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COLT Service Changes

Loveland City Council

Tuesday, January 17, 2006

City Council Chambers

500 East Third Street

6:30 p.m.

Regular Meeting

The City of Loveland does not discriminate on the basis of race, color, national origin, sex, religion age or disability in the provision of services. For disabled person needing reasonable accommodation to attend or participate in a city service or program, call 962-2303 or TDD #962-2620 as far in advance as possible

5:45 p.m. Dinner—City Manager's Conference Room

6:30 p.m. Regular Meeting—City Council Chambers

Call to order

Pledge of allegiance

Roll Call

All City Councilor were present with the exception of Mayor Larry Walsh.

Mayor Pro Tem Gene Pielin chaired the meeting

[Approval of January 3, 2006 City Council Meeting Minutes](#)

Approved as submitted with Walt Skowron abstaining due to his absence from the January 3, 2006 meeting.

CONSENT AGENDA

1. **DEVELOPMENT SERVICES**

BUCK FIRST SUBDIVISION - VACATION OF PEDESTRIAN EASEMENTS

Ordinance on second reading vacating a pedestrian easement within the proposed Buck 4th PDP/PP

The applicant is Rob Persichitte with Intermill Land Surveying

Steve Dozier moved to approve the Ordinance on second reading. Glenn Rousey seconded the motion and the motion was unanimously approved.

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- [Ordinance](#)

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2. **DEVELOPMENT SERVICES**

COPPER RIDGE ADDITION

Resolution #R-2-2006 setting a public hearing date of February 21, 2006 for City Council to consider a petition to annex 58.70 acres to be known as COPPER RIDGE ADDITION

The applicant is PEAK TO PEAK FINANCIAL, LLC. The property is located approximately 2,573 feet west of the intersection of Garfield and 57th Street. The applicant is requesting that the property proposed for annexation be zoned PUD, Planned Unit Development

Steve Dozier moved to approve the Resolution. Glenn Rousey seconded the motion and the motion was unanimously approved.

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- [Resolution](#)
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3. **DEVELOPMENT SERVICES**

MOUNTAIN PACIFIC ADDITION

Resolution #R-3-2006 setting a public hearing date of February 21, 2006, for City Council to consider a petition to annex approximately 25.26 acre to be known as the MOUNTAIN PACIFIC ADDITION

The applicant is A Storage Place, LLC, Mr. Daryl Flaming

Steve Dozier moved to approve the Resolution. Glenn Rousey seconded the motion and the motion was unanimously approved.

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4. **DEVELOPMENT SERVICES**

PEAKVIEW COMMERCIAL PARK ADDITION

Resolution #R-4-2006 setting a public hearing date of March 7, 2006, for City Council to consider a petition to annex approximately 10.62 acres to be known as the PEAKVIEW COMMERCIAL PARK ADDITION

The applicant is K & G Development, LLC - Mr. Kris Fleischli

Steve Dozier moved to approve the Resolution. Glenn Rousey seconded the motion and the motion was unanimously approved.

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5. **DEVELOPMENT SERVICES**

RANCH ACRES ADDITION

Resolution #R-5-2006 setting a public hearing date of March 7, 2006, for City Council to consider a petition to annex approximately 15.22 acres to be known as the RANCH ACRES ADDITION

The applicant is 287 Enterprises, LLC - Mr. Denny Meyer

Steve Dozier moved to approve the Resolution. Glenn Rousey seconded the motion and the motion was unanimously approved.

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6. **CITY MANAGER**

BOARDS AND COMMISSIONS APPOINTMENTS

Steve Dozier moved to approve the following appointments. Glenn Rousey seconded the motion and the motion was unanimously approved.

Noreen Flood, Rick Brent and Lori McWhinney appointed to Parks & Recreation Advisory Board
Meghan Willis, Aspen Club and Christie O'Hanlon, Seasons Club appointed to Senior Advisory Board

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7. WATER & POWER

WATER STORAGE TANK - SUPPLEMENTAL BUDGET AND APPROPRIATION #1

Public Hearing and Ordinance on second reading enacting Supplementary Budget & Appropriation #1 to the 2006 Budget for appropriation of \$2,200,000 for the construction of a 2.0 million gallon treated water storage tank and associated piping located near the Wal-Mart Distribution Center on Crossroads Blvd

Steve Dozier moved to approve the Ordinance on second reading. Glenn Rousey seconded the motion and the motion was unanimously approved.

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8. WATER & POWER

IGA FOR CONSTRUCTION OF WATER STORAGE TANKS

Resolution #R-6-2006 approving an agreement between the Fort Collins-Loveland Water District and the City for construction of two elevated water storage tanks

Steve Dozier moved to approve the Resolution. Glenn Rousey seconded the motion and the motion was unanimously approved.

- [Cover Letter](#)
- [Resolution](#)
- [Agreement](#)
- [Exhibit A](#)
- [Exhibit B](#)
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9. WATER & POWER

CONVERSION OF TEMPORARY USE PERMITS

Ordinance on first reading to Apply and Contract for Beneficial Use of Water on Behalf of the City of Loveland and Prescribing the Terms for Application for an Allocation of the Right to Use 10 Units of Colorado-Big Thompson Project Water to said City of Loveland by Northern Colorado Water Conservancy District

Steve Dozier moved to approve the Ordinance on first reading. Glenn Rousey seconded the motion and the motion was unanimously approved.

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10. FINANCE/WATER & POWER

INTERRUPTIBLE 115 kV TRANSMISSION VOLTAGE SERVICE

Public Hearing and Resolution #R-11-2006 on first reading adopting Electric Rate Schedule IP, Interruptible 115 kV Transmission Voltage Service

Steve Dozier moved to approve the Resolution on first reading. Glenn Rousey seconded the motion and the motion was unanimously approved.

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SPECIAL EXECUTIVE SESSION

Steve Dozier moved to schedule an Executive Session on January 31, 2006, at 6:30 p.m., in the City Manager's Conference Room, to conduct performance reviews for the City Manager, City Attorney, and Municipal Judge. Jan Brown seconded

REGULAR AGENDA

This item was moved to the Regular Agenda at the request of a citizen.

11. PARKS AND RECREATION

PRO SHOP ENTERPRISE FUND

Public Hearing and Ordinance on first reading enacting Supplementary Budget and Appropriation #3 for the Golf Enterprise Fund to fund a PGA Class A golf professional, an assistant golf professional as well as part-time positions (2.92 FTE) to operate the Mariana Butte Golf Course Pro Shop

Steve Dozier moved to approve the Ordinance on first reading. Jan Brown seconded the motion and the motion was unanimously approved.

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12. FINANCE

DECEMBER MONTHLY FINANCIAL UPDATES

Jeff Barnes presented the December Monthly Financial Reports

- [Cover Letter](#)
- [Reports \(Old\)](#)
- [Reports \(New\)](#)
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13. FINANCE

LOVELAND URBAN RENEWAL AUTHORITY 2005 URA STATUS REPORTS

Brandi Curtis and Alan Krcmarik presented the 2005 URA Status Reports

- [Cover Letter](#)
- [URA Report](#)
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14. FIRE AND RESCUE

CITY/RURAL FIRE PROTECTION DISTRICT IGA AMENDMENT

Resolution #R-7-2006 approving a Third Amendment to the Intergovernmental Agreement between the City of Loveland and the Loveland Rural Fire Protection District

Steve Dozier moved to approve the Resolution. Glenn Rousey seconded the motion and the motion was unanimously approved.

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15. DEVELOPMENT SERVICES

LEE FARM ADDITION

A public hearing to consider:

a) Resolution #R-8-2006 approving amendments to the City of Loveland, 1994 Comprehensive Master Plan for a 43.6 acre portion of the Lee Farm Addition;

Council deferred consideration of this Resolution until second reading of the Ordinances

b) Resolution #R-9-2006 approving annexation proceedings for the Lee Farm Addition;

Steve Dozier moved to approve the Resolution. Glenn Rousey seconded the motion and the motion was approved by a 7-1 vote with Ron Weakes voting no.

c) Ordinance on first reading annexing the Lee Farm Addition;

Steve Dozier moved to approve the Ordinance on first reading. Glenn Rousey seconded the motion and the motion was approved by a 7-1 vote with Ron Weakes voting no.

d) Ordinance on first reading zoning the Lee Farm Addition Lee Farm Addition PUD (#P-19)

Steve Dozier moved to approve the Ordinance on first reading. Glenn Rousey seconded the motion and the motion was approved by a 7-1 vote with Ron Weakes voting no.

The applicant is Mr. Robert Dildine

- [Cover Letter](#)
- [Resolution Amending Comprehensive Master Plan](#)
- [Resolution approving annexation](#)
- [Ordinance to Annex](#)
- [Ordinance to Zone](#)
- [Staff Memo](#)
- [Planning Commission Report](#)
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16. DEVELOPMENT SERVICES

VANGUARD-FAMLECO 13TH SUBDIVISION PRELIMINARY PLAT AND HUNTER'S RUN WEST PRELIMINARY DEVELOPMENT PLAN APPEAL MERIT HEARING

A merit hearing to consider the appeal or the Planning Commission decision approving the Vanguard-Famleco 13th Subdivision Preliminary Plat and Phase One of the Hunter's Run West PUD Preliminary Development Plan

Steve Dozier moved that the appeal has insufficient merit and does not warrant further review. Jan Brown seconded the motion and the motion was unanimously approved.

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17. PUBLIC WORKS

COLT SERVICE CHANGES

Resolution #R-10-2006 supporting operational and fare changes to the COLT system beginning March 1, 2006

Steve Dozier moved to approve the Resolution. Jan Brown seconded the motion and the motion was unanimously approved.

- [Cover Letter](#)
- [Resolution](#)
- [Map: Current COLT](#)
- [Map: Proposed 2006 COLT](#)
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18. PUBLIC WORKS

SUPPLEMENTAL BUDGET AND APPROPRIATION #2 - STAFF FOR SOLID WASTE ENTERPRISE FUND

Public Hearing and Ordinance on first reading on Supplemental Budget and Appropriation #2 to fund one additional position in the Solid Waste Enterprise Fund; the position is needed if the City wants to add corrugated cardboard (OCC) and paperboard (OMX) back into the curbside collection program. The total annual cost is \$52,810.

Steve Dozier moved to approve the Ordinance on first reading. Jan Brown seconded the motion

and the motion was unanimously approved.

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CITY COUNCIL NEW BUSINESS

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Last Updated: June 17, 2011

City Council Meeting
January 3, 2006

Mayor Walsh called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM. Roll was called and the following responded: Brown, Clark, Heckel, Pielin, Rousey, Walsh and Weak. Councilors Dozier and Skowron were absent.

Minutes	The Minutes for the December 13, 2005 Study Session and the Minutes for the December 20, 2005 Regular Meeting were approved as submitted.
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CONSENT AGENDA Mayor Walsh asked if anyone in the audience wished to speak on any of the items or public hearings listed on the Consent Agenda. Staff memorandum furnished in connection with items remaining on the Consent Agenda will be considered as the only evidence presented. No one from the audience wished to pull any of the items. The City Attorney noted that he distributed a substitute Resolution with an amended public hearing date of February 21, 2006 for item #6 (Savanna Addition). Councilor Rousey moved to approve the Consent Agenda including the addendum for item #2 and the substitute Resolution for item #6. Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting yes.

Ord. #5053: Amend

2.60.420 Senior Advisory 1. "AN ORDINANCE AMENDING SECTION 2.60.420 OF THE LOVELAND MUNICIPAL CODE AND ANENDING THE CITY OF LOVELAND HANDBOOK FOR BOARDS AND COMMISSIONS TO ENLARGE THE MEMBERSHIP OF THE CITY'S SENIOR ADVISORY BOARD" was approved and ordered published on second reading. This ordinance enlarges the Board to 15 members.

Board & Commission Appointments

2. The following citizens were appointed to the following Boards and Commissions:

Library Board – Myrna McIntosh (12-31-2010)
Planning Commission – Troy Krenning & Ken Morey
(reappointed) (12-31-08) & Kevin Stearns (12-31-06)
Open Lands – Rick Brent & Stephen McMillan (12-31-09)
Volunteer Firefighters' Pension Board of Trustees – Mike
Alexander (12-30-09)

Ord. #5054: Rescind Historic Designation

3. "AN ORDINANCE OF THE CITY COUNCIL RESCINDING THE LOVELAND HISTORIC LANDMARK DESIGNATION OF THE BONNELL MERCANTILE BUILDING LOCATED AT 129 EAST 4TH STREET IN LOVELAND, COLORADO" was approved and ordered published on second reading. The property no longer meets the criteria for historic designation set forth in Section 15.56.090 of the Municipal Code.

Contract Extension WL Contractors

4. Council approved an extension of the existing contract for Traffic Signal and Fiber Optic Installation until projects can be rebid. This is retroactive and did not get processed due to the focus on completing the traffic signal and fiber optic installation associated with the opening of the Promenade Shops at Centerra. It was mutually agreed to rebid the project for the long

term and extend the existing contract for a limited time and amount to cover the immediate needs.

Ord. 1st Rdg: Vacation
With Buck 4th PDP/PP

5. "AN ORDINANCE VACATING A PEDESTRIAN ACCESS EASEMENT LOCATED WITHIN THE BOUNDARIES OF BUCK 1ST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO" was approved and ordered published on first reading. The applicant is requesting the vacation to proceed with further review and platting of the Buck Fourth Subdivision.

Res. #R-1-2006: PH
Savanna Addition

6. The following Resolution was approved setting a public hearing date of February 21, 2006 to consider the annexation to be known as Savanna Addition:

RESOLUTION #R-1-2006

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS SAVANNA ADDITION, FILED SEPTEMBER 15, 2004, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on September 15, 2004, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland;

(b) That said Petition requests the City of Loveland to annex said area; and

(c) That said Petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for February 21, 2006, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This resolution shall become effective on the date and at the time of its adoption.
APPROVED the 3rd day of January, 2006.

EXHIBIT A

LEGAL DESCRIPTION OF SAVANNA ADDITION

Legal Description of Parcel A

A tract of land located in the North Half of Section 4 and the Northeast Quarter of Section 5, all in Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of said Section 4 as bearing South 89°29'39" East and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of said Section 4; thence along said North line, South 89°29'39" East, 30.00 feet to the East right-of-way line of North Boyd Lake Avenue; thence along said East right-of-way line, South 01°03'56" West, 1,335.52 feet to the POINT OF BEGINNING; thence, South 89°18'01" East, 2,597.19 feet; thence, South 89°17'53" East, 1096.70 feet to a point on the Northeasterly line of that tract of land described at Reception No. 20040014309 and the Southwesterly line of the Union Pacific Railroad; thence, along said line, South 49°21'40" East, 1766.92 feet, thence, departing said line, South 25°21'00" West, 15.16 feet; thence, along a curve concave to the east having a central angle of 37°55'36" with a radius of 221.00 feet, an arc length of 146.29 feet and the chord of which bears South 06°19'55" West, 143.63 feet; thence, North 89°17'52" West, 2,441.80 feet; thence, North 89°18'02" West, 1,924.65 feet; thence, North 01°03'53" East, 320.01 feet; thence, North 89°18'02" West, 670.01 feet to a point on the East right-of-way line of North Boyd Lake Avenue; thence along said East right-of-way line, South 01°03'56" West, 320.01 feet; thence along the North line of the Millennium Addition, North 89°18'02" West, 80.00 feet to the West right-of-way line of North Boyd Lake Avenue; thence along said West right-of-way line, North 01°03'56" East, 627.97 feet; thence, South 88°56'07" East, 80.00 feet to a point on the East right-of-way line of North Boyd Lake Avenue; thence along said East right-of-way line, North 01°03'56" East, 663.56 feet to the POINT OF BEGINNING.

The above described tract of land contains 5,587,384 S.F. or 128.269 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

Legal Description of Parcel B

A tract of land located in the West Half of Section 3 and the North Half of Section 4, all in Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northwest Quarter of said Section 4 as bearing South 89°29'39" East and with all bearings contained herein relative thereto:

Commencing at the Northwest corner of said Section 4; thence along said North line, South 89°29'39" East, 30.00 feet to the East right-of-way line of North Boyd Lake Avenue; thence along said East right-of-way line, South 01°03'56" West, 1,335.52 feet; thence, South 89°18'01" East, 2597.19 feet; thence, South 89°17'53" East, 1096.70 feet to the POINT OF BEGINNING; thence, South 89°17'53" East, 194.88 feet to a point being on the Southwesterly line of that tract of land described at Reception No. 20040112371; thence along said Southwesterly line, South 49°21'40" East, 1,729.20 feet; thence, North 01°20'53" East, 32.31 feet; thence, departing said line, South 49°21'40" East, 38.76 feet to a point on the Southwesterly line of Outlot C, Myers Group Partnership #949 First Subdivision; thence, along said line and along the Southwesterly line of Outlot C, Myers Group Partnership #949 Second Subdivision, South 49°20'55" East, 3,144.20 feet to a point on the Westerly right-of-way line of Interstate Highway No. 25; thence, along said Westerly right-of-way line, South 29°49'16" West, 152.83 feet to a point on the Northeasterly line of Parcel A-2, Twin Peaks Addition; thence, along said Northeasterly line of Parcel A-2 and Parcel A-1 of Twin Peaks Addition, North 49°20'55" West, 3,050.08 feet to a point on the North line of the Millennium Addition; thence along said North line of the Millennium Addition, North 49°21'22" West, 252.81 feet to a point on the Northeasterly line of that tract of land described at Reception No. 20040014309 and the Southwesterly line of the Union Pacific Railroad; thence along said line, North 49°21'40" East, 1766.92 feet to the POINT OF BEGINNING.

The above described tract of land contains 702,785 S.F. or 16.134 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

Legal Description of Parcel C

A tract of land located in Section 3, 10, and 11, all in Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the South line of the Southeast Quarter of Section 3 as bearing North 89°05'00" East and with all bearings contained herein relative thereto:

Commencing at the South Quarter Corner of said Section 3; thence along said South line, North 89°05'00" East, 107.08 feet to the POINT OF BEGINNING, said point being on the East right-of-way line of Interstate 25; thence along said East right-of-way line, North 00°35'04" East, 531.64 feet to the Southwesterly line of Parcel A-1, Millennium Addition; thence along said Southwesterly line of Parcel A-1 and continuing along the Southwesterly line of Parcel A-2, Millennium Addition the following (7) seven courses and distances, South 49°21'51" East, 800.87 feet; thence along a curve concave to the southwest having a central angle of 00°00'13" with a radius of 5,804.58 feet, an arc length of 0.37 feet and the chord of which bears South 49°21'44" East, 0.36 feet; thence, North 89°05'00" East, 37.59 feet; thence, along a non tangent curve concave to the southwest having a central angle of 09°40'12" with a radius of 5,829.58 feet, an arc length of 983.88 feet and the chord of which bears South 44°14'57" East, 982.72 feet; thence, South 39°24'51" East, 2,997.60 feet; thence, along a curve concave to the northeast having a central angle of 28°44'00" with a radius of 3,719.83 feet, an arc length of 1,865.46 feet and the chord of which bears South 53°46'51" East, 1,845.98 feet; thence, South 68°08'51" East, 458.04 feet; thence, South 00°20'46" West, 214.97 feet to the Southwesterly right-of-way line of Union Pacific Railroad; thence along said Southwesterly right-of-way line, North 68°08'51" West, 536.85 feet; thence continuing

along said Southwesterly right-of-way line and then along the Northeasterly line of Parcel B-2 and Parcel B-1, Millennium Addition the following (5) five courses and distances beginning with a curve concave to the northeast having a central angle of 28°44'00" with a radius of 3,919.83 feet, an arc length of 1,965.76 feet and the chord of which bears North 53°46'51" West, 1,945.23 feet; thence, North 39°24'51" West, 2,997.60 feet; thence along a curve concave to the southwest having a central angle of 09°57'00" with a radius of 5,629.58 feet, an arc length of 977.63 feet and the chord of which bears North 44°23'21" West, 976.41 feet; thence, North 49°21'51" West, 197.08 feet; thence, South 89°05'00" West, 349.69 feet to the POINT OF BEGINNING.

The above described tract of land contains 33.540 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

Legal Description of Parcel D

A tract of land located in the Northeast Quarter of Section 11, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 11 as bearing North 89°08'13" East and with all bearings contained herein relative thereto:

BEGINNING at the North Quarter corner of said Section 11; thence, along the North line of said Northeast Quarter, North 89°08'13" East, 2618.77 feet to a point on the West right-of-way line of Astrolabe Avenue; thence, along said West line, South 00°27'50" West, 2641.18 feet to a point on the South line of the Northeast Quarter of said Section 11; thence, along said South line, South 89°09'44" West, 2613.31 feet to a point on the West line of said Northeast Quarter; thence, along said West line, North 00°20'46" East, 2639.91 feet to the Point of Beginning.

The above described tract of land contains 6,906,090 S.F. or 158.542 acres more or less and is subject to all easements and rights-of-way now on record or existing.

Legal Description of Parcel E

A tract of land being a portion of Section 34 and Section 27, Township 6 North, Range 68 West and a portion of Section 3, Township 5 North, Range 68 West of the 6th Principal Meridian, County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southwest Quarter of said Section 34 as bearing North 00°01'23" East and with all bearings contained herein relative thereto:

BEGINNING at the South Quarter corner of said Section 34; thence South 72°23'38" West, a distance of 469.20 feet; thence North 51°26'18" West, a distance of 108.50 feet; thence North 89°55'18" West, a distance of 900.00 feet; thence North 65°41'48" West, a distance of 109.70 feet; thence North 00°04'42" East, a distance of 60.00 feet; thence North 65°51'12" East, a distance of 109.70 feet; thence South 89°55'18" East, a distance of 900.00 feet; thence North 46°51'42" East, a distance of 120.40 feet; thence North 10°04'29" East, a distance of 608.27 feet; thence North 06°53'11" East, a distance of 704.20 feet; thence North 00°36'41" East, a distance of 3,769.73 feet; thence North 07°50'20" East, a distance of 90.49 feet; thence North 00°00'03" West, a distance of

150.00 feet; thence North 01°23'34" East, a distance of 150.57 feet; thence North 89°26'16" East, a distance of 32.33 feet; thence North 00°00'03" West, a distance of 4854.22 feet; thence, North 89°01'31" East, a distance of 250.04 feet; thence South 00°00'03" East, a distance of 5246.04 feet; thence North 89°26'17" East, a distance of 1.70 feet; thence South 00°36'41" West, a distance of 3,675.87 feet; thence South 08°50'17" East, a distance of 1,419.27 feet; thence South 34°30'19" East, a distance of 92.10 feet; thence South 89°55'19" East, a distance of 150.00 feet; thence South 65°41'49" East, a distance of 109.65 feet; thence South 00°04'41" West, a distance of 60.05 feet; thence South 65°51'11" West, a distance of 109.67 feet; thence North 89°55'19" West, a distance of 150.00 feet; thence North 76°38'29" West, a distance of 326.73 feet to the POINT OF BEGINNING.

The above described tract of land contains 79.677 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

END CONSENT AGENDA

Ordinance Title The City Clerk read the ordinance titles at this time.

There were no citizen or City Council announcements.

City Manager Don Williams, City Manager spoke about the microphones that Council is using. They are the study session microphones and do not have a mute button.

Don passed a draft agenda of the Legislative Policy Executive Summary that will be shared with our State Legislators for Council's review. He asked that changes be given to Renee by Thursday.

Don also passed out a sign up sheet for the January 18th annual Chamber dinner.

Don said that he had some tickets available for the Boys and Girls Club Breakfast with Champions to be held on January 11th at the Ranch.

The Martin Luther King torch will come through Loveland again this year and they have requested that an elected official from the City attend a press conference at 12:45 PM on January 10th at the Lucille Erwin Middle School. Mayor Protem Pielin indicated that he would try to attend.

REGULAR AGENDA:

Ph & Ord. 1st Rdg:
Supplemental Budget
& Appr. #1

Steve Birdsall, Sr. Civil Engineer came forward to present this item which is consideration of an ordinance on first reading for a supplemental budget and appropriation #1 for appropriation of \$2,200,000 for the construction of a 2.0 million gallon treated water storage tank and associated piping located near the Wal-Mart Distribution Center on Crossroads Blvd. Originally, a tank was projected for construction beginning in 2007 and therefore our 5 year budget had projected monies in 2007. Staff is negotiating an IGA with the Fort Collins-Loveland Water District which will

allow us to construct an elevated water storage tank on a parcel of land owned by the FCLWD. Steve responded to questions from Council. The Mayor opened and closed the public hearing as no one came forward to speak. Councilor Rousey moved to approve "AN ORDINANCE ENACTING SUPPLEMENTARY BUDGET AND APPROPRIATION NO. 1 FOR THE CITY OF LOVELAND" was approved and ordered published on first reading. Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting yes.

Having no further business to come before Council, the meeting was adjourned at 6:45 PM.

Donna Visconti, CMC
City Clerk

Larry D. Walsh, Mayor

ATTEST:

City Clerk



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AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Development Services

DESCRIPTION: **Buck First Subdivision - Vacation of pedestrian easements**
Consideration of an ordinance on second reading vacating a pedestrian easement within the proposed Buck 4th PDP/PP. The applicant is Rob Persichitte with Intermill Land Surveying.

SUMMARY: The application proposes to vacate a pedestrian access easement established with the Buck First Subdivision. The applicant requests vacation of these easements to proceed with further review and platting of the Buck Fourth Subdivision to the City of Loveland, Colorado. Dedicated easements within the proposed Buck Fourth Subdivision (PDP and PP approved by the City Planning Commission at their December 12, 2005 meeting) will replace the existing easements with full pedestrian access rendering the current easements obsolete. City Council adopted the vacation ordinance on first reading on January 3, 2006.

COUNCIL ACTION RECOMMENDED: City staff recommends the following motion for City Council action: **move to adopt on first reading AN ORDINANCE VACATING A PEDESTRIAN ACCESS EASEMENT LOCATED WITHIN TRACTS N AND O, BUCK FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO.**

**REVIEWED BY
CITY MANAGER:**

FIRST READING January 3, 2006

SECOND READING January 17, 2006

ORDINANCE NO. ____

**AN ORDINANCE VACATING A PEDESTRIAN ACCESS EASEMENT LOCATED
WITHIN THE BOUNDARIES OF BUCK 1ST SUBDIVISION, CITY OF LOVELAND,
LARIMER COUNTY, COLORADO**

WHEREAS, on January 17, 2006, the City Council considered the vacation of a pedestrian access easement described below, located within Buck 1st Subdivision, City of Loveland, Larimer County, Colorado; and

WHEREAS, the City Council finds and determines that no land adjoining any right-of-way to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement; and

WHEREAS, the City Council finds and determines that the pedestrian access easement to be vacated is no longer necessary for the public use and convenience; and

WHEREAS, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the easement to be vacated.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF LOVELAND, COLORADO:**

Section 1. That the following described pedestrian access easement be and the same is hereby vacated:

That certain Pedestrian Access Easement encumbering Tracts N and O, BUCK FIRST SUBDIVISION, situate in the Northeast Quarter of Section 4, Township 5 North, Range 69 West of the 6th P.M., to the City of Loveland, County of Larimer, State of Colorado.

The above described parcel contains 9.129 acres, more or less, and is subject to any existing easements and/or rights of way of record.

Section 2. That this Ordinance shall be effective ten (10) days after its publication after adoption on second reading as provided in Loveland Charter Section 4-8(b).

Signed this ____ day of _____, 2006.

Mayor

FIRST READING January 3, 2006

SECOND READING January 17, 2006

ORDINANCE NO. ____

**AN ORDINANCE VACATING A PEDESTRIAN ACCESS EASEMENT LOCATED
WITHIN THE BOUNDARIES OF BUCK 1ST SUBDIVISION, CITY OF LOVELAND,
LARIMER COUNTY, COLORADO**

WHEREAS, on January 17, 2006, the City Council considered the vacation of a pedestrian access easement described below, located within Buck 1st Subdivision, City of Loveland, Larimer County, Colorado; and

WHEREAS, the City Council finds and determines that no land adjoining any right-of-way to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement; and

WHEREAS, the City Council finds and determines that the pedestrian access easement to be vacated is no longer necessary for the public use and convenience; and

WHEREAS, the City Council further finds and determines that the application filed at the Development Center was signed by the owners of more than 50% of property abutting the easement to be vacated.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF LOVELAND, COLORADO:**

Section 1. That the following described pedestrian access easement be and the same is hereby vacated:

That certain Pedestrian Access Easement encumbering Tracts N and O, BUCK FIRST SUBDIVISION, situate in the Northeast Quarter of Section 4, Township 5 North, Range 69 West of the 6th P.M., to the City of Loveland, County of Larimer, State of Colorado.

The above described parcel contains 9.129 acres, more or less, and is subject to any existing easements and/or rights of way of record.

Section 2. That this Ordinance shall be effective ten (10) days after its publication after adoption on second reading as provided in Loveland Charter Section 4-8(b).

Signed this ____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney



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AGENDA ITEM:

MEETING DATE: January 17th, 2006

DEPARTMENT: Development Services

DESCRIPTION: **Copper Ridge Addition**

This item is a resolution setting a public hearing date of February 21st, 2006 for City Council to consider a petition to annex 58.70 acres to be known as COPPER RIDGE ADDITION. The applicant is PEAK TO PEAK FINANCIAL, LLC. The property is located approximately 2,573 feet west of the intersection of Garfield and 57th Avenue. The applicant is requesting that the property proposed for annexation be zoned PUD, Planned Unit Development.

SUMMARY: The annexation petition was filed with the City Clerk on August 31st, 2005. Under Colorado State statutes, a public hearing on the annexation petition must be held not less than 30 days or more than 60 days from the effective date of the resolution setting the public hearing. The Planning Commission is scheduled to consider the annexation and zoning request at a public hearing on January 23rd, 2006.

**COUNCIL ACTION
RECOMMENDED:**

City staff recommends that City Council adopt A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS COPPER RIDGE ADDITION, FILED AUGUST 31st, 2005, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO. The resolution sets the City Council public hearing date on February 21st, 2006.

**REVIEWED BY
CITY MANAGER:**

RESOLUTION NO. _____

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS COPPER RIDGE ADDITION, FILED AUGUST 31, 2005, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on August 31, 2005, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland;

(b) That said Petition requests the City of Loveland to annex said area;
and

(c) That said Petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for February 21, 2006, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the _____ day of January, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

EXHIBIT A

LEGAL DESCRIPTION COPPER RIDGE ADDITION

That portion of the Southwest Quarter of Section 26, Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows;

Considering the South line of said Southwest Quarter as assumed to bear South 88°27'23" East and with all bearings contained herein relative thereto;

Beginning at the Southeast corner of the Southwest Quarter of said Section 26, said point being the TRUE POINT OF BEGINNING; thence along the East line of said Southwest Quarter North 01°43'47" East 2635.59 feet to the Northeast corner of said Southwest Quarter; thence along the North line of said Southwest Quarter North 88°44'19" West 1704.34 feet to a point that is 50.00 feet East of and parallel to the centerline of the Burlington Northern Railroad; thence along a line that is 50.00 feet East of and parallel to said centerline the following four (4) courses and distances; South 27°39'14" East 2312.97 feet to the beginning of a spiral curve concave to the Southwest having a radial line in of South 62°20'46" West 61,176.66 feet and a radial line out of North 66°45'49" East 2157.82 feet, the long chord of which bears South 26°10'21" East 317.96 feet; thence Southeasterly along the arc of said curve 318.04 feet to the beginning of a simple curve concave to the Southwest, having a central angle of 09°05'04" and a radius of 2087.56 feet, the long chord of which bears South 18°41'39" East 330.65 feet; thence Southeasterly along the arc of said curve 330.99 feet to the beginning of a spiral curve concave to the Southwest having a radial line in of South 76°17'57" West 2157.82 feet and a radial line out of North 75°50'53" East 2157.82 feet, the long chord of which bears South 13°55'35" East 16.99 feet; thence Southeasterly along the arc of said curve 16.99 feet to a point on the South line of said Southwest Quarter; thence along said South line South 88°27'23" East 300.65 feet to the Southeast corner of said Southwest Quarter and the TRUE POINT OF BEGINNING.

The above described parcel contains 58.7 Acres, more or less, and is subject to all existing easements and/or rights of way of record.



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AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Development Services

DESCRIPTION: **Mountain Pacific Addition**

A resolution setting a public hearing date of February 21, 2006, for City Council to consider a petition to annex approximately 25.16 acres to be known as the MOUNTAIN PACIFIC ADDITION. The applicant is A Storage Place, LLC, Mr. Daryl Flaming.

SUMMARY: The proposed Mountain Pacific Addition would annex approximately 25.16 acres, and zone it as a mixed-use PUD, with emphasis on non-residential uses. The site is located at the southeast corner of the intersection of Highway 287 and Larimer CR # 30, directly east from the northeast corner of Wintergreen Addition (see **Attachment A**).

The Planning Commission is scheduled to consider the annexation and zoning at a public hearing on January 23, 2006.

**COUNCIL ACTION
RECOMMENDED:**

City staff recommends that City Council adopt the resolution setting a public hearing for February 21, 2006.

**REVIEWED BY
CITY MANAGER:**

RESOLUTION NO. _____

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS MOUNTAIN PACIFIC ADDITION, FILED SEPTEMBER 4, 2003, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on September 4, 2003, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland;

(b) That said Petition requests the City of Loveland to annex said area;
and

(c) That said Petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for February 21, 2006, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the _____ day of January, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

EXHIBIT A

LEGAL DESCRIPTION MOUNTAIN PACIFIC ADDITION

Those portions of the Northwest Quarter of Section 25, Southwest Quarter of Section 24, and Southeast Quarter of Section 23, all in Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the West line of the Northwest Quarter of said Section 25 as bearing North 00°15'00" West and with all bearings contained herein relative thereto;

BEGINNING at the Northwest corner of the Northwest Quarter of said Section 25; thence along the Northerly and Easterly lines of the Longview-Midway Fourth Addition to the City of Loveland, Colorado South 89°02'12" West 50.00 feet; and again North 00°15'00" West 30.00 feet; thence along the Easterly prolongation of the Northerly right of way of West 71st Street as shown on the plat of said Longview-Midway Fourth Addition North 89°02'12" East 49.92 feet, more or less, to a point on the Westerly prolongation of the Northerly right of way of Larimer County Road 30; thence along said prolongation and said Northerly right of way South 89°50'41" East 1025.18 feet, more or less, to a point on the Northerly prolongation of the approximate centerline of the Loudon ditch as described at Reception Number 93002686, records of said County; thence departing said Northerly right of way and along said approximate centerline the following seven (7) courses and distances:

- 1) South 17°53'40" West 127.36 feet;
- 2) South 04°21'54" West 100.32 feet;
- 3) South 02°11'11" West 100.14 feet;
- 4) South 14°02'35" East 92.55 feet;
- 5) South 23°00'37" East 270.89 feet;
- 6) South 14°41'30" East 146.50 feet

to the beginning of a tangent curve concave to the Northwest having a central angle of 48°29'59" and a radius of 199.50 feet, the long chord of which bears South 09°33'30" West 163.88' feet; thence Southwesterly along the arc of said curve and said approximate centerline 168.87 feet; thence departing said approximate centerline and non-tangent from said curve North 89°50'41" West 1058.60 feet, more or less, to a point on the Easterly right of way of U.S. Highway No. 287; thence along said Easterly right of way South 00°15'00" East 1716.66 feet; thence departing said Easterly right of way North 89°28'17" West 50.00 feet, more or less, to the Southwest corner of the Northwest Quarter of said Section 25, said point also being the Southeast corner of said Longview-Midway Fourth Addition; thence along the West line of said Northwest Quarter and along the Easterly line of said Longview-Midway Fourth Addition North 00°15'00" West 2649.84 feet, more or less, to the Northwest corner of the Northwest Quarter of said Section 25, said point also being the TRUE POINT OF BEGINNING.

The above-described parcel contains 25.16 acres, more or less, and is subject to all existing easements and/or rights of way of record.



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AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Development Services

DESCRIPTION: **Peakview Commercial Park Addition**

A resolution setting a public hearing date of March 7, 2006, for City Council to consider a petition to annex approximately 10.62 acres to be known as the PEAKVIEW COMMERCIAL PARK ADDITION. The applicant is K & G Development, LLC – Mr. Kris Fleischli.

SUMMARY: The proposed Peakview Commercial Park Addition would annex approximately 10.62 acres and zone the site as a mixed-use, non-residential PUD. The site is located along the west side of Hwy 287, approximately 1,000 lf north of the intersection of Highway 287 and West 57th Street (see **Attachment A**).

The Planning Commission is scheduled to consider the annexation and zoning at a public hearing on February 13, 2006.

**COUNCIL ACTION
RECOMMENDED:**

City staff recommends that City Council adopt the resolution setting a public hearing for March 7, 2006.

**REVIEWED BY
CITY MANAGER:**

RESOLUTION NO. _____

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS PEAKVIEW COMMERCIAL PARK ADDITION, FILED OCTOBER 24, 2005, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on October 24, 2005, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland;

(b) That said Petition requests the City of Loveland to annex said area;
and

(c) That said Petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for March 7, 2006, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the _____ day of January, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

EXHIBIT A

LEGAL DESCRIPTION PEAKVIEW COMMERCIAL PARK ADDITION

A parcel of land located in the Southeast Quarter of Section 26, Township 6 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 26, monumented by a 3 1/4" Brass Cap in range box at the Southeast Corner, and a 3 1/4" Aluminum Cap, LS 9656, at the East Quarter Corner, as bearing North 00°15'17" West with all bearings contained herein relative thereto:

COMMENCING at the Southeast Corner of said Section 26, Thence along said East line of the Southeast Quarter of Section 26, North 00°15'17" West 1374.24 feet to a point on the South line of Wintergreen First Addition, on file at the Clerk and Records Office of Larimer County at Reception Number 2002025167, Thence along the South line of said Wintergreen First Addition, South 89°44'43" West 60.00 feet to a point on the West Right of Way Line of US Highway 287 as described at Book 1864 Page 0944, of the Clerk and Records Office of Larimer County, and the TRUE POINT OF BEGINNING, Thence along said West Right of Way Line the following three (3) courses: 1) South 00°14'17" East 125.50 feet, 2) South 00°16'17" East 279.30 feet, 3) North 89°43'43" East 10.00 feet, Thence continuing along said West Right of Way Line as described at Book 1064 Page 0395, of the Clerk and Records Office of Larimer County South 00°16'17" East 126.63 feet, Thence continuing along said West Right of Way Line as described at Book 878 Page 0121 of the Clerk and Records Office of Larimer County the following two (2) courses: 1) South 16°06'43" West 28.67 feet, 2) South 00°15'17" East 150.02 feet to the Southeast corner of that parcel described at Reception Number 92025782 of the Clerk and Records Office of Larimer County, Thence departing said West Right of Way Line, and along the South line of said parcel, also being the North line of parcels described at Reception Numbers 20050042215 and 2000086995, South 89° 32'56" West 651.05 feet to a point on the Easterly line of said Wintergreen First Addition, Thence along said Easterly line North 00°14'05" West 711.19 feet, Thence continuing along the Southerly line of said Wintergreen First Addition, North 89°44'43" East 648.80 feet to the TRUE POINT OF BEGINNING.

The above-described parcel contains 10.618 acres, more or less, and is subject to all existing easements and/or rights of way of record.



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AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Development Services

DESCRIPTION: **Ranch Acres Addition**

A resolution setting a public hearing date of March 7, 2006, for City Council to consider a petition to annex approximately 15.22 acres to be known as the RANCH ACRES ADDITION. The applicant is 287 Enterprises, LLC - Mr. Denny Meyer.

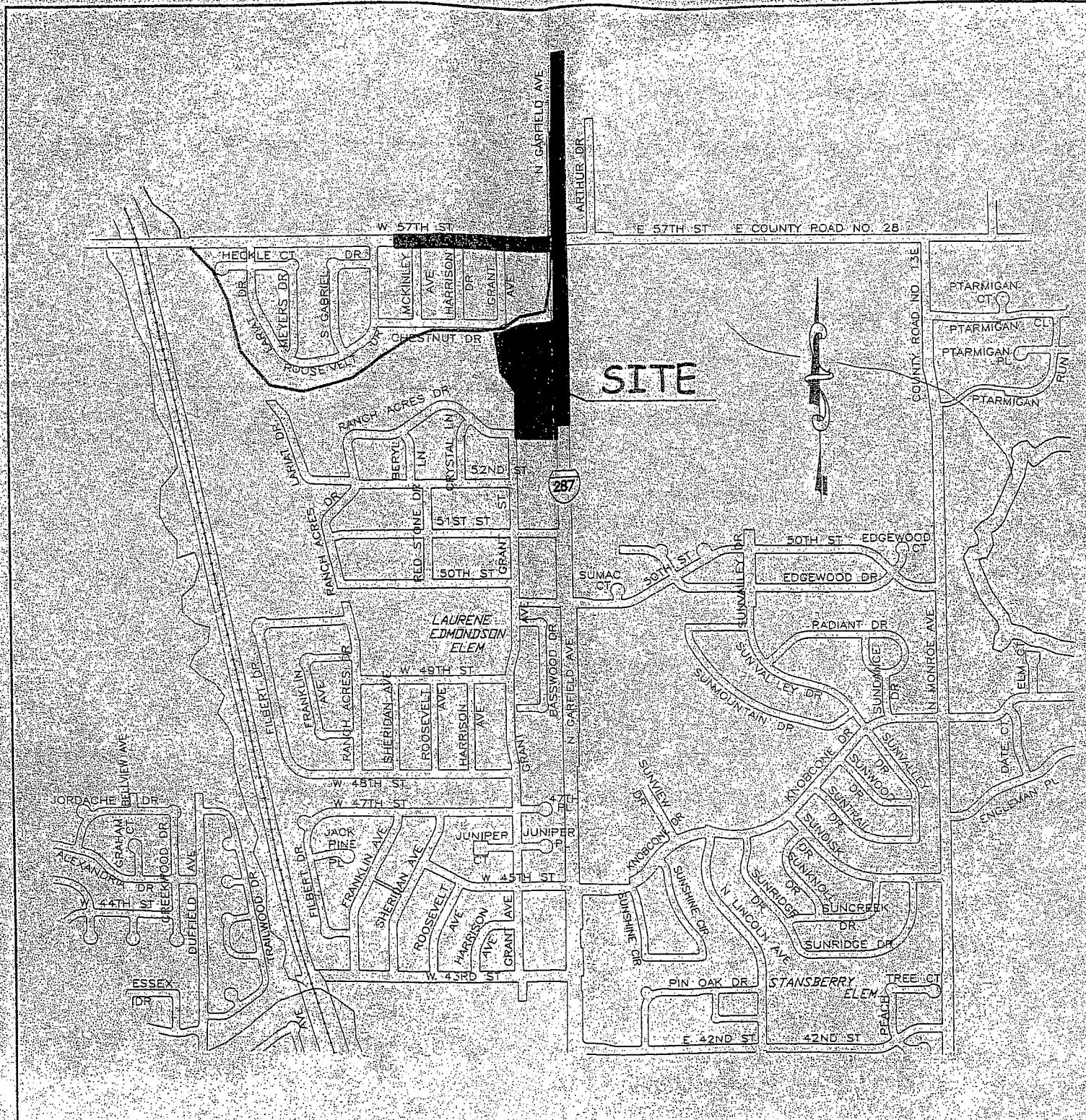
SUMMARY: The proposed Ranch Acres Addition would annex approximately 5.99 acres of developable land and 9.23 acres of related public rights-of-way, and zone the site as a mixed-use, non-residential PUD. The site is located along the west side of Hwy 287 at the northwest corner of the intersection of Highway 287 and Ranch Acres Drive (see **Attachment A**).

The Planning Commission is scheduled to consider the annexation and zoning at a public hearing on February 13, 2006.

**COUNCIL ACTION
RECOMMENDED:**

City staff recommends that City Council adopt the resolution setting a public hearing for March 7, 2006.

**REVIEWED BY
CITY MANAGER:**



VICINITY MAP

1"=1000'

ATTACHMENT A

RESOLUTION NO. _____

A RESOLUTION FINDING A CERTAIN PETITION FOR ANNEXATION KNOWN AS RANCH ACRES ADDITION, FILED SEPTEMBER 29, 2005, TO BE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF §31-12-107(1), C.R.S., AND ESTABLISHING A DATE, TIME, AND PLACE FOR A HEARING TO DETERMINE WHETHER THE PROPOSED ANNEXATION COMPLIES WITH THE APPLICABLE REQUIREMENTS OF SECTIONS 31-12-104 AND 31-12-105, C.R.S., AND IS ELIGIBLE FOR ANNEXATION TO THE CITY OF LOVELAND, COLORADO

WHEREAS, on September 29, 2005, a Petition for Annexation was filed with the City Clerk by persons alleging to comprise more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who assert ownership of more than fifty percent (50%) of said area, excluding public streets and alleys and any land owned by the City of Loveland; and

WHEREAS, said Petition requests the City of Loveland to annex said area; and

WHEREAS, the City Council has determined that said Petition for Annexation is in substantial compliance with §31-12-107(1), C.R.S.; and

WHEREAS, the City Council desires to set a date, time, and place for public hearing to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Loveland, Colorado, that:

1. The City Council hereby finds and determines:

(a) That a Petition for Annexation has been filed with the City Clerk signed by persons alleging to comprise more than fifty percent (50%) of the landowners who assert ownership of more than fifty percent (50%) of the area described on Exhibit A, attached hereto and incorporated herein, excluding public streets and alleys and any land owned by the City of Loveland;

(b) That said Petition requests the City of Loveland to annex said area;
and

(c) That said Petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

2. Pursuant to §31-12-108, C.R.S., a public hearing is scheduled for March 7, 2006, at the hour of 6:30 p.m., for the purpose of enabling the City Council to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed. Said hearing shall be held at the Loveland Municipal Complex, 500 East Third Street, Loveland, Colorado.

3. The City Clerk shall give notice of said hearing in the manner prescribed by §31-12-108(2), C.R.S.

4. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the _____ day of January, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

EXHIBIT A

LEGAL DESCRIPTION RANCH ACRES ADDITION

SERIAL #1:

Those portions of the Northeast Quarter of Section 35 and the Northwest Quarter of Section 36, both in Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 35 as bearing South 00°07'00" East and with all bearings contained herein relative thereto;

Beginning at the Northeast Corner of said Section 35; thence along the East line of said Northeast Quarter South 00°07'00" East 1076.30 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 11°18'01" West 252.59 feet, more or less, to a point on the Westerly right of way of North Garfield Avenue (U.S. Highway No. 287), said point also being the Northwest Corner of Ozzie's First Addition to the City of Loveland, Colorado; thence departing said Westerly right of way and along the Northerly line of said Ozzie's First Addition South 89°43'28" East 101.22 feet, more or less, to a point on the Easterly right of way of said North Garfield Avenue, said point also being the Northwest Corner of Parcel 3 of said Ozzie's First Addition; thence departing said Easterly right of way North 11°46'22" West 253.51 feet, more or less, to a point on the East line of the Northeast Quarter of said Section 35, said point also being the TRUE POINT OF BEGINNING.

The above described parcel contains 0.29 acres (12,548 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

SERIAL # 2:

Those portions of the Northeast Quarter of Section 35 and the Northwest Quarter of Section 36, both in Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 35 as bearing South 00°07'00" East and with all bearings contained herein relative thereto;

Beginning at the Northeast Corner of said Section 35; thence along the East line of said Northeast Quarter South 00°07'00" East 226.60 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 08°28'04" East 347.88 feet, more or less, to a point on the Easterly right of way of North Garfield Avenue (U.S. Highway No. 287); thence along said Easterly right of way South 00°10'10" East 753.80 feet, more or less, to the Northwest Corner of Parcel 3 of Ozzie's First Addition to the City of Loveland, Colorado; thence departing said Easterly right of way North 11°46'22" West

253.51 feet, more or less, to a point on the East line of the Northeast Quarter of said Section 35; thence departing said East line South 11°18'01" West 252.59 feet, more or less, to a point on the Westerly right of way of said North Garfield Avenue and the Easterly line of Ranch Acres Subdivision 2nd Addition, Larimer County, Colorado, said point also being the Northwest Corner of said Ozzie's First Addition; thence along said Westerly right of way and the Easterly line of said Ranch Acres Subdivision 2nd Addition and the Easterly line of Ranch Acres Subdivision, Larimer County, Colorado South 00°07'00" East 94.52 feet, more or less, to the Easterly prolongation of the Southerly right of way of Ranch Acres Drive; thence departing said Westerly right of way and along said Easterly prolongation and said Southerly right of way of said Ranch Acres Drive South 89°53'00" West 304.05 feet, more or less, to a point on the Southerly prolongation of the Westerly line of Tract DD of said Ranch Acres Subdivision 2nd Addition; thence departing said Southerly right of way and along said Southerly prolongation and the Westerly line of said Tract DD North 00°07'00" West 334.50 feet, more or less, to the Northwest Corner of said Tract DD; thence along the Northerly and Easterly lines of Tracts CC, BB, and GG of said Ranch Acres Subdivision 2nd Addition North 37°46'00" West 172.04 feet, more or less; and again North 08°25'00" West 276.82 feet, more or less, to the Northwest Corner of Tract EE of said Ranch Acres Subdivision 2nd Addition; thence along the Northerly line of said Tract EE North 89°23'43" East 41.31 feet, more or less; and again North 65°36'00" East 169.13 feet, more or less; and again North 82°27'00" East 255.77 feet, more or less, to the Northeast Corner of said Tract EE, said point being on the Westerly right of way of said North Garfield Avenue; thence departing said Westerly right of way North 08°08'56" East 347.80 feet, more or less, to a point on the East line of the Northeast Quarter of said Section 35, said point also being the TRUE POINT OF BEGINNING.

The above described parcel contains 8.62 acres (375,924 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

SERIAL # 3:

Those portions of the Southwest Quarter of Section 25, Southeast Quarter of Section 26, Northeast Quarter of Section 35, and the Northwest Quarter of Section 36, all in Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 35 as bearing South 00°07'00" East and with all bearings contained herein relative thereto;

Beginning at the Northeast Corner of said Section 35; thence along the East line of said Northeast Quarter South 00°07'00" East 226.60 feet to the TRUE POINT OF BEGINNING; thence departing said East line South 08°28'04" East 347.88 feet, more or less, to a point on the Easterly right of way of North Garfield Avenue (U.S. Highway No. 287); thence along said Easterly right of way for the following two (2) courses and distances: North 00°10'10" West 570.39 feet; thence North 00°13'29" West 539.93 feet; thence departing said Easterly right of way North 14°42'08" West 200.00 feet, more or

less, to a point on the East line of the Southeast Quarter of said Section 26; thence departing said East line South $14^{\circ}15'10''$ West 200.00 feet, more or less, to a point on the Westerly right of way of said North Garfield Avenue; thence along said Westerly right of way South $00^{\circ}13'29''$ East 500.00 feet, more or less, to the intersection of said Westerly right of way of North Garfield Avenue and the Northerly right of way of West 57th Street; thence departing said Westerly right of way South $82^{\circ}02'13''$ West 300.19 feet, more or less, to a point on the South line of the Southeast Quarter of said Section 26; thence departing said South line South $82^{\circ}38'36''$ East 300.00 feet, more or less, to the intersection of said Westerly right of way of North Garfield Avenue and the Southerly right of way of West 57th Street; thence along said Westerly right of way South $00^{\circ}07'00''$ East 530.62 feet; thence departing said Westerly right of way North $08^{\circ}08'56''$ East 347.80 feet, more or less, to a point on the East line of the Northeast Quarter of said Section 35, said point also being the TRUE POINT OF BEGINNING.

The above described parcel contains 2.65 acres (115,501 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

SERIAL # 4:

Those portions of the Southwest Quarter of Section 25 and Southeast Quarter of Section 26, Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Southeast Quarter of said Section 26 as bearing North $00^{\circ}13'29''$ West and with all bearings contained herein relative thereto;

Beginning at the Southeast Corner of said Section 26; thence along the East line of said Southeast Quarter North $00^{\circ}13'29''$ West 733.58 feet to the TRUE POINT OF BEGINNING; thence departing said East line South $14^{\circ}15'10''$ West 200.00 feet, more or less, to a point on the Westerly right of way of North Garfield Avenue (U.S. Highway No. 287); thence along said Westerly right of way North $00^{\circ}13'29''$ West 125.38 feet, more or less, to a point on the Southerly line of said right of way of North Garfield Avenue (U.S. Highway No. 287); said Southerly line described in deed recorded in Book 878 at Page 121, records of said County; thence departing said Westerly right of way and along the Southerly and Westerly lines of said right of way of North Garfield Avenue (U.S. Highway No. 287) and along said parcel of land as described in deed recorded in Book 878 at Page 121 the following three (3) courses and distances: South $89^{\circ}34'43''$ West 8.00 feet; North $00^{\circ}13'29''$ West 150.02 feet; North $16^{\circ}08'31''$ East 28.39 feet, more or less, to a point on the Westerly right of way of North Garfield Avenue (U.S. Highway No. 287); thence departing said Westerly line of said right of way of North Garfield Avenue (U.S. Highway No. 287) and said parcel of land as described in deed recorded in Book 878 at Page 121 and along said Westerly line of said right of way of North Garfield Avenue (U.S. Highway No. 287) North $00^{\circ}13'29''$ West 126.75 feet, more or less, to a point on the Southerly right of way of North Garfield Avenue (U.S. Highway No. 287); said point also being the Southeast corner of that certain parcel of land as described in deed recorded in Book 1864 at Page 944, records of said County; thence

departing said Westerly line of said right of way of North Garfield Avenue (U.S. Highway No. 287) and along the Southerly, Westerly and Northerly right of way of North Garfield Avenue (U.S. Highway No. 287) and along said parcel of land as described in deed recorded in Book 1864 at Page 944 the following three (3) courses and distances: South 89°45'30" West 10.00 feet; North 00°13'56" West 279.30 feet; North 00°12'30" West 125.50 feet, more or less, to a point on the Southerly line of Parcel A of Wintergreen First Addition to the City of Loveland, County of Larimer, State of Colorado; thence departing said Westerly right of way of North Garfield Avenue (U.S. Highway No. 287) and said Westerly line of said parcel of land as described in deed recorded in Book 1864 at Page 944 and along said Southerly line of said Parcel A of Wintergreen First Addition and along the Easterly prolongation of said Southerly line of said Parcel A of Wintergreen First Addition North 89°46'31" East 110.00 feet, more or less, to a point on the Easterly right of way of said North Garfield Avenue (U.S. Highway No. 287); thence along said Easterly right of way South 00°13'29" East 834.16 feet; thence departing said Easterly right of way North 14°42'08" West 200.00 feet, more or less, to a point on the East line of the Southeast Quarter of said Section 26, said point also being the TRUE POINT OF BEGINNING.

The above described parcel contains 1.82 acres (79,098 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

SERIAL # 5:

Those portions of the Southeast Quarter of Section 26 and Northeast Quarter of Section 35, Township 6 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the North line of the Northeast Quarter of said Section 35 as bearing South 89°41'40" West and with all bearings contained herein relative thereto;

Beginning at the Northeast Corner of said Section 35; thence along the North line of said Northeast Quarter South 89°41'40" West 347.45 feet to the TRUE POINT OF BEGINNING; thence departing said North line North 82°02'13" East 300.19 feet, more or less, to the intersection of the Westerly right of way of North Garfield Avenue (U.S. Highway No. 287) and the Northerly right of way of West 57th Street; thence along the Northerly right of way of said West 57th Street South 89°41'40" West 1150.06 feet; thence departing said Northerly right of way South 00°18'20" East 80.00 feet, more or less, to a point on the Southerly right of way of said West 57th Street; thence along said Southerly right of way North 89°41'40" East 1149.87 feet, more or less, to the intersection of said Westerly right of way of North Garfield Avenue and said Southerly right of way of West 57th Street; thence departing said Southerly right of way North 82°38'36" West 300.00 feet, more or less, to a point on North line of the Northeast Quarter of said Section 35, said point being the TRUE POINT OF BEGINNING.

The above described parcel contains 1.84 acres (80,100 square feet), more or less, and is subject to all existing easements and/or rights of way of record.

AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: City Manager's Office

DESCRIPTION: Boards and Commissions Appointments

SUMMARY: Interviews were held for vacant seats on the Parks & Recreation Advisory Board. Noreen Flood and Rick Brent are recommended for reappointment to the Parks and Recreation Advisory Board for terms effective until December 31, 2008; Lori McWhinney is recommended for appointment to the Parks and Recreation Advisory Board a term effective until December 31, 2008.

At the January 3, 2006 meeting, Council approved second reading of an Ordinance increasing the membership of the Senior Advisory Board from 13 to 15. This was in response to the Board's recommendation is that it be allowed to nominate for approval by City Council for two-year terms two additional members, one coming from the Poudre Valley Hospital Aspen Club and the other coming from the McKee Medical Center Seasons Club. The Board is now recommending approval of Meghan Willis with the Aspen Club and Christie O'Hanlon with the Seasons Club for two-year terms effective until December 31, 2007.

**COUNCIL ACTION
RECOMMENDED:**

Motion to reappoint Noreen Flood to Parks and Recreation Advisory Board for a term effective until December 31, 2008.

Motion to reappoint Rick Brent to Parks and Recreation Advisory Board for a term effective until December 31, 2008.

Motion to appoint Lori McWhinney to Parks and Recreation Advisory Board for a term effective until December 31, 2008.

Motion to appoint Meghan Willis with the Aspen Club and Christie O'Hanlon with the Seasons Club to the Senior Advisory Board, each for two-year terms effective until December 31, 2007

**REVIEWED BY
CITY MANAGER:**



Department of Water and Power

Service Center • 200 North Wilson Avenue • Loveland, CO 80537
(970) 962-3000 • Fax (970) 962-3400 • TDD (970) 962-2620
www.cityofloveland.org

AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Water and Power

Ralph Mullinix, Director

Steve Adams, Water Utilities Manager

Steven Birdsall, Sr. Civil Engineer

DESCRIPTION:

Second Reading on Supplemental Budget & Appropriation #1 to the 2006 Budget for appropriation of \$2,200,000 for the construction of a 2.0 million gallon treated water storage tank and associated piping located near the Wal-Mart Distribution Center on Crossroads Blvd.

SUMMARY:

The Water Utilities must build an elevated water storage tank in the near future in order to adequately serve rapidly growing residential and commercial areas in east Loveland. Originally, a tank was projected for construction beginning in 2007, and therefore our 5 year budget had projected monies in 2007. Water demand has dictated that we build this tank one year earlier than anticipated in order to adequately serve the area. These improvements are currently envisioned and included in Resolution #R-30-2003, "RESOLUTION APPROVING PVH ANNEXATION AGREEMENT".

Water Utilities staff are currently negotiating an Intergovernmental Agreement (IGA) with the Fort Collins-Loveland Water District (FCLWD) which will allow us to construct an elevated water storage tank on a parcel of land owned by the FCLWD. The proposed improvements actually consist of the construction of two, 2.0 million gallon water tanks located near the Wal-Mart Distribution Center just south of Crossroads Boulevard. One tank will be funded by and be the sole property of the City of Loveland, and one tank will be funded by and be the sole property of the FCLWD. It is anticipated that the City and the FCLWD will enjoy a price break due to the ability of a contractor to build two tanks instead of one. In keeping with our long history of cooperative planning with the FCLWD, the water stored in both tanks will be available to each entity in the event of an emergency. The FCLWD also anticipates the removal of the existing 300,000 gallon elevated "spheroid" tank that currently exists on the site, although the timetable for the removal has not been set.



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Construction of this type of tank will require two warm weather construction seasons. In order to have the City's proposed tank ready to serve by mid 2007, the City and the FCLWD will jointly bid this project in late December, 2005, open bids in early January 2006, and award the project in late January, 2006. Award of the project will be dependant on approval of this Supplemental Appropriation.

The requested supplemental appropriation is in the amount of \$2,200,000. All funding is generated through System Impact Fees.

On January 3, 2006, City Council unanimously approved the first reading of the ordinance.

COUNCIL ACTION

RECOMMENDED: Approval of the Ordinance on Second Reading.

REVIEWED BY CITY MANAGER:

FIRST READING January 3, 2006

SECOND READING January 17, 2006

ORDINANCE NO.

AN ORDINANCE ENACTING SUPPLEMENTARY BUDGET AND
APPROPRIATION NO. 1 FOR THE CITY OF LOVELAND.

WHEREAS, the City has reserved funds on hand not appropriated at the time of the adoption of the City budget for 2006 and

WHEREAS, the City Council desires to authorize the expenditure of these reserved funds by enacting a supplementary budget and appropriation, as authorized by section 11-6 (a) of the City of Loveland Charter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That revenues in the amount of \$2,200,000 from cash on-hand are available in the Water Enterprise Fund 41. These revenues are appropriated for construction of a new water tank to serve the east side of the city. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget #1
Water Enterprise 041 - New Water Tank

Revenues

Fund Balance	2,200,000
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Total Revenue	2,200,000
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Appropriations

041-4610-409-09-52	Engineering Services	150,000
041-4610-409-09-60	Construction	2,050,000

Total Appropriations	2,200,000
-----------------------------	------------------

Section 2. That this Ordinance shall be effective as of the date and time of its final adoption as provided in Charter Section 11-5(d).

Signed this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

**INTERGOVERNMENTAL AGREEMENT
For Construction of Two Elevated Water Storage Tanks**

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made and entered into this ____ day of _____ 2006, by and between the CITY OF LOVELAND, COLORADO, a home rule municipality ("City"), and the FORT COLLINS-LOVELAND WATER DISTRICT, a quasi municipal corporation and political subdivision of the State of Colorado ("District").

WHEREAS, the City and the District each desire to construct its own elevated water storage tank to ensure their respective water supplies; and

WHEREAS, in order to conserve and maximize available financial resources, the parties desire to jointly construct said tanks as set forth below; and

WHEREAS, as governmental entities in Colorado, the City and the District are authorized, pursuant to C.R.S. §29-1-203, to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each; and

WHEREAS, the City and the District believe that their cooperation in this endeavor is in the best interests of their respective ratepayers.

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. Project. The parties hereby agree to construct two elevated water storage tanks and associated appurtenances on the terms and conditions set forth herein. Said tanks shall be located in Loveland, Colorado as more specifically described in Exhibit A, attached hereto and incorporated herein by reference. It is the intent of the parties that one of the tanks shall be owned and operated by the City, and one of the tanks shall be owned and operated by the District, as indicated on Exhibit B, attached hereto and incorporated herein by reference.

2. Engineering Costs. The District has contracted with TST, Inc. to provide engineering services for the project. The City agrees to reimburse the District for one-half of all past and future payments made to TST for such services. Payment shall be made net 30 days upon receipt of invoice.

3. Construction Contract. The District shall publicly bid the project and shall award the contract(s) to the lowest responsible bidder in accordance with the District's procurement rules. Notwithstanding the foregoing, the District shall consult with the City, and the District shall not award the contract(s) without the City's prior written approval; provided, however, that this condition shall not cause the District to violate the terms of the bid or the District's procurement rules. Both the District and the City shall be parties to the construction contract(s). The parties contemplate that the construction of the tanks shall take place under two bid schedules: one for the tank to be owned by the City and one for the tank to be owned by the District. Although the parties intend to share equally in all joint costs associated with the

construction, the City and the District agree that each shall be solely responsible for payment of all construction costs under their respective bid schedules and that any contract(s) shall clearly state their respective obligations. 4. Exclusive Utility Easement. Prior to construction, the District shall grant to the City an exclusive utility easement in a form mutually agreeable to the parties upon which the City may construct and maintain its water storage tank and associated appurtenances.

Deleted: ¶
¶

5. Appropriation. To the extent this Agreement constitutes a multiple fiscal year debt or financial obligation of the City or the District, it shall be subject to annual appropriation pursuant to Article X, Section 20 of the Colorado Constitution. Neither the City nor the District shall have any obligation to continue this Agreement in any fiscal year in which no such appropriation is made.

6. Governmental Immunity Act. No term or condition of this Agreement shall be construed or interpreted as a waiver, express or implied, of any of the immunities, rights, benefits, protections, or other provisions of the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 *et seq.*

7. Governing Law and Venue. This Agreement shall be governed by the laws of the State of Colorado, and venue shall be in the County of Larimer, State of Colorado. In addition, the parties recognize the legal constraints imposed upon them by the constitutions, statutes, and regulations of the State of Colorado and of the United States, and imposed upon the City by its Charter and Municipal Code, and, subject to such constraints, the parties intend to carry out the terms and conditions of this Agreement. Notwithstanding any other provision in this Agreement to the contrary, in no event shall either of the parties hereto exercise any power or take any action which shall be prohibited by applicable law.

8. Assignability. Neither party shall assign this Agreement without the other party's prior written consent.

9. Binding Effect. This Agreement shall be binding upon, and shall inure to the benefit of, the parties hereto and their respective successors and permitted assigns.

10. Construction. This Agreement shall be construed according to its fair meaning as if it was prepared by both of the parties hereto and it shall be deemed to contain and be the entire agreement of the parties relating to the subject matter hereof and, except as provided herein, may not be modified or amended except by written agreement of the parties.

11. Severability. In the event a court of competent jurisdiction holds any provision of this Agreement invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision of this Agreement.

12. Headings. Paragraph headings used in this Agreement are for convenience of reference and shall in no way control or affect the meaning or interpretation of any provision of this Agreement.

13. Notices. Written notices required under this Agreement and all other correspondence between the parties shall be directed to the following and shall be deemed received when hand-delivered or three (3) days after being sent by certified mail, return receipt requested:

If to the City:	Director of Water & Power City of Loveland 200 North Wilson Avenue Loveland, CO 80537
With a copy to:	City Attorney City of Loveland 500 East Third Street Loveland, CO 80537
If to the District:	District Manager Fort Collins-Loveland Water District 5150 Snead Drive Fort Collins, CO 80525
With a copy to:	Joseph H. Fonfara, Esq. Hasler, Fonfara & Maxwell 125 South Howes, Suite 600 Fort Collins, CO 80521

(Remainder of page left intentionally blank.)

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written.

CITY OF LOVELAND, COLORADO

By: _____

Title: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

FORT COLLINS – LOVELAND WATER DISTRICT

By: _____

Title: _____

STATE OF COLORADO)

) ss.

COUNTY OF _____)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2006, by _____ as _____ of the Fort Collins-Loveland Water District.

Witness my hand and official seal.

My commission expires _____.

Notary Public

AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Water and Power
Ralph Mullinix, Director
Steve Adams, Water Utilities Manager
Steven Birdsall, Sr. Civil Engineer

DESCRIPTION: Adoption of Resolution approving an agreement between the Fort Collins-Loveland Water District and the City of Loveland, Colorado for construction of two elevated water storage tanks.

SUMMARY: Water Utilities staff have negotiated an Intergovernmental Agreement (IGA) with the Fort Collins-Loveland Water District (FCLWD) which will allow us to construct an elevated water storage tank on a parcel of land owned by the FCLWD. Pursuant to the IGA, the FCLWD will grant to the City an exclusive utility easement on which to construct and maintain the City's elevated water storage tank. The attached Resolution would authorize the City Manager to negotiate and execute the easement on behalf of the City of Loveland. The proposed improvements consist of the construction of two, 2.0 million gallon water tanks located near the Wal-Mart Distribution Center just south of Crossroads Boulevard. One tank will be funded by and be the sole property of the City of Loveland, and one tank will be funded by and be the sole property of the FCLWD. In keeping with our long history of cooperative planning with the FCLWD, the water stored in both tanks will be available to each entity in the event of an emergency.

The IGA is attached to the Resolution as Exhibit A.

COUNCIL ACTION

RECOMMENDED: Approval of the Resolution.

.

REVIEWED BY CITY MANAGER:

FIRST READING January 17, 2006

SECOND READING _____

RESOLUTION #R_____

**A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE
FORT COLLINS-LOVELAND WATER DISTRICT AND THE CITY OF
LOVELAND, COLORADO FOR CONSTRUCTION OF TWO ELEVATED
WATER STORAGE TANKS**

WHEREAS, the City of Loveland and the Fort Collins-Loveland Water District (“District”) each desire to construct its own elevated water storage tank to ensure their respective water supplies; and

WHEREAS, in order to conserve and maximize available financial resources, the parties desire to jointly construct said tanks as set forth in the Intergovernmental Agreement, attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, as governmental entities in Colorado, the City of Loveland and the District are authorized, pursuant to C.R.S. §29-1-203, to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each; and

WHEREAS, the City Council believes that the City of Loveland’s cooperation in this endeavor is in the best interests of the ratepayers and citizens of the City of Loveland.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF LOVELAND, COLORADO:**

Section 1. That the Intergovernmental Agreement, attached hereto as Exhibit A and incorporated herein by reference, is hereby approved.

Section 2. That the Mayor and the City Clerk are hereby authorized and directed to execute the Intergovernmental Agreement on behalf of the City of Loveland.

Section 3. That the City Manager is hereby authorized and directed to negotiate and execute a utility easement in a form acceptable to the City Attorney in accordance with the Intergovernmental Agreement.

Section 4. That this Resolution shall take effect as of the date and time of its adoption.

Adopted this 17th day of January, 2006.

Larry D. Walsh, Mayor

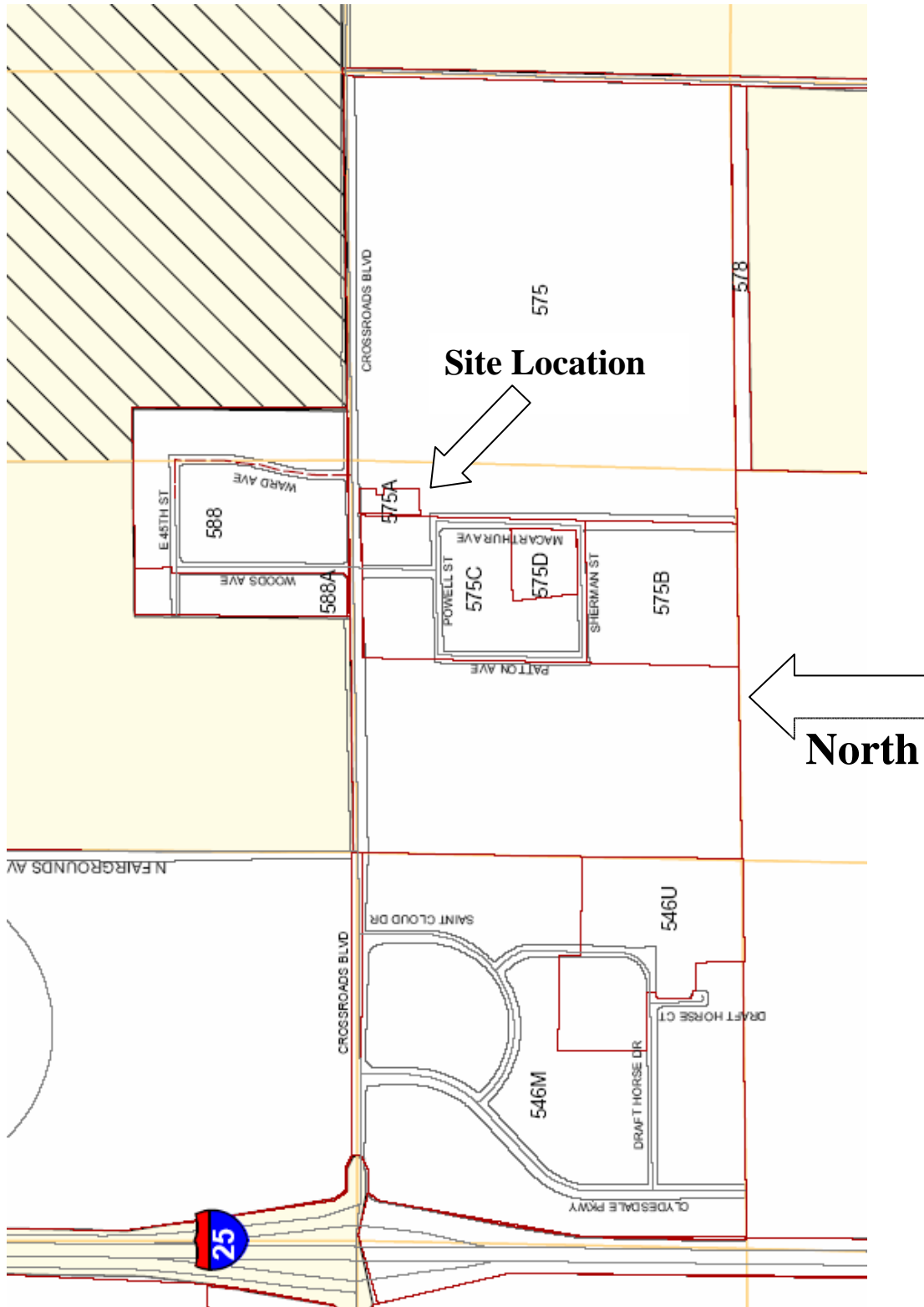
ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

Exhibit A







CITY OF LOVELAND
DEPARTMENT OF WATER & POWER
SERVICE CENTER

200 North Wilson, Bldg. #A • Loveland, Colorado 80537
(970) 962-3000 • (970) 962-3400 FAX • (970) 962-2620 TDD
www.ci.loveland.co.us

AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: W&P, Ralph Mullinix, Director
Steve Adams, Water Utilities Manager
Larry Howard, Sr. Civil Engineer/Water Resources

Ralph Mullinix
Steve Adams
Larry Howard

DESCRIPTION: **First Reading of "Ordinance to Apply and Contract for Beneficial Use of Water on Behalf of the City of Loveland, a Municipal Corporation, and Prescribing the Terms for Application for an Allocation of the Right to Use Colorado-Big Thompson Project Water to said City of Loveland by Northern Colorado Water Conservancy District"**

SUMMARY: The attached ordinance authorizes the Director of Water and Power to convert temporary use permits (TUP's) for Colorado-Big Thompson Project (C-BT) water acquired in 2005 into a permanent contract. Once approved, the City will be allowed each year to take delivery of the water it would have normally received under the TUP's.

The City of Loveland currently holds 130 acre-foot units of C-BT Project water in the form of TUP's. In the past, the City could renew these TUP's annually and then obtain a contract at the City's leisure. A change in Northern Colorado Water Conservancy District (District) policy, explained below, now requires municipal and industrial allottees to convert the TUP's into a Section 131 Contract prior to the start of the following water year after acquisition. ("Section 131" refers to that section in the Water Conservancy Act of Colorado, Title 31, Article 43, Colorado Revised Statutes of 1973.) No annual renewals will be allowed. This requirement is related to the rules imposed on municipalities under the Taxpayer's Bill of Rights (TABOR) amendment. Failure to convert the TUP's will result in the District's refusal to deliver the water.

The required ordinance is attached for your consideration (The "Order on Application" section is only for the District Board to take action.) Once signed by the City, the ordinance must be submitted to the District for consideration at their District Board meeting. Once the District signs the "Order on Application" this document becomes the Section 131 Contract.

CITY COUNCIL

RECOMMENDATION: **Approve the attached ordinance converting 130 TUP's held by the City into the Section 131 Contract.**

REVIEWED BY CITY MANAGER:



Printed on
Recycled Paper

FIRST READING January 17, 2006

SECOND READING _____

ORDINANCE NO. _____

**AN ORDINANCE TO APPLY AND CONTRACT FOR BENEFICIAL USE
OF WATER ON BEHALF OF THE CITY OF LOVELAND, A
MUNICIPAL CORPORATION, AND PRESCRIBING THE TERMS FOR
APPLICATION FOR AN ALLOCATION OF THE RIGHT TO USE
COLORADO-BIG THOMPSON PROJECT WATER TO SAID CITY OF
LOVELAND BY NORTHERN COLORADO WATER CONSERVANCY
DISTRICT**

WHEREAS, under the Water Conservancy Act of Colorado, Title 37, Article 45, Colorado Revised Statutes of 1973, it is necessary that the City Council of the City of Loveland, a Colorado municipal corporation (hereinafter called “Applicant”), in order to obtain the perpetual right to use Colorado-Big Thompson Project water on an annually renewable basis under C.R.S. § 37-45-131 within the boundaries of the Northern Colorado Water Conservancy District, by contract for the beneficial use of water from Northern Colorado Water Conservancy District, shall by ordinance authorize and direct the Director of the Department of Water and Power to apply to the Board of Directors of said District for such water contract.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF LOVELAND, COLORADO:**

Section 1. That the City of Loveland has determined to apply for a contract providing for the beneficial use of one-hundred-thirty (130) acre-feet of water from the Northern Colorado Water Conservancy District within the boundaries of the Northern Colorado Water Conservancy District.

Section 2. That the Director of the Department of Water and Power be and is hereby authorized and directed to apply to the Board of Directors of said Northern Colorado Water Conservancy District for a contract providing to the Applicant the beneficial use of water upon the terms prescribed by said Board in the manner and form as in this section provided, to-wit:

APPLICATION TO
NORTHERN COLORADO WATER CONSERVANCY DISTRICT
FOR ANNUALLY RENEWABLE
PERPETUAL WATER CONTRACT FOR RIGHT TO USE
COLORADO-BIG THOMPSON PROJECT WATER
UNDER C.R.S. § 37-45-131

Applicant, City of Loveland, the governing body of a Colorado municipal corporation acting in its governmental capacity or as governing body of a water activity enterprise (circle capacity in which governing body is acting), hereby applies to the Northern Colorado Water Conservancy District, a political subdivision of the State of Colorado, organized and existing by virtue of Title 37, Article 45, Colorado Revised Statutes, 1973, for a contract for the right to beneficially use Colorado-Big Thompson Project water under the following terms and conditions:

1. The quantity of water herein requested by Applicant for annual application to beneficial use is one-hundred-thirty (130) acre-feet to be used so long as the Applicant fully complies with all of the terms, conditions, and obligations hereinafter set forth.
2. It is understood and agreed by the Applicant that any water provided for use under this contract by the Board of Directors of said District shall be primarily for domestic, irrigation, or industrial use within or through facilities or upon lands owned or served by said Applicant, provided however, that all lands, facilities, and serviced areas which receive benefit from the use of water (whether water service is provided by direct delivery, by exchange, or otherwise) shall be situated within the boundaries of the Northern Colorado Water Conservancy District.
3. Applicant agrees that an acre-foot of water as referred to herein is defined as being one-three-hundred-ten thousandth ($1/310,000$) of the quantity of water annually declared by the Board of Directors of the District to be available for delivery from the water supplies of the District. Applicant agrees that such water shall be delivered from the works of the District at such existing District delivery point or points as may be specified by the Applicant and that the water delivery obligation of the District shall terminate upon release of water from said works. Further, the Applicant agrees that on November 1 of each year, any water undelivered from the annual quantity made available to the Applicant shall revert to the water supplies of the District.
4. Applicant agrees to pay annually in advance for the amount of water herein provided for use under this contract by the Board of Directors of said District at a price per acre-foot to be fixed annually by said Board; and, further, agrees that the initial annual payment shall be made, in full, within fifteen (15) days after the date of notice from the District that the initial payment is due hereunder. Said notice will advise the Applicant, among other things, of the water year to which the initial payment shall apply and the price per acre-foot which is applicable to that year. Annual payments for each water year thereafter shall be made in advance by the Applicant on or before each October 1, thirty-one (31) days prior to the start of the water year, at the rate per acre-foot established by the Board for municipal water use in that water year. For the purpose of this water contract, the water year is defined to be from November 1 to October 31 of the following year.

If an annual payment as herein provided is not made by the due date, written notice thereof, by certified mail, will be given by said District to the Applicant at

the following address: 200 North Wilson Avenue, Loveland, CO 80537.

Water deliveries shall be suspended as of November 1 of the new water year until payment of the delinquency is made. If payment is not made within ninety (90) days after the date of mailing of said written notice, Applicant shall have no further right, title, or interest under this contract; and the right of use of water as herein made, shall be disposed of at the discretion of the Board of Directors of said District in accordance with the applicable provisions of C.R.S. Sections 37-45-132 and 7-42-104. Any proceeds from any sale of the right of use to another allottee shall be paid to Applicant over and above the District's actual expense in terminating and disposing of the contract right of use.

5. This right of use shall be perpetual on an annually renewable basis. If the annual payment is made as provided in this application, the right of use shall be automatically renewed another water year without any further action of the District; if the annual payment is not timely made, as provided above, the right of use shall terminate.
6. Applicant agrees that the water allocation shall be beneficially used for the purposes and in the manner specified herein, and that this right of use is made for the exclusive benefit of the Applicant and shall not inure to the benefit of any successors or assigns of said Applicant without prior specific approval of the Board of Directors of said District.
7. Applicant agrees to be bound by the provisions of the Water Conservancy Act of Colorado; by Section 37-45-131; by the Rules and Regulations and policies of the Board of Directors of said District; and by the Repayment Contract of July 5, 1938 between said District and the United States and all amendments thereof and supplements thereto.
8. Applicant agrees, as a condition of this contract, to enter into an "Operating Agreement" with said District if and when the Board of said District finds and determines that such an agreement is required by reason of additional or special services requested by the Applicant and provided by the District. Said agreement may contain, but not be limited to, provision for water delivery at times or by means not provided within the terms of standard contracts of the District; additional annual monetary consideration for extension of District delivery services and for additional administration, operation, and maintenance costs; or for other costs to the District which may arise through provision of services to the Applicant.

Section 3. That the Director of the Department of Water and Power be and is hereby authorized to execute any other documents required by the District to effectuate the contract.

Section 4. That this Ordinance shall be effective ten days after its publication after adoption on second reading as provided in Loveland Charter Section 4-8(b).

Signed this ____ day of February, 2006.

Larry D. Walsh, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

ORDER ON APPLICATION

Application having been made by or on behalf of all parties interested in this allocation of the right to use Colorado-Big Thompson Project water and after a Hearing by the Board, it is hereby ORDERED that the above application be granted and an allotment contract for one-hundred-thirty (130) acre-feet of water is hereby made to the City of Loveland, a Colorado municipal corporation, for the beneficial uses set forth in said application upon the terms, conditions, and manner of payment as therein specified.

NORTHERN COLORADO WATER CONSERVANCY DISTRICT

By _____
President

I hereby certify that the above Order was entered by the Directors of Northern Colorado Water Conservancy District on the _____ day of _____ A.D., 2006.

ATTEST: _____
Acting Secretary

AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Finance Department / Water and Power
Alan Krcmarik, Finance Manager
Ralph Mullinix, Water and Power Director
Erick Rheam, Key Accounts Manager

DESCRIPTION: Public Hearing and First Reading on proposed changes to the *Interruptible 115 kV Transmission Voltage Service, Schedule IP Rate* for qualifying electric utility customers.

SUMMARY: Platte River Power Authority (PRPA), the wholesale power provider, allows the City of Loveland the opportunity to provide specific contract electric rates to qualifying customers in exchange for the option to intentionally interrupt the customer's electric service.

PRPA provides this opportunity through its tariff rate structure, and has recently changed some of the variables in their interruptible tariff. Enclosed is the proposed new rate to account for those changes.

The new rate is arranged to be more flexible so that it can adjust with future changes in PRPA's tariff structures, but allow the City of Loveland to ensure its costs are always covered.

Enclosed in this packet is the resolution adopting the revised *Interruptible 115 kV Transmission Voltage Service, Schedule IP Rate*, and PRPA's Tariff Schedule 9.

COUNCIL ACTION

RECOMMENDED: Public Hearing and approval of the rate on First Reading.

**REVIEWED BY
CITY MANAGER:**

FIRST READING January 17, 2006

SECOND READING _____

RESOLUTION #R- _____

**A RESOLUTION ADOPTING ELECTRIC RATE SCHEDULE IP,
INTERRUPTIBLE 115 KV TRANSMISSION VOLTAGE SERVICE,
AND SUPERSEDING ALL PRIOR RESOLUTIONS
ESTABLISHING SAID RATE**

WHEREAS, the Loveland Municipal Charter and Code provide that all utility rates, charges, and fees of the City shall be set by resolution upon two readings of the City Council; and

WHEREAS, City staff has presented to the City Council a revised electric rate schedule IP for interruptible 115 kV transmission voltage service, a copy of which is attached hereto as Exhibit A and incorporated herein by reference ("Rate Schedule IP"); and

WHEREAS, the City Council believes that adoption of the revised Rate Schedule IP is in the best interests of the ratepayers and citizens of the City of Loveland.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LOVELAND, COLORADO:**

Section 1. That Rate Schedule IP, attached hereto as Exhibit A, is hereby adopted.

Section 2. That this Resolution shall supersede in all respects all previous resolutions of the City Council which set the rate now being set.

Section 3. That this Resolution shall be effective as of the date of its adoption on second reading as provided in the Loveland Municipal Code.

Adopted this ____ day of February, 2006.

Larry D. Walsh, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Parks and Recreation
Golf Division

DESCRIPTION:

Public Hearing and First Reading for Supplemental Budget & Appropriation #3 for the Golf Enterprise Fund to fund a PGA Class A golf professional, an assistant golf professional as well as part-time positions (2.92 FTE) to operate the Mariana Butte Golf Course Pro Shop.

SUMMARY:

Golf professional, Kent Heusinkveld requested early termination of his contract in October, 2005 and since then staff has been self-operating the pro-shop while researching options for operation in 2006. Four options were considered, researched and financial projection made for operation:

- Operate the Clubhouse as in the past with an independent contractor managing the Pro Shop and Food & Beverage service;
- Lease the Pro Shop and Food & Beverage service to a Golf Lease Company;
- Operation of the Pro Shop and Food & Beverage service by the City of Loveland;
- Self-operate the Pro Shop with staff and securing an independent contractor to operate the Food & Beverage service.

Hiring a Class A Golf Professional and staff for operating the clubhouse and golf scheduling services in addition to selecting an independent contractor for the food and beverage services provides several benefits over other options and is the option preferred. Staff projects little to no financial impact as revenues from merchandise sales as well as a percentage of food and beverage sales revenues will offset the annual personnel and merchandise costs.

All options were reviewed with the Golf Advisory Board, with unanimous support for the option requested for funding.

COUNCIL ACTION

REQUESTED: Public Hearing and approval of the Ordinance on First Reading.

**REVIEWED BY
CITY MANAGER:**

FIRST READING January 17, 2006

SECOND READING _____

ORDINANCE NO.

AN ORDINANCE ENACTING SUPPLEMENTARY BUDGET AND
APPROPRIATION NO. 3 FOR THE CITY OF LOVELAND 2006 BUDGET.

WHEREAS, the City will receive funds not anticipated or appropriated at the time of the adoption of the City budget for 2006, and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplementary budget and appropriation, as authorized by section 11-6 (d) of the City of Loveland Charter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That revenues in the amount of \$274,470 from merchandise sales, fees for lessons and food and beverage sales resulting from the operation of the Marianna Butte Golf Course Clubhouse will be available. These revenues are appropriated for two new full time positions, seasonal staffing, and inventory for the Pro Shop for the City operation of the Clubhouse. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget #3
Golf Enterprise Fund 51 - Marianna Butte Clubhouse Operation

Revenues

051-0000-348-02-61	Pro Shop Taxable Revenue	203,930
051-0000-348-02-62	Pro shop Non-taxable Revenue	21,500
051-0000-348-02-63	Credit Card Fees	(3,460)
051-0000-348-02-64	Snack Bar Taxable Sales	52,500

Total Revenue **274,470**

Appropriations

051-5108-409-01-11	Salaries - Full Time	87,170
051-5108-409-01-12	Salaries -Part Time/Temporary	55,600
051-5108-409-01-43	Insurance Benefits	21,600
051-5108-409-01-44	FICA	10,920
051-5108-409-01-45	Pension & Retirement	2,180
051-5108-409-02-99	Other Supplies	136,000
051-5108-409-03-50	Professional Services	(39,000)

Total Appropriations **274,470**

Section 2. That this Ordinance shall be effective as of the date and time of its final adoption as provided in Charter Section 11-5(d).

Signed this ____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Finance Department/Accounting, Jeff Barnes

DESCRIPTION: December 2005 Financial Report – Highlights

SUMMARY:

Based on preliminary data through December, City finances are on track with the 2005 budget both for revenue and expenditures. At \$81,074,825, revenue from the city's general government operations is 100.7% of the annual budget of \$80,522,270. Operating expenditures are at 90.1% of the budget. \$60,042,077 has been spent compared to a budget of \$66,654,990. Both revenue and expenditures will increase as receivables and payables are recorded as part of the yearend process.

For the enterprise activities, charges for services and other revenues are 101.9% of budget - \$69,768,702 collected compared to a budget of \$68,495,290. Operating expenditures are at 96.7% of budget. \$45,586,154 has been spent compared to a budget of \$47,132,340.

Sales and use taxes are the most significant components of General Fund revenue. On a combined basis, Sales and Use Taxes are \$284,700 (0.9%) below budget projections. However, the booking of taxes receivable to bring the final sales and use tax numbers closer to or above the budget projections. Last year, the impact of this process added \$295,000 of sales tax revenue. This year the process will include activity at the Promenade Shops for sales in December that the City receives sales taxes for in January. The full impact of the Promenade Shops is already included in the annual sales tax budget. The table below summarizes the preliminary activity for the year.

	<u>December</u>		<u>Year-to Date</u>	
	<u>2005</u>	<u>2004</u>	<u>2005</u>	<u>2004</u>
<u>Sales Tax</u>				
Budget			24,858,020	
Actual	2,098,525	1,864,052	24,492,633	22,944,885
Percent Change	12.58%		6.75%	
<u>Use Taxes:</u>				
Motor Vehicle				
Budget			2,522,870	
Actual	145,569	198,029	2,256,175	2,278,568
Percent Change	-26.49%		-0.98%	
Building Materials				
Budget			3,141,900	
Actual	193,518	218,512	3,489,305	3,129,726
Percent Change	-11.44%		11.49%	
<u>Combined</u>				
Budget			30,522,790	
Actual	2,437,612	2,280,593	30,238,113	28,353,179
Percent Change	6.89%		6.65%	

The increase in health claims cost has decreased in recent months. After a 40% increase in these for in 2004 compared to 2003 and an increase in the 2005 costs compared to 2004 of 27% through May, the increase now stands at less than 7% and is within the original budget for health claims.

The city routinely spends a considerable portion of the annual budget on capital projects. To date, \$29 million has been spent on current projects. The largest of these has been the Youth Sports Complex, Taft Avenue improvements and the annual street rehab program.

The City's cash and investment balance was \$166,345,007. Of that amount \$127,212,372 was restricted or reserved and the remaining \$39.132.635 was unrestricted within the appropriate funds.

COUNCIL ACTION

RECOMMENDED: Information only

REVIEWED BY CITY MANAGER:

CITY OF LOVELAND
COMBINED STATEMENT OF REVENUES AND BUDGET COMPARISONS
FOR THE PERIOD 1/1/05 THROUGH 12/31/05

		DECEMBER ACTUAL	JAN - DEC ACTUAL	ANNUAL BUDGET	% of Budget
REVENUES OUTSIDE SOURCES					
GENERAL FUND					
1	SALES TAXES	\$ 2,098,525	\$ 24,492,633	24,858,020	98.5%
2	USE TAXES	339,087	5,745,480	5,664,770	101.4%
3	PROPERTY TAXES	44,595	5,924,087	5,831,860	101.6%
4	ALL OTHER	1,155,523	15,704,362	13,584,740	115.6%
5	SPECIAL REVENUE	16,645	492,998	832,000	59.3%
6	CAPITAL PROJECTS	923,400	14,549,097	14,491,730	100.4%
7	OTHER ENTITIES	230,502	2,058,093	2,894,190	71.1%
8	INTERNAL SERVICE	1,211,697	12,003,332	12,254,490	98.0%
9	SUBTOTAL GENERAL GOV'T	6,019,974	80,970,082	80,411,800	100.7%
ENTERPRISE					
10	WATER & POWER	4,203,033	57,956,886	57,171,740	101.4%
11	STORMWATER	341,268	4,290,931	4,034,000	106.4%
12	GOLF	29,266	3,488,501	3,478,130	100.3%
13	SOLID WASTE	344,727	4,032,384	3,811,420	105.8%
14	SUBTOTAL ENTERPRISE	4,918,294	69,768,702	68,495,290	101.9%
FIDUCIARY					
15	PERPETUAL CARE	7,533	104,743	110,470	94.8%
TOTAL REVENUES FROM OUTSIDE SOURCES					
16		10,945,801	150,843,527	149,017,560	101.2%
PRIOR YEAR EXTERNAL REVENUE			136,980,445		
INCREASE FROM PRIOR YEAR			10.1%		
REVENUES FROM INTERNAL TRANSFERS					
GENERAL FUND					
17	PILT	233,004	3,171,160	3,238,290	97.9%
18	CAPITAL PURCHASES	-	1,011,800	1,011,800	100.0%
19	SPECIAL REVENUE	168,451	2,029,530	2,029,530	100.0%
20	CAPITAL PROJECTS	-	8,008,119	21,721,870	36.9%
21	INTERNAL SERVICE	663,173	8,008,660	9,082,470	88.2%
22	WATER & POWER	15,264	1,003,910	1,003,910	100.0%
23	STORMWATER	-	6,540	6,540	100.0%
24	TOTAL INTERNAL TRANSFER	1,079,892	23,239,719	38,094,410	61.0%
25	GRAND TOTAL REVENUES	\$ 12,025,693	\$ 174,083,246	187,111,970	93.0%

CITY OF LOVELAND
COMBINED STATEMENT OF EXPENDITURES AND BUDGET COMPARISONS
FOR THE PERIOD 1/1/05 THROUGH 12/31/05

	DECEMBER ACTUAL	JAN - DEC ACTUAL	ANNUAL BUDGET	Expenditures as % of Budget	
EXPENDITURES (EXCEPT INTERNAL TRANSFERS)					
1	GENERAL FUND	\$ 3,303,791	37,423,935	41,014,890	91.2%
2	SPECIAL REVENUE	193,326	2,373,604	2,933,740	80.9%
3	OTHER ENTITIES	212,440	1,474,817	2,369,140	62.3%
4	INTERNAL SERVICE	1,460,199	18,769,721	20,337,220	92.3%
5	SUBTOTAL GENERAL GOV'T	5,169,756	60,042,077	66,654,990	90.1%
ENTERPRISE					
6	WATER & POWER	3,254,152	38,685,072	40,228,060	96.2%
7	STORMWATER	110,015	1,316,174	1,204,650	109.3%
8	GOLF	164,306	2,546,191	2,634,720	96.6%
9	SOLID WASTE	307,628	3,038,717	3,064,910	99.2%
10	SUBTOTAL ENTERPRISE	3,836,101	45,586,154	47,132,340	96.7%
CAPITAL EXPENDITURES					
11	GENERAL FUND CAPITAL	246,668	847,494	1,227,110	69.1%
12	CAPITAL PROJECTS	1,157,349	13,487,375	28,331,660	47.6%
13	WATER & POWER	661,322	9,997,517	28,164,060	35.5%
14	STORMWATER	87,553	3,978,984	4,811,220	82.7%
15	GOLF	40,386	563,370	1,331,120	42.3%
16	SOLID WASTE	33,398	151,712	200,200	75.8%
17	TOTAL CAPITAL	2,226,676	29,026,452	64,065,370	45.3%
TOTAL EXPENDITURES EXCLUDING					
18	INTERNAL TRANSFERS	11,232,533	134,654,683	177,852,700	75.7%
PRIOR YEAR EXTERNAL EXPENDITURES		144,544,359			
INCREASE (-DECREASE) FROM PRIOR YEAR		-6.8%			
INTERNAL TRANSFERS					
19	GENERAL FUND	663,688	13,005,838	16,584,980	78.4%
20	CAPITAL PROJECTS	-	4,771,785	15,398,540	31.0%
21	INTERNAL SERVICE	7,480	166,670	370,050	45.0%
ENTERPRISE					
23	WATER & POWER	317,020	4,158,689	4,511,170	92.2%
24	STORMWATER	33,207	394,853	415,960	94.9%
25	GOLF	16,940	267,630	297,440	90.0%
26	SOLID WASTE	41,557	474,254	516,270	91.9%
27	TOTAL INTERNAL TRANSFERS	1,079,892	23,239,719	38,094,410	61.0%
28	TOTAL EXPENDITURES	\$ 12,312,425	157,894,402	215,947,110	73.1%

**City of Loveland
Statement of Cash Flows
December, 2005**

	Availability	Balance 11/30/2005	December Activity	Balance 12/31/2005	Balance 1/1/2005	Year to Date Activity	Balance 12/31/2005
Restricted							
1	Capital Expansion Fees	44,248,547	251,985	44,500,532	38,082,295	6,418,237	44,500,532
2	Other Special Revenue Funds	12,310,958	676,792	12,987,750	10,428,119	2,559,631	12,987,750
3	Capital (current projects)	(1,348,078)	(818,098)	(2,166,176)	2,211,535	(4,377,711)	(2,166,176)
4	Required Debt Reserves	223,500	-	223,500	223,500	-	223,500
5	Utilities						
6	Water SIF	10,973,436	169,472	11,142,908	9,930,919	1,211,989	11,142,908
7	Raw Water	10,950,681	70,721	11,021,402	9,894,932	1,126,470	11,021,402
8	Windy Gap	7,748,686	21,997	7,770,683	7,527,199	243,484	7,770,683
9	Wastewater SIF	5,240,416	98,477	5,338,893	3,383,956	1,954,937	5,338,893
10	Storm Drainage SIF	2,339,124	40,563	2,379,687	1,016,011	1,363,676	2,379,687
11	Power SIF	4,576,504	112,422	4,688,926	3,124,343	1,564,583	4,688,926
12	Fiduciary	1,702,269	7,532	1,709,801	1,605,059	104,742	1,709,801
13	Other Entities	899,774	(437,175)	462,599	318,316	144,283	462,599
14	Total Restricted	<u>99,865,817</u>	<u>194,688</u>	<u>100,060,505</u>	<u>87,746,184</u>	<u>12,314,321</u>	<u>100,060,505</u>
Reserve Balance Amounts							
15	General Fund						
16	Operating/Emergency	1,325,480	-	1,325,480	1,325,480	-	1,325,480
17	Council Contingency	100,000	-	100,000	100,000	-	100,000
18	Council Capital Reserve	3,707,097	125,667	3,832,764	4,060,764	(228,000)	3,832,764
19	Liability	125,000	-	125,000	125,000	-	125,000
20	Equipment Replacement	250,000	-	250,000	250,000	-	250,000
21	Excess TABOR	4,678,457	-	4,678,457	4,678,457	-	4,678,457
22	Water	1,080,400	-	1,080,400	1,080,400	-	1,080,400
23	Wastewater	642,200	-	642,200	642,200	-	642,200
24	Storm Water	234,000	-	234,000	234,000	-	234,000
25	Power	4,883,100	-	4,883,100	4,883,100	-	4,883,100
26	Solid Waste	531,000	-	531,000	531,000	-	531,000
27	Golf	725,100	-	725,100	725,100	-	725,100
28	Internal Service						
29	Insurance Reserves	4,692,626	1,240	4,693,866	4,400,000	293,866	4,693,866
30	Equipment Replacement	4,050,500	-	4,050,500	4,050,500	-	4,050,500
31	Total Reserves	<u>27,024,960</u>	<u>126,907</u>	<u>27,151,867</u>	<u>27,086,001</u>	<u>65,866</u>	<u>27,151,867</u>
32	Total Restricted/Reserved	<u>126,890,777</u>	<u>321,595</u>	<u>127,212,372</u>	<u>114,832,185</u>	<u>12,380,187</u>	<u>127,212,372</u>
Unrestricted							
33	General	7,196,716	881,867	8,078,583	1,375,822	6,702,761	8,078,583
34	Internal Service	2,874,629	(52,349)	2,822,280	1,992,165	830,115	2,822,280
35	Golf	1,030,854	(56,372)	974,482	838,455	136,027	974,482
36	Water & Power	26,091,843	(278,816)	25,813,027	25,755,208	57,819	25,813,027
37	Stormwater	(526,061)	66,555	(459,506)	2,577,227	(3,036,733)	(459,506)
38	Solid Waste	1,818,872	84,897	1,903,769	1,502,527	401,242	1,903,769
39	Total Unrestricted	<u>38,486,853</u>	<u>645,782</u>	<u>39,132,635</u>	<u>34,041,404</u>	<u>5,091,231</u>	<u>39,132,635</u>
Total Cash		<u>165,377,630</u>	<u>967,377</u>	<u>166,345,007</u>	<u>148,873,589</u>	<u>17,471,418</u>	<u>166,345,007</u>

CITY OF LOVELAND
SUMMARY OF INVESTMENTS
December 31, 2005

TYPE OF INVESTMENT	DATE INVESTED	MATURITY DATE	FACE VALUE	PURCHASE PRICE	MARKET VALUE	UNREALIZED GAIN/(LOSS)	STATED RATE	EFFECTIVE YIELD
MONEY MARKET FUNDS								
CITIBANK HEALTH ACCOUNT			\$ 165,000	\$ 165,000		-		
GENERAL ACCOUNT			8,775,832	8,775,832		-		
COLORADO DIVERSIFIED TRUST			17,294,686	17,294,686		-		
TOTAL MONEY MARKET TYPE INVESTMENTS			26,235,518	26,235,518		-		
INVESTMENTS - (All AAA rated)								
FNMA	22-Dec-03	15-Jan-06	\$ 3,000,000	\$ 2,995,380	\$ 2,997,180	\$ 1,800	2.000%	2.07%
FHLB	21-Aug-02	20-Jan-06	2,000,000	2,145,270	2,000,620	(144,650)	5.370%	3.25%
FHLB	01-Mar-05	06-Mar-06	1,000,000	1,017,183	1,000,630	(16,553)	5.125%	3.43%
Treasury Note	06-May-04	15-May-06	2,000,000	2,090,703	2,002,040	(88,663)	4.625%	2.39%
Treasury Note	17-Sep-03	15-Aug-06	3,150,000	3,174,609	3,111,255	(63,354)	2.375%	2.11%
Treasury Note	17-Sep-03	15-Nov-06	3,000,000	3,114,492	2,976,450	(138,042)	3.500%	2.29%
FHLB	23-Mar-05	22-Dec-06	2,000,000	1,998,060	1,981,880	(16,180)	3.500%	3.56%
FFCB	30-Sep-05	26-Jan-07	500,000	494,275	493,595	(680)	3.520%	4.39%
FHLB	10-Mar-03	15-Feb-07	2,000,000	2,034,220	1,958,760	(75,460)	2.875%	2.44%
FHLB	30-Sep-05	15-Feb-07	250,000	251,470	250,235	(1,235)	4.875%	4.45%
FNMA	19-Sep-03	15-Jul-07	3,000,000	3,149,063	2,977,500	(171,563)	4.250%	2.95%
FHLB	07-Mar-03	15-Aug-07	2,000,000	2,088,906	1,969,380	(119,526)	3.750%	2.75%
FFCB	26-Sep-05	28-Aug-07	3,000,000	3,005,910	2,974,680	(31,230)	4.200%	4.10%
Treasury Note	07-Mar-03	15-Nov-07	3,000,000	3,067,266	2,925,240	(142,026)	3.000%	2.52%
FNMA	07-Mar-03	15-Nov-07	2,000,000	2,046,016	1,946,880	(99,136)	3.250%	2.76%
FHLB	28-Sep-05	28-Dec-07	3,000,000	2,999,520	2,976,570	(22,950)	4.125%	4.13%
FHLMC	28-Dec-05	28-Dec-07	500,000	500,000	499,485	(515)	5.000%	5.00%
FNMA	07-Mar-03	15-Jan-08	3,000,000	3,061,055	2,914,680	(146,375)	3.250%	2.83%
FNMA	28-Mar-03	28-Jan-08	3,000,000	3,024,375	2,927,820	(96,555)	3.500%	3.33%
Treasury Note	18-Feb-03	15-Feb-08	3,000,000	2,997,930	2,915,520	(82,410)	3.000%	3.01%
FHLB	10-Mar-03	15-Feb-08	3,000,000	3,071,160	2,916,570	(154,590)	3.375%	2.89%
FHLMC	19-May-03	25-Feb-08	3,000,000	3,034,620	2,905,320	(129,300)	3.250%	3.01%
FHLB	19-May-03	14-Mar-08	3,000,000	3,021,093	2,877,180	(143,913)	2.750%	2.60%
FHLMC	07-Mar-03	15-Mar-08	4,000,000	3,990,000	3,837,520	(152,480)	2.750%	2.80%
FHLMC	16-May-03	01-Apr-08	3,000,000	3,055,320	2,921,250	(134,070)	2.750%	2.37%
Treasury Note	19-May-03	15-May-08	2,000,000	2,013,438	1,921,260	(92,178)	2.625%	2.49%
FHLB	18-Sep-03	15-Jul-08	3,100,000	3,010,457	2,949,836	(60,621)	2.625%	3.22%
FNMA	18-Sep-03	15-Aug-08	3,000,000	2,975,211	2,892,180	(83,031)	3.250%	3.42%
FHLMC	18-Sep-03	15-Sep-08	3,100,000	3,131,484	3,013,789	(117,695)	3.625%	3.42%
Treasury Note	17-Sep-03	15-Sep-08	3,100,000	3,096,125	3,001,079	(95,046)	3.125%	3.15%
FNMA	26-Sep-03	15-Sep-08	2,000,000	2,007,500	1,949,380	(58,120)	3.750%	3.67%
Treasury Note	27-Apr-05	15-Nov-08	3,000,000	3,092,930	3,028,830	(64,100)	4.750%	3.88%
FHLMC	26-Jan-04	26-Jan-09	3,000,000	2,997,188	2,996,850	(338)	3.000%	3.02%
FNMA	25-Feb-04	13-Feb-09	3,000,000	2,990,625	2,992,500	1,875	2.500%	2.56%
FNMA	29-Oct-04	15-Feb-09	3,000,000	2,965,860	2,873,430	(92,430)	3.250%	3.51%
FHLMC	19-Aug-04	15-Apr-09	3,000,000	2,957,769	2,878,140	(79,629)	3.375%	3.68%
Treasury Note	27-Apr-05	15-Apr-09	3,000,000	2,917,148	2,886,090	(31,058)	3.125%	3.82%
FNMA	05-May-04	05-May-09	3,000,000	3,000,000	2,976,570	(23,430)	3.000%	3.00%
FNMA	19-Aug-04	15-May-09	3,000,000	3,067,362	2,955,930	(111,432)	4.250%	3.78%
FHLB	29-Oct-04	15-May-09	3,000,000	3,079,305	2,955,000	(124,305)	4.250%	3.67%
Treasury Note	06-Oct-04	15-Jun-09	2,000,000	2,048,750	1,975,700	(73,050)	4.000%	3.48%
FHLMC	19-Aug-04	15-Jul-09	3,000,000	3,062,718	2,953,140	(109,578)	4.250%	3.82%
FFCB	15-Jul-05	17-Jul-09	3,000,000	2,995,860	2,940,000	(55,860)	4.125%	4.16%
FHLB	24-Aug-04	18-Aug-09	3,000,000	2,996,910	2,902,500	(94,410)	3.750%	3.77%
FHLB - STEP	21-Sep-04	21-Sep-09	1,200,000	1,200,000	1,186,416	(13,584)	3.250%	3.25%
Treasury Note	15-Oct-04	15-Oct-09	3,000,000	2,982,935	2,896,980	(85,955)	3.375%	3.49%
Treasury Note	23-Mar-05	15-Mar-10	2,000,000	1,987,813	1,971,320	(16,493)	4.000%	4.12%
Treasury Note	30-Jun-05	15-Jun-10	3,000,000	2,986,172	2,911,530	(74,642)	3.625%	3.72%
Fed Farm Credit	28-Dec-05	21-Jun-10	745,000	729,629	728,468	(1,161)	4.200%	4.66%
FHLB	05-Oct-05	26-Aug-10	3,000,000	2,988,990	2,973,750	(15,240)	4.785%	4.86%
FHLB	15-Sep-05	10-Sep-10	2,640,000	2,668,538	2,602,882	(65,656)	3.625%	3.41%
FHLB	19-Aug-05	17-Sep-10	2,000,000	1,999,232	1,968,760	(30,472)	4.375%	4.38%
FHLB	30-Dec-05	30-Dec-10	1,500,000	1,499,475.00	1,498,125	(1,350)	4.750%	4.76%
FHLB	28-Dec-05	28-Dec-10	2,185,000	2,232,170.33	2,227,345	(4,825)	6.000%	5.57%
FHLB	29-Dec-05	29-Dec-10	3,000,000	3,000,000.00	3,000,000	-	5.200%	5.20%
TOTAL INVESTMENTS			138,970,000	140,109,489	136,266,020	(3,843,469)		
TOTAL INVESTMENTS AND DEPOSITS			\$ 166,345,007	\$ 162,501,538	\$ (3,843,469)			

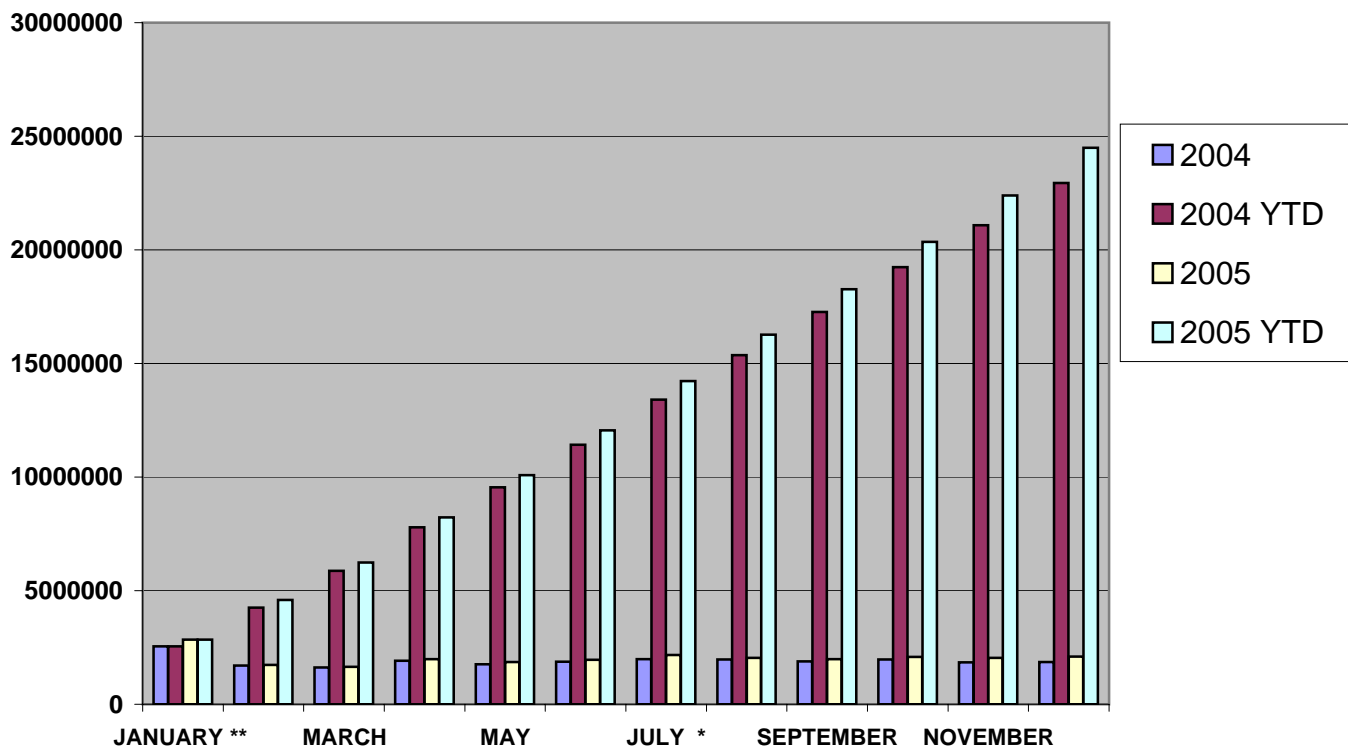
Average term of investment portfolio	32 Months
Average yield of investment portfolio	3.4%
Percentage Breakdown of Investment by type:	
Money Market - Liquid investments	15.77%
US Treasury Notes	21.24%
US Agency Bonds/Notes	<u>62.99%</u>
	100.00%

Maturity		
Liquid funds	\$ 26,235,518	16%
Due within 1 year	16,535,698	10%
Due within 2 years	19,636,645	12%
Due within 3 years	44,582,697	27%
Due within 4 years	39,262,430	24%
Due within 5 years	<u>20,092,019</u>	<u>12%</u>
Total	\$ 166,345,007	100%

City of Loveland
Retail Sales Tax (CASH BASIS)
2004-2005 Comparison

	<u>2004</u>	<u>2004 YTD</u>	<u>2005</u>	<u>2005 YTD</u>	Year to Date Inc/Dec over <u>2004</u>	Curr Month Inc/Dec over <u>2004</u>
JANUARY **	\$ 2,553,511	\$ 2,553,511	2,848,170	\$ 2,848,170	11.54%	11.54%
FEBRUARY	\$ 1,698,248	\$ 4,252,159	1,737,534	\$ 4,585,704	7.84%	2.31%
MARCH	\$ 1,619,174	\$ 5,871,333	1,650,913	\$ 6,236,617	6.22%	1.96%
APRIL *	\$ 1,914,029	\$ 7,785,362	1,990,512	\$ 8,227,130	5.67%	4.00%
MAY	\$ 1,762,794	\$ 9,548,156	1,864,312	\$ 10,091,442	5.69%	5.76%
JUNE	\$ 1,871,482	\$ 11,419,637	1,959,918	\$ 12,051,359	5.53%	4.73%
JULY *	\$ 1,983,807	\$ 13,403,445	2,175,930	\$ 14,227,289	6.15%	9.68%
AUGUST	\$ 1,966,227	\$ 15,369,672	2,044,859	\$ 16,272,148	5.87%	4.00%
SEPTEMBER	\$ 1,894,008	\$ 17,263,680	1,989,636	\$ 18,261,784	5.78%	5.05%
OCTOBER *	\$ 1,976,443	\$ 19,240,123	2,090,906	\$ 20,352,690	5.78%	5.79%
NOVEMBER	\$ 1,840,710	\$ 21,080,833	2,041,418	\$ 22,394,108	6.23%	10.90%
DECEMBER	\$ 1,864,052	\$ 22,944,885	2,098,525	\$ 24,492,633	6.75%	12.58%

RETAIL SALES TAX COLLECTIONS



* Indicates Quarterly Returns also included

** Indicates Quarterly and Yearly Returns also included

CITY OF LOVELAND
SALES TAX COLLECTED: CASH BASIS
DECEMBER 2005

YEAR-TO-DATE COMPARISON

<u>Geographical Area</u>	<u>2005</u>	<u>2004</u>	<u>% Inc/Dec</u>
North Loveland	\$1,089,194	\$1,038,879	4.84%
Orchards Shopping Center	\$1,708,105	\$1,672,468	2.13%
Hwy 34 & Hwy 287 Intersection	\$671,123	\$727,669	-7.77%
Columbine Shopping Center	\$472,755	\$481,586	-1.83%
West Loveland	\$1,243,431	\$1,166,935	6.56%
Downtown	\$1,038,279	\$979,394	6.01%
Gateway - PUD	\$1,877,970	\$1,637,917	14.66%
Promenade Shops	\$221,755	\$0	
Outlet Mall	\$1,223,427	\$1,313,058	-6.83%
East Loveland	\$8,303,825	\$7,953,511	4.40%
Thompson Valley Shopping Center	\$1,229,060	\$1,161,499	5.82%
South Loveland	\$566,110	\$583,658	-3.01%
The Ranch	\$127,382	\$114,016	11.72%
All Other Areas	\$4,720,231	\$4,114,295	14.73%
	<u>\$24,492,645</u>	<u>\$22,944,886</u>	6.75%

CITY OF LOVELAND
SALES TAX COLLECTED: CASH BASIS
Month of DECEMBER 2005

<u>Geographical Area</u>	<u>2005</u>	<u>% of Total</u>
North Loveland	\$91,323	4.35%
Orchards Shopping Center	\$127,186	6.06%
Hwy 34 & Hwy 287 Intersection	\$51,896	2.47%
Columbine Shopping Center	\$37,865	1.80%
West Loveland	\$94,925	4.52%
Downtown	\$73,888	3.52%
Gateway - PUD	\$160,009	7.62%
Promenade Shops	\$163,118	7.77%
Outlet Mall	\$106,193	5.06%
East Loveland	\$693,930	33.07%
Thompson Valley Shopping Center	\$100,508	4.79%
South Loveland	\$37,716	1.80%
The Ranch	\$13,288	0.63%
All Other Areas	\$346,680	16.52%
Total of DECEMBER 2005	<u><u>\$2,098,525</u></u>	100.00%

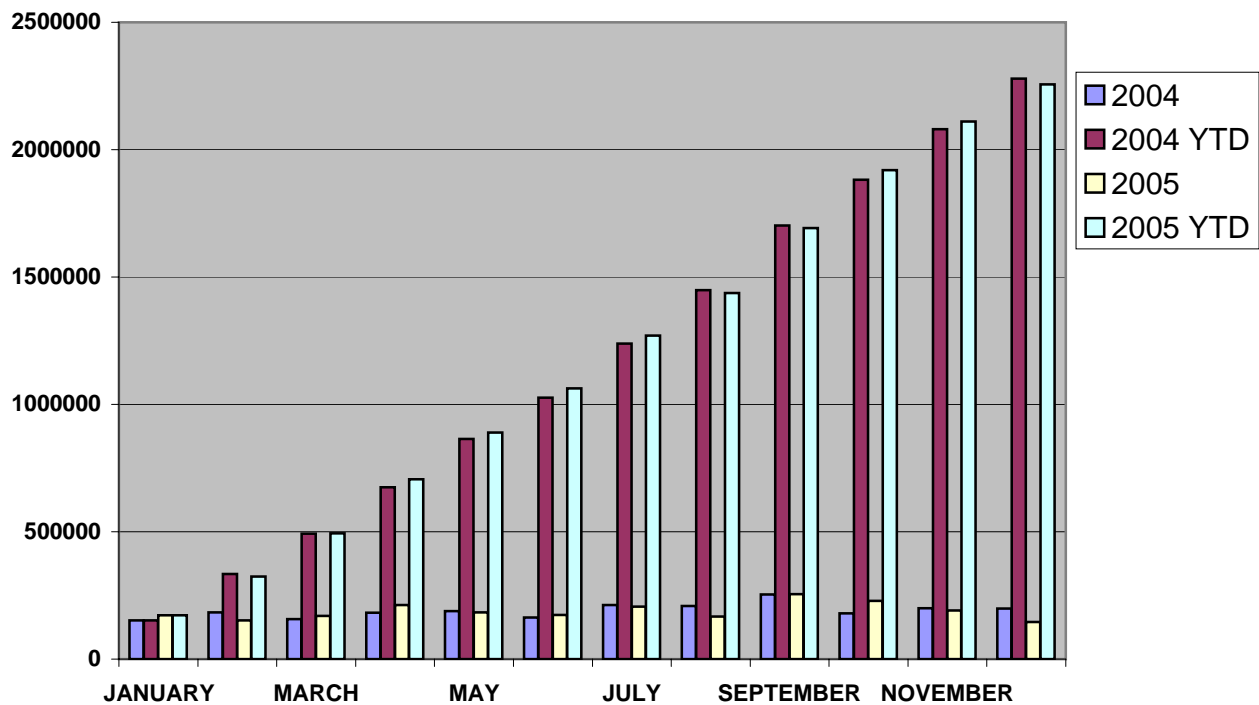
	City of Loveland
	Summary of Sales Tax Collections by Industry Code
	<u>Twelve months Ended December 31, 2005</u>

	Description	Dec 2005	Dec 2004	\$ Change	% Change	2005 YTD	2004 YTD	\$ Change	% Change	% of Total	Cumulative %
1	Department Stores & General Merchandise	543,767	498,341	45,426	9.12%	\$ 6,286,111	\$ 6,059,803	\$ 226,308	3.73%	25.67%	25.67%
2	Grocery Stores & Specialty Foods	213,489	254,854	(41,366)	-16.23%	2,774,710	2,788,722	(14,012)	-0.50%	11.33%	36.99%
3	Motor Vehicle Dealers, Auto Parts & Leasing	143,944	149,560	(5,616)	-3.75%	2,068,545	2,043,585	24,960	1.22%	8.45%	45.44%
4	Restaurants & Bars	242,046	192,331	49,715	25.85%	2,706,540	2,493,853	212,687	8.53%	11.05%	56.49%
5	Consumer Goods & Commercial Equipment Rental	31,702	26,220	5,482	20.91%	584,608	430,229	154,380	35.88%	2.39%	58.88%
6	Building Material & Lawn & Garden Supplies	193,332	128,496	64,836	50.46%	2,021,120	1,767,308	253,812	14.36%	8.25%	67.13%
7	Sporting Goods, Hobby, Book & Music Stores	100,268	64,950	35,317	54.38%	901,046	829,683	71,363	8.60%	3.68%	70.81%
8	Broadcasting & Telecommunications	90,196	95,730	(5,534)	-5.78%	1,133,985	1,136,185	(2,201)	-0.19%	4.63%	75.44%
9	Clothing & Clothing Accessories Stores	109,964	68,250	41,715	61.12%	883,739	875,488	8,251	0.94%	3.61%	79.05%
10	Utilities	114,524	150,937	(36,412)	-24.12%	1,323,898	1,164,468	159,430	13.69%	5.41%	84.45%
11	Used Merchandise Stores	44,653	33,155	11,499	34.68%	485,874	308,525	177,349	57.48%	1.98%	86.43%
12	Beer, Wine & Liquor Stores	42,340	30,636	11,704	38.20%	481,276	411,488	69,788	16.96%	1.96%	88.40%
13	Furniture & Home Furnishing Stores	38,849	33,923	4,927	14.52%	438,073	367,382	70,692	19.24%	1.79%	90.19%
14	Office Supplies, Stationery & Gift Stores	28,572	28,921	(348)	-1.20%	368,320	370,889	(2,569)	-0.69%	1.50%	91.69%
15	Health & Personal Care Stores	28,530	19,674	8,856	45.01%	301,392	255,069	46,322	18.16%	1.23%	92.92%
16	Electronics & Appliance Stores	50,354	12,425	37,928	305.25%	273,637	182,926	90,711	49.59%	1.12%	94.04%
17	Electronic Shopping & Mail-Order Houses	9,616	10,039	(423)	-4.22%	122,087	122,052	35	0.03%	0.50%	94.54%
18	Gasoline Stations with Convenience Stores	13,562	13,461	101	0.75%	195,957	191,039	4,918	2.57%	0.80%	95.34%
19	Audit revenue	1,127	1,280	(153)	-11.94%	52,079	49,554	2,525	5.09%	0.21%	95.55%
20	Hotels, Motels & Other Accommodations	13,947	11,118	2,828	25.44%	203,968	179,071	24,897	13.90%	0.83%	96.38%
21	All Other Categories	43,742	39,750	3,992	10.04%	885,669	917,566	(31,897)	-3.48%	3.62%	100.00%
		\$ 2,098,525	\$ 1,864,052	\$ 234,474	12.58%	\$ 24,492,633	\$ 22,944,885	\$1,547,748	6.75%	100.00%	

City of Loveland
Motor Vehicle Use Tax Comparison (CASH BASIS)
2004-2005 Comparison

	<u>2004</u>	<u>2004 YTD</u>	<u>2005</u>	<u>2005 YTD</u>	<u>Year to Date Inc/Dec over 2004</u>	<u>Curr Month Inc/Dec over 2004</u>
JANUARY	\$ 151,710	\$ 151,710	\$ 171,548	\$ 171,548	13.08%	13.08%
FEBRUARY	\$ 182,798	\$ 334,508	\$ 151,988	\$ 323,536	-3.28%	-16.85%
MARCH	\$ 157,523	\$ 492,031	\$ 169,698	\$ 493,233	0.24%	7.73%
APRIL	\$ 182,764	\$ 674,795	\$ 212,322	\$ 705,555	4.56%	16.17%
MAY	\$ 188,973	\$ 863,768	\$ 183,988	\$ 889,543	2.98%	-2.64%
JUNE	\$ 163,138	\$ 1,026,907	\$ 173,593	\$ 1,063,136	3.53%	6.41%
JULY	\$ 212,372	\$ 1,239,278	\$ 206,632	\$ 1,269,768	2.46%	-2.70%
AUGUST	\$ 208,987	\$ 1,448,266	\$ 167,489	\$ 1,437,256	-0.76%	-19.86%
SEPTEMBER	\$ 253,674	\$ 1,701,939	\$ 254,668	\$ 1,691,924	-0.59%	0.39%
OCTOBER	\$ 179,431	\$ 1,881,370	\$ 228,241	\$ 1,920,165	2.06%	27.20%
NOVEMBER	\$ 199,169	\$ 2,080,539	\$ 190,441	\$ 2,110,606	1.45%	-4.38%
DECEMBER	\$ 198,029	\$ 2,278,568	\$ 145,569	\$ 2,256,175	-0.98%	-26.49%

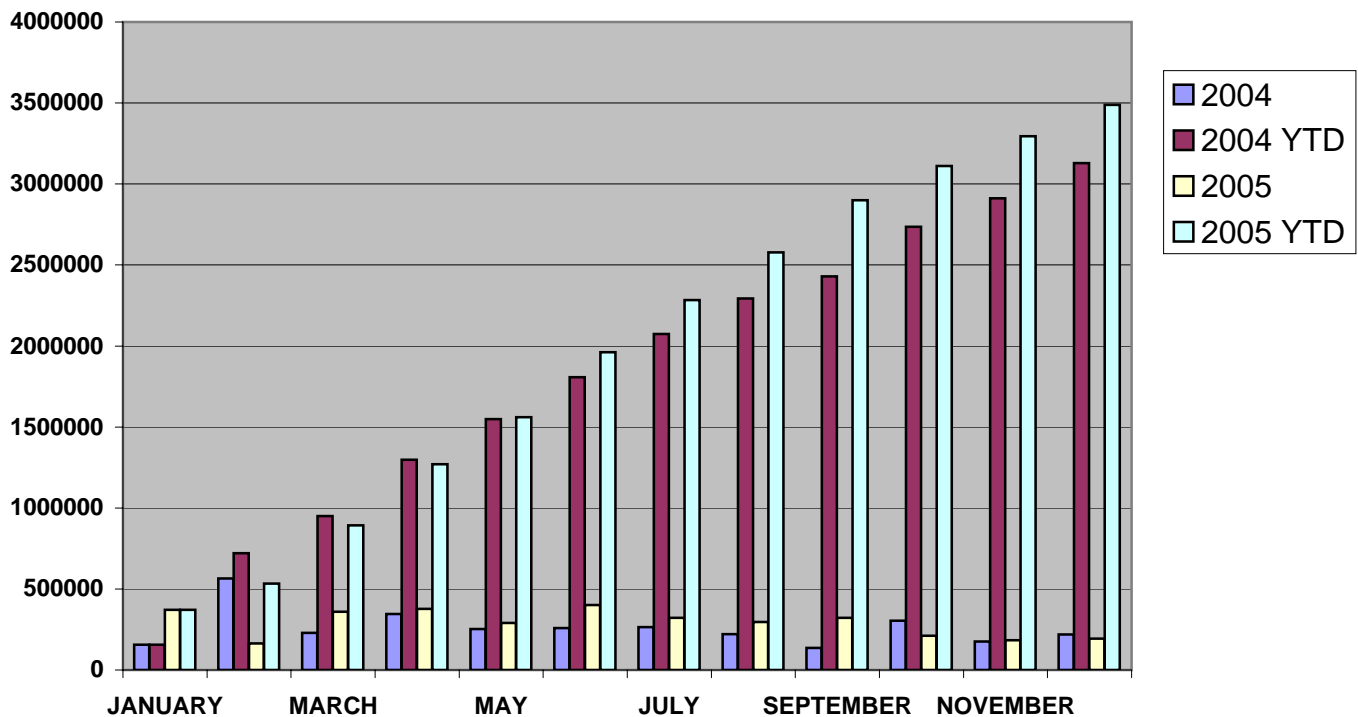
MOTOR VEHICLE USE TAX COLLECTIONS



City of Loveland
Building Material Use Tax Comparison (CASH BASIS)
2004-2005 Comparison

	<u>2004</u>	<u>2004 YTD</u>	<u>2005</u>	<u>2005 YTD</u>	Year to Date Inc/Dec over <u>2004</u>	Curr Month Inc/Dec over <u>2004</u>
JANUARY	\$ 155,898	\$ 155,898	\$ 371,120	\$ 371,120	138.05%	138.05%
FEBRUARY	\$ 565,044	\$ 720,941	\$ 163,011	\$ 534,131	-25.91%	-71.15%
MARCH	\$ 229,639	\$ 950,580	\$ 358,834	\$ 892,965	-6.06%	56.26%
APRIL	\$ 346,444	\$ 1,297,024	\$ 377,012	\$ 1,269,977	-2.09%	8.82%
MAY	\$ 252,078	\$ 1,549,102	\$ 289,804	\$ 1,559,781	0.69%	14.97%
JUNE	\$ 258,609	\$ 1,807,710	\$ 401,470	\$ 1,961,251	8.49%	55.24%
JULY	\$ 265,386	\$ 2,073,097	\$ 321,433	\$ 2,282,684	10.11%	21.12%
AUGUST	\$ 220,917	\$ 2,294,013	\$ 295,719	\$ 2,578,403	12.40%	33.86%
SEPTEMBER	\$ 136,524	\$ 2,430,538	\$ 321,314	\$ 2,899,716	19.30%	135.35%
OCTOBER	\$ 304,346	\$ 2,734,884	\$ 211,784	\$ 3,111,501	13.77%	-30.41%
NOVEMBER	\$ 176,330	\$ 2,911,214	\$ 184,286	\$ 3,295,787	13.21%	4.51%
DECEMBER	\$ 218,512	\$ 3,129,726	\$ 193,518	\$ 3,489,305	11.49%	-11.44%

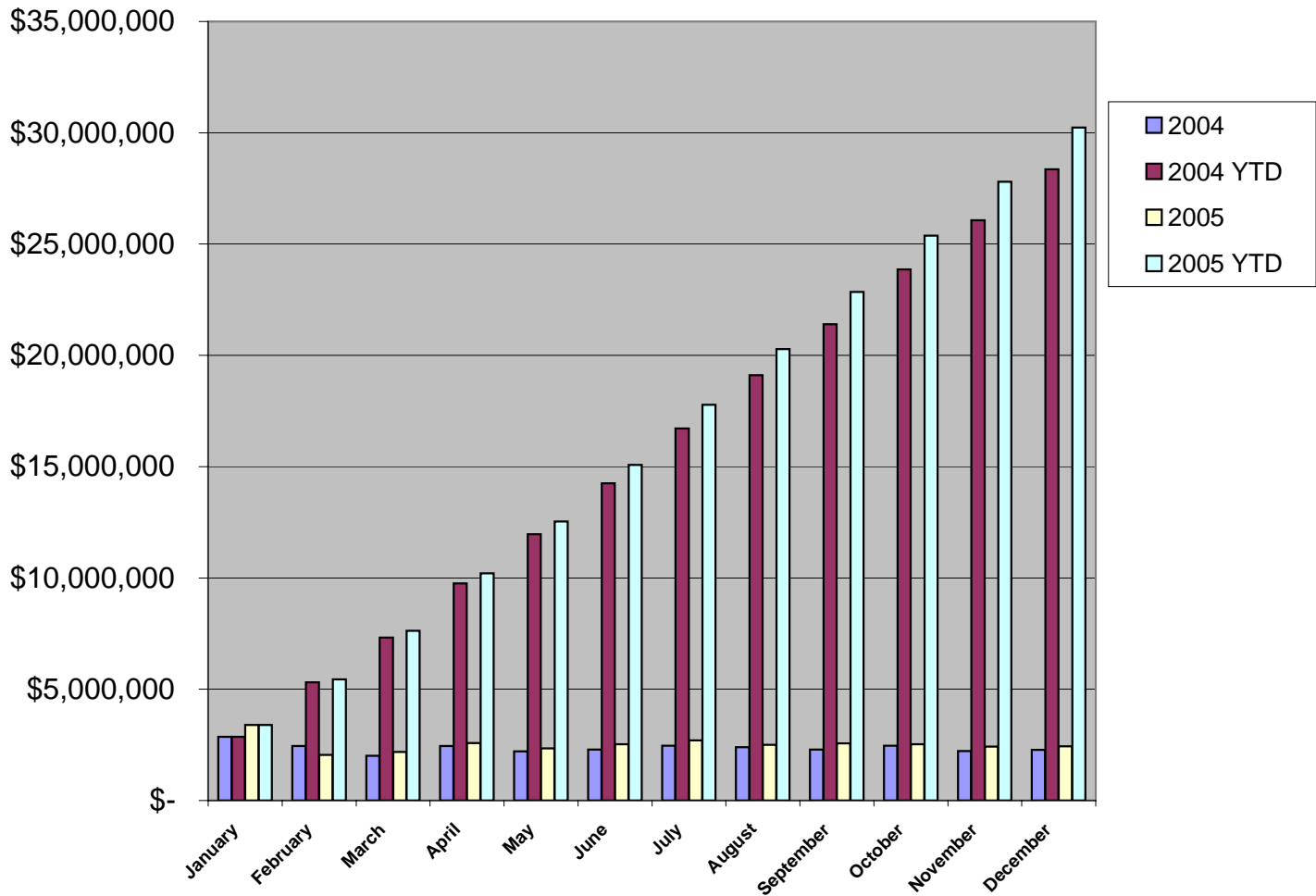
BUILDING MATERIAL USE TAX COLLECTIONS



City of Loveland
Sales & Use Tax Total Comparison (CASH BASIS)
2004-2005 Comparison

		<u>2004</u>		<u>2004 YTD</u>		<u>2005</u>		<u>2005 YTD</u>	<u>Year to Date</u> <u>Inc/Dec over</u> <u>2004</u>	<u>Curr Month</u> <u>Inc/Dec over</u> <u>2004</u>
January	\$	2,861,119	\$	2,861,119	\$	3,390,838	\$	3,390,838	18.51%	18.51%
February	\$	2,446,089	\$	5,307,607	\$	2,052,533	\$	5,443,371	2.56%	-16.09%
March	\$	2,006,336	\$	7,313,945	\$	2,179,445	\$	7,622,816	4.22%	8.63%
April	\$	2,443,237	\$	9,757,182	\$	2,579,845	\$	10,202,662	4.57%	5.59%
May	\$	2,203,845	\$	11,961,026	\$	2,338,104	\$	12,540,766	4.85%	6.09%
June	\$	2,293,229	\$	14,254,255	\$	2,534,981	\$	15,075,746	5.76%	10.54%
July	\$	2,461,565	\$	16,715,820	\$	2,703,994	\$	17,779,741	6.36%	9.85%
August	\$	2,396,131	\$	19,111,952	\$	2,508,066	\$	20,287,807	6.15%	4.67%
September	\$	2,284,206	\$	21,396,158	\$	2,565,618	\$	22,853,425	6.81%	12.32%
October	\$	2,460,220	\$	23,856,377	\$	2,530,931	\$	25,384,356	6.40%	2.87%
November	\$	2,216,210	\$	26,072,587	\$	2,416,145	\$	27,800,501	6.63%	9.02%
December	\$	2,280,593	\$	28,353,180	\$	2,437,613	\$	30,238,114	6.65%	6.89%

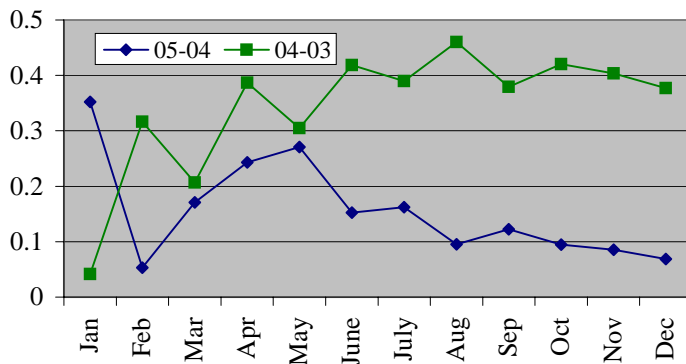
SALES AND USE TAX COLLECTION TOTALS



CITY OF LOVELAND
Summary of Health Care Claims Cost

	HMO	PPO	Total	Budget	\$ Over / (Under) Budget	% Over / (Under) Budget
2005						
December	\$ 351,549	\$ 93,698	\$ 445,247	\$ 463,427	\$ (18,180)	-3.9%
YTD	4,504,082	913,772	5,417,854	5,561,120	(143,266)	-2.6%
2004						
December	382,893	105,587	488,480	438,538	49,943	11.4%
YTD	4,222,029	846,714	5,068,743	5,262,450	(193,707)	-3.7%
Change from 2004						
YTD	\$ 282,053	\$ 67,058	\$ 349,111			
% YTD	6.7%	7.9%	6.9%			

Health Claims Cumulative % Increases



Health claims is a combination of the HMO and PPO claims. Claims payments are \$5,417,854 (6.9% above year-to-date claims in 2004.) Based on estimates that claims for the entire year could exceed the original budget for the year, a supplement budget increasing claims by \$521,280 was approved

In May, 2005 the cumulative increase in claims over 2004 hit 27%. Staff had been monitoring and analysing the claims and in August discussed this issue with Council at a study session. At that time, an increase in costs over 2004 of up to 20% was anticipated. However, in recent months the claims costs have not increased and the result is a drop from the 27% increase in May to a less than 7% increase through December. This is welcome news after the 40% increase in claims the City experienced in 2004. Month to month comparisons were widely dispersed during 2005, ranging from a high of 55% in March to a low of a negative 24% in August. While staff continued to monitor the claims experience in 2005, the wide fluctuations made accurate forecasting difficult.

Summary of Projects Over \$500K

Project Department/ Project Name	Project Number	Project Budget	PTD Amount	Scheduled Start	Scheduled Comp.	New Comp.	Project Status
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Parks & Recreation

Loveland Youth Sports Field	PK0307	9,700,000	8,880,795	01/03	06/06	06/06	Active
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Public Works

Taft Avenue - Phase 1	EN0104	6,345,000	6,393,702	03/02	02/05	12/05	Active
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Taft Avenue - Phase 2	EN0105	6,800,000	404,373	05/03	11/10	11/10	Active
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Crossroads Blvd/Rocky Mtn Ave	EN0308	4,720,000	848,051	06/03	12/06	10/07	Active
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Streets Rehabilitation	ENSR05	2,712,440	2,094,684	01/05	12/05	12/05	Active
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Water and Power

Green Ridge Glade Reservoir	W271AA	19,825,030	19,495,672	06/93	10/04	10/05	Active
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Design of Flocculation Facility	W435ED	801,900	671,511	01/05	12/05	12/05	Active
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Summary of Projects Under \$500K

Project Department/ Project Name	Project Number	Project Budget	PTD Amount	Scheduled Start	Scheduled Comp.	New Comp.	Project Status
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Public Works

US 287/US 34 to CR 3	EN0102	375,000	65,119	06/02	03/04	10/05	On Hold
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Fuel Island Renovation	GF0504	140,000	266,278	07/05	08/05	10/05	Active
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Water and Power

Design of Secondary Clarifier	W434HG	398,300	286,237	01/05	12/05	12/05	Active
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South Tank Repaint	W432BC	150,000	17,755	07/05	11/05	06/06	Active
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600 Amp Feeder Tie	WF3339	414,265	270,470	04/05	08/05	11/05	Active
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Rocky Mtn Ave Feeder	WF3352	100,000	29,226	04/05	12/05	12/05	Active
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Circuit 213	WF3336	100,000	359	10/05	05/06	05/06	Active
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Circuit 411	WF3330	400,000	511,207	04/05	09/05	10/05	Active
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PURCHASE ORDER CHANGES DECEMBER 2005 COUNCIL REPORT								
Vendor	Description of Purchase	PO # / Project # *	Change Order #	\$ This Change / Reason	Original Purchase Order Total	Purchase Order Total Before This Change	New Purchase Order Total	Total % Change
<u>Airport</u>								
Kiewit Western	Commercial Apron Hardstand	251440	1	\$6,567.80	\$377,905.00	\$377,905.00	\$384,472.80	1.74%
				Increased line items delivered				
AGM	Taxiway Sign Replacement	250536	1	\$1,200.00	\$1,125.00	\$1,125.00	\$2,325.00	106.67%
				Increased scope of work				
<u>City Manager's Office</u>								
Dan Keough	Building Fee Estimator Software	251307	1	\$400.00	\$4,800.00	\$4,800.00	\$5,200.00	8.33%
				enhancements to original software				
<u>Finance</u>								
American Pride Coop	Fuel	250953	3	\$200,000.00	\$90,000.00	\$300,000.00	\$500,000.00	455.56%
				Extend current contract thru December				
Walsh Environmental	Environmental Consulting	250432	1	\$45,000.00	\$50,000.00	\$50,000.00	\$95,000.00	90.00%
				Increased use of services				
Stewart Environmental	Environmental Consulting	250430	1	\$81,000.00	\$95,000.00	\$95,000.00	\$140,000.00	47.37%
				Increased use of services				
Korby Landscape	Landscape Maintenance	250668	2	\$30,000.00	\$20,000.00	\$40,000.00	\$70,000.00	250.00%
				Usage way more than anticipated in first year of city-wide blanket				
<u>Fire</u>								
Fuelman	Offsite Fueling	250193	3	\$3,000.00	\$18,000.00	\$33,000.00	\$36,000.00	100.00%
				Increased fuel cost & usage				
<u>Human Resources</u>								
Mobile Lab	Drug Testing	250009	1	\$750.00	\$5,300.00	\$5,300.00	\$6,050.00	14.15%
				Increased cost				
Ft. Collins Coloradoan	Advertising	250010	1	\$3,400.00	\$27,000.00	\$27,000.00	\$30,400.00	12.59%
				Increased Costs				
Sun Life Assurance	Life Insurance	250006	1	\$19,111.24	\$324,000.00	\$324,000.00	\$343,111.24	5.90%
				Increased cost				
Gallagher	Consulting Services	250001	1	\$612.53	\$29,800.00	\$29,800.00	\$30,412.53	2.06%
				Should have set up as Sept-Sept				
<u>Library</u>								
Recroded Books	Book Purchases	250077	2	\$1,000.00	\$6,000.00	\$6,000.00	\$9,000.00	50.00%
				Increased Purchases				
Baker & Taylor	Book Purchases	250053	1	\$5,000.00	\$31,000.00	\$31,000.00	\$36,000.00	16.13%
				Increased purchases				
<u>Parks & Recreation</u>								
C P S Distributing	Irrigation Parts	250408	1	\$2,000.00	\$20,000.00	\$20,000.00	\$22,000.00	10.00%
				Increased Usage				
Town & Country Fence	Fence at Koppes Pond	251700	1	\$136.50	\$10,123.00	\$10,123.00	\$10,259.50	1.35%
				Tesion bars				
<u>Police</u>								
Jensen Sport Shop	Uniforms, Tools	250170	1	\$3,000.00	\$25,000.00	\$25,000.00	\$28,000.00	12.00%
				Increased purchases				
Resource Management	Assessment Exams	2251683	1	\$389.32	\$5,765.00	\$5,765.00	\$6,154.32	6.75%
				Increased Testing				

State of CO Dolt	CCI Internet	250182	1	\$1,300.00	\$7,000.00	\$7,000.00	\$8,300.00	18.57%
				Increased Usage				
Public Works								
A-1 Organics	Yardwaste Recycling	250385	2	\$11,275.63	\$30,000.00	\$180,000.00	\$191,275.53	537.59%
				Additional Material Recycled				
Austin Equipment	Trash Truck Parts	251129	1	\$2,160.00	\$65,840.00	\$65,840.00	\$68,000.00	3.28%
				Additional Parts				
Coulson Excavating	Street Rehab Work	250884	1	\$150,000.00	\$1,684,400.00	\$1,684,400.00	\$1,834,400.00	8.91%
				Add Big T Ditch #2				
Crowell Masonry	Repair Brick Wall 205 Eisenhower	251678	1	\$300.00	\$1,460.00	\$1,460.00	\$1,760.00	20.55%
				Increased scope of work				
Diers	Stucco Repairs	251760	1	\$386.00	\$1,112.00	\$112.00	\$1,498.00	34.71%
				2 More Walls Done				
Earth Engineering	Storm Sewer Improvements	250503	2	\$10,000.00	\$10,000.00	\$15,000.00	\$25,000.00	150.00%
				Construction materials testing				
Labor Ready	Temporary Labor	250265	1	\$3,200.00	\$7,000.00	\$7,000.00	\$10,200.00	45.71%
				Increased Staffing Needs				
Labor Ready	Temporary Labor	250265	2	\$500.00	\$7,000.00	\$10,200.00	\$10,700.00	52.86%
				Increased Staffing Needs				
North Front Range MPO	City Match For Metro. Planning	250522	1	\$8,817.00	\$30,000.00	\$30,000.00	\$38,817.00	29.39%
				Original was est. based on 2004 #'s				
Northern Engineering Services	Final Design Crossroads Ave	250878	1	\$110,245.00	\$20,615.00	\$20,615.00	\$130,860.00	534.78%
				Added final design scope of work-orig only prel design				
Staffmark	Temp Services	251044	2	\$100.00	\$13,500.00	\$17,000.00	\$17,100.00	26.67%
				Additional hours for staffing needs				
Wireless Advanced Communications	Patrol Car Lights/Sirens etc	251036	1	\$993.00	\$32,751.00	\$32,850.00	\$42,998.00	31.29%
				Addition of weapons lock wire to console				
Water & Power								
Essential Safety Products	Safety Products	250123	2	\$3,400.00	\$8,000.00	\$9,800.00	\$13,200.00	65.00%
				Increased purchases				
Hamilton Associates	Meter Seals	251445	1	\$196.00	\$14,749.60	\$14,749.60	\$14,945.60	1.33%
				Die Cut Charges				
Colroado Precast	Maintenance Supplies	250120	1	\$2,000.00	\$10,000.00	\$10,000.00	\$12,000.00	20.00%
				Increased Supplies Purchased				

AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Finance Department
Mike Hart, Deputy City Manager-Finance Director
Alan Krcmarik, Finance Manager
Brandi Curtis, Internal Auditor

DESCRIPTION: **Loveland Urban Renewal Authority - 2005 URA Status Reports**

SUMMARY: The City Council has approved three urban renewal project areas: the Downtown, the Centerra Project (formed as the US 34 / Crossroads Corridor Renewal Plan) and the Lincoln Place Project (approved as the Block 41 – Finley’s Addition Urban Renewal Plan).

The attached report provides background about urban renewal projects in general and specific information about each of the Loveland URA projects. The Downtown Project has not achieved the expected levels of development and tax increment that were projected when the plan was adopted. The Centerra Project is on track with the initial sales tax projections and may reach the property tax increment projections by the end of 2006. The Lincoln Place project is currently under construction. Based on its completion date, it may be able to meet the projections made in the April 2005.

City staff audited the Centerra project for the period January 1, 2004 to June 30, 2005, regarding performance requirements established in the financing agreement.

For the Centerra Project and the Lincoln Place Project, staff has completed performance reviews. The performance report concludes that the two projects are meeting the requirements of the agreements. The report also includes financial statements for the projects and the URA through 2004, the last complete year for which financial statements are available.

COUNCIL

ACTION

RECOMMENDED:

Information Item, Council questions and discussion welcomed.

REVIEWED BY CITY MANAGER:

AGENDA ITEM:

MEETING DATE: January 17,2006

DEPARTMENT: Fire Department

DESCRIPTION: A Resolution approving a Third Addendum to the Intergovernmental agreement between the City of Loveland and the Loveland Rural Fire Protection.

SUMMARY: The Loveland Rural Fire Protection District (“District”) pays for fire department administrative, prevention and suppression services delivered to the District’s service area. Under the current intergovernmental agreement (“IGA”), the amount the District pays for such services is calculated pursuant to a formula contained in the IGA. For 2006, the use of the formula would result in an amount that is in excess of what the District can pay. The proposed Third Addendum to the IGA, attached to the Resolution, changes the IGA by replacing the formula with a flat fee of Seven Hundred and Fifty-One Thousand Dollars (\$751,000.00).

This is a one-year extension of the contract and it will be evaluated at years’ end. The future expectation holds extensive restructuring of the contract in order for a long-term agreement to be reached.

**COUNCIL ACTION
RECOMMENDED:** Approval of the Resolution

**REVIEWED BY
CITY MANAGER:**

RESOLUTION #R- _____

**A RESOLUTION APPROVING A THIRD ADDENDUM TO THE
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF
LOVELAND AND THE LOVELAND RURAL FIRE PROTECTION
DISTRICT**

WHEREAS, the City of Loveland (“the City”) and the Rural Fire Protection District (“the District”) have been operating jointly under intergovernmental agreements for several years; and

WHEREAS, the City and the District entered into that Intergovernmental Agreement dated November 15, 2000 (“the Intergovernmental Agreement”); and

WHEREAS, the City and the District entered into an addendum to the Intergovernmental Agreement on September 17, 2002 (“the 2002 Addendum”); and

WHEREAS, the City and the District entered into a second addendum to the Intergovernmental Agreement on April 6, 2004 (“2004 Addendum”); and

WHEREAS, Paragraph 3 of the Intergovernmental Agreement provides a formula to determine the compensation the District is required to pay the City for services; and

WHEREAS, the parties no longer wish to use the formula to determine the amount of compensation due; and

WHEREAS, in order to accomplish this, the Intergovernmental Agreement must be amended and the parties have set forth the needed amendments in the Third Addendum to Intergovernmental Agreement attached hereto as Exhibit “A” and incorporated herein by reference (“the 2006 Addendum”); and

WHEREAS, the City and the District are authorized to enter into this Addendum pursuant to CRS §29-1-203.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF
THE CITY OF LOVELAND, COLORADO:**

Section 1. That the 2006 Addendum is hereby approved and the Mayor and the City Clerk are authorized and directed to execute the 2006 Addendum on behalf of the City.

Section 2. That this Resolution shall take effect on the date and at the time of its adoption.

ADOPTED this 17th day of January, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

**THIRD ADDENDUM TO
INTERGOVERNMENTAL AGREEMENT**

THIS ADDENDUM is effective this ____ day of _____, 2006, by and between the **LOVELAND RURAL FIRE PROTECTION DISTRICT**, a Colorado Special District, (“District”) and the **CITY OF LOVELAND**, a Colorado Municipal Corporation, (“City”).

WHEREAS, the City and the District entered into an Intergovernmental Agreement effective the 15th day of November, 2000 (“Intergovernmental Agreement”); and

WHEREAS, the City and the District added an addendum to the Intergovernmental Agreement on September 17, 2002 (“2002 Addendum”); and

WHEREAS, the City and the District added a second addendum to the Intergovernmental Agreement on April 6, 2004 (“2004 Addendum”); and

WHEREAS, Paragraph 3 of the Intergovernmental Agreement provides a formula to determine the compensation the District is required to pay the City for services; and

WHEREAS, the parties no longer wish to use the formula to determine the amount of compensation due.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Paragraph 3 of the Intergovernmental Agreement shall be amended to read in full as follows:

The District shall pay for the above services provided by the City the sum of Seven Hundred and Fifty-One Thousand Dollars (\$751,000.00) each year. This payment includes the District’s share of the salary and benefits for the Office Assistant position created in the Second Addendum to this Intergovernmental Agreement.

2. Except as otherwise amended herein, all other provisions of the Intergovernmental Agreement, including those contained in the 2002 and 2004 Addenda, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Third Addendum to the Intergovernmental Agreement to be executed as the day and year first written above.

LOVELAND RURAL FIRE PROTECTION
DISTRICT

By: _____

ATTEST:

CITY OF LOVELAND

By: _____
Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

AGENDA ITEM: 15

MEETING DATE: January 17, 2006

DEPARTMENT: Development Services

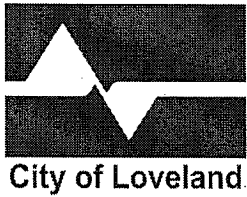
DESCRIPTION: **Lee Farm Addition**
A public hearing to consider:
a) A resolution approving amendments to the City of Loveland, 1994 Comprehensive Master Plan for a 43.6 acre portion of the Lee Farm Addition.
b) A resolution approving annexation proceedings for the Lee Farm Addition;
c) An ordinance annexing the Lee Farm Addition; and
d) An ordinance zoning the Lee Farm Addition Lee Farm Addition PUD (#P-19)

The applicant is Mr. Robert Dildine.

SUMMARY: The subject area includes approximately 245.656 acres of land, with 43.6 acres of the area proposed for a comprehensive plan amendment from Neighborhood Activity Center to Medium Density Residential. Planning Commission considered the application on December 12, 2005 and is recommending conditional approval of the annexation, zoning, and comprehensive plan amendment.

COUNCIL ACTION RECOMMENDED: City staff recommends that City Council take the following actions in the order listed:
a) Adopt the resolution amending the Comprehensive Master Plan;
b) Adopt the annexation resolution concerning the Lee Farm Addition;
c) Adopt the ordinance on first reading annexing the Lee Farm Addition, subject to the conditions recommended in the City Council staff memorandum dated January 17, 2006; and
d) Adopt the ordinance on first reading zoning the Lee Farm Addition to Lee Farm Addition PUD.

REVIEWED BY CITY MANAGER:



**Development Services
Planning Division**

500 East Third Street • Loveland, CO 80537
(970) 962-2505 • (970) 962-2610 • Fax (970) 962-2904 • TDD (970) 962-2620
www.cityofloveland.org

ITEM NO: 4
PLANNING COMMISSION MEETING: December 12, 2005

TITLE: Lee Farm

LOCATION: Approximately 1,230 feet south of the southwest corner of 43rd Street and Wilson Avenue.

APPLICANT: *THinc, Mr. Tom Honn*
Mr. Robert Dildine

STAFF CONTACT: Chuck Burnham, Current Planning
Janet Meisel-Burns, Parks & Rec.
Rod Hamilton, Water
Kevin Gingery, Storm
Kathleen Porter, Power
Sean Kellar, Engineering
Tom Hawkinson, Building
Romeo Gervais, Fire
Tom Vermilye, Police

APPLICATION TYPE: Comprehensive Land Use Plan Amendment
Annexation / General Development Plan

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

Staff recommends that the Planning Commission move to make the findings listed in Section VII of the staff memorandum dated December 12th, 2005, and, based on those findings, recommend that City Council adopt "A Resolution recommending approval of an amendment to the City of Loveland, 1994 Comprehensive Master Plan through the Amendment of Section 4.10 Land Use

Plan Map” as contained in Exhibit A of the Resolution.

Move to make the findings listed in Section VIII of this report dated December 12th, 2005 and, based on those findings, recommend that City Council approve the Lee Farm Addition to the City of Loveland, subject to the conditions listed in said report, and zone the addition PUD.

I. ATTACHMENTS:

1. Vicinity Map
2. Letter from property owner, dated 11/10/05
3. Lee Farm Addition annexation map
4. Lee Farm Addition Rezoning Map
5. Lee Farm Addition GDP
6. Mineral Rights letter from applicant's attorney, dated October 30, 2005
7. Traffic Impact Study, Lee Farm Property
8. Schools Impact Memorandum
9. A detail map depicting the applicant's proposed Plan Map
10. Applicant justification for a Land Use Map Amendment for Lee Farm, submitted by THinc.
11. Applicant Comprehensive Master Plan Compliance letter

II. SITE DATA

ACREAGE OF SITE (GROSS ACRES).....	245.646 ACRES
EXISTING ZONING	COUNTY ZONING (FA-FARMING)
PROPOSED ZONING.....	PUD, CITY ZONING
EXISTING USE.....	VACANT/FARMING
PROPOSED USE.....	1,100 HOMES WITH 640 BEING SINGLE FAMILY DETACHED AND THE REMAINDER BEING A MIXTURE OF RESIDENTIAL HOME TYPES. APPROXIMATELY 2 ACRES OF COMMERCIAL, AND 10 ACRES FOR COMMUNITY USES.
LANDSCAPE OPEN SPACE.....	TO BE DETERMINED, BUT A MINIMUM OF 1 ACRE FOR EACH 100 SINGLE FAMILY HOMES.
EXISTING ADJACENT ZONING AND USE - EAST.....	SINGLE FAMILY DETACHED, WILSON AVENUE, WOODWARD GOVERNOR, FAIRWAY WEST AND EMERALD ADDITION
EXISTING ADJACENT ZONING AND USE - NORTH	SINGLE FAMILY DETACHED, BUCK ADDITION, PUD -40
EXISTING ADJACENT ZONING AND USE - SOUTH.....	SINGLE FAMILY DETACHED, VANGUARD- FAMLECO (HUNTER'S RUN), PUD- 36
EXISTING ADJACENT ZONING AND USE - WEST.....	COUNTY, VACANT
UTILITY SERVICE PROVIDER - SEWER.....	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - ELECTRIC	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - WATER.....	CITY OF LOVELAND

III. PROJECT DESCRIPTION

The subject application requests annexation, and zoning to PUD for a total of 1,100 homes. An application for a Comprehensive Plan Amendment of roughly 43 acres of land area from NAC (Neighborhood Activity Commercial) to MDR (Medium Density Residential) is a concurrent application to this project.

The site is proposed to contain a mixture of housing types and sizes on a total of 245 acres. The mixture breakdown is proposed to contain 620 single family detached homes with 480 other types of homes to include the possibility of patio homes, two-family attached, and attached single family homes. The gross density of the project is 4.46 dwelling units per acre with the higher density homes proposed to be located on the eastern portion of the property, and the estate residential single family detached homes located on the western portion of the site.

A community center of 10 acres and a convenience commercial area of 2 acres are also proposed to be located in the center portion of the site. The community center would be permitted to contain uses such as schools, parks, or indoor recreation. The convenience commercial area could contain uses such as restaurants, office, or retail stores.

The subject property contains a total of three different land use categories as identified in the comprehensive plan. These include ER (Estate Residential), LDR (Low Density Residential) and NAC (Neighborhood Activity Center). There is approximately 112 acres of ER, 89 acres of LDR and 43 acres of NAC. The applicant has proposed the NAC area to be converted to MDR as the NAC area to the north is being developed into the Glen Isle Town Center. The Town Center will contain over 100,000 square feet of commercial and retail sales area, satisfying the comprehensive plan goal for the NAC in this portion of the City. A component of undeveloped NAC (Approved Loveland Crossing Center) will still remain on the northwestern corner of 43rd Street and Wilson Avenue. The comprehensive plan would permit a total of 1,107 residential units with this amendment. The applicant is proposing a maximum of 1,100 units.

Primary vehicular access to the subject property will be from the east at an intersection for the extended 35th Street on Wilson Avenue. The Transportation Engineering Division has requested that egress from the site line up with the existing controlled intersection at 35th Street and Wilson Avenue. In addition, Cascade Avenue is currently proposed to extend to the north and intersect at 43rd Street. Residents will also have the option of exiting the site through the future Hunter's Run roundabout proposed to the southwest portion of that site.

The total area of land being annexed with this project is 245.6 acres.

IV. KEY ISSUES

Staff has identified the wetland area on the southwest portion of the site as a key area of the site, and therefore a key issue. This area will be protected through conditions enacted as a part of the GDP approval. At the time of the PDP application when individual parcel lines are identified, this area will be further identified by the Army Corps of Engineers. Disturbance of any areas identified as wetlands will not be permitted.

V. BACKGROUND

The application was filed on June 14th, 2005. The site contains an old wheat field that is not in operation.

The annexation and zoning applications are concurrent with a comprehensive plan amendment for the subject property. The NAC plan designation is intended for a community shopping center that has a target range of between 100,000 and 250,000 square feet of retail space. The proposed Glen Isle Town Center contains more than 100,000 square feet of retail space, and with the approved Loveland Crossing Center, the remaining portion of NAC no longer appears necessary.

VI. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

A. Notification

An affidavit was received from the applicant, Mr. Tom Honn which certifies that the surrounding property owners within 1000 feet of the property were notified on November 23rd 2005, and a notice was posted in a prominent location on the perimeter of the project site on November 23rd, 2005. In addition, a notice was published in the Reporter Herald on November 26, 2005. All notices stated that the Planning Commission will hold a public hearing on December 12th, 2005. The public hearing for first reading for the City Council is scheduled for January 17th, 2006.

B. Conceptual Review Team Meeting

Two Conceptual Review Team meetings between the applicant and City were held for this application. The first was on May 26th, 2004 and the second being October 6th, 2004.

C. Development Review Team Meeting

A Development Review Team Meeting between the applicant and City was held on July 27th, 2005.

D. Neighborhood Response

There were several questions and concerns received from the neighborhood at the neighborhood meeting held at Lucille Irwin Middle School on November 10th, 2005.

These concerns included, but were not limited to the following:

1. Questions from residents of the Buck Addition property about whether or not a greenbelt would be located adjacent to their property. The applicant responded that a design for the site had not yet been finalized, but at the time of the PDP application, they would have more information.

2. There were also several questions about the soil conditions on site. Residents of Hunter's Run explained the problems they have encountered with soil problems, and questioned the developer about these issues. The developer responded that their preliminary soils report indicated that the site is able to be developed.

3. There were questions regarding the speed limits on Wilson Avenue. Persons with these questions were referred to Bill Hange of the City's Traffic Division.

4. There were questions regarding the buffer that would be provided adjacent to Wilson Avenue. The developer indicated that they planned on having a fifty (50) foot buffer adjacent to Wilson Avenue.

As of the preparation of this report, the Current Planning Division has received no inquiries specifically about the Comprehensive Plan request; however staff has received several inquiries regarding the GDP associated with this request as listed above. One citizen letter was received by staff at the neighborhood meeting held on November 10th. That letter is included as Attachment 2 of this report.

A total of 39 people signed the attendance sheet that was distributed at the neighborhood meeting, while a head count indicated a total of 54 people were actually in attendance.

VII. COMPREHENSIVE PLAN MAP AMENDMENT INTRODUCTION, FINDINGS AND ANALYSIS

A. ANALYSIS OF SUBJECT AREA AND SURROUNDING CONDITIONS

Introduction

This Comprehensive Master Plan amendment request is for land use designation changes on the Land Use Plan Map. The amendment proposed by the applicant, THinc., is to change the land use designation from "NAC" Neighborhood Activity Center (mix of convenience commercial, public, and residential uses) to "MDR" Medium Density Residential (4-12 dwelling units/acre) on approximately 43.6 acres; The Land Use Plan designations pertinent to this application are defined as follows:

The "NAC" Neighborhood Activity Center land use category, as described in Exhibit 4.10.A Map Series 1 of 3, is defined as:

A center with a market radius of 1-2 miles intended to service close-in neighborhoods. Typical uses will include a supermarket and drug store, offices, services, public uses, and some residences. Residences may be above retail and offices or adjacent to the center's core. A target range of 100,000 to 250,000 sq. ft. GLA will be typical. The center should be designed

to encourage walking and biking and provide convenient access to and from the adjacent neighborhood(s) for pedestrians and bicyclists.

The “MDR” Medium Density Residential land use category, as described in Exhibit 4.10.A Map Series 1 of 3, is defined as:

The target average gross density for this neighborhood is 4 to 12 units per acre. This neighborhood may include single-family detached homes, single-family attached homes, townhomes, condominiums, and apartments. Churches, schools, parks, recreation, open space and civic uses are acceptable complementary uses. Convenience/commercial uses of 2 acres or less may be appropriate as long as the convenience/commercial use is approximately 3/4 of a mile from the nearest similar commercial use. The older neighborhoods in the center of the city are typical of this category.

The land use designations in the Comprehensive Plan are used to guide zoning and development approval decisions. The “MDR” land use designation, like other land use designations in the plan, provide for a range of densities and uses that may be appropriate for a given area. Because of the scope and generalized nature of the Comprehensive Plan, it may be necessary from time-to-time to amend the land use designations. Land use designations may be modified based on better information about a given area, changes in development trends, and/or changes in community preferences or goals.

The processes and procedures for amending the Comprehensive Plan are outlined in Section 7 of the Plan. According to criteria outlined in the Plan, the proposed amendment is significant enough to require approval by the City Council after a recommendation is made by the Planning Commission. Amendments of this type require a public hearing before the Planning Commission and the City Council.

This Land Use Plan Map request has been filed along with an annexation, zoning, and development plan request. As a part of the application materials for this request, the applicant has submitted a GDP and has indicated an intention to build a residential development consisting of approximately 1,100 dwelling units (a mix of approximately 620 single family and approximately 480 other residential units).

Below is staff’s review of the existing conditions within the subject area and the land surrounding the subject site area. Staff’s evaluation based on the established Plan amendment review criteria and a summary of comments received from others are provided at the end of the report.

B. Existing Conditions - Subject Site

The subject property is generally devoid of any trees, and contains dryland wheat. The site contains alternating strips of planted wheat and fallow strips of land. The nearest natural area is #74, identified as “the Hogback”, and is located west of the subject property. Natural area #75, identified as a swale pond east of the hogback is located to the south of the subject property.

Existing Zoning and Development: The subject site is vacant (undeveloped) under the current County “FA” Farming zoning district.

C. Existing Conditions - Surrounding Areas

Existing Zoning: (refer to Adjacent Land Use and Zoning Table below)

Surrounding Land Use Designations and Existing Uses: The following table provides a summary of: a) the adjacent existing land uses; b) a description of the those intervening (boundary) physical features that can influence land use; c) the details of the adjacent existing land uses and influencing physical features; d) the adjacent future land uses as designated on the Land Use Plan Map; and e) land use designation changes proposed by the applicant on adjacent properties.

Adjacent Land Use and Zoning Table:

Direction from Subject Request	Intervening Physical Feature	Existing Land Use	Existing Land Use / Feature Comments	Future Land Use Map Designation	Existing Zoning District
South	None	Single Family Detached Homes	(PUD) Single-family detached residential	LDR & ER	PUD
West	Hogback and steep slope elevations	Vacant	Vacant, Steep slope area	ER	FA1-Farming (County)
East	Wilson Avenue	Woodward Governor, Fairway West, and Emerald Addition	Office Park, Single Family Residential	E & LDR	R1, I, DR

North	None	Commercial and Single Family Residential	Future Grocery Store and Strip Retail, Single Family Residential	LDR & NAC	PUD
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D. SUMMARY ANALYSIS AND CONCLUSIONS

Staff has also prepared the following additional analysis of the proposed land use designation changes noted above as they relate to the criteria contained in Section 7.0 Process and Procedures for amending the 1994 Comprehensive Master Plan. The conclusions provided below are based on our review of the subject areas and surrounding existing conditions as well as the applicant's analysis of the retail market in the vicinity of the site and the long-term fiscal stability of the City (should the "NAC" designation be removed).

1. *Does the amendment request implement, or further, one or more of the philosophies, goals, policies and strategies of the 1994 Comprehensive Master Plan?*

In making this request, the applicant has noted correctly, in staff's view, that:

The "NAC" designation at the southwest corner of 43rd Street and Wilson Avenue is largely contained within the Buck Addition PUD #40. The NAC area also extends to the north side of 43rd Street to include the Giuliano Addition. The GDP Amendment and PDP for the Glen Isle Town Center includes a neighborhood retail center whose size meets and potentially surpasses the retail component of a "NAC" as defined in the Land Use Plan. The land use plan defines an NAC area as containing between 100,000-250,000 square feet of retail area. The proposed Glen Isle Town Center will contain approximately 108,000 square feet with an FAR of 0.12. Therefore, the conversion of the remaining 43.60 acres of NAC that falls within Lee Farm area is appropriate because adequate commercial areas have already been approved.

The activity center concept cited in the Land Use Plan notes that "while each of the activity centers is shown as a relatively large area on the plan, that does not mean that the entire area will be commercial; rather, it will include only a reasonably sized commercial area, with other uses filling out the village." (LU: 2.3, 2.4) The concept is critical to the application and interpretation of the Plan. Staff agrees with the applicant's view that "the current layout of the Glen Isle PUD (Buck 4th) has already begun the transition to other uses," thus, enabling the remaining 43.6 acres of NAC designation to be developed as MDR.

A pattern of development has yet to emerge on the west side of Wilson Avenue, south of 43rd Street in the Lee Farm location. The proposed Glen Isle (Buck 4th) PUD, when built, will

establish a community-level commercial node on the southwest corner of the Wilson Avenue/43rd Street intersection. The medium-density residential proposed as a part of the Lee Farm development will also, when built, provide the necessary transition between the commercial land use on the corner to less dense residential development anticipated to the southwest and west. The requested land use designation changes would serve to continue that general land use pattern.

The Requested Land Use Designation Area and Density Mix

<u>Area (ac)</u>	<u>LU Designation</u>	<u>Density</u>	<u>Total (SF/DU)</u>
43.6 ac	MDR	4 – 12 DU/AC	174 - 523 DU

Based on the above analysis, the amendments serve to further the activity center and “village” concepts identified in the Plan. Therefore, staff finds that we can support, from a land use compatibility perspective, the land use designation changes proposed.

2. *Will the amendment request interfere with the existing, emerging, proposed or future land use patterns and densities/intensities of the surrounding neighborhood as depicted on the Land Use Plan Map and as contained within the 1994 Comprehensive Master Plan?*

Staff believes that a key goal of the Comprehensive Master Plan is to insure an optimal balance of land uses throughout the City as it grows over time. Staff also believes that another key goal is the need to preserve adequate space for commercial development as the City's residential population builds out. The Glen Isle Town Center and Loveland Crossing will fill the need of the NAC designation originally intended to provide approximately 100,000-250,000 square feet of commercial area.

Given the above, staff believes that a residential development of the size and scale proposed would not interfere with the existing, emerging, and future development patterns in this area.

3. *Will the amendment request interfere with, or prevent, the provision of any of the area's (neighborhood's) existing, planned, or previously committed services?*

Generally, staff believes that the proposed amendments will not have any negative impacts on the City's electric system, water and wastewater utilities, storm drainage utilities, or on fire or life safety that cannot be mitigated at the development review stage.

The Thompson R2-J School District indicated during the GDP review for Lee Farm that the service level will exceed Level “C”. The review indicates that crowding at Centennial Elementary is a major concern for the district, but that active or passive changes may occur. Active changes involve moving students from one elementary school to another, while passive changes involve adjusting school boundary lines. They noted that this situation will likely have to be mitigated with this development, when an actual development project is proposed.

In conclusion, the land use designation changes proposed will not likely cause any adverse infrastructure provision difficulties that weren't previously anticipated or that cannot be mitigated or provided during the development review stage.

4. *Will the amendment request interfere with, or prevent, the provision of any of the area's (neighborhood's) existing or planned transportation system services as contemplated by the 2020 Transportation Plan?*

According to the 2020 Transportation Plan, Wilson Avenue is designated as an existing 4 lane arterial, while 43rd Street is designated as a 2-lane arterial. The Transportation Engineering comments are noted below:

The Transportation Engineering Division has reviewed the requested Comprehensive Master Plan Amendment. The area (43.6± acres) within the proposed change to the land use designation is relatively small when compared to the overall transportation network. The impacts of one parcel of land on the overall network are typically not significant. The 2020 Transportation Network was designed based on the existing Comprehensive Master Plan. The full build-out of the transportation network is predicted to handle the traffic associated with the current land use designations. This site will construct internal and adjacent master planned roadways with or without the requested amendment. The developer has submitted a Traffic Impact Study related to the amount of vehicular trips generated by the proposed uses in comparison to an assumption of the existing land use designation. This study indicates that the proposed change to the land use designation will not negatively impact the City's existing or planned Transportation Network.

Based on their analysis, the Transportation Engineering Division has concluded that "the proposed revision to the Comprehensive Master Plan will not have a significant impact on the transportation network."

5. *Does the amendment request implement, or further, any specific proposals for community facilities, including transportation facilities, or other specific public or private actions contemplated and contained within the 1994 Comprehensive Master Plan?*

As noted throughout this report, the amendment request would not be an impediment to any specific proposals for community facilities, including transportation facilities, or other specific public or private actions contemplated and contained within the 1994 Comprehensive Master Plan.

Recommendation

Based on the above criteria, staff finds that the land use designation change from "NAC" Neighborhood Activity Center to "MDR" Medium Density Residential on approximately 43.6 acres of the approximately 245-acre property is appropriate given the existing conditions and emerging,

proposed, and future development patterns in the area. Therefore, staff recommends that the Planning Commission recommend to the City Council approval of this request.

VIII. GDP AND ANNEXATION FINDINGS AND ANALYSIS

A. ANNEXATION ELIGIBILITY

1. Section 17.04.020: *The annexation complies with the laws of the State of Colorado regarding annexation and the property proposed for annexation is otherwise eligible to be annexed because there is at least one-sixth contiguity between the City and the area seeking annexation and there is no evidence that two or more of the following conditions have been met:*

Finding 1. The property is eligible to be annexed because there is at least one-sixth contiguity between the City and the area seeking annexation and there is no evidence that two or more of the following conditions have been met:

1a. Less than 50% of the adult residents of the area proposed to be annexed use some of the recreation, civic, social, religious, industrial or commercial facilities of the municipality and less than 25% of its adult residents are employed in the annexing municipality.

1b. One-half or more of the land proposed to be annexed is agricultural, and the landowners of such agricultural land have expressed an intention under oath to devote the land to agricultural use for at least five years.

1c. It is not physically practical to extend urban service which the municipality provides normally.

Current Planning Division: The subject property is more than 1/6 contiguous to the City of Loveland. According to the developer and property owner, there is no evidence that the agricultural land on site will be used for agricultural purposes for the next five years. In addition, staff believes it is physically practical to extend urban services which the municipality normally provides to this area of the County.

B. CITY UTILITIES AND SERVICES

1. Loveland Comprehensive Master Plan

Section 4.8 Annexation: *Whether the annexation minimizes the short and long term costs of providing such facilities and services for the benefit of the annexed area.*

2. Loveland Municipal Code

a. Section 17.04.040:

(i) *Whether certain public facilities and/or community services are necessary and may be required as a part of the development of any territory annexed to the City in*

order that the public needs may be served by such facilities and services. Such facilities include, but are not limited to, parks and recreation areas, schools, police and fire station sites, and electric, water, wastewater and storm drainage facilities. Such services include, but are not limited to, fire and police protection, provision of water, and wastewater services.

(ii) Whether the annexation and development pursuant to the GDP will create any additional cost or burden on the existing residents of the City to provide such facilities and services in the area proposed for annexation.

(iii) The annexation complies with the water rights requirements set forth in Title 19 of the Loveland Municipal Code.

b. Section 18.41.050.D.4:

(i) Development permitted under the zoning established by the GDP will not have negative impacts on City utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the GDP or reasonable conditions designed to mitigate the negative impacts.

(ii) Whether development permitted under the GDP will be complementary to and in harmony with existing development and future development plans for the area in which the GDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.

Power

The proposed development currently lies in the certified service territory of Poudre Valley REA. Upon completion of successful annexation, future development of the proposed annexation will be serviced by the City of Loveland. When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on electrical energy as defined in 40-9.5-204, CRS, and the City of Loveland Municipal Code 13.12.180. This surcharge will expire ten years after effective date of the annexation.

An underground vault with 200-amp three-phase power is located at the southeast corner of the proposed annexation, on the west side of North Wilson Avenue. In addition, both 200-amp and 600-amp underground feeders and vaults are located along the east side of North Wilson Avenue. Power will be extended onto the site with future development at the developer's cost per City Municipal codes.

Power ACF Analysis

ANNEXATION:

Finding 2a - Power The existing electric facilities are sufficient for the current use. The proposed development meets the criteria for level of service as outlined in the ACF ordinance.

ZONING:

Finding 3 – Power The existing uses as well as any future development requirements are current with the Power Division's existing infrastructure and system master plan.

Power ACF Analysis

Finding 3 - Power The proposed development will not negatively impact the City's existing electrical infrastructure. The proposed development meets the criteria for level of service as outlined in the ACF ordinance.

Water/Wastewater Analysis

The subject development is situated entirely within the City's water and wastewater service area and is also accommodated in the City's Water/Wastewater Master Plan.

Regarding water, the subject development is situated in two different boosted water pressure zones. Areas lying below a finish contour grade of 5170 will be in the City's Master Plan boosted pressure zone #2 (BPZ2) while areas situated above 5170 will be in the City's Master Plan boosted pressure zone #4 (BPZ4).

As a point of reference, water storage and booster station facilities for both zones come from a 4 million gallon steel tank and water booster station (known as the "29th Street Booster Station"), located about ¾ miles west of N. Wilson Ave. and just south of W. 29th Street. Currently, these facilities supply water to the existing Hunter's Run development, portions of Buck and Giuliano Subdivisions and other Subdivisions east of Wilson Avenue. All these areas are within BPZ2. Also, at present, Staff is overseeing and managing planned capital project upgrades for BPZ2 only; these upgrades include a new 4.5 million gallon water storage tank near the terminus of W. 43rd Street and certain other internal pump modifications to the "29th Street Water Booster Station". These upgrades and modifications will enhance and stabilize water volume and system pressures to existing developments, future developments and also those areas within the subject development situate in BPZ2.

Alternately, for future development and for areas of the subject development situate within BPZ4, additional upgrades to the "29th Street Water Booster Station" will be necessary. These upgrades will need to be complete and online prior to issuance of building permits.

It is the City's strong desire to design and construct these upgrades. The City will work in harmony with the Developer's development schedule so as to not cause impediment or delays. Details of cost sharing and partnering between the Developer and City will be

identified and documented by an agreement that will be coordinated through the City Attorney's office.

Regarding Wastewater, all effluent flows can be accommodated by mains in the existing Hunter's Run Subdivision and other downstream trunk mains.

Consequently, with the assumption all future water and wastewater improvements be designed and constructed pursuant to then current Development Standards and applicable Municipal Code requirements, Staff finds there are no adverse affects upon the City water and wastewater utility systems.

Stormwater Findings and Analysis

The Lee Farm Addition is located within the Caddoa, Golf Course, and Hogback Basins as defined by the City of Loveland Master Drainage Plan. With the proposed development, the Developer is planning the construction of storm sewer systems, swales, and detention ponds that will adequately collect, detain, and release stormwater runoff in a manner that will eliminate off-site impacts. Therefore, when built, the proposed development will not negatively impact City storm drainage utilities. A condition has been placed on the project related to the detention pond release rates due to inadequate downstream facilities to receive developed detained stormwater runoff from this development. A condition has also been placed on the project related to the existing regional detention pond expansion onto this property.

Fire Prevention

The furthest point within this development is approximately 3 miles from the first due Engine Company (Station 2) and approximately 4½ miles from the first due Ladder Company (Station 5). In order to comply with the response distance requirements in the ACF ordinance, the first due Engine Company should be within 1 ½ miles and the first due Ladder Company should be within 2 ½ miles of the furthest point within the development. This project falls within a Conceptual Fire Service Area. A site has been dedicated at Highway 34 and Rossum Drive.

This project shall comply with the interim standards in Table 2.3. The interim standards in Table 2.3 are designed to provide an increased level of individual structure fire protection where a project is outside the fire service areas. The Loveland Fire and Rescue Department believes the use of residential fire sprinkler systems is the best method of life safety where fire stations **are not** located within the 1 1/2 miles or a 5-minute Engine Company response time, as defined in the Fire Protection Master Plan. The ACF ordinance does not require fire sprinkler systems. There is certain risk assumed when homes are built beyond the standard response distances and without residential fire sprinkler systems.

Fire Prevention ACF Analysis

Finding - Fire This project will comply with the Adequate Community Services ordinance outlined in the Loveland Municipal Code, Section 16.41.100.

Parks and Recreation

As outlined in the 2001 Parks and Recreation Master Plan, a Recreation Trail underpass is planned for this site under Wilson. Currently, the Recreational Trail terminates at a point near the northeast corner (35th and Wilson Ave.) of existing Hunter's Run and continues (picks-up again) east just north of the GE property on the east side of Wilson Avenue. In addition to the underpass, a connection from the two points described above will need to be connected through this site, thus completing the Recreational Trail loop on the northwest side of Loveland.

A County Regional Trail is to be provided from the north to the south property line of the Buck First Subdivision with the Glen Isle Towne Centre development. A connection from the regional trail to the future underpass will need to be provided through this site also.

This project is to be serviced by a future community park (Mehaffey Park) which is located approximately ¾ of a mile to the south. Therefore, the Parks and Recreation Department will not be seeking public parkland with this project.

Current Planning The subject development should contain short vehicle trips as a neighborhood shopping center is proposed to be located immediately adjacent to the subject property. The site is located contiguous to other properties already receiving city services to the north, east and south. The proposed development is therefore not a scattered site or leapfrog development.

School District: A fee in lieu of land dedication of \$688 per building permit is being requested by the district. Attachment 8 of this report details the school district analysis of this site.

C. City Utilities/Services and Transportation

1. Loveland Comprehensive Master Plan

- a. **Section 4.5-Major Arterial Corridors:** *Whether for development along U.S Highway 287, State Highway 402, and U.S. Highway 34, the GDP includes traffic collectors designed and located behind developments, where possible and appropriate.*

2. Loveland Municipal Code

- a. **Section 17.04.040:** *Whether all existing and proposed streets in the newly annexed property are, or will be, constructed in compliance with City street standards, unless the City determines that the existing streets will provide proper access during all seasons of the year to all lots and that curbs, gutters, sidewalks, bike lanes, and*

other structures in compliance with City standards are not necessary to protect public health, safety, and welfare.

- b. Section 18.41.050.D.4(b):** *Development permitted under the zoning established by the GDP will not have negative impacts on traffic in the area. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the GDP or reasonable conditions designed to mitigate the negative impacts. Negative traffic impacts are defined in Section 4.3.C. of the City's Traffic Impact Study Guidelines and Policy. In general, a significant impact exists when one or more of the following situations occur:*
- (i) The traffic exceeds the maximum traffic volumes allowed for the specific classes of roadways; or*
 - (ii) When the new project traffic causes an excessive delay at an intersection; or*
 - (iii) When the maximum allowable traffic volume will be exceeded by the background traffic and the new project traffic causes more than a 2% increase in the volume; or*
 - (iv) When the intersection delay created by the background traffic exceeds the allowable maximum and the new project traffic will increase the delay by more than 2%.*

Transportation Engineering

A Master Traffic Impact Study has been submitted with the Lee Farm Addition General Development Plan (GDP) which demonstrates that the transportation system, incorporating typical expected improvements, can adequately serve the conceptual land uses proposed. An Adequate Community Facilities (ACF) determination is not required for a GDP application. However, given the Engineering Conditions set forth for this GDP, together with information provided in the Master Traffic Impact Study, staff believes the GDP can be approved without creating negative impacts to the City's public street system.

No vesting will be granted with this GDP and specific requirements shall be determined with each site specific development plan. Staff notes that additional Traffic Impact Studies will be required with subsequent submittals of Preliminary Development Plans (PDP). Full analysis of traffic impacts along with street design issues specific to the development will be reviewed with each PDP. Any additional devices or measures (beyond those set forth in the Engineering Conditions) needed to mitigate traffic impacts will be addressed at that time.

Excerpts from the Master Traffic Impact Study are provided in **Attachment 7**

Engineering ACF Analysis

Finding 2 - Engineering All Preliminary Development Plan applications within this area shall demonstrate conformance with ACF requirements for transportation. Therefore, this development will not negatively impact traffic in the area.

D. Land Use

1. Loveland Comprehensive Master Plan

a. Section 4.1-Growth Management Plan:

- (i) Whether the land proposed for annexation is within the City of Loveland Growth Management Area.*
- (ii) Whether the annexation would result in the creation of an enclave and encourages a compact pattern of urban development.*
- (iii) Whether the land proposed for annexation discourages leapfrog, scattered-site, and flagpole development.*
- (iv) Whether the land proposed for annexation encourages infill development.*
- (vi) Whether the land proposed for annexation is contiguous to other land that is already receiving public services.*

Current Planning: The subject property is within the City of Loveland Growth Management Area, and it does not create an enclave. The property is proposed to develop with the most compact portions of the site adjacent to Wilson Avenue, and the least dense areas to the western edge of the site.

The site is surrounded on three sides by existing city developments, and it is therefore not a leapfrog site. The site is contiguous to other sites receiving public services such as the Buck Addition and Hunter's Run. This development is proposed to be constructed on the vacant 245 acre parcel between Hunter's Run and the Buck Addition.

b. Section 4.3-Residential:

- (i) Whether the zoning would encourage: the development of a full range of housing types to meet the needs of all age and socio-economic groups; a mix of housing densities throughout the City; quality design and compatible land use relationships with proposed and existing developments; and a pedestrian and bicycle friendly development by having an existing or planned neighborhood park and an existing or planned elementary school within walking or biking distance and easy access to a community park, major employment centers, and existing or planned neighborhood shopping center.*
- (ii) Whether the zoning discourages residential development in areas which have been officially designated as floodplain areas.*
- (iii) Whether the clustering of development has been considered to promote open space.*
- (iv) Whether the applicant has demonstrated that reasonable efforts have been made to assemble adjoining land parcels to allow for the preparation of a master plan for a larger area, rather than submit separate individual proposals.*

Current Planning: The site proposes a mix of housing types and styles to meet all age and socio-economic groups. The site also contains a mix of housing densities that complies with the Comprehensive Plan. The site will also be within easy

walking or biking distance to Woodward Governor and to the future planned park to the south of Hunter's Run.

Staff has also reserved the southeast portion of the site as a no-build area. Conditions are included within the GDP that will prohibit the development of all wetland areas and the developer proposes to preserve the wetlands in a similar state to their existing condition.

The site is contained in a total of four parcels. These parcels are being annexed together, and a GDP for the entire 245 acre site is being submitted.

c. Section 4.4-Commercial and Industrial:

(i) Whether the intensity of commercial development allowed by the zoning is in scale with the neighborhood context and architectural and site planning standards have been incorporated into the zoning to require: the dispersal of parking into small, heavily landscaped lots, located to not dominate the public image of the site along main roads leading to it; and safe and convenient pedestrian connections between residential and commercial centers.

(ii) Whether the zoning discourages strip commercial development and incorporates transitional land uses, such as linear greenbelts or other urban design elements, between residential and commercial areas.

(iii) Whether for commercial and office development, the zoning includes standards for floor area ratios and minimum open space.

Current Planning: The site is primarily residential, although a two acre portion of the site is being reserved for convenience commercial such as small retail or standard restaurant uses.

The neighborhood context of the entire site will be preserved within the development. Pedestrian connections will be provided to the commercial center to ensure safe travel to and from the site via bicycle or pedestrian travel. A proposed civic area is planned to the west of the commercial site, and therefore the site transitions between land uses.

The subject proposal is in compliance with the overall Comprehensive Plan for the City. That plan ensures that the center of town is the densest portion of the City. Densities, under the Comprehensive Plan decrease as properties become further from the core area of the City. This plan promotes the density shift desired in the plan by containing the densest portion of the property adjacent to Wilson Avenue with the estate portion of the site on the western side of the site

d. Section 4.5-Major Arterial Corridors:

(i) Whether for development along U.S Highway 287, State Highway 402, and U.S. Highway 34, the zoning includes, where appropriate, standards consistent with

the recommendations in the U.S. Highway 34 Corridor Plan, including standards necessary to convey a high quality image, such as, but not limited to, elements of public signage, private advertising signage, landscaping, roadway and intersection improvements, building height, exterior storage, building design and site planning, and other similar design elements.

(ii) Whether for the development along U.S. Highway 34 Corridor Plan east of Boise Avenue, the GDP includes standards limiting commercial development to the intersections of U.S. Highway 34 and County Road 7, County Road 9, and Denver Avenue.

(iii) Whether for development along these major transportation corridors, the zoning contains standards to promote good design and compatibility with all adjacent land uses, including, but not limited to, standards for square footage delineations, height limitations, floor area ratios, building and parking lot setbacks, locating major parking areas to the rear and side of buildings, landscaping, bufferyards, use of natural terrain and stream/canal corridors, and design and materials for walls, fences, and buildings to ensure a high quality, harmonious, and integrated relationship between adjacent land use groups and land uses.

(iv) Whether the GDP includes provisions to ensure that streamways, canals, and irrigation ditches are preserved as open space corridors and, where appropriate, used for hike/bike pathways.

Current Planning: The subject property is not located adjacent to any of the identified major arterial corridors identified above. The property is however located adjacent to Wilson Avenue on the east which is identified as a four lane arterial. The transportation engineering analysis above relates further to the discussion of the transportation corridor.

e. Section 4.6- Airport and Surrounding Areas: *Whether the land uses allowed by the GDP comply with the limitations set forth in Table 4.6.A, Fort Collins-Loveland Municipal Airport Land Use Schedule, and the other philosophies set forth in Section 4.6.*

Current Planning: Not applicable

f. Section 4.8-Annexation:

(i) Whether the annexation will encourage infill development and generally ensure that, when developed, the land will be immediately contiguous to other land in the City receiving City services.

(ii) Whether the annexation and land use pattern established by the zoning will minimize the length of vehicle trips generated by the development and support a balanced transportation system, including auto, bike, and pedestrian traffic and public transit.

(iii) Whether the annexation is in compliance with pertinent intergovernmental agreements.

Current Planning: The annexation is surrounded on the north, east, and west by other properties currently receiving City services. While this property is currently vacant (contains an old wheat field), it will provide a land use pattern that should minimize vehicular trips. At the PDP stage, staff expects to see pedestrian and bicycle connections throughout the subject property to help reduce the amount of vehicular trips for retail purchases. In addition, the location of the Glen Isle Town Center should reduce the length of vehicular trips for retail purchases.

The annexation is in compliance with all intergovernmental agreements.

- g. Section 4.10-Land Use Plan:** *Whether the zoning is consistent with the Loveland Comprehensive Master Plan Land Use Plan or a "major plan amendment" request is being processed concurrently with the annexation and GDP application.*

Current Planning: Please see the analysis located in Section VIII of this report. The applicant filed a Master Plan Land Use Amendment in association with the annexation and GDP request. Staff believes the amendment request is consistent with the goals of the Land Use Plan.

- h. Section 5.0-Community Design Objectives:** *Whether the GDP is consistent with the design objectives set forth in the City of Loveland Community Design Elements.*

Current Planning: Staff has worked with the applicant to ensure that a variety of home styles and types will be constructed with this project. Staff has ensured that there will be at least four different floor plans, and at least four different architectural styles. In addition, the lot sizes will be varied throughout the project. The commercial architecture standards are included on the GDP.

2. Loveland Municipal Code

- a. Section 18.41.050.D.4(b):** *Whether development permitted under the zoning established by the GDP will have detrimental impacts on property that is in sufficient proximity to the GDP to be affected by it. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff recommend either disapproval of the GDP or reasonable conditions designed to mitigate the negative impacts.*

Current Planning Division: Increases in traffic are expected with the development of this site. The proposal being submitted meets the requirements of the Comprehensive Plan in accordance with the goals of the Community and Strategic Planning Division. Future applications at the Preliminary Development Plan stage will ensure further compatibility with surrounding sites, and within the subject site. Proposed densities and housing types are included at this stage for comparison to surrounding uses.

c. Section 18.41.050.D.4(c): *Whether development permitted under the GDP will be complementary to and in harmony with existing development and future development plans for the area in which the GDP is located by:*

(i) *Incorporating natural physical features into the GDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.*

(ii) *Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Plan*

(iii) *Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.*

(iv) *Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.*

Current Planning Division:

Staff believes that the Lee Farm General Development Plan is in substantial compliance with the City of Loveland Comprehensive Master Plan, with particular emphasis on the following:

The density of the proposed development is in conformance with the recommendations of the Comprehensive Plan. The proposed road network meets the requirements of the Transportation Development Review Division. In addition, the densities recommended are similar to developments to the north and south of the subject property. The proposed minimum lot sizes are consistent with the density goals outlined in the MDR, LDR and ER categories of the Comprehensive Plan. Maximum numbers of lots are identified in each bubble area of the GDP. Further evaluation of this project area will be possible at the PDP stage when the developer outlines the actual lot locations and sizes. A more complete comparison to adjacent existing developments will be possible at that time.

Staff does not believe development of the subject property will have a detrimental impact on property that is within sufficient proximity to the proposed development. The proposed Glen Isle Town Center will provide convenient local shopping that will shorten vehicle trips from the site.

The subject application is currently at the GDP (General Development Plan) stage. At this time, staff has ensured that physical features of the site, including the wetland area on the southwest portion of the property will be preserved in a state similar to their existing condition at the time of a PDP (Preliminary Development Plan) submission. There are few if any other natural physical features associated with this site.

The proposed GDP has followed the land use pattern established with the Comprehensive Plan. A total of 15 acres of the site will be preserved for a mixture of housing types within

Area A per the first condition of the GDP. In addition, the land use pattern shifts to less dense development as the subject property moves away from the neighborhood shopping center. The densest portion of the subject property is located adjacent to the shopping center such that future residents will be able to walk to the center on pedestrian pathways to be depicted at the time of the PDP. The estate lots will be located to the far western portion of the subject property in accordance with the ER (Estate Residential) designation of the Comprehensive Plan.

Staff has ensured that an appropriate buffer is provided between the proposed West 35th Street and the Hunter's Run development to the south. A minimum 20 foot wide buffer must be provided, and it is currently depicted at much greater than 20 feet except at the connection point to Wilson Avenue. In addition, at the time of the PDP, a "D" sized buffer will be required along West 35th Street.

It is anticipated that a single family detached development area will be located south of West 35th Street adjacent to Hunter's Run. Should townhouses or duplexes be located within Area A of the GDP adjacent to the homes in Hunter's Run that face Sanford Circle, a buffer in accordance with the SDPS (Site Development Performance Standards) will be required.

Architectural design standards are encompassed within the GDP Narrative section. Several different requirements are proposed for the site to include, but not be limited to: different placement of units on the lot, at least four (4) different housing models, different floor plans, differing exterior materials, garage placement.

Engineering Division:

Annexing and zoning a parcel or property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. A condition is recommended to clearly ensure that all future development or land application within this proposed property shall be in compliance with the *City of Loveland 2020 Street Plan*, the *Larimer County Urban Area Street Standards* and any updates to either in effect at the time of development application. Moreover, as identified in the City Municipal Code Title 16, a Traffic Impact Study shall be required with all future development or other land use applications. The annexation will also be required to dedicate, free and clear, all applicable right-of-way to the City, at no cost to the City, at the time of development.

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

Water/Wastewater; Stormwater:

As stated in the analysis section above, the water, wastewater and storm water utility divisions do not believe a negative impact on City utilities will occur with the development of this project.

E. Environmental Impacts

1. Loveland Comprehensive Master Plan

a. Section 4.2.-Open Space, Natural Areas, and Other Significant Lands:

Whether the GDP includes an assessment of natural areas and other significant areas on the property and other areas impacted by development allowed on the GDP.

b. Section 4.3-Residential:

Applicable elements of the Open Space and Natural Areas Plan and Parks Master Plan shall be considered in residential development proposals and energy-conscious land use and site planning practices shall be encouraged.

c. Section 4.8-Annexation:

(i) If the planning staff and/or the City has determined that significant negative impacts on the environment may occur from development allowed under the zoning, an Environmental Impact Report, including a Wetlands Reconnaissance Report, has been prepared by a qualified specialist.

(ii) All development agreements must deal satisfactorily with any environmental impacts upon the property.

(iii) The annexation application includes a Phase I Environmental Report, prepared by a qualified specialist, ensuring that the land to be annexed does not contain hazardous or toxic substances that may pose a danger to the City or that reasonable mitigation measures are to be taken in the event such contamination exists.

(iv) Annexation will be allowed for the purpose of preserving or acquiring open space or natural areas.

2. Loveland Municipal Code, Section 18.41.050.D.4(c): *The GDP incorporates environmentally sensitive areas into the project design. Environmentally sensitive areas include, but are not limited to, wetlands, wildlife habitat and corridors, slopes in excess of 20%, floodplain, soils classified as having high water table, stream corridors, and mature stands of vegetation.*

Current Planning: Staff has determined that environmental features of the subject property will be maintained and enhanced. Several conditions are included on the GDP (General Development Plan) that will require the applicant at the time of the PDP (Preliminary Development Plan) to fully examine the location of the wetlands on the southwestern portion of the subject property. Conditions 24-28 as listed in the GDP at the end of this report ensure that the wetland areas will be preserved in a condition similar to their existing state. At the time of the PDP, a full analysis of this wetland area will be provided, and a determination from the Army Corps of Engineers will be required. The project design when finalized will be required to protect this portion of the site.

At a minimum, the site will contain one acre of open space for each one hundred single family lots per the Subdivision Ordinance. In addition, the applicant is proposing as a part of the GDP, a community center area that is a total of ten acres in size. This area has the potential to be a neighborhood park or a recreational facility.

F. Fiscal Impacts

Loveland Comprehensive Master Plan, Section 4.8, Annexation: *If required by the City, a cost benefit analysis has been prepared to measure and assess the fiscal impacts of the proposed annexation. City Council may make any appropriate findings as a result of said cost benefit analysis.*

Current Planning: Staff does not require a fiscal analysis in residential annexation cases.

G. Schools

Loveland Municipal Code, Section 17.04.040.D: *A School Impact Report has been prepared for the annexation and the recommendations in that report considered by City Council. The applicant has demonstrated that discussions have taken place with the School District and an agreement reached between the applicant and the District concerning the requirements for dedication of school sites, or payment of fees in lieu of land dedication.*

School District: In consultation with the School District, the applicant will pay a fee in lieu of land dedication of \$688 per building permit (See Attachment 8 for School Impact Report).

H. Miscellaneous

1. **Loveland Comprehensive Master Plan, Section 4.8-Annexation:** *The annexation is contingent upon an annexation agreement that clearly details the rights and obligations of the City and the land owner regarding the annexation and development of the land to be annexed.*
2. **Loveland Municipal Code, Section 17.04.040.F:** *Whether the annexation is in the best interest of the citizens of the City of Loveland.*

Current Planning Division: Staff will propose an annexation agreement for the subject property. The agreement will clearly detail the rights and obligations of the City and the land owner regarding the annexation and development of the land to be annexed. Annexation has been determined by staff to be in the best interest of the citizens of the City of Loveland.

Mineral Extraction:

Colorado Revised Statute: *The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.*

Current Planning: The surface property owner is also the mineral rights owner for the subject property. Therefore extraction of a commercial mineral deposit is not an issue with this application.

GDP CONDITIONS:

Power Conditions

1. For all multiplex buildings of three units or more, electric meters will be located centrally on or near the building, and the developer or his representative will be responsible for installing and maintaining the underground electric service to the meter per the National Electric Code. If Water and Power requirements for location of meters and other electrical equipment can be met on multiplex Town homes, the Town homes will have individual services and meters per City code.
2. Five foot rear lot utility easements and five foot side lot utility easements for continuity are required for the installation of cable and telephone utilities. Joint trench with electric is not allowed in residential areas. Fourteen foot front lot utility easements are required on all streets.

Water/Wastewater Conditions

3. The Developer shall execute an agreement, with the City, stipulating responsibilities of cost sharing, timing, construction, design and other matters related to water booster station and infrastructure requirements which facilitate adequate service to areas of the proposed P.D.P., within BPZ4. The agreement shall be executed and finalized prior to approval of the Final Plat and Final Development Plan.

Stormwater Conditions

4. The Developer shall provide detention pond preliminary and final designs such that the detention ponds will collect 100-year developed stormwater runoff from the subdivision and release the detained stormwater runoff at the 2-year rate in accordance with City of Loveland criteria found within UD&FCD Volume 2 Table SO-1.
5. The Developer shall provide on the preliminary and final plats wording associated with the existing City of Loveland Regional Detention Pond expansion such that the expansion within the Lee Farm Addition is "Dedicated to the City of Loveland, Colorado by this Plat and drainage infrastructure within the Regional Detention Pond shall be maintained by the City."

Fire Prevention Conditions

6. All garage areas shall have heat detectors installed. Only garages protected by an automatic fire sprinkler system do not require heat detection

Parks and Recreation Conditions of the Project

7. The developer shall dedicate a minimum 30' wide pedestrian easement for the Recreational Trail prior to FDP approval. Final easement size and location will be determined at time of PDP. If the trail can be located in the public ROW, the total width of the easement may be reduced, as determined by the Parks and Recreation department.
8. The developer shall dedicate a minimum 30' wide pedestrian easement for regional County trail prior to FDP approval. Final easement size and location will be determined at time of PDP. If the trail can be located in the public ROW, the total width of the easement may be reduced, as determined by the Parks and Recreation department.
9. The owner/HOA shall maintain in perpetuity the easements associated with the trail/sidewalk along Wilson Avenue. Until the underpass is constructed, the owner/HOA shall also maintain the recreational, regional trail and associated pedestrian easements. The City will only maintain the 10 foot wide concrete trail once the underpass is completed. Any land dedicated to the City for the purposes of said underpass or trail shall be maintained by the City of Loveland. No private easements or uses will be granted within these areas unless an agreement is in place regarding maintenance.
10. The developer shall dedicate an adequately sized easement for the Recreational Trail underpass for Wilson Avenue. The easement size and location shall be determined at time of PDP and should minimize the need for retaining walls and meets ADA requirements.
11. An agreement shall be executed prior to FDP approval between the City of Loveland and the developer specifying the following conditions
 - a. The developer shall pay for the construction of all retaining walls on the west side of the proposed underpass should one be needed due to the expansion of the proposed regional detention pond to the south.
 - b. The developer shall pay for the construction of all at-grade trail connections to the underpass opening on the west end of the proposed underpass from Wilson trail/sidewalk.
 - c. The developer shall construct a 10' wide combined trail/sidewalk, meeting City of Loveland trail and sidewalk walk standards, the entire length of the west property line along Wilson Avenue and connections to the future underpass.
 - d. The developer shall provide a preliminary underpass design for the purposes of locating it on the west side of Wilson Ave. The preliminary design shall include utility information based on pot-holing (field verified utility depth and location), proposed final grades with proposed retaining wall, and proposed at-grade trail connections. The design shall meet ADA requirements, safety and access grades for both sides of Wilson Avenue.

Engineering Conditions

12. All future development within this GDP shall comply with the Larimer County Urban Area Street Standards (LCUASS) adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of a site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.
13. Notwithstanding any conceptual information presented in the GDP submittal; street layout, street alignments, access locations, intersection configurations and intersection operations (traffic controls) shall be determined at the time of application for site specific development.
14. Notwithstanding any information presented in the Master Traffic Impact Study for the GDP, the developer shall provide any additional traffic information, corrections, revisions and analysis required by the City to verify compliance with the Adequate Community Facilities ordinance at the time of application for site specific development plan review and approval. Future traffic impact studies for site specific development plans shall use a study area determined by considering the cumulative trip generation within the entire GDP (i.e. – traffic from the proposed use plus traffic from previously approved site specific development plans).
15. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the dedication(s) shall be as follows:
 - a. Right-of-way for 43rd Street and Wilson Avenue shall be dedicated prior to the recording of the annexation.
 - b. Right-of-way for Cascade and 35th Street shall be dedicated prior to, or concurrent with, approval of the first development application within this addition.
16. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific development applications within this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.
17. The ultimate roadway improvements, including sidewalk, adjacent to the property for 43rd Street and Wilson Avenue shall be designed and constructed by the developer, unless designed and constructed by others. A cash-in-lieu payment may be accepted for all or part of the improvements, if approved by the City Engineer. The timing and detailed scope of these improvements will be determined through review and approval of the site specific development plans.
18. No parking will be allowed on 35th Street within this GDP. Additionally, no house or driveway shall front onto 35th Street within this GDP.

19. Cascade Avenue shall be designed and constructed to the LCUASS 2-lane arterial roadway standards within this GDP unless otherwise modified on the adopted Transportation Plan.

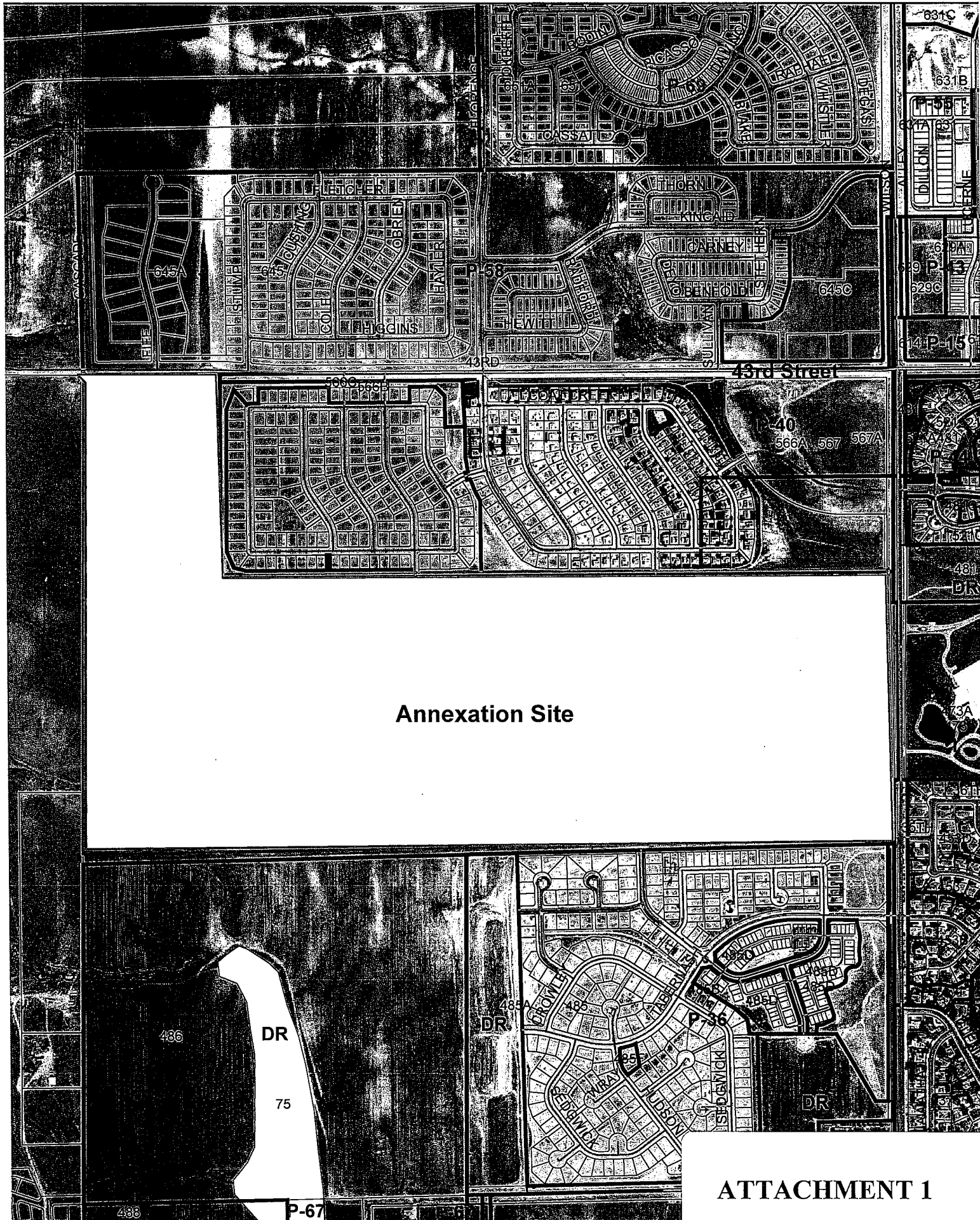
Current Planning:

20. Within Area A, a minimum of 15 acres shall be developed as a land use other than single family detached dwellings and as otherwise permitted in Area A, unless the applicant demonstrates and the Current Planning Manager concurs, that at the time of PDP there is not a sufficient market for such other land use.
21. Staggered setbacks shall be incorporated within the single-family areas. A setback matrix shall be included in the preliminary development plan submittals that contain single family uses.
22. Garages for paired residential units shall not extend more than 12 feet beyond the front of the façade of the living portion of the dwelling.
23. All lots along local streets shall have on tree and corner lots shall have one tree per street frontage planted prior to the issuance of a certificate of occupancy.
24. Any application for any preliminary development plan in which a wetland is located shall not be considered complete by the City unless the application includes correspondence with or a copy of any permit required by the Army Corps of Engineers for disturbance of a wetland.
25. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that the existing wetlands will be preserved in a condition similar to its present state. To preserve the wetlands, the applicant shall submit a report detailing potential impacts of the development on the wetlands and include mitigation measures to address these impacts. At a minimum, the report shall address the post-development water regime of the wetlands and buffering proposed for water quality and wildlife habitat around the wetlands.
26. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that there is no net loss in the extent to which the existing wetlands with the Lee Farm Addition would retain the quantity and quality of storm water runoff prior to being discharged.
27. Any application for a preliminary development plan within Area E (wetland area) shall include a complete updated Environmentally Sensitive Areas Report by a qualified professional. No development shall be approved in areas identified in said reports as wetland or otherwise environmentally sensitive or buffer areas recommended in said report.

28. No private lots shall extend into existing or developed wetlands or other environmentally sensitive areas or within the buffers established as part of the mitigation and protection of these wetlands and other environmentally sensitive areas.
29. Garage doors for single-family detached dwellings shall not comprise more than 40% of the ground floor street-facing linear building frontage. Single-family dwellings on lots less than 65 feet wide, measured at the front building setback, shall not be permitted a garage where garage doors for more than two (2) cars are visible as part of the building elevation facing any adjacent street.
30. On lots with less than 65 feet of frontage on a public street, garage doors that are visible as part of the front building elevations shall be recessed behind either the front façade of the living portion of the dwelling, or a covered porch by at least four feet. Covered porches referred to herein shall measure at least eight feet across the front of the building by six feet deep.
31. Bufferyards. The Developer shall install all curbside bufferyards, common open space, private walks and/or paths and other open space and/or private park amenities, including all fences and/or walls located in, or along the edge of, bufferyards and open space. These improvements shall be installed prior to issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the Developer with the City. All formal landscaped areas shall be irrigated by a permanent, automatic irrigation system.
32. All areas shown as irrigated turf in the approved landscape plan shall be landscaped using drought tolerant species. All components of irrigation systems, except for sprinkler heads and control boxes, shall be buried at sufficient depth below ground surface to insure that normal open space maintenance measures will not damage the irrigation system.
33. A Type D landscape bufferyard shall be installed by the developer for all double frontage residential lots in the development. For purposes of meeting this requirement, the street trees for said bufferyards may be planted at spacing no greater than thirty-five feet on center and the bufferyard shall be a minimum width of 30 feet.
34. The Developer shall plant the tree lawn along both sides of all interior arterial or collector streets with street trees and sod. These trees shall be planted at 30-40 foot regular spacing except to allow for necessary driveways. Permanent irrigation shall be included in this installation to insure the health and vitality of the sod and trees. The sod and street trees shall be planted before issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the developer with the City.
35. All private walks and/or paths and other open space and/or private park amenities shall be installed by the developer before issuance of the first building permit in that construction phase, unless adequate financial security is filed with the City.

36. Erosion control fence. Before any grading or other disturbance to any portion of the land within Lee Farm, a temporary 4 foot mesh fence and erosion control fence, or a continuous anchored hay bale fence, shall be installed by the Developer. For those areas for which modification and/or enhancements are expressly approved by the City and/or ACOE, the fence shall be installed by the Developer after completion of all approved modifications and/or enhancements.
37. Solid fences. Solid material fences, as defined in Chapter 18.48 of the Municipal Code, as amended, shall not be allowed in the front yard of any residential lot. No solid material fences shall be installed on any lot closer to any street that abuts the side of said lot than the minimum sideyard setback on the lot.
38. Open space landscaping. Developer shall ensure that the owner(s) of the common open spaces shall maintain all landscape or other improvements approved by the City in good condition at all times. Maintenance shall include, but not be limited to, appropriate irrigation, replacement of dead or dying plants, regular repair and flushing of irrigation systems, replacement of mulch and weed fabric, and control of weeds.
39. A table shall be placed on Sheet 2 of the GDP to indicate that the dwelling unit total identified in each sub-area is the maximum number of units in each sub-area. Acreage is not to be multiplied by land area to determine the maximum number of units in each area. The maximum number of units is listed individually in each bubble area.
40. No light poles shall exceed twenty-five feet in height. All lights shall include full cut off, no sag lenses are allowed.

Lee Farms Annexation Site



Annexation Site

ATTACHMENT 1

Lee Farm Neighborhood Meeting

11-10-05

Marcy & Don McKenzie
2626 Lochbuie
Loveland 80538

We have a walk-out basement east of the
retention pond of Lee Farm & Eden Isle Towne Center.
Please be sure the water drainage system
& ^{the} size of the pond are adequate.

A little wider set-back from Wilson for the patio houses
would be nice if possible.

The rest of the Lee Farm plan looks pretty
nice - at this point in time.

BEING AN ANNEXATION OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 89 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

ENTIRE ANNEXATION. BOUNDARY PROPERTY DESCRIPTION:

that portion of Section 4, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

[illegible]

The above-described parcel contains 248.851 Acres, more or less.

ANNEXATION DATA TABLE

- | | | |
|---------------------------------------|-----------|-------------|
| 1. Contiguity to City Limits: | 13,808.39 | Linear Feet |
| 2. Total Allowable Annexation Limits: | 81,450.34 | Linear Feet |
| 3. Total Annexation Boundary: | 16,795.84 | Linear Feet |

OWNERSHIP INFORMATION

PARCEL 1 **PARCEL 2** **PARCEL 3** **PARCEL 4**

Grain Valley, S.A. Les Farm, LLC Grain Valley, S.A. Les Farm, LLC Grain Valley, S.A. Les Farm, LLC Grain Valley, S.A. Les Farm, LLC

21509 Aspen Lane 21509 Aspen Lane 21509 Aspen Lane 21509 Aspen Lane

Helena, Colorado 81031 Helena, Colorado 81031 Helena, Colorado 81031 Helena, Colorado 81031

1. *Chlorophyll a* (Chl *a*)

This Map is approved by the City Council of the City
 of Loveland, Larimer County, Colorado, by Ordinance
 No. _____, passed on second reading on
 this _____ day of _____, 2005, for filing with
 the Clerk and Recorder of Larimer County.

By: Mayer
AYTES
 Clerk

MONUMENTATION | LEGEND

[illegible]

Main, C.
 1W COR.
 S4-5-69
 Calhoun Hall
 1000 S. 1st St.
 New York, N.Y.
 Do not feed of

Main, F.
 W. 1/4 COR.
 S4-5-69
 found 33' 4" Main cor.
 1000 S. 1st St.
 New York, N.Y.
 previously marked as "Main"
 hall's.

1000 S. 1st St.
 New York, N.Y.
 1000 S. 1st St.
 New York, N.Y.

1000 S. 1st St.
 New York, N.Y.

INTERMILL LAND SURVEYING, INC.

240 PARTNERS, LLO
Allen Robert O'Brien
2004

PROJECT TITLE: **LEE FARM ADDITION**

ATTACHMENT 3

BEING AN REZONING OF LEE FARM ADDITION, BEING A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M.
TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

LEE FARM ADDITION REZONING No. 291

BASIS OF BEARINGS STATEMENT:

Angles of Bearings for this Map are based on an assumed bearing of South 05°02'27" West on the East Line of the Northwest Quarter of Section 4, Township 5 North, Range 69 West of the 4th P.M., County of Laurent, State of Colorado.



LEE FARM ADDITION GENERAL DEVELOPMENT PLAN

BEING A GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF FARMER, STATE OF COLORADO

OWNER'S CERTIFICATION:

KNOW ALL MEN BY THESE PRESENTS THAT: CA Lee Farm, LLC, being all the lawful owners of the above described land, do hereby certify that we accept the conditions and restrictions set forth on said plan and in the conditions of approval by the City of Loveland, Colorado, and that we consent to the recording of any information pertaining thereto.

Owner

STATE OF COLORADO }
COUNTY OF FARMER } SS.

The foregoing instrument was acknowledged before me this _____ day of _____, 2005, by _____

Witness my hand and official seal.
My Commission expires _____

Notary Public

Address _____

CERTIFICATION BLOCKS:

Planning Certification

Approved this _____ day of _____, 20____ by the Current Planning Manager of the City of Loveland, Colorado.

Engineering Certification

Approved this _____ day of _____, 20____ by the City Engineering Division of the City of Loveland, Colorado.

Title: _____

Attorney Certification

Approved this _____ day of _____, 20____ by the City Attorney of the City of Loveland, Colorado.

City Attorney

Planning Commission Certification

Approved this _____ day of _____, 20____ by the City Planning Commission of the City of Loveland, Colorado.

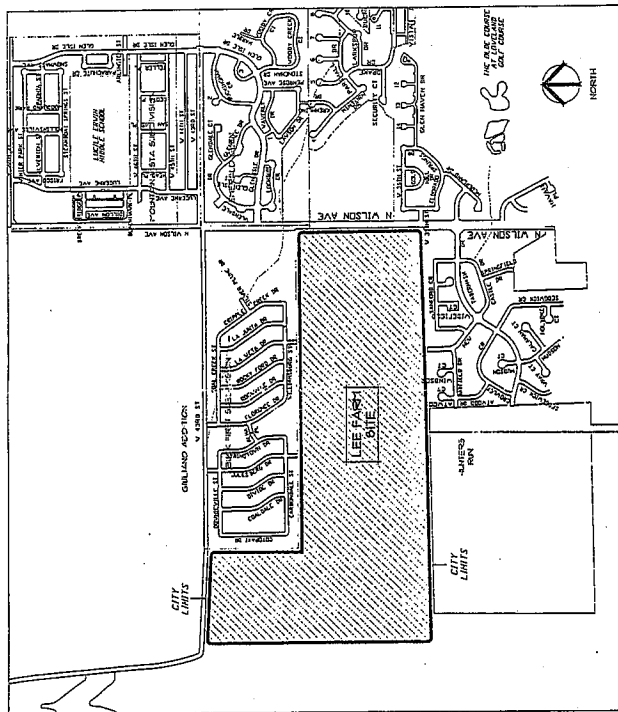
Chairperson

City Council Certification

Approved this _____ day of _____, 20____ by the City Council of the City of Loveland, Colorado.

Mayor

Attest



VICINITY MAP NTS

LAND USE INFORMATION TABLE:

AREA	ACRES	PROPOSED USE	PROPOSED UNITS	MAXIMUM GROSS DENSITY
TOTAL SITE AREA	10.75, 1.18			248.8
A	72.5	HOUSE, RANCH HOUSE, TWO-FAMILY AND ATTACHED SINGLE FAMILY	480	6 DWELLING UNITS/ACRE
B	19.0	DETACHED RESIDENTIAL	330	6.00 / ACRE
C	3.2	DETACHED RESIDENTIAL	155	5.00 / ACRE
D	10.0	COMMUNITY CENTER	175	2.00 / ACRE
E	0.3	URBAN SPREAD WILDOGS	1,000 RU TOTAL	1.45 RU / ACRE
OVERALL GROSS DENSITY OF THE DEVELOPMENT				

UTILITIES/PUBLIC FACILITIES PROVIDERS:

POLICE/FIRE:	City of Loveland
SCHOOLS:	Thompson School District R2-J
PARKS & OPEN SPACE:	City of Loveland
WATER:	City of Loveland
SANITARY SEWER:	City of Loveland
ELECTRIC:	Xcel Energy
NATURAL GAS:	Quest Communications
TELEPHONE:	Comcast Communications
CABLE:	City of Loveland
DRAINAGE:	City of Loveland

PROJECT TEAM:

OWNER/DEVELOPER:	240 PARTNERS, LLC c/o Robert S. Dineen Golden, CO (303) 278-8736
PLANNER:	THOMAS E. HONK, ACP THINC 1601 Quail Hollow Drive Suite 200 Denver, CO 80525 (970) 223-1961
ARCHITECT / LANDSCAPE ARCHITECT:	KENNEY & ASSOCIATES, LLC 201 East 14th Street Suite 200 Loveland, CO 80537 970-663-0548 970-669-2384 fax
CIVIL ENGINEER:	SHAW ENGINEERING CORPORATION 1000 East 14th Street Suite 200 Fort Collins, CO 80525 (970) 226-5334
SURVEYOR:	INTERMOUNTAIN LAND SURVEYING 1301 North Cleveland Avenue Loveland, CO 80537 (970) 669-0516

SHEET INDEX:

SHEET 1	COVER/SIGNATURE/VARIETY MAP
SHEET 2	DEVELOPMENT PLAN
SHEET 3	DEVELOPMENT PLAN
SHEET 4	NARRATIVE & CONCEPTS
SHEET 5	NARRATIVE & CONCEPTS
SHEET 6	NARRATIVE & CONCEPTS
SHEET 7	PRELIMINARY

ATTACHMENT 5

[illegible]

Principles of Fall Assessment

Type	Selback	Front	Side
Single Family Detached	29*	15*	1*
Two Family Dwellings	20*	15*	5*
Attached Single Family	20	20	15*

* See exceptions below.

* See exceptions below.

11. Residential Yard Requirements.

Source: *Author's calculations*.

- a. The side yard shall be at least 10 feet for each three (3) feet, or fraction thereof, of the rear yard setback.
 - b. The side yard shall be at least 10 feet for each three (3) feet, or fraction thereof, of the front yard setback.
2. Two-Family, Town- and Condominium-Detached Dwelling.
 - a. Front. The minimum front yard shall be fifteen (15) feet, except that the front yard shall be twenty (20) feet for garages where a vehicle access driveway is required to cross the street. The minimum side yard shall be ten (10) feet, except that the side yard shall be fifteen (15) feet for a detached garage which is located by a lot front four (4) feet and no more than fifty (50) feet from the street. The minimum rear yard shall be no less than fifteen (15) feet.
 - b. The rear yard for principal buildings and accessory buildings exceeding twenty-five (25) feet in height shall be fifteen (15) feet. The rear

A. Restrictions and Allowances.

- c. **Side.** Zero lot lines shall be permitted within public home areas, provided that at the time of preliminary plat, ten foot side lot utility easements are provided to ensure meter locations and underground utility lines may be located as desired by the Power Departments of the City of Loveland. In addition, shrubs, trees, fences, driveways, and other features that will interfere with the trenching or maintenance of the utility lines may not be located within the utility easement. Easement setbacks shall be established and recorded within the plat.

- to be installed within the existing easement area. CAVES, WHOSE KEYS AND OTHER ARCHITECTURAL FEATURES MAY NOT EXTEND INTO THE UTILITY EASEMENT AREA OR OVER PROPERTY LINES. THE CITY OF LOVELAND SHALL NOT BE RESPONSIBLE FOR REPAIR OR REPLACEMENT OF ANY OF THE ITEMS LISTED ABOVE IN ORDER TO INSTALL OR REPAIR UTILITY LINES AND ASSOCIATED EQUIPMENT WITHIN THESE UTILITY EASEMENT AREAS.

3. **Single Family Attached Dwellings and Condominiums.**
 a. **Front.** The minimum front yard shall be fifteen (15) feet, except that the zero lot line shall not be permitted on an exterior lot line.

- front yard shall be twenty (20) feet for garages where a vehicle access door faces the front street and where more than two (2) single family attached dwellings are located adjacent to each other, the front yard dimension shall be varied by at least four (4) feet and no front yard shall be less than fifteen (15) feet.

- b. Other yards. Per development plans containing more than fifteen thousand (15,000) square feet the minimum yard between any building and any boundary of the development plan shall be two (2) feet for each three (3) feet, or fraction thereof, of building height, but not less than fifteen (15) feet for principal buildings and accessory buildings, including

- garages. For development plans containing less than fifteen thousand (15,000) square feet the minimum yard between any building and any other building shall be one (1) foot for each three (3) boundary of the development plan shall be one (1) foot for each three (3) feet, or fraction thereof, of building height, but not less than fifteen (15) feet for principal buildings and accessory buildings, including garages.

4. **Convenience Commercial.** The minimum distance of any building from a street right-of-way or zoning district boundary line shall be twenty (20) feet. The minimum distance of any building to an alley right-of-way or public alley easement

- C. **Non-Residential Yard Requirements.**
1. **Exceptions.** The standards in this subsection (C) shall apply to all non-residential development.

2. Standards.
 - a. Arterial Street. Minimum yard width shall be thirty-five (35) feet measured from an arterial street right-of-way.
 - b. Non-Arterial Street. Minimum yard width shall be twenty-five (25) feet measured from a non-arterial street right-of-way.

- c. Alley. Minimum yard width shall be five (5) feet measured from an alley right-of-way or public alley easement.
- d. Other Yards. Minimum yards other than as set forth in paragraphs (a), (b), (c), and (d), above, shall be the greater of the following, except that the (b), (c), and (d), above, shall be the minimum lot area divided by the number of lots in the subdivision.

- c.
 - (1) Minimum of twenty (20) feet;
 - (2) One (1) foot for every foot of building height.
- Perking Lots. Parking lots shall be setback a minimum of five (5) feet from the rear lot line. No parking lot shall be subject to any portion of the lot area that is not located between two commercial/retail uses:

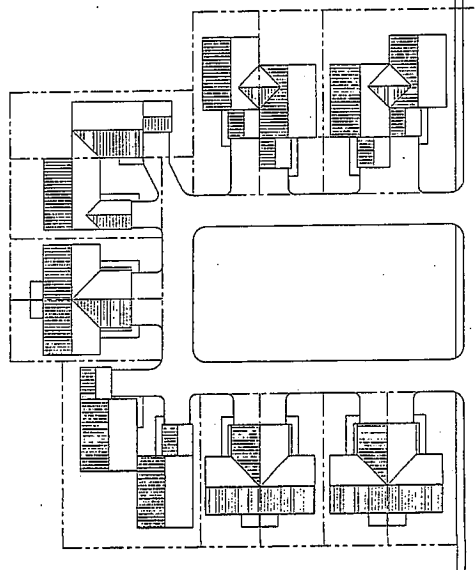
- from the lot line of an adjacent, non-residential) uses and a minimum of twenty (20) feet from the lot line of an adjacent residential uses, other than a mixed-use residential dwelling, except that the setback shall be zero (0) feet along a lot line between buildings or uses with shared parking areas.

- Building Height.**
Buildings shall utilize the building height regulations set forth in the Zoning Ordinance of the Loveland Municipal Code.

- 1

- 10
-
- 11

	NO SCALE
PATIO HOME (CONDO)	
ZERO LOT CONCEPT	



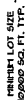
NO SCALE

BEING AN GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

BEING AN GENERAL DEVELOPMENT PLAN OF A PORTION OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO

include, but not be limited to, appropriate irrigation, replacement of dead or dying plants, regular repair and flushing of irrigation systems, replacement of mulch and weed fabric, and control of weeds.

NO SCALE



CONCEPTUAL CONVENIENCE COMMERCIAL ELEVATIONS



Holme Roberts & Owen LLP
Attorneys at Law

DENVER

October 30, 2005

Via E-Mail and U.S. Mail

BOULDER

Charles Burnham, AICP
Senior Planner
City of Loveland
500 East Third Street
Loveland, Colorado 80537

burnhc@ci.loveland.co.us

COLORADO SPRINGS

Re: Lee Farm Addition

LONDON

Dear Mr. Burnham:

LOS ANGELES

At the request of Bob Dildine, I have enclosed a copy of the title insurance commitment (No. 20044841-C-2) issued by Stewart Title Guaranty Company with respect to the subject property. According to the title commitment, there are no severed mineral interests with respect to the subject property and no mineral interest owners to whom notices need to be sent regarding the land use application.

MUNICH

Yours very truly,

SALT LAKE CITY

Bruce L. Likoff

SAN FRANCISCO

Encl.

cc (w/o encl.): Robert S. Dildine

Bruce L. Likoff 303.866.0345 bruce.likoff@hro.com
1700 Lincoln Street, Suite 4100 Denver, Colorado 80203-4541 tel/ 303.861.7000 fax 303.866.0200

ATTACHMENT 6

LEE FARM ADDITION
MASTER TRAFFIC IMPACT STUDY

LOVELAND, COLORADO

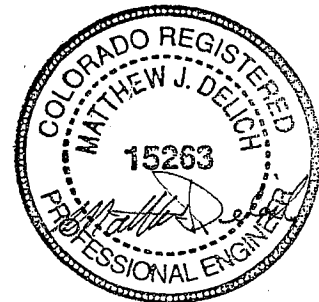
MAY 2005

Prepared for:

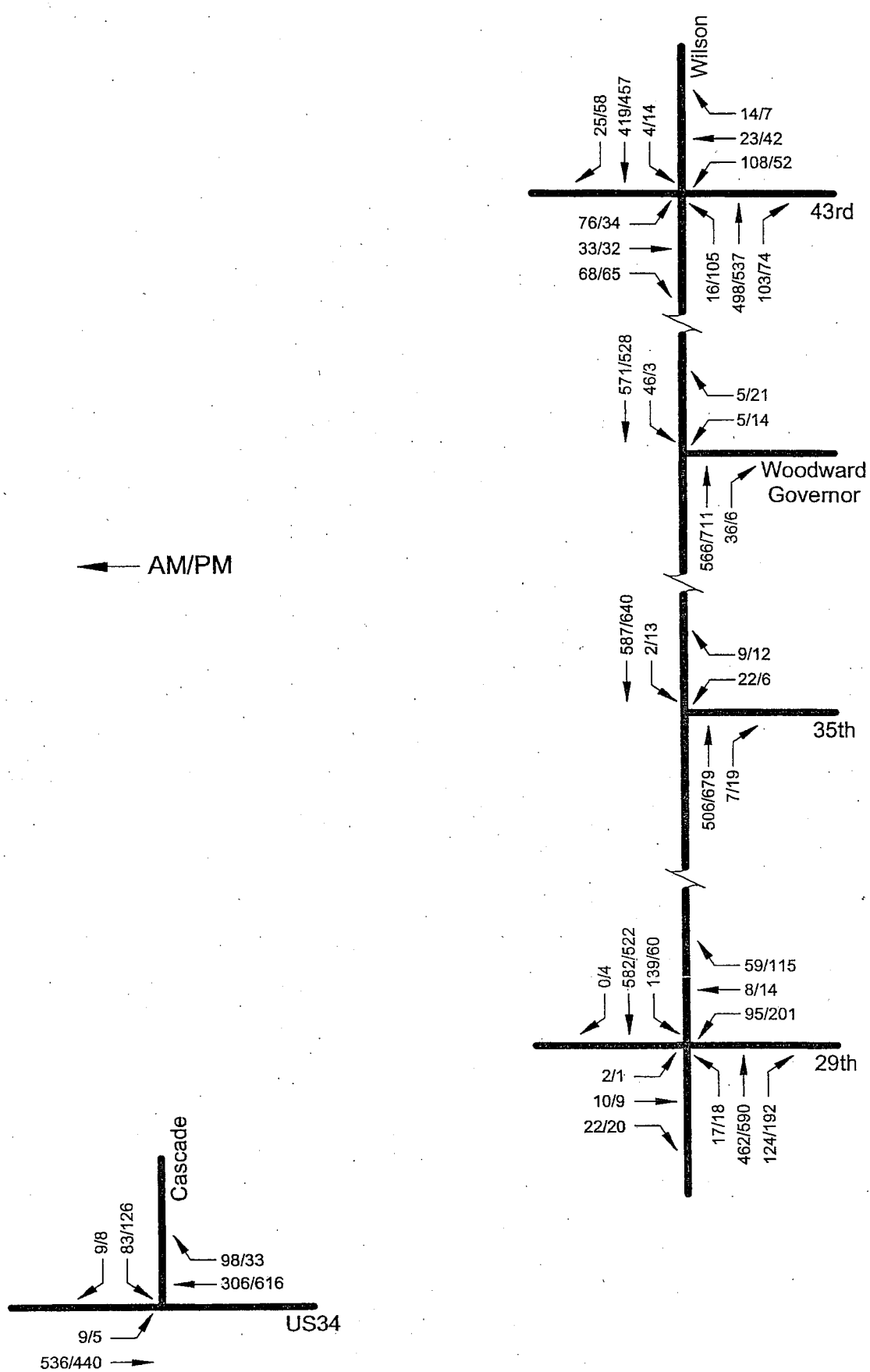
Dildine & Company
2690 Joyce Street
Golden, CO 80401

Prepared by:

MATTHEW J. DELICH, P.E.
2272 Glen Haven Drive
Loveland, CO 80538
Phone: 970-669-2061
FAX: 970-669-5034



ATTACHMENT 7

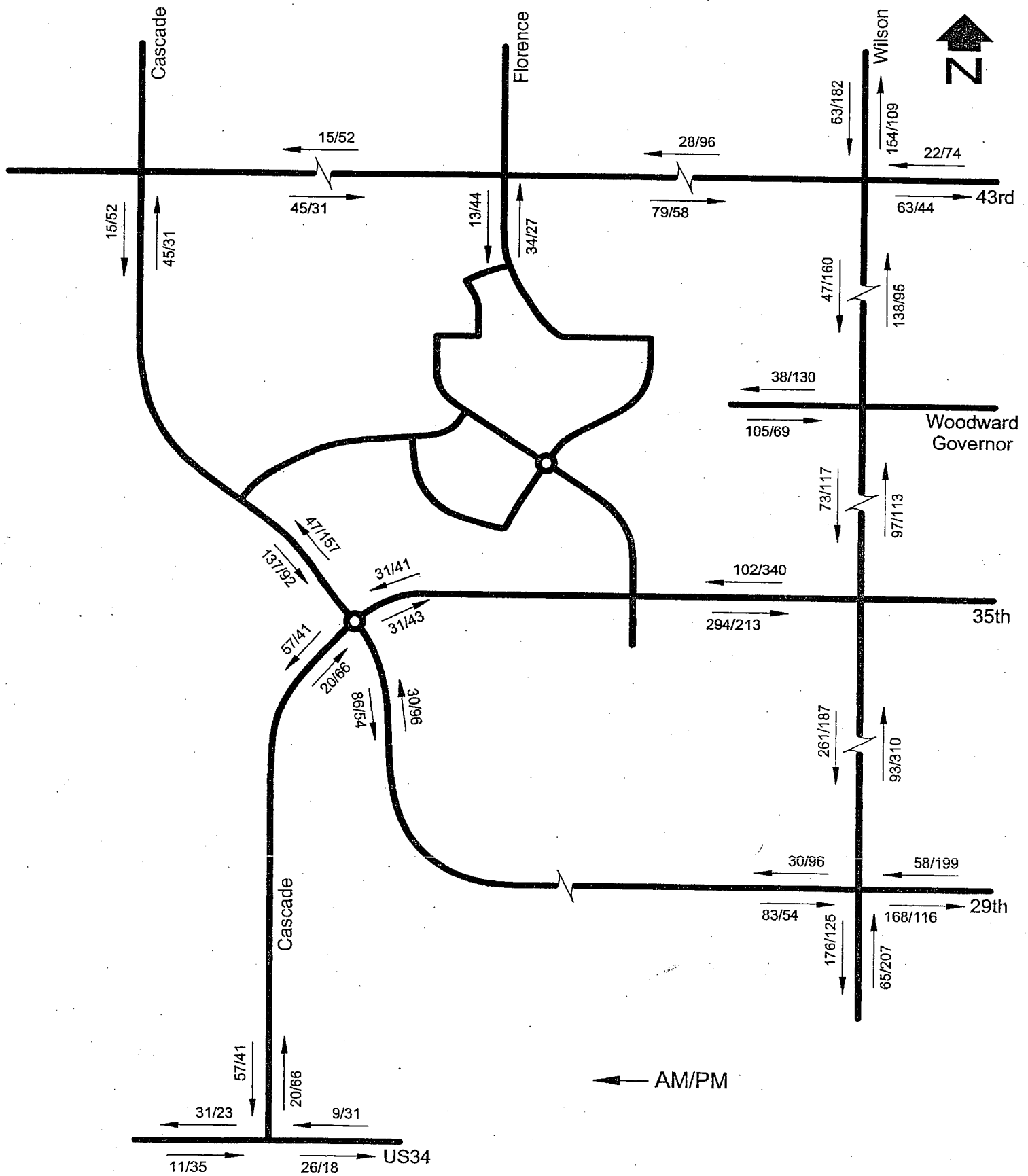


RECENT PEAK HOUR TRAFFIC

Figure 2

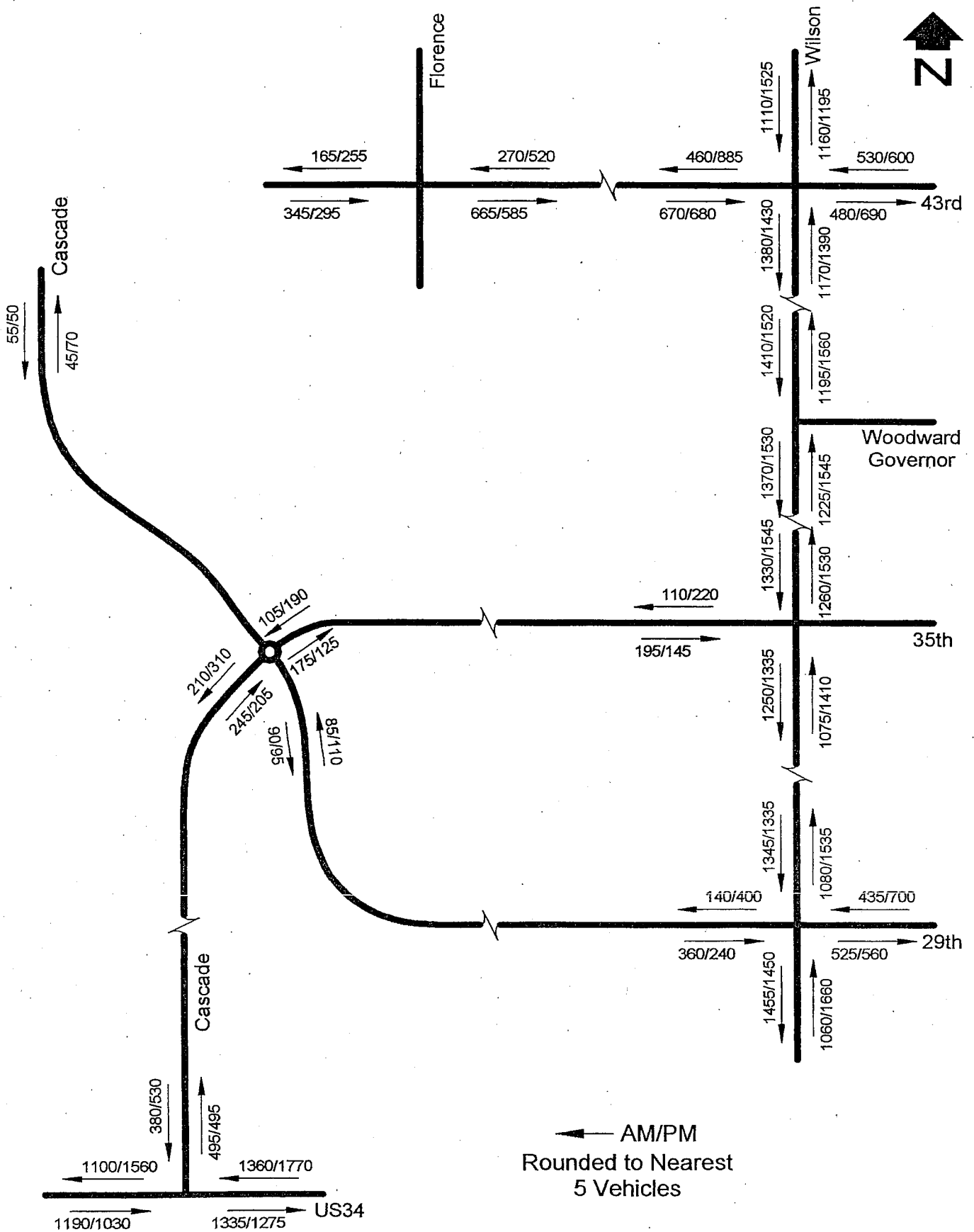
TABLE 2
Trip Generation for the Lee Farm Addition

Code	Use	Size	AWDTE		AM Peak Hour				PM Peak Hour			
			Rate	Trips	Rate	In	Rate	Out	Rate	In	Rate	Out
Area A-1												
210	Single Family	480 DU	9.57	4590	0.19	91	0.56	269	0.64	307	0.37	178
Area B-1												
210	Single Family	101 DU	9.57	970	0.19	19	0.56	57	0.64	65	0.37	37
Area B-2												
210	Single Family	106 DU	9.57	1010	0.19	20	0.56	59	0.64	68	0.37	39
Area B-3												
210	Single Family	113 DU	9.57	1080	0.19	21	0.56	63	0.64	72	0.37	42
Area C-1												
210	Single Family	155 DU	9.57	1490	0.19	29	0.56	87	0.64	99	0.37	57
Area C-2												
820	Retail	20.0 KSF	42.94	860	0.63	13	0.40	8	1.80	36	1.95	39
Area D-1												
210	Single Family	93 DU	9.57	890	0.19	18	0.56	52	0.64	60	0.37	34
Area D-2												
210	Single Family	45 DU	9.57	430	0.19	9	0.56	25	0.64	29	0.37	17
Subtotal				11,320		220		620		736		443
Less Internal				170		2		2		8		8
Total				11,150		218		618		728		435



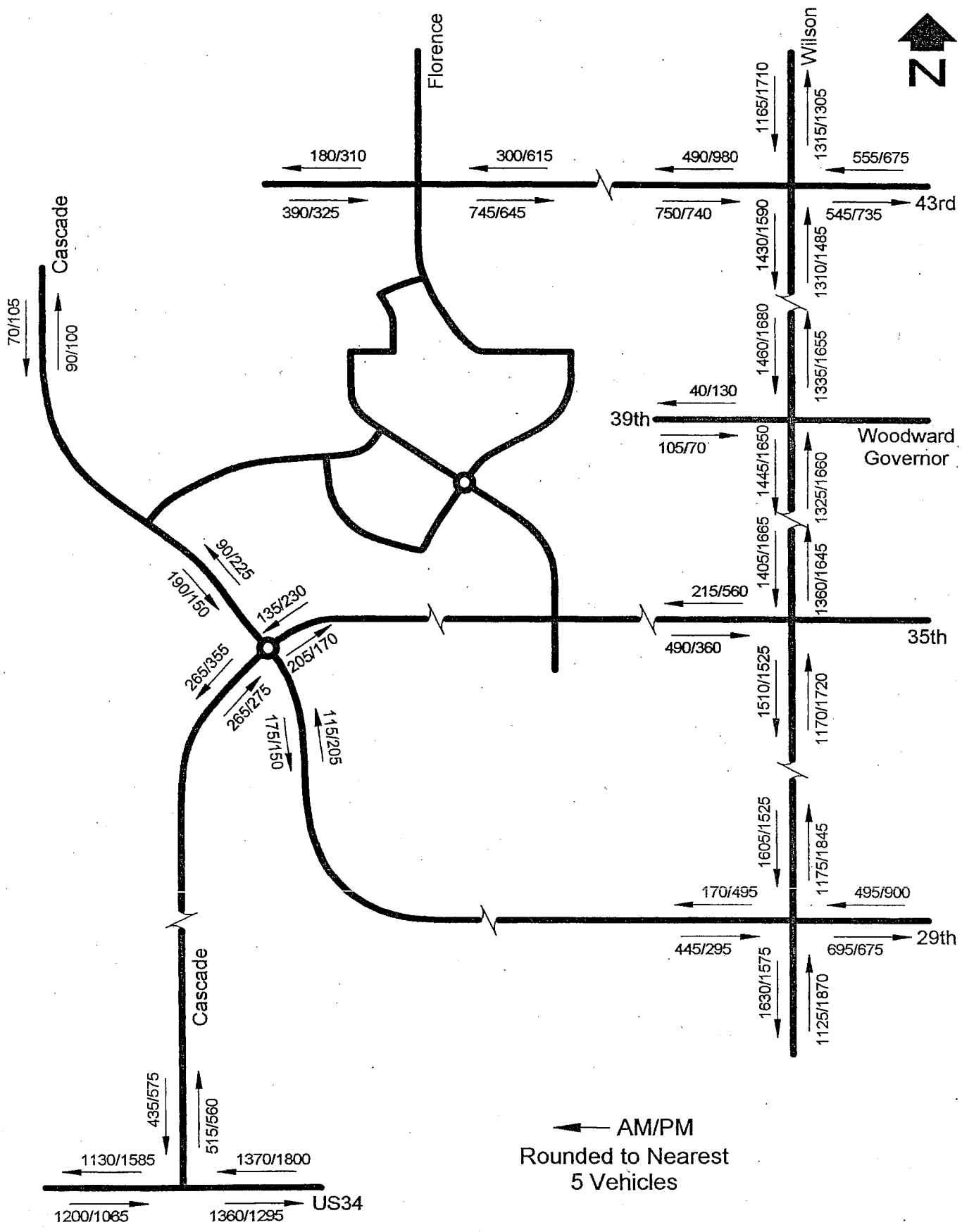
SITE GENERATED PEAK
HOUR LINK VOLUMES

Figure 5



LONG RANGE (2025) BACKGROUND
PEAK HOUR LINK VOLUMES

Figure 6



LONG RANGE (2025) TOTAL
PEAK HOUR LINK VOLUMES

Figure 7

TABLE 3
Long Range (2025) Peak Hour Link Volume Summary

Street Segment	Direction	Total Traffic (AM/PM)	ACF Traffic Threshold	ACF Compliance (AM/PM)
Wilson Avenue north of 43 rd Street	NB	1315/1305	2030	Y/Y
	SB	1165/1710	2030	Y/Y
Wilson Avenue south of 43 rd Street	NB	1310/1485	2030	Y/Y
	SB	1430/1590	2030	Y/Y
Wilson Avenue south of 39 th Street	NB	1325/1660	2030	Y/Y
	SB	1445/1650	2030	Y/Y
Wilson Avenue south of 35 th Street	NB	1170/1720	2030	Y/Y
	SB	1510/1525	2030	Y/Y
Wilson Avenue north of 29 th Street	NB	1175/1845	2030	Y/Y
	SB	1605/1525	2030	Y/Y
Wilson Avenue south of 29 th Street	NB	1125/1870	2030	Y/Y
	SB	1630/1575	2030	Y/Y
29 th Street east of Wilson Avenue	EB	695/675	2070	Y/Y
	WB	495/900	2070	Y/Y
29 th Street west of Wilson Avenue	EB	445/295	995	Y/Y
	WB	170/495	995	Y/Y
29 th Street east of Cascade Avenue	EB	175/150	995	Y/Y
	WB	115/205	995	Y/Y
35 th Street west of Wilson Avenue	EB	490/360	645	Y/Y
	WB	215/560	645	Y/Y
35 th Street east of Cascade Avenue	EB	205/170	645	Y/Y
	WB	135/230	645	Y/Y
39 th Street west of Wilson Avenue	EB	105/70	160	Y/Y
	WB	40/130	160	Y/Y
43 rd Street east of Wilson Avenue	EB	545/735	2000	Y/Y
	WB	555/675	2000	Y/Y
43 rd Street west of Wilson Avenue	EB	750/740	995	Y/Y
	WB	490/980	995	Y/Y
43 rd Street east of Florence Drive	EB	745/645	995	Y/Y
	WB	300/615	995	Y/Y
43 rd Street west of Florence Drive	EB	390/325	995	Y/Y
	WB	180/310	995	Y/Y

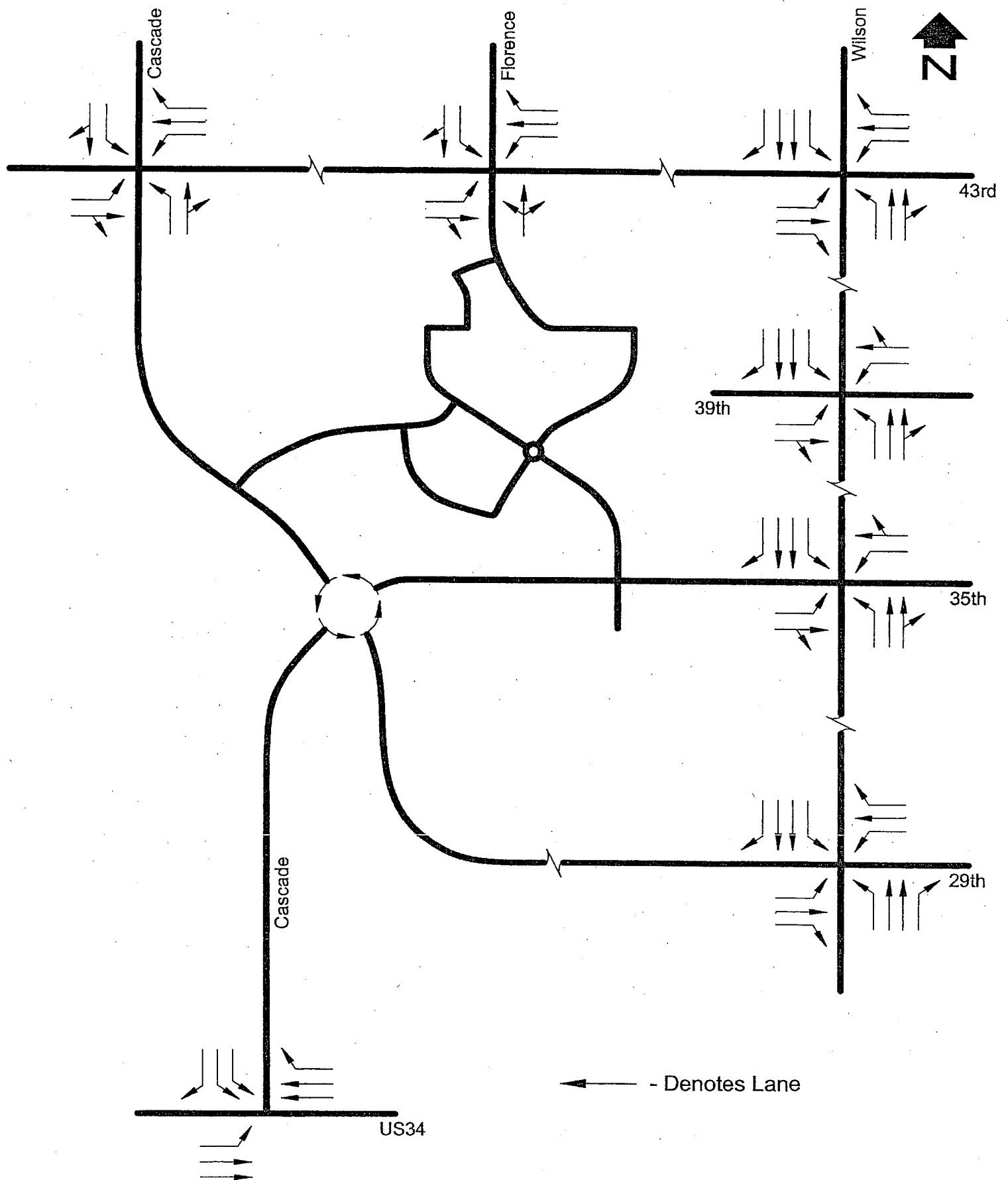
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Continued from previous page

TABLE 3
Long Range (2025) Peak Hour Link Volume Summary

Street Segment	Direction	Total Traffic (AM/PM)	ACF Traffic Threshold	ACF Compliance (AM/PM)
US34 east of Cascade Avenue	EB	1360/1295	1840	Y/Y
	WB	1370/1800	1840	Y/Y
US34 west of Cascade Avenue	EB	1200/1065	1840	Y/Y
	WB	1130/1585	1840	Y/Y
Cascade Avenue north of US34	NB	515/560	995	Y/Y
	SB	435/575	995	Y/Y
Cascade Avenue south of 35 th Street	NB	265/275	995	Y/Y
	SB	265/355	995	Y/Y
Cascade Avenue north of 35 th Street	NB	90/225	995/395°	Y/Y
	SB	190/150	995/395°	Y/Y
Cascade Avenue south of 43 rd Street	NB	90/100	995/395°	Y/Y
	SB	70/105	995/395°	Y/Y

° ACF threshold as a two-lane arterial/minor collector street



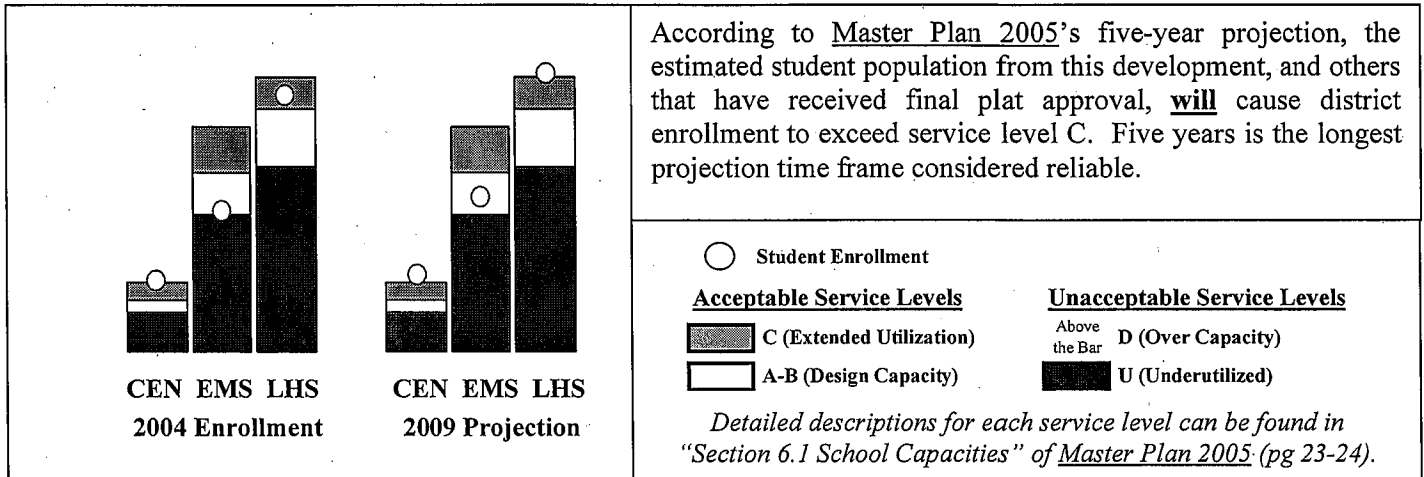
LONG RANGE (2025) GEOMETRY

Figure 8

Thompson School District R2-J Development Impact Report

Lee Farm, dated 18 July 2005 with 1100 dwelling units, is located within the current attendance boundaries of **Centennial Elementary School, Lucile Erwin Middle School, and Loveland High School**. Construction is estimated to start in 24 months and build at an annual rate of 75 dwelling units per year resulting in an expected growth in enrollment of 297 elementary, 165 middle school and 187 high school students by 2020.

School Capacities Compared to Student Enrollment (based on annual October Count):



Master Plan 2005 is available on the District's website: www.thompson.k12.co.us

Impact overview:

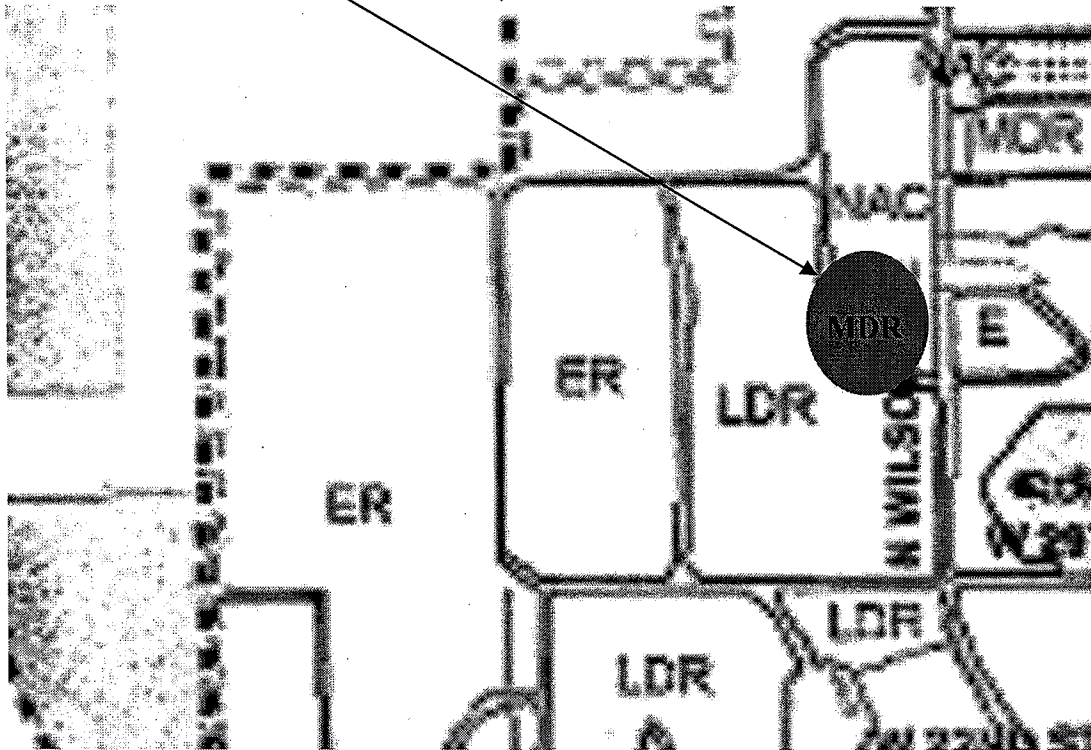
School servicing this development could change pending Board of Education approval. These three schools service the area where the highest number of single-family building permits were issued during the 2003/04 school year. The remaining, unbuilt inventory for this area is also one of the highest for the district. Crowding at **Centennial Elementary** is a major concern for the district. For the 2004/05, both active and passive boundary moves will occur. (*Active changes move existing students from one school to another. Passive moves change attendance boundaries before houses are built or students are in the area.*) Even with these changes, enrollment is expected to greatly exceed building capacity, and the district is looking at other ways to provide relief without immediately building an addition or another school. The district, however, has entered into discussions with several developers regarding the dedication of school sites so that these sites are available when construction does occur. **Lucile Erwin Middle School** and **Loveland High School** have also entered long-term, high growth trends that should last for many years. This could overwhelm Loveland High School's building capacity.

Additional comments:

- The District's citizen-based Master Plan Committee (MPC) monitors capacity levels at each of the district schools and makes annual recommendations for responding to projected enrollment changes. In consideration of the probable impact(s) of this development, the MPC may recommend using one or more of the tools described in "**Section 6.2, Accommodating Change**" (pages 24-25) of Master Plan 2005. The selection and timing of the most appropriate tool(s) will be determined by the Board of Education. It is important to remember that these tools do not affect class size or services available to students. The student-to-teacher ratio is based on per pupil funding, which is determined by the State of Colorado legislature.
- The size and location of this development indicate that the school district land dedication requirement should be made in the form of **payment-in-lieu-of land dedication as per our intergovernmental agreement.**
- The current attendance areas may require bussing at some levels, **pending decisions on new elementary schools.**
- We recommend street lighting at all bus pick-up points to assist wintertime safety.

Vicinity Map of Comprehensive Plan Map Amendment

Area of proposed map change



The proposed area of change is approximately 43.6 acres in size, and is to the south of the proposed Glen Isle Town Center. The applicant is requesting to amend this area from NAC to MDR.

ATTACHMENT 9

Justification for Comprehensive Plan Amendment

A portion of the Lee Farm (approximately 40 acres) proposed annexation and Planned Unit Development is currently designated as NAC. Recent development projects to the north of this property have included Shopping Center, retail and other commercial use designations. During considerations for those plans, discussions about maximum utilization of the NAC had been expressed. This amendment permits the residential density and use that is contemplated in the Comprehensive Plan as being a part and adjacent to primary commercial uses which can act as a supporting land use for the commercial activity. This amendment is proposed to clearly remove any potential for this site to be considered for commercial use while it lends itself to the supporting role with the Medium Density Residential designation.

Determination of Plan Consistency

- A) The amendment fosters the intent of the Comprehensive Plan in that it maintains a land use at an intensity to aid in the support of the NAC designation that it is presently a part while bringing assurance to the neighborhood that it will not contain the commercial components of the NAC.
- B) The amendment will permit greater opportunities for land use patterns and densities to offer added housing types and styles. This will strengthen this area of the City with greater variety and support for the adjacent approved commercial services.
- C) Services that are planned will not be altered with this amendment. Required connections to City services will aid in the linkages to existing development both north and south of the property.
- D) Transportation will continue to be developed as contemplated in the 2020 Transportation Plan through connectivity with development north and south of the site. Cascade will be added to the western extremities of the site, which will help area traffic move north and south. Collectors will be extended through the site, which will aid in moving traffic without the need to use Arterials like N. Wilson Ave.
- E) The amendment does not, in and of itself, implement any community facility, however it fosters housing options and alternatives that will assist in fulfillment of the Plan's intent by fostering the opportunity for more and varied housing and it will create added density intended by the plan adjacent to NAC's.

Comprehensive Plan Map Change Summary

The Lee Farm parcel is located within three Land Use Map Categories. They are NAC, LDR and ER. The NAC area is 44.2 acres and is requested to be changed to MDR. The MDR category permits a range of density from 4du/acre to 12 du/acre. The original land use plan concept, when considering the NAC as changing to MDR uses, which is appropriate as it provides supporting residential densities for the adjacent NAC, approximately 1100 dwelling units are possible.

The NAC has been determined to have very limited, to no commercial potential after the approvals of commercial development of 250,000 to 300,000 square feet of Neighborhood commercial development. This is identified as the likely maximum in the comprehensive plan and the City Council and neighborhood expressed a concern over having more commercial in the area. The applicant has honored that intent by intending to remove the commercial designation.

<u>Land Use Category</u>	<u>Acres</u>	<u>Density Allowed</u>	<u>DU/Ac</u>
NAC to MDR	44.2	4 to 12 du/acre	528 Dwellings

The changes to the Comprehensive Plan will enable the Street Master Plan to be implemented through the site and promote vehicle circulation from areas north and south of the project to move about without requiring use of the area arterials. Cascade will be extended and area pedestrian linkages and trails will be connected through the site.

Lee Farm Addition

City of Loveland Comprehensive Master Plan Compliance

Philosophy 1 - Capacity of Community Services and Facilities to Accommodate Development

- 1(a) Vehicle trips are not significantly affected by development at this site. The existence of N. Wilson and future extension of N. Cascade along with the intra connections of 35th Ave and collector street connections will insure capacity compatibility. With proper design coordination of developments adjacent to the site utilizing the City of Loveland design principles, adequate connectivity for vehicular, pedestrian and bicycle users will reduce trip lengths to the extent possible to proposed services south and north of the site.
- 1(b) Generic Fiscal Analysis studies generally show a break even net benefit at the time of development for residential projects of the value estimated for this site with larger lots and larger homes. Services and infrastructure are generally established by the development so new capital costs are not expected to be absorbed by the City. Long term fiscal impacts are typically on the net negative side for residential but the housing type and style will add favorably to the mix of housing demand to fulfill the demand for housing for higher end jobs anticipated for the Loveland area.
- 1(c) The project is contiguous with the existing City boundary and with property developed in the County. This will result in a development that is not a leapfrog development.
- 1(e) Utilities are not being extended outside the City as a result of this annexation.
- 1(g) Approximately 600 students may be generated by this development. Because the market will be expected to attract a large percentage of over 55 year olds, the school impact should be lower by 25 to 50 percent than the numbers indicate.

Philosophy 2 – Encourage a Compact Pattern of Urban Development

The site is contiguous with existing similar residential development and is at the City's edge. The design concept of the project is to establish a mix of housing types of medium to estate densities, which blend with and continue the character of the existing residential uses of the adjacent property. The project is consistent with the City's compact growth goal by the fact that it is a contiguous development.

Philosophy 3 – Open Space and Natural Areas

No high quality natural areas are defined on the property, but adjacent to the west. Existing drainage ways will be designed into the design to blend the natural area and the site at the time of subdivision.

Philosophy 4 – Identify Environmental Impacts

The Natural Areas study determined that a natural area existed west of the site, which has been considered in the site design. Clustering the residential lots is considered the best solution to insure transition and compatibility to the natural area.

Philosophy 5 – Promote Quality Development

- 5(a) The applicant is willing to pursue a development agreement with the City if desired by the City.
 - 5(b) This project consists of approximately 240 acres. Assemblage of similar large parcels was not considered as adjacent properties were developed or under development.
-

MEMORANDUM

TO: City Council

FROM: Charles Burnham, Current Planning Division

DATE: January 17th, 2006

SUBJECT: Lee Farm Addition and Zoning

I. ATTACHMENTS

- A. December 12, 2005 GDP/Annexation and Comprehensive Plan Amendment Planning Commission staff report, including Attachments 1-11.
1. Vicinity Map
 2. Letter from property owner, dated 11/10/05
 3. Lee Farm Addition annexation map
 4. Lee Farm Addition Rezoning Map
 5. Lee Farm Addition GDP
 6. Mineral Rights letter from applicant's attorney, dated October 30, 2005
 7. Traffic Impact Study, Lee Farm Property
 8. Schools Impact Memorandum
 9. A detail map depicting the applicant's proposed Plan Map
 10. Applicant justification for a Land Use Map Amendment for Lee Farm, submitted by THinc.
 11. Applicant Comprehensive Master Plan Compliance letter
- B. Approved December 12th, 2005 Planning Commission minutes

II. EXECUTIVE SUMMARY

A. Project Description

The Lee Farm Addition proposes to annex 245.646 acres located approximately 1,230 feet from the southwest intersection of Wilson Avenue and 43rd Street. The addition

would be zoned PUD with a total maximum of 1,100 residential units. Approximately 680 would be single family detached dwellings, with the balance being patio homes and at least fifteen (15) acres being reserved for duplex or attached single family. Contiguity is achieved from the Hunter's Run development (Vanguard-Famleco) to the south as well as from the Buck Addition to the north and Wilson Avenue to the east. For more detail please refer to the Planning Commission staff report dated December 12th, 2005 (**Attachment A**).

Along with the annexation and zoning, the application is requesting a comprehensive plan amendment to reclassify land currently shown as NAC (Neighborhood Activity Commercial) to MDR (Medium Density Residential) on approximately the northeastern 43.6 acres of the site.

Staff believes that a key goal of the Comprehensive Master Plan is to ensure an optimal balance of land uses throughout the City as it grows over time. Staff also believes that another key goal is the need to preserve adequate space for commercial development as the City's residential population builds out. The City has approved two large commercial centers on the land designated RAC at the northwest and southwest corners of 43rd Street and Wilson Avenue - The Glen Isle Town Center and Loveland Crossing. The combined commercial building square footage of these two centers exceeds the need of the NAC designation originally intended to provide approximately 100,000-250,000 square feet of commercial building square footage.

B. Planning Commission Public Hearing

The Lee Farm Addition was presented to the Planning Commission on December 12, 2005. At this meeting, the Planning Commission recommended conditional approval of the annexation, zoning, and comprehensive plan amendment by a unanimous vote. The conditions recommended by the Planning Commission and City staff are listed in Section III of this memorandum. Additionally, the approved minutes from the Planning Commission hearing are included as **Attachment B**.

C. Annexation Agreement Request

The applicant and the City are requesting that an annexation agreement be incorporated into the Lee Farm Addition and this agreement will be provided at second reading of the ordinances. The annexation agreement includes standard items for an annexation. Conditions for the GDP accommodate other staff issues associated with the development proposal and are listed in Section III of this memorandum. All provisions of the annexation agreement are satisfactory to City staff and to the applicant.

III. RECOMMENDED CONDITIONS

The following agencies recommend that the following conditions be attached to the GDP:

Power:

1. For all multiplex buildings of three units or more, electric meters will be located centrally on or near the building, and the developer or his representative will be responsible for installing and maintaining the underground electric service to the meter per the National Electric Code. If Water and Power requirements for location of meters and other electrical equipment can be met on multiplex Town homes, the Town homes will have individual services and meters per City code.
2. Five foot rear lot utility easements and five foot side lot utility easements for continuity are required for the installation of cable and telephone utilities. Joint trench with electric is not allowed in residential areas. Fourteen foot front lot utility easements are required on all streets.

Water/Wastewater:

3. The Developer shall execute an agreement, with the City, stipulating responsibilities of cost sharing, timing, construction, design and other matters related to water booster station and infrastructure requirements which facilitate adequate service to areas of the proposed P.D.P., within BPZ4. The agreement shall be executed and finalized prior to approval of the Final Plat and Final Development Plan.

Stormwater:

4. The Developer shall provide detention pond preliminary and final designs such that the detention ponds will collect 100-year developed stormwater runoff from the subdivision and release the detained stormwater runoff at the 2-year rate in accordance with City of Loveland criteria found within UD&FCD Volume 2 Table SO-1.
5. The Developer shall dedicate and convey to the City, with the first final plat approved within this GDP, the land subject to the permanent easement for the regional detention pond, which easement was dedicated at the time the annexation map was recorded.

Fire Prevention:

6. All garage areas shall have heat detectors installed. Only garages protected by an automatic fire sprinkler system do not require heat detection

Parks and Recreation:

7. The developer shall dedicate a minimum 30' wide pedestrian easement for the Recreational Trail prior to FDP approval. Final easement size and location will be

determined at time of PDP. If the trail can be located in the public ROW, the total width of the easement may be reduced, as determined by the Parks and Recreation department.

8. The developer shall dedicate a minimum 30' wide pedestrian easement for regional County trail prior to FDP approval. Final easement size and location will be determined at time of PDP. If the trail can be located in the public ROW, the total width of the easement may be reduced, as determined by the Parks and Recreation department.

9. The developer shall ensure that the owner/HOA shall maintain in perpetuity the easements associated with the trail/sidewalk along Wilson Avenue. Until the underpass is constructed, the owner/HOA shall also maintain the recreational, regional trail and associated pedestrian easements. The City will only maintain the 10 foot wide concrete trail once the underpass is completed. Any land dedicated to the City for the purposes of said underpass or trail shall be maintained by the City of Loveland. No private easements or uses will be granted within these areas unless an agreement is in place regarding maintenance.

10. The developer shall dedicate an adequately sized easement for the Recreational Trail underpass for Wilson Avenue. The easement size and location shall be determined at time of PDP and should minimize the need for retaining walls and meets ADA requirements.

11. An agreement shall be executed prior to FDP approval between the City of Loveland and the developer specifying the following conditions

a. The developer shall pay for the construction of all retaining walls on the west side of the proposed underpass should one be needed due to the expansion of the proposed regional detention pond to the south.

b. The developer shall pay for the construction of all at-grade trail connections to the underpass opening on the west end of the proposed underpass from Wilson trail/sidewalk.

c. The developer shall construct a 10' wide combined trail/sidewalk, meeting City of Loveland trail and sidewalk walk standards, the entire length of the west property line along Wilson Avenue and connections to the future underpass.

d. The developer shall provide a preliminary underpass design for the purposes of locating it on the west side of Wilson Ave. The preliminary design shall include utility information based on pot-holing (field verified utility depth and location), proposed final grades with proposed retaining wall, and proposed at-grade trail connections. The design shall meet ADA requirements, safety and access grades for both sides of Wilson Avenue.

Engineering Conditions

12. All future development within this GDP shall comply with the Larimer County Urban Area Street Standards (LCUASS) adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of a site specific

development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.

13. Notwithstanding any conceptual information presented in the GDP submittal; street layout, street alignments, access locations, intersection configurations and intersection operations (traffic controls) shall be determined at the time of application for site specific development.

14. Notwithstanding any information presented in the Master Traffic Impact Study for the GDP, the developer shall provide any additional traffic information, corrections, revisions and analysis required by the City to verify compliance with the Adequate Community Facilities ordinance at the time of application for site specific development plan review and approval. Future traffic impact studies for site specific development plans shall use a study area determined by considering the cumulative trip generation within the entire GDP (i.e. – traffic from the proposed use plus traffic from previously approved site specific development plans).

15. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the dedication(s) shall be as follows:

a. Right-of-way for 43rd Street and Wilson Avenue shall be dedicated prior to the recording of the annexation.

b. Right-of-way for Cascade and 35th Street shall be dedicated prior to, or concurrent with, approval of the first development application within this addition.

16. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific development applications within this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.

17. The ultimate roadway improvements, including sidewalk, adjacent to the property for 43rd Street and Wilson Avenue shall be designed and constructed by the developer, unless designed and constructed by others. A cash-in-lieu payment may be accepted for all or part of the improvements, if approved by the City Engineer. The timing and detailed scope of these improvements will be determined through review and approval of the site specific development plans.

18. No parking will be allowed on 35th Street within this GDP. Additionally, no house or driveway shall front onto 35th Street within this GDP.

19. Cascade Avenue shall be designed and constructed to the LCUASS 2-lane arterial roadway standards within this GDP unless otherwise modified on the adopted Transportation Plan.

Current Planning:

20. Within Area A, a minimum of 15 acres shall be developed as a land use other than single family detached dwellings and as otherwise permitted in Area A, unless the applicant demonstrates and the Current Planning Manager concurs, that at the time of PDP there is not a sufficient market for such other land use.

21. Staggered setbacks shall be incorporated within the single-family areas. A setback matrix shall be included in the preliminary development plan submittals that contain single family uses.

22. Garages for paired residential units shall not extend more than 12 feet beyond the front of the façade of the living portion of the dwelling.

23. All lots along local streets shall have on tree and corner lots shall have one tree per street frontage planted prior to the issuance of a certificate of occupancy.

24. Any application for any preliminary development plan in which a wetland is located shall not be considered complete by the City unless the application includes correspondence with or a copy of any permit required by the Army Corps of Engineers for disturbance of a wetland.

25. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that the existing wetlands will be preserved in a condition similar to its present state. To preserve the wetlands, the applicant shall submit a report detailing potential impacts of the development on the wetlands and include mitigation measures to address these impacts. At a minimum, the report shall address the post-development water regime of the wetlands and buffering proposed for water quality and wildlife habitat around the wetlands.

26. No preliminary development plan in which wetlands are located shall be approved unless the applicant demonstrates that there is no net loss in the extent to which the existing wetlands with the Lee Farm Addition would retain the quantity and quality of storm water runoff prior to being discharged.

27. Any application for a preliminary development plan within Area E (wetland area) shall include a complete updated Environmentally Sensitive Areas Report by a qualified professional. No development shall be approved in areas identified in said reports as wetland or otherwise environmentally sensitive or buffer areas recommended in said report.

28. No private lots shall extend into existing or developed wetlands or other environmentally sensitive areas or within the buffers established as part of the mitigation and protection of these wetlands and other environmentally sensitive areas.

29. Garage doors for single-family detached dwellings shall not comprise more than 40% of the ground floor street-facing linear building frontage. Single-family dwellings on lots less than 65 feet wide, measured at the front building setback, shall not be permitted a garage where garage doors for more than two (2) cars are visible as part of the building elevation facing any adjacent street.

30. On lots with less than 65 feet of frontage on a public street, garage doors that are visible as part of the front building elevations shall be recessed behind either the front façade of the living portion of the dwelling, or a covered porch by at least four feet. Covered porches referred to herein shall measure at least eight feet across the front of the building by six feet deep.

31. Bufferyards. The Developer shall install all curbside bufferyards, common open space, private walks and/or paths and other open space and/or private park amenities, including all fences and/or walls located in, or along the edge of, bufferyards and open space. These improvements shall be installed prior to issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the Developer with the City. All formal landscaped areas shall be irrigated by a permanent, automatic irrigation system.

32. All areas shown as irrigated turf in the approved landscape plan shall be landscaped using drought tolerant species. All components of irrigation systems, except for sprinkler heads and control boxes, shall be buried at sufficient depth below ground surface to insure that normal open space maintenance measures will not damage the irrigation system.

33. A Type D landscape bufferyard shall be installed by the developer for all double frontage residential lots in the development. For purposes of meeting this requirement, the street trees for said bufferyards may be planted at spacing no greater than thirty-five feet on center and the bufferyard shall be a minimum width of 30 feet.

34. The Developer shall plant the tree lawn along both sides of all interior arterial or collector streets with street trees and sod. These trees shall be planted at 30-40 foot regular spacing except to allow for necessary driveways. Permanent irrigation shall be included in this installation to insure the health and vitality of the sod and trees. The sod and street trees shall be planted before issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the developer with the City.

35. All private walks and/or paths and other open space and/or private park amenities shall be installed by the developer before issuance of the first building permit in that construction phase, unless adequate financial security is filed with the City.

36. Erosion control fence. Before any grading or other disturbance to any portion of the land within Lee Farm, a temporary 4 foot mesh fence and erosion control fence, or a continuous anchored hay bale fence, shall be installed by the Developer. For those areas for which modification and/or enhancements are expressly approved by the City and/or ACOE, the fence shall be installed by the Developer after completion of all approved modifications and/or enhancements.

37. Solid fences. Solid material fences, as defined in Chapter 18.48 of the Municipal Code, as amended, shall not be allowed in the front yard of any residential lot. No solid material fences shall be installed on any lot closer to any street that abuts the side of said lot than the minimum sideyard setback on the lot.

38. Open space landscaping. Developer shall ensure that the owner(s) of the common open spaces shall maintain all landscape or other improvements approved by the City in good condition at all times. Maintenance shall include, but not be limited to, appropriate irrigation, replacement of dead or dying plants, regular repair and flushing of irrigation systems, replacement of mulch and weed fabric, and control of weeds.

39. A table shall be placed on Sheet 2 of the GDP to indicate that the dwelling unit total identified in each sub-area is the maximum number of units in each sub-area. Acreage is not to be multiplied by land area to determine the maximum number of units in each area. The maximum number of units is listed individually in each bubble area.

40. No light poles shall exceed twenty-five feet in height. All lights shall be full cut off, no sag lenses are allowed.

ANNEXATION CONDITIONS:

1. Final plat note. Final plat note regarding electricity surcharge: A note shall be added to the final plat that reads as follows: "A surcharge of 5% will be added to all bills for the sale of electric power to additional services which came into the existence after January 31, 1987, within the territory herein annexed, which surcharge will expire ten years after effective date of this annexation."

2. Street trees. For lots with street trees located in the tree lawn in front of the lots, or along the side of lots, as shown on the approved final landscape plan, the street trees shall be planted by the Developer before issuance of a certificate of occupancy, unless adequate financial security is filed with the City.

3. Front yard trees. For all other lots, a minimum of one deciduous canopy tree shall be planted in the front yard of each lot by the Developer. For corner lots, a minimum of

one deciduous canopy tree shall be planted in the front yard, and a minimum of one deciduous canopy tree in the side yard abutting the adjacent street shall be planted by the Developer before issuance of a certificate of occupancy, unless adequate financial security is filed with the City.

4. Garage doors. Garage doors for single-family detached dwellings shall not comprise more than 40% of the ground floor street-facing linear building frontage. Single-family dwellings on lots less than 65 feet wide, measured at the front building setback, shall not be permitted a garage where garage doors for more than two (2) cars are visible as part of the building elevation facing any adjacent street.

5. Recessed garages. On lots with less than 65 feet of frontage on a public street, garage doors that are visible as part of the front building elevations shall be recessed behind either the front façade of the living portion of the dwelling, or a covered porch by at least four feet. Covered porches referred to herein shall measure at least eight feet across the front of the building by six feet deep.

6. Prairie dog colonies. Prior to commencing any construction or grading on the site, the Developer shall submit a report from a qualified professional to indicate whether there are any active prairie dog burrows or colonies on the site. The report shall distinguish the presence of any black-tailed prairie dog burrows or colonies, as compared to other types of more common prairie dogs. If there are active black-tailed prairie dog burrows or colonies, all reasonable measures shall be taken by the Developer to relocate the black-tailed prairie dogs to any accepting prairie grasslands. If there are any other prairie dogs on the site, the Developer shall employ a professional exterminator licensed by the Department of Agriculture, to humanely eliminate the dogs from the site. Before extermination activities commence, the Developer shall provide to the City written confirmation from the Division of Wildlife and the licensed professional exterminator stating there will be no detrimental effect to endangered species or burrowing owls.

7. Site grading. Prior to commencing any construction or grading on the site, and prior to any removal or extermination efforts of prairie dogs from the site, the Developer shall submit to the City a report prepared by a qualified professional to indicate whether there are any burrowing owls on the site. If such construction, grading or extermination activities are proposed outside the owls' normal activity period (March 1 – October 15), this shall not be required.

8. Bufferyards. The Developer shall install all curbside bufferyards, common open space, private walks and/or paths and other open space and/or private park amenities, including all fences and/or walls located in, or along the edge of, bufferyards and open space. These improvements shall be installed prior to issuance of the first building permit in any given construction phase, unless adequate financial security has been filed by the Developer with the City. All formal landscaped areas shall be irrigated by a permanent, automatic irrigation system. For purposes of this condition, street trees and front yard trees, as described in conditions 1 and 2 above, shall not be deemed as part of any

curbside bufferyard. All areas shown as irrigated turf in the approved landscape plan shall be landscaped using drought tolerant species. All components of irrigation systems, except for sprinkler heads and control boxes, shall be buried at sufficient depth below ground surface to insure that normal open space maintenance measures will not damage the irrigation system.

9. Erosion control fence. Before any grading or other disturbance to any portion of the land within Lee Farm 1st Subdivision, a temporary 4 foot mesh fence and erosion control fence, or a continuous anchored hay bale fence, shall be installed by the Developer. For those areas for which modification and/or enhancements are expressly approved by the City and/or ACOE, the fence shall be installed by the Developer after completion of all approved modifications and/or enhancements.

10. Financial security. Any financial security presented by the Developer for area improvements and enhancements, as shown on the approved plans, shall include provisions which endure for a minimum of two growing seasons following date of original completion of said measures. The required amount of this security provision shall only be for the elements that would need to be replaced or re-installed during this two year period, if failure of the original installation were to occur.

11. Solid fences. Solid material fences, as defined in Chapter 18.48 of the Municipal Code, as amended, shall not be allowed in the front yard of any residential lot. No solid material fences shall be installed on any lot closer to any street that abuts the side of said lot than the minimum sideyard setback on the lot.

12. Tree lawns. Drought tolerant varieties of grasses shall be installed by the Developer in the tree lawns. Drought tolerant varieties of all landscape shall be planted by the Developer in upland common open spaces.

13. Open space landscaping. Developer shall ensure that the owner(s) of the common open spaces shall maintain all landscape or other improvements approved by the City in good condition at all times. Maintenance shall include, but not be limited to, appropriate irrigation, replacement of dead or dying plants, regular repair and flushing of irrigation systems, replacement of mulch and weed fabric, and control of weeds.

14. Street standards. All future development within the Property shall comply with the Larimer County Urban Area Street Standards adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.

15. Right-of-way for adjacent streets. The Developer shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, the Property that are shown on the adopted Transportation Plan. Unless otherwise approved by the

City Engineer, the timing of the dedication(s) shall be prior to, or concurrent with, approval of the first development application within the Property.

16. Off-site right-of-way. The Developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements as determined necessary by the City. Prior to the approval of any site specific development applications within the Property, the Developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the Developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.

17. Electric Charge. When the property being annexed into the City of Loveland is currently located within the REA certified territory, this property is subject to a five percent (5%) surcharge on electrical energy as defined in 40-9.5-204, CRS. This surcharge applies to any subsequent subdivisions of property annexed after January 31, 1987 within the REA certified service territory. In this case a note will be added to the final plat that reads as follows:

A surcharge of 5% will be added to all bills for the sale of electric power to additional services which came into the existence after January 31, 1987, within the territory herein annexed which surcharge will expire ten years after effective date of this annexation.

18. LCUASS. All future development within this addition shall comply with the Larimer County Urban Area Street Standards (LCUASS) adopted October 2002 and the Transportation Plan adopted October 2001 and any updates to either in effect at the time of a site specific development application. Any and all variances from these standards and plans require specific written approval by the City Engineer.

19. Street layout and alignment. Notwithstanding any conceptual information presented in the Annexation/Zoning submittal; street layout, street alignments, access locations, intersection configurations and intersection operations (traffic controls) shall be determined at the time of application for site specific development.

20. Right of way dedication. The owner shall dedicate to the City, at no cost to the City, right-of-way for all street facilities adjacent to, or within, this addition that are shown on the adopted Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the dedication(s) shall be as follows:

a. Right-of-way for 43rd Street and Wilson Avenue shall be dedicated prior to approval of the annexation ordinance on second reading by City Council.

b. Right-of-way for Cascade and 35th Street shall be dedicated prior to, or concurrent with, approval of the first development application within this addition.

21. Right of way acquisition. The developer agrees to acquire, at no cost to the City, any off-site right-of-way necessary for mitigation improvements. Prior to the approval of any site specific development applications within this addition, the developer shall submit documentation satisfactory to the City Attorney and the City Engineer, establishing the

developer's unrestricted ability to acquire sufficient public right-of-way for the construction and maintenance of any required street improvements to both adjacent and off-site streets.

22. Roadway improvements. The ultimate roadway improvements, including sidewalk, adjacent to the property for 43rd Street and Wilson Avenue shall be designed and constructed by the developer, unless designed and constructed by others. A cash-in-lieu payment may be accepted for all or part of the improvements, if approved by the City Engineer. The timing and detailed scope of these improvements will be determined through review and approval of the site specific development plans.

23. Detention Pond Easement. Prior to, or concurrently with, recordation of the annexation map the Developer shall grant the City a permanent easement for the reconfigured regional detention pond referenced in condition #5 on the Lee Farm Addition PUD #P-91.

FIRST READING January 17, 2006

SECOND READING _____

ORDINANCE NO. _____

**AN ORDINANCE APPROVING THE ANNEXATION OF
CERTAIN TERRITORY TO THE CITY OF LOVELAND,
COLORADO, TO BE KNOWN AND DESIGNATED AS "LEE
FARM ADDITION" TO THE CITY OF LOVELAND**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND,
COLORADO:**

Section 1. That a Petition for Annexation, together with four (4) copies of the map of said territory as required by law, was filed with the City on August 31, 2005, by more than fifty percent (50%) the owners who own more than fifty percent (50%) of the area of the territory hereinafter described. The Council, by resolution at its regular meeting on January 17, 2006, found and determined that the proposed annexation complies with and meets the requirements of the applicable parts of §§31-12-104 and 31-12-105, C.R.S. and further determined that an election was not required under §31-12-107(2), C.R.S. and further found that no additional terms and conditions were to be imposed upon said annexation except those set out on said Petition.

Section 2. That the annexation to the City of Loveland of the following described property to be designated as "**LEE FARM ADDITION**" to the City of Loveland, Larimer County, Colorado is hereby approved:

That portion of Section 4, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 4 as bearing South 00°00'27" West and with all bearings contained herein relative thereto:

Beginning at the Northeast corner of said Section 4; thence along the East line of the Northeast Quarter of said Section 4 South 00°00'27" West 1320.00 feet to a point on the Easterly prolongation of the South line of the plat of BUCK FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; thence along said Easterly prolongation of the South line of the plat of said BUCK FIRST SUBDIVISION South 89°20'42" West 30.00 feet, more or less, to a point on the East line of that certain parcel of land as described in deed at Reception No. 91011261, records of said County and the TRUE POINT OF BEGINNING; thence departing said Easterly prolongation of the South line of the plat of said BUCK FIRST SUBDIVISION and along said East line of said certain parcel of land as described in deed at Reception No. 91011261 South 00°00'27" West 1356.96 feet and again South 00°01'10" West 417.94 feet, more or less, to a point on the Easterly prolongation of the North line of the plat of VANGUARD-FAMLECO NINTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; thence departing said East line of said certain parcel of land as described in

deed at Reception No. 91011261 and along said Easterly prolongation of the North line of the plat of VANGUARD-FAMLECO NINTH SUBDIVISION and along the North line of Tract C, VANGUARD-FAMLECO EIGHTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado and along the North line of Tract A, VANGUARD-FAMLECO SECOND ADDITION to the City of Loveland, County of Larimer, State of Colorado South 88°20'18" West 5261.57 feet, more or less, to a point on the West line of the Southwest Quarter of said Section 4; thence along said West line of the Southwest Quarter of said Section 4 North 00°08'28" East 488.64 feet, more or less, to the Southwest corner of the Northwest corner of said Section 4; thence along the West line of the Northwest Quarter of said Section 4 North 00°09'00" East 2698.81 feet, more or less, to the Northwest corner of said Section 4; thence along the North line of said Section 4 and along the South line of the plat of GIULIANO FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado North 89°20'42" East 891.92 feet, more or less, to the Northeast corner of the plat of BUCK SECOND SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; thence departing said North line of the Northeast Quarter of said Section 4 and said South line of the plat of GIULIANO FIRST SUBDIVISION and along the West line of said BUCK SECOND SUBDIVISION South 00°00'27" West 1320.00 feet, more or less, to the Southwest corner of said plat of BUCK SECOND SUBDIVISION; thence along the South line of the plat of said BUCK SECOND SUBDIVISION and along the South line of the plat of said BUCK FIRST SUBDIVISION North 89°20'42" East 4360.00 feet, more or less, to a point on said East line of said certain parcel of land as described in deed at Reception No. 91011261 and the TRUE POINT OF BEGINNING.

The above-described Tract of land contains 246.861 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

Section 3. That the annexation of said territory is subject to the conditions set forth in Paragraph (14) of the Petition for Annexation of said territory filed with the City of Loveland.

Section 4. That the annexation of said territory is subject to the conditions set forth in the annexation agreement filed with the City of Loveland.

Section 5. That the City Council hereby consents to the inclusion of the annexed territory in the Municipal Subdistrict of the Northern Colorado Water Conservancy District pursuant to Section 37-45-136 (3.6), C.R.S.

Section 6. Should any court of competent jurisdiction determine that any portion of the land annexed in this ordinance was unlawfully annexed, then it is the intent of the City Council that the remaining land lawfully annexed to the City of Loveland should be so annexed and the City Council affirmatively states that it would have annexed the remaining land even though the court declares the annexation of other portions of the land to have been unlawfully annexed.

Section 7. That this Ordinance shall be effective ten (10) days after its publication after adoption on second reading as provided in Loveland Charter Section 4-8(b).

Dated this ____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

FIRST READING January 17, 2006

SECOND READING _____

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 18.04.040 OF THE
LOVELAND MUNICIPAL CODE, THE SAME RELATING TO
ZONING REGULATIONS FOR "LEE FARM ADDITION" THE CITY
OF LOVELAND**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND,
COLORADO:**

Section 1. That Section 18.04.040 of the Loveland Municipal Code and the map referred to therein, said map being part of said Municipal Code and showing the boundaries of the district specified, shall be and the same is hereby amended in the following particulars, to wit:

That the following described property recently annexed to the City of Loveland and within the area known as "LEE FARM ADDITION" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

LEE FARM ADDITION PUD (#P - 91):

That portion of Section 4, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 4 as bearing South 00°00'27" West and with all bearings contained herein relative thereto:

Beginning at the Northeast corner of said Section 4; thence along the East line of the Northeast Quarter of said Section 4 South 00°00'27" West 1320.00 feet to a point on the Easterly prolongation of the South line of the plat of BUCK FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; thence along said Easterly prolongation of the South line of the plat of said BUCK FIRST SUBDIVISION South 89°20'42" West 30.00 feet, more or less, to a point on the East line of that certain parcel of land as described in deed at Reception No. 91011261, records of said County and the TRUE POINT OF BEGINNING; thence departing said Easterly prolongation of the South line of the plat of said BUCK FIRST SUBDIVISION and along said East line of said certain parcel of land as described in deed at Reception No. 91011261 South 00°00'27" West 1356.96 feet and again South 00°01'10" West 417.94 feet, more or less, to a point on the Easterly prolongation of the North line of the plat of VANGUARD-FAMLECO NINTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; thence departing said East line of said certain parcel of land as described in deed at Reception No. 91011261 and along said Easterly prolongation of the North line of the plat of VANGUARD-FAMLECO NINTH SUBDIVISION and along the North line of Tract C,

VANGUARD-FAMLECO EIGHTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado and along the North line of Tract A, VANGUARD-FAMLECO SECOND ADDITION to the City of Loveland, County of Larimer, State of Colorado South 88°20'18" West 5261.57 feet, more or less, to a point on the West line of the Southwest Quarter of said Section 4; thence along said West line of the Southwest Quarter of said Section 4 North 00°08'28" East 488.64 feet, more or less, to the Southwest corner of the Northwest corner of said Section 4; thence along the West line of the Northwest Quarter of said Section 4 North 00°09'00" East 2698.81 feet, more or less, to the Northwest corner of said Section 4; thence along the North line of said Section 4 and along the South line of the plat of GIULIANO FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado North 89°20'42" East 891.92 feet, more or less, to the Northeast corner of the plat of BUCK SECOND SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; thence departing said North line of the Northeast Quarter of said Section 4 and said South line of the plat of GIULIANO FIRST SUBDIVISION and along the West line of said BUCK SECOND SUBDIVISION South 00°00'27" West 1320.00 feet, more or less, to the Southwest corner of said plat of BUCK SECOND SUBDIVISION; thence along the South line of the plat of said BUCK SECOND SUBDIVISION and along the South line of the plat of said BUCK FIRST SUBDIVISION North 89°20'42" East 4360.00 feet, more or less, to a point on said East line of said certain parcel of land as described in deed at Reception No. 91011261 and the TRUE POINT OF BEGINNING.

The above-described Tract of land contains 246.861 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

Section 2. That **LEE FARM ADDITION PUD** shall be subject to the General Development Plan for said PUD which Plan is hereby approved and is on file in the office of the City Clerk and incorporated herein by this reference.

Section 3. That **LEE FARM ADDITION PUD** shall be subject to all applicable zoning regulations for the City of Loveland except where they conflict with the General Development Plan and any Preliminary Development Plan and Final Development Plan applicable to the property.

Section 4. That this Ordinance shall be effective ten (10) days after its publication after adoption on second reading as provided in Loveland Charter Section 4-8(b).

Dated this ____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

RESOLUTION NO. ____

**A RESOLUTION APPROVING AMENDMENTS TO THE CITY OF LOVELAND, 1994
COMPREHENSIVE MASTER PLAN BY THE AMENDMENT OF SECTION 4.10
LAND USE PLAN MAP**

WHEREAS, the Comprehensive Master Plan of Loveland was approved by resolution in October, 1994 by the Loveland Planning Commission and approved by the Loveland City Council in October, 1994; and

WHEREAS, the City of Loveland has through the Planning Commission, City Council, and citizens of Loveland worked to amend Section 4.10, Land Use Plan Map in the Master Plan, which amendment shall change the land use designation for property located on the northeastern corner of the Lee Farm Addition site:

- o from Neighborhood Activity Center (“NAC”) to Medium Density Residential (“MDR”) on approximately forty-three and six tenths (43.6) acres.

WHEREAS, a duly noticed public hearing has been held on these amendments to the 1994 Comprehensive Master Plan.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF LOVELAND THAT:**

Section 1. The revised “City of Loveland Land Use Plan,” Section 4.10.B Map Series 2 of 3, attached hereto as Exhibit A, is hereby approved as an amendment to the existing map within the 1994 Loveland Comprehensive Master Plan, attached hereto as Exhibit B.

Section 2. Any provisions of the 1994 Loveland Comprehensive Master Plan inconsistent with the above amendments are hereby revised to remove such inconsistency.

Signed this _____ day of January, 2006

Mayor

Attest:

City Clerk

Approved as to form:

Assistant City Attorney

RESOLUTION NO. _____

**A RESOLUTION CONCERNING THE ANNEXATION TO
THE CITY OF LOVELAND, COLORADO, OF A CERTAIN
AREA DESIGNATED AS "LEE FARM ADDITION" MORE
PARTICULARLY DESCRIBED HEREIN, AND SETTING
FORTH FINDINGS OF FACT AND CONCLUSIONS BASED
THEREON AS REQUIRED BY STATE STATUTE**

WHEREAS, on August 31, 2005, a Petition for Annexation was filed by persons comprising more than fifty percent (50%) of the landowners in the area described on Exhibit A, attached hereto and incorporated herein, who own more than fifty percent (50%) of said area, excluding public streets and alleys; and

WHEREAS, said petition requests the City of Loveland to annex said area to the City; and

WHEREAS, pursuant to Resolution No. **R-** 97- 05, the City Council found that said petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.; and

WHEREAS, on January 17, 2006, commencing at 6:30 p.m., pursuant to the notice required by §31-12-108, C.R.S., the City Council held a public hearing to determine whether the area proposed to be annexed complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under §31-12-107(2), C.R.S.; and whether or not additional terms and conditions are to be imposed; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND,
COLORADO THAT:**

1. The City Council of the City of Loveland makes the following findings of fact:

A. The subject Petition for Annexation was signed by persons comprising more than fifty percent (50%) of the landowners in the area proposed to be annexed, who own more than fifty percent (50%) of said area, excluding public streets and alleys.

B. Pursuant to Resolution No. **R- 97- 05**, the City Council found that said petition substantially complies with and meets the requirements of §31-12-107(1), C.R.S.

C. Pursuant to Resolution No. **R- 97- 05**, a public hearing was held on January 17, 2006, commencing at the hour of 6:30 p.m., to determine whether the proposed annexation complies with the applicable requirements of §§31-12-104 and 31-12-105, C.R.S.; whether an election is required under §31-12-107(2), C.R.S.; and whether additional terms and conditions are to be imposed.

D. Notice of said public hearing was published in The Loveland Reporter Herald on December 17, 24, 31, 2005, and January 7, 14, 2006, in the manner prescribed by §31-12-108(2), C.R.S. The Loveland Reporter Herald is a newspaper of general circulation in the area proposed to be annexed. Copies of the published notices, together with a copy of said resolution and a copy of said petition, were sent by registered mail by the City Clerk to the Board of County Commissioners of Larimer County and to the Larimer County Attorney and to all special districts and school districts having territory within the area proposed to be annexed at least 25 days prior to the date fixed for said hearing.

E. The land to be annexed lies entirely within the City of Loveland Growth Management Area, as depicted in the 1994 Comprehensive Master Plan, as amended. Therefore, pursuant to Section 3.3.1 of the Intergovernmental Agreement with Larimer County, the annexation impact report requirement of §31-12-108.5, C.R.S. has been waived.

F. The perimeter of the area proposed to be annexed is 16,795.84 feet, of which 13,608.39 feet are contiguous to the City of Loveland. Not less than one-sixth of the perimeter of said area is contiguous with the City of Loveland.

G. A community of interest exists between the area proposed to be annexed and the City of Loveland.

H. The area proposed to be annexed is urban or will be urbanized in the near future, and said area is integrated with or is capable of being integrated with the City of Loveland.

I. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, is divided into separate parts or parcels without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road, or other public way.

J. No land held in identical ownership, whether consisting of one tract or parcel of real estate or two or more contiguous tracts or parcels of real estate, comprising 20 acres or more and which, together with the buildings and improvements situated thereon, has a valuation for assessment in excess of \$200,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed to be annexed without the written consent of the landowner or landowners.

K. No annexation proceedings have been commenced for the annexation to another municipality of part or all of the area proposed to be annexed.

L. The annexation of the area proposed to be annexed will not result in the detachment of the area from any school district and the attachment of the same to another school district.

M. The annexation of the area proposed to be annexed would not have the effect of extending the boundary of the City of Loveland more than three miles in any direction from any point of such boundary in any one year.

N. In establishing the boundaries of the area proposed to be annexed, the entire width of any platted street or alley to be annexed is included within said area.

O. The annexation of the area proposed to be annexed will not deny reasonable access to any landowner, owner of an easement or owner of a franchise adjoining a platted street or alley which is included in said area but which is not bounded on both sides by the City of Loveland.

2. The City Council reaches the following conclusions based on the above findings of fact:

A. The proposed annexation of the area described on Exhibit A complies with and meets the requirements of the applicable parts of §§31-12-104 and 31-12-105, C.R.S.

B. No election is required under §31-12-107(2), C.R.S.

C. No additional terms and conditions are to be imposed.

3. This resolution shall become effective on the date and at the time of its adoption.

APPROVED the ____ day of January, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

EXHIBIT A
LEGAL DESCRIPTION

That portion of Section 4, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado being more particularly described as follows:

Considering the East line of the Northeast Quarter of said Section 4 as bearing South 00°00'27" West and with all bearings contained herein relative thereto:

Beginning at the Northeast corner of said Section 4; thence along the East line of the Northeast Quarter of said Section 4 South 00°00'27" West 1320.00 feet to a point on the Easterly prolongation of the South line of the plat of BUCK FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; thence along said Easterly prolongation of the South line of the plat of said BUCK FIRST SUBDIVISION South 89°20'42" West 30.00 feet, more or less, to a point on the East line of that certain parcel of land as described in deed at Reception No. 91011261, records of said County and the TRUE POINT OF BEGINNING; thence departing said Easterly prolongation of the South line of the plat of said BUCK FIRST SUBDIVISION and along said East line of said certain parcel of land as described in deed at Reception No. 91011261 South 00°00'27" West 1356.96 feet and again South 00°01'10" West 417.94 feet, more or less, to a point on the Easterly prolongation of the North line of the plat of VANGUARD-FAMLECO NINTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; thence departing said East line of said certain parcel of land as described in deed at Reception No. 91011261 and along said Easterly prolongation of the North line of the plat of VANGUARD-FAMLECO NINTH SUBDIVISION and along the North line of Tract C, VANGUARD-FAMLECO EIGHTH SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado and along the North line of Tract A, VANGUARD-FAMLECO SECOND ADDITION to the City of Loveland, County of Larimer, State of Colorado South 88°20'18" West 5261.57 feet, more or less, to a point on the West line of the Southwest Quarter of said Section 4; thence along said West line of the Southwest Quarter of said Section 4 North 00°08'28" East 488.64 feet, more or less, to the Southwest corner of the Northwest corner of said Section 4; thence along the West line of the Northwest Quarter of said Section 4 North 00°09'00" East 2698.81 feet, more or less, to the Northwest corner of said Section 4; thence along the North line of said Section 4 and along the South line of the plat of GIULIANO FIRST SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado North 89°20'42" East 891.92 feet, more or less, to the Northeast corner of the plat of BUCK SECOND SUBDIVISION to the City of Loveland, County of Larimer, State of Colorado; thence departing said North line of the Northeast Quarter of said Section 4 and said South line of the plat of GIULIANO FIRST SUBDIVISION and along the West line of said BUCK SECOND SUBDIVISION South 00°00'27" West 1320.00 feet, more or less, to the Southwest corner of said plat of BUCK SECOND SUBDIVISION; thence along the South line of the plat of said BUCK SECOND SUBDIVISION and along the South line of the plat of said BUCK FIRST SUBDIVISION North 89°20'42" East 4360.00 feet, more or less, to a point on said East line of said certain parcel of land as described in deed at Reception No. 91011261 and the TRUE POINT OF BEGINNING.

The above-described Tract of land contains 246.861 acres, more or less and is subject to all easements and rights-of-way now on record or existing.



**Development Services
Administration**

500 East Third Street • Loveland, CO 80537
(970) 962-2521 • Fax (970) 962-2904 • TDD (970) 962-2620
www.cityofloveland.org

AGENDA ITEM:

MEETING DATE: January 17, 2006

DEPARTMENT: Development Services

DESCRIPTION: **Vanguard-Famleco 13th Subdivision Preliminary Plat and Hunter's Run West Preliminary Development Plan Appeal Merit Hearing**
A merit hearing to consider the appeal of the Planning Commission decision to approve, with conditions, the Vanguard-Famleco 13th Subdivision Preliminary Plat and Phase One of the Hunter's Run West PUD Preliminary Development Plan.

This matter is not a public hearing and the Council is to consider only the merits of the appeal. Pursuant to provisions in the Municipal Code, Council's consideration is limited to review of the written report filed by the appellant, the findings and conclusions of the Planning Commission, and any clarifying remarks made by the appellant. If Council determines that the appeal has sufficient merit to warrant further review, fully noticed public hearing will be scheduled before Council at a later date. If the Council determines that the appeal has insufficient merit, then the decision of the Planning Commission becomes final.

SUMMARY: On November 28, 2005, the Planning Commission approved a preliminary subdivision plat and preliminary development plan (PDP) for development of the first phase of the Hunter's Run West General Development Plan (GDP). The GDP was approved by City Council on May 17, 2005. The PDP would develop 165 single family dwellings and 83 multi-family dwelling units on 77.1 acres. The appellant filed a written Notice of Appeal on a form provided by the City within the required ten day appeal period.

COUNCIL ACTION

RECOMMENDED: City staff recommends that City Council consider the merits of the appeal.

**REVIEWED BY
CITY MANAGER:**



MEMORANDUM

TO: City Council

FROM: N. Zach Ratkai, Current Planning Division

DATE: January 17, 2006

SUBJECT: Vanguard-Famleco 13th Preliminary Plat and the Hunter's Run West Preliminary Development Plan Appeal Merit Hearing.

I. ATTACHMENTS

- A. Notice of Appeal Filed December 1, 2005
- B. Appeal Report Filed December 28, 2005
- C. December 12, 2005 Planning Commission Findings and Conclusions
- D. Project location map

II. PROJECT BACKGROUND

- Annexed as part of the Vanguard-Famleco 2nd Addition on March 2nd, 1982.
- The General Development Plan for the Hunter's Run West PUD was approved by City Council on May 17, 2005.
- The Preliminary Plat and Preliminary Development Plan for Hunter's Run West was approved by the Planning Commission on November 28, 2005.
- A notice of appeal was filed with the Current Planning Division on December 1, 2005
- Planning Commission adopted Findings and Conclusion on December 12, 2005

III. EXECUTIVE SUMMARY

A. Project Description: The Hunter's Run West PDP proposes to develop the first phase of the approved Hunter's Run West General Development Plan (GDP), encompassing a gross total of 77.1 acres. This Preliminary Development Plan (PDP) will be regulated by said GDP and bring a mixed-residential component to the area which will include 165 single family lots/homes as well as an 83 unit, owner occupied single family attached development (townhomes). Open space, landscape tracts, and common areas have also been included in this design with a community center/swimming pool, to be utilized by all residents of all phases of Hunter's Run West, being constructed with this phase. All housing types and densities conform to the approved General Development Plan on file with the City.

Hunters Run West lies north of the Trimble Hills Development (Vanguard-Famleco 7th), east of the Namaqua Hills neighborhood, south of vacant land in Larimer County, and west of the existing Hunter's Run development (Vanguard-Famleco 11th). The location of the PUD is illustrated in **Attachment D**. The land within the proposed project is designated ER (Estate Residential) in the area west of the 29th Street extension and LDR (Low Density Residential) in the remainder of the property located east, of the 29th Street extension and west of the existing Hunter's Run development.

B. Planning Commission Public Hearing: The Planning Commission held a public hearing to consider the application on November 28, 2005 and approved the Preliminary Plat and the Preliminary Development Plan subject the conditions included in their Findings and Conclusion. (**Attachment C**).

C. Appeal to City Council: An appeal was filed (see **Attachment A**) by a resident in the neighborhood within the time period specified under Section 18.41.050 of the Loveland Municipal Code. The appellant also filed the required appeal report (see **Attachment B**) within the specified time period.

The following excerpt from Section 18.41.050 establishes the procedure and information City Council can consider in determining the merits of the appeal and the actions City Council may take.

For appeals filed by the applicant, any person who was required by this code to receive legal notice, or any person who gave either written or verbal testimony at the planning commission public hearing on the matter, the appellant shall file a written notice of appeal with the development center, on a form provided by the development center, within ten days of the effective date of the planning commission's decision, and the appellant shall file a written report outlining the basis for the appeal with the development center, within thirty days of the effective date of the planning commission's decision. At the next regularly scheduled city council meeting following the effective date of the planning commission's decision, the city council shall consider the merits of the appeal. The city council's consideration shall be limited to a review of the information contained

in the written report filed by the appellant, the findings and conclusions of the planning commission, and any clarifying remarks made by the appellant. The city council may find: (i) that the appeal has insufficient merit, in which case the decision of the planning commission shall be final or; (ii) that the appeal has sufficient merit to warrant further review, in which case the appeal shall be scheduled for a full public hearing, at the next regularly scheduled city council meeting following the merit consideration meeting at which all public notification requirements can be complied with, in accordance with the provisions of Section 16.16.070 of this code.

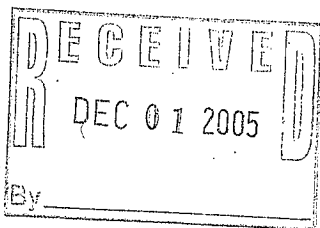
D. Recommendation: Given the limitations set forth in Section 18.41.050 on the information that Council can consider in determining the merits of the appeal, City staff recommendation is that Council consider the merits of the appeal in accordance with those provisions.

APPEAL FORM

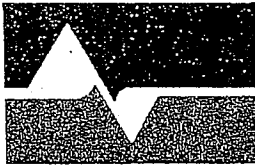
I, Anthony Benjamin, hereby appeal the decision of the Planning Commission
issued on 11/28/05 concerning the Hunters Run West
Development Plan.

Anthony Benjamin
Appellant

12/1/05
Date



ATTACHMENT A



CITY OF LOVELAND
COMMUNITY SERVICES

Civic Center • 500 East Third • Loveland, Colorado 80537 • (970) 962-2000 • FAX (970) 962-2900 • TDD (970) 962-2620
Planning 962-2523 Engineering 962-2501 Building 962-2505 Streets 962-2529 Solid Waste 962-2529 Administration 962-2524

NOTICE OF APPEAL OF A PRELIMINARY DEVELOPMENT PLAN

Name of Project:

Hunter's Run West - Phase I

Date of Planning Commission approval: Nov 28, 2005

Basis of Appeal (Not required if appealed by three or more City Council Members):

See Attached

Signature: Anthony Benja

Signature: _____

Signature: _____

Signature: _____

Date: 12/28/05

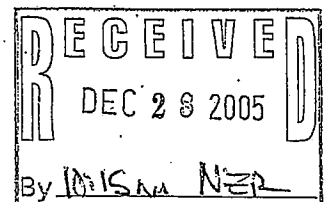
Date: _____

Date: _____

Date: _____



Printed on
Recycled Paper



ATTACHMENT B

December 28, 2005

To: Loveland City Council

From: Tony Benjamin

3072 Hudson Drive

Loveland, CO 80538

About: Appeal, Proposed Hunter's Run West, Phase I

Background: The Loveland Planning Commission approved the preliminary plat for the Vandguard-Famleco 13th Subdivision and the preliminary development plan for the first phase of the Hunter's Run West PUD on Nov. 28, 2005. A public hearing was held prior to the commission's votes. I filed notice of appeal regarding those decisions on Dec. 1, 2005, as outlined under Title 18.41.050E.3 and 16.16.030.E.3.a of the Loveland Municipal Code:

Regarding Planning Commission's review of the preliminary development plan, any person who was required by this code to receive legal notice, or any person who gave either written or verbal testimony at the planning commission public hearing on the matter, the appellant may file a written notice of appeal with the development center, on a form provided by the development center, within 10 days of the effective date of the planning commission's decision, and the appellant shall file a written report outlining the basis for the appeal with the development center within 30 days of the effective date of the planning commission's decision.

I claim standing to file this appeal on the following counts: 1) I am listed as having received legal notice of the public hearing. 2) I gave both verbal and written testimony at the Nov. 28 hearing.

The planning commission subsequently – on Dec. 12 – approved its formal Findings and Conditions regarding this project, linking in the process Preliminary Development Plan and Preliminary Plat approval. Since the commission combined its findings, this appeal also covers both.

Basis of appeal: The commission's Findings and Conditions notwithstanding, several serious issues remain unresolved and important questions unanswered. Among them:

- **DRAINAGE** – Water problems have plagued the existing Hunter's Run development. Total street reconstruction was needed. Electrical service has been disrupted, as underground conduits filled with water. Homeowners' landscaping has been ruined because trees and shrubs sit in water that doesn't drain. Concrete has buckled. We have heard nothing, meanwhile, about the stability of buried utilities, such as natural gas lines, which run under the roadways that heaved and sunk. Engineers for D.R. Horton – the developer of the proposed Hunter's Run West project – claim the solution is more development; that their project will reduce incremental surface water flow into our neighborhood by the construction of a retention pond and other measures. That misses the point. Water from Hunter's Run West will continue to flow east into existing drainage. The rate of flow is a moot point if that water adds to ambient water table levels. New questions have recently arisen about groundwater flow and whether excavation and construction have disturbed it. Until the precise cause of these problems is nailed down – and I'm unaware that it has been – development of the adjoining property should not proceed. It could make matters worse. Both surface and groundwater conditions need more study before additional development is approved. A further in-depth, on-site evaluation of groundwater disruption – a possibility floated by a representative of the developer during an Oct. 12, 2005 neighborhood meeting – was not conducted. Nor did the planning commission ask for one by simply making such a critical study a condition of approval. In an Oct. 17 letter following up that neighborhood meeting, City Planner Zach Ratkai stated: *"The City of Loveland Planning Division is now aware of soil and water table issues within the existing Hunter's Run development. It is the understanding of the Current Planning Division that Loveland Public Works is working on mitigating these issues at Hunter's Run ... With regard to potential water and soil issues for Hunter's Run West, an engineer from the city is taking a look at the construction drawings submitted by Hunter's Run West's engineers in order to draft conclusions and suggestions to direct the applicant with regard to*

construction on the soils in the area." Those conclusions and suggestions – if they were reached and made – were not apparent at the Nov. 28 meeting. Nor are they reflected in the Findings and Conditions approved by the Planning Commission.

- **TRAFFIC** – Two streets – Tabernash and Bayfield – would tie into the proposed community. Our streets are already heavily traveled, often at excessive speed. Traffic engineers have said the additional traffic won't amount to much. Professional engineers also said our drainage was adequate. And that our roads wouldn't crumble. Design standards were in place. Something went terribly wrong. We've been run in circles trying to determine accountability. There's more. Left turns from Tabernash onto Wilson would be prohibited. On Page 10 of the packet of information available on the project it is noted: "Until 35th Street is extended, left turns out of Hunter's Run developments to go north can be made at the 29th Street and Wilson intersection. Another option from either side of Wilson is to turn right and make a U-turn at the 35th Street or 29th Street intersections." That is an unworkable and dangerous option. Perhaps even illegal. The planning commission failed to resolve the problem. A condition of approval from the Engineering Department calls for "A raised median within Wilson Avenue that extends from 200 feet south of Tabernash Drive north to 35th Street unless an ACF exemption is granted by City Council." The developer would pay for the median. The Planning Commission – after considerable debate and some objection from the public – left the condition in place, but encouraged the developer to seek an exemption. The Lee Farms development plan, which will add more traffic to Wilson Avenue, is in the pipeline. What was the Planning Commission thinking? Other than dodging the issue.
- **DENSITY** – Housing density should logically decrease with westward development as it spreads toward the foothills. The city's Master Land Use Plan rightly reflects that very notion. It's called "feathering," and the pattern has been established. Horton has proposed building high-density town homes in the middle of Phase I instead. I understand the concept of a Planned Unit Development. And I understand clustering. But this proposed project stands the logic behind both on its head because of where

it is, and what it is. And its overall scope. This was not included in planning commission discussion on Nov. 28.

- **COMPATIBILITY WITH THE ADJOINING DEVELOPMENT – D.R. Horton** enlarged a few lot sizes in the northeast corner of the proposal after residents in existing Hunter's Run objected to the original proposal. Lennar Homes has now begun building south of Tabernash. Lennar's lot sizes, almost without exception, are larger than those proposed by D.R. Horton just across the way. But it goes beyond square feet. Streets in the Lennar neighborhood curve; lots are irregularly shaped. D.R. Horton's adjoining lots could have been drawn with a straight edge and a cookie cutter. The planning commission did not address this issue on Nov. 28. Its boilerplate "findings" are insufficient.

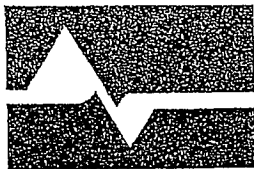
There are also concerns about soil stability in the area, the present ability of the city's water supply to meet additional demand, the city's wastewater treatment capabilities, runaway development, environmental issues and the aesthetic impact of a sea of roofs extending to the foothills. None of these issues were fully discussed by the planning commission on Nov. 28. Most were outright ignored. Nor was D.R. Horton's track record as a developer aired. If background checks can be made on potential municipal employees, developers should undergo similar scrutiny. The information – legal and otherwise – should be part of the city's consideration and the public record.

In conclusion: Given these issues, questions and concerns, I appeal the planning commission's decision, requesting that the City Council take up this matter. The planning commission's Findings and Conditions do not constitute the rigorous review that a development of such magnitude and lasting impact deserves. Present and future City of Loveland residents should be protected by nothing less to ensure their investments, health, safety and quality of life.

Thank you for your consideration.


Tony Benjamin

Deficial
revised 3



**CITY OF LOVELAND
COMMUNITY SERVICES
Development Center**

500 East Third Street • Loveland, Colorado 80537 • TDD (970) 962-2620 • www.cityofloveland.org

Building (970) 962-2505 FAX (970) 962-2904	Current Planning (970) 962-2523 FAX (970) 962-2945	Engineering (970) 962-2501 FAX (970) 962-2945	Land Records (970) 962-2645 FAX (970) 962-2945
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October 17, 2005

To: Attendees of the Hunter's Run West Phase One neighborhood meeting, October 12, 2005.

Re: Outstanding issues information.

To Whom It May Concern:

This letter is being sent to all of you as a follow-up to the neighborhood meeting that took place last Wednesday, October 12, 2005 in the City of Loveland Library meeting room. This letter is intended to respond to several issues and questions that were raised at the meeting.

With regard to the public hearing process in which Phase One of Hunter's Run West must undergo, the applicant was correct: there will be a required public hearing in front of the Planning Commission to be scheduled by the Current Planning staff and notice of this hearing will be given to all affect property owners by the builder's representative (as outlined in Title 18 of the Loveland Municipal Code). Unlike the process previously undertaken for the General Development Plan, there is no required City Council public hearing. However, according to Title 18.41.E.3.a, "any person who was required by Code to receive legal notice" or "any person who gave either written or verbal testimony at the Planning Commission public hearing on this matter" may file an appeal to the Planning Commission decision on to City Council within ten days of the Planning Commission decision on the project (the date of the Planning Commission hearing) on a pre-printed form provided upon request by the City's Project Planner.

Soil compaction, especially around the foundations of new homes, was another issue raised. Upon checking with the requirements outlined in the City of Loveland Building Department, I was told that there are no requirements, city or building code, that govern the distance soil is compacted around a foundation. The distance a homebuilder compacts the soils around a foundation is at the discretion of the homebuilder. The only thing that building codes would govern is that positive drainage away from foundations be provided.

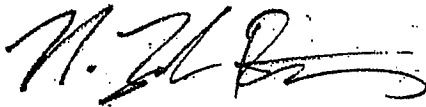
The City of Loveland Planning Division is now aware of soil and water table issues within the existing Hunter's Run development. It is the understanding of the Current Planning Division that Loveland Public Works is working on mitigating these issues at Hunter's Run. If you wish to check on the status of this process or what is being done;

please feel free to contact the City Engineer, Dave Klockeman at (970) 962-2514 or the Senior Field Engineer, Dave DeBaere at (970) 962-2510.

27 Done ✓
* With regard to potential water and soil issues for Hunter's Run West, an engineer from the City is taking a look at the construction drawings submitted by Hunter's Run West's engineers in order to draft conclusions and suggestions to direct the applicant with regard to construction on the soils in the area. The applicants for Hunter's Run West, as stated by them at Wednesday's meeting, are also looking into conducting an additional study prior to either the Planning Commission hearing or the submittal of final construction plans for approval by the City of Loveland.

As was noted above, this project will go through a public hearing before the Planning Commission at a later date still to be determined. The notification letter will reach all who were informed about the prior neighborhood meeting, and a sign will be posted on the perimeter of the future Hunter's Run West site advertising the meeting. As is our policy, the Current Planning Division is available to answer citizen's questions and comments prior to the meeting, so do not hesitate to call.

Sincerely,



N. Zach Ratkai
City Planner I
City of Loveland, Colorado
(970) 962-2513
Email: ratkai@ci.loveland.co.us

This letter is being sent out to all who signed the sign-in sheet at the neighborhood meeting. If there is someone who did not sign in, or was unable to attend, please share this information.

II. FINDINGS AND CONDITIONS

(Combined Preliminary Development Plan and Preliminary Plat)

A. City Utilities and Services

1. Loveland Municipal Code

a. Section 18.41.050.E.2:

- (i) *Development permitted by the PDP will not have negative impacts on City utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*
- (ii) *Development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.*

b. Section 16.20.030:

- (i) *The proposed public facilities and services are adequate, consistent with the City's utility planning, and capable of being provided in a timely and efficient manner*
- (ii) *The subdivision complies with the water rights requirements in Title 19.*
- (iii) *The subdivision has been reviewed in accordance with the Loveland Comprehensive Master Plan, including the Parks and Recreation Functional Master Plan, and other pertinent plans approved and adopted by the City, to insure that the subdivision is designed in accordance with good engineering practices and provides for safe and convenient movement.*

c. Section 16.24.012: Electric and water distribution system improvements, sewer collection improvements, storm drainage control facilities, and other improvements as required to be constructed with the subdivision have been designed in accordance with the City of Loveland "Storm Drainage Criteria Manual," 1986 Edition, as amended and the latest edition of the "Development Standards and Specifications Governing the Construction of Public Improvements."

d. Section 16.24.090:

- (i) *All new and replacement sanitary sewer and water supply systems have been designed to minimize or eliminate infiltration of floodwaters in the system.*
- (ii) *The subdivision proposal has adequate drainage provided to reduce exposure to flood damage.*
- (iii) *The subdivision proposal has public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.*

- (iv) *The development proposal conforms to all federal, state, and local floodplain regulations.*
- (v) *When deemed necessary by the Director of Community Services or the Planning Commission for the health, safety, or welfare of the present or future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, the subdivision of land within the flood fringe and floodway, or any stream, river, or drainage course has been prohibited.*
- e. **Section 16.24.140:** *All proposed utility facilities, including, but not limited to, gas, electric power, telephone, and CATV cables, are located underground. Where practical, existing utility facilities located above ground, except when located in a public right-of-way, are to be removed and placed underground.*
- f. **Chapter 16.41:** *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made in accordance with Section 16.41.100 for fire protection and emergency rescue services, Section 16.41.120 for water facilities and services, Section 16.41.130 for wastewater facilities and services, and Section 16.41.140 for storm drainage facilities.*

B. Transportation

1. **Section 16.20.030:** *The subdivision has been reviewed in accordance with the Loveland Comprehensive Master Plan to insure that the subdivision is designed in accordance with good engineering practices and provides for safe and convenient movement.*
2. **Section 16.24.015:** *Streets, street signs, highways, curb and gutter, traffic control devices, and other improvements as required to be constructed with the subdivision have been designed in accordance with the Larimer County Urban Area Street Standards, as amended.*
3. **Section 16.24.040:**
 - a. *Streets have been designed to have a logical relationship to topography and to the location of existing or platted streets in adjacent properties. Certain proposed streets, as determined by the City engineer, have been extended to the boundary of the subdivision to provide for traffic circulation within the vicinity.*
 - b. *As required by the Director, perpetual unobstructed pedestrian easements at least 20 feet in width have been provided within the subdivision to facilitate pedestrian access from roads to schools, parks, playgrounds, or other community or commercial services. Such easements shall generally not follow road rights-of-way.*
4. **Section 18.41.050.E.2:**
 - a. *Development permitted by the PDP will not have negative impacts on traffic in the area. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*
 - b. *Development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by incorporating public facilities or infrastructure, or cash-in-*

lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.

5. **Section 16.41.110:** A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made for transportation facilities in accordance with Chapter 16.41 of the Loveland Municipal Code.

C. Land Use

1. **Loveland Comprehensive Master Plan**

- a. **Section 4.1 -Growth Management Plan**

- (iii) The PDP discourages leapfrog, scattered-site, and flagpole development.

- (iv) The PDP encourages infill development.

- (vi) The PDP is contiguous to other land that is already receiving public services.

- (vii) The PDP is at least 1/6 contiguous with existing development, as defined in Section 4.1 GM:3(D-1) of the Comprehensive Master Plan.

2. **Section 18.41.050.E.2:**

- a. The PDP conforms to the intent and objectives of Title 18 with regard to Planned Unit Developments and any applicable area plan.

- b. The PDP is in compliance with the GDP on file with the City.

3. **Section 18.41.050.E.2:** Development permitted by the PDP will not have detrimental impacts on property that is in sufficient proximity to the PDP to be affected by it. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.

4. **Section 16.20.030:** The subdivision does not create, or mitigates to the extent possible, negative impacts on the surrounding property.

5. **Section 18.41.050.E.2:** Development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by:

- a. Incorporating natural physical features into the PDP design and providing sufficient open spaces considering the type and intensity of proposed land uses.

- b. Incorporating site planning techniques that will foster the implementation of the Loveland Comprehensive Master Plan.

- c. Incorporating physical design features that will provide a transition between the project and adjacent land uses through the provisions of an attractive entryway, edges along public streets, architectural design, and appropriate height and bulk restrictions on structures.

- d. Incorporating an overall plan for the design of the streetscape within the project, including landscaping, auto parking, bicycle and pedestrian circulation, architecture, placement of buildings and street furniture.

6. **Section 16.20.030:** The subdivision provides desirable settings for buildings, protects views, and affords privacy, protect from noise and traffic, and uses resources such as energy and water in keeping with responsible resource stewardship.

7. **Section 18.41.050.E.2:** *The PDP complies with applicable land use and development regulations in effect as of the date that the GDP was approved and any land use and development regulations adopted by the City after that date if the Planning Division and Planning Commission expressly find that compliance with such regulations is necessary to protect public health, safety, and welfare.*
8. **Section 16.20.030:** *The lots and tracts are laid out to allow efficient use of the property to be platted.*
9. **Section 16.24.050:** *All lots comply with the standards set forth in the GDP and, to the extent practical, lot lines are at right angles to the street line or at right angles to the tangent of the curve of the street line.*
10. **Section 16.24.120:**
 - a. *Landscaping complies with the requirements set forth in the GDP and bufferyards required pursuant to the GDP are within separate tracts of land, separate from individual residential lots.*
 - b. *Street trees are located in compliance with the City's Site Development Performance Standards and guidelines, unless waived by the Director.*
 - c. *The subdivision plat includes open space fields in compliance with the requirements set forth in Section 16.24.150, unless waived by the Planning Commission. The open space play fields are designed with respect to size, dimension, topography, and general character to be suitable for outdoor play activities*

D. Environmental Impacts:

1. **Section 18.41.050.E.2:** *The PDP incorporates environmentally sensitive areas, including but not limited to wetlands and wildlife corridors, into the project design. "Environmentally sensitive areas" are defined in Section 18.41.110 as: slopes in excess of 20%; floodplain; soils classified as having high water table; soils classified as highly erodible, subject to erosion or highly acidic; land incapable of meeting percolation requirements, land formerly used for land fill operations or hazardous industrial use; fault areas; stream corridors; estuaries; mature stands of vegetation; aquifer recharge and discharge areas; habitat for wildlife; and other areas possessing environmental characteristics similar to those listed above.*
2. **Section 16.20.030:** *The subdivision preserves natural features and environmentally sensitive areas to the extent possible.*

Conditions of Approval

A. Preliminary Development Plan:

Power:

1. For all multiplex buildings of three units or more, electric meters will be located centrally on or near the building, and the developer or his representative will be responsible for installing and maintaining the underground electric service to the meter per the National Electric Code. If Water and Power requirements for location of meters and other

electrical equipment can be met on multiplex Town homes, the Town homes will have individual services and meters per City code.

Water:

2. The Developer shall execute an agreement, with the City, stipulating responsibilities of cost sharing, timing, construction, design and other matters related to water booster station and infrastructure requirements which facilitate adequate service to areas of the proposed P.D.P., within BPZ4. The agreement shall be executed and finalized prior to approval of the Final Plat and Final Development Plan.

Fire Prevention:

3. All garages shall have "Rate of Rise" heat detectors installed. Only garages protected by an automatic fire-sprinkler system do not require heat detection.
4. Prior to approval of the FDP, the fire lane sign plan will need to be modified and details for the emergency access will need to be provided for review and approval.

Parks and Recreation:

5. The developer shall complete the Recreational Trail by providing a 10' wide trail connection from the existing trail east of the project to the northeast corner of Rio Blanco Avenue and West 29th Street. In the event the developer constructs Tract S improvements, the developer shall also provide a 10' wide trail connection adjacent to the south side of 29th street.
6. As conditioned in the GDP, the developer shall provide safe Recreational Trail crossings at both Tabernash and 29th which could include signage and crossing details as determined by the City Engineer prior to FDP.

Engineering:

7. All future development within this Preliminary Development Plan shall comply with the Larimer County Urban Areas Street Standards (LCUASS) adopted October 2002 and the Transportation Plan adopted October 2001, as amended.
8. Prior to approval of the final development plan, final public improvement construction plans or the final plat, the developer shall submit recorded deeds of dedication to the City for all offsite right-of-way required for transportation facilities needed to meet City ordinances and/or any development conditions applicable to the property, unless otherwise approved by the City Engineer.
9. Prior to the issuance of any building permits within this PDP, the following public improvements shall be designed and constructed by the Developer, unless designed and constructed by others or otherwise approved by the City Engineer:

- a. West 29th Street from Wilson Avenue to Cascade Avenue to a 2-lane arterial standard as shown on the 2020 Transportation Plan.
- b. Cascade Avenue from the terminus of West 29th Street north and south to the property boundary of this PDP.
- c. A Roundabout at the intersection of Cascade Avenue and 29th Street.
- d. Tabernash Drive from the western terminus continuing west to 29th Street to a minor collector standard.
- e. A complete design of Cascade Avenue, to a 2-lane arterial standard, beginning approximately 300 feet south of existing West 22nd Street and extending north to the roundabout.
- f. A raised median within Wilson Avenue that extends from 200 feet south of Tabernash Drive north to 35th street unless an ACF exemption is granted by City Council.

Current Planning:

10. The PDP shall be in conformance with all previously approved conditions of the GDP for this development.
11. Masonry columns along edge treatment fencing shall be stone or brick only, and shall match any stone or brick used throughout the common areas (masonry used on the Recreation center or neighborhood identification signs).
12. Detention ponds located next to 'Open Space Play areas' must not be of steep grade or hold water for long periods of time.
13. On lots less than 65 linear feet in width (street frontage) the garage shall not be more than 40% of the structure's front facing elevation, 50% is allowable of the front elevation for 3-car garages, and one of the three garages shall be recessed either behind the façade of the living portion or a covered porch by at least 4 feet.
14. All project and neighborhood identification signs shall not be **internally** illuminated and shall comply with all applicable City of Loveland sign codes. Sign approval is through a separate City of Loveland Sign Permit.
15. All cross walks shall incorporate some form of traffic calming measure. (Raising of the crosswalk, different street material, etc.)
16. Groundcover (sod) in streetscape areas as well as all common areas shall be of low-water (xeric) usage.
17. Similar models of the **Single Family Detached** homes shall be used on no more than every third lot.

18. Similar models of the Single Family Attached homes shall not be adjacent to one another.

19. The elevations shown on the PDP where the model home has a projecting garage, shall meet the front porch requirements outlined on the PDP.

B. Preliminary Plat:

Power:

20. A new \$300 engineering deposit must be submitted with the Final Plat and Final CD's submittal. The original deposit and work order were closed out and billed when it was indicated that this project was on indefinite hold.

Fire Prevention:

21. All garages shall have "Rate of Rise" heat detectors installed in these areas. Only garages protected by an automatic fire sprinkler system do not require heat detection.

22. Prior to approval of the Final Plat, the fire lane sign plan will need to be modified and details for the emergency access will need to be provided for review and approval.



**Development Services
Current Planning**

500 East Third Street • Loveland, CO 80537
(970) 962-2523 • (970) 962-2525 • Fax (970) 962-2945 • TDD (970) 962-2620
www.cityofloveland.org

ITEM NO:

6 – Regular Agenda

PLANNING COMMISSION MEETING:

December 12, 2005

TITLE:

Vanguard-Famleco 13th Subdivision (Hunter's Run West Phase One) Preliminary Development Plan and Preliminary Plat Findings and Conditions.

LOCATION:

West of the existing Hunter's Run PUD, located at the western termini of West 29th Street and West Tabernash Street; and the northern terminus of North Cascade Avenue

APPLICANT:

DR Horton Melody Series Homebuilders, represented by Terravisions, LLC.

STAFF CONTACT:

N. Zach Ratkai, Current Planning

APPLICATION TYPE:

Planning Commission Findings

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission adopt these findings listed in **Section II**.

ATTACHMENT C

I. BACKGROUND:

At the Planning Commission hearing that took place on Monday, November 28th, 2005, the Planning Commission approved the preliminary plat of the Vanguard-Famleco 13th Subdivision and the preliminary development plan of the first phase of the Hunter's Run West PUD. The required appeal period, as listed in the City of Loveland Municipal Code began upon approval of the Planning Commission. An appeal from a neighboring resident who was present and spoke at the original hearing, was filed in the Current Planning office on Thursday December 1, 2005.

Title 18.41.050E.3.a. and 16.16.030.E.3.a of the Municipal Code indicate that:

Regarding Planning Commission's review of the preliminary development plan, any person who was required by this code to receive legal notice, or any person who gave either written or verbal testimony at the planning commission public hearing on the matter, the appellant may file a written notice of appeal with the development center, on a form provided by the development center, within ten days of the effective date of the planning commission's decision, and the appellant shall file a written report outlining the basis for the appeal with the development center, within thirty days of the effective date of the planning commission's decision.

On December 1, 2005 (3 days after the date of the Planning Commission's decision) one appeal form was filed with Current Planning by Mr. Anthony Benjamin who resides at 3072 Hudson Drive in Loveland. Upon receipt of this letter the staff of Current Planning drafted this document in order for the Planning Commission to confirm and approve its findings and conditions in order to forward this onto City Council for a merit hearing, to take place after the appellant files a written report outlining the basis of their appeal to the Current Planning division which is due by to December 28, 2005.

II. FINDINGS AND CONDITIONS

(Combined Preliminary Development Plan and Preliminary Plat)

A. City Utilities and Services

1. Loveland Municipal Code

a. Section 18.41.050.E.2:

(i) *Development permitted by the PDP will not have negative impacts on City utilities. If such impacts exist, Section 18.41.050.D.4(b) of the Loveland Municipal Code requires City staff to recommend either disapproval of the PDP or reasonable conditions designed to mitigate the negative impacts.*

(ii) *Development permitted by the PDP will be complementary to and in harmony with existing development and future development plans for the area in which the PDP is located by incorporating public facilities or infrastructure, or cash-in-lieu, that are reasonably related to the proposed development so that the proposed development will not negatively impact the levels of service of the City's services and facilities.*

b. Section 16.20.030:

(i) *The proposed public facilities and services are adequate, consistent with the City's utility planning, and capable of being provided in a timely and efficient manner*

(ii) *The subdivision complies with the water rights requirements in Title 19.*

(iii) *The subdivision has been reviewed in accordance with the Loveland Comprehensive Master Plan, including the Parks and Recreation Functional Master Plan, and other pertinent plans approved and adopted by the City, to insure that the subdivision is designed in accordance with good engineering practices and provides for safe and convenient movement.*

c. Section 16.24.012: *Electric and water distribution system improvements, sewer collection improvements, storm drainage control facilities, and other improvements as required to be constructed with the subdivision have been designed in accordance with the City of Loveland "Storm Drainage Criteria Manual," 1986 Edition, as amended and the latest edition of the "Development Standards and Specifications Governing the Construction of Public Improvements."*

d. Section 16.24.090:

(i) *All new and replacement sanitary sewer and water supply systems have been designed to minimize or eliminate infiltration of floodwaters in the system.*

(ii) *The subdivision proposal has adequate drainage provided to reduce exposure to flood damage.*

(iii) *The subdivision proposal has public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.*

(iv) *The development proposal conforms to all federal, state, and local floodplain regulations.*

(v) *When deemed necessary by the Director of Community Services or the Planning Commission for the health, safety, or welfare of the present or future population of the area or necessary to the conservation of water, drainage, and sanitary facilities, the subdivision of land within the flood fringe and floodway, or any stream, river, or drainage course has been prohibited.*

- e. **Section 16.24.140:** *All proposed utility facilities, including, but not limited to, gas, electric power, telephone, and CATV cables, are located underground. Where practical, existing utility facilities located above ground, except when located in a public right-of-way, are to be removed and placed underground.*
- f. **Chapter 16.41:** *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made in accordance with Section 16.41.100 for fire protection and emergency rescue services, Section 16.41.120 for water facilities and services, Section 16.41.130 for wastewater facilities and services, and Section 16.41.140 for storm drainage facilities.*

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- 1. **Section 16.20.030:** *The subdivision has been reviewed in accordance with the Loveland Comprehensive Master Plan to insure that the subdivision is designed in accordance with good engineering practices and provides for safe and convenient movement.*
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 - b. *As required by the Director, perpetual unobstructed pedestrian easements at least 20 feet in width have been provided within the subdivision to facilitate pedestrian access from roads to schools, parks, playgrounds, or other community or commercial services. Such easements shall generally not follow road rights-of-way.*
- 4. **Section 18.41.050.E.2:**
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5. **Section 16.41.110:** *A positive determination of adequacy, or a positive determination of adequacy with conditions, has been made for transportation facilities in accordance with Chapter 16.41 of the Loveland Municipal Code.*

C. Land Use

1. **Loveland Comprehensive Master Plan**

- a. **Section 4.1 -Growth Management Plan**

- (iii) *The PDP discourages leapfrog, scattered-site, and flagpole development.*

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2. **Section 18.41.050.E.2:**

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D. Environmental Impacts:

1. **Section 18.41.050.E.2:** *The PDP incorporates environmentally sensitive areas, including but not limited to wetlands and wildlife corridors, into the project design. "Environmentally sensitive areas" are defined in Section 18.41.110 as: slopes in excess of 20%; floodplain; soils classified as having high water table; soils classified as highly erodible, subject to erosion or highly acidic; land incapable of meeting percolation requirements, land formerly used for land fill operations or hazardous industrial use; fault areas; stream corridors; estuaries; mature stands of vegetation; aquifer recharge and discharge areas; habitat for wildlife; and other areas possessing environmental characteristics similar to those listed above.*
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A. Preliminary Development Plan:

Power:

1. For all multiplex buildings of three units or more, electric meters will be located centrally on or near the building, and the developer or his representative will be responsible for installing and maintaining the underground electric service to the meter per the National Electric Code. If Water and Power requirements for location of meters and other

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- a. West 29th Street from Wilson Avenue to Cascade Avenue to a 2-lane arterial standard as shown on the 2020 Transportation Plan.
- b. Cascade Avenue from the terminus of West 29th Street north and south to the property boundary of this PDP.
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- d. Tabernash Drive from the western terminus continuing west to 29th Street to a minor collector standard.
- e. A complete design of Cascade Avenue, to a 2-lane arterial standard, beginning approximately 300 feet south of existing West 22nd Street and extending north to the roundabout.
- f. A raised median within Wilson Avenue that extends from 200 feet south of Tabernash Drive north to 35th street unless an ACF exemption is granted by City Council.

Current Planning:

10. The PDP shall be in conformance with all previously approved conditions of the GDP for this development.
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15. All cross walks shall incorporate some form of traffic calming measure. (Raising of the crosswalk, different street material, etc.)
16. Groundcover (sod) in streetscape areas as well as all common areas shall be of low-water (xeric) usage.
17. Similar models of the **Single Family Detached** homes shall be used on no more than every third lot.

18. Similar models of the **Single Family Attached** homes shall not be adjacent to one another.

19. The elevations shown on the PDP where the model home has a projecting garage, shall meet the front porch requirements outlined on the PDP.

B. Preliminary Plat:

Power:

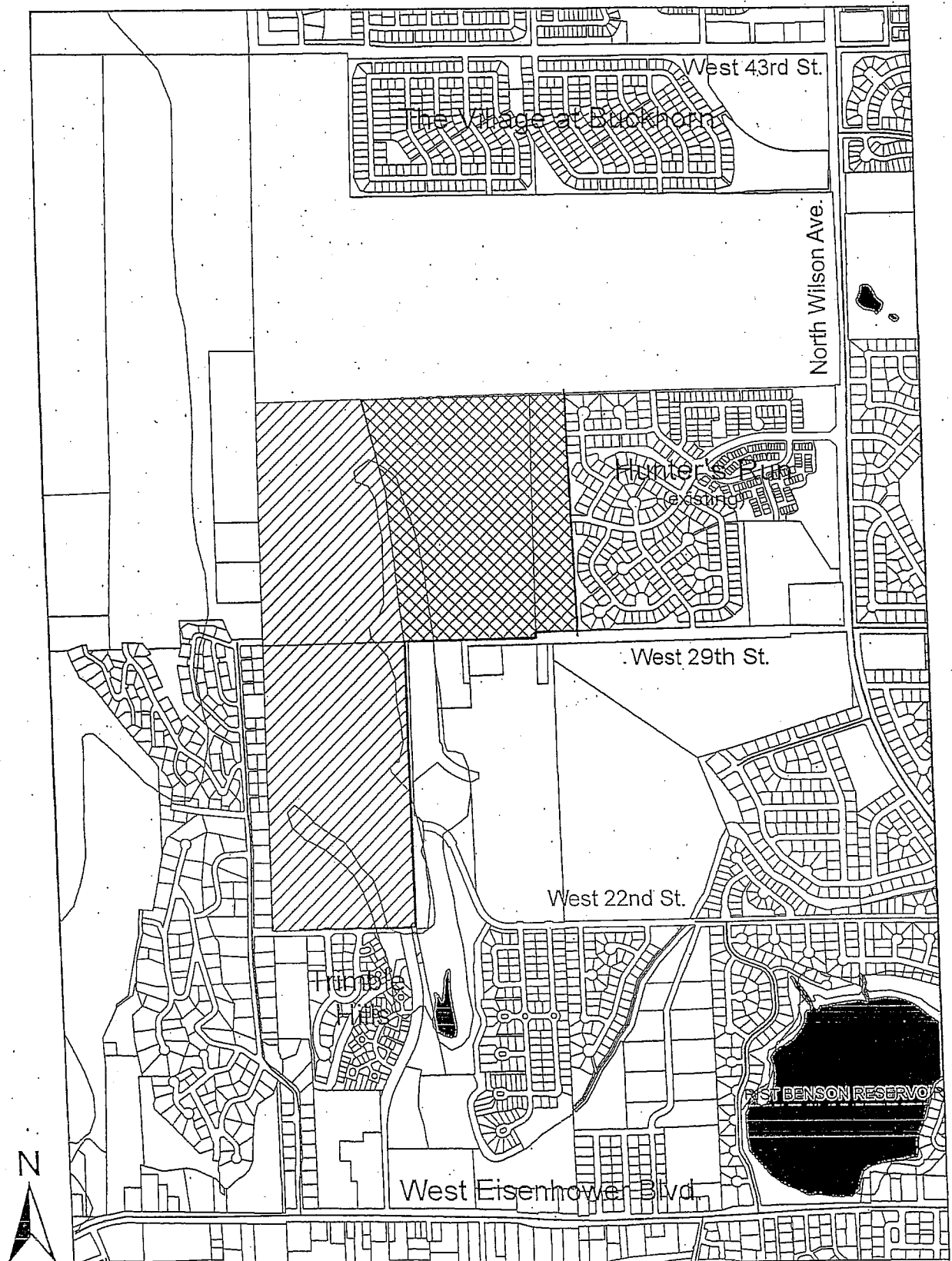
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22. Prior to approval of the Final Plat, the fire lane sign plan will need to be modified and details for the emergency access will need to be provided for review and approval.

HUNTER'S RUN WEST PDP PHASE ONE



HUNTER'S RUN WEST PDP PHASE ONE -

HUNTER'S RUN WEST PUD (not part of this application) -



ATTACHMENT D

COLT Proposed Route Changes December 28, 2005 Public Input Meeting Summary

A public meeting was held on December 28, 2005 at the Library. The purpose of the meeting was to discuss the proposed route changes and fare increase that is anticipated to take effect on March 1, 2006. There were 11 citizens in attendance.

This meeting meets all federal requirements for public meetings for time required to notify riders and interested parties related to system changes.

Comments received:

- A staff member from Heritage House, which is a for-profit organization dealing with mentally challenged persons, shared her concerns with the proposed changes to the current Tango route. The proposal moves the southern leg of the Tango route further north thus requiring the residents of Heritage House to walk approximately 3 blocks to catch the bus at the new proposed location. Her concern is the mental state of clients will not allow them to be as independent with the increase of distance to the new stop.

Issues:

- The majority of the residents at Heritage House are Medicaid eligible and currently schedules their trips via Logisticare utilizing the local cab company.
- The majority of the residents at Heritage House are also ADA eligible thus allowing them the use of COLT's Paratransit service. Staff members at Heritage House do not prefer using COLT due to the scheduling requirements. Many of the residents are not mentally capable of planning trips in advance which many times are necessary for use of paratransit service.

Solutions:

- A partnership with Berthoud Area Transit (BATS) to make 4-6 stops per day at this location on their way into Loveland as BATS brings dialysis patients to Loveland on a daily basis.
- Work with CDOT and FTA to assist Heritage House in applying for grant funding under 5310 or New Freedoms to purchase a van that could be used for their transportation needs.
- A partnership with the Good Samaritan Village as they have their own fleet of vans and are in a very close proximity to Heritage House.

All these possibilities are currently under investigation by COLT staff.

- The sister of a regular fixed route rider was in attendance and voiced concerns specific to her brother's needs. Currently, the Jitterbus runs south down Madison and picks him up in front of the existing housing, the proposed route will move this



leg to the east to head south down Boise. This passenger has gained much independence by utilizing the fixed route to get to work at Schmidt's Bakery. The direction of the new route will make it challenging for him to get from work to home by causing him to cross SW14th St.

- By moving the route on Boise rather than Madison, COLT can provide access to the new apartment complex which is a demographic that typically utilizes transit service.
- The route on 14th Street SW runs west, therefore the bus stop is located on the north side of the street in front of Hewlett Packard which is an employment sector.

Staff will work with this client to assist in individual mobility training and scheduling of joint paratransit service to continue to meet the client's mobility needs.

- The only other comment that was received at the meeting was from a student who was concerned that Saturday service would be eliminated. It was reiterated to him that Saturday service would still be running. There was a brief discussion about the possibility of changing the service hours on Saturday to start later in the morning and extend later in the evening.



COLT System Changes

Starting Date: March 1, 2006
Advertising Role Out: January 25, 2006
"Try Transit Free" Month: March 1 – 31, 2006
Operating Changes: (See Attached Maps)
 Blue Route – Express East/West Route
 Green Route – Collector Route
 Fox Trot Transfer – Moved to Orchards Shopping Plaza

Operating Hours: Fixed

Monday-Friday: 6:38 AM – 6:38 PM
 Saturday: 10:00 AM – 10:00 PM

Operating Hours: Paratransit

Monday-Friday: 6:38 AM – 6:38 PM
 Saturday: 10:00 AM – 10:00 PM

Fare Changes:

			Low Income	
<u>Fixed Route</u>	New	Current	New	Current
Regular Fare	1.25	1.00	0.60	0.50
Adult (19-59) - 20 Punch Pass	22.5	18.00	12.50	10.00
Adult (19-59) - Monthly Pass	30.00	25.00	NA	NA
Adult (19-59) - Annual Pass	NA	NA	Eliminate	100.00
Seniors & ADA - Regular Fare	0.60	0.50	NA	NA
Seniors & ADA - Annual Pass	25.00	25.00		
Youth - Annual	25.00	25.00	12.50	25.00
Business Investment Pass (BIP) - Annual Pass (10% savings)	324.00	NA	NA	NA
<u>Paratransit (Seniors & ADA Only)</u>				
Regular Fare	2.00	2.00	1.00	0.50
Adult (19-59) - 20 Punch Pass	37.50	35.00	18.75	10.00
Adult (19-59) - 40 Punch Pass	70.00	65.00	NA	NA

Since October, staff has looked at various route alternatives with the assumption of no additional equipment or staff resources as well as keeping in mind the population COLT currently serves and the growth within Loveland. Below is a summary the route changes, a timeline for executing the changes, and an estimated budget to complete the project.

Since the informational meeting with Council the following items have changed:

- ✓ **Fares:** Student fare will remain at \$25 annually versus per semester, the first month of service will be free (Try Transit Month)
- ✓ **Routes:** Detailed routes are listed
- ✓ **Hours:** Saturday service will now operate 10 AM to 10 PM

Public Input

Boards & Commissions:

- ✓ Transportation Advisory Board
- ✓ Senior Advisory Board
- ✓ Handicapped Advisory Commission

Public Meetings

- ✓ December 28, 2006 (Evening)

Community Groups

- ✓ Lions Club
- ✓ MPO Transit Advisory Group (TAG)

Current COLT Fixed Routes

Revising the COLT fixed routes is needed in order to address two specific needs. First, the Promenade Shops at Centerra opened in late October. Both shoppers and employees need COLT service to the new mall. The COLT office has been receiving several calls every day requesting such service. Second, the Foxtrot bus between Loveland and Fort Collins has had an increasingly difficult time keeping its schedule due to increased vehicular and passenger traffic. Other issues that will be addressed with the revisions include: 1) overall low ridership on the Tango route, 2) long ride times with only one transfer point available between buses, 3) low accessibility to COLT in some parts of the city, and current service areas with little or no ridership.

The proposed fixed routes, Blue and Green, replace the two existing routes, Jitterbus and Tango. The Jitterbus route currently provides hourly fixed route service primarily to northern and eastern segments of the City. The Tango route currently provides similar service to southern and western areas of the City. The two buses depart at 38 minutes after the hour on 8th Street by the downtown Safeway from 6:38 a.m. through 5:38 p.m. The Foxtrot bus from Fort Collins also departs from the shared station. Passengers wishing to transfer from bus to bus may do so, but only at the 8th Street station. This means that a passenger could spend between one and two hours on a bus to reach his/her final destination. It is very common for a transferring passenger to ride for over one hour.

New Fixed Routes (See attached map)

The Blue and Green routes are based on a new transit paradigm. Rather than two collector buses meeting once per hour at a shared stop (current system), the new routes are designed to be express (Blue Route) and collector (Green Route) with multiple transfer opportunities. Without adding buses, this strategy allows for more efficient and faster movement around town.

Blue Route

The Blue Route (express) would run in the shape of a “plus” sign, beginning at 40 minutes after the hour at Orchards Shopping Center. The bus would then proceed south on Buchanan/Lincoln to Eisenhower and west to Taft where a new transfer station would be located. It would then follow Eisenhower back to Cleveland and proceed to the existing 8th Street transfer station. Following departure from this station, it would proceed north on Lincoln to Eisenhower and then west to the Promenade and Outlet malls, passing a third transfer station at Eisenhower and Boise. The last leg of its route would be east on Eisenhower/McWhinney/Eisenhower to Cleveland and then north to its starting point, the Orchards transfer station.

Green Route

The Green Route (collector) would run the shape of a “circle”, beginning at 55 minutes after the hour at the 8th Street transfer station where it would be met by the Blue Route bus every hour. It would then proceed to the Thompson Valley Towne Center on Eagle Drive via Lincoln/SW 14th St. It would service all three schools on Carlisle prior to taking Wilson Avenue north to Eisenhower. It would then proceed east on Eisenhower to Taft Avenue, the site of a transfer station. Next, it would travel north on Taft to 29th Street and then east on 29th/Garfield/Buchanan to the Orchards transfer point. Next, it would proceed down 29th to Madison and over to McKee Medical Center. The next part of the route drops south on Boise to the transfer point at Eisenhower & Boise. After this stop, the bus continues south on Boise to 1st Street, taking 1st to Madison and north to 5th. The final leg of the route follows 5th/St. Louis/4th to the Chilson Center and then 4th Street to Lincoln and back to the 8th Street transfer point.

The new proposed fixed route package will:

- Allow the Foxtrot bus from Fort Collins to transfer passengers at Orchards Shopping Center and avoid traveling to 8th Street. This should allow Foxtrot to keep its hourly schedule despite increased traffic,
- Provide hourly service to the new Promenade Shops at Centerra with a stop at the south end of the complex near PF Chang’s restaurant,
- Cover more of the major population areas of the city than those currently serviced by fixed routes,
- Service major employers, recreation areas, shopping areas, and schools better than the current fixed routes,
- Allow for more passenger-friendly transfers within COLT to expedite cross-city travel. This should reduce total time on the bus and shorten overall trip time.
- Establish 50 minute loops and allow drivers a ten minute down period at the end of each hour for personal needs. The current routing offers numerous small (one or two minute) break possibilities dispersed around the route, but not adequate break time anywhere,
- Set stop times in such a manner that buses should never be early. If the passenger arrives at the posted time, the bus should be coming shortly.

Overall, the proposed route package extends the limits of fixed COLT service, increases the efficiency of transit via more transfer stations, and addresses the needs of Foxtrot. It does all these things without adding equipment or drivers.

Timeline

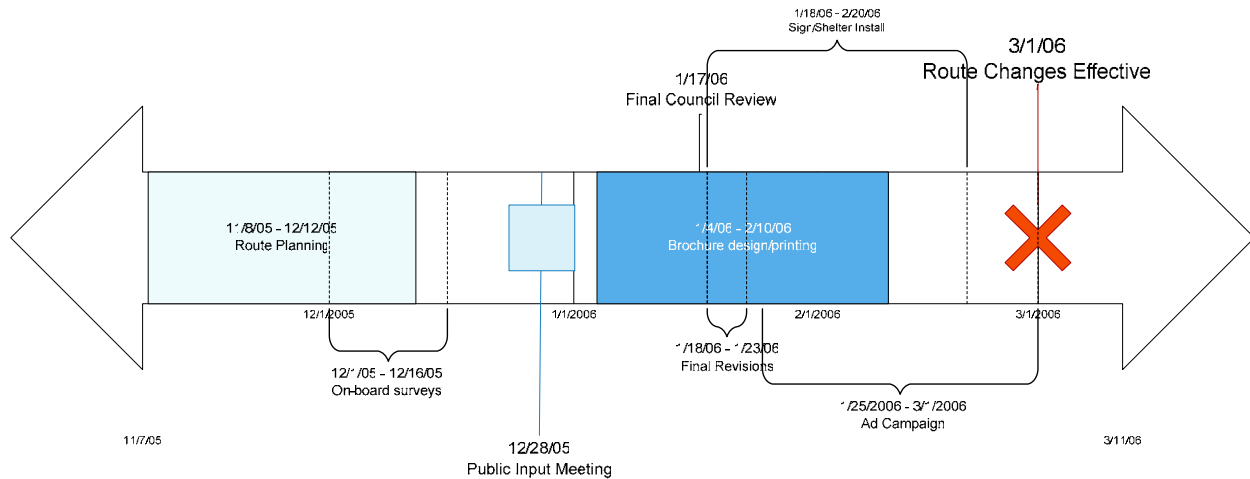
It is proposed that the new routes will go into effect on March 1, 2006 after the students return from Spring Break; students are approximately 44% of the total COLT ridership. Making the route changes during the break will cause less interruption to this population of riders.

November 8-December 12	Route Planning
November 14	Professional route consultant visit
December 1-16	On-board surveys
December 28	Public input meeting
January 17	Final Council Review
January 18-23	Final revisions
January 4 - February 10	Brochure design/printing
January 18 -February 20	Sign/Shelter Install
January 25 -March 1	Ad campaign
March 1	Route changes effective



2006 Operational Timeline (Proposed)

Thursday, January 05, 2006



On-board survey results

On-board surveys were conducted during the month of December in order to get a diverse selection of participants based on the different characteristics of the routes. Surveys and ridership counts were taken during 4-hour blocks on various days of the week. Below is a summary:

- 79% of the riders did not have a drivers license
 - 46% ride the bus because they do not have a car
- 55% ride the bus due to convenience, weather, work or other
- 1 respondent surveyed rides the bus due to the increase in fuel costs
- 34% of the riders have been riding the bus for 1 month or less
- 32% of the riders have ridden the bus for longer than 1 year
- 50% of the riders use the bus at least once per week
- 21% of the riders use the bus at least 4 times per week

A boarding and alighting count was also conducted for a 10-day period for the portion of the current Tango route that is to be eliminated. Over the ten day period there were a combined total of 134 boardings and 97 alightings at the 9 stops on this particular leg. The stop with the most activity averages 4.22 passengers per day and the least activity stop averages .11 passengers per day.

Route Detail

<u>Blue Route</u>	<u>Times</u>
Eisenhower & Boise (in front of McGraff's)	:00
Eisenhower (in front of Wal Mart)	:01
Eisenhower & Denver (Skyline Med. Cntr.)	:02
Eisenhower @ Mountain View HS	:02
Eisenhower @ Hahn's Peak Drive (Mimi's)	:03
Promenade Shops (Dick's Sporting Goods)	:10
Promenade Shops (On The Border Restaurant)	:11
Stone Creek Circle (Chamber of Commerce)	:16
Foxtail & McWhinney (Outlets at Loveland)	:17
McWhinney (North of Target)	:18
McWhinney (Loveland RV Park)	:19
McWhinney @ Piney River (High Plains Village)	:21
Eisenhower & Boyd Lake Ave. (Kirk Eye Clinic)	:22
Eisenhower @ Scott Chiropractic	:23
Eisenhower & Boise (in front of Texaco)	:24
Eisenhower (in front of Hyway Motel)	:25
Eisenhower (beside Monroe Elementary School)	:26
Lincoln (north of Eisenhower by Walgreens)	:27
Lincoln (south of cemetery)	:28
Lincoln (First Christian Church)	:29
Lincoln (in front of Sweetheart Lanes bowling)	:30
Lincoln (by US Bank)	:30
Orchards Shopping Center	:40
Buchanan (next to Palmer Gardens)	:42
Lincoln & East 23rd Street (across from car wash)	:43
Lincoln @ East 16th Street (south of "s" curve)	:44
Eisenhower @ Lake Loveland	:45
Taft & Loch Mount (south of First Bank)	:47
Eisenhower & Colorado (by dermatology offices)	:49
Cleveland (just south of Eisenhower)	:50
Cleveland (south of 11th Street)	:51
8th Street (across from Safeway)	:55
Lincoln (north of E. 13th Street by Taco Bell)	:57
Eisenhower (in front of Shopko)	:58
Eisenhower (east of Madison and Sam's Club)	:59

Green Route	Times
SW 14th Street & Garfield	:00
SW 14th Street (west of Roosevelt by Water Pik)	:01
SW 14th Street (by HP-Agilent)	:02
Eagle Drive (King Soopers south)	:02
Carlisle (by Thompson Valley HS)	:04
Carlisle @ Jocelyn (by Sarah Milner Elementary)	:05
Carlisle @ Cynthia (next to Walt Clark MS)	:06
Wilson (north of Carlisle in front of Fire Station #3)	:07
Wilson (north of 1st Street by City Service Cntr.)	:08
Wilson (south of 8th Street by Poff's body shop)	:09
Eisenhower (east of Wilson in front of Walgreens)	:10
Eisenhower (west of Van Buren by Sinclair station)	:11
Taft (north of Eisenhower across from Albertsons)	:12
Taft & 22nd Street (by Lake Loveland)	:13
29th Street (east of Taft by North Lake Park)	:14
29th Street & Duffield (by Loveland HS)	:15
Garfield (north of 29th Street near Buchannan)	:16
Orchards Shopping Center	:18
Lincoln (east of Orchards Shopping Center)	:20
29th Street (US Post Office)	:21
29th Street (in front of Mary Blair Elementary)	:22
Madison (south of 27th Street)	:23
21st Street (just east of Madison)	:24
Boise (McKee Medical Center)	:25
Boise (south of E. 19th Street by City park)	:27
Boise (north of Eisenhower by Breakfast Club)	:29
Boise (south of 7th Street near RR tracks)	:32
5th Street (just west of Madison by Madison Apts.)	:37
5th Street & St Louis	:38
4th Street (in front of Chilson Center)	:40
4th Street (east of Adams beside church)	:43
8th Street (by Safeway)	:55
Cleveland & 5th Street (across from McKee Clinic)	:57
Cleveland (Barnes Softball Complex)	:58
Lincoln (Sonic Drive In)	:59

Budget

The total estimated cost associated with making these proposed changes is \$37,200. This cost includes the materials and labor associated with the sign additions and removal, professional route consultant fees, construction of the new 29th Street transfer area, marketing & public relations, and miscellaneous costs. Funding of this project will be done with 5309 grant monies awarded to COLT in 2005 as well as a portion of the cost associated with the relocation of the Foxtrot transfer facility being provided by the City of Fort Collins.

Route Change Budget Plan

Category	Subtotal
Advertising Costs Total	\$5,710.00
Promotions Costs Total	\$1,000.00
Time & Expense (T&E)	\$948.48
Other Costs Total	\$998.48
29th St. Transfer Point Total	\$18,115.00
Signage Costs Total	\$11,333.50
Total Route Change Cost	\$37,156.98

Route Change Budget Plan

Category	Subtotal	Notes
Advertising (cost)		
Brochures (development and production)	\$3,500.00	
Mailings	\$240.00	
Postcards	\$220.00	
Television (Channel 16)	\$0.00	
Radio	\$750.00	2 weeks prior to changes on KISS FM
Newspapers	\$1,000.00	FTA Public Notices in RH and Coloradoan
Bus sides	\$0.00	
Advertising Costs Total	\$5,710.00	

Advertising (revenue)		
Brochures		Grocery stores, doctors offices, etc.
Schedules		Grocery stores, doctors offices, etc.
Bus Interiors		

Promotions		
Product giveaways	\$1,000.00	Try Transit Month (lost revenue)
Product discounts	\$0.00	Centerra
Special offers	\$0.00	Centerra
Promotions Costs Total	\$1,000.00	

Public Relations		
Charity events	\$0.00	
Advertising	\$0.00	
Employee promotions	\$0.00	
Sponsorships	\$0.00	
Public Relations Costs Total	\$0.00	

Other Costs		
Food	\$50.00	Public Meeting Refreshments
Time & Expense (T&E)	\$948.48	Phil Shultz - RFTA (Route Development)
Other Costs Total	\$998.48	

Outdoor Promotions		
Shelters Moved	\$0.00	Cost for shelter and bench move/install
Benches Moved	\$0.00	will be paid by Outdoor Promotions
Shelters Added	\$0.00	
Benches Added	\$0.00	
Concrete Pads	\$0.00	
Traffic Control	\$0.00	
Outdoor Promotions Costs Total	\$0.00	

29th St. Transfer Point		
8" Concrete Pavement	\$7,875.00	
Concrete Sidewalk	\$6,000.00	
Concrete Curb Ramp Type I	\$1,300.00	
Detectable Warning Pavers	\$400.00	
Vertical curb, gutter, sidewalk (Mono)	\$640.00	
Concrete Color add	\$1,900.00	
29th St. Transfer Point Total	\$18,115.00	

Signage		
Anchors	\$460.20	
Posts	\$1,509.30	
Signs	\$4,602.00	
Labor to install signs	\$2,340.00	1 hour per sign
Labor to remove signs	\$990.00	66 signs - .5 hour per sign
Truck Rate	\$1,332.00	\$12.00 per hour
Truck mileage	\$100.00	\$2.00 per mile
Signage Costs Total	\$11,333.50	

Total Route Change Cost	\$37,156.98	
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AGENDA ITEM:

MEETING DATE: January 17, 2005

DEPARTMENT: Public Works/Transit

DESCRIPTION: Resolution supporting operational and fare changes to the COLT system beginning March 1, 2006. The action on the resolution is required before system changes can take place under Federal Transit Administration regulations.

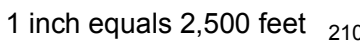
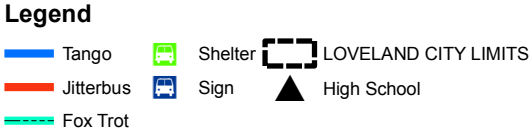
SUMMARY: Attached you will find a summary of the proposed changes to COLT beginning March 1, 2006. The changes include:

- 2 modified fixed routes
- Changed operational hours
- New fare structure

COUNCIL ACTION

RECOMMENDED: Passage of resolution

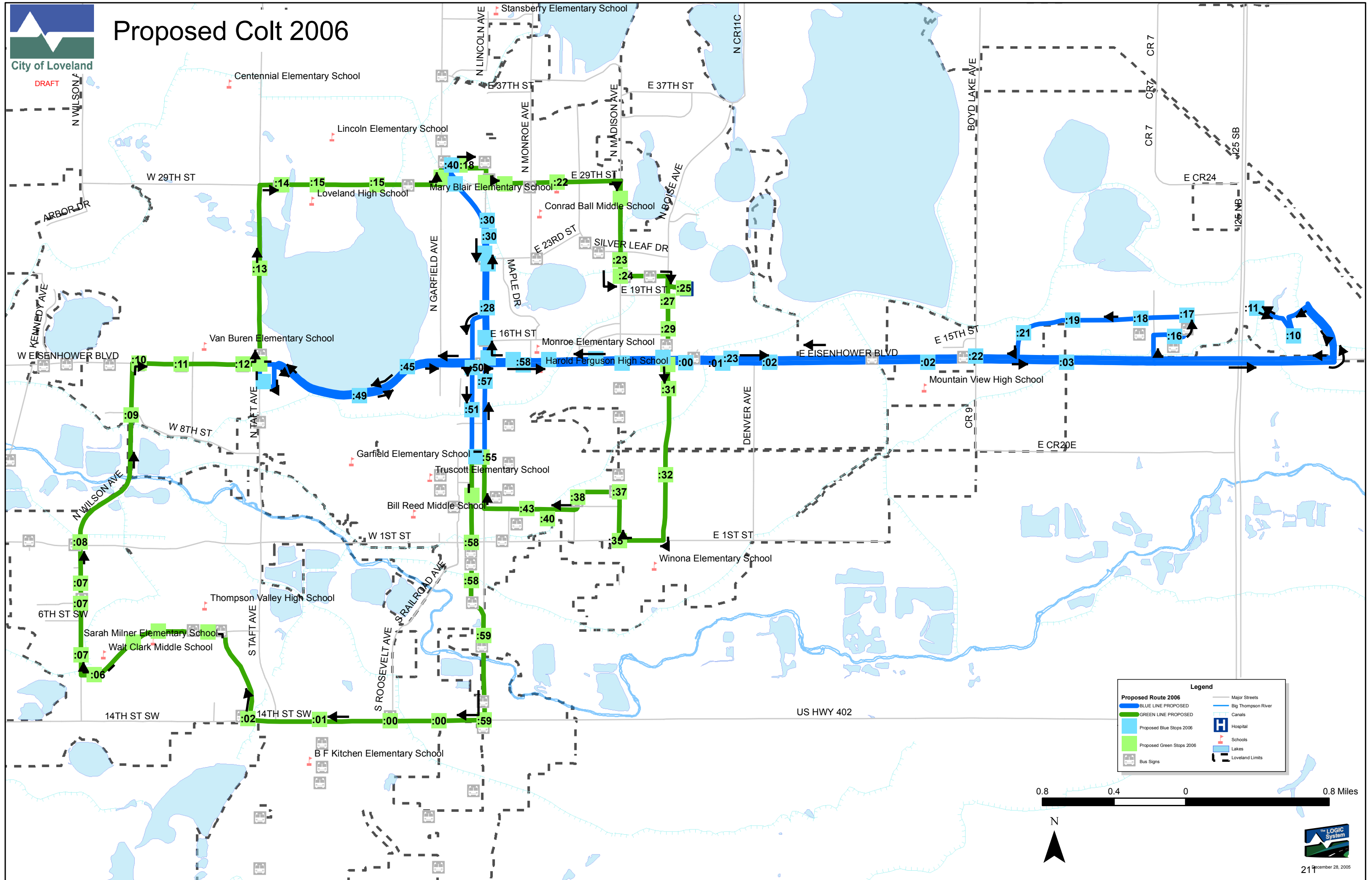
**REVIEWED BY
CITY MANAGER:**





Proposed Colt 2006

DRAFT



Legend

Proposed Route 2006

- BLUE LINE PROPOSED
- GREEN LINE PROPOSED
- Proposed Blue Stops 2006
- Proposed Green Stops 2006
- Bus Signs

Legend

- Major Streets
- Big Thompson River
- Canals
- Hospital
- Schools
- Lakes
- Loveland Limits

0.8 0.4 0 0.8 Miles



RESOLUTION #R-_____

A RESOLUTION AMENDING RESOLUTION #R-85-2005, CONCERNING A FEE SCHEDULE FOR CITY SERVICES, BY INCREASING THE FEES FOR THE USE OF CERTAIN CITY FACILITIES

WHEREAS, pursuant to Resolution #R-85-2005, the City Council adopted fees for City services, other than services of the Water and Power Department, for the calendar year 2006; and

WHEREAS, the City Council now wishes to amend the schedule of fees adopted in Resolution #R-85-2005 relating solely to transit fares for the remainder of the year 2006.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO THAT:

Section 1. The schedule of transit fares, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted.

Section 2. The fee schedule adopted herein as Exhibit A shall become effective on March 1, 2006, and shall supersede the fees for such facilities set forth in Resolution #R-85-2005. All other fees set forth in Resolution #R-85-2005 shall remain unchanged.

Section 3. Effective March 1, 2006, the fixed route system in Loveland shall be modified to incorporate the growth throughout various areas of town, specifically east Loveland which has not had any modifications since its inception in 1999.

Section 4. Effective March 1, 2006, the name of the fixed routes shall be changed from “Jitterbus” to “Blue Route” and from “Tango” to “Green Route.”

Section 5. Effective March 1, 2006, the service hours for fixed route and para transit service on Saturdays shall be changed from “6:38 a.m. – 6:38 p.m.” to “10:00 a.m. – 10:00 p.m..”

Section 6. That all fixed route fares for transit services may be waived by the Public Works Director for a period of time, not to exceed one month (1), sometime during the remainder of 2006 for the purpose of promoting the use of transit services within the community.

Section 7. This Resolution shall become effective on the date that it is passed and adopted by the City Council.

Passed and adopted at a regular meeting of the City Council of the City of Loveland this ____ day of January, A.D., 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

Assistant City Attorney

EXHIBIT A

TRANSIT FARES:

FIXED ROUTE

Adult (19-59)	\$1.25 single ride \$22.50 20-ride pass \$30.00 monthly pass
Youth (6-18)	\$ 0.60 single ride \$25.00 annual pass
Seniors and ADA	\$0.60 single ride \$25.00 annual pass
Business Investment Pass	\$324.00 annual pass

PARA TRANSIT

Seniors and ADA	\$2.00 single ride \$37.50 20-ride pass \$70.00 40-ride pass
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LOW INCOME FIXED ROUTE FARES

Adult (19-59)	\$.60 single ride \$12.50 20-ride pass
Youth (6-18)	\$12.50 annual pass

LOW INCOME PARA TRANSIT FARES

Seniors and ADA	\$1.00 single ride \$18.75 20-ride pass
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NOTE: All annual passes shall be valid for one year from the date of purchase.

AGENDA ITEM:

MEETING DATE: January 17, 2006

SUBMITTED BY: Public Works – Solid Waste Enterprise Fund
Keith Reester, Director

DESCRIPTION: Ordinance on first Reading for Supplemental Budget and Appropriation #2 to fund one additional position in the Solid Waste Enterprise Fund; the position is needed if the City wants to add corrugated cardboard (OCC) and paperboard (OMX) back into the curbside collection program. The total annual cost is \$52,810.

SUMMARY: In 2001 the City of Loveland Enterprise Fund was forced to abandon curbside collection of corrugated cardboard and paperboard due to restrictions at the Larimer County Material Recovery Facility (MRF). In October 2005 a new operations contract and process changes at the MRF allowed corrugated cardboard and paperboard to be collected again. For the past 4 years that addition back of these materials has been one of the most significant issues raised in both the city-wide quality of life survey as well as the annual solid waste customer survey,

In October, City staff undertook 2 pilot collection projects that added corrugated cardboard and paperboard back into the collection mix. These routes were chosen based on demographic mixes including population, residential densities and housing types. The results of the pilot program indicated that the additional materials increased daily tonnage collected an average of 13%, while increasing “set outs” by 10-20%. The resulting additional loads and stops have pushed collection personnel into an overtime situation to meet the additional demands.

Since 2002 no collection staff has been added to recycling collections and since that time total waste tonnage has increased 24%, recycling tonnage 20%, and total households collected 18%.

The combination of three (3) factors has contributed to this request, without this additional staff member it is not feasible to add OCC and OMX city-wide.

1. 18% growth in households collected (2002-2005)
2. 10-20% growth in set outs on each additional route due to OCC/OMX
3. Safety – additional hours and weights limit staff’s ability to handle the additional workload without increased risk of injuries and accidents.

No additional equipment is required to make this adjustment, the new staff member will be added as an additional route (after adjusting the existing 4 routes) using a currently owned back-up truck. The public hearing will be held on second reading of this ordinance.

COUNCIL ACTION

RECOMMENDED: Approval of Ordinance on First Reading.

REVIEWED BY

CITY MANAGER:

FIRST READING January 17, 2006

SECOND READING _____

ORDINANCE NO.

AN ORDINANCE ENACTING SUPPLEMENTARY BUDGET AND
APPROPRIATION NO. 2 FOR THE CITY OF LOVELAND.

WHEREAS, the City has reserved funds on hand not appropriated at the time of the adoption of the City budget for 2006 and

WHEREAS, the City Council desires to authorize the expenditure of these reserved funds by enacting a supplementary budget and appropriation, as authorized by section 11-6 (a) of the City of Loveland Charter;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO:

Section 1. That revenues in the amount of \$52,810 from cash on-hand are available in the Solid Waste Enterprise Fund 94. These revenues are appropriated to add a position to aid in the implementation of the addition of cardboard and paperboard to the curbside recycling program. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

**Supplemental Budget #2
Solid Waste -Cardboard Recycling**

Revenues

Fund Balance	52,810
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Total Revenue	52,810
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Appropriations

094-2358-409-01-11	Regular Salary	37,300
094-2358-409-01-43	Insurance Benefits	10,790
094-2358-409-01-44	FICA	2,850
094-2358-409-01-45	Retirement	1,870

Total Appropriations	52,810
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Section 2. That this Ordinance shall be effective as of the date and time of its final adoption as provided in Charter Section 11-5(d).

Signed this _____ day of _____, 2006.

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney