



# Administrative Determination

## I. Application Information

Application:	Sketch Plat
Project Case Number:	19-13
Project Name:	Water's Edge First Subdivision Sketch Plat
Applicant Name:	Caleb Operation Company LLC, Jeff Mark
Proposal Summary:	138 lot single-family residential subdivision in the R-1 Low Density Residential zone district.

## II. Director of Development Services Determination

### Approval with Conditions

The Director of Development Services finds that the Water's Edge First Subdivision Sketch Plat complies with Loveland Municipal Code Section 18.17.13.01 Sketch Plat and relevant provisions of Loveland Municipal Code Title 18. The Director hereby approves the Water's Edge First Subdivision Sketch Plat subject to the conditions of approval in Section III of this Administrative Determination. The Director's decision is based upon review of the following;

1. Submitted application materials;
2. Annexation and Development Agreement for Water's Edge Addition;
3. City staff's review and recommendation;
4. Written comments provided by the neighborhood;
5. Comments received at the neighborhood meeting, including summary meeting notes; and
5. Applicant's response to neighborhood comments.

<b>Director Decision Date:</b>	November 20, 2019
<b>Appeal Deadline:</b>	4:30 p.m., December 4, 2019

### III. Conditions of Approval

#### Planning

1. As prairie dogs are currently located on the property, a prairie dog management plan shall be submitted with the final plat and final construction drawings application for review and approval by the City. As part of this plan, it will be important not only to maintain control throughout the development of the project, but also after the development is complete. This may be achieved by non-lethal or lethal means. If lethal controls are to be used, the use of a licensed pesticide/pest control applicator is needed. Poison shall not be used due to the presence of raptors in the area. The City recommends donation of the prairie dogs to the Rocky Mountain Raptor Program in Fort Collins or to the US Fish and Wildlife Service (USFWS) National Black-Footed Ferret Recovery Program. Please consult directly with these facilities first, as they have a required protocol for lethal control used for donated prairie dogs.
2. Prior to issuance of a development construction permit, the City's Planning Division shall inspect the property to ensure that the prairie dog management plan has been implemented.
3. The Site Development Plan for the common amenity and environmentally sensitive areas shall incorporate "no trespassing" signage along Ryan Gulch Reservoir.
4. Any impact to wetlands will need to be permitted through the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act, and wetland mitigation may be required if wetland losses reach or exceed 0.10 acres.

#### Transportation

5. Prior to the issuance of any building permits for the Water's Edge Development, pursuant to the provisions in Unified Development Code of the Loveland Municipal Code, the Developer shall design and construct the following public improvements unless already designed and constructed by others:
  - a. All public improvements within the Water's Edge First Subdivision as shown on the approved Public Improvement Construction Plans for Waters Edge.
  - b. The adjacent public improvements on 28th Street SW as shown on the approved Public Improvement Construction Plans for Waters Edge.
  - c. All off-site traffic signal and intersection improvements at the intersection of Taft Avenue & 28th Street SW to mitigate the ACF failure. Only ultimate improvements constructed will be eligible for future reimbursements from the City.
  - d. All off-site street widening and striping improvements on Taft Avenue north of 28th Street SW to comply with the ACF link volume standards.
6. The Developer shall provide pre-development directional traffic counts to the City on selected streets within the Lakeside Terrace Subdivision that may be impacted by potential cut-thru traffic. The Developer shall provide the City with a cash-in-lieu payment or a financial security in an amount approved by the City Engineer prior to approval of the final plat, to be used toward the construction of traffic calming measures in Lakeside Terrace if needed. The cash-in-lieu payment or financial security will be refunded to the developer once full buildout of the development occurs provided cut through traffic is not found to be a problem as determined by the City Engineer.
7. Prior to Development Construction Permit issuance, the Developer shall provide the City with a construction traffic control and routing plan for all phases of construction that prevents any construction traffic from using existing streets within the Lakeside Terrace Subdivision. All construction traffic will be limited to Taft Avenue and 28th Street SW unless otherwise approved by the City Engineer.

### Fire Prevention

8. This sketch plan has been reviewed and approved with two Fire Access Roads into the development. Should a redesign result in the omission of the second access, LFRA will evaluate exceptions per the International Fire Code (IFC), where sprinkler systems to each dwelling unit would be required. Although IFC would allow for the sprinkler systems in lieu of a second access, two accesses are most beneficial to this development and to any development of this size in regard to not only Fire access, but other Emergency access from Police, EMS and other agencies.

### Water/Wastewater

9. The Final Plat shall dedicate a minimum 25 foot wide utility easement for a future water main at a location as shown in the current water master plan. The City will be responsible to construct the water main within the easement at a future time.
10. Prior to approval of the Final Plat for the Development all utility easements for the Offsite Wastewater Main will need to be dedicated and the PICP for the Offsite Wastewater Main shall be approved by the City.
11. The Developer shall obtain Initial Acceptance for the Offsite Wastewater Main prior to the release of any residential building permits within the Development.

### Stormwater

12. Prior to approval of a Final Plat, the Developer shall design the residential lots which abut Ryan Gulch Reservoir such that the minimum abutting rear lot corner elevations are no lower than 5019.28 (NGVD29 datum). In addition, the Developer shall design the residential lots which abut Ryan Gulch Reservoir such that the residential home basement finished floor elevations are no lower than 5020.28 (NGVD 29 datum).
13. Prior to approval of a Final Plat, the Developer shall design each residential lot such that a minimum 3-feet of separation occurs between each residential home foundation bearing elevation and the peak seasonal groundwater levels. Close observation by a Registered Professional Geotechnical Engineer (including a written report for city review) shall be accomplished by the Developer in order to evaluate groundwater depths during the spring and summer months in order to determine the peak seasonal groundwater levels throughout the subdivision. Based on the findings of the Geotechnical Engineering report, the Developer may need to eliminate residential home basements throughout the subdivision. Design and construction of a separate private gravity groundwater underdrain system within the street right-of-way with connections to each home foundation drain may be submitted with the Final Plat as an alternative to this condition.
14. Prior to approval of a Final Plat, the Developer shall provide the Loveland Stormwater Engineering Division with a recorded copy of a Ryan Gulch Reservoir Company Agreement allowing Water's Edge First Subdivision to store developed Stormwater runoff in the state jurisdictional reservoir. If an agreement cannot be made between the Ryan Gulch Reservoir Company and the Developer to store the developed Stormwater runoff in the reservoir, then the Developer shall provide on-site detention within the Water's Edge First Subdivision designed with a two stage outlet structure in accordance with Amendment No. 1 to the City of Loveland Storm Drainage Criteria.

15. Prior to approval of a Final Plat, the Developer shall provide a final engineering design, acceptable to the Loveland Stormwater Engineering Division, for those Regional Storm Drainage Improvements identified in the "City of Loveland Master Drainage Plan", dated May 15, 1986, which are adjacent to the Water's Edge First Subdivision. The master planned improvements shall be cross-referenced in the final drainage report for this project, with a discussion of what improvements were planned in the master plan and what is proposed with the design of this development. The Developer shall work with the Loveland Stormwater Engineering Division and a "Draft Stormwater Reimbursement Agreement" shall be developed by the Loveland Stormwater Engineering Division for those Regional Storm Drainage Improvements (engineering and construction costs) identified in the "City of Loveland Master Drainage Plan" dated May 15, 1986, which are adjacent to the Water's Edge First Subdivision. Stormwater "System Investment Fees" shall provide dollars for an equitable reimbursement of Regional Storm Drainage Improvements as defined in the Stormwater Reimbursement Agreement.

#### Parks and Recreation

16. The site development plan and final subdivision plat shall demonstrate compliance with the Environmental and Natural Areas Assessment Report dated December 14, 2015, including planting and restoration, recommended protection measures, mitigation, enhancement, setbacks, and buffer widths as specified in the Report.
17. The northernmost lot on the east side of proposed Street A shall be removed as a portion of the lot is located in the delineated wetland and the majority of the balance of the lot is located in the wetland buffer.

#### IV. Appeal Information

Purpose	The appeal procedures specified in Division 18.14.05 of the Loveland Municipal Code provides an opportunity for affected parties to seek review of a final decision of the Director to ensure that the decision is correct.
Party Status	Appeals may be brought only by the following parties: <ol style="list-style-type: none"><li>1. An adjoining property owner; or</li><li>2. A property owner who received mailed notice and either attended the neighborhood meeting or provided written comments to the Current Planning Division before the Director's decision.</li></ol>
Initiation of Appeal	An appeal of the Director's decision must be initiated by filing a petition on the form provided by the City and submitting the required fee to the Current Planning Division. The petition must contain all of the information specified in Section 18.14.05.04 of the Loveland Municipal Code.



Threshold Review	<p>Once a petition is filed, the Director will confer with the City Attorney to ensure that the petitioner has party status, as described above, and there is sufficient detail in the petition to put the City on notice as to the legal basis of the appeal.</p> <p>If the Director finds that the petitioner does not have party status or that the petition lacks the required information, the Director will deny the appeal, notify the petitioner, and return the submitted appeal fees.</p> <p>If the Director finds that the petitioner has party status and the petition includes the required level of specificity, the Director will notify the petitioner of the acceptance, place the item on the agenda for the Planning Commission, and notify the petitioner that the petitioner must provide mailed notice as specified in the Loveland Municipal Code.</p>
Standards for Review	The scope of the appellate review is limited to the issues raised in the petition. Issues that are not described or obviously implied by the petition will not be considered. New evidence cannot be introduced on appeal.
Planning Commission Decision	After review of the record and arguments advanced on appeal, the Planning Commission will determine whether the Director's decision was correct based on the applicable Code provisions. The Planning Commission's decision represents the final decision by the City.

## V. Director's Approval

Approved this 20<sup>th</sup> day of November, 2019 by:



Brett Limbaugh, Director of Development Services