



## LOVELAND PLANNING COMMISSION MEETING AGENDA

Monday, August 26, 2019  
500 E. 3<sup>rd</sup> 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, September 9, 2019 Boards & Commissions Dinner 5:30 – 8:00 pm at Fairgrounds Park--The scheduled PC meeting will be canceled
2. Planning Commission Interviews conducted on August 20th
3. Monday, September 23, 2019
  - i. Animal Husbandry – Ordinance - PH
  - ii. Dakota Glen Outlot J – Rezoning - PH
  - iii. South East Elementary School – Location and Extent Review
  - iv. Highway 402 Corridor Plan - PH

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

**D. Committee Reports**

**E. Commission Comments**

**III. APPROVAL OF MINUTES**

**Review and approval of the August 12, 2019 meeting minutes**

**IV. REGULAR AGENDA**

**1. Animal Husbandry Briefing**

**Presented by staff planner Emily Tarantini**

This item is an informational briefing concerning the status of research on animal husbandry issues raised earlier in 2019. The specific issues are related to the proposed allowance for pot-bellied pigs and pygmy goats within the city limits. Planning staff has scheduled the public hearing for Planning Commission review of the proposed ordinance relating to animal husbandry code amendments for September 23rd. The purpose of the briefing is to clarify the direction staff is taking and to give the Commission the opportunity to provide input.

**2. Highway 402 Corridor Plan--Introduction of Final Draft**

**Presented by staff planner Jennifer Hewett-Apperson**

The Strategic Planning office, in concert with their consultant team, has completed the final draft of the Highway 402 Corridor Plan. The Plan is scheduled for Planning Commission public hearing on September 23rd, followed by a scheduled City Council public hearing in October. The purpose of the introduction is to familiarize the Planning Commission with the Plan and its major components in advance of the September 23rd public hearing. Staff welcomes any questions or comments at or following the introductory session.

**4. Affordable Housing Code Amendments – Public Hearing**

**Presented by Alison Hade, Community Partnership Administrator**

The City's Community Partnership office is requesting Planning Commission review of amendments to the Unified Development Code (Title 18 of the Loveland Municipal Code) addressing deed restriction durations and associated elements relating to the City's affordable housing requirements. Amendments to the UDC require a noticed public hearing by the Planning Commission prior to final action by the City Council. The role of the Commission is to conduct a public hearing and make a recommendation on the proposed amendments to City Council.

## **V. ADJOURNMENT**

**See the following page for information on Public Hearing Procedures.**

## 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 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 criteria as found in adopted City policies and ordinances)*
12. **PC Chair requests that the applicant agrees to any conditions prior to a vote**  
*(When preparing to vote on a motion for approval, the PC Chair will ask if the applicant is willing to accept the proposed conditions. If the applicant is not, the PC may deny the application)*
13. **Vote**  
*(The decisions of the PC must address relevant findings of fact. These findings respond to criteria specified in adopted plans and codes, and serve to guide zoning, annexation and other land use 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**  
**August 12, 2019**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on August 12, 2019 at 6:30 p.m. Members present: Acting Chairman Molloy; and Commissioners Hovland, Fleischer, Peterson, and Hammond. Members absent: Commissioners McFall, Bears, and Tygesen. 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 of the agenda for the Monday, August 26<sup>th</sup> Planning Commission meeting. The first item will be an overview on the animal husbandry issue; a formal public hearing will be held at the September 23<sup>rd</sup> Planning Commission meeting. A second item will be a public hearing regarding amendments to the Unified Development Code relating to affordable housing; Alison Hade with the Loveland Community Partnership office, will be presenting.
2. **Mr. Paulsen** announced that all Planning Commission members are invited to the annual Boards and Commissions Appreciation Dinner, which will be held at Fairgrounds Park on Monday, September 9<sup>th</sup> from 5:30 – 8:00 p.m. Invitations have been sent to all commissioners by email.
3. **Mr. Paulsen** shared that there are five applicants for the Planning Commission vacancy. Interviews will be conducted next week. Mr. Paulsen added that following approval by the City Council, he hopes the position will be filled by the end of September.

**CITY ATTORNEY'S OFFICE UPDATES**

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

**COMMITTEE REPORTS**

There were no committee reports.

## **APPROVAL OF THE MINUTES**

*Commissioner Hovland made a motion to approve the July 22, 2019 minutes; upon a second from Commissioner Fleischer, the minutes were approved unanimously.*

## **REGULAR AGENDA**

### **1. Taft Avenue Rezoning – Public Hearing**

**Project Description:** This is a public hearing to consider the City of Loveland's request to rezone seven residential lots located along the west side of Taft Avenue to the South of Eisenhower Boulevard. The lots have been purchased by the City to accommodate the additional right-of-way needed for the Taft Avenue widening project. All of the lots are zoned R1e (Established Low-Density Residential) and have been developed with single-family homes. All of the houses located on these lots will be demolished prior to the widening project. The requested zoning is B (Developing Business District) which allows for a variety of commercial, office and multifamily residential uses.

**Ms. Emily Tarantini, Current Planning,** explained that this item was originally presented at the July 8 Planning Commission meeting; however, the item was continued to allow Planning staff to research the questions raised at that meeting. She described the site location as the seven lots located south of West Eisenhower Boulevard, west of North Taft Avenue, and north of West 12<sup>th</sup> Street. A massage therapy business, Verizon store, and 1<sup>st</sup> Bank are all existing businesses located north of the site property; existing single-family homes are located to the south, east, and west of the site.

**Ms. Tarantini** described the proposal as a City initiated rezoning of seven lots, totaling 1.89 acres. The right-of-way widening will extend over 40 feet onto the lots and one access point onto N. Taft Avenue will be allowed following completion of the widening project as the individual driveways will be permanently removed. She added that the proposal is consistent with Comprehensive Plan policies relating to commercial nodes occurring at major intersections. The seven lots are also included in the West Eisenhower Reinvestment Zone (WERZ) designation, which encourages redevelopment within the specified boundaries along West Eisenhower.

**Ms. Tarantini** responded to each of the questions that were raised at the July 8, 2019 Planning Commission meeting:

- **What will be the remaining size of the lots be once North Taft Avenue fully expands?**

**Ms. Tarantini** explained that existing lot sizes range from 7,400 to 15,000 square feet. After the widening, the lot sizes would decrease and would range from approximately 5,000 to 11,000 square feet. She added that lots located south of the 12<sup>th</sup> Street widening project, which are not proposed to be rezoned, will be impacted much less. These current lot sizes are approximately 8,400 square feet and will be reduced to approximately 8,000 square feet after the widening.

- **Where will the North Taft Avenue access point be located?**

**Ms. Tarantini** stated that Taft Avenue will expand between 16 – 44 feet onto the lots of the subject site. A conceptual plan was presented and requirements for future site development were depicted in the plan, such as a detached walkway with a tree lawn, a raised median, a requirement for onsite detention, a 25-foot building setback, and landscape buffer yards. She shared that the future access point onto Taft Avenue will most likely be located mid-block and must adhere to the City's standard of 24 feet wide.

- **What will the dimension of the future West 12<sup>th</sup> Street site access be?**

**Ms. Tarantini** answered that there will be a minimum of 20 feet in width and would align with the alley to the south.

- **Is there a possibility of only rezoning the larger lots to B-Developing Business and leaving the rest as R1e-Established low Density Residential?**

The subject site is located adjacent to a major intersection and along a major arterial roadway; therefore it is susceptible to noise, traffic and fumes. The City will be selling these lots, and single-family zoning would reduce its marketability. The benefits of a B-Developing Business zoning include more flexibility in uses such as offices, retail, or multi-family; this rezoning approach is consistent with the comprehensive plan and included within the WERZ district. **Ms. Tarantini** explained that dual zoning is not recommended, as buffering requirements would make the site smaller and more isolated. A required on-site storm-water detention area would encumber the southern portion of the site.

- **Why are the lots to the south of West 12<sup>th</sup> Street, which are also City-owned and currently being demolished, remaining under the current R1e zoning and allowed to remain as a residential use?**

The request made by City of Loveland Public Works Department, said **Ms. Tarantini**, only includes the seven lots and does not include any lots south of West 12<sup>th</sup> Street. Taft Avenue does not expand as significantly into the southern lots, and they are located further from the Eisenhower intersection, leaving more span for vehicles to accelerate

and decelerate. The southern lots are also further away from the intersection traffic, noise, and fumes; also, access is not as constrained as the rear alley can be utilized.

- **How will a new development affect traffic on West 12<sup>th</sup> Street?**

**Ms. Tarantini** stated that a traffic impact study would be required with any new development, and would need to demonstrate compliance with City standards. Due to limited access on the site, high traffic generating uses would likely be untenable.

- **Will future development proposals on the site come back to the Planning Commission?**

It is unlikely that future development will require Planning Commission review. Most uses in the B-zoning district are permitted By-Right and as Limited Uses, which are reviewed and approved administratively. More intense uses are permitted as Adaptable Uses, which would require a neighborhood meeting and can be appealed to the Planning Commission.

- **There are currently vacant commercial spaces available on the US 34 corridor. Why do we need more retail?**

**Ms. Tarantini** answered that it can be costly to retrofit existing, older sites to be compliant with the Code. Demolition of the remaining homes will create a blank slate is appealing to developers because it is less costly and ready to be developed.

**Ms. Tarantini** added that City staff is requesting a Planning Commission recommendation and a City Council public hearing date will be determined and re-noticed.

#### **COMMISSIONER QUESTIONS:**

- **Commissioner Molloy** asked if there is a re-plat application that accompanies the rezone, and questioned what the intent is for the development of the seven separate lots. **Ms. Tarantini** stated that there is no re-plat application as part of the rezoning of the properties. The lots will be sold as seven separate lots, but would probably require to be re-platted as one lot for development. **Mr. Paulsen** added that further steps like replatting would be considered after the rezoning occurs.
- **Commissioner Molloy** asked if storm-water on-site detention would be a requirement for development. **Ms. Tarantini** answered that it would be a requirement.



## **CITIZEN COMMENTS:**

There were no public comments.

**Commissioner Molloy closed the public hearing at 6:58 p.m.**

*Commissioner Hovland 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** stated that the additional information presented by City staff justifies the reasoning behind the proposed zoning. He shared that he appreciates the higher level of clarification regarding the possibilities for development of the project area.

*The motion was unanimously approved.*

## **2. Savannah Industrial/DDE8 Conditional Use Request – Public Hearing**

**Item Description:** This application is a request to allow a Heavy Logistics Center use within the I – Developing Industrial Zone. As specified by code, Heavy Logistics includes warehousing and distribution uses that generate 12 or more semi-truck trips per day. Uses of this type require conditional use approval by the Planning Commission.

The subject property is located at 4555 Viking Way and 3740-3746 Aldrin Drive in northeast Loveland. The property is among several industrial-zoned properties being developed by McWhinney that are located to the north of Kendall Parkway and to the west of Rocky Mountain Avenue.

Staff recommends approval based on the findings specified in the Planning Commission staff report dated August 12, 2019.

**Ms. Noreen Smyth, Current Planning**, presented the proposed site development plan for the project site. The full subject property is 20 acres in size, and consists of three lots. The westerly lot is currently developed with an un-occupied 122,000 square foot warehouse/office building along with associated parking. The remainder of the site is undeveloped and is planned to be developed with parking for employees and vehicle storage for delivery vans associated with the proposed use. Tenant finish improvements to the existing building are planned upon approval of the conditional use, and modifications to the east side of the west lot, such as the addition of a canopy structure and the current parking will be relocated to the north end of the center lot. An

image showing a breakdown of proposed parking was discussed, which includes employee and visitor parking, van storage, van loading, and truck unloading. The south elevation to the existing building will not change; a few “loadout doors” will be added to the east elevation.

The proposed operation will involve approximately 12-16 semi-trailer trucks that will deliver during overnight hours. Vans will load and deliver in two shifts, occurring early to mid-morning and early to mid-afternoon, and every 30 minutes during those shifts.

**Ms. Smyth** described the route that the semi-trucks will travel, which will be Viking Way to John Glenn Drive to Kendall Parkway to Rocky Mountain Avenue to Crossroads Boulevard and to Interstate 25. She added that the Unified Development Code (UDC) defines the proposed distribution center as a heavy logistics center, since there will be 12 or more semi-trailer truck trips per day. The UDC also defines this as a Conditional Use, which requires a public hearing. **Ms. Smyth** added that a neighborhood meeting was held, and one adjoining land-use owner attended, who expressed no objection to the proposed use.

**Ms. Kim Perry, McWhinney**, stated that the proposed site was removed from the Millennium GDP and was zoned Industrial in 2007. The building is intended for distribution-type users. Multiple tenants could have occupied the space and generated much heavier traffic than the single-business tenant who wishes to occupy the existing building, and is seeking approval. The business is a new employer to the area. She thanked the Planning Commission for their consideration.

#### **CITIZEN COMMENTS:**

There was no public comment.

**Commissioner McFall closed the public hearing at 7:12 p.m.**

*Commissioner Fleisher moved to make the findings listed in this Staff Report dated August 12, 2019, and based on those findings recommend approval of the Conditional Use for a Heavy Logistics Center for Lot 2, Block 1, Savanna 3rd Subdivision, Lot 2, Block 1, Savanna 2nd Subdivision, and Lot 4, Block 1, Amended Plat of Lots 2, 3 & 4, Block 1, Savanna 1st Subdivision, subject to the condition provided in this report.*

- **Commissioner Hammond** asked for the name of the tenant that wishes to occupy the subject property. **Neil Parker, representative for Amazon**, identified the tenant as Amazon Distribution.
- **Commissioner Molloy** shared that he was concerned with how the proposed use might impact traffic, but is pleased with the routes that were presented. He stated he is in full support of the project and believes it will bring a great number of jobs to Loveland.

*The motion was unanimously approved.*

**Commissioner Molloy adjourned the meeting at 7:18 p.m.**

Approved by: \_\_\_\_\_  
Rob Molloy, Acting Planning Commission Chair

\_\_\_\_\_  
Lisa Rye, Planning Commission Secretary

## MEMORANDUM

DATE: August 26, 2019

TO: Planning Commission

FROM: Emily Tarantini, City Planner I

RE: **Animal Husbandry Discussion Continued**

Dear Commissioners,

On March 11, 2019 the Current Planning Division prepared information for Planning Commission review and comment relating to animal husbandry and the City's animal keeping regulations contained in Title 6 of the Municipal Code. During the fall of 2018, City Council decided on a rule of four to further review Title 6 (Animals) as a result of citizen complaints and violations issued by the Humane Society relating to pygmy goats and pot-bellied pigs.

Comments and recommendations from commissioners, citizens and the Humane Society at the March 11<sup>th</sup> presentation suggested the following improvements/revisions to Title 6:

- Pygmy goats and pot-bellied pigs be allowed within City limits.
- Amend Title 6 code language to include regulations that protect both the welfare of both humans and animals.
- Requirements should consider vaccinations, licensing, weight restrictions, shelter standards & yard space.
- Remove or clarify the "Show Animals" definition.
- Seek input from CSU Extension on developing these standards.

On April 9, 2019 the Current Planning Division presented preliminary recommendations on animal husbandry provisions on pygmy goats and pot-bellied pigs to City Council at a study session. The direction from City Council focused on the following:

- Recommend allowance of pygmy goats and pot-bellied pigs within City limits.
- Consider licensing, quantity of animals per household, lot size & inspections.
- Remove "Show animal" definition.
- Seek further input from professionals on developing these standards.

On May 9, 2019 Current Planning staff consulted with CSU Veterinary Extension Specialist Ragan Adams on the allowance of pygmy goats and pot-bellied pigs within urban settings. The CSU extension recommendations focused mostly on nuisances, public health, environmental care and animal welfare. A summary of the suggestions are shown below and differentiated by animal type:

Pygmy goats:

- Educational requisite for the permittees (similar to the Fort Collins goat brochure).
- Require a facility inspection.
- Acquire permission from neighbors.
- Require a pair of goats since they are herd animals.
- Allow only milk goats.

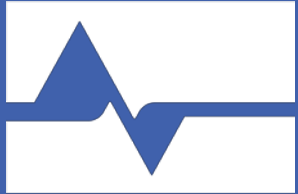
Pot-bellied pigs:

- Require vaccinations.
- Require that the pot-bellied pigs are spayed or neutered.
- Consider additional resources provided to the Larimer Humane Society for responding to calls, managing disputes and rehoming pot-bellied pigs.
- Do not regulate by weight or size as this is unrealistic.

Planning staff is interested in obtaining input on the animal husbandry recommendations at the August 26<sup>th</sup> briefing.

Thank you,





City of Loveland

# ANIMAL HUSBANDRY

EMILY TARANTINI,  
DEVELOPMENT SERVICES,  
CURRENT PLANNING

8/26/2019







### **FALL 2018**

City Council decides on a rule of four as a result of citizen complaints and violations issued by the Humane Society.

### **JANUARY 3, 2019**

Meeting with Larimer Humane Society staff.

### **MARCH 11, 2019**

Planning Commission presentation.

### **SUMMER 2019**

Consultation with CSU Veterinary Extension Specialist.

### **APRIL 9, 2019**

City Council study session presentation.

# THE FOCUS

“



**PYGMY GOATS**

“



**POT-BELLIED PIGS**



## SUMMARY OF SUGGESTIONS



### NUISANCES

Noise  
Odors  
Damages



### PUBLIC HEALTH

Zoonotic diseases



### ENVIRONMENTAL

Waste disposal  
Attraction of insects

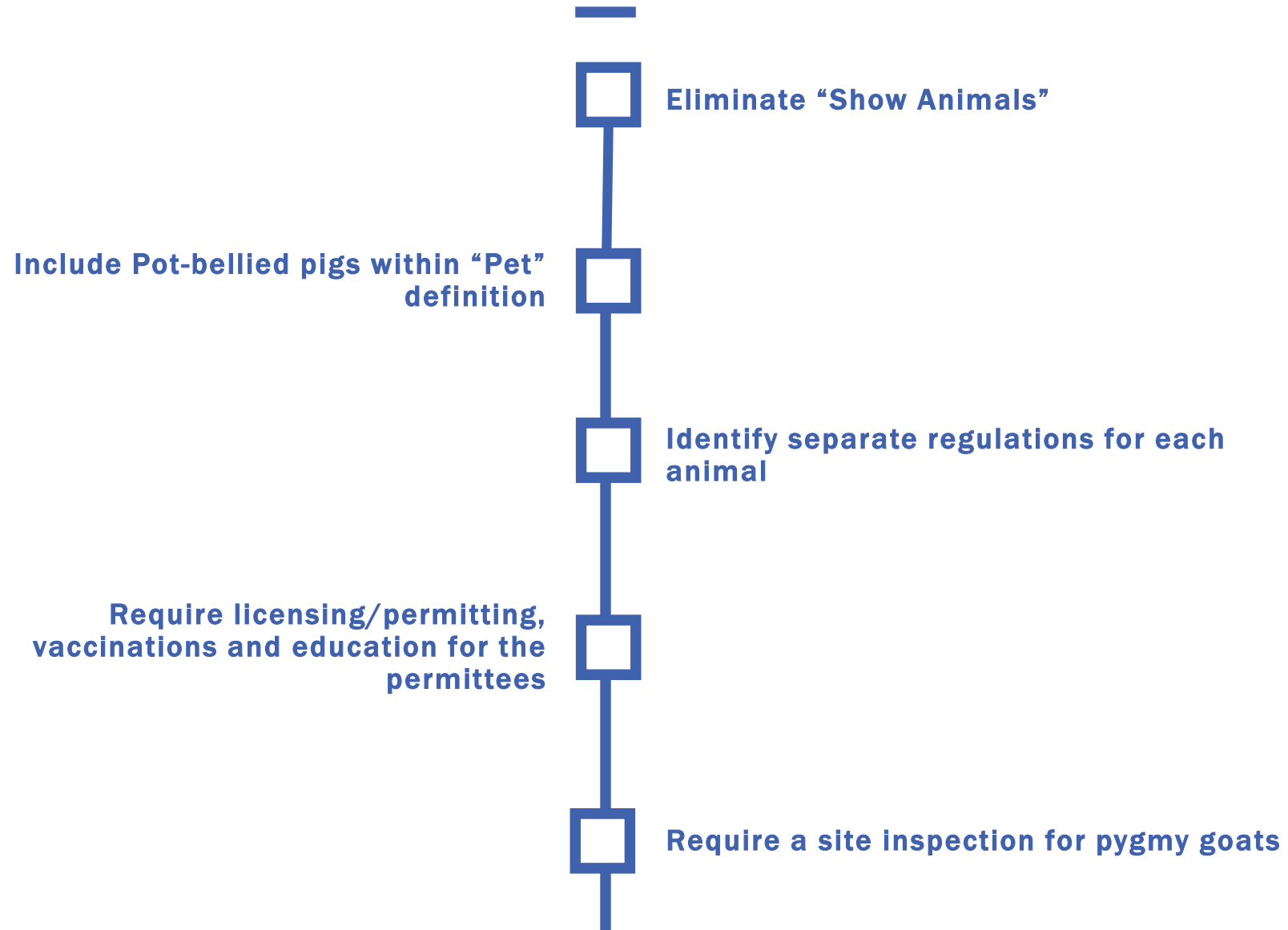


### ANIMAL WELFARE

Animal care  
Housing  
Health

# RECOMMENDED REVISIONS

## TITLE 6 ANIMALS



# THANK YOU

## NEXT STEPS

- **9/23/2019** draft recommendations presented to Planning Commission
- **11/5/2019** City Council 1<sup>st</sup> Reading

## Planning Commission Staff Report

August 26, 2019

Highway 402 Corridor Plan		
Agenda #: 2		Corridor Plan
Location	Highway 402/14 <sup>th</sup> Street SE between Taft Avenue and I-25	
Planner	Jennifer Hewett-Apperson	
Development Review Team Recommended Motion(s)		
Not applicable. This is an information item for this meeting.		
Project Summary		
<p>The City of Loveland Development Services Department began work on the Highway 402 Corridor Plan in early 2018 in association with Ollson and Associates/Ochsner Hare and Hare in response to this corridor being identified by City Council several years earlier as a priority corridor for such planning activity. Highway 402 is the southern gateway to Loveland and while it is currently of a more rural character, its location in the City of Loveland’s Growth Management Area (GMA) and CDOT’s reconstruction of the 402/I-25 interchange will ultimately result in development pressures for this corridor. The proposed West Creek development that was ultimately denied by City Council in early 2018 further highlighted the need to complete a Highway 402 Corridor Plan.</p> <p>The final draft 402 Corridor Plan is being presented to the Planning Commission for introduction and initial review on August 26<sup>th</sup>, with a more detailed review and request for a recommendation to City Council scheduled for September 23<sup>rd</sup>. The plan will be presented to City Council as an information item on September 3<sup>rd</sup>, followed by a scheduled public hearing for adoption on October 1<sup>st</sup>. Prior to the September 23<sup>rd</sup> Planning Commission hearing, members of the Commission should review the Plan, alert staff to any major questions or concerns, and present any comments at the September 23<sup>rd</sup> hearing.</p> <p>The 402 Corridor Plan has eight (8) primary goals:</p> <ol style="list-style-type: none"><li>1. Provide for orderly, thoughtful, and high quality development that is consistent with the community’s goals for the corridor;</li><li>2. Generate private investment and facilitate redevelopment of deteriorated areas;</li><li>3. Increase jobs and generate new tax revenue through new development;</li><li>4. Create a gateway employment corridor to Loveland;</li><li>5. Understand and identify public infrastructure required to support development;</li><li>6. Generate community buy-in through an interactive public engagement process, both online and in-person;</li><li>7. Create an infrastructure plan and improvement timeline that is coordinated with other city department and public agency initiatives for Highway 402; and</li><li>8. Define a short-term and long-term implementation strategy and public, private, and public-private financing options to advance the Highway 402 Corridor Plan.</li></ol> <p>Public engagement was a critical component of this planning process. Staff brought together a diverse group of stakeholders to form a Stakeholder Committee to help guide the planning process and provide critical input. The</p>		

Stakeholder Committee included residents, business owners, landowners and public agencies. This broad representation enabled development of a corridor plan that is responsive to the diverse needs of the 402 community.

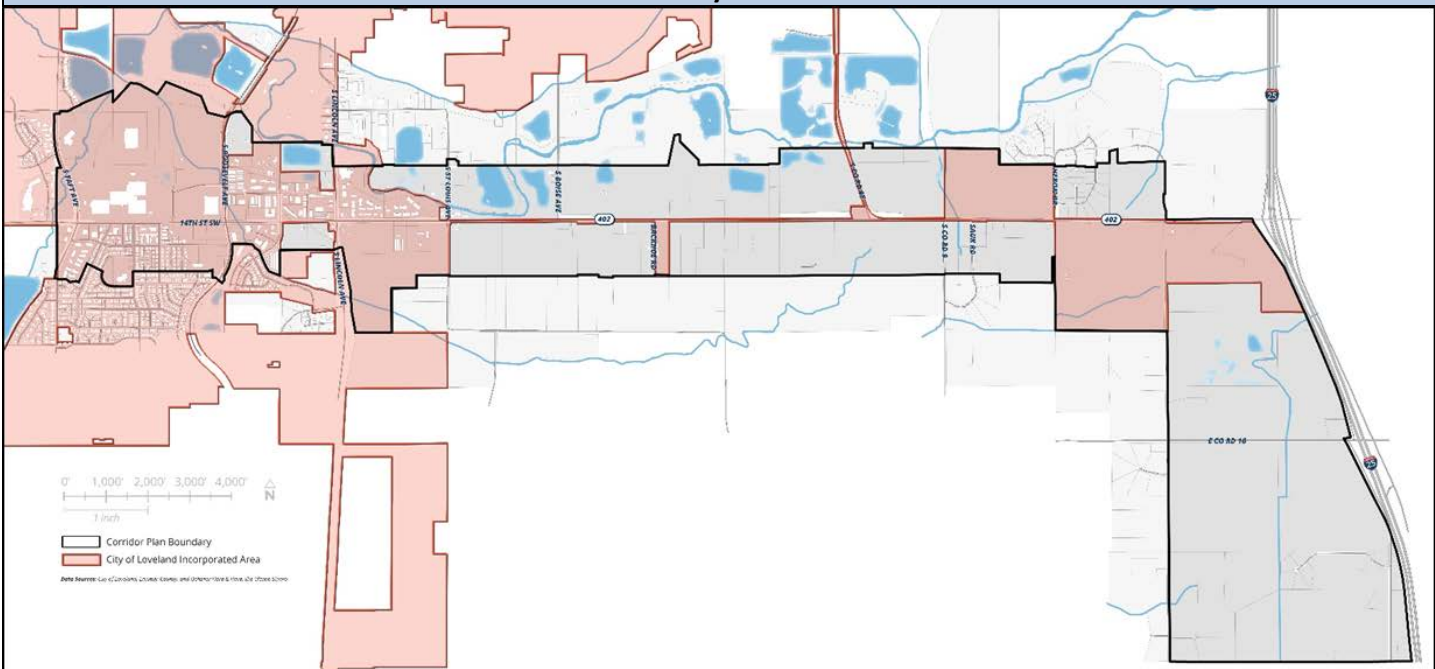
In addition to regular Stakeholder Committee meetings, two (2) public open houses were held at the Rocky Mountain Center for Innovation and Technology in November 2018 and May 2019. Both open houses were very well attended, with more than 100 community members in attendance at the first open house and more than 50 at the second open house.

The result of this planning process is a plan that is responsive to community needs while establishing a framework for future development on the corridor that protects established neighborhoods, respects natural features and identifies needed infrastructure.

### Attachments

1. Highway 402 Corridor Plan – Draft for Review

### Study Area





## Plan Recommendations

The Highway 402 Corridor Plan's recommendations address issues relating to Land Use, Development and Redevelopment, Transportation, Utilities and Aesthetics/Quality of Life. Recommendations reflect existing conditions, community input, market trends and forecasts, as well as natural features. Concurrent with the Highway 402 planning process, a draft revised floodplain map was released by the state that placed a substantial portion of the corridor within the floodplain. This new condition is reflected in the plan recommendations.

The Highway 402 Corridor Plan has nine (9) recommendations relating to land use:

1. Develop and adopt a future land use plan for the Highway 402 corridor that is flexible to market trends, guides future development, redevelopment, and infill projects, and appropriately balances a mixture of uses.
2. Align the Highway 402 corridor's zoning with the proposed future land use plan (Figure 5.1) to make possible the vision for the corridor.
3. Coalesce development around major activity nodes to anchor each end of the corridor, and provide for higher density employment, retail, and residential development at key locations along the corridor.
4. Permit and promote a variety of owner- and renter-occupied housing types (in the proper locations) to meet the needs of current and future Highway 402 residents, both in housing affordability and format.
5. Capitalize on the proximity of and provide convenient access to the water bodies, open space, and trails to encourage healthy and active lifestyles for residents and visitors of the corridor.
6. Utilize certain land uses as transition zones to buffer mid- to low density residential uses from commercial and industrial areas to preserve, in part, the rural and agricultural nature of the corridor.
7. Develop and implement high quality building, site, and sign standards specific to the corridor that establish a sense of place, coordinate with the future land use plan, and encourage environmentally friendly and modern development patterns and elements.
8. Capitalize on the floodplain's expansion as an opportunity to increase and maintain the rural and agricultural nature of the corridor by developing a future land use plan that appropriately locates land uses.
9. Coordinate with Larimer County on the annexation of some or most of the corridor into the city, so to effectively oversee future land uses.

The recommended land use plan reflects the revised floodplain map and identifies lands nearest to I-25 and Highway 287 as most appropriate for commercial uses, with properties on the corridor's interior suggested for a mixture of industrial, business park/flex space, open space/agriculture and mixed use. Existing residential areas are designated for continued residential use, and mixed use where the existing development pattern includes a mix of residential uses and businesses operated in conjunction with a residence (e.g., electrical contractor and commercial greenhouse).

There are seven (7) plan recommendations pertaining to development and redevelopment of the 402 corridor:

1. Promote and incentivize the development of the activity nodes along the Highway 402 corridor that align with transportation improvements and investments.
2. Develop large-scale developments at key locations along the Highway 402 corridor that incorporate place-based, environmentally friendly, and modern site development and building techniques.
3. Balance the clustered development of vacant or underutilized parcels with the preservation of natural open spaces, scenic land, and agricultural land uses that function as flood storage.
4. Permit and promote a variety of owner- and renter-occupied housing types to meet the needs of current and future Highway 402 residents, both in housing price and housing format.
5. Preserve, appropriately expand, and minimize intrusion into existing stable residential neighborhoods.

6. Capitalize on the corridor's strengths of open land, recreational resources, linkage and upcoming improvements to I-25 and its interchange with Highway 402, and the city's well-educated workforce to increase the corridor's economic development potential.
7. Develop and implement high quality building, site, and sign standards specific to the Highway 402 corridor that establish a sense of place, coordinate with the future land use plan, and encourage environmentally friendly and modern development patterns and elements.

Transportation is another critical element of the 402 Corridor Plan. The following transportation recommendations are made as part of this plan:

1. Construct the locally preferred roadway alternative for Highway 402 in collaboration with the updated I-25 interchange.
2. Accommodate for projected 2040 horizon year traffic volume increases and future additions to the roadway network within the corridor.
3. Enhance the transit network throughout the corridor as development progresses and pedestrian movement and volumes follows.
4. Develop a wayfinding system to support the movement of all users within the built and natural environment to attractions, amenities, and businesses throughout the corridor.
5. Maintain, enhance, and grow the existing bike and pedestrian network throughout the corridor.
6. Evaluate existing utility infrastructure along roadway improvement corridors and areas recommended for development and redevelopment.

Utilities present the biggest challenge for development and redevelopment of the 402 corridor. Development of the corridor is significantly constrained without water and wastewater services. The plan recommendations relating to utilities recognize this urgency.

1. Align utility infrastructure with the proposed roadway network and cross section to (1) ensure appropriate space within the right-of-way for utility infrastructure, and (2) provide adequately sized utility services to support proposed developments' density along the entire corridor. Right-of-way or easement acquisition should occur with the utmost urgency to ensure investments in utilities can be made to ultimately serve the entire corridor and are not forced into existing right-of-way that will have to be relocated in the future at additional expense.
2. Facilitate future commercial, residential, industrial, business park, and mixed-use development, especially at proposed major development sites such as the southwest corner of Highway 402 and I-25, by improving the corridor as an urban-scale major arterial with underground utilities including power, water, wastewater, natural gas, telephone, and high-speed cable.
3. As development is proposed, require developer-financed utility installation to minimize financial impacts to the city. Given the scope of construction required, this may be a financial burden to many developers that, without significant density and size, would struggle to have an acceptable return on investment.
4. Explore opportunities for renewable energy infrastructure and green infrastructure within the corridor to illustrate Loveland's commitment to the environment, decrease the city's reliability on gray infrastructure and fossil fuels, provide a visual reference of the community's values, and economically support increased incorporation of renewables into the Loveland Water and Power energy portfolio.

Finally, the 402 Corridor Plan recognizes the importance of aesthetics and quality of life improvements to attracting new development while enhancing the experience of existing corridor residents and businesses with the following recommendations:

1. Enhance the connectivity of existing soft trails and bike amenities along the Big Thompson River to foster increased interaction between the public and the wildlife that thrive in this part of the corridor, encouraging healthy lifestyles through improved outdoor recreational opportunities while promoting development that is mindful of the floodplain.
2. Create a cohesive wayfinding system that connects to all modes, while tailoring size and display settings such that signage is pedestrian-oriented on sidewalks and trails but highly visible and illuminated along Highway 402 for vehicular traffic.
3. Design and construct streetscape enhancements to heighten the aesthetic value, user experience, and quality of life along Highway 402, while establishing a unique brand that distinguished Highway 402 from the rest of the city.
4. Fluidly integrate parks, plazas, and open spaces into the entire corridor, especially in private developments.
5. Develop and implement public and private design guidelines that promote cohesive buildings façades, as well as site and signage improvements that represent the desired look and feel for Highway 402, while driving private investment due to the enhanced aesthetic.
6. Preserve scenic view sheds and vistas along the corridor to create a desirable place to locate business and retail operations, contributing to Highway 402's future as an employment corridor while still appealing to those who work, play, or travel by its inherent beauty.

#### **Next Steps**

Following this information item before Planning Commission, the Highway 402 Corridor has the following public hearing schedule:

- September 3, 2019: City Council (Information Only)
- September 23, 2019: Planning Commission Public Hearing
- October 1, 2019: City Council Public Hearing for Plan Adoption.

Upon plan adoption, staff will begin plan implementation, beginning with amendment of the Future Land Use Map to reflect the recommended Highway 402 land use plan.



# 402 Corridor Plan

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JENNIFER HEWETT-APPERSON  
DEVELOPMENT SERVICES  
AUGUST 26, 2019

# AGENDA

1

**PLAN BACKGROUND**

2

**EXISTING CONDITIONS**

3

**PUBLIC ENGAGEMENT**

4

**PLAN RECOMMENDATIONS**

5

**NEXT STEPS**

## 402 CORRIDOR PLAN

# PLAN BACKGROUND

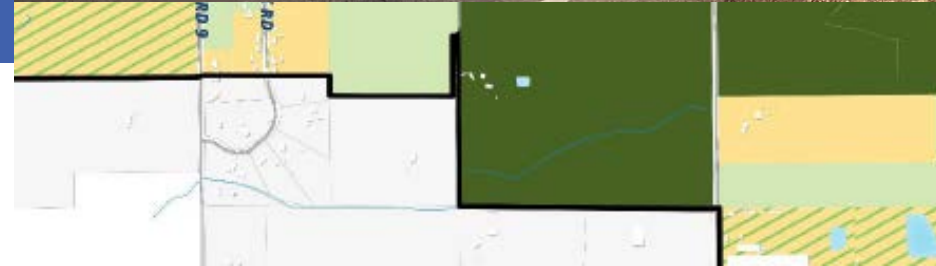
- City Council priority identified in 2012
- Identified in Create Loveland
- Intergovernmental agreements with Larimer County & Johnstown
- Within City of Loveland Growth Management Area
- Get ahead of development pressures





## 402 CORRIDOR PLAN

# EXISTING CONDITIONS



# EXISTING CONDITIONS

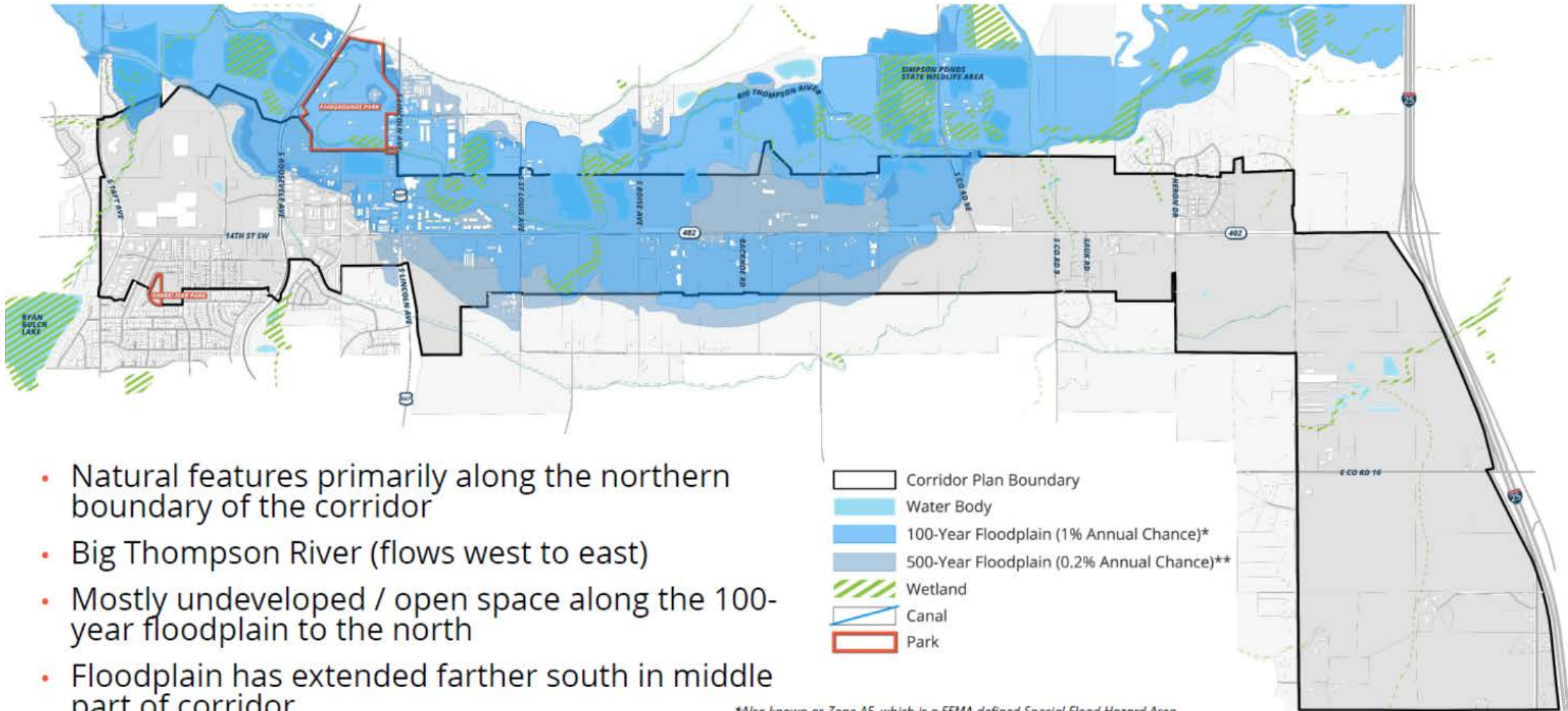
## LAND USE & ZONING

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- Mostly unincorporated Larimer County
- Mixture of agricultural, large lot residential, industrial and undeveloped land
- County Farming & Forestry zoning dominates corridor between Hwy 287 & I-25, with pockets of Industrial and Mixed Use Activity Center districts
- City water & wastewater service not yet available to eastern portion of corridor



# Natural Features



\*Also known as Zone AE, which is a FEMA-defined Special Flood Hazard Area

**\*\*Also known as Zone X, which can also include 1% annual chance flood hazard areas with an average depth of less than one foot or with drainage areas of less than one square mile.**

# EXISTING CONDITIONS

## TRANSPORTATION

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- Primarily state highway with some portions owned by City
- No signalization east of S. Boise Ave.
- Most of 402 is a 2-lane roadway
- No transit or bike/pedestrian facilities
- I-25/402 interchange closed and under construction through October 2019



## 402 CORRIDOR PLAN

# PUBLIC ENGAGEMENT

- Stakeholder Committee
- Online survey
- Project website
- 2 public open houses
  - November 2018: Over 100 in attendance
  - May 2019: Over 50 in attendance



402 CORRIDOR PLAN

# PLAN RECOMMENDATIONS



# PLAN RECOMMENDATIONS

## LAND USE, DEVELOPMENT & REDEVELOPMENT

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- Align zoning with proposed future land use plan
- Focus development around major activity nodes – large scale developments at appropriate locations
- Develop corridor specific development standards
- Use expanded floodplain as an asset to maintain rural nature of parts of corridor
- Coordinate with county & landowners on annexation
- Minimize intrusion into established residential areas through density & intensity transitions

# PLAN RECOMMENDATIONS

## TRANSPORTATION, UTILITIES & QUALITY OF LIFE

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- Expand roadway consistent with preferred cross sections identified through public engagement process
- Accommodate projected traffic volume increases and future network additions
- Enhance transit network
- Include bike/pedestrian infrastructure in roadway improvements
- Align utility infrastructure with proposed roadway improvements and ensure adequately sized utility services that meet future needs
- Require developer financed utility installation
- Explore opportunities for green infrastructure
- Preserve scenic view sheds & vistas
- Develop corridor specific streetscape & development guidelines
- Enhance connectivity of trails along Big Thompson River



## 402 CORRIDOR PLAN

# NEXT STEPS

- September 3<sup>rd</sup> City Council Info Item
- September 23<sup>rd</sup> Planning Commission
- October 1<sup>st</sup> City Council adoption public hearing
- Coordinate with Larimer County for adoption
- Update Create Loveland Future Land Use Map



JUNE 2019

# Highway 402 Corridor Plan



ochsner  
hare + hare  
the olsson studio

Prepared for the City of Loveland, CO

Prepared by Ochsner Hare & Hare,  
a design studio of Olsson Associates

**THANK  
YOU**



## Community Partnership Office

500 E 3rd Street • Loveland, CO 80537  
(970) 962-2517 • TDD (970) 962-2903  
[www.cityofloveland.org](http://www.cityofloveland.org)

# MEMORANDUM

**To:** Loveland Planning Commission

**Through:** Rod Wensing, City Manager's Office

**From:** Alison Hade, Community Partnership Office

**Date:** August 26, 2019

**Subject:** Proposed amendments to Title 18 at Chapter 18.16 regarding deed restriction durations for for-sale and for-rent housing, public facilities and Community Development Block Grant funding.

## I. MOTION

Motion to recommend that City Council approve amendments to the Unified Development Code, Part 4, Chapter 18.16, Division 18.16.01.04 and 18.16.05.07 regarding deed restriction durations for housing and public facility projects, and Community Development Block Grant funding of \$20,000 or less.

## II. BACKGROUND

### Deed Restriction Durations:

On April 4, 2017, City Council adopted on second reading the following changes to the length of time that a deed restriction would remain in place on a City of Loveland funded for-sale, for-rent or public facility project. Those changes, as indicated below, were not incorporated into the Unified Development Code when it was adopted in November of 2018. The lack of incorporation was an oversight.

- For-sale housing: 20 years
- For-rent housing: 50 years – change from 20 years
- Public facility: 25 years – change from 20 years

The Planning Commission approved the deed restriction changes on February 27, 2017 for for-rent housing and September 11, 2017 for for-sale housing and public facilities. Information from the original staff memos follow for each meeting, followed by information regarding Community Development Block Grant funding in the amount of \$20,000 or less.

<b>To:</b>	Loveland Planning Commission
<b>Through:</b>	Rod Wensing, City Manager's Office
<b>From:</b>	Alison Hade, Community Partnership Office
<b>Date:</b>	February 27, 2017
<b>Subject:</b>	Proposed amendments to Title 16 at Chapters 16.38 and 16.43 of the Municipal Code regarding affordable housing

### III. RECOMMENDATIONS

#### 4. Deed restriction duration increased for multi-family housing and public facilities

The Affordable Housing Commission recommends making the following changes to the duration of deed restrictions:

- Multi-family housing: Change the duration from 20 years to 50 years.
- Single-family housing: Keep the duration at 20 years.
- Public facility: Change the duration from 20 years to 25 years.

A deed restriction ensures that a property cannot be sold without notifying the Community Partnership Office. Increasing the duration of the deed restriction for multi-family housing and public facilities safeguards the City's investment in affordable housing and community facilities. See #7 below.

#### 7. Hardship Waiver changed to require repayment of a portion of net proceeds (16.43.100C)

The hardship waiver described in the current code allows the seller of an affordable home to make a request of City Council to waive altogether the repayment obligation. The change to the hardship waiver, made in connection with strengthening the deed restriction, now means that the owner can to sell the home but must always repay a portion of net proceeds as described under #8.



<b>To:</b>	Loveland Planning Commission
<b>Through:</b>	Rod Wensing, City Manager's Office
<b>From:</b>	Alison Hade, Community Partnership Office
<b>Date:</b>	September 11, 2017
<b>Subject:</b>	Proposed amendments to Title 16 at Chapter 16.43 of the Municipal Code regarding affordable housing

**APPROVED CHANGES:**

- Name change from the Affordable Housing code to Community Housing Development.
- **Purpose updated** to match the Comprehensive Plan and goals of the Affordable Housing Commission.
- **Increase deed restriction duration for multi-family housing to 50 years and public facilities to 25 years.**
- **Affordable Housing Designation** application process has been adjusted to require two meetings with City Council. The first approval locks in development fees but does not commit to a further incentive and provides City Council the opportunity to make an initial determination about whether the project meets top priority housing goals. Approval during a subsequent meeting describes the City's commitment to a specific incentive, which has historically been a waiver or a reduction of fees.
- **Incentives for multi-family housing** only for affordable units with two levels of investment: 1) up to 100% fee waiver for projects that include a mix of 30% to 60% AMI units; and 2) percentage waiver of fees (not including any backfilled fees) for affordable units in projects that do not include units for very low-income individuals.
- **Protection of City investment** by requiring the owner of a deed-restricted unit to sell or transfer the unit to another income-qualified household unless a hardship waiver is granted. A hardship waiver allows the owner to sell the unit to a non-income qualified buyer and repay a portion of the net proceeds, starting with 95% repayment during the first year and ending after 20 years. Hardship waiver requests are heard by the Affordable Housing Commission and may be appealed to Council if denied.

**Community Development Block Grant Deed Restriction Duration:**

The U.S. Department of Housing and Urban Development requires a deed restriction duration of five years Community Development Block Grant (CDBG) funded bricks/mortar projects of \$25,000 or more. The City of Loveland has historically required a much longer restriction to protect investments in housing and public facilities. On December 12, 2018, the Affordable Housing Commission motioned to approve a five-year deed restriction for CDBG funded projects that receive \$20,000 or less. HUD allows municipalities to have requirements that are more stringent than the federal regulation.

Attached please find a redlined version of sections of Title 18 relating to all items.

Section 1. 18.16.01.04 Recapture of Waived Fees

A. Generally. No certificate of occupancy shall be issued for any building for which a fee waiver is granted pursuant to Section 18.16.01.03, Waiver of Fees, unless a deed restriction or encumbrance according to the standards of this Section and in a form approved by the City Attorney, is executed and recorded.

B. Required Provisions. The deed restriction or encumbrance shall:

1. Prohibit the sale of the property to any person or entity at a price or for use or management in a manner that is inconsistent with the purposes of the fee waiver (e.g., sale price, land use, rental rate, etc.) for a period ~~of 20 years from the date of the certificate of occupancy specified in section 18.16.05.07;~~

2. Include a provision stating that it is the intent of the parties that the respective rights and obligations set forth in the deed restriction or encumbrance shall constitute covenants, equitable servitudes, and/or liens that run with the land and shall benefit and burden any personal representatives, successors, and assigns of the parties; and

3. Include a provision indicating that the restriction automatically expires:

a. If title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or

b. ~~20 years after the date on which the certificate of occupancy was issued, provided there is no existing default under the deed restriction or encumbrance~~ Pursuant to time frames specified in section 18.16.05.07.

Section 2. That Section 18.16.05.07 "Deed Restriction for Affordable Housing Units Required," of the Uniform Development Code is hereby amended to read as follows:

A. "For Sale" Units. No certificate of occupancy shall be issued for any "for-sale" affordable dwelling unit or building containing at least one affordable dwelling unit, unless all of the following conditions are met:

1. The applicant provides documentation satisfactory to the Director that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat or site development plan.

2. For a single-family detached dwelling only, the contract household-buyer of such unit has been income-qualified for the purchase of such unit by the Community Partnership Administrator.

3. A deed restriction or encumbrance, in a form approved by the City Attorney, is recorded against the subject property, that includes all of the following conditions:

a. The sale of the affordable housing unit(s) to any person or entity other than a qualifying household is prohibited.

b. The unit must be owner-occupied, and the rental of the property is prohibited.

4. The required deed restriction also includes provisions stating:

a. It is the intent of the parties that the restriction shall constitute covenants, equitable servitudes, and/or liens that run with the land, and shall benefit and burden any personal representatives, successors, and assigns of the parties.

b. The deed restriction automatically expires:

1. If title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or

2. 20 years after the date of the initial purchase of the affordable housing unit by the initial qualifying household, provided there is no existing default under the deed restriction or encumbrance.

B. "For Rent" Units. No certificate of occupancy shall be issued for any "rental" multiplex, multifamily, townhome, or duplex building containing an affordable housing unit(s), unless all of the following conditions are met:

1. The applicant provides documentation satisfactory to the Director that the building for which the certificate of occupancy is requested contains the required number of affordable housing units identified on the final plat or site development plan.

2. A deed restriction or encumbrance, in a form approved by the City Attorney, is recorded against the property, that includes all of the following conditions:

a. The rental of the affordable housing units to any person(s) other than a qualifying household is prohibited; and

b. The conversion of the affordable housing units from "rental" units to "for-sale" units without the prior written approval of the City is prohibited.

3. The required deed restriction also includes provisions stating:

a. It is the intent of the parties that the restriction shall constitute covenants, equitable servitudes, and / or liens that run with the land, and shall benefit and burden any personal representatives, successors, and assigns of the parties.

b. The deed restriction automatically expires:

1. If title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or

2. ~~Twenty-Fifty~~ years after the date on which a certificate of occupancy was first issued for the property, provided there is no existing default under the deed restriction or encumbrance.

C. Not-for-profit facilities. No certificate of occupancy shall be issued for a not-for-profit or public facility building that meets the requirements of Section 18.16.01.03 and that obtains a fee waiver pursuant to this section unless a deed restriction or encumbrance has been placed on the property in a form

approved by the city attorney, prohibiting the sale of the not-for-profit or public facility to any person or entity for a use that does not meet the requirements of Section 18.16.01.03 for a period of twenty-five years from the date on which a certificate of occupancy was first issued for the property.

1. The deed restriction or encumbrance shall contain:

a. A provision stating that it is the intent of the parties that the respective rights and obligations set forth in the deed restriction or encumbrance shall constitute covenants, equitable servitudes, and/or liens that run with the land and shall benefit and burden any personal representatives, successors, and assigns of the parties.

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b. A provision indicating that it automatically expires:

1. If title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or

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2. Twenty-five years after the date on which a certificate of occupancy was first issued for the property, provided there is no existing default under the deed restriction or encumbrance.

D. "Community Development Block Grant Recipients." No certificate of completion shall be issued for any Community Development Block Grant bricks/mortar recipients who receive \$20,000 or less, unless all of the following conditions are met:

1. A deed restriction or encumbrance, in a form approved by the City Attorney, is recorded against the property that includes all of the following conditions:

a. It is the intent of the parties that the restriction shall constitute covenants, equitable servitudes, and/ or lien that run with the land, and shall benefit and burden any personal representatives, successors, and assigns of the parties.

b. The deed restriction automatically expires:

1. If title to property mortgaged by an institutional lender is transferred to the institutional lender, or to the institutional lender's successor or assign, by foreclosure or deed-in-lieu of foreclosure; or

2. Five years from the date on which the CDBG Recipient signs the City Contract accepting the funds.

# UDC UPDATES

Planning Commission  
August 26, 2019

# Affordable Housing Code Revisions

Planning Commission  
presentation February 27,  
2017

Increase deed  
restriction on multi-  
family housing to 50  
years

Planning Commission  
presentation September 11,  
2017

## REVIEW

- Deed restriction duration
- Protect city investments

## 24 CFR 570.505 –

### Use of real property

- Subrecipient may not change the use of the property.
- HUD uses 5 years for > \$25,000.
- AHC will use 5 years for < \$20,000 and longer for more than \$20,000.



# Questions