominance by reed canarygrass (Phalaroides arundinacea), coyote willow (Salix exigua), and tamarisk (Tamarix ramosissima) in the more upland and less saturated portions of the wetlands. The U.S. Army Corps of Engineers has classified the wetland zones around both ponds as "jurisdictional" (see Appendix B).

The ponds and wetlands provide foraging and watering areas for upland wildlife species. Wetlands and associated open water habitats also supply foraging, resting, and breeding habitat for waterfowl, shorebirds, wading birds, reptiles and amphibians. The presence of fish in the gravel pit pond is also likely to attract fish-eating species such as great blue heron, double-crested cormorant, and western grebe. A variety of songbirds will nest and forage in the wetlands as well. However because of the proximity of Taft Avenue and nearby developments, wildlife use of the ponds and wetlands is restricted primarily to urban-adapted species. The two ponds and peripheral wetlands in combination with additional gravel pit ponds to the north and northeast are cataloged as Site No. 40 in the City of Loveland's Natural Area mapping (Design Workshop, Inc. et al. 1993, revised 1996). The site was given an overall habitat ranking of "5" with a high enhancement potential. Given the limited extent of wetland around most of the pond perimeters, a habitat ranking of "5" seems appropriate. A higher ranking of "6 to 7" would be appropriate for the south edge of the gravel pit pond, given the presence of more extensive wetlands and nearby large cottonwood trees, while lower rankings of "3 to 4" would apply to the eastern and western edges of the gravel pit pond where wetland development is limited or nonexistent. The City of Loveland Open Lands Plan recommends a development setback of 75 feet from the operating high water line of lakes with a natural areas rating of "5" or less. The Open Lands Plan also states that reduced buffers may be considered if adjacent developed areas have appropriately designed, constructed and maintained storm water control systems.

Treatment - Development is not planned for the pond and wetland areas. The pond shall be used for non-motorized recreational use by the private land owners. A low-impact dock is proposed to allow the private land owners to use for passive activities. The north edge of the pond shall have a trail that will remain outside of the pond or wetland edge. The south and east edges of the area shall remain undeveloped. The west edge of the site shall be developed with a 40' setback from water's edge to structure. Where existing wetlands lie along the west edge, structures shall be moved further away from the setback to allow for more buffer area.

MITIGATION MEASURES

- Prior to the initiation of development activities, the cottonwood trees should be surveyed to ensure there is no raptor nesting use of any of these trees. If an occupied nest is discovered, construction within 300 meters of the active raptor nest should be avoided during the nesting period (March through July) to minimize potential disturbance to an active nest and possible nest abandonment.

- Prior to the initiation of development activities the red fox den site should be surveyed to determine its activity status. If the den site is occupied, construction within 50 feet of the den sites should be avoided during the pup parturition and rearing season (March through August).

- The mature cottonwood trees south of the gravel pit pond should be preserved unless there is a potential human safety risk from falling decadent trees or limbs. A 30-foot construction buffer (surface disturbance and underground utilities) should be maintained around the tree's driplines to preclude any possible disturbance to the tree's root systems.

- A minimum development setback of 40 feet should be maintained from the edge of the reclaimed gravel pit pond to protect water quality and waterbird use of the pond. Stormwater detention ponds should be established to prevent direct discharge of surface runoff from developed sites into the pond. To further enhance the setback buffer, it is recommended that this area be planted to native vegetation with emphasis on native shrubs and trees that would create visual screening between the pond and development. Properly vegetated setback areas should maintained be to catch and retain sediment and other undesirable runoff into other areas of proposed open space. The proposed measure should be sufficent to maintain water quality in the reclaimed gravel pit pond.

- Proposed areas of open space around the ponds and in non-native grassland/weedy/ cottonwood woodland habitat could be enhanced considerably by the reduction of weedy/invasive species and the establishment of more native vegetation communities, especially with the establishment of additional stands of native shrubs and trees.

- Development activities should not be permitted to disrupt the continuity of the Ryan Gulch wildlife corridor. The integrity of this corridor would be maintained with a 50-foot development setback from the Ryan Gulch wetlands. This buffer would maintain the movement corridor as well as protect water quality in the drainage and adjacent wetlands.

- Best Management Practices (BMPs) should be employed between proposed development and ponds and wetlands to minimize the risk of excess sediment and other undesirable surface water runoff from construction. BMPs would include, but not be limited to, silt fencing, hay bales, berms, and rapid revegetation of surface disturbance adjacent to disturbance areas to maintain the quality of surface water runoff.

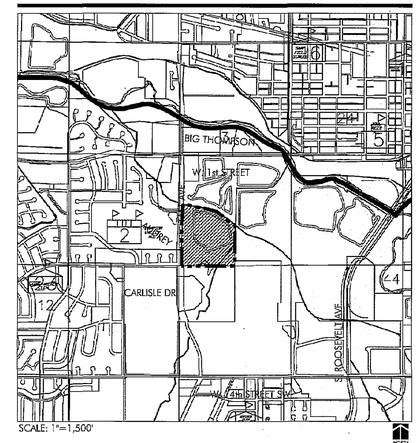
- Recreational use of the ponds and areas of open space should be restricted to non-mechanized foot travel and passive wildlife viewing around the pond perimeters. It is recommended that dirt or gravel trail system be established to assist in keeping foot traffic away from the immediate edges of ponds and wetlands.

- Interpretative and educational signs should be placed along the trail system. The signs should stress the need for no wildlife harassment or human intrusion into important habitat areas.

- Free-roaming pets should be prohibited and leash laws strictly enforced along the trail system to minimize dog and cat/wildlife interactions.

## OWNERS CERTIFICATION

## VICINITY MAP




## SHEET INDEX


Zoning Document Narrative Amendments - Sheets CVR 1 & CVR 2

Zoning Document Proposed Plan - Sheet A1.0


## SIGNATURES AND APPROVALS

| MARK: | REVISION DATE: |
|---|---|
| 1 | AUGUST 2, 2011 |
| 2 | APRIL 25, 2019 |

# MINERAL ADDITION ~~PDP~~

TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO


BHA DESIGN, INC. • 4803 INNOVATION DRIVE bha FT. COLLINS, CO 80525 • TEL: (970) 223 - 7677


ATTACHMENT C

# ~~PRELIMINARY DEVELOPMENT PLAN NARRATIVE (CONT.)~~

## Architecture and Site Requirements

Overall Concept: These performance standards are intended to insure that commercial and residential uses within Mineral Addition incorporate unifying architectural elements to create an overall, cohesive theme. The intent of these guidelines is to provide detailed design for the construction of dwellings and ensure a compatible architectural concept. The designs are intended to complement rather than conflict with the surrounding natural landscape and structures.

1. Porches: All homes must incorporate a covered front porch, the narrowest dimension of which shall be six feet deep and five feet wide. Homes that use the front porch to recess the garage shall have a minimum porch width of 8 feet measured across the front elevation of the building and a minimum porch depth of 6 feet.

2. Garages: Garages shall have front elevations that compliment, rather than dominate, the architectural details of the living portion of the dwelling. The front elevation of side-load garages shall incorporate the use of windows, wall breaks, and or building material changes to more aesthetically enhance the front wall elevation. Garage doors that are visible as part of the front building elevation shall be recessed behind the front façade of the adjacent building or a covered porch by at least four feet (4'). Garage doors visible as part of the front building elevation, shall not comprise more than forty percent (40%) of the ground floor street facing linear building frontage. Corner lots are exempt from this condition. Lots with less than 65 feet of frontage on a single public street right-of-way shall not be permitted a garage where doors for more than two cars are visible as part of the front building elevation.

3. Varying Streetscape: The development shall have three combinations of two-family (Duplex) dwelling units. One combination shall incorporate a two-story unit with a single story ranch unit. A second combination shall incorporate two single-story ranch units. The last combination shall include two two-story units. The combination of these housing types creates flexibilty for a potential buyer while providing a streetscape with varying elevations.

4. Setbacks: This building type is important because it provides a varied selection that helps prevent monotony. The front setbacks for residential structures shall be a minimum of 20' to a garage facing onto a street unless otherwise noted in the Setback Table. Each structure shall have a minimum offset between adjacent units of four (4) feet. Due to the unique nature of the site, an unregulated staggered front setback of four (4) feet shall apply between adjacent buildings not in close proximity to a jurisdictional wetland. Those buildings in close proximity to jurisdictional wetlands may not comply with the staggered setback. For commercial structures, the City of Loveland Municipal Code shall dictate front, side and rear setbacks.

5. Residential Elevations: For residential structures, the elevations shall contain the following items:
   a) Distinct base with change of material or color
   b) Windows and trim around windows
   c) Change in Plane
   d) Accent Colors

6. Commercial Elevations: For Commercial structures, the elevations shall contain the following items:
   a) Distinct base with change of material or color
   b) Windows and trim around windows
   c) Accent Colors

7. Roofs: Roof shall be gabled, hipped, gambrel, or other sloping form. Minimum roof pitch for the major roof mass shall be 5:12: sloped roof over porches, dormers, and/or other smaller architectural elements may have a lesser slope. Flat or lesser slope roof elements shall be permitted only on thirty percent (30%) or less of the roof area.

8. Materials: Roofing materials, windows, building materials and finish, will all be carefully coordinated to achieve a cohesive appearance. Exterior wall materials must incorporate brick, natural or synthetic stone, stucco or horizontal/vertical siding. Permitted building materials will be established with the design of each neighborhood or development area, and must be consistent within the neighborhood to present an overall design.

9. Colors: Exterior wall colors shall be compatible with surrounding buildings, with natural (earth tones) encouraged. Primary or other bright colors are only to be used as accents.

10. Garage Setbacks: Garage door setbacks shall provide adequate clearance to allow cars to be parked in driveways without blocking the sidewalk in the public right-of-way. The minimum setback for front facing garage doors shall be 20 feet from the back of the sidewalk. Refer to the setback table located on PDP sheet 3 of 5

11. Accessory Structures: Accessory Structures Are Not Allowed Within This Development.

## Landform Modification

The project area is characterized by mostly level to gently sloping topography having overall slopes less than 5 percent. However small areas of slopes over 20 percent do exist in the southwest and southeast corners of the property in native grassland/non-native grassland and rabbitbrush/non-native grassland habitats, respectively, and along the northern portion of the west edge of the larger pond in rabbitbrush/non-native grassland habitat. Low, nearly vertical cut banks are also present around most of the perimeters of the two ponds on the property.

The unique nature and location of the project site has resulted in a development plan with fill conditions for the overall project. The fill conditions primarily occur within a small area of the non-native grassland habitat which also has twenty (20%) percent or greater slopes. This area is being developed in accordance with the ESAR guidelines. Twenty (20%) percent or greater slopes also occur in the rabbitbrush/non-native grassland habitats, but the area has minimal disturbance with the construction of the residential units because of walk-out basements and location of the residential units.

Since the primary earth moving occurs along the west side of the site and within the non-native grassland habitat, the rest of the project site has minimal or zero disturbance and shall be left in its native state.

## Implementation

Procedures: All proposed development of any type within the Planned Unit Development will be processed in accordance with the procedures contained in Chapter 18.41 of the Loveland Municipal Code, Section 18.41.50, Procedures for Approval of a Planned Unit Development, and shall require approval of Preliminary and Final Development Plans in accordance with the requirements thereof.

This Preliminary Development Plan may be modified in a minor way, such as the reconfiguration of development areas, relocation or minor realignment of the private residential roads, or other minor non-substantive modification, subject to the approval of the City's Current Planning Manager or his/her designee. Such minor amendments shall be noted on this Plan in an amendment history log, including the nature of the modification and the date of its approval by the Current Planning Manager. Amendments of a more significant nature shall be undertaken in the manner prescribed in Section 18.41.050.D.11.

Subdivision Procedures: All development within this PUD will comply with the City's subdivision procedures as well as this PUD.

Ownership Associations: The Mineral Addition PUD shall be governed through several Ownership Associations. The primary structure shall be achieved within an overall Ownership Association which shall be responsible for the common areas of the property. Separate Ownership Associations shall occur within the Commercial and Residential properties to cover the maintenance and day-to-day operations of each entity.

Phasing: The overall grading and utility for the project site shall be completed throughout the Winter of 2005. As for the construction of the structure, the intial plan for the Mineral Addition PUD is to phase the Residential portion of the project to completion. Likely, the Residential properties shall be fifty (50%) percent complete before construction of the Commercial property begins. Initial construction for the Residential structures is anticipated to begin in Summer 2006.

## LAND USE TABLE

| LAND USES | LOT AREA (ACRES) | BUILDING SQ. FT. | MAX. BLDG. COVERAGE | MAX. FAR | MIN. OPEN SPACE % | BUILDING HEIGHT | MINIMUM LOT SIZE | MAXIMUM LOT SIZE | AVERAGE LOT SIZE | MAXIMUM NUMBER OF UNITS | GROSS DENSITY | NET DENSITY |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RESIDENTIAL (DUPLEX) | 3.50 | N/A | N/A | N/A | 20% | 35' | 3868 SQ.FT. | 7908 SQ.FT. | 5088 SQ.FT. | 30 | 0.87 DU/AC | 0.89 DU/AC |
| COMMERCIAL | | | | | | | | | | | | |
| LOT ONE | 0.94 | 6,000 | 20% | 0.17 | 20% | 40' | 40,000 SQ.FT. | 50,000 SQ.FT. | 45,000 SQ.FT. | N/A | N/A | N/A |
| LOT TWO | 1.38 | 12,000 | 20% | 0.20 | 20% | 40' | 60,000 SQ.FT. | 70,000 SQ.FT. | 65,000 SQ.FT. | 9 | 0.26 DU/AC | 0.26 DU/AC |
| OPEN SPACE | 31.09 | N/A | N/A | N/A | 100% | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| R.O.W. | 0.59 | N/A | N/A | N/A | 100% | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | | | | | | | | | | | | |
| TOTALS | 37.50 (GROSS) | 18,000 | N/A | N/A | | | | | | 39 | 1.13 DU/AC | 1.15 DU/AC |
| | 36.91 (NET) | | | | | | | | | | | |

GENERAL NOTES:
1. AN ADDITIONAL 2.91 ACRES IS NOT INCLUDED AS PART OF THIS PDP WHICH ARE PLATTED AS OUTLOTS C & D. SEE PRELIMINARY PLAT
2. A COMP PLAN AMENDMENT IS NOT REQUIRED. THE RESIDENTIAL PORTION COMPRISES OF 10% OF THE PDP. A MAXIMUM OF 15% IS ALLOWED IN THE EMPLOYMENT ZONE.

## PARKING TABLE

| LAND USES | PARKING RATIO | PARKING REQUIRED | SURFACE PARKING PROVIDED | GARAGE PARKING PROVIDED |
|---|---|---|---|---|
| COMMERCIAL/ RETAIL (12,000 SQ.FT.) | 1:300 | 40 | 57 | 4 |
| 2 Restaurant with Drive Thru (1,800 SQ.FT.) | 1:250 | 8 | 27 | N/A |
| RESIDENTIAL (9 UNITS) | 2 SPACES PER DWELLING UNIT | 18 | N/A | 18 |

| | |
|---|---|
| STANDARD SPACES | 82 |
| GARAGE SPACES | 22 |
| HANDICAP SPACES | 5 (1 WITHIN GARAGE) |
| TOTAL PARKING | 109 |

| | REQUIRED | PROVIDED |
|---|---|---|
| BICYCLE PARKING | 6 | 6 |

## ENVIRONMENTALLY SENSITIVE AREAS TABLE

| | EXISTING AREA | ADDITIONAL AREA | TOTAL AREA |
|---|---|---|---|
| POND | 732,141 SQ. FT. | 0 SQ. FT. | 732,141 SQ. FT. (16.807 ACRES) |
| WETLANDS | 47,378 SQ. FT. | 3,351 SQ. FT. | 50,729 SQ. FT. (1.165 ACRES) |

GENERAL NOTES:
NO WETLANDS ARE PROPOSED TO BE DISTURBED.

## CONDITIONS OF APPROVAL

Power:
1. Zero side lot setbacks shall be permitted only where common walls exist between uses.
2. For commercial developments, all metering equipment, including Current Transformer (CT) and/or Potential Transformer (PT) cabinets, breakers, main disconnects and by-pass switches must be on an outside wall of the building. Prior to designing the electrical system and prior to submitting an electrical permit, the developer shall contact the Power Department for specific electric service, metering and CT requirements and locations. Current Transformers and Potential Transformers shall not be allowed in the transformer and the meter will not be attached to the transformer.

Stormwater:
3. Prior to approval of a Final Development Plan and Final Plat, the Developer shall design the Lowest Floor/Opening Elevations of all structures to be built in the flood fringe, along with the adjacent ground within 15 feet of the structures, a minimum of 18 inches above the 100-year Base Flood Elevation of the Big Thompson River or Ryans Gulch whichever Base Flood Elevation is higher. The final design of these structures shall be shown on the final construction drawings including final grading associated with the structures. No basements shall be permitted for any structures to be built in the flood fringe.
4. Prior to issuance of a Building Permit for any structures to be built in the flood fringe of either the Big Thompson River or Ryans Gulch, the Developer shall submit a "Floodplain Development Permit Application", acceptable to the Loveland Stormwater Utility, for review and approval.
5. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the Loveland Stormwater Utility with an executed copy of The Big Thompson Ditch and Manufacturing Company Agreement.
6. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the Loveland Stormwater Utility with a letter of "Approval" or letter of "No Exception Taken" from the Ryans Gulch Irrigation Company for the proposed driveway culvert crossing of the existing Ryans Gulch irrigation return flow/storm drainage ditch.
7. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide a geotechnical overtopping analysis (report signed and stamped by a professional engineer) and an erosion mitigation design (on the construction drawings), acceptable to the Loveland Stormwater Utility, for the stormwater in Ryans Gulch to pass non-erosively over the 305 foot wide Private Access Road/Drive overtopping zone and into the existing downstream lake.
8. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide a 100-year hydraulic design (calculations and construction details), acceptable to the Loveland Stormwater Utility, to collect the east ½ of Taft Avenue's stormwater runoff along the entire frontage of the Mineral Addition project and transmit the 100-year runoff east into the existing lake.
9. Prior to approval of a Final Development Plan and Final Plat, the Developer shall add the following note to the Landscape Plan: "Trees 10 foot minimum separation from storm sewers. Shrubs 4 foot minimum separation from storm sewers."
10. Prior to approval of a Final Development Plan and Final Plat, the Developer shall add drainage easements for the storm sewers proposed between the public street right-of-way and the private lake.

Fire Prevention:
11. Prior to approval of the Final Development Plan and associated construction drawings the final design for the emergency access onto Taft Avenue shall be approved by the Fire and Transportation Departments.
12. If more than one habitable residential unit accesses a roadway, then the maximum length of the roadway shall be no longer then 1,000 feet without a secondary access.

Parks and Recreation:
13. The developer shall add the appropriate signage on the PICP's for the 4 Jayhawker parking stalls, as labeled on the PDP. Either add a sign or mark the stalls as noted on the PDP.

Engineering:
14. Prior to issuance of any building permits within this Preliminary Development Plan (PDP), unless otherwise approved by the Director pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the following improvements shall be designed and constructed by the developer, unless designed and constructed by others:
   a. The four-lane arterial roadway improvements for Taft Avenue adjacent to the property, including sidewalk.
   b. The modifications to the existing roadway striping in Taft Avenue for the southbound left turn lanes at Audrey Drive and Carlisle Drive as approved by the City.
15. Notwithstanding any information presented in the Preliminary Development Plan or accompanying Preliminary Plat and preliminary construction plan documents (text or graphical depictions), all public improvements shall conform to the Larimer County Urban Area Street Standards (LCUASS) adopted on October 1, 2002, as amended, unless specific variances are requested and approved in writing.
16. Prior to approval of the Final Development Plan (FDP) or Final Plat, and associated construction drawings, the final design for the emergency access onto Taft Avenue shall be approved by both the Fire and Transportation Engineering Departments. This design shall also include the construction of Maxi-Force collapsible bollards (or approved equal).
17. Prior to approval of the Final Development Plan or Final Plat, the developer shall provide a street name for the proposed private street in the development that is acceptable to the Fire Department. This street name shall also be shown on the Final Development Plan, Final Plat, and associated construction drawings.
18. Prior to approval of the Final Development Plan or Final Plat, all proposed parking within this development shall comply with Figure 19-7 in the LCUASS.
19. Prior to approval of the Final Development Plan or Final Plat, the developer shall grant an access for the Agilent property to the east in a development agreement. This development agreement shall be reviewed and approved by the City prior to recording.
20. Prior to approval of the Final Development Plan or Final Plat, the developer shall provide the City with written concurrence from the Thompson School District for adequate school routing.

## SETBACK TABLE

| RESIDENTIAL BUILDINGS (DUPLEX) | MINIMUM SETBACK FROM: FRONT SETBACK | SIDE SETBACK* | REAR SETBACK |
|---|---|---|---|
| LOTS 2, 3, 6, 7, 10, 11, 14, 15, 18, 19, 22, 23, 26, 27, 30 | 15' | 7' | 5' |
| LOTS 1, 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29 | 19' | 7' | 5' |

1

* A 0' SIDE YARD SETBACK IS PERMITTED WITHIN SINGLE FAMILY ATTACHED STRUCTURES AT THE COMMON WALL AND SHALL SUBJECT TO BUILDING CODE REQUIREMENTS.

** LOT 2 SHALL HAVE A 19' FRONT SETBACK IN ORDER TO MAINTAIN REAR SETBACK FROM ADJACENT WETLAND.

| COMMERCIAL BUILDING | TAFT AVENUE SETBACK | PRIVATE DRIVE SETBACK | COMMON LOTLINE |
|---|---|---|---|
| LOT 1 | 25' | 25' | 7' |
| LOT 2 | 25' | 25' | 7' |

## SETBACK TABLE AMENDMENT

| RESIDENTIAL BUILDINGS (DUPLEX) | MINIMUM SETBACK: SIDE SETBACK |
|---|---|
| ONE STORY BUILDING | 5' |
| TWO STORY BUILDING | 7' |

1

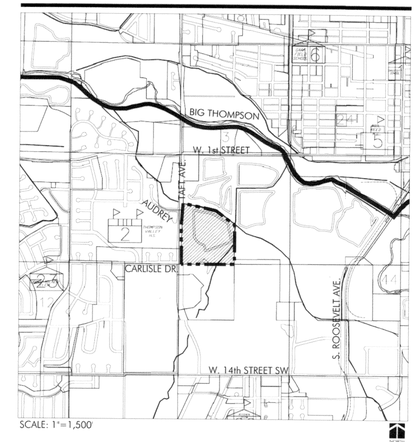
## SIGNATURES AND APPROVALS

Approved this 25TH day of OCTOBER, 20 11 by the Current Planning Manager of the City of Loveland, Colorado.

Current Planning Manager

1

## VICINITY MAP



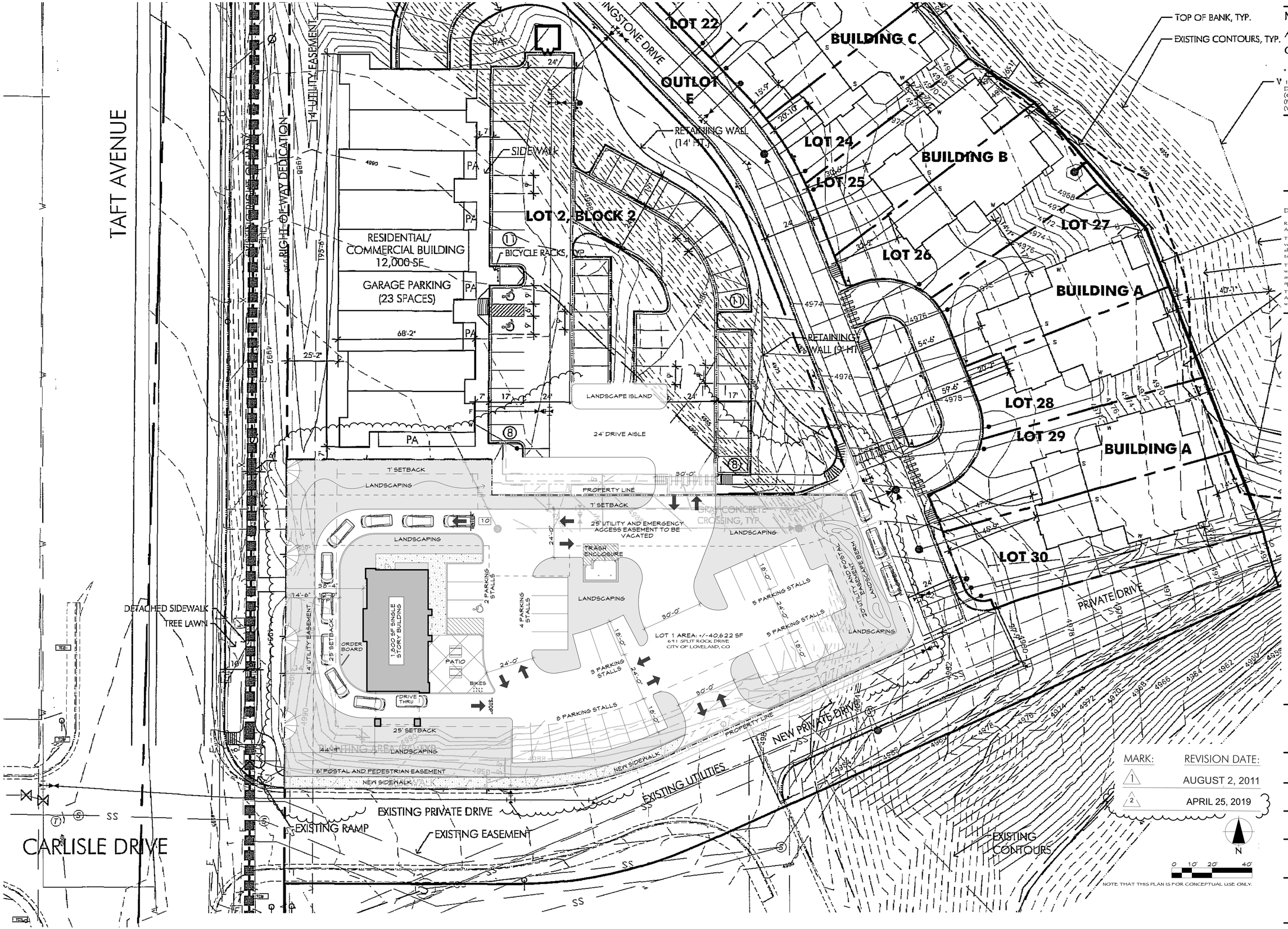

SCALE: 1"=1,500'

| MARK: | REVISION DATE: |
|---|---|
| 1 | AUGUST 2, 2011 |
| 2 | APRIL 25, 2019 |

# MINERAL ADDITION ~~PDP~~
## ~~1 ST AMENDMENT~~
TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO

BHA DESIGN, INC. 803 INNOVATION DR FT. COLLINS, CO 80525 TEL: (970) 223 – 7577

ATTACHMENT C




| MARK: | REVISION DATE: |
|---|---|
| 1 | AUGUST 2, 2011 |
| 2 | APRIL 25, 2019 |


MAH Architectural Group

1385 S. Colorado Blvd., Penthouse
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Stamp

PRELIMINARY
NOT FOR CONSTRUCTION

Notes

DO NOT SCALE THE DRAWINGS,

Request verification of dimensions from the Architect as required.

The General Contractor shall check and verify all levels, datums and dimensions and shall report any and all errors and omissions to the Architect immediately.

This drawing is to be read in con junction with structural,mechanical, electrical and/or any other consultants drawings that may be applicable.


This drawing is the exclusive property of the Architect and must not be reproduced without his written permission.


ZIGGI'S COFFEE-LOVELAND (SPLIT ROCK)
MINERAL ADDITION PUD
LOT 1, SITE PLAN-ZIGGIS COFFEE
691 SPLIT ROCK DRIVE
LOVELAND, CO 80531

Issues:

Scale

Date Drawn
APRIL 08, 2019

Drawn By
CMA

Description
REZONING DOCUMENT

Sheet Number
A1.0

**ATTACHMENT C**

## PRELIMINARY DEVELOPMENT PLAN NARRATIVE

### Purpose of the Project

The following narrative applies to this 37.50 acre Preliminary Development Plan (PDP), referred to as the Mineral Addition PDP. The purpose of the project is to develop this former mining site as a mixed use project with residential and commercial uses. The primary objective is to meet the growing demand of the area with the mix of uses while providing continuity in style and design.

### Land Use

Overall Concept: The Mineral Addition PDP will be developed as a single phase project with the commercial uses beginning the project followed up closely by the residential units located along the lakes edge. Our intent is to create a cohesive development between the mix of uses by maintaining vehicular and pedestrian circulation, providing consistent landscape themes and protecting the sensitive nature of the site. Enhancements of the existing wetlands along the lake edge and planting of native plant materials are the primary missions for the landscape. Architectural style and construction materials will be designed to reinforce the natural theme dictated by the natural beauty of the site.

#### Permitted Uses

Permitted uses on Lots 1-30 of Block 1:

a. Single-family attached dwellings (Two-Family Dwellings)

Setbacks: Staggered front setbacks shall be provided for the attached dwelling units at a minimum of 2 feet. Side setbacks shall be a minimum of 7'. Rear setbacks shall be a minimum of 5'.

Building Height: The maximum height for structures 35 feet. Refer to the Loveland Municipal Code section 18.54 for information on calculating building height.

Elevations: Refer to sheets 11- 16 for prototypical elevations of the single-family housing.

Signage: Signage shall comply with section 18.50 of the Loveland Municipal Code.

Permitted uses on Lots 1 & 2 of Block 2:

a. Banks, savings and loan and finance companies
b. Medical and dental laboratories
c. Membership clubs
d. Offices and clinics
e. Parking lots and garages
f. Parks and playgrounds
g. Personal service shops
h. Restaurants and other eating and drinking establishments, indoor and outdoor
i. Retail stores
j. Child care centers licensed according to the state statutes of the state
k. Printing shops
l. Retail laundries
m. Private recreational uses, outdoor
n. Residential (2nd floor, Lot 2, Block 2 only)

Setbacks: Refer to the setback table located Sheet 2.

Building Height: The maximum height for structures is 40 feet. Refer to the Loveland Municipal Code section 18.54 for information on calculating building height.

Elevations: Refer to sheets 11-16 for prototypical elevations of the commercial structures.

Signage: Signage shall comply with section 18.50 of the Loveland Municipal Code.

Permitted uses on Outlots A, B, & E :

a. Private recreational uses, outdoor

Setbacks: Not Applicable

Building Height: Built structures are not allowed on these lots.

### Circulation

Overall Concept: Primary access to the site will be from Taft Avenue, a major arterial. Two access points across from Audrey and Carlisle Drives will provide access. A private drive with parking on one side will serve as access for the residential and commercial uses. A private driveway will serve as acess for the single estate home located in the southeast corner of the site.

Components:

1. Vehicular: The private drive is designed to accommodate parking on one side of the street. The private access drive on the south side shall meet fire safety standards. Streets shall be configured to encourage traffic calming.

2. Pedestrian: An overall system of pedestrian ways will be provided, both along roadways as well as through open space areas. A detached sidewalk will be provided along Taft Avenue in accordance with the standards. The commercial area will provide connection from Taft Avenue to the commercial area and the residential area. The residential area will have an attached sidewalk adjacent to the housing. A proposed private trail is planned around Mineral Lake connecting the residential areas to the open space. Signage shall clearly indicate ownership and maintenance when entering or exiting the private trail system. Parking for Jayhawker Ponds is provided for on the north end of the site with connecting access to Taft Avenue.

3. Performance Standards: The private drive is designed in accordance with the Larimer County Urban Area Street Standards for a "Lane" classification with parking allowed on one side of the street. The Preliminary Plat provides for dedication of necessary Right of Way to accommodate Taft Avenue's ultimate development.

### Public and Private Utilities

Water and Sewer
Water and sewer service will be provided by the City of Loveland. A 12" waterline will be constructed in Taft Avenue and an 8" water main will be looped through the site to provide an internally looped distribution system . Sewer service will be extended from the existing main at the northwest corner of the intersection of Audrey and Taft Avenue. The sewer will be located in the internal private drive and will collect effluent from both the residential area and the commercial area.

Storm Drainage
This site is located within the Ryan Gulch Basin as defined by the Loveland Stormwater Master Plan. Stormwater runoff will be collected in two storm pipes and will sheet flow into the existing pond on the site. This existing pond will provide stormwater detention and water quality enhancement. No modifications are proposed to this pond. All structures will be elevated to a minimum of 1' above the overflow elevation of this pond. The Ryan Gulch runs through the southeast corner of the overall site. It is proposed to maintain the Gulch. There is one proposed crossing of the Gulch with a private drive that leads to a single residence. A drainage culvert under the private drive will pass the minor flows while the major flows will overtop the private drive.

Electric and Natural Gas
Electric service will be provided by the City of Loveland Light and Power Department, and Xcel Energy will provide natural gas.

Telephone
Qwest will provide telephone service.

Parks, Open Space, and Natural Areas
This area is identified as a natural area in the City of Loveland's 2003 Open Lands Plan as a priority area for protection. It is also identified in the City's 1993/1996 Natural Areas Inventory as site no. 38 and no. 40. Additionally, an environmental assessment (completed by Cedar Creek Associates on February 24, 2004 and updated March 3, 2005) indicates that the ponds, wetlands, Ryan Gulch drainage, adjacent big Thompson Ditch and mature cottonwoods on the property remain as the only natural habitat features. Open space areas will be maintained and enhanced in a few areas while minimizing the disturbance of the remainder of the site.

### Public and Private Utilities (continued)

Public Facilities Providers

Police: Loveland Police Department
Fire: Loveland Fire Department
Schools: Thompson R2-J District
Parks and Open Space: City of Loveland

### Landscaping

Overall Concept: The design intent PDP is to create a comprehensively planned community through the integration of the site features. The creation of a well conceived overall landscape program for the development will serve to provide for a unique identity in the man-made areas as well as the natural areas. Several design elements will be used to reinforce the image of this development. The elements include: buffering treatment along Taft Avenue, an enhanced and protected landscape treatment along sensitive edges and cohesive plantings for the commercial and residential portions.

Edge Treatment:

1. Landscaping: Perimeter landscape treatment shall occur primarily along Taft Avenue with a large buffered landscape adjacent to the Right-of-Way. The interior portion of the project shall feature native landscape buffers,enhanced wetland buffer treatments, complimentary fencing, and sidewalks. A significant stand of mature trees is located at the south end of the property and shall remain undisturbed. The jurisdictional wetlands around Mineral Lake shall be enhanced using the palette of landscape materials as recommended in the Revegetation/Enhancement Plan. Buffer yards shall comply with City of Loveland's Site Development Performance Standards and Guidelines.

2. Access: Entry points are proposed from the site's abutting roadway and existing entrance. Each entry point will be designed as a part of the development's overall theme in terms of landscape and architectural treatment

3. Fencing: The use of fencing shall occur between the residential structures and a 40' water's edge setback creating a buffered edge from the enhanced wetlands along the east edge of Mineral Lake. The low-profile fencing shall create a protective barrier and meander along the top of bank to discourage pedestrian movement in the buffer. See Sheet 4 as an example of the fence type.

Streetscape: the landscape treatment along Taft Avenue shall have a tree-lined streetscape mixed with a meandering native area directly adjacent. The mix of formal with informal planting shall create a transition to the naturalistic setting of the property. This approach shall help to visually unify the overall site. One 2-inch caliper street tree shall be planted every forty (40) feet along Taft and a canopy tree shall be planted per each duplex building in the residential areas. The commercial areas shall conform to City of Loveland's Site Development Performance Standards and Guidelines.

Open Space Areas: Lake edges will be enhanced with additional trees, grasses and shrubs as recommended in the Revegetation/Enhancement Plan to protect the existing wetlands. The north, east and south sides of the existing lake shall remain undisturbed from development and remain in their respective natural states.

Maintenance: The landscaped areas of the development, including perimeter areas, common open space, and entry features will be maintained by a Property Owners Association. Maintenance of landscaping within each lot will be the responsibility of a Homeowner's Association. A Property Owners Association will privately maintain landscaping within the public right-of-way and the private drives.

### Environmentally Sensitive Areas

In accordance with the Environmentally Sensitive Areas Report prepared by Cedar Creek Associates, the following is a detailed description of the various environmentally sensitive conditions per that report and proposed treatments for the Mineral Addition PDP.

Non-native Grasslands
Non-native grassland is present primarily around the perimeter of the reclaimed gravel mine pond, upland areas west of the gravel pit pond, and southeast of Ryan Gulch. These areas have been converted from what was probably native grassland and moist meadow communities by past sand and gravel extraction activities. Grass cover in most of these areas is relatively dense, contributing over 50 to 60 percent total. Dominant non-native grass species recorded in non-native grassland habitat were crested wheatgrass (Agropyron cristatum), cheatgrass (Anisantha tectorum), smooth brome (Bromopsis inermis), and intermediate wheatgrass (Thinopyrum intermedium). Dominance by these species varies depending on location. The large non-native grassland area west of the gravel pit pond supports essentially a monoculture of crested wheatgrass, while sites around the pond perimeter and along Ryan Gulch support grasslands dominated by smooth brome and intermediate wheatgrass. Shrub cover is generally lacking in areas of non-native grassland. Non-native grasslands do not meet any habitat criteria for classification as environmentally sensitive areas. Although non-native grassland habitats represent undeveloped open space for wildlife populations, their overall value as wildlife habitat is reduced by the general lack of woody vegetation, low vegetation species diversity, and the predominance of non-native grass and/or annual weed species. No prairie dog towns are present, and grass cover is too dense for this area to attract colonization by prairie dogs.

Treatment - The non-native Grasslands that exist west of the lake comprise the area for development of the residential and commercial portions of the PDP. The open space areas left after development shall consist of native grassland and shrub species.

Rabbitbrush/Non-native Grasslands
This habitat is characterized by dense stands of rubber rabbitbrush (Chrysothamnus nauseosus) with varying amounts of smooth brome, cheatgrass, and Canada thistle (Breea arvensis) in the understory. Shrub cover provided by rubber rabbitbrush is highly variable, ranging from 35 to 75 percent, with the densest stands located along the western edge of the gravel pit pond. Wildlife inhabitants and use of rabbitbrush grassland is similar to that described for native/non-native grassland except that the presence of higher levels of shrub cover increases overall habitat diversity. Mountain cottontails and mule deer feed on rabbitbrush, and these shrubs also provide hiding cover and resting areas for these species. Increased vegetation structural diversity created by rubber rabbitbrush also attracts additional songbird species and provides potential nesting habitat for songbirds such as vesper sparrow and green-tailed towhee. Dense stands of rabbitbrush near the gravel pit pond may also provide suitable nesting cover for waterfowl species such as mallard, gadwall, and green-winged teal.

Treatment - This area is located in between the west edge of the lake and the rear lot lines of the duplex developments. In accordance with the recommendations of Cedar Creek, the area shall be enhanced with additional native shrubs and trees to encourage wildlife habitation. Additionally, a low impact fence shall be built along the rear property lines of the duplex units to discourage intrusion into the area.

Non-native Grassland/Weedy/Cottonwood Woodland
Several large, mature cottonwood (Populus deltoides) trees characterize this habitat area. The understory is dominated by a mix of annual weeds and non-native grass species. The cottonwoods range in size from 1.5 to 5 feet in diameter and 40 to 50 feet tall. Some are partially decadent. Several small Russian olive (Elaeagnus angustifolia) trees are also supported around the perimeter of the small, horseshoe-shaped pond. The vegetation understory is highly variable in this habitat and appears to have been heavily influenced by past ground disturbances. Total herbaceous vegetation cover ranges from relatively sparse (less than 25 percent) to fairly dense (greater than 75 percent), and species dominance abruptly shifts from annual weeds to non-native grasses from one area to another. Predominant herbaceous species recorded in this habitat were smooth brome, cheatgrass, intermediate wheatgrass, wild licorice (Glycyrrhiza lepidota), Canada thistle, kochia (Bassia sieversiana), prickly lettuce (Lactuca serriola), and musk thistle (Carduus nutans). Wildlife use of this habitat is similar to non-native grassland except for the presence of the large cottonwood trees. These trees provide potential perch and nest sites for songbirds and open-country raptors such as red-tailed hawk and Swainson's hawk. With the proximity of the ponds and waterfowl use of these ponds, the large cottonwoods also provide potential hunting perches for wintering bald eagles. One bald eagle was observed flying from one of the larger cottonwoods and making a pass over waterfowl on the frozen surface of the gravel pit pond during the December 2002 survey. Cavities observed in some of the larger cottonwoods represent suitable nesting habitat for small owls, woodpeckers, swallows, and chickadees. Although most of the cottonwood trees in this area are of appropriate size and configuration to support raptor nesting, no raptor nests were observed during either of the field surveys. The cottonwoods are the only native trees growing on the property, and because of their size, were classified as environmentally sensitive based on City of Loveland guidelines. The presence of large trees in this area increases the overall habitat diversity of the area, especially since these trees provide commanding views of the nearby ponds as well as portions of Ryan Gulch. However, overall habitat quality is reduced somewhat by the dominance of weedy and non-native grass species in the understory. This area in combination with Ryan Gulch is cataloged as Site No. 38 in the City of Loveland's Natural Area mapping (Design Workshop, Inc. et al. 1993, revised 1996). The site was given an overall habitat ranking of "5" with medium enhancement potential. Given the presence of the large cottonwoods in proximity to Ryan Gulch, adjacent ponds and wetlands, but with drawback of fairly disturbed non-native understory, an overall habitat rating of "5" seems appropriate for this area.

Treatment - The proposed treatemtn for the Non-native grassland/Weedy/Cottonwood Woodland area shall be minimal distrubance in the form of a 15' wide gravel roadway along the north edge of the area. No enhancement or additional landscape is proposed for the area. The roadway shall be located to minimize disturbance of the large Cottonwood trees and the existing wetlands described below.

Ponds and Wetlands
The wetland shoreline zone around the perimeter of the reclaimed gravel pit pond is relatively narrow and not continuous due, in part, to nearly vertical embankments from the water's edge to adjacent uplands along portions of the shoreline. Wetland vegetation is generally not well developed, except along the southern pond perimeter and at the northwest corner of the pond. In most areas the top of the gravel pit cut bank creates a sharp demarcation between the shoreline wetland zone and topographically elevated areas supporting primarily upland vegetation species. Wetlands are present in the relatively narrow shoreline zone where wetland associated vegetation has established between the bank sideslope and open water. Wetlands are continuous around the perimeter of the small, horseshoe-shaped pond. Characteristics of wetlands around the two ponds are similar and consist primarily of cattail (Typha latifolia) stands in the more saturated zones and dominance by reed canarygrass (Phalaroides arundinacea), coyote willow (Salix exigua), and tamarisk (Tamarix ramosissima) in the more upland and less saturated portions of the wetlands. The U.S. Army Corps of Engineers has classified the wetland zones around both ponds as "jurisdictional" (see Appendix B).

The ponds and wetlands provide foraging and watering areas for upland wildlife species. Wetlands and associated open water habitats also supply foraging, resting, and breeding habitat for waterfowl, shorebirds, wading birds, reptiles and amphibians. The presence of fish in the gravel pit pond is also likely to attract fish-eating species such as great blue heron, double-crested cormorant, and western grebe. A variety of songbirds will nest and forage in the wetlands as well. However because of the proximity of Taft Avenue and nearby developments, wildlife use of the ponds and wetlands is restricted primarily to urban-adapted species. The two ponds and peripheral wetlands in combination with additional gravel pit ponds to the north and northeast are cataloged as Site No. 40 in the City of Loveland's Natural Area mapping (Design Workshop, Inc. et al. 1993, revised 1996). The site was given an overall habitat ranking of "5" with a high enhancement potential. Given the limited extent of wetland around most of the pond perimeters, a habitat ranking of "5" seems appropriate. A higher ranking of "6 to 7" would be appropriate for the south edge of the gravel pit pond, given the presence of more extensive wetlands and nearby large cottonwood trees, while lower rankings of "3 to 4" would apply to the eastern and western edges of the gravel pit pond where wetland development is limited or nonexistent. The City of Loveland Open Lands Plan recommends a development setback of 75 feet from the operating high water line of lakes with a natural areas rating of "5" or less. The Open Lands Plan also states that reduced buffers may be considered if adjacent developed areas have appropriately designed, constructed and maintained storm water control systems.

Treatment - Development is not planned for the pond and wetland areas. The pond shall be used for non-motorized recreational use by the private land owners. A low-impact dock is proposed to allow the private land owners to use for passive activities. The north edge of the pond shall have a trail that will remain outside of the pond or wetland edge. The south and east edges of the area shall remain undeveloped. The west edge of the site shall be developed with a 40' setback from water's edge to structure. Where existing wetlands lie along the west edge, structures shall be moved further away from the setback to allow for more buffer area.

MITIGATION MEASURES

- Prior to the initiation of development activities, the cottonwood trees should be surveyed to ensure there is no raptor nesting use of any of these trees. If an occupied nest is discovered, construction within 300 meters of the active raptor nest should be avoided during the nesting period (March through July) to minimize potential disturbance to an active nest and possible nest abandonment.
- Prior to the initiation of development activities the red fox den site should be surveyed to determine its activity status. If the den site is occupied, construction within 50 feet of the den sites should be avoided during the pup parturition and rearing season (March through August).
- The mature cottonwood trees south of the gravel pit pond should be preserved unless there is a potential human safety risk from falling decadent trees or limbs. A 30-foot construction buffer (surface disturbance and underground utilities) should be maintained around the tree's driplines to preclude any possible disturbance to the tree's root systems.
- A minimum development setback of 40 feet should be maintained from the edge of the reclaimed gravel pit pond to protect water quality and waterbird use of the pond. Stormwater detention ponds should be established to prevent direct discharge of surface runoff from developed sites into the pond. To further enhance the setback buffer, it is recommended that this area be planted to native vegetation with emphasis on native shrubs and trees that would create visual screening between the pond and development. Properly vegetated setback areas should maintained be to catch and retain sediment and other undesirable runoff into other areas of proposed open space. The proposed measure should be sufficent to maintain water quality in the reclaimed gravel pit pond.
- Proposed areas of open space around the ponds and in non-native grassland/weedy/ cottonwood woodland habitat could be enhanced considerably by the reduction of weedy/invasive species and the establishment of more native vegetation communities, especially with the establishment of additional stands of native shrubs and trees.
- Development activities should not be permitted to disrupt the continuity of the Ryan Gulch wildlife corridor. The integrity of this corridor would be maintained with a 50-foot development setback from the Ryan Gulch wetlands. This buffer would maintain the movement corridor as well as protect water quality in the drainage and adjacent wetlands.
- Best Management Practices (BMPs) should be employed between proposed development and ponds and wetlands to minimize the risk of excess sediment and other undesirable surface water runoff from construction. BMPs would include, but not be limited to, silt fencing, hay bales, berms, and rapid revegetation of surface disturbance adjacent to disturbance areas to maintain the quality of surface water runoff.
- Recreational use of the ponds and areas of open space should be restricted to non-mechanized foot travel and passive wildlife viewing around the pond perimeters. It is recommended that dirt or gravel trail system be established to assist in keeping foot traffic away from the immediate edges of ponds and wetlands.
- Interpretative and educational signs should be placed along the trail system. The signs should stress the need for no wildlife harassment or human intrusion into important habitat areas.
- Free-roaming pets should be prohibited and leash laws strictly enforced along the trail system to minimize dog and cat/wildlife interactions.

## OWNERS CERTIFICATION

KNOW ALL MEN BY THESE PRESENT THAT:
BENNER HOLDINGS, LLC being all the lawful recorded owners of the property shown on this Preliminary Development Plan, except any existing public streets, roads, or highways, do hereby certify that I/we accept the conditions and restrictions set forth on said plan and that I/we consent to the recordation of any information pertaining thereto.

Owner:
BENNER HOLDINGS, LLC

By: [signature]
Jeryl Benner, Manager
Date: 04/20/06

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER )

The foregoing instrument was acknowledged before me this 20th day of April, 20 06, by Jeryl Benner, Manager

My commission expires: 6-24-06

DOT THOMPSON NOTARY PUBLIC STATE OF COLORADO

Dot Thompson
Notary Public

Lienholder:
HOME STATE BANK

By: [signature]
~~Howard Wigert~~ William D Pulley, Vice President
Date: 4/20/06

STATE OF COLORADO)
) ss.
COUNTY OF LARIMER )

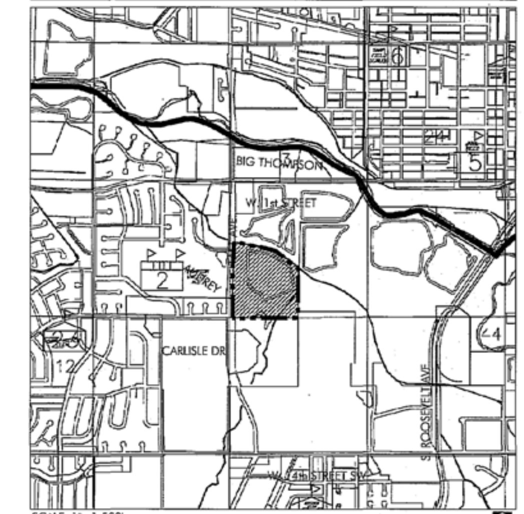
The foregoing instrument was acknowledged before me this 20th day of April, 20 06, by William D Pulley, Vice President

My commission expires: 6-24-06

DOT THOMPSON NOTARY PUBLIC STATE OF COLORADO

Dot Thompson
Notary Public

## VICINITY MAP




SCALE: 1"=1,500'

## SHEET INDEX



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| SHEET 3 | EXISTING CONDITIONS |
| SHEET 4 | OVERALL SITE PLAN |
| SHEET 5 & 6 | SITE PLAN |
| SHEET 7 | REVEGETATION/ENHANCEMENT PLAN |
| SHEET 8 & 9 | LANDSCAPE PLAN |
| SHEET 10 | PLANT LIST AND NOTES |
| SHEET 11 - 16 | ARCHITECTURE ELEVATION |



## SIGNATURES AND APPROVALS

Approved this 28th day of April, 20 06 by the Current Planning Manager of the City of Loveland, Colorado.

[signature]
Current Planning Manager

Approved this 26th day of April, 20 06 by the City Engineer of the City of Loveland, Colorado.

[signature]
for City Engineer

Approved this 1st day of May, 20 06 by the City Attorney of the City of Loveland, Colorado.

[signature]
City Attorney

Approved this 1st day of May, 20 06 by the Planning Commission of the City of Loveland, Colorado.

Ray Schaefer
Chairperson

Approved this 2 day of May, 20 06 by the City Council of the City of Loveland, Colorado.

[signature]
Mayor

Teresa G. Andrews
Attest

CITY OF LOVELAND SEAL COLORADO

# COVER SHEET
## PRELIMINARY DEVELOPMENT PLAN

# MINERAL ADDITION PDP

TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO

BHA DESIGN, INC. • 4803 INNOVATION DRIVE bha FT. COLLINS, CO 80525 • TEL: (970) 223 - 7577

ATTACHMENT D

SHEET 1 OF 16
MARCH 22, 2005
REVISED: DECEMBER 13, 2005

# PRELIMINARY DEVELOPMENT PLAN NARRATIVE (CONT.)

### Architecture and Site Requirements

Overall Concept: These performance standards are intended to insure that commercial and residential uses within Mineral Addition incorporate unifying architectural elements to create an overall, cohesive theme. The intent of these guidelines is to provide detailed design for the construction of dwellings and ensure a compatible architectural concept. The designs are intended to complement rather than conflict with the surrounding natural landscape and structures.

1. Porches: All homes must incorporate a covered front porch, the narrowest dimension of which shall be six feet deep and five feet wide. Homes that use the front porch to recess the garage shall have a minimum porch width of 8 feet measured across the front elevation of the building and a minimum porch depth of 6 feet.

2. Garages: Garages shall have front elevations that compliment, rather than dominate, the architectural details of the living portion of the dwelling. The front elevation of side-load garages shall incorporate the use of windows, wall breaks, and or building material changes to more aesthetically enhance the front wall elevation. Garage doors that are visible as part of the front building elevation shall be recessed behind the front façade of the adjacent building or a covered porch by at least four feet (4). Garage doors visible as part of the front building elevation, shall not comprise more than forty percent (40%) of the ground floor street facing linear building frontage. Corner lots are exempt from this condition. Lots with less than 65 feet of frontage on a single public street right-of-way shall not be permitted a garage where doors for more than two cars are visible as part of the front building elevation.

3. Varying Streetscape: The development shall have three combinations of two-family (Duplex) dwelling units. One combination shall incorporate a two-story unit with a single story ranch unit. A second combination shall incorporate two single-story ranch units. The last combination shall include two two-story units. The combination of these housing types creates flexibilty for a potential buyer while providing a streetscape with varying elevations.

4. Setbacks: This building type is important because it provides a varied selection that helps prevent monotony. The front setbacks for residential structures shall be a minimum of 20' to a garage facing onto a street unless otherwise noted in the Setback Table. Each structure shall have a minimum offset between adjacent units of four (4) feet. Due to the unique nature of the site, an unregulated staggered front setback of four (4) feet shall apply between adjacent buildings not in close proximity to a jurisdictional wetland. Those buildings in close proximity to jurisdictional wetlands may not comply with the staggered setback. For commercial structures, the City of Loveland Municipal Code shall dictate front, side and rear setbacks.

5. Residential Elevations: For residential structures, the elevations shall contain the following items:
   a) Distinct base with change of material or color
   b) Windows and trim around windows
   c) Change in Plane
   d) Accent Colors

6. Commercial Elevations: For Commercial structures, the elevations shall contain the following items:
   a) Distinct base with change of material or color
   b) Windows and trim around windows
   c) Accent Colors

7. Roofs: Roof shall be gabled, hipped, gambrel, or other sloping form. Minimum roof pitch for the major roof mass shall be 5:12: sloped roof over porches, dormers, and/or other smaller architectural elements may have a lesser slope. Flat or lesser slope roof elements shall be permitted only on thirty percent (30%) or less of the roof area.

8. Materials: Roofing materials, windows, building materials and finish, will all be carefully coordinated to achieve a cohesive appearance. Exterior wall materials must incorporate brick, natural or synthetic stone, stucco or horizontal/vertical siding. Permitted building materials will be established with the design of each neighborhood or development area, and must be consistent within the neighborhood to present an overall design.

9. Colors: Exterior wall colors shall be compatible with surrounding buildings, with natural (earth tones) encouraged. Primary or other bright colors are only to be used as accents.

10. Garage Setbacks: Garage door setbacks shall provide adequate clearance to allow cars to be parked in driveways without blocking the sidewalk in the public right-of-way. The minimum setback for front facing garage doors shall be 20 feet from the back of the sidewalk. Refer to the setback table located on PDP sheet 3 of 5

11. Accessory Structures: Accessory Structures Are Not Allowed Within This Development.

### Landform Modification

The project area is characterized by mostly level to gently sloping topography having overall slopes less than 5 percent. However small areas of slopes over 20 percent do exist in the southwest and southeast corners of the property in native grassland/non-native grassland and rabbitbrush/non-native grassland habitats, respectively, and along the northern portion of the west edge of the larger pond in rabbitbrush/non-native grassland habitat. Low, nearly vertical cut banks are also present around most of the perimeters of the two ponds on the property.

The unique nature and location of the project site has resulted in a development plan with fill conditions for the overall project. The fill conditions primarily occur within a small area of the non-native grassland habitat which also has twenty (20%) percent or greater slopes. This area is being developed in accordance with the ESAR guidelines. Twenty (20%) percent or greater slopes also occur in the rabbitbrush/non-native grassland habitats, but the area has minimal disturbance with the construction of the residential units because of walk-out basements and location of the residential units.

Since the primary earth moving occurs along the west side of the site and within the non-native grassland habitat, the rest of the project site has minimal or zero disturbance and shall be left in its native state.

### Implementation

Procedures: All proposed development of any type within the Planned Unit Development will be processed in accordance with the procedures contained in Chapter 18.41 of the Loveland Municipal Code, Section 18.41.50, Procedures for Approval of a Planned Unit Development, and shall require approval of Preliminary and Final Development Plans in accordance with the requirements thereof.

This Preliminary Development Plan may be modified in a minor way, such as the reconfiguration of development areas, relocation or minor realignment of the private residential roads, or other minor non-substantive modification, subject to the approval of the City's Current Planning Manager or his/her designee. Such minor amendments shall be noted on this Plan in an amendment history log, including the nature of the modification and the date of its approval by the Current Planning Manager. Amendments of a more significant nature shall be undertaken in the manner prescribed in Section 18.41.050.D.11.

Subdivision Procedures: All development within this PUD will comply with the City's subdivision procedures as well as this PUD.

Ownership Associations: The Mineral Addition PUD shall be governed through several Ownership Associations. The primary structure shall be achieved within an overall Ownership Association which shall be responsible for the common areas of the property. Separate Ownership Associations shall occur within the Commercial and Residential properties to cover the maintenance and day-to-day operations of each entity.

Phasing: The overall grading and utility for the project site shall be completed throughout the Winter of 2005. As for the construction of the structure, the initial plan for the Mineral Addition PUD is to phase the Residential portion of the project to completion. Likely, the Residential properties shall be fifty (50%) percent complete before construction of the Commercial property begins. Initial construction for the Residential structures is anticipated to begin in Summer 2006.

## LAND USE TABLE

| LAND USES | LOT AREA (ACRES) | BUILDING SQ. FT. | MAX. BLDG. COVERAGE | MAX. FAR | MIN. OPEN SPACE % | BUILDING HEIGHT | MINIMUM LOT SIZE | MAXIMUM LOT SIZE | AVERAGE LOT SIZE | MAXIMUM NUMBER OF UNITS | GROSS DENSITY | NET DENSITY |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RESIDENTIAL (DUPLEX) | 3.50 | N/A | N/A | N/A | 20% | 35' | 3868 SQ.FT. | 7908 SQ.FT. | 5088 SQ.FT. | 30 | 0.87 DU/AC | 0.89 DU/AC |
| COMMERCIAL | | | | | | | | | | | | |
| LOT ONE | 0.94 | 6,000 | 20% | 0.17 | 20% | 40' | 40,000 SQ.FT. | 50,000 SQ.FT. | 45,000 SQ.FT. | N/A | N/A | N/A |
| LOT TWO | 1.38 | 12,000 | 20% | 0.20 | 20% | 40' | 60,000 SQ.FT. | 70,000 SQ.FT. | 65,000 SQ.FT. | 9 | 0.26 DU/AC | 0.26 DU/AC |
| OPEN SPACE | 31.09 | N/A | N/A | N/A | 100% | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| R.O.W. | 0.59 | N/A | N/A | N/A | 100% | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | | | | | | | | | | | | |
| TOTALS | 37.50 (GROSS) | 18,000 | N/A | N/A | | | | | | 39 | 1.13 DU/AC | 1.15 DU/AC |
| | 36.91 (NET) | | | | | | | | | | | |

GENERAL NOTES:
1. AN ADDITIONAL 2.91 ACRES IS NOT INCLUDED AS PART OF THIS PDP WHICH ARE PLATTED AS OUTLOTS C & D. SEE PRELIMINARY PLAT
2. A COMP PLAN AMENDMENT IS NOT REQUIRED. THE RESIDENTIAL PORTION COMPRISES OF 10% OF THE PDP. A MAXIMUM OF 15% IS ALLOWED IN THE EMPLOYMENT ZONE.

## PARKING TABLE

| LAND USES | PARKING RATIO | PARKING REQUIRED | SURFACE PARKING PROVIDED | GARAGE PARKING PROVIDED |
|---|---|---|---|---|
| COMMERCIAL/ RETAIL (12,000 SQ.FT.) | 1:300 | 40 | 57 | 4 |
| BANKS, SAVINGS AND LOAN CO. (6,000 SQ.FT.) | 1:250 | 24 | 29 | N/A |
| RESIDENTIAL (9 UNITS) | 2 SPACES PER DWELLING UNIT | 18 | N/A | 18 |

| | |
|---|---|
| STANDARD SPACES | 82 |
| GARAGE SPACES | 22 |
| HANDICAP SPACES | 5 (1 WITHIN GARAGE) |
| TOTAL PARKING | 109 |

| | REQUIRED | PROVIDED |
|---|---|---|
| BICYCLE PARKING | 6 | 6 |

## ENVIRONMENTALLY SENSITIVE AREAS TABLE

| | EXISTING AREA | ADDITIONAL AREA | TOTAL AREA |
|---|---|---|---|
| POND | 732,141 SQ. FT. | 0 SQ. FT. | 732,141 SQ. FT. (16.807 ACRES) |
| WETLANDS | 47,378 SQ. FT. | 3,351 SQ. FT. | 50,729 SQ. FT. (1.165 ACRES) |

GENERAL NOTES:
NO WETLANDS ARE PROPOSED TO BE DISTURBED.

## CONDITIONS OF APPROVAL

Power:
1. Zero side lot setbacks shall be permitted only where common walls exist between uses.
2. For commercial developments, all metering equipment, including Current Transformer (CT) and/or Potential Transformer (PT) cabinets, breakers, main disconnects and by-pass switches must be on an outside wall of the building. Prior to designing the electrical system and prior to submitting an electrical permit, the developer shall contact the Power Department for specific electric service, metering and CT requirements and locations. Current Transformers and Potential Transformers shall not be allowed in the transformer and the meter will not be attached to the transformer.

Stormwater:
3. Prior to approval of a Final Development Plan and Final Plat, the Developer shall design the Lowest Floor/Opening Elevations of all structures to be built in the flood fringe, along with the adjacent ground within 15 feet of the structures, a minimum of 18 inches above the 100-year Base Flood Elevation of the Big Thompson River or Ryans Gulch whichever Base Flood Elevation is higher. The final design of these structures shall be shown on the final construction drawings including final grading associated with the structures. No basements shall be permitted for any structures to be built in the flood fringe.
4. Prior to issuance of a Building Permit for any structures to be built in the flood fringe of either the Big Thompson River or Ryans Gulch, the Developer shall submit a "Floodplain Development Permit Application", acceptable to the Loveland Stormwater Utility, for review and approval.
5. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the Loveland Stormwater Utility with an executed copy of The Big Thompson Ditch and Manufacturing Company Agreement.
6. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the Loveland Stormwater Utility with a letter of 'Approval" or letter of 'No Exception Taken' from the Ryans Gulch Irrigation Company for the proposed driveway culvert crossing of the existing Ryans Gulch irrigation return flow/storm drainage ditch.
7. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide a geotechnical overtopping analysis (report signed and stamped by a professional engineer) and an erosion mitigation design (on the construction drawings), acceptable to the Loveland Stormwater Utility, for the stormwater in Ryans Gulch to pass non-erosively over the 305 foot wide Private Access Road/Drive overtopping zone and into the existing downstream lake.
8. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide a 100-year hydraulic design (calculations and construction details), acceptable to the Loveland Stormwater Utility, to collect the east ½ of Taft Avenue's stormwater runoff along the entire frontage of the Mineral Addition project and transmit the 100-year runoff east into the existing lake.
9. Prior to approval of a Final Development Plan and Final Plat, the Developer shall add the following note to the Landscape Plan: "Trees 10 foot minimum separation from storm sewers. Shrubs 4 foot minimum separation from storm sewers."
10. Prior to approval of a Final Development Plan and Final Plat, the Developer shall add drainage easements for the storm sewers proposed between the public street right-of-way and the private lake.

Fire Prevention:
11. Prior to approval of the Final Development Plan and associated construction drawings the final design for the emergency access onto Taft Avenue shall be approved by the Fire and Transportation Departments.
12. If more than one habitable residential unit accesses a roadway, then the maximum length of the roadway shall be no longer than 1,000 feet without a secondary access.

Parks and Recreation:
13. The developer shall add the appropriate signage on the PICP's for the 4 Jayhawker parking stalls, as labeled on the PDP. Either add a sign or mark the stalls as noted on the PDP.

Engineering:
14. Prior to issuance of any building permits within this Preliminary Development Plan (PDP), unless otherwise approved by the Director pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the following improvements shall be designed and constructed by the developer, unless designed and constructed by others:
   a. The four-lane arterial roadway improvements for Taft Avenue adjacent to the property, including sidewalk.
   b. The modifications to the existing roadway striping in Taft Avenue for the southbound left turn lanes at Audrey Drive and Carlisle Drive as approved by the City.
15. Notwithstanding any information presented in the Preliminary Development Plan or accompanying Preliminary Plat and preliminary construction plan documents (text or graphical depictions), all public improvements shall conform to the Larimer County Urban Area Street Standards (LCUASS) adopted on October 1, 2002, as amended, unless specific variances are requested and approved in writing.
16. Prior to approval of the Final Development Plan (FDP) or Final Plat, and associated construction drawings, the final design for the emergency access onto Taft Avenue shall be approved by both the Fire and Transportation Engineering Departments. This design shall also include the construction of Maxi-Force collapsible bollards (or approved equal).
17. Prior to approval of the Final Development Plan or Final Plat, the developer shall provide a street name for the proposed private street in the development that is acceptable to the Fire Department. This street name shall also be shown on the Final Development Plan, Final Plat, and associated construction drawings.
18. Prior to approval of the Final Development Plan or Final Plat, all proposed parking within this development shall comply with Figure 19.7 in the LCUASS.
19. Prior to approval of the Final Development Plan or Final Plat, the developer shall grant an access for the Agilent property to the east in a development agreement. This development agreement shall be reviewed and approved by the City prior to recording.
20. Prior to approval of the Final Development Plan or Final Plat, the developer shall provide the City with written concurrence from the Thompson School District for adequate school routing.

## SETBACK TABLE

| RESIDENTIAL BUILDINGS (DUPLEX) | MINIMUM SETBACK FROM: FRONT SETBACK | SIDE SETBACK | REAR SETBACK |
|---|---|---|---|
| LOTS 2, 3, 6, 7, 10, 11, 14, 15, 18, 19, 22, 23, 26, 27, 30 | 15' | * | 5' |
| LOTS 1, 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29 | 19' | 7' | 5' |

1

* A 0' SIDE YARD SETBACK IS PERMITTED WITHIN SINGLE FAMILY ATTACHED STRUCTURES AT THE COMMON WALL AND SHALL SUBJECT TO BUILDING CODE REQUIREMENTS.

** LOT 2 SHALL HAVE A 19' FRONT SETBACK IN ORDER TO MAINTAIN REAR SETBACK FROM ADJACENT WETLAND.

| COMMERCIAL BUILDING | TAFT AVENUE SETBACK | PRIVATE DRIVE SETBACK | COMMON LOTLINE |
|---|---|---|---|
| LOT 1 | 25' | 25' | 7' |
| LOT 2 | 25' | 25' | 7' |

## SETBACK TABLE AMENDMENT

| RESIDENTIAL BUILDINGS (DUPLEX) | MINIMUM SETBACK: SIDE SETBACK |
|---|---|
| ONE STORY BUILDING | 5' |
| TWO STORY BUILDING | 7' |

1

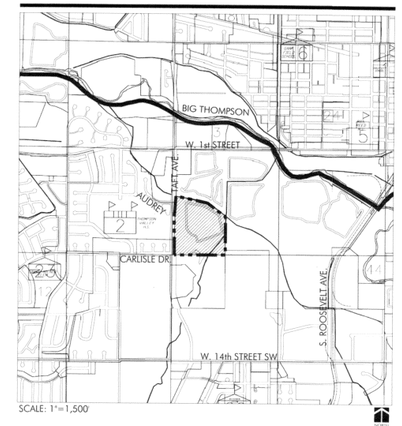
## SIGNATURES AND APPROVALS

Approved this 25TH day of OCTOBER, 20 11 by the Current Planning Manager of the City of Loveland, Colorado.

Current Planning Manager

1

## VICINITY MAP




SCALE: 1"=1,500'

| MARK: | REVISION DATE: |
|---|---|
| 1 | AUGUST 2, 2011 |

# COVER SHEET
## PRELIMINARY DEVELOPMENT PLAN

# MINERAL ADDITION PDP
## 1 ST AMENDMENT
TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO

BHA DESIGN, INC. 803 INNOVATION DR. FT. COLLINS, CO 80525 TEL: (970) 223 - 7577


MARCH 23, 2005
REVISED DECEMBER 13, 2005

ATTACHMENT D

## PRELIMINARY DEVELOPMENT PLAN NARRATIVE (CONT.)

### Architecture and Site Requirements

Overall Concept: These performance standards are intended to insure that commercial and residential uses within Mineral Addition incorporate unifying architectural elements to create an overall, cohesive theme. The intent of these guidelines is to provide detailed design for the construction of dwellings and ensure a compatible architectural concept. The designs are intended to complement rather than conflict with the surrounding natural landscape and structures.

1. Porches: All homes must incorporate a covered front porch, the narrowest dimension of which shall be six feet deep and five feet wide. Homes that use the front porch to recess the garage shall have a minimum porch width of 8 feet measured across the front elevation of the building and a minimum porch depth of 6 feet.

2. Garages: Garages shall have front elevations that compliment, rather than dominate, the architectural details of the living portion of the dwelling. The front elevation of side-load garages shall incorporate the use of windows, wall breaks, and or building material changes to more aesthetically enhance the front wall elevation. Garage doors that are visible as part of the front building elevation shall be recessed behind the front façade of the adjacent building or a covered porch by at least four feet (4'). Garage doors visible as part of the front building elevation, shall not comprise more than forty percent (40%) of the ground floor street facing linear building frontage. Corner lots are exempt from this condition. Lots with less than 65 feet of frontage on a single public street right-of-way shall not be permitted a garage where doors for more than two cars are visible as part of the front building elevation.

3. Varying Streetscape: The development shall have three combinations of two-family (Duplex) dwelling units. One combination shall incorporate a two-story unit with a single story ranch unit. A second combination shall incorporate two single-story ranch units. The last combination shall include two two-story units. The combination of these housing types creates flexibility for a potential buyer while providing a streetscape with varying elevations.

4. Setbacks: This building type is important because it provides a varied selection that helps prevent monotony. The front setbacks for residential structures shall be a minimum of 20' to a garage facing onto a street unless otherwise noted in the Setback Table. Each structure shall have a minimum offset between adjacent units of four (4) feet. Due to the unique nature of the site, an unregulated staggered front setback of four (4) feet shall apply between adjacent buildings not in close proximity to a jurisdictional wetland. Those buildings in close proximity to jurisdictional wetlands may not comply with the staggered setback. For commercial structures, the City of Loveland Municipal Code shall dictate front, side and rear setbacks.

5. Residential Elevations: For residential structures, the elevations shall contain the following items:
   a) Distinct base with change of material or color
   b) Windows and trim around windows
   c) Change in Plane
   d) Accent Colors

6. Commercial Elevations: For Commercial structures, the elevations shall contain the following items:
   a) Distinct base with change of material or color
   b) Windows and trim around windows
   c) Accent Colors

7. Roofs: Roof shall be gabled, hipped, gambrel, or other sloping form. Minimum roof pitch for the major roof mass shall be 5:12: sloped roof over porches, dormers, and/or other smaller architectural elements may have a lesser slope. Flat or lesser slope roof elements shall be permitted only on thirty percent (30%) or less of the roof area.

8. Materials: Roofing materials, windows, building materials and finish, will all be carefully coordinated to achieve a cohesive appearance. Exterior wall materials must incorporate brick, natural or synthetic stone, stucco or horizontal/vertical siding. Permitted building materials will be established with the design of each neighborhood or development area, and must be consistent within the neighborhood to present an overall design.

9. Colors: Exterior wall colors shall be compatible with surrounding buildings, with natural (earth tones) encouraged. Primary or other bright colors are only to be used as accents.

10. Garage Setbacks: Garage door setbacks shall provide adequate clearance to allow cars to be parked in driveways without blocking the sidewalk in the public right-of-way. The minimum setback for front facing garage doors shall be 20 feet from the back of the sidewalk. Refer to the setback table located on PDP sheet 3 of 5

11. Accessory Structures: Accessory Structures Are Not Allowed Within This Development.

### Landform Modification

The project area is characterized by mostly level to gently sloping topography having overall slopes less than 5 percent. However small areas of slopes over 20 percent do exist in the southwest and southeast corners of the property in native grassland/non-native grassland and rabbitbrush/non-native grassland habitats, respectively, and along the northern portion of the west edge of the larger pond in rabbitbrush/non-native grassland habitat. Low, nearly vertical cut banks are also present around most of the perimeters of the two ponds on the property.

The unique nature and location of the project site has resulted in a development plan with fill conditions for the overall project. The fill conditions primarily occur within a small area of the non-native grassland habitat which also has twenty (20%) percent or greater slopes. This area is being developed in accordance with the ESAR guidelines. Twenty (20%) percent or greater slopes also occur in the rabbitbrush/non-native grassland habitats, but the area has minimal disturbance with the construction of the residential units because of walk-out basements and location of the residential units.

Since the primary earth moving occurs along the west side of the site and within the non-native grassland habitat, the rest of the project site has minimal or zero disturbance and shall be left in its native state.

### Implementation

Procedures: All proposed development of any type within the Planned Unit Development will be processed in accordance with the procedures contained in Chapter 18.41 of the Loveland Municipal Code, Section 18.41.50, Procedures for Approval of a Planned Unit Development, and shall require approval of Preliminary and Final Development Plans in accordance with the requirements thereof.

This Preliminary Development Plan may be modified in a minor way, such as the reconfiguration of development areas, relocation or minor realignment of the private residential roads, or other minor non-substantive modification, subject to the approval of the City's Current Planning Manager or his/her designee. Such minor amendments shall be noted on this Plan in an amendment history log, including the nature of the modification and the date of its approval by the Current Planning Manager. Amendments of a more significant nature shall be undertaken in the manner prescribed in Section 18.41.050.D.11.

Subdivision Procedures: All development within this PUD will comply with the City's subdivision procedures as well as this PUD.

Ownership Associations: The Mineral Addition PUD shall be governed through several Ownership Associations. The primary structure shall be achieved within an overall Ownership Association which shall be responsible for the common areas of the property. Separate Ownership Associations shall occur within the Commercial and Residential properties to cover the maintenance and day-to-day operations of each entity.

Phasing: The overall grading and utility for the project site shall be completed throughout the Winter of 2005. As for the construction of the structure, the initial plan for the Mineral Addition PUD is to phase the Residential portion of the project to completion. Likely, the Residential properties shall be fifty (50%) percent complete before construction of the Commercial property begins. Initial construction for the Residential structures is anticipated to begin in Summer 2006.

## LAND USE TABLE

| LAND USES | LOT AREA (ACRES) | BUILDING SQ. FT. | MAX. BLDG. COVERAGE | MAX. FAR | MIN. OPEN SPACE % | BUILDING HEIGHT | MINIMUM LOT SIZE | MAXIMUM LOT SIZE | AVERAGE LOT SIZE | MAXIMUM NUMBER OF UNITS | GROSS DENSITY | NET DENSITY |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| RESIDENTIAL (DUPLEX) | 3.50 | N/A | N/A | N/A | 20% | 35' | 3868 SQ.FT. | 7908 SQ.FT. | 5088 SQ.FT. | 30 | 0.87 DU/AC | 0.89 DU/AC |
| COMMERCIAL | | | | | | | | | | | | |
| LOT ONE | 0.94 | 6,000 | 20% | 0.17 | 20% | 40' | 40,000 SQ.FT. | 50,000 SQ.FT. | 45,000 SQ.FT. | N/A | N/A | N/A |
| LOT TWO | 1.38 | 12,000 | 20% | 0.20 | 20% | 40' | 60,000 SQ.FT. | 70,000 SQ.FT. | 65,000 SQ.FT. | 9 | 0.26 DU/AC | 0.26 DU/AC |
| OPEN SPACE | 31.09 | N/A | N/A | N/A | 100% | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| R.O.W. | 0.59 | N/A | N/A | N/A | 100% | N/A | N/A | N/A | N/A | N/A | N/A | N/A |
| | | | | | | | | | | | | |
| TOTALS | 37.50 (GROSS) | 18,000 | N/A | N/A | | | | | | 39 | 1.13 DU/AC | 1.15 DU/AC |
| | 36.91 (NET) | | | | | | | | | | | |

GENERAL NOTES:
1. AN ADDITIONAL 2.91 ACRES IS NOT INCLUDED AS PART OF THIS PDP WHICH ARE PLATTED AS OUTLOTS C & D. SEE PRELIMINARY PLAT
2. A COMP PLAN AMENDMENT IS NOT REQUIRED. THE RESIDENTIAL PORTION COMPRISES OF 10% OF THE PDP. A MAXIMUM OF 15% IS ALLOWED IN THE EMPLOYMENT ZONE.

## PARKING TABLE

| LAND USES | PARKING RATIO | PARKING REQUIRED | SURFACE PARKING PROVIDED | GARAGE PARKING PROVIDED |
|---|---|---|---|---|
| COMMERCIAL/ RETAIL (12,000 SQ.FT.) | 1:300 | 40 | 57 | 4 |
| BANKS, SAVINGS AND LOAN CO. (6,000 SQ.FT.) | 1:250 | 24 | 29 | N/A |
| RESIDENTIAL (9 UNITS) | 2 SPACES PER DWELLING UNIT | 18 | N/A | 18 |

| | |
|---|---|
| STANDARD SPACES | 82 |
| GARAGE SPACES | 22 |
| HANDICAP SPACES | 5 (1 WITHIN GARAGE) |
| TOTAL PARKING | 109 |

| | REQUIRED | PROVIDED |
|---|---|---|
| BICYCLE PARKING | 6 | 6 |

## ENVIRONMENTALLY SENSITIVE AREAS TABLE

| | EXISTING AREA | ADDITIONAL AREA | TOTAL AREA |
|---|---|---|---|
| POND | 732,141 SQ. FT. | 0 SQ. FT. | 732,141 SQ. FT. (16.807 ACRES) |
| WETLANDS | 47,378 SQ. FT. | 3,351 SQ. FT. | 50,729 SQ. FT. (1.165 ACRES) |

GENERAL NOTES:
NO WETLANDS ARE PROPOSED TO BE DISTURBED.

## CONDITIONS OF APPROVAL

Power:
1. Zero side lot setbacks shall be permitted only where common walls exist between uses.
2. For commercial developments, all metering equipment, including Current Transformer (CT) and/or Potential Transformer (PT) cabinets, breakers, main disconnects and by-pass switches must be on an outside wall of the building. Prior to designing the electrical system and prior to submitting an electrical permit, the developer shall contact the Power Department for specific electric service, metering and CT requirements and locations. Current Transformers and Potential Transformers shall not be allowed in the transformer and the meter will not be attached to the transformer.

Stormwater:
3. Prior to approval of a Final Development Plan and Final Plat, the Developer shall design the Lowest Floor/Opening Elevations of all structures to be built in the flood fringe, along with the adjacent ground within 15 feet of the structures, a minimum of 18 inches above the 100-year Base Flood Elevation of the Big Thompson River or Ryans Gulch whichever Base Flood Elevation is higher. The final design of these structures shall be shown on the final construction drawings including final grading associated with the structures. No basements shall be permitted for any structures to be built in the flood fringe.
4. Prior to issuance of a Building Permit for any structures to be built in the flood fringe of either the Big Thompson River or Ryans Gulch, the Developer shall submit a "Floodplain Development Permit Application", acceptable to the Loveland Stormwater Utility, for review and approval.
5. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the Loveland Stormwater Utility with an executed copy of The Big Thompson Ditch and Manufacturing Company Agreement.
6. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide the Loveland Stormwater Utility with a letter of "Approval" or letter of "No Exception Taken" from the Ryans Gulch Irrigation Company for the proposed driveway culvert crossing of the existing Ryans Gulch irrigation return flow/storm drainage ditch.
7. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide a geotechnical overtopping analysis (report signed and stamped by a professional engineer) and an erosion mitigation design (on the construction drawings), acceptable to the Loveland Stormwater Utility, for the stormwater in Ryans Gulch to pass non-erosively over the 305 foot wide Private Access Road/Drive overtopping zone and into the existing downstream lake.
8. Prior to approval of a Final Development Plan and Final Plat, the Developer shall provide a 100-year hydraulic design (calculations and construction details), acceptable to the Loveland Stormwater Utility, to collect the east ½ of Taft Avenue's stormwater runoff along the entire frontage of the Mineral Addition project and transmit the 100-year runoff east into the existing lake.
9. Prior to approval of a Final Development Plan and Final Plat, the Developer shall add the following note to the Landscape Plan: "Trees 10 foot minimum separation from storm sewers. Shrubs 4 foot minimum separation from storm sewers."
10. Prior to approval of a Final Development Plan and Final Plat, the Developer shall add drainage easements for the storm sewers proposed between the public street right-of-way and the private lake.

Fire Prevention:
11. Prior to approval of the Final Development Plan and associated construction drawings the final design for the emergency access onto Taft Avenue shall be approved by the Fire and Transportation Departments.
12. If more than one habitable residential unit accesses a roadway, then the maximum length of the roadway shall be no longer then 1,000 feet without a secondary access.

Parks and Recreation:
13. The developer shall add the appropriate signage on the PICP's for the 4 Jayhawker parking stalls, as labeled on the PDP. Either add a sign or mark the stalls as noted on the PDP.

Engineering:
14. Prior to issuance of any building permits within this Preliminary Development Plan (PDP), unless otherwise approved by the Director pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the following improvements shall be designed and constructed by the developer, unless designed and constructed by others:
   a. The four-lane arterial roadway improvements for Taft Avenue adjacent to the property, including sidewalk.
   b. The modifications to the existing roadway striping in Taft Avenue for the southbound left turn lanes at Audrey Drive and Carlisle Drive as approved by the City.
15. Notwithstanding any information presented in the Preliminary Development Plan or accompanying Preliminary Plat and preliminary construction plan documents (text or graphical depictions), all public improvements shall conform to the Larimer County Urban Area Street Standards (LCUASS) adopted on October 1, 2002, as amended, unless specific variances are requested and approved in writing.
16. Prior to approval of the Final Development Plan (FDP) or Final Plat, and associated construction drawings, the final design for the emergency access onto Taft Avenue shall be approved by both the Fire and Transportation Engineering Departments. This design shall also include the construction of Maxi-Force collapsible bollards (or approved equal).
17. Prior to approval of the Final Development Plan or Final Plat, the developer shall provide a street name for the proposed private street in the development that is acceptable to the Fire Department. This street name shall also be shown on the Final Development Plan, Final Plat, and associated construction drawings.
18. Prior to approval of the Final Development Plan or Final Plat, all proposed parking within this development shall comply with Figure 19-7 in the LCUASS.
19. Prior to approval of the Final Development Plan or Final Plat, the developer shall grant an access for the Agilent property to the east in a development agreement. This development agreement shall be reviewed and approved by the City prior to recording.
20. Prior to approval of the Final Development Plan or Final Plat, the developer shall provide the City with written concurrence from the Thompson School District for adequate school routing.

## SETBACK TABLE

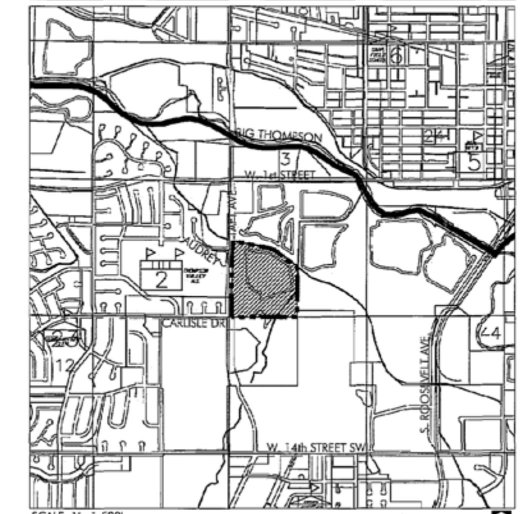
| RESIDENTIAL BUILDINGS (DUPLEX) | MINIMUM SETBACK FROM: FRONT SETBACK | SIDE SETBACK * | REAR SETBACK |
|---|---|---|---|
| LOTS 2, 3, 6, 7, 10, 11, 14, 15, 18, 19, 22, 23, 26, 27, 30 | 15' | 7' | 5' |
| LOTS 1, 4, 5, 8, 9, 12, 13, 16, 17, 20, 21, 24, 25, 28, 29 | 19' | 7' | 5' |

* A 0' SIDE YARD SETBACK IS PERMITTED WITHIN SINGLE FAMILY ATTACHED STRUCTURES AT THE COMMON WALL AND SHALL SUBJECT TO BUILDING CODE REQUIREMENTS.

** LOT 2 SHALL HAVE A 19' FRONT SETBACK IN ORDER TO MAINTAIN REAR SETBACK FROM ADJACENT WETLAND.

| COMMERCIAL BUILDING | TAFT AVENUE SETBACK | PRIVATE DRIVE SETBACK | COMMON LOTLINE |
|---|---|---|---|
| LOT 1 | 25' | 25' | 7' |
| LOT 2 | 25' | 25' | 7' |

## VICINITY MAP




SCALE: 1"=1,500'

COVER SHEET
PRELIMINARY DEVELOPMENT PLAN

# MINERAL ADDITION PDP

TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO

BHA DESIGN, INC. • 4803 INNOVATION DRIVE bha FT. COLLINS, CO 80525 • TEL: (970) 223 - 7577

ATTACHMENT D

MARCH 22, 2005
REVISED: DECEMBER 13, 2005

## LEGEND

- 20% OR GREATER SLOP
- POND EDGE
- WETLANDS
- EXISTING TREES

NORTH 0' 37' 75' 150'

PRELIMINARY ~~FINAL~~ EXISTING CONDITIONS DEVELOPMENT PLAN

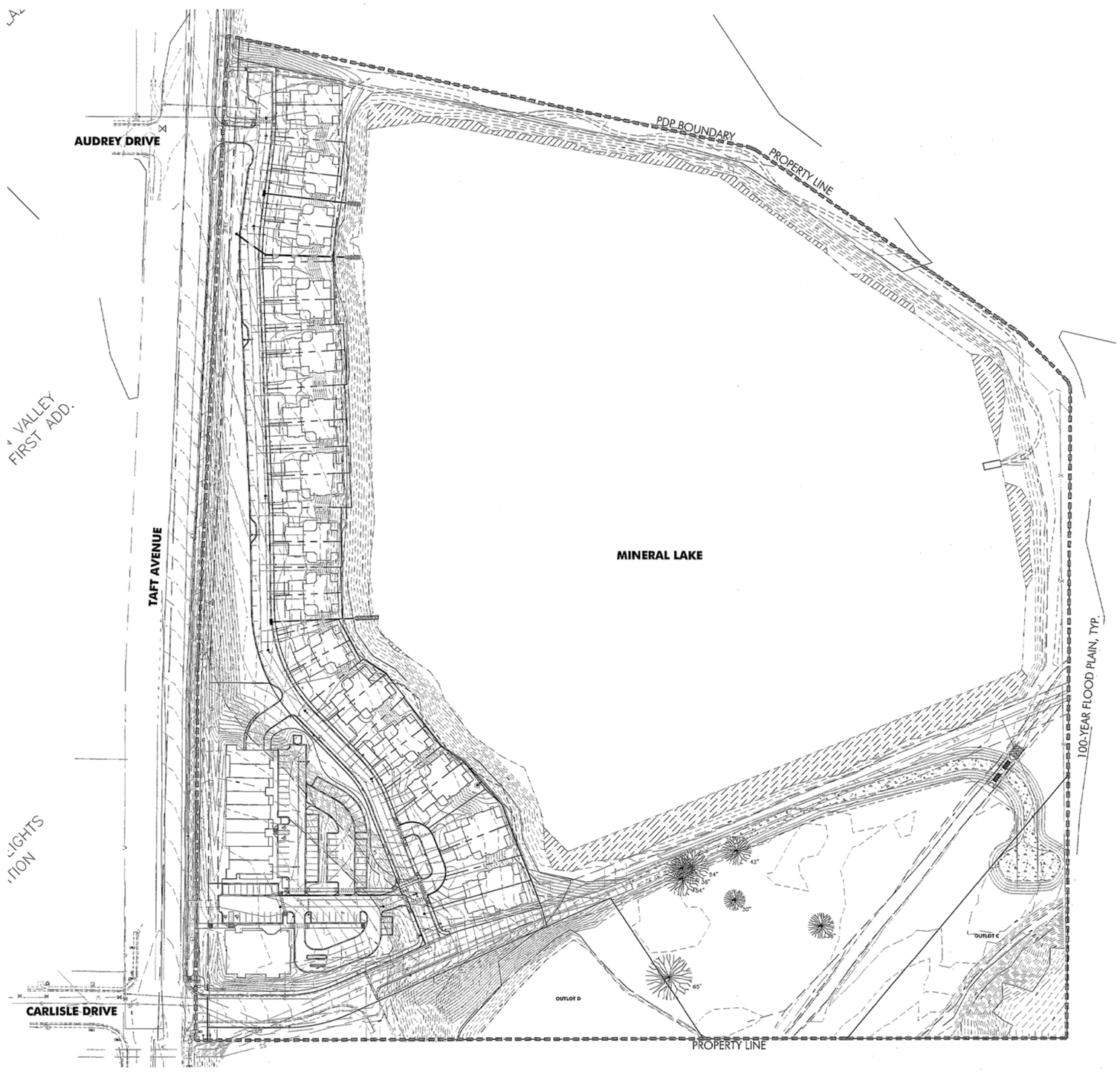
# MINERAL ADDITION PDP

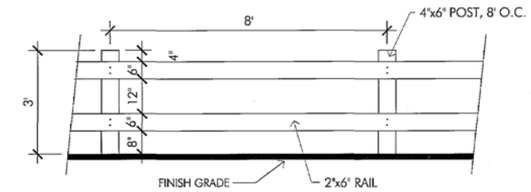
TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO

BHA DESIGN, INC. • 4603 INNOVATION DRIVE bha FT. COLLINS, CO 80525 • TEL: (970) 225 - 7677

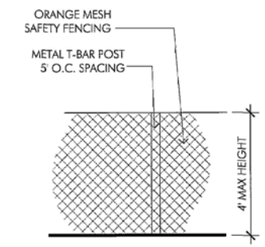
SHEET 1 OF 1
FEBRUARY 28, 2006

**ATTACHMENT D**




FENCE DETAIL SCALE: 1/2"=1'-0"




TEMPORARY FENCE DETAIL SCALE: 1/2"=1'-0"

## GENERAL NOTES:

1. TEMPORARY CONSTRUCTION FENCING SHALL BE PLACED ALONG LIMIT OF DISTURBANCE LINE DURING CONSTRUCTION. SEE SHEETS 5 & 6 FOR APPROXIMATE LOCATION.

2. PERMANENT FENCING SHALL BE PLACED ON PROPERTY LINES.

NORTH 0' 37' 75' 150'

OVERALL SITE PLAN
PRELIMINARY DEVELOPMENT PLAN

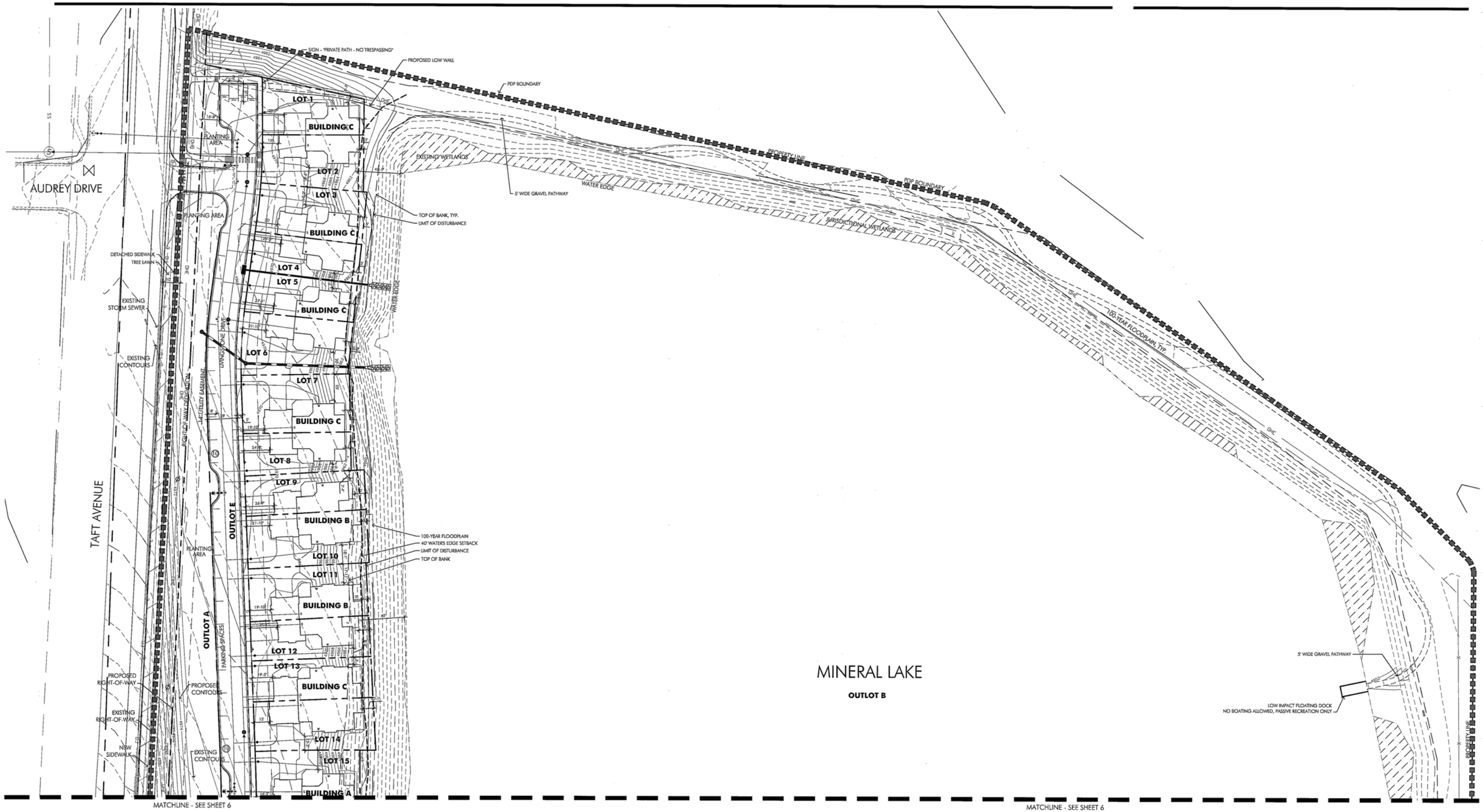
# MINERAL ADDITION PDP

TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO

BHA DESIGN, INC. • 4803 INNOVATION DRIVE bha FT. COLLINS, CO 80525 • TEL: (970) 223 - 7577

SHEET 4 OF 6
MAY 2005
REVISED: DECEMBER 13, 2005

**ATTACHMENT D**




# SITE PLAN

## PRELIMINARY DEVELOPMENT PLAN

# MINERAL ADDITION PDP

TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO

BHA DESIGN, INC. • 4603 INNOVATION DRIVE bha FT. COLLINS, CO 80525 • TEL: (970) 223 - 7577

NORTH 0' 20' 40' 80'

SHEET 5 OF 14
MAINTENANCE SCHEDULE
REVISED: DECEMBER 13, 2005

**ATTACHMENT D**

MATCHLINE - SEE SHEET 5

MATCHLINE - SEE SHEET 5

MINERAL LAKE

OUTLOT B

TAFT AVENUE

CARLISLE DRIVE

BUILDING A

LOT 16

LOT 17

BUILDING C

LOT 18

LOT 19

OUTLOT A

BUILDING C

LOT 20

BUILDING B

LOT 21

LOT 23

LOT 22

BUILDING C

OUTLOT E

LOT 24

BUILDING B

LOT 25

LOT 27

LOT 26

BUILDING A

LOT 28

LOT 29

BUILDING A

LOT 30

LOT 2, BLOCK 2

RESIDENTIAL/ COMMERCIAL BUILDING 12,000-SF

GARAGE PARKING (23 SPACES)

LOT 1, BLOCK 2

BANK BUILDING 6,000 SF

OUTLOT D

POND

OUTLOT C

100-YEAR FLOODPLAIN

LIMIT OF DISTURBANCE

TOP OF BANK, TYP.

40' SETBACK

WETLAND, TYP.

EXISTING CONTOURS, TYP.

WATERS EDGE

LOW WALL

PROPOSED PRIVATE DRIVE (GRAVEL MATERIAL)

EXISTING WETLAND

NATURAL WOODLAND HABITAT

EVANS GULCH DITCH

PRIVATE DRIVE

NEW PRIVATE DRIVE

EXISTING UTILITIES

EXISTING PRIVATE DRIVE

EXISTING RAMP

EXISTING EASEMENT

DETACHED SIDEWALK

TREE LAWN

PROPERTY LINE

PDP BOUNDARY

SITE PLAN

PRELIMINARY DEVELOPMENT PLAN

# MINERAL ADDITION PDP

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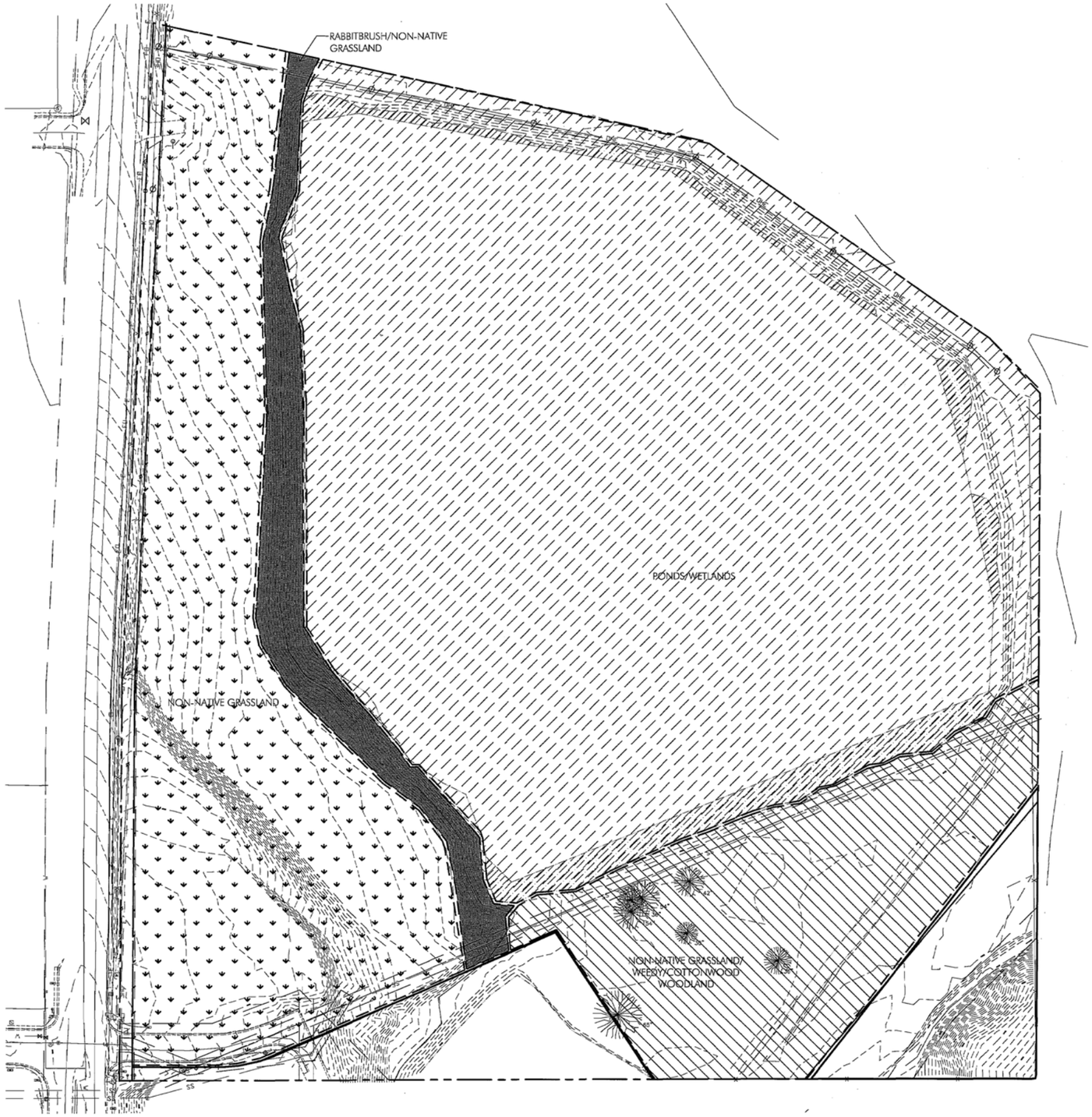
NORTH 0' 20' 40' 80'

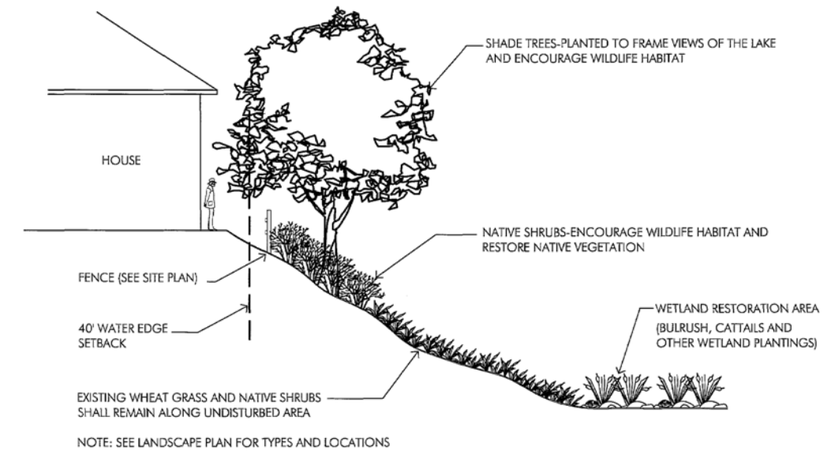
SCALE: 1" = 40'

MARCH 22, 2005

REVISED: DECEMBER 13, 2005

ATTACHMENT D




**LAKE EDGE REVEGETATION** **NTS**

## LEGEND

- PONDS/WETLANDS
- NON-NATIVE GRASSLAND/WEEDY/ COTTONWOOD WOODLAND
- RABBITBRUSH/NON-NATIVE GRASSLAND
- NON-NATIVE GRASSLAND

## LAND USE

| | SQ. FEET | ACRES |
|---|---|---|
| PONDS/WETLANDS | 874,947 | 20 |
| NON-NATIVE GRASSLAND/WEEDY/ COTTONWOOD WOODLAND | 185,478 | 4.25 |
| RABBITBRUSH/NON-NATIVE GRASSLAND | 63,288 | 1.5 |
| NON-NATIVE GRASSLAND | 332,287 | 7.6 |

## NOTES:

1. DESIGNATED AREAS ARE IN ACCORDANCE WITH THE ENVIRONMENTAL SENSITIVE AREAS REPORT PREPARED BY CEDAR CREEK AND ASSOCIATES. THE PLAN IS CONCEPTUAL IN NATURE AND SHOWS REPRESENTATIVE AREAS.

2. ENVIRONMENTAL AREA LABELED AS NON-NATIVE GRASSLAND/WEEDY/COTTONWOOD WOODLAND CARRIES A HABITAT RATING OF "5" IN ACCORDANCE WITH ENVIRONMENTAL SENSITIVE AREAS REPORT. THE OTHER AREAS ARE CONSIDERED A LOWER THAN "5" RATING.

3. SEE SHEETS 8 & 9 FOR SPECIFIC DETAILS IN PLANT MATERIAL FOR THE REVEGETATION OF THE WESTERN BANK OF THE POND.

NORTH 0' 37' 75' 150'

REVEGETATION/ENHANCEMENT PLAN
PRELIMINARY DEVELOPMENT PLAN

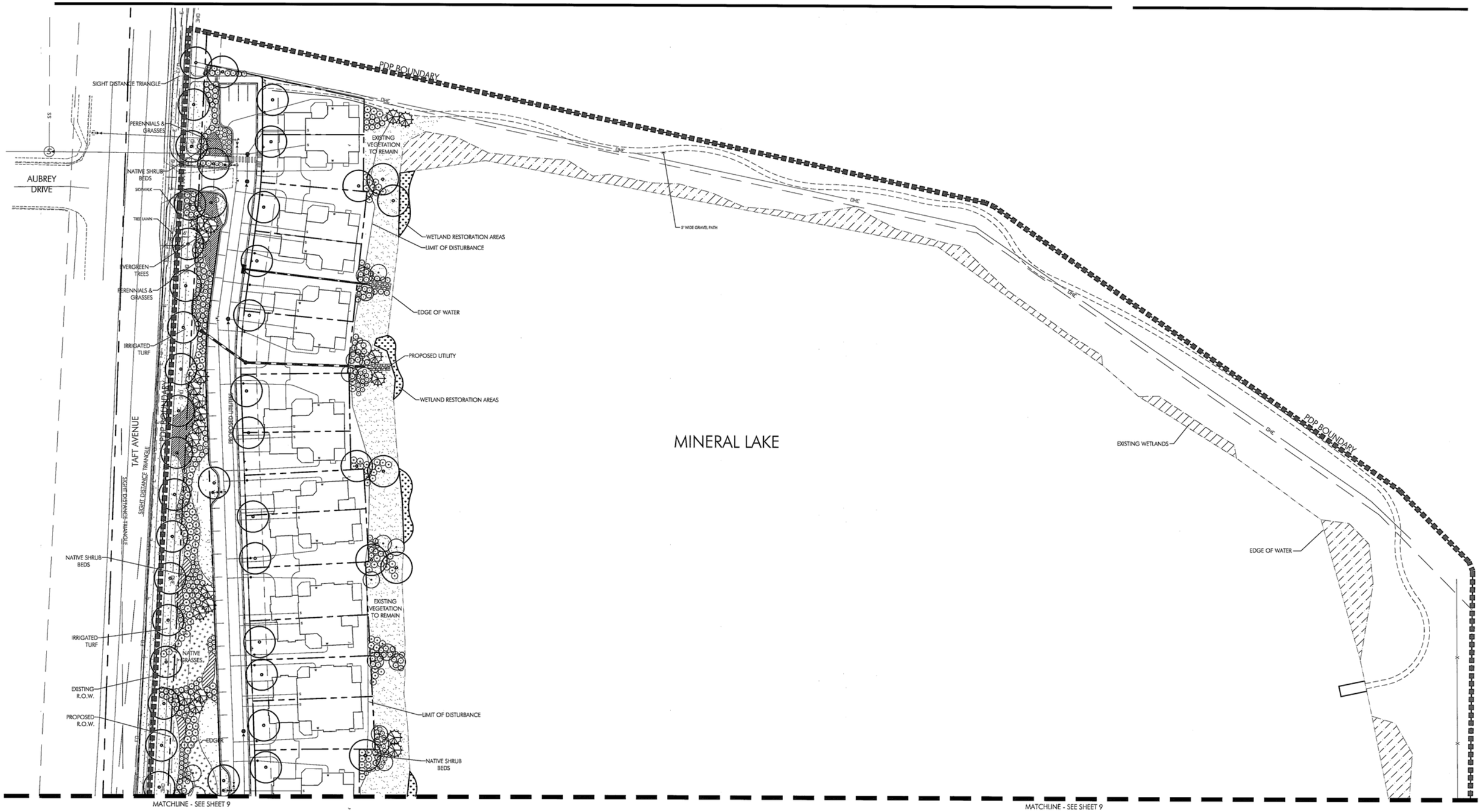
# MINERAL ADDITION PDP

TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO

BHA DESIGN, INC. • 4603 INNOVATION DRIVE bha FT. COLLINS, CO 80525 • TEL: (970) 223-7677

**ATTACHMENT D**

MARCH 22, 2005
REVISED: DECEMBER 13, 2005




## LEGEND

- DECIDOUS CANOPY TREES
- EVERGREEN TREES
- EVERGREEN SHRUBS
- DECIDOUS SHRUBS
- IRRIGATED TURF
- PERENNIALS & GRASSES
- NATIVE GRASSES
- WETLAND RESTORATION

NORTH 0' 20' 40' 80'

# LANDSCAPE PLAN
## PRELIMINARY DEVELOPMENT PLAN

# MINERAL ADDITION PDP
TAFT AVENUE & CARLISLE DRIVE
LOVELAND, COLORADO

BHA DESIGN, INC. • 4803 INNOVATION DRIVE bha FT. COLLINS, CO 80525 • TEL: (970) 223 - 7577

SHEET 10 OF 10
MARCH 14, 2005
REVISED: DECEMBER 13, 2005

**ATTACHMENT D**

MATCHLINE - SEE SHEET 8

MATCHLINE - SEE SHEET 8

MINERAL LAKE

WATERS EDGE

WETLAND RESTORATION AREA

LIMIT OF DISTURBANCE

EXISTING WETLAND

EXISTING VEGETATION TO REMAIN

NATIVE SHRUB BEDS

EXISTING VEGETATION TO REMAIN

LIMIT OF DISTURBANCE

WETLAND RESTORATION

EXISTING WETLAND

IRRIGATED TURF

NATIVE SHRUB BEDS

NATIVE GRASSES

STREET TREES

PDP BOUNDARY

PERENNIALS & GRASSES

DECIDOUS CANOPY TREES

IRRIGATED TURF

PERENNIALS & GRASSES

TAFT AVENUE

SIDEWALK

TREE LAWN

IRRIGATED TURF

PROPOSED UTILITIES, TYP.

IRRIGATED TURF

PERENNIALS & GRASSES

ORNAMENTAL TREES

EXISTING WETLANDS

EDGE OF WATER

EXISTING WETLANDS

42"

54"

36"

54"

30"

NATIVE WOODLAND SHRUB AREA (AREA SHALL REMAIN UNDISTURBED)

36"

65"

RYANS GULCH DITCH

PDP BOUNDARY

PDP BOUNDARY

## LANDSCAPE PLAN
PRELIMINARY DEVELOPMENT PLAN

# MINERAL ADDITION PDP
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**LEGEND**

- DECIDOUS CANOPY TREES
- EVERGREEN TREES
- EVERGREEN SHRUBS
- DECIDOUS SHRUBS
- IRRIGATED TURF
- PERENNIALS & GRASSES
- NATIVE GRASSES
- WETLAND RESTORATION

NORTH 0' 20' 40' 80'

SHEET 9 OF 10
MARCH 28, 2005
REVISED: DECEMBER 13, 2005

**ATTACHMENT D**

# OVERALL PLANT LIST

| Key | Botanical name | Common Name | Size | Root | Spacing | Quantity | H20 |
|---|---|---|---|---|---|---|---|
| DECIDUOUS CANOPY TREES | | | | | | | |
| AC PL | Acer platanoides 'Emerald Queen' | Emerald Queen Maple | 2" Cal. | BB | See Plan | 0 | M |
| AE GL | Aesculus glabra | Ohio Buckeye | 2" Cal. | BB | See Plan | 0 | M |
| FR AM | Fraxinus pennsylvanica 'Summit' | Summit Ash | 2" Cal. | BB | See Plan | 0 | L |
| FR PE | Fraxinus pennsylvanica lanceolata 'Patmore' | Patmore Ash | 2" Cal. | BB | See Plan | 0 | L |
| GL TR | Gleditsia triacanthos inermis 'Skyline' | Skyline Honeylocust | 2" Cal. | BB | See Plan | 0 | M |
| GY DI | Gymnocladus dioica | Kentucky Coffee Tree | 2" Cal. | BB | See Plan | 0 | VL |
| QU BO | Quercus bicolor | Swamp White Oak | 2" Cal. | BB | See Plan | 0 | L |
| QU MA | Quercus macrocarpa | Burr Oak | 2" Cal. | BB | See Plan | 0 | L |
| TI CO | Tilia cordata 'Greenspire' | Greenspire Linden | 2" Cal. | BB | See Plan | 0 | L |
| TI AM | Tilia americana 'Redmond' | Redmond Linden | 2" Cal. | BB | See Plan | 0 | L |
| DECIDUOUS ORNAMENTAL TREES | | | | | | | |
| AC GI | Acer ginnala | Amur Maple | 6' Clump | BB | See Plan | 0 | L-M |
| AC TA | Acer tataricum | Tatarian Maple | 6' Clump | BB | See Plan | 0 | L-M |
| AM CA | Amelanchier canadensis | Shadblow Serviceberry | 6' Clump | BB | See Plan | 0 | M |
| BE OC | Betula occidentalis | River Birch | 1 1/2" Cal. | BB | See Plan | 0 | H |
| CR LA | Crataegus laevigata 'Crimson Cloud | Crimson Cloud Hawthorn | 1 1/2" Cal. | BB | See Plan | 0 | L-M |
| MA BR | Malus 'Brandywine' | Brandywine Crabapple | 1 1/2" Cal. | BB | See Plan | 0 | L |
| MA CE | Malus 'Centurion' | Centurion Crabapple | 1 1/2" Cal. | BB | See Plan | 0 | L |
| MA RA | Malus 'Radiant' | Radiant Crabapple | 1 1/2" Cal. | BB | See Plan | 0 | L |
| PR AM | Prunus americana | American Plum | 1 1/2" Cal. | BB | See Plan | 0 | VL-L |
| PR CE | Prunus cerasifera 'Newport' | Newport Plum | 1 1/2" Cal. | BB | See Plan | 0 | L |
| PY CA | Pyrus calleryana 'Chanticleer | Chanticleer Pear | 6' Clump | BB | See Plan | 0 | M |
| SY RE | Syringa reticulata 'Ivory Silk' | Ivory Silk Japanese Tree Lilac | 6' Clump | BB | See Plan | 0 | M |
| EVERGREEN TREES | | | | | | | |
| PI PU | Picea pungens glauca | Colorado Blue Spruce | 6' Height | BB | See Plan | 0 | M. |
| PI NI | Pinus nigra | Austrian Pine | 6' Height | BB | See Plan | 0 | L |
| PI PO | Pinus ponderosa | Ponderosa Pine | 6' Height | spaded | See Plan | 0 | VL |
| PI SY | Pinus sylvestris | Scotch Pine | 6' Height | BB | See Plan | 0 | L |
| PS ME | Pseudotsuga menziesii | Douglas Fir | 6' Height | BB | See Plan | 0 | M. |
| DECIDUOUS SHRUBS | | | | | | | |
| BU DA | Buddleja davidii 'Black Knight' | Purple Butterfly Bush | 5 Gal. | Container | See Plan | 0 | M |
| CA CL | Caryopteris x clandonensis | Blue Mist Spirea | 5 Gal. | Container | See Plan | 0 | L-M |
| CO SE | Cotoneaster divaricatus | Spreading Cotoneaster | 5 Gal. | Container | See Plan | 0 | L |
| CO AP | Cotoneaster apiculata | Cranberry Cotoneaster | 5 Gal. | Container | See Plan | 0 | M |
| CO LU | Cotoneaster lucidus | Peking Cotoneaster | 5 Gal. | Container | See Plan | 0 | M |
| DA BU | Daphne burkwoodii | Carol Mackie Daphne | 5 Gal. | Container | See Plan | 0 | M |
| EU AL | Euonymus alatus 'Compacta' | Compact Burning Bush | 5 Gal. | Container | See Plan | 0 | M |
| PR BE | Prunus besseyi | Western Sand Cherry | 5 Gal. | Container | See Plan | 0 | L |
| PR BU | Prunus besseyi 'Pawnee Buttes' | Creeping Western Sand Cherry | 5 Gal. | Container | See Plan | 0 | L |
| RI AL | Ribes alpinum | Alpine Currant | 5 Gal. | Container | See Plan | 0 | L |
| RO AR | Rosa arkansana | Arkansas Rose | 5 Gal. | Container | See Plan | 0 | L |
| RO FO | Rosa foetida 'Persiana' | Persian Yellow Rose | 5 Gal. | Container | See Plan | 0 | L |
| RO ME | Rosa meidiland 'Sevillana' | Double Red Shrub Rose | 5 Gal. | Container | See Plan | 0 | M |
| SP NI | Spirea nipponica | Snowmound Spirea | 5 Gal. | Container | See Plan | 0 | M |
| SY PA | Syringa patula 'Miss Kim' | Miss Kim Lilac | 5 Gal. | Container | See Plan | 0 | L-M |
| SY ME | Syringa meyeri | Dwarf Korean Lilac | 5 Gal. | Container | See Plan | 0 | M |
| VI LA | Viburnum lantana | Wayfaring Tree | 5 Gal. | Container | See Plan | 0 | L |
| VI TR | Viburnum trilobum 'Compactum' | American Compact Cranberrybush | 5 Gal. | Container | See Plan | 0 | M |
| WI FL | Weigela florida 'Red Prince' | Red Prince Weigela | 5 Gal. | Container | See Plan | 0 | M |
| EVERGREEN SHRUBS | | | | | | | |
| JU AR | Juniperus sabina 'Arcadia' | Arcadia Juniper | 5 Gal. | Container | See Plan | 0 | L |
| JU BH | Juniperus horizontalis 'Bar Harbor' | Bar Harbor Juniper | 5 Gal. | Container | See Plan | 0 | L |
| JU BR | Juniperus sabina 'Broadmoor' | Broadmoor Juniper | 5 Gal. | Container | See Plan | 0 | L |
| JU CC | Juniperus sabina 'Calgary Carpet' | Calgary Carpet Juniper | 5 Gal. | Container | See Plan | 0 | L |
| JU HU | Juniperus horizontalis 'Hughes' | Hughes Juniper | 5 Gal. | Container | See Plan | 0 | L |
| JU PR | Juniperus procumbens 'Nana' | Dwarf Japanese Garden Juniper | 5 Gal. | Container | See Plan | 0 | L |
| JU SG | Juniperus x media 'Sea Green' | Sea Green Juniper | 5 Gal. | Container | See Plan | 0 | L |
| JU VI | Juniperus virginiana 'Cupressifolia' | Hillspire Juniper | 7 Gal. | Container | See Plan | 0 | L |
| PERENNIALS and GROUNDCOVERS | | | | | | | |
| HO UN | Hosta x undulata 'Mediovariegata' | Variegated Plaintain Lily | 2 1/4" | Container | Space Evenly | 0 | L |
| IB SE | Iberis sempervirens | Candytuft | 2 1/4" | Container | Space Evenly | 0 | L |
| SA NE | Salvia nemorosa 'May Night' | May Night Purple Salvia | 2 1/4" | Container | Space Evenly | 0 | L |
| MIX 1 | PERENNIALS: | | | | | Total: 0 | |
| | Aquilegia caerulea | Rocky Mountain Columbine | 1 Gal. | Container | Space Evenly | 13% | M. |
| | Aquilegia chrysantha | Yellow Columbine | 1 Gal. | Container | Space Evenly | 13% | M |
| | Echinacea purpurea | Purple Coneflower | 1 Gal. | Container | Space Evenly | 7% | M. |
| | Hemerocallis 'Hall's Pink' | Pink Daylily | 1 Gal. | Container | Space Evenly | 15% | L |
| | Hemerocallis 'Yellow Stone' | Yellow Daylily | 1 Gal. | Container | Space Evenly | 15% | L |
| | Iris x germanica 'Cozy Calico' | Purple & White Bearded Iris | 2 1/4" | Container | Space Evenly | 15% | L |
| | Iris x germanica 'Full Tide' | Blue Bearded Iris | 2 1/4" | Container | Space Evenly | 15% | L |
| | Rudbeckia fulgida 'Goldstrum' | Black Eyed Susan | 2 1/4" | Container | Space Evenly | 7% | L |
| | GROUNDCOVER: | | | | | | |
| | Campanula carpatica 'Blue Clips' | Blue Carpathian Harebell | 1 Gal. | Container | Space Evenly | 100% | M |
| ORNAMENTAL GRASSES | | | | | | | |
| CA AC | Calamagrostis acutifolia 'Karl Forester' | Feather Reed Grass | 1 Gal. | Container | Space Evenly | 0 | L |
| MI SI | Miscanthus sinensis 'Yaku Jima' | Yaku Jima Maiden Grass | 1 Gal. | Container | Space Evenly | 0 | M |

NON-IRRIGATED GRASS MIX

| | | |
|---|---|---|
| Intermediate Wheatgrass | 30% | Total Area: 20,727 sf. |
| Smooth Brome | 20% | |
| Crested Wheatgrass | 20% | |
| Orchard Grass | 10% | |
| Perennial Ryegrass | 10% | |
| Pubescent Wheatgrass | 10% | |

WETLAND SEED MIX

| | | |
|---|---|---|
| Carex nebraskensis | Nebraska Sedge | 1 lbs/ac |
| Distichlis spicata | Salt Grass | 2 lbs/ac |
| Panicum virgatum | Switchgrass | 4 lbs/ac |
| Sporobolus airoides | Alkali Sacaton | 2 lbs/ac |

# PLANT NOTES

1. MATERIALS SHALL BE IN ACCORDANCE WITH AAN SPECIFICATIONS FOR NUMBER ONE GRADE.

2. LANDSCAPE AREAS SHALL BE IRRIGATED WITH AN AUTOMATIC UNDERGROUND IRRIGATION SYSTEM.

3. TREES TO BE BAILED AND BURLAPPED.

4. PERENNIAL BEDS TO BE MULCHED WITH 2" DEPTH MEDIUM BARK MULCH. NO WEED BARRIER SHALL BE PLACED IN PERENNIAL BEDS.

5. SHRUB BEDS SHALL BE MULCHED WITH A 2" LAYER OF 1" TO 1-1/2" GRAVEL MULCH PLACED OVER A NON-WOVEN POLYPROPYLENE WEED BARRIER SUCH AS TYPAR OR MIRAFI.

6. EDGING BETWEEN TURF AND SHRUBS SHALL BE 1/8" X 4" STEEL EDGING. EDGING SHALL BE PINNED AT 10' INTERVALS AT A MINIMUM, AND A 1" OPENING SHALL BE PROVIDED AT LOW POINTS AND AT 30' INTERVALS TO ALLOW FOR DRAINAGE. EDGING SHALL ALSO BE PROVIDED BETWEEN PERENNIAL BEDS AND SHRUB BEDS. EDGING ABUTTING SOD OR GRASS SHALL BE SET 1" ABOVE FINISHED SURFACE.

7. LANDSCAPING SHALL BE MAINTAINED BY THE PROPERTY OWNERS.

8. SOIL IN TURF AREAS SHALL BE AMENDED WITH 3 CY/1,000 SF OF ORGANIC COMPOST.

9. PERENNIAL BEDS SHALL BE AMENDED WITH 5 CY/1,000 SF OF ORGANIC COMPOST AND 1/2 CY/ 1,000 SF OF PERLITE. AMENDMENTS AND FERTILIZER SHALL BE THOUROUGHLY INCORPORATED INTO EXISTING SOIL.

10. INCORPORATE BONE MEAL AT A RATE OF 50 LB./1,000 SF INTO PERENNIAL BEDS.

11. QUANTITIES PROVIDED IN PLANT SCHEDULE ARE FOR INFORMATION ONLY. LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING QUANTITES SHOWN ON PLAN.

12. A FREE PERMIT MUST BE OBTAINED FROM THE CITY FORESTER BEFORE ANY TREES OR SHRUBS AS NOTED ON THIS PLAN ARE PLANTED, PRUNED OR REMOVED IN THE PUBLIC RIGHT-OF-WAY.

13. FIELD LOCATE UTILITIES PRIOR TO PLANTING.

14. MAINTAIN THE FOLLOWING SEPARATIONS:
TREES - 10' FROM ALL WATER AND SEWER MAINS AND SERVICES
SHRUBS - 4' FROM ALL WATER AND SEWER MAINS AND SERVICES

PLANT LIST
PRELIMINARY DEVELOPMENT PLAN

**MINERAL ADDITION PDP**
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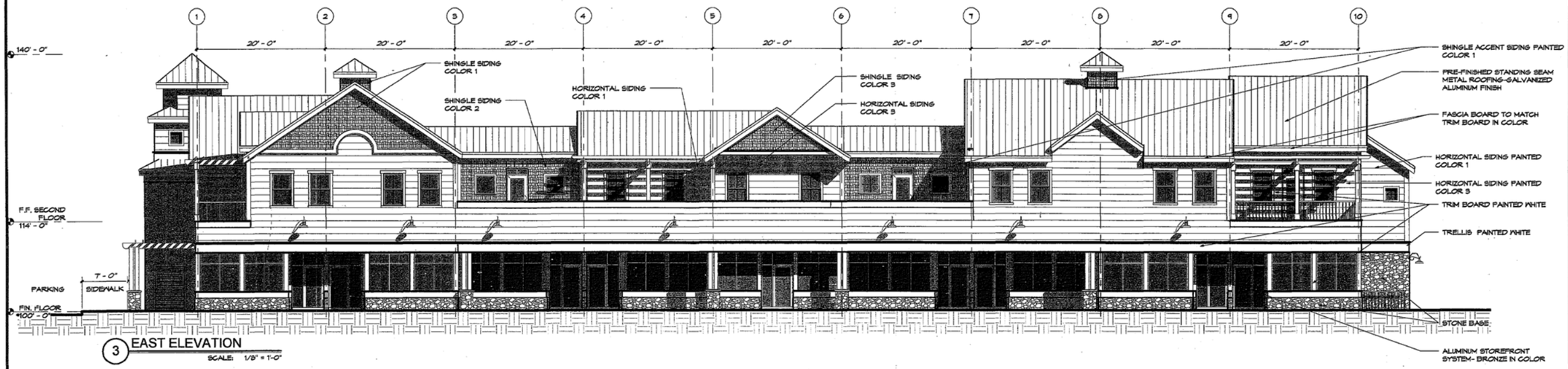
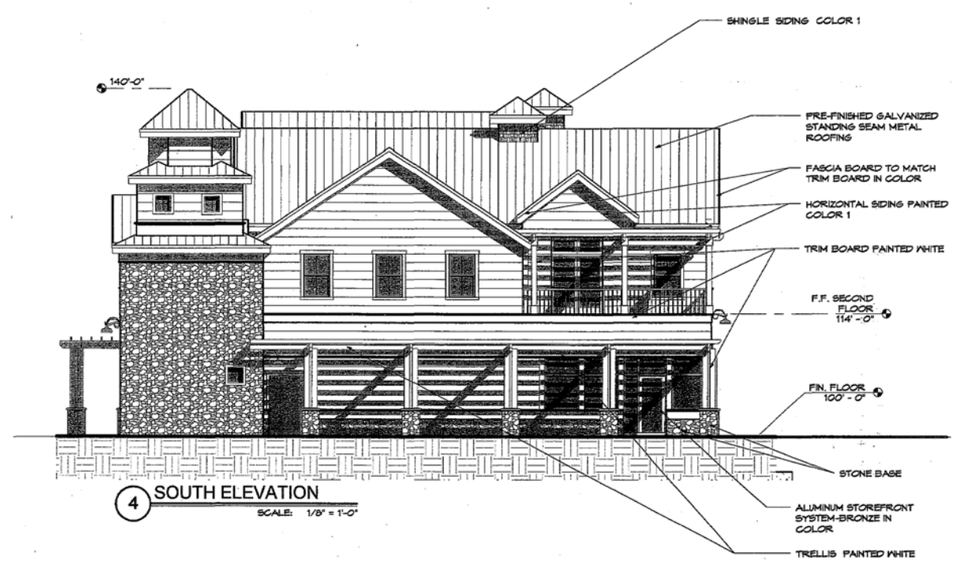
**ATTACHMENT D**

MARCH 23, 2005
REVISED: DECEMBER 13, 2005



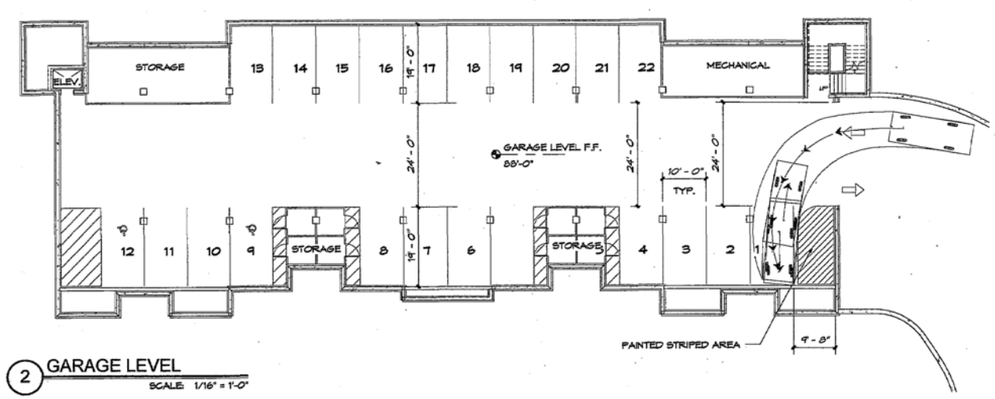

3 EAST ELEVATION

SCALE: 1/8" = 1'-0"




4 SOUTH ELEVATION

SCALE: 1/8" = 1'-0"




2 GARAGE LEVEL

SCALE: 1/16" = 1'-0"

*ARCHITECTURAL DESIGN CONCEPT:*

*THE DESIGN IS INSPIRED BY THE CAPE COD ARCHITECTURAL STYLE. MATERIALS SUCH AS COBBLE STONE, HORIZONTAL SIDING AND SHINGLES ARE THE BASIS FOR THE SIMPLICITY OF THIS STYLE. ELEMENTS INCLUDE THOSE SUCH AS CUPOLAS, 7/12 AND 8/12 PITCHED ROOFS AND WHITE WASHED TRELLIS WORK. MUTED COASTAL COLORS AND WHITE TRIM WILL COMPOSE THE PALATE TO FURTHER COMPLETE THE DESIGN INTENT.*

# MINERAL ADDITION RETAIL

Taft Ave. and Carlisle Drive
Loveland , Colorado


**VAUGHT · FRYE**

ARCHITECTS

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NorthStar Design — Civil Engineer
700 Automation Drive
Unit I
Windsor, CO 80550
(970) 686-6939


Issued

| No. | Description | Date |
|---|---|---|
| 1 | SCHEMATIC DESIGN | 02-01-05 |
| 2 | PDP SUBMITTAL | 03-22-05 |
| 3 | PDP REVISIONS | 08-02-05 |
| 4 | PDP REVISIONS | 08-30-05 |
| 5 | PDP REVISIONS | 12-15-05 |

Revisions

| No. | Description | Date |
|---|---|---|
| | | |

PDP SUBMITTAL

Seal

Project No.: 2004-54.1 Drawn by: LH
Reviewed by: FV

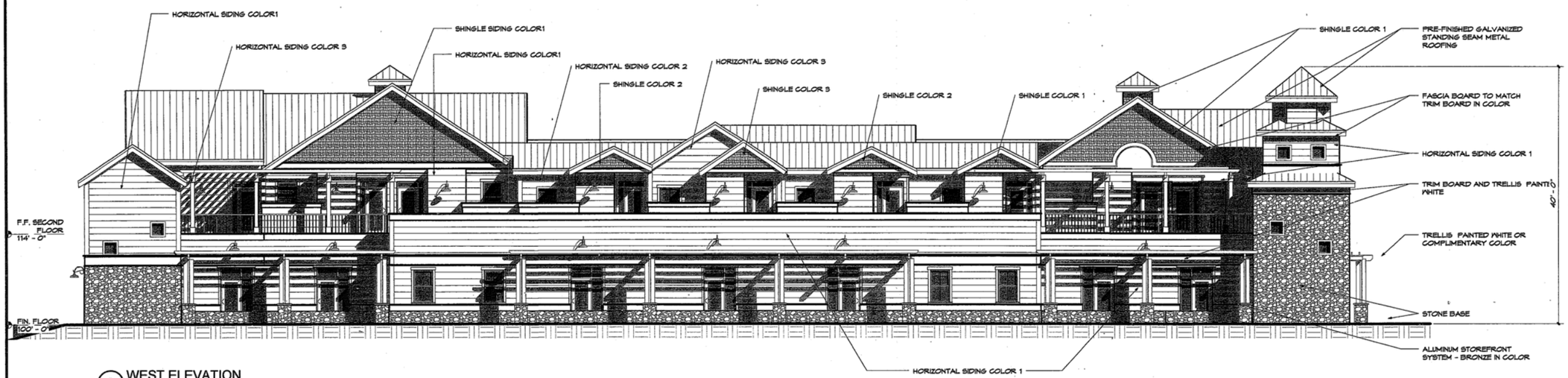
**EXTERIOR BUILDING ELEVATIONS**

Scale Accordingly If Reduced

Drawing Number



ATTACHMENT D




2 WEST ELEVATION
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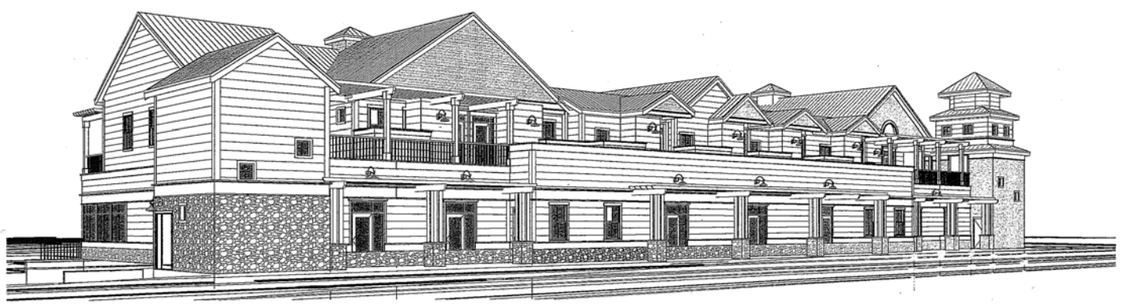
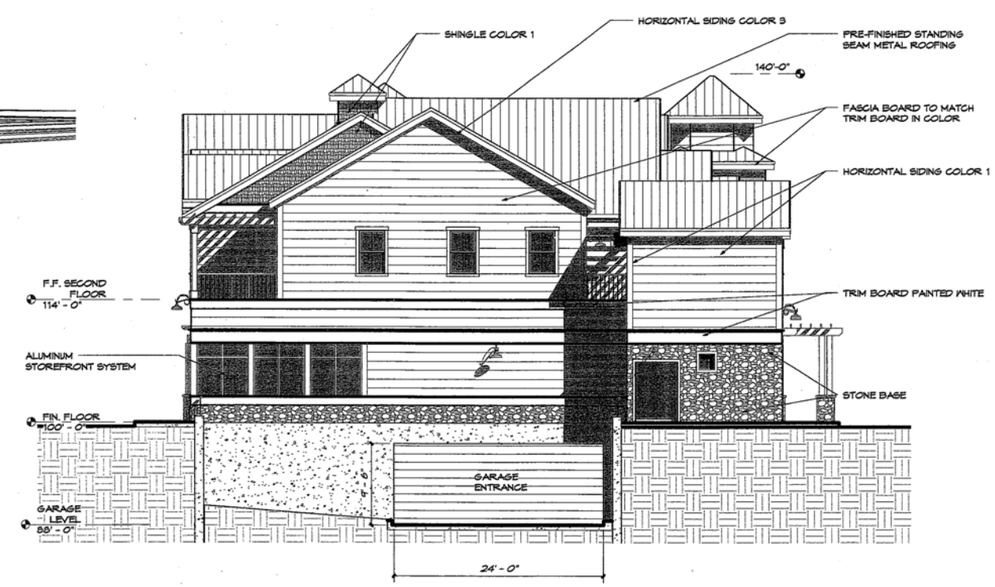
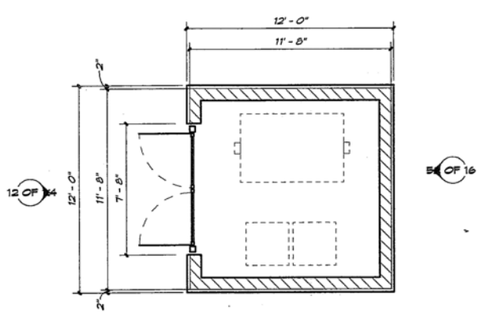


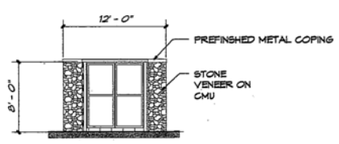



1 NORTH ELEVATION
SCALE: 1/8" = 1'-0"



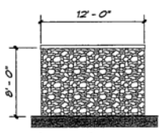

6
12 OF 16

TRASH ENCLOURE PLAN
3
SCALE: 1/4" = 1'-0"

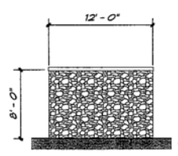



5 OF 16

TRASH ENCLOSURE FRONT ELEVATION
4
SCALE: 1/8" = 1'-0"




TRASH ENCLOUSRE -BACK ELEVATION
5
SCALE: 1/8" = 1'-0"




TRASH ENCLOSURE - SIDE ELEVATION
6
SCALE: 1/8" = 1'-0"

# MINERAL ADDITION RETAIL

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Issued

| No. | Description | Date |
|---|---|---|
| 1 | SCHEMATIC DESIGN | 02-07-05 |
| 2 | PDP SUBMITTAL | 03-22-05 |
| 3 | PDP REVISIONS | 08-02-05 |
| 4 | PDP REVISIONS | 08-30-05 |
| 5 | PDP REVISIONS | 12-19-05 |

Revisions

| No. | Description | Date |
|---|---|---|
| - | - | - |

PDP SUBMITTAL

Seal

Project No.: 2004-54.1 Drawn by: LH
Reviewed by: FV

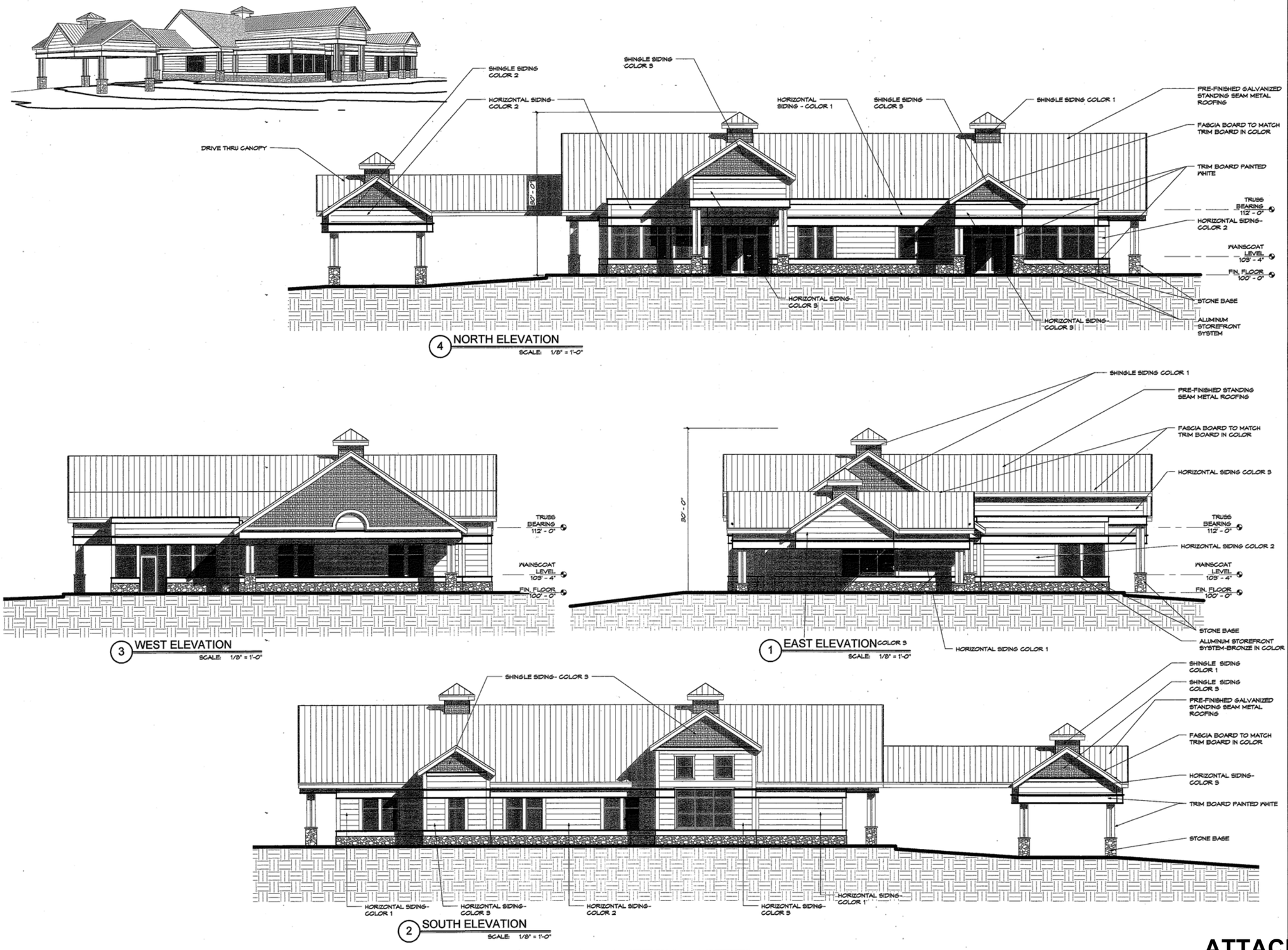
## EXTERIOR BUILDING ELEVATIONS

Scale Accordingly if Reduced

Drawing Number



ATTACHMENT D




# MINERAL ADDITION BANK

Taft Ave. and Carlisle Drive
Loveland , Colorado

**VAUGHT · FRYE**

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| 3 | PDP REVISIONS | 08-02-05 |
| 4 | PDP REVISIONS | 08-30-05 |

Revisions

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|---|---|---|
| - | - | - |

PDP SUBMITTAL

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Project No.: 2004-54.1 Drawn by: LH
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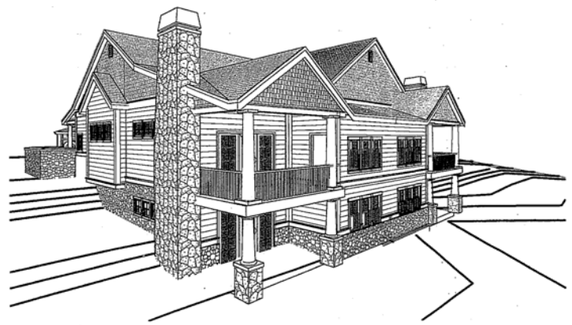
## EXTERIOR BUILDING ELEVATIONS

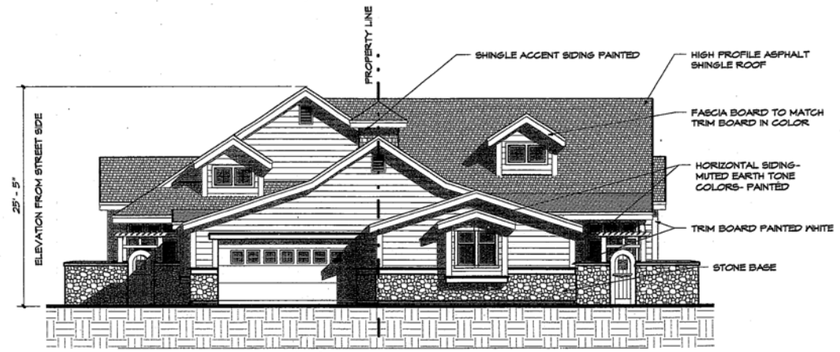
Scale Accordingly if Reduced

Drawing Number

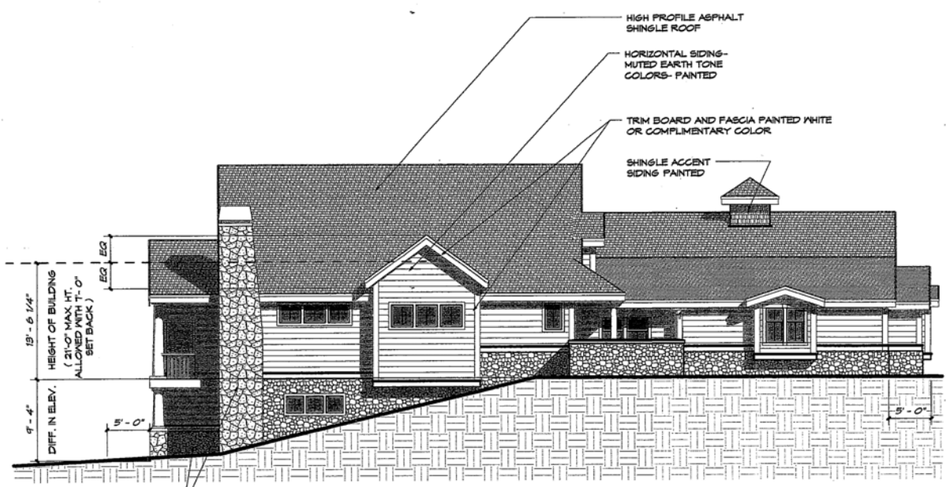


ATTACHMENT D






3 Front Elevation
SCALE: 1/8" = 1'-0"




4 Side Elevation
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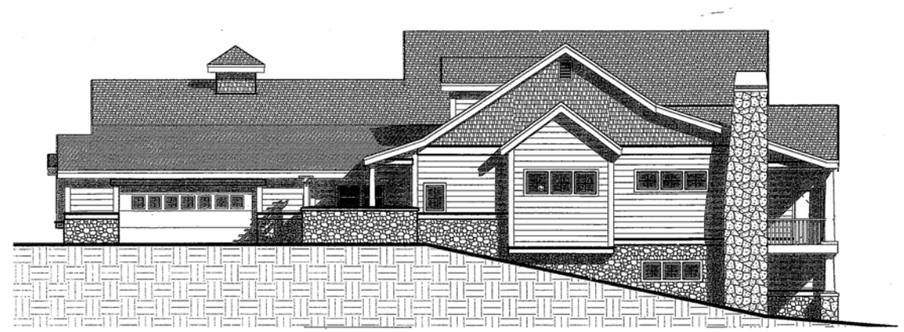

2 Side Elevation.
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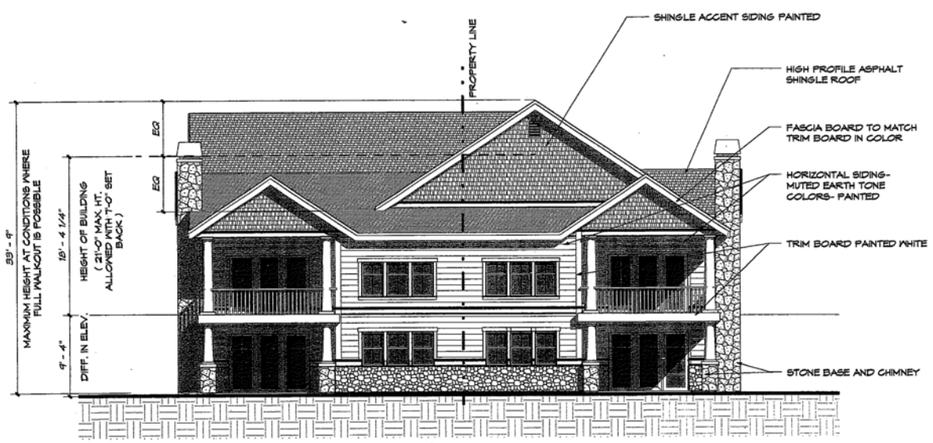


1 Lake Side Elevation
SCALE: 1/8" = 1'-0"

# MINERAL ADDITON DUPLEX BLD. A

Taft Ave. and Carlisle Drive
Loveland , Colorado

**VAUGHT · FRYE**
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Windsor, CO 80550
(970) 686-6939

Issued

| No. | Description | Date |
|---|---|---|
| 1 | SCHEMATIC DESIGN | 02-07-05 |
| 2 | PDP SUBMITTAL | 03-22-05 |
| 3 | PDP REVISIONS | 08-02-05 |
| 4 | PDP REVISIONS | 08-30-05 |

Revisions

| No. | Description | Date |
|---|---|---|
| - | - | - |

PDP SUBMITTAL

Seal

Project No.: 2004-54.1 Drawn by: LH
Reviewed by: FV

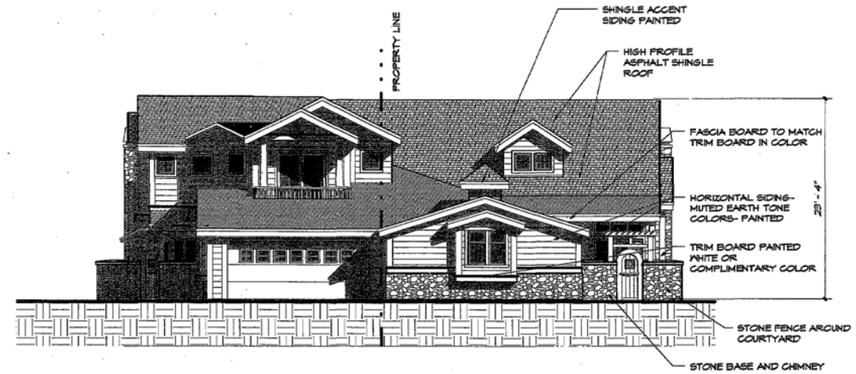
**EXTERIOR BUILDING ELEVATIONS**

Scale Accordingly If Reduced

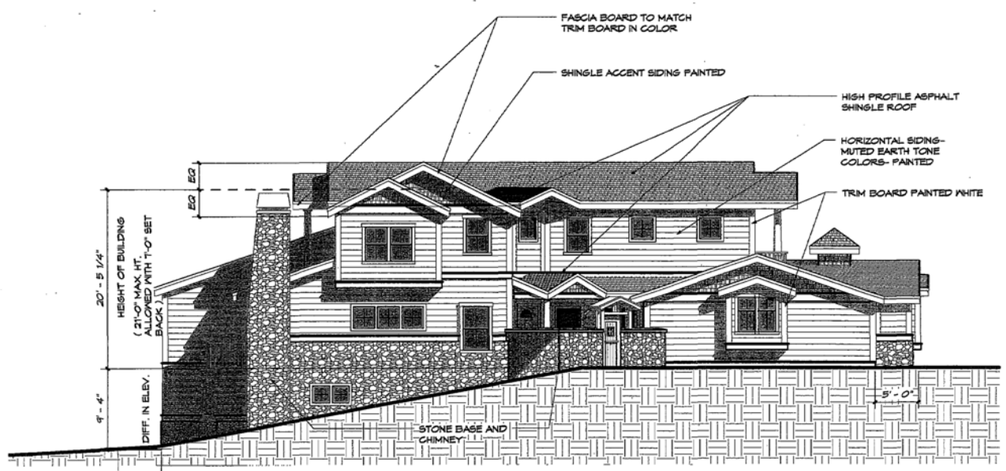
Drawing Number



ATTACHMENT D




3 Front Elevation
SCALE 1/8" = 1'-0"




4 Side Elevation
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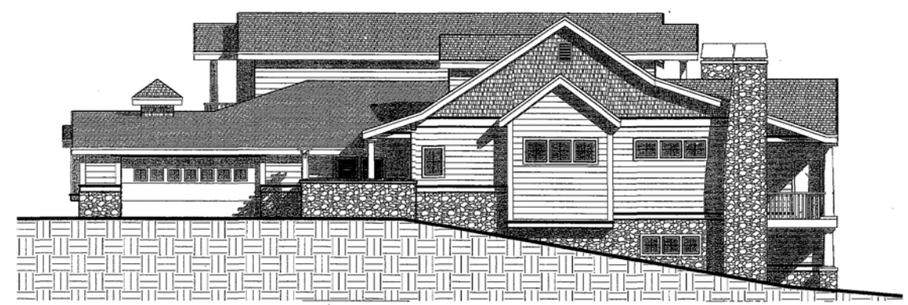
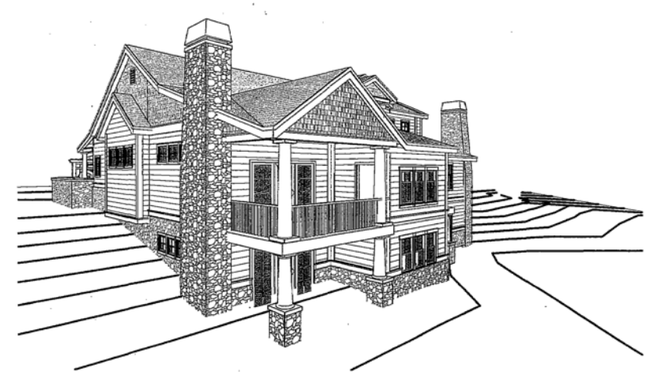


2 Side Elevation .
SCALE: 1/8" = 1'-0"

1 Lake Side Elevaation
SCALE: 1/8" = 1'-0"



# MINERAL ADDITON DUPLEX B

Taft Ave. and Carlisle Drive
Loveland , Colorado

**VAUGHT · FRYE**

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issued

| No. | Description | Date |
|---|---|---|
| 1 | SCHEMATIC DESIGN | 02-07-05 |
| 2 | PDP SUBMITTAL | 03-22-05 |
| 3 | PDP REVISIONS | 08-02-05 |
| 4 | PDP REVISIONS | 08-30-05 |

Revisions

| No. | Description | Date |
|---|---|---|
| - | - | - |

PDP SUBMITTAL

Seal

Project No.: 2004-54.1 Drawn by: LH
Reviewed by: FV

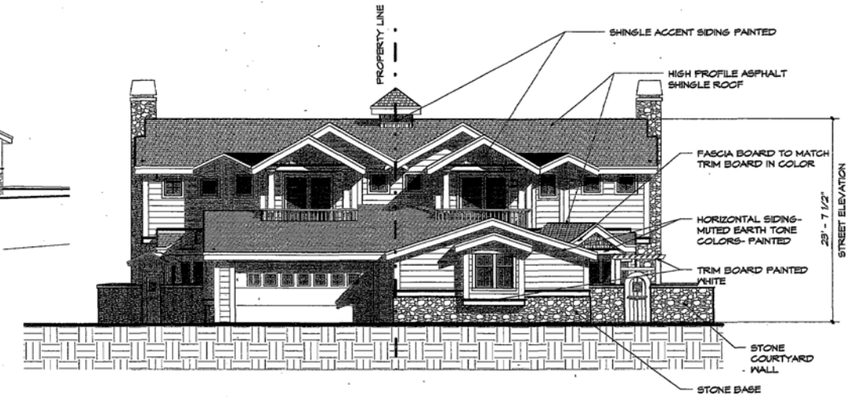
**EXTERIOR 4- PLEX ELEVATIONS**

Scale Accordingly if Reduced

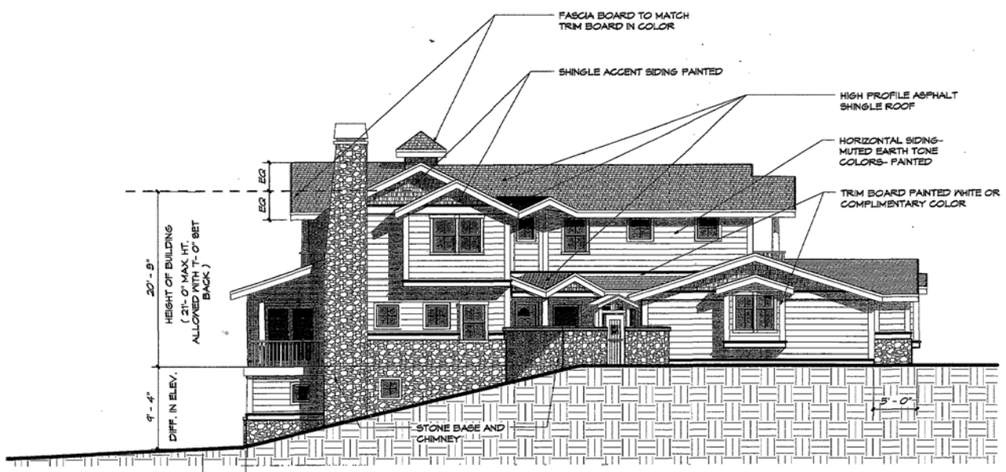
Drawing Number



ATTACHMENT D




3 Front Elevation
SCALE: 1/8" = 1'-0"




4 Side Elevation
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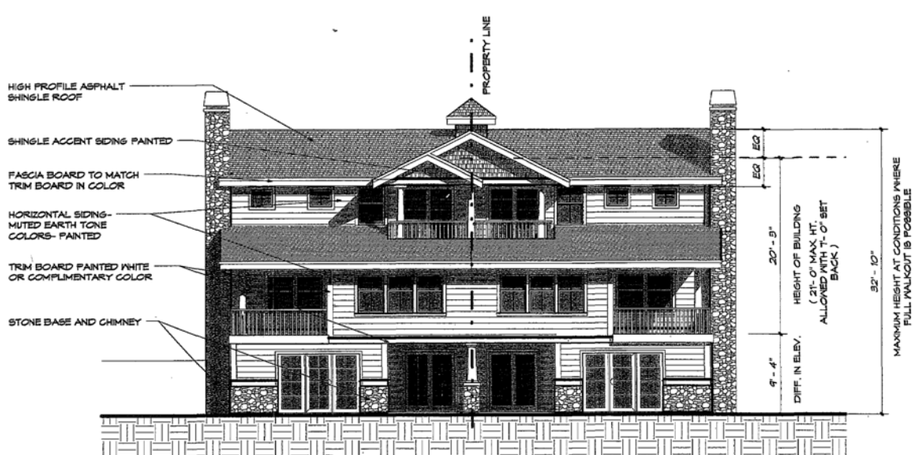
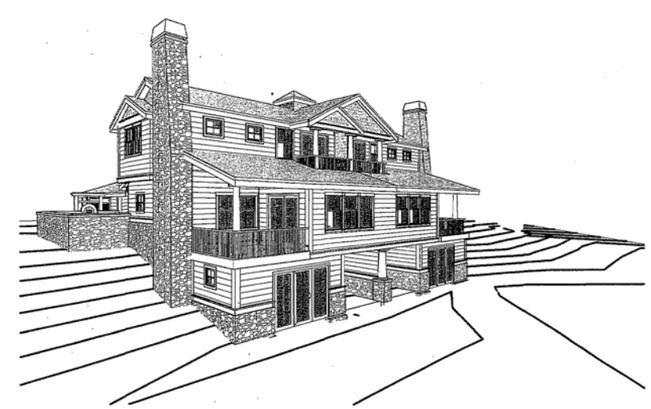
2 Side Elevation .
SCALE: 1/8" = 1'-0"




1 Lake Side Elevaation
SCALE: 1/8" = 1'-0"



# MINERAL ADDITON DUPLEX BLD. C

Taft Ave. and Carlisle Drive
Loveland , Colorado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| 3 | PDP REVISIONS | 08-02-05 |

Revisions

| No. | Description | Date |
|---|---|---|

PDP SUBMITTAL

Seal

Project No.: 2004-34.1 Drawn by: LH
Reviewed by: FV

## EXTERIOR 4- PLEX ELEVATIONS

Scale Accordingly If Reduced

Drawing Number



ATTACHMENT D

**MEMORANDUM**

**TO:** Loveland Planning Commission

**FROM:** Laurie Stirman, Assistant City Attorney

**DATE:** July 22, 2019

**RE:** Wireless Communications Code and Amendments to the UDC and Title 13 of the Loveland Municipal Code

---

DESCRIPTION:

This item is seeking approval and a recommendation by the Planning Commission to City Council for adoption of the City of Loveland Wireless Communications Code located in Title 14 of the Loveland Municipal Code, and associated amendments to the Unified Development Code and Title 13 of the Loveland Municipal Code regarding pole attachments.

SUMMARY:

The Wireless Communications Code combines provisions from the Unified Development Code, Utilities – Pole Attachments, and new provision regarding wireless communications facilities in the public rights-of-way. This code adoption is in response to state legislation and FCC regulations regarding small cell wireless facilities. The City is now required to permit small cell wireless facilities to be deployed in the public rights-of-way, with limited regulation by the City. The purpose of the new code is to regulate such wireless communications facilities to the extent the City is permitted. Specifically, the code requires that providers comply with the City's design standards, sign a master license agreement, and comply with other requirements to protect public health, safety and welfare.

RECOMMENDATION:

Motion to approve and recommend that City Council adopt the Wireless Communications Code in Title 14 of the Loveland Municipal Code along with associated revisions to the Unified Development Code in Title 18 and pole attachment provisions in Title 13 of the Loveland Municipal Code.

# WIRELESS TELECOMMUNICATIONS CODE

*PROPOSED ADOPTION AS A NEW TITLE 14 OF THE LOVELAND MUNICIPAL CODE*

*CITY ATTORNEY'S OFFICE*
*WATER & POWER DEPARTMENT*

# BACKGROUND

- Why are we here?
  - **Colorado State Law** – HB 17-1193 (Titles 29 and 38 of the Colorado Revised Statutes)
    - Requires municipalities to permit the deployment of small cell facilities in the public rights-of-way
    - Expedited permitting ("shot clocks")
  - **Federal Communications Commission (FCC)** Small Cell Wireless Law and Regulations
    - August 2018 order: no moratoria on small cell wireless
    - September 2018 order: limits fees municipalities can charge, limits ability of municipalities to regulate small cell wireless facilities in the ROW, including aesthetics, shorter "shot clock" approval time frames

# BACKGROUND *CONT'D*

- What is a small cell wireless facility?
  - Definition:
    - Structure has a limited height
    - Each antenna (without equipment) is no more than 3 cf in volume
    - All antenna equipment is no more than 28 cf in volume
  - Smaller infrastructure than macrocell towers
  - Smaller coverage area designed to complement macrocell towers and fill in gaps in coverage

# PURPOSE OF THE CODE

- Consolidate sections of existing code that address wireless telecommunications
- Add new provisions to address state law
- Exercise local control to the extent permitted
- Address various concerns:
  - Compliance with state and federal law
  - Public safety
  - Aesthetics
  - Protection of the City

# OUTLINE OF THE CODE

- Applicability
  - All wireless communications facilities (WCF), including small cells and macrocell towers
- Purpose and Intent
- Definitions
- Applications and Review Procedures
- WCF in the Right-of-Way
  - Adoption of City's design standards, with option to seek variation
  - Master license agreement required
  - Pole attachments
  - Fees and costs

# OUTLINE OF CODE *CONT'D*

- WCF on Private Property
  - Design standards
    - Design criteria, setbacks, screening, fencing, height, landscaping, screening, safety, maintenance and inspection
  - Co-location
- FCC Eligible Facilities
- Enforcement and Penalties

# OTHER CODE CHANGES

- Unified Development Code (UDC) – Title 18
  - Remove design criteria and other provisions related to wireless telecommunications facilities, including towers, small cells, etc.
  - Remove specific definitions
  - Leave land use tables but revise references/links
- Pole Attachments – Title 13
  - Modify to only apply to wired attachments

# QUESTIONS?

**Title 14 - Wireless Communications Code**

**14.04 Applicability.** This chapter applies to the installation, construction, and modification of wireless communications facilities on structures within the public rights-of-way, including poles, street lights and other structures owned by the City, structures owned by third parties, and structures installed and owned by a wireless communications services provider. This chapter also applies to the installation, construction and modification of wireless communications facilities on private property in addition to the provisions of the City of Loveland Unified Development Code found at Title 18 of the Loveland Municipal Code.

**14.08 Purpose and Intent.** The purpose of this chapter is to provide specific regulations in the City's exercise of its police powers for the installation, construction, and modification of wireless communications facilities within the City of Loveland. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of wireless communications services, nor shall the provisions of this chapter be applied in such a manner as to discriminate unreasonably between providers of functionally equivalent wireless communications services. To the extent that any provision or provisions of this chapter are inconsistent or in conflict with any other provision of the Loveland Municipal Code or any ordinance of the City, the provisions of this chapter shall be deemed to control. The goals of this chapter are to:

- encourage the installation and location of wireless communications facilities in a manner that minimizes the visual impact of such installations on the community;
- encourage strongly the joint use of new and existing tower sites or poles by wireless communications services providers;
- encourage the deployment of smaller, less intrusive wireless communications facilities;
- effectively manage wireless communications facilities installed in the public rights-of-way;
- encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas;
- to protect the public health, safety and general welfare, including the City's ability to safely operate and maintain its infrastructure in the public rights-of-way; and
- enhance the ability of wireless communications service providers to provide such services throughout the City quickly, effectively, and efficiently.

**14.12 Definitions**

"Accessory equipment" means any equipment serving or being used in conjunction with a wireless communications facility, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures including fences.

"Alternative tower structure" means man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are compatible with the natural setting and/or surrounding structures, and camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to this chapter. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone monopole (including a replacement pole) in the ROW that accommodates small cell wireless facilities is considered an alternative tower structure to the extent it meets the camouflage and concealment standards of this chapter.

"Antenna" means any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to, panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

"Applicant" means any person that submits an application to the City to site, install, construct, collocate, modify and/or operate a wireless communications facility.

"Attachments" means each point of contact between a wireless communications facility or small cell facility and a pole, whether placed directly on the poles or overlashed onto an existing attachment, but does not include a riser or a service drop attached to a single pole where applicant has an existing attachment on such pole. Attachment(s) shall include, without limitation, the following points of strain: down guys, main line attachments, and any other attachment that could shorten the life cycle of the pole.

"Base station" means a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower including the defined accessory equipment. Base Station includes, without limitation:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this chapter and has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in paragraphs 1 and 2 above.

"Camouflage," "concealment," or "camouflage design techniques." A wireless communications facility is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of such facility with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A wireless communications facility site utilizes camouflage design techniques when it (1) is integrated in an outdoor fixture such as a flagpole, or (2) uses a design which mimics and is consistent with the nearby natural or architectural features (such as an artificial tree on private property or a streetlight in the public right-of-way) or is incorporated into (including, without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the communications facility is not readily apparent.

"Carrier space" means space on or within the poles that can be used, as defined in the City's electric standards and all other standards adopted in the Loveland Municipal Code, for the attachment or placement of wires, cables, small cell facilities, and associated equipment for the provision of communications services or electric services. The neutral zone or safety space is not considered carrier space.

"Climbing space" means that portion of a pole's surface and surrounding space that is free from encumbrances to enable City employees and contractors to safely climb, access, and work on City facilities and equipment.

"Collocation" or "co-location" means (1) mounting or installing a communications facility on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing a communications facility on that structure. Provided that, for purposes of eligible facilities requests, "collocation" or "co-location" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

"Capacity" means the ability of a pole segment to accommodate an additional attachment based on applicable standards, including space and loading considerations.

"Common space" means space on the poles that is not used for the placement of wires or cables but which jointly benefits all users of the poles by supporting the underlying structure and/or providing safety clearance between attaching entities and electric utility facilities.

"Eligible facilities request" means any request for modification of an Existing Tower or Base Station that does not Substantially Change (as defined below) the physical dimensions of such Tower involving:

(i) collocation of new transmission equipment,
(ii) removal of transmission equipment, or
(iii) replacement of transmission equipment.

"Eligible support structure" means any tower or base station as defined in this chapter, provided that it is existing at the time the relevant application is filed with the City under this section.

"Existing tower or base station" means a constructed tower or base station that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.

"FAA" means the Federal Aviation Administration.

"FCC" means the Federal Communications Commission.

"IEEE-SA" means the Institute of Electrical and Electronics Standards Association.

"Licensee" means any person who holds a license or permits to site, install, construct, collocate, modify, maintain, and/or operate a wireless communications facility in the ROW.

"Master license agreement" means an agreement entered into between an applicant and the City which governs all of the applicant's installation, construction, and maintenance of wireless communications facilities in the public right-of-way.

"Micro wireless facility" means a small wireless facility that is no larger in dimensions than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that has an exterior antenna, if any, that is no more than eleven inches in length.

"Monopole" means a single, freestanding pole-type structure supporting one or more Antennas.

"Overlash" means to place an additional wire or cable communications facility onto an existing attachment owned by licensee.

"Pole" means a pole owned by the City located within the ROW.

"Public property" means real property owned or controlled by the city, excluding the public right-of-way.

"Public right-of-way" or "ROW" means any public street, way, alley, sidewalk, median, parkway, or boulevard that is dedicated to public use.

"Non-Ionizing Radiation Electromagnetic Radiation Report (NIER)" means a report from the applicant that complies with the City of Loveland Wireless Communications Facilities Development Standards regarding radio frequency emissions certifying that all wireless communications facilities that are the subject of the application shall comply with federal standards for radio frequency emissions.

"Replacement pole" means a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light pole or other similar structure of proportions and of equal height or such other height that would not constitute a Substantial Change to a preexisting pole or structure in order to support a wireless communications facility or to accommodate collocation and remove the pre-existing pole or structure.

"Roof-mounted wireless communications facility" means a wireless communications facility that is mounted on the roof or any rooftop appurtenance of a legally existing building or structure.

"Site" means the area comprising the base of the structure and other related accessory equipment deployed on the ground.

"Site supplement" means a license for an individual wireless communications facility within the ROW.

"Signal interference letter" means a letter from the applicant certifying that all wireless communication facilities that are the subject of the application shall be designed, sited and operated in accordance with applicable federal regulations addressing radio frequency interference.

"Small cell facility" or "small cell wireless facility" means a wireless communications facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are not larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, backup power systems, grounding equipment, power transfer switch

and cut-off switch. For the avoidance of doubt, small cell facilities may be attached to alternative tower structures, monopoles, and pole support structures.

"Substantial change" means a modification to the physical dimensions of an eligible support structure where, after the modification, the structure meets any of the following criteria:

i. *Height Increase.* For towers, other than alternative tower structures in the right of-way or other towers in the right-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array, with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;

ii. *Added Appurtenance.* For towers, other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;

iii. *Equipment Cabinets.* For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

iv. *Excavation or Deployment.* For any eligible support structure, it entails any excavation or deployment outside the current site;

v. *Defeating Concealment.* For any eligible support structure, it would defeat the concealment elements of the eligible support structure. For purposes of this definition, any change that undermines concealment elements of an eligible support structure shall be interpreted as defeating the concealment elements of that structure; or

vi. *Noncompliance with Existing Approvals.* For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, added appurtenances, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (i), (ii), and (iii) of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

"Support structure" means a structure designed to support small cell wireless facilities including, but not limited to, monopoles, alternative tower structures, replacement poles, and other freestanding self-supporting pole structures.

"Tower" means any structure that is built for the sole or primary purpose of supporting one or more FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless

services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guyed towers or monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

"Transmission equipment" means equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

"Unified Development Code" means Title 18 of the Loveland Municipal Code.

"Wall-mounted wireless communications facility" means a wireless communication facility that is mounted and supported entirely on the wall of a legally existing building, including the walls of architectural features such as parapets, but does not include mechanical screens, chimneys and similar appurtenances.

"Wireless Communications Facilities Development Standards" or "Standards" means the aesthetic, technical, and physical standards adopted by the City that wireless communications facilities in the ROW must meet as part of the master license agreement.

"Wireless communications facility" or "WCF" means a communications facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this chapter.

**14.16 Applications and review procedures**

**14.16.010 Application required.** No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant is reviewed and approved by the City in accordance with this chapter and the Loveland Municipal Code. All applications, except eligible facilities requests, shall be submitted and reviewed pursuant to the procedures described below.

**14.16.020 Submittal requirements.**

**A. WCF in the ROW.** The applicant shall submit a small cell wireless site supplement application on the form provided by the City through its Building Division and provide all information required by

the City, including but not limited to the signed master license agreement with current certificate of insurance, electrical service worksheet, complete construction plans, NIER report, permits, submittal fees, and other information deemed by the City Manager or his or her designee to be necessary to determine compliance with this chapter, the master license agreement, and the Standards. Such application shall be processed through the City's building permit process.

**B. WCF on private property.** The applicant shall submit an application on the form provided by the City through its Current Planning Division and provide all information required by the City. Such application shall be processed through the City's development review process.

**14.16.030 Use by right.** In all zoning districts, applications for small cell facilities shall be reviewed as a use by right, without public hearing, in conformance to this chapter and the Code, including the Unified Development Code.

**14.16.040 Time for review and approval.** The City shall review and approve applications for WCF in the manner necessary to comply with applicable state and federal law.

**14.16.050 Consolidated applications.** The City shall allow an applicant to file a consolidated application for up to ten (10) small cell facilities to be located within the ROW. The City may deny all or a portion of a consolidated application to the extent the application or portion thereof does not confirm to the applicable City requirements. A consolidated application must not include any wireless communications facility to be located on private property.

**14.16.060 Approval or denial.** The City will approve or deny an application in writing. The approval of an application shall specify all design elements intended to conceal the WCF. The denial of an application shall specify the reasons for denial, including reference to substantial evidence in the record that supports the City's denial.

**14.20 Permits required.** For all activities relating to a WCF in the City, the applicant shall be responsible for obtaining from the City and any other applicable entities all necessary permits and authorizations for the construction, modification, repair, or removal of such WCF, which permits may include but not be limited to a right-of-way work permit, building permit, and electric metering. The applicant shall be required to comply with all requirements and conditions of such permits.

**14.24 Specifications.** An applicant shall install and maintain its WCF in accordance with all applicable City standards, including the Loveland Municipal Code, local building and safety codes, the master license agreement, and the Standards.

**14.28 Non-interference.** All WCF shall be designed and sited in accordance with FCC standards so as not to cause interference with the normal operation of licensed radio, television, telephone and utility, City, or other communications services on adjacent properties; nor shall any such WCF interfere with any public safety communications.

**14.32 Maintenance and inspection.** The applicant shall maintain its facilities in a good and safe condition and in a manner that complies with all applicable federal, state and local requirements. The site and the WCF, including all landscaping and fencing, as applicable, and related transmission

equipment must be maintained at all times in a neat and clean manner and in accordance with all approved plans and specifications. Graffiti and damage must be timely removed or repaired by the applicant after notification from the City.

**14.36 WCF in the Right-of-Way**

**14.36.010 Design and Location Standards Adopted.** The Standards are hereby adopted by reference. The Standards shall be published on the City of Loveland internet site and made available to the public. Every installation, construction, and modification of WCF within the City's ROW shall be designed and located in accordance with the Standards and applicable sections of the Loveland Municipal Code. Notwithstanding anything in the Code to the contrary, any revisions to the Standards, including revisions that adopt codes by reference, shall be made by the City in accordance with the process set forth in the Standards.

**14.36.020 Variation from Standards.** Modifications to the Standards for a site supplement may be proposed by the applicant by the submission of an alternative design drawing or illustration to the Director of the Department of Water and Power or his or her designee ("Director"). The drawing or illustration shall clearly identify the differences between the Standards and the proposed alternative design. Where the Director finds such submitted alternative design presents a de minimis or nominal visual impact when compared to the Standards, the Director may approve such alternative design which approval shall be evidenced by written acknowledgment signed by the Director and affixed to the particular site supplement. The Director shall retain the discretion to deny a proposed alternative design where the Director finds the proposed design to be more visually or aesthetically impactful than the Standards. At the Director's discretion, the Director may submit the proposed alternative design illustrations to the City Manager for an administrative determination that the proposed design is, or is not, more visually or aesthetically impactful than the Standards.

**14.36.030 Unlawful facilities.** It shall be unlawful for a WCF to be placed in any ROW except in compliance with this code. Such unauthorized installation will be subject to immediate removal by the City if the installation is not promptly brought into compliance with this chapter, and the applicant shall be subject to such penalties as authorized by the master license agreement and this chapter.

**14.36.050 Master license agreement required**

**A.** Prior to submittal of an application to install WCF within the ROW, the Applicant must execute a master license agreement with the City that applies to all facilities of the Applicant to be installed within the ROW. Such master license agreement shall be in a form approved by the City Attorney. The City Manager is authorized to execute the master license agreement on behalf of the City.

**B.** No license granted hereunder shall be effective until the Applicant and the City have executed the master license agreement setting forth the particular terms and provisions under which the license to occupy and use the City's ROW will be granted.

**C.** The master license agreement shall govern each WCF installation for which individual site licenses are issued by the City. The City may withhold further individual site licenses until any ongoing

violations or defaults in the Applicant's performance under the master license agreement, or of any requirements of this chapter, have been cured.

**D.** In no circumstance shall the length of the term of any license issued exceed ten (10) years.

**E.** Nothing contained herein shall prohibit or limit the City and the Applicant from modifying the terms and conditions of the master license agreement by mutual agreement. The City Manager, or his or her designee, shall be authorized to execute such amendment.

**F.** In the case of a conflict between this code, the Standards, and the master license agreement, the provisions of such shall prevail in the following order of priority: the Standards, this code, and the master license agreement, except as federal or state law may preempt or act to modify the code or the Standards, and so long as the terms of this code or Standards do not alter any material rights granted in the master license agreement

**14.36.060 Rights Granted.** No license granted under this chapter shall confer any exclusive right, privilege, license, or franchise to occupy or use the City's ROW for delivery of wireless communications services or any other purposes. No license granted under this chapter shall convey any right, title, or interest in the ROW, but shall be deemed a license only to use and occupy the ROW for the limited purposes and term stated in the license; further, no license shall be construed as any warranty of title.

**14.36.070 Referral to City Council.** Except for WCFs in the ROW that otherwise meet all requirements of this chapter, should the City Manager or his or her designee consider the proposed WCF to have a significant visual impact (i.e. proximity to historical sites) or otherwise be incompatible with the structure or surrounding area, or not meet the intent of these provisions, the City Manager or designee may refer the application to City Council for approval.

**14.36.080 Pole Attachments in General**

A. The City is the owner of certain poles located within the public right-of-way, including but not limited to, utility poles, traffic poles, and street light poles. In accordance with the purposes and intent of this chapter, the City is willing to authorize the attachment of WCFs to City poles in the ROW to the extent that such attachments comply with the Code and the master license agreement.

B. A site supplement is authorization for attachment to specific poles, one for each pole or overlash.

C. The City will issue a site supplement for attachment to a pole only when the City determines, in its sole judgment, exercised reasonably, that the pole has sufficient capacity to accommodate the request safely. The City may refuse to issue a license for attachment to a Pole where safety concerns cannot be adequately addressed through engineering.

D. Any modifications or additions necessary to make a City-owned structure ready for safe attachment will be the responsibility of the Applicant, as well as all associated design and engineering or other costs. The Applicant is responsible for payment for all work performed by the City to accommodate the Applicant's attachment of WCF.

E. All attachments shall comply with all applicable City standards. Attachments, overlash, or other components must not interfere with the operation of any City facilities.

**14.36.090 Fees and costs**

**A. Applicant Responsible for Fees and Costs.** The Applicant shall pay application fees, annual fees and permit fees as published in the City's rates, charges and fees at the time of submission of an application to install a WCF. The Applicant shall also reimburse the City for any actual, identified direct or indirect costs reasonably incurred by the City in planning, constructing, installing, repairing or altering any City facility as a result of the construction or the presence in the right-of-way of the Applicant's WCF. The Applicant shall be subject to any other generally applicable fees of the City or other entity.

**B. Invoice and Payment.** The City shall invoice the Applicant annually for the attachment fee, for a period that concludes each December 31. The Applicant shall pay any invoices issued by the City within thirty (30) days. Failure to make payment by the deadlines set forth may accrue penalties or interest as described in the master license agreement.

**C. No Refund.** Except as otherwise provided in the master license agreement, the Applicant may remove its WCF from the public right-of-way at any time, subject to the necessary permitting, upon thirty (30) days prior written notice to the City, and may cease paying to the City any applicable recurring fees for such use as of the date of actual removal of the WCF and complete restoration of the public right-of-way. In no event shall an Applicant be entitled to a refund of fees paid prior to removal of its WCF.

**D. Taxes.** The Applicant shall pay all applicable City, county and state taxes levied, assessed, or imposed on Applicant or Applicant's WCF related to any of Applicant's WCF and/or services provided within the City.

**14.36.100 Insurance.** The Applicant shall maintain current at all times liability and property insurance for each WCF in the public right-of-way as required in the master license agreement. For any work not performed by the City, the Applicant shall comply with the insurance requirements set forth in Section 12.16.070.

**14.36.110 Indemnification.** The Applicant shall indemnify and hold harmless the City, its officers, employees, and agents from and against all liability, claims, and demands on account of any injury, loss, or damage arising out of or connected with the applicant's operation of WCF in the ROW, if such injury, loss, or damage, or any portion thereof, is caused by, or claimed to be caused by, the act, omission, or other fault of the applicant or any subcontractor of the applicant, or any officer, employee or agent of the applicant or any subcontractor, or any other person for whom the applicant is responsible. The applicant shall investigate, handle, respond to, and defend against any such liability, claims, and demands, and shall bear all other costs and expenses related thereto, including court costs and attorneys' fees. The applicant shall notify the City and provide a copy of any and all written claims or demands within two business days of receipt. The applicant's indemnification obligation shall not be construed to extend to any injury, loss, or damage to the extent caused by the act, omission, or other fault of the City.

**14.36.120 Removal and relocation**

**A.** Within 90 days following written notice from the City an Applicant shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCFs within the ROW whenever the City shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

1. The construction, repair, maintenance or installation of any City or other public improvement in or upon the public ways.
2. The operations of the City or other governmental entity in or upon the ROW.

**B.** At its sole expense, the Applicant shall remove any of its WCF or any part thereof that become nonfunctional, create a safety hazard, violate any provision of applicable law or violate the Applicant's master license agreement. Removal shall occur within thirty (30) days of written notification from the City that an attachment must be removed due to becoming nonfunctional or a safety hazard.

**C.** If the City desires at any time to abandon, remove, or underground any utility facilities to which Applicant's WCF is attached, the City shall provide the Applicant notice in writing at least sixty (60) days prior to the date on which it intends to abandon or remove such facilities, and the Applicant shall remove its WCF at its sole cost and expense within that time period.

**D.** Emergency Removal or Relocation of Facilities. The City retains the right and privilege to cut or move any telecommunications facilities located within the City's ROW, as the City may determine to be necessary in response to any public health or safety emergency.

**14.36.130 Abandonment**

**A.** Any WCF in the public right-of-way that is not used for a period of six months or more shall be deemed to be abandoned. No Applicant or owner of the WCF shall fail to remove a WCF that is abandoned or is unused for a period of six months. If the WCF owner fails to remove an abandoned facility at the request of the City, the City may remove the WCF and charge the costs to the WCF owner.

**B.** Failure to pay the annual fee shall be considered abandonment. The City shall issue a notice to remove the attachment(s) if such fee is more than sixty (60) days past due.

**C.** The Applicant may surrender any license for attachment(s) and remove them from affected Poles. At least 30 days prior to the commencement of such work, Licensee must notify the City of the plan for removal, including the name of the party performing the work and dates and times when such work will be performed.

**D.** If Applicant abandons a WCF or surrenders its license and fails to remove its attachments, the City shall have the right to remove the Applicant's attachments at Applicant's expense.

**14.40 WCF on Private Property**

**14.40.010 Wireless Communications Facilities Standards**

**A. Design Criteria.** Every WCF outside of the ROW shall comply with the following design criteria:

1. **Architectural Compatibility.** The WCF shall be architecturally compatible with the surrounding buildings and land uses in the same zone, or otherwise integrated, through location and design, to blend in with the existing characteristics of the subject property to the extent practical. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facilities.
2. **Color**. Towers and antennas shall be of a color which generally matches the building, surroundings, or background and minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones and subdued colors shall be used wherever possible.
3. **Lights, Signals, and Signs.** No signals, lights, or signs shall be permitted on towers or other structures unless required by the FCC or the FAA.

**B. Tower Setbacks.** Tower setbacks shall be measured from the base of the tower to the property line of the subject property.

1. *Residential Zones*. Towers shall be set back from all property lines a distance equal to 300 percent of tower height; provided, however, that a lesser setback may be permitted if the Director determines that:
    a. There are unusual geographical limitations that justify the reduced setback;
    b. The setback is not less than a distance equal to 100 percent of tower height; and
    c. The tower is camouflaged or otherwise adapted to be compatible with the surrounding area.
2. *All Other Zones*. In all zones that are not residential zones, towers shall comply with the minimum setback requirements of the area in which they are located, except that if property in such non-residential zone is adjacent to property in the residential zone, a tower shall be setback a distance of no less than 110% of the tower height from the property line abutting such residential property.

**C. Equipment Structures.** Ground level equipment and buildings and the tower base shall be screened. The standards for equipment buildings are as follows:

1. The maximum floor area is 350 square feet and the maximum height is 12 feet.
2. Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted, subject to generally accepted engineering practices. Equipment, buildings, antennas, and related equipment shall occupy no more than 25 percent of the total roof area of a building.

**D. Structural Design.** Towers shall be constructed to the FCC and EIA Standards, as may be amended from time to time, and all applicable construction, building, and safety codes.

**E. Fencing for Freestanding Communication Towers.** A stucco, masonry, or stone security wall, not less than six feet in height, shall be provided around each freestanding communication tower. Alternative fencing materials may approved by the Director of Development Services if the tower is designed to accommodate co-location. Security walls or fencing shall be colored or designed to visually blend into the character of the existing environment. Access to the tower shall be through a locked gate.

**F. Antenna and Tower Height.**

**1.** The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height required to function shall be approved.

**2.** Towers shall be no taller than the maximum permitted height as set forth in Table 14.40.F, unless otherwise approved pursuant to conditional use review as set forth in the Unified Development Code. This section shall not apply to eligible facilities requests.

**Table 14.40.F Maximum Antenna and Tower Height**

| WCF Category | Zones | | | | |
|---|---|---|---|---|---|
| | Residential Zones (ER, R1, R1e, R2, R3, R3e, and Residential PUDs) | Non-Residential (DT & B) | Mixed-Use Zones (MAC & E) | Industrial (I) | Parks & Developing Resource (PP & DR) |
| Freestanding Communications Tower | n/a | 40 ft. | 40 ft. | 50 ft. | 40 ft. |
| Alternative Tower Structure | 40 ft. | 45 ft. | 55 ft. | 55 ft. | 45 ft. |
| Roof-Mounted or Wall-Mounted Wireless Communications Facility | No more than 10 feet above building[1] | | | | |

1. For Wall-mounted WCF, refer to 14.40.I.2

**3.** Measurement of Height.

a. *Towers*. The height of a tower shall be measured as the vertical distance from the base of the support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances, and shall be measured from the finished grade of the subject property. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

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b. *Rooftop Facilities*. The height of WCF that are mounted on a rooftop is measured from the plane of the top of the roof upon which the facility is mounted to the highest point on the WCF.

c. *Wall-Mounted Facilities.* The height of a WCF that is mounted and supported entirely on the wall of a legally existing building is measured from the plane of the top of the roof of the building to the highest point on the WCF.

**G. Antenna Support Structure Safety.** The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

**H. Site Characteristics.** Site location and development shall preserve the pre-existing character of the area in which the WCF site is located as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques shall be evaluated by the city, taking into consideration the site as built.

**I. Antenna Design Criteria.** Antenna mounted on any tower, building or other structure shall comply with the following requirements:

**1.** Wall-mounted WCF and roof-mounted WCF shall be architecturally compatible with the building and wall on which they are mounted so as to minimize any adverse visual impact and shall be constructed, painted or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

**2.** Wall-mounted WCF shall be mounted on a wall of an existing building in a configuration as close to flush to the wall as technically possible and shall not project above the wall on which it is mounted unless for technical reasons. In no event shall an antenna project more than ten feet above the height of the building.

**3.** The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires.

**4.** No antenna, antenna array, or its support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing tower to which such antenna, antenna array, or support structure is attached.

**5.** On buildings that are 30 feet or less in height, the antenna may be mounted on the roof if:

a. The City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.

b. The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building.

c. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.

d. No portion of the antenna extends more than 10 feet above the height of the existing building.

**J. Equipment Shelters.** If an accessory equipment shelter is present, such building or structure shall blend with the surrounding buildings in architectural character and color.

**K. Landscaping and Screening.**

**1.** Landscaping shall be required to screen as much of the support structure as possible. The wall surrounding the support structure and any other ground level features (such as a building), shall be designed to soften the appearance of the WCF site. The Director of Development Services may permit any combination of existing vegetation, berming, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If an antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required, except as otherwise required for the existing use.

**2.** The visual impacts of a tower shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of towers shall be required around the perimeter of the tower and accessory structures:

a. A row of evergreen trees a minimum of ten feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence; and

b. A continuous hedge, at least 36 inches high at planting and capable of growing to at least 48 inches in height within eighteen months, shall be planted in front of the tree line referenced above.

**3.** Landscaping shall be installed on the outside of fences. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the City. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements. The Director of Development Services may waive or modify landscaping requirements as appropriate to the site conditions.

**L. Maintenance and Inspection.**

**1.** To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building and safety codes, regulations of the FCC, and the applicable standards for towers that are published by the IEEE-SA, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes, regulations or standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to

bring such tower into compliance with such codes, regulations and standards. If the owner fails to bring such tower into compliance within said 30 days, the City may remove such tower at the expense of the owner's expense, the costs of which shall constitute a lien against the property.

2. Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the IEEE-SA and FCC standards and within 60 days of the inspection, file a report with the City building division.

**M. Non-Use or Abandonment.**

1. In the event the use of any tower has been discontinued for a period of six months, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City, which shall have the right to request documentation or affidavits from the tower owner or operator regarding the issue of tower usage. Upon such abandonment, the owner or operator of the tower shall have an additional 60 days within which to complete one of the following:

   a. Reactivate the use of the tower or transfer the tower to another owner or operator who makes actual use of the tower within an additional 90 days. Only one transference of ownership is permitted in a 12 month period under these abandonment provisions.

   b. Dismantle and remove the tower. In such instance, if such tower is not removed within said 60 days, the City may remove such tower at the owner's expense.

2. If there are two or more users of a single tower, then removal of the tower is not required unless all users cease using the tower. However, parts of the tower that are rendered unnecessary by partial abandonment shall be removed.

3. At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the tower shall automatically expire.

4. If an abandonment of a tower occurs by all of the permittees or licensees and the owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. In the event that the tower ceases to be licensed by the FCC for the transmission of telecommunications or broadband services, the owner of the tower shall maintain the prescribed painting or illumination of such tower until it is dismantled.

**N. Co-Location in All Zones.** The applicant shall demonstrate that any new antenna cannot be reasonably co-located on an existing structure.

**14.40.020 Co-location**

**A. Co-location in general**

1. To minimize adverse visual impacts associated with the proliferation of towers, the City encourages co-location of antennas by more than one carrier on existing towers or structures.

2. An existing tower or base station may be modified or reconstructed to accommodate the co-location of an additional antenna. Modification of an existing tower or base station that is not an eligible facility structure under section 14.44 to accommodate additional antennas shall be permitted in all zone districts, subject to the requirements of the zone district and the following criteria:
    a. An existing tower may be modified or rebuilt to a taller height, not to exceed twenty feet over the tower's existing height, to accommodate the co-location of an additional antenna. The tower as modified shall comply with the other provisions of this chapter.
    b. A tower which is being modified to accommodate the co-location of an additional antenna may be moved to a different location on the same property within 50 feet of its existing location so long as it remains within the same zone district. After the tower is rebuilt to accommodate co-location, only one tower shall remain on the property.
    c. The tower, as modified shall comply with the provisions of this chapter in all respects.
    d. The Applicant for modification of a tower and co-location of an antenna shall follow the approval process as set forth in this title for the zone district in which the tower is located.
3. No WCF owner, operator, lessee, or any officer or employee thereof, shall act to exclude any WCF provider from using the same facility, building, structure or location. WCF owners or lessees or officers or employees thereof shall cooperate in good faith to achieve co-location of WCFs and equipment with other WCF providers. Upon request by the City, the owner or operator shall provide evidence establishing why co-location is not reasonably feasible. The City shall not attempt to affect fee negotiations between private parties concerning co-location.
   If a personal wireless services provider attempts to co-locate a facility on an existing or approved facility or location and the parties cannot reach agreement concerning the co-location, the City may require a third party technical study at the expense of either or both parties to resolve the dispute.

**C. Co-location on existing structures.**

1. A WCF proposed to be co-located on an existing structure shall not be required to submit a site development plan and shall be processed as a use by right subject to the criteria in Section 14.40.

2. If the existing structure has been previously approved as an adaptable or conditional use, such WCF co-location shall be approved as a use by right and no amendment of the adaptable or conditional use shall be required so long as the WCF complies with the design criteria in Section 14.40.010(I) above.

**D. Co-location on new towers.**

1. In order to reduce the number of towers needed in the City in the future, every new tower shall be designed to accommodate antenna for more than one user, unless the Applicant demonstrates why such design is not feasible for economic, technical or physical reasons, or unless the Current Planning Manager determines that a tower for only one user is more appropriate at a specified location.
2. Unless the Current Planning Division determines that co-location is not feasible, the site plan for every new tower shall delineate an area near the base of the tower to be used for the placement of additional equipment or buildings for other users. The site plan for towers in excess of 100 feet shall propose space for two or more other comparable tower users, while the site plan for towers under one hundred feet shall propose space for one other comparable tower user.
3. The City may deny an application to construct a new tower if the Applicant has not demonstrated a good faith effort to co-locate the antenna on an existing structure or tower.

**14.44FCC Eligible Facilities Co-location**

**14.44.010** This section encourages the timely approval of eligible facilities requests for modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

**14.44.020** An applicant seeking approval of an eligible facilities request must submit an application to the City's Current Planning Division with the information required by the Current Planning Manager.

**14.44.030** An eligible support structure may be modified or reconstructed to accommodate co-location pursuant to the application and review process set forth herein.

**A.** No co-location or modification to any existing tower or base station may occur except after a written request from an Applicant, reviewed and approved by the City in accordance with this section.

**B.** The City shall prepare, and from time to time revise, and make publicly available an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the project: would result in a substantial change; or violates a generally applicable law, regulation, or other rule reasonably related to public health and safety. To the extent necessary, the City may request additional information from the Applicant to evaluate the application under 47 U.S.C. § 332(c)(7) pursuant to the limitations applicable therein; however, the City may not require the Applicant to demonstrate a need or business case for the proposed modification or collocation.

**C.** Upon receipt of an application for an eligible facilities request pursuant to this section, the City's Current Planning Division shall review such application to determine whether the application qualifies as an eligible facilities request.

**D.** Subject to the tolling provisions of section 14.44.020(E), within 60 days of the date on which an applicant submits an application seeking approval under this section, the City shall approve the application unless it determines that the application is not covered by this section.

**E.** The 60-day review period begins to run when the application is filed, and may be tolled only by mutual written agreement of the city and the applicant, or in cases where the City's Current Planning Division determines that the application is incomplete.

**1.** To toll the timeframe for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.

**2.** The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness.

**3.** Following a supplemental submission, the Current Planning Division will notify the applicant within 10 days, if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified herein. Subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.

**F.** If the City determines that the applicant's request is not covered by the Middle Class Tax Relief and Job Creation Act of 2012 ("Section 6409") as delineated in this section, the presumptively reasonable timeframe under 47 U.S.C § 332(c)(7) of 90 days, as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request.

**G.** In the event the City fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

**H.** Applicants and/or the City may bring claims related to this section of the City Code implementing Section 6409 to any court of competent jurisdiction.

**14.44.030** An eligible facilities request shall be permitted in all zone districts, subject to the requirements of the zone district and applicable use standards; provided, however, that such review may be modified or waived by the Current Planning Manager if, in the determination of the Current Planning Manager, such review would unduly delay a decision regarding the application as a covered request and an administrative review is reasonable under the circumstances.

**14.44.040** Except as provided in section 14.44.020(F), a request for co-location that the City determines does not qualify as an eligible facilities request shall not be subject to this section.

**14.48 Enforcement and penalties**

**14.44.010** Any violation of this chapter shall be subject to the general penalty provision of the Loveland Municipal Code in section 1.12.010. Each day that a violation occurs or is permitted to exist by the applicant constitutes a separate offense.

**14.44.020** Nothing in this title shall be construed as limiting any remedies that the City may have in the master license agreement or at law or in equity, for enforcement of this chapter.

**14.44.030** An applicant shall not be excused from complying with any of the requirements of this chapter or the master license agreement, or any subsequently adopted amendments to this chapter or master license agreement, by any failure of the city on any one or more occasions to seek, or insist upon, compliance with such requirements or provisions.

**14.52 Federal Requirements.** All towers, WCF, and antennas shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers, communications facilities, and antennas. If such standards and regulations are changed, then the owners of the towers, communications facilities, and antennas governed by this section shall bring such towers, communications facilities, and antennas into compliance with such revised standards and regulations within three months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers, communications facilities, and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower, wireless communications facility, or antenna at the owner's expense.

DRAFT

# TITLE 18 UNIFIED DEVELOPMENT CODE

(Ord. 6248 §1, 11/06/2018)

## PART 2: ZONES, LAND USE, BUILDINGS, AND STRUCTURES

## Chapter 18.02 Zones, Overlay Zones, and Land Use

### Division 18.02.03 Land Use by Zone

#### 18.02.03.09 Utility and Wireless ~~Telecommunications~~Communications Land Use by Zone

The utility and wireless telecommunications land uses that are allowed in each zone are set out in Table 18.02.03.09, Utility and Wireless ~~Telecommunications~~ Communications Land Use by Zone.

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**Table 18.02.03.09**
**Utility and Wireless Communications~~Telecommunications~~ Land Use by Zone**

| Land Use | Zones | | | | | | | | | | | | Standards Reference[1] |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Residential | | | | | Mixed-Use | | | | Industrial | Parks and Resource | | |
| | ER | R1/R1e | R2 | R3e | R3 | DT | B | MAC | E | I | PP | DR | |
| **Key: "R" = Allowed Use; "L" = Limited Use; "A" = Adaptable Use; "C" = Conditional Use** | | | | | | | | | | | | | |
| **TABLE NOTES:**<br>[1] This column contains a cross-reference to the standards that apply to the use in zones in which the use is listed as Limited ("L"), Adaptable ("A"), or Conditional ("C").<br>[2] Type of review may vary based on scale of new construction. *See* Sec. 18.02.04.02, Scale Thresholds in DT and Residential Zones.<br>[3] Essential utilities are not considered a primary land use, and are allowed in all zones with appropriate construction approvals. | | | | | | | | | | | | | |
| **Utility Uses** | | | | | | | | | | | | | |
| Data Center | - | - | - | - | - | L[2] | L | L | L | L | - | - | § 18.02.04.10 |
| Overhead Power Lines (110 kV or more) | C | C | C | C | C | - | C | C | C | C | C | C | § 18.02.04.10 |
| Utilities, Minor | A | A | A | A | A | A | A | A | A | R | A | A | § 18.02.04.10 |
| Utilities, Major | C | C | C | C | C | C | C | C | C | A | C | C | § 18.02.04.10 |
| **Wireless Telecommunications Facilities** | | | | | | | | | | | | | |

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| Table 18.02.03.09<br>Utility and Wireless Communications~~Telecommunications~~ Land Use by Zone | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Land Use | Zones | | | | | | | | | | | | Standards Reference[1] |
| | Residential | | | | | | Mixed-Use | | | | Industrial | Parks and Resource | |
| | ER | R1/R1e | R2 | R3e | R3 | | DT | B | MAC | E | I | PP | DR |
| Key: "R" = Allowed Use; "L" = Limited Use; "A" = Adaptable Use; "C" = Conditional Use | | | | | | | | | | | | | |
| Freestanding ~~Telecommunications~~ Communications Tower | - | - | - | - | - | - | C | C | C | C | C | C | § ~~18.02.04.11~~14.40.010 |
| ~~Stealth Telecommunications Tower~~Alternative Tower Structure | L | L | L | L | L | L | L | C~~L~~ | L | L | L | L | § ~~18.02.04.11~~14.40.010 |
| Small Cell Wireless Communications Facility | R | R | R | R | R | R | R | R | R | R | R | R | § 14.40.010 |
| Other ~~Telecommunications~~ Communications Facilities | L | L | L | L | L | L | L | L | L | L | L | L | § ~~18.02.04.11~~14.40.010 |

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**Division 18.02.04 Use Standards**

**~~18.02.04.11 Wireless Telecommunications Standards~~**

Commented [LS1]: Relocated to Title 14

~~A. Purpose and Interpretation.~~

~~1. The purpose of this section is to provide specific regulations for the placement, construction and modification of wireless telecommunications facilities. The provisions of this section are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this section be applied in such a manner as to discriminate unreasonably between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this section are inconsistent or in conflict with any other provision of the City Code or any ordinance of the City, the provisions of this section shall be deemed to control.~~

~~2. The goals of this section are to:~~

~~a. Encourage the location of towers in non-residential areas and to minimize the total number of towers throughout the City;~~

~~b. Encourage strongly the joint use of new and existing tower sites;~~

c. Encourage users of towers and antennas to locate them, to the extent possible, in areas least likely to negatively affect residential property or other uses;

d. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and

e. Enhance the ability of the providers of personal wireless services to provide such services throughout the city quickly, effectively, and efficiently.

B. **Historic Properties.** If the subject property is designated as an individual landmark or as a part of a historic district or site, additional criteria are applied pursuant to Section 18.17.03.03, Wireless Telecommunications Facility Shot Clocks.

C. **Design Criteria.** Every wireless telecommunications facility shall comply with the following design criteria:

1. *Architectural Compatibility.* Wireless telecommunications facilities shall be architecturally compatible with the surrounding buildings and land uses in the same zone, or otherwise integrated, through location and design, to blend in with the existing characteristics of the subject property to the extent practical. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facilities.

2. *Color.* Towers and antennas shall be of a color which generally matches the building, surroundings, or background and minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones and subdued colors shall be used wherever possible.

3. *Lights, Signals, and Signs.* No signals, lights, or signs shall be permitted on towers or other structures unless required by the FCC or the FAA.

D. **Tower Setbacks.** Tower setbacks shall be measured from the base of the tower to the property line of the subject property.

1. *Residential Zones.* Towers shall be set back from all property lines a distance equal to 300 percent of tower height; provided, however, that a lesser setback may be permitted if the Director determines that:

a. There are unusual geographical limitations that justify the reduced setback;

b. The setback is not less than a distance equal to 100 percent of tower height; and

c. The tower is camouflaged or otherwise adapted to be compatible with the surrounding area.

2. *All Other Zones.* In all zones that are not residential zones, towers shall comply with the minimum setback requirements of the area in which they are located.

E. **Equipment Structures.** Ground level equipment and buildings and the tower base shall be screened. The standards for equipment buildings are as follows:

1. The maximum floor area is 350 square feet and the maximum height is 12 feet.

2. Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted, subject to generally accepted engineering practices. Equipment, buildings, antennas, and related equipment shall occupy no more than 25 percent of the total roof area of a building.

F. **Structural Design.** Towers shall be constructed to the FCC and EIA Standards, as may be amended from time to time, and all applicable construction, building, and safety codes.

G. **Fencing.** In the DT, B, or I zones, a stucco, masonry, or stone security wall, not less than six feet in height, shall be provided around each tower. In other zones, chain-link fencing is also allowed if it is surrounded by an evergreen hedge that is at least six feet in height. Security walls or fencing shall be

colored or designed to visually blend into the character of the existing environment. Access to the towers shall be through a locked gate.

H. **Antenna and Tower Height.** The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height required to function shall be approved. Towers shall be no taller than the maximum permitted height for other structures contained within the applicable zone, except that in the DT, B, or I zones, permissible towers may be taller pursuant to conditional use review.

I. **Antenna Support Structure Safety.** The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice, or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.

J. **Site Characteristics.** Site location and development shall preserve the pre-existing character of the area in which the subject property is located as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques shall be evaluated by the city, taking into consideration the site as built

K. **Antenna Design Criteria.** Antenna mounted on any tower, building or other structure shall comply with the following requirements:

1. The antenna shall be architecturally compatible with the building and wall on which it is mounted so as to minimize any adverse aesthetic impact and shall be constructed, painted or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.
2. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless for technical reasons the antenna needs to project above the wall. In no events hall an antenna project more than ten feet above the height of the building.
3. The antenna and its support structure shall be designed to withstand a wind force of 100 miles per hour without the use of supporting guy wires.
4. No antenna, antenna array, or its support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing tower to which such antenna, antenna array, or support structure is attached.
5. The antenna may be attached to an existing mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than ten feet above the enclosure.
6. On buildings that are 30 feet or less in height, the antenna may be mounted on the roof if:
   a. The City finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
   b. The antenna or antennas and related base stations cover no more than an aggregate total of 25 percent of the roof area of a building.
   c. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.
   d. No portion of the antenna extends more than 10 feet above the height of the existing building.

L. **Equipment Shelters.** If an accessory equipment shelter is present, such building or structure shall blend with the surrounding buildings in architectural character and color.

M. **Landscaping and Screening.**

1. Landscaping shall be required to screen as much of the support structure as possible. The fence surrounding the support structure and any other ground level features (such as a building), shall be designed to soften the appearance of the cell site. The City may permit any combination of existing vegetation, berming, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If an antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required, except as otherwise required for the existing use.

2. The visual impacts of a tower shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of towers shall be required around the perimeter of the tower and accessory structures:

   a. A row of evergreen trees a minimum of ten feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence; and

   b. A continuous hedge, at least 36 inches high at planting and capable of growing to at least 48 inches in height within eighteen months, shall be planted in front of the tree line referenced above.

3. Landscaping shall be installed on the outside of fences. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the City. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.

N. **Maintenance and Inspection.**

1. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable City building and safety codes, regulations of the FCC, and the applicable standards for towers that are published by the EIA, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes, regulations or standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such codes, regulations and standards. If the owner fails to bring such tower into compliance within said 30 days, the City may remove such tower at the owner's expense, the costs of which shall constitute a lien against the property.

2. Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EIA and FCC Standards and within 60 days of the inspection, file a report with the City building division.

O. **Non-Use or Abandonment.**

1. In the event the use of any tower has been discontinued for a period of six months, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the City, which shall have the right to request documentation or affidavits from the tower owner or operator regarding the issue of tower usage. Upon such abandonment, the owner or operator of the tower shall have an additional 60 days within which to complete one of the following:

   a. Reactivate the use of the tower or transfer the tower to another owner or operator who makes actual use of the tower.

   b. Dismantle and remove the tower. In such instance, if such tower is not removed within said sixty days, the city may remove such tower at the owner's expense.

2. If there are two or more users of a single tower, then removal of the tower is not required unless all users cease using the tower. However; parts of the tower that are rendered unnecessary by partial abandonment shall be removed.

3. At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the tower shall automatically expire.

4. If an abandonment of a tower occurs by all of the permittees or licensees and the owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. In the event that the tower ceases to be licensed by the FCC for the transmission of telecommunications or broadband services, the owner of the tower shall maintain the prescribed painting or illumination of such tower until it is dismantled.

P. **Federal Requirements.** All towers and antennas shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such towers and antennas into compliance with such revised standards and regulations within three months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

Q. **Co-Location in All Zones.** The applicant shall demonstrate that any new antenna can not be co-located on an existing structure.

R. A. **New Towers in the DT Zone.** New towers that are not co-located on an existing structure in the DT zone shall be processed as an adaptable use.

# TITLE 18 UNIFIED DEVELOPMENT CODE

(Ord. 6248 §1, 11/06/2018)

## PART 3: SITE DESIGN AND ENVIRONMENTAL QUALITY

## Chapter 18.05 Access, Circulation, Parking, and Loading

### Division 18.05.03 Parking and Loading Calculations

#### 18.05.03.03 Parking Requirements Tables

H. **Utility and Wireless Telecommunications Communications Land Uses.** The required off-street parking for utility and wireless telecommunications land uses is set out in Table 18.05.03.03.H., Utility and Wireless Telecommunications Communications Land Use Parking Standards.

| I. Table 18.05.03.03.H.<br>Utility and Wireless ~~Telecommunications~~ Communications Land Use Parking Standards | |
|---|---|
| **Land Use** | **Minimum Required Parking** |
| **Utility Uses** | |
| Data Center | 1 sp. / 500 sf. |
| Overhead Power Lines (110 kV or more) | N/A |
| Electrical Substation | 1 sp. / 10,000 sf. of secured area |
| Utilities, Major | special study |
| **Wireless ~~Telecommunications~~ Communications Facilities** | |
| Freestanding C~~Telec~~ommunications Tower | 1 sp. |
| ~~Stealth Telecommunications Tower~~Alternative Tower Structure | 1 sp. |
| Other Telecommunications Facilities and Small Cell Wireless Facilities | N/A |

## Chapter 18.06 Site Design

### Division 18.06.04 Standards for Complete Neighborhoods

### 18.06.04.09 Wireless ~~Telecommunications~~ Communications Plan

An application for approval of a complete neighborhood may include a plan for the provision of wireless ~~telecommunications~~ communications services to the development. Said plan shall be reviewed for compliance with applicable standards of ~~Section 18.02.04.11, Wireless Telecommunications Standards~~Title 14 of the Loveland Municipal Code. Approval of the plan shall constitute approval of the wireless ~~telecommunications~~ communications facilities identified in the plan for the purposes of this UL~~L~~DC, provided that they are constructed in the locations and to the design specifications set out in the plan.

## Division 18.10.04 Oil and Gas Overlay Zone

### 18.10.04.03 Land Use Restrictions

A. **Generally.** Notwithstanding the land uses that are allowed by the underlying zones established in this title, land that is located in the Critical Zone ("OGO-CZ"), Restricted Zone ("OGO-RZ"), or High Occupancy Building Zone ("OGO-HO"), development of such land shall be subject to and shall comply with the applicable restrictions set out in this Division.

B. **Critical Zone.** In the OGO-CZ, land uses shall be limited to any of the following:

1. Essential underground public utility facilities; and
2. Undeveloped, access-restricted open space.

C. **Restricted Zone.**

1. *Land Use.* In the OGO-RZ, land uses shall be limited to any of the following:
   a. Airport, heliport, or helistop;
   b. Composting facility;
   c. Storage yard;
   d. Essential public utility uses, facilities, services and structures;
   e. Heavy industry;
   f. Wireless ~~telecommunications~~ communications facilities (all types);
   g. Nursery or greenhouse, wholesale;
   h. Recycling collection center (attended);
   i. Recyclable materials processing;
   j. Resource extraction (minerals);
   k. Resource extraction (oil and gas);
   l. Self-storage;
   m. Street;
   n. Heavy logistics center;
   o. Waste transfer station;
   p. Disposal;
   q. Passenger motor vehicle sales or rental;
   r. Heavy motor vehicle sales or rental;
   s. Motorcycle, scooter, or ATV sales or rental.
2. *Approval Process.* Generally, the land uses listed in subsection C.1., above, shall be permitted in the OGO-RZ if approved by adaptable use review, even if the underlying zoning or approved development plan governing the subject property prohibits such land use. However, if the underlying zone requires conditional use review for the proposed use, then conditional use review is required.
3. *Restrictions.* None of the uses listed above shall include an outdoor assembly area, building, or surface or structured parking lot within the OGO-RZ.

D. **High-Occupancy Building Zone.** In the high occupancy building zone, all land uses authorized for the affected land by the land's underlying zone as provided in this UDC shall be allowed subject to the

requirements of that zone, except that high occupancy buildings and outdoor assembly areas shall not be allowed within this zoning overlay district.

# PART 4: NONCONFORMITIES, DEVELOPMENT REVIEW, AND ENFORCEMENT

## Chapter 18.17 SPECIFIC Review Procedures AND APPROVAL STANDARDS

### Division 18.17.03 Expedited Reviews ~~and Shot Clocks~~

#### 18.17.03.01 Expedited Review for Farmers Markets

Permit applications for farmers markets shall be reviewed within one week, except in situations, as determined by the Director, where the volume of development review applications significantly exceeds normal levels or where staffing levels are reduced. During such situations, the application review shall be completed within two weeks.

Effective on: 11/20/2018

#### 18.17.03.02 Expedited Review for Designated Affordable Housing

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

Effective on: 11/20/2018

#### ~~18.17.03.03 Wireless Telecommunications Facility Shot Clocks~~

**Commented [LS2]:** Addressed in Title 14

~~A. **Generally.** The procedures of this Section apply to wireless telecommunications facilities that are listed in Section 18.02.03.09, Utility and Wireless Telecommunications Land Use by Zone.~~

~~B. **"Shot Clock".** The Federal Communications Commission has established mandatory time frames for review of different types of applications for the wireless telecommunications uses that are listed in Section 18.02.03.09, Utility and Wireless Telecommunications Land Use by Zone.~~

~~1. The "shot clock" commences at the time the application is filed, whether the application is complete or not. With respect to telecommunications uses, Section 18.14.03.06, Completeness Review, is modified as follows:~~

~~a. The City shall respond to the applicant with regard to whether the application is complete within 30 days after it is filed. The notice from the City shall specifically delineate all missing information, and specify the code provision, ordinance, application instruction, or other publicly-stated procedure that requirements the information. Such determination of incompleteness tolls the "shot clock."~~

~~b. Applications that are incomplete shall be retained by the City.~~

~~c. The City shall evaluate a resubmittal for completeness and respond to the applicant within 10 days.~~

1. If the City requests information that had previously been identified in the notice issued pursuant to subsection B.1.c.1.a., above, the "shot clock" shall be tolled again.

2. If the City requests additional information that was not identified in the notice, the shot clock shall continue to run.

2. The "shot clock" concludes:

a. 150 days after commencement for new installations that are regulated by 47 U.S.C. § 332(c)(7).

b. 90 days after commencement for substantial changes to existing installations (e.g., co-locations that are not subject to 47 U.S.C. § 1455).

c. 60 days after commencement for "eligible facilities" as defined in 47 U.S.C. § 1455.

3. In addition to tolling that occurs automatically under this subsection, the "shot clock" may be tolled by agreement with the applicant.

C. **Approval of Application.** Approvals shall be in writing and shall specify all design elements that are intended to conceal the wireless telecommunications facility.

D.A. **Denial of Application.** Denials shall be in writing and shall specify the reasons for denial, including reference to substantial evidence in the record that supports the denial.

# TITLE 18 UNIFIED DEVELOPMENT CODE

(Ord. 6248 §1, 11/06/2018)

## PART 5: MEASUREMENT, WORD USAGE, AND DEFINITIONS

## Chapter 18.19 Measurements, Word Usage, and Definitions

### Division 18.19.01 Measurements and Calculations

#### 18.19.01.02 Measurement of Structure Height

A. **Generally.** The height of anything constructed or erected on the ground, the use of which requires a more or less permanent location on the ground, but not including earthwork, ditches, canals, dams, water towers, reservoirs, pipelines, telephone, telegraph, cable, or electrical power lines or poles and appurtenances thereto, street lighting, landscaping materials, and oil and gas drilling and production facilities, is measured as set out in this Section.

B. **Roofed Structures.** The height of structures with roofs (*e.g.*, gazebos) is measured as the distance from the lowest grade at the base of the structure to the top of the highest point on the structure, including attachments thereto.

C. **Wireless Telecommunications Facilities, Radio Towers, and Amateur Radio Antennae.**

1. *Towers.* The height of a wireless telecommunications tower shall be measured as the vertical distance from the base of the support structure at grade to the highest point of the structure, even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances, and shall be measured from the finished grade of the subject property. If

**Commented [LS3]:** Moved to Title 14

~~the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.~~

~~2. *Rooftop Facilities*. The height of wireless telecommunications facilities that are mounted on a rooftop is measured from the plane of the top of the roof upon which the facility is mounted to the highest point on the wireless telecommunications facility.~~

~~D.~~C. **Fences, Garden Walls, and Hedges.** The height of a fence, garden wall, or hedge shall be measured as follows:

1. The height of a fence, garden wall, or hedge shall be the greatest vertical difference in elevation between the uppermost point on the edge or surface of a fence or wall (not including support posts or architectural features), or the highest point on the uppermost branches or stems of a hedge (above which only leaves or needles naturally grow), and the lowest point of approved grade located perpendicular to and within five feet on either side of the fence, garden wall, or hedge.
2. When a fence or wall is located on sloping ground with the top constructed in more or less horizontal fashion and not parallel with the slope, the height shall be measured at the midpoint of each fence section.
3. The maximum height of a fence or wall shall not include the support posts or ornamental features included in the construction, provided that:
   a. Such posts and ornamental features, in the aggregate, do not extend more than one foot above the upper point to which height is measured (see subsection A.1., above); and
   b. Within the area described by subsection A.3.a., above, such posts and ornamental features do not create a soild-to-void ratio above the maximum height of the fence of more than one to four.

~~E.~~D. **Signs.** Sign height is measured as set out in Section 18.04.08.03, Measurement of Sign Dimensions in All Zones.

~~F.~~E. **All Other Structures.** The height of all other structures is measured from the ground level at the base of the structure to the highest point of the structure.

### ~~G.~~F. 18.19.02.02 Table of Acronyms

~~H.~~G. Table 18.19.02.02, Table of Acronyms, sets out the acronyms that are used in this UDC.

**Table 18.19.02.02**
**Table of Acronyms**

| Acronym | Meaning |
|---|---|
| AASHTO | American Association of State Highway Transportation Officials |
| ac. | Acre |
| ACF | Adequate Community Facilities |
| ADA | Americans with Disabilities Act |
| ADA 502 | 2010 ADA Standards for Accessible Design § 502, as amended from time to time, and however subsequently titled or numbered |
| ADT | Average Daily Traffic |
| AMI | Area-wide Median Income |
| Art. | Article |
| ATM | Automated Teller Machine |
| BMP | Best Management Practice |
| BRU | Preceded by a number, "Bedroom Unit" (e.g., 2 Bedroom Unit) |

| Table 18.19.02.02<br>Table of Acronyms | |
|---|---|
| **Acronym** | **Meaning** |
| CAFO | Concentrated Animal Feeding Operation |
| CATV | Cable Television |
| CC | City Council |
| CCR | Colorado Code of Regulations |
| CDPHE | Colorado Department of Public Health and Environment |
| CPTED | Crime Prevention Through Environmental Design |
| CMRS | Commercial Mobile Radio Service |
| CNSDA | Colorado Notification of Surface Development Act, C.R.S. § 24-65.5-101, *et seq*. |
| C.O. | Certificate of Occupancy |
| COGCC | Colorado Oil and Gas Conservation Commission |
| C.R.S. | Colorado Revised Statutes |
| dBA | A-weighted Decibels |
| DBH | Diameter at Breast Height |
| Div. | Division |
| e.g. | exempli gratia (translation: "for example"), which is followed by illustrative, non-exclusive examples |
| EIFS | Exterior Insulation Finishing Systems |
| EOPC | Engineer's Opinion of Probable Cost |
| EPA | United States Environmental Protection Agency |
| ESMR | Enhanced Specialized Mobile Radio |
| ET | Evapo-Transpiration |
| FAR | Floor Area Ratio |
| FDP | Final Development Plan |
| ft. | Feet |
| GFA | Gross Floor Area |
| i.e. | id est (translation: "that is"), which is followed by an elaboration of the topic |
| IGA | Intergovernmental Agreement |
| lf. | Linear Feet |
| LAN | Local Area Network |
| LEED | Leadership in Energy and Environmental Design |
| LSR | Landscape Surface Ratio |
| Max. | Maximum |
| Min. | Minimum |
| MUTCD | Manual on Uniform Traffic Control Devices |
| N/A | Not Applicable |
| NOV | Notice of Violation |
| NPDES | National Pollutant Discharge Elimination System |
| OGC Act | Colorado Oil and Gas Conservation Act, C.R.S. § 34-60-101, *et seq*. |
| OSHA | Occupational Safety and Health Act |
| OSR | Open Space Ratio |

| Table 18.19.02.02<br>Table of Acronyms | |
|---|---|
| **Acronym** | **Meaning** |
| PC | Planning Commission |
| PCS | Personal Communications Services |
| PICP | Public Improvement Construction Plans |
| PDP | Preliminary Development Plan |
| PUD | Planned Unit Development |
| RV | Recreational Vehicle |
| Sec. | Section |
| sf. | Square Feet |
| sp. | Parking Space (or Parking Spaces) |
| U | Dwelling Unit |
| U/A | Dwelling Units per Acre |
| UDC | City of Loveland Unified Development Code |
| UDFCD | Urban Drainage and Flood Control District |
| U.S. | When preceded and followed by numbers, United States Reports (a Supreme Court Reporter); otherwise United States |
| U.S.C. | United States Code |
| U.S. DOJ | United States Department of Justice |
| USDCM | Urban Storm Drainage Criteria Manuals |
| WTF | Wireless C~~Telec~~ommunications Facilities |
| ZBA | Board of Adjustment |

**Division 18.19.03 Definitions**

**Alternative Tower Structure** means man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mountain structures that are compatible with the natural setting and/or surrounding structures, and camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to this chapter. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone monopole (including a replacement pole) in the ROW that accommodates small cell wireless facilities in considered an alternative tower structure to the extent it meets the camouflage and concealment standards of this chapter.

**Attached Wireless ~~Telecommunications~~ Communications Facilities** means wireless ~~telecommunications~~ communications facilities that are attached to buildings

**Base Station** means the structure or equipment at a fixed location that enables wireless communications licensed or authorized by the Federal Communications Commission (FCC), between user equipment and a communications network.

The phrase includes, but is not limited to:

1. Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
3. Any structure other than a wireless ~~telecommunications~~ communications tower that, at the time an eligible facilities modification application is filed with the City under this UDC, supports or houses equipment described in above as included within the definition of the phrase "base station," and that has been reviewed and approved under the applicable development review process, or under another State or county review process, even if the structure was not built for the sole or primary purpose of providing such support.

The phrase does not include:

1. Any structure that, at the time a completed eligible facilities modification application is filed with the City, does not support or house equipment described above.
2. A wireless ~~telecommunications~~ communications tower or any equipment associated with a wireless ~~telecommunications~~ communications tower.

**Freestanding ~~Telecommunications~~ Communications Tower** means a structure that is designed and constructed to support one or more wireless ~~telecommunication~~ communications facilities and including all appurtenant devices attached to it. A freestanding ~~telecommunications~~ communications tower may be designed to be solely supported by attachment to the ground, or supported by direct attachment to the ground and with guy wires, and may be of either lattice or monopole construction.

**Other ~~Telecommunications~~ Wireless Communications Facilities** means:

1. ~~Telecommunications~~ Wireless communications facilities that are mounted on a base station, including but not limited to those wireless communications facilities attached to a roof or a wall; or
2. Modification of an existing wireless ~~telecommunications~~ communications tower or base station that involves:
   a. Collocation of new transmission equipment;
   b. Removal of transmission equipment; or
   c. Replacement of transmission equipment.

~~**Stealth Telecommunications Tower** means a tower upon which wireless telecommunications facilities are mounted that, due to design, appearance, and context, hides, obscures, or conceals the presence of the tower and wireless telecommunications facilities. Such designs may include, but are not limited to: ballfield light poles, street lights, utility poles, water towers, and artificial trees.~~

**Small cell wireless facility** means a wireless communications facility where each antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are not larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, backup power systems, grounding equipment, power transfer switch and cut-off switch.

**Structure** means anything other than a building that is constructed, erected, or installed, the use of which requires more or less permanent location on the ground, and the form of which extends above or below ground, including, but not limited to fences, walls, gazebos, playground equipment, satellite dishes or antennae, ~~telecommunications~~ communications towers, swimming pools, and flag poles. Notwithstanding anything to the contrary in this definition, the word "structure" does not include grade changes (*e.g.*, berms), streets, sidewalks, parking lots or spaces, hardscapes, play court surfaces, irrigation ditches, or reservoirs.

**Wireless ~~Telecommunications~~ Communications Facility** means a facility used to provide:

A. Personal wireless services as defined at 47 U.S.C. § 332 (c)(7)(C); or
B. Wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or
C. Wireless utility monitoring and control services.

The phrase "wireless ~~telecommunications~~ communications facility" includes, without limitation, directional, omni-directional, and parabolic antennas, base stations, support equipment, attached wireless ~~telecommunications~~ communications facilities, towers, and stealth towers.

The phrase "wireless ~~telecommunications~~ communications facility" does not include:

A. A facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building;
B. A device attached to a building, used for serving that building only;
C. The building to which the facility or its components are attached, if the use of such building for such facilities is not its primary use.

D. Mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios or telephones and their associated transmitting antennas.

## 13.12.200 Pole Attachments.

A. Definitions:

**Assigned space** means space on the poles that can be used, as defined in the City's electric standards and all other standards adopted in Title 18 for the attachment or placement of wires, cables, and associated equipment for the provision of communications facilities or electric service. The neutral zone or safety space is not considered assigned space.

**Attachments** means each point of contact between licensee's communications facilities and the poles, whether placed directly on the poles or overlashed onto an existing attachment, but does not include a riser or a service drop attached to a single pole where licensee has an existing attachment on such pole. Attachment(s) shall include, without limitation, the following points of strain: down guys, main line attachments, and any other attachment that could shorten the life cycle of the pole.

**Capacity** means the ability of a pole segment to accommodate an additional attachment based on applicable standards, including space and loading considerations.

**Climbing space** means that portion of a pole's surface and surrounding space that is free from encumbrances to enable City employees and contractors to safely climb, access, and work on City facilities and equipment.

**Common space** means space on the poles that is not used for the placement of wires or cables but which jointly benefits all users of the poles by supporting the underlying structure and/or providing safety clearance between attaching entities and electric utility facilities.

**Communications facilities** means wire or cable facilities including, but not limited to, fiber optic, copper, and/or coaxial cables or wires utilized to provide communications service including any and all associated equipment. The term communications facilities does not include wireless antennas, small cell facilities, receivers, or transceivers.

**Overlash** means to place an additional wire or cable communications facility onto an existing attachment owned by licensee.

**Pole** means a pole owned by the City used for the distribution of electricity and/or Communications Service that is capable of supporting attachments for communications facilities.

B. Pole Attachments in general.

1. No one may attach communication facilities to a pole without obtaining a license and permits for each pole. Unauthorized attachments shall be issued a penalty and shall come into compliance with this section.
2. All attachments to electrical facilities, poles or towers owned by the City must be licensed by the Water and Power Department. Applications for attachments in the right-of-way must be submitted to the Public Works Department for initial review. The Water and Power Department (hereafter

"Department") will provide final review and issue the license and permits for each pole approved for an attachment.

3. Any modifications or additions necessary to make a pole ready for safe attachment will be the responsibility of the licensee, as well as all associated design and engineering or other costs. Licensee is responsible for payment for all work performed by the City to accommodate the applicant's attachments.
4. The City may refuse to issue a permit where safety concerns cannot be adequately addressed through engineering.
5. A permit is authorization for attachment to specific poles, one for each pole or overlash.
6. One license application may be submitted for multiple pole attachments.
7. The City will issue a permit only when the City determines, in its sole judgment, exercised reasonably, that the pole has sufficient capacity to accommodate the request safely.

C. Annual Fees

1. Fees shall be published in the Water and Power Rates, Fees, and Charges.
2. Fees will be charged annually for all attachments. The City shall invoice annually for the attachment fee, for a period that shall conclude each December 31. All attachments shall comply with all applicable standards. Attachments, overlash, or other components shall not interfere with the operation of any City facilities. Any changes or work needed to safely attach to a pole is the responsibility of the applicant.

D. Permit Application Process

An applicant for any attachment to any City utility pole shall file a written application on forms furnished by the City.

1. An applicant for a license to attach to any poles or other power utility facility shall submit a written request to perform a pre-construction inspection. The request must include a preliminary route description and minimum design review information.
2. Following a pre-construction inspection, the applicant shall submit a completed permit application that includes route map, utility pole number(s), pole height and class, guy attachments, attachment height, number of inches below utility while maintaining clearance, span length for each attachment, inches sag, ground clearance, and recommendations on work required to allow the pole to safely support the attachment.
3. The application must include an affirmative statement that the applicant or its contractor is not delinquent in payments due the City on prior work.
4. The applicant must include or provide copies of all permits, licenses, or easements (including required insurance, deposits, bonding and warranties) required to do the proposed work and to

work in the rights-of-way, if licenses or permits are required under the laws of the United States, the State of Colorado, any other political subdivision, or the ordinances or regulations of the City.

5. Applicants shall update any new information on permit applications within ten days after any material change occurs.
6. Applicants seeking multiple attachments may submit one application for a license and include permit applications for each pole or overlash. Applicants will receive permits for each pole or overlash approved for attachment deemed to be safe after any modifications or construction in accordance with standards adopted by the City.
7. The City will review recommendations from the inspection and the application and discuss any issues or changes needed with the applicant.
8. Upon finalization of a written agreement, the City will work with the applicant to perform any work needed for installation.
9. The applicant's professional engineer or City-approved employee shall submit written certification that he/she completed a post-construction inspection and that the installation was done in accordance with the provisions of the permit.

E. Specifications

1. When a permit is issued, the licensee agrees to install and maintain attachments in accordance with all applicable standards and in accordance with a pole attachment agreement.
2. For any work not performed by the City, licensee shall comply with the insurance requirements set forth in Section 12.16.070.

F. Abandonment and Removal

1. At its sole expense, the holder of the license shall remove any of its attachments or any part thereof that becomes nonfunctional, creates a safety hazard, violates any provision of applicable law or violates the license holder's pole attachment agreement. Licensee shall remove such attachments or parts thereof within sixty days of written notification by the City that an attachment must be removed due to becoming nonfunctional or a safety hazard.
2. If the City desires at any time to abandon, remove, or underground any utility facilities to which licensee's communications facilities is attached, the City shall provide licensee notice in writing at least sixty days prior to the date on which it intends to abandon or remove such facilities, and licensee shall remove its communications facilities at its sole cost and expense within that time period. The City may grant an option to purchase the pole in its sole discretion.
3. Failure to pay the annual fee shall be considered abandonment. The City shall issue a notice to remove the attachment(s) if such fee is more than sixty days past due.
4. Licensee may surrender any permit or license for attachment(s) and remove them from affected poles. Licensee must notify the City of the plan for removal, including the name of the party performing the work and dates and times when such work will be performed.

5. If licensee abandons communications facilities or surrenders its license and fails to remove its attachments in the time frame set forth by the City, the City shall have the right to remove licensee's attachments at licensee's expense.