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**CITY OF LOVELAND  
PLANNING COMMISSION MINUTES  
January 25, 2010**

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6 A meeting of the City of Loveland Planning Commission was held in the City Council Chambers of  
7 the Civic Center on January 25, 2010 at 6:30 p.m. Members present: Chairman Molloy; Vice  
8 Chairman Ray; and Commissioners Crescibene, Fancher, Krenning, Leadbetter, Middleton, Meyers  
9 and Walsh. City Staff present: Brian Burson, Current Planning; Karl Barton, Current Planning;  
10 Robert Paulsen, Current Planning Manager; John Duval, City Attorney.

11  
12 *These minutes are a general summary of the meeting. For more detailed information, audio and*  
13 *videotapes of the meeting are available for review in the Community Services office.*

15 **APPROVAL OF AGENDA**

16  
17 *Commissioner Meyers moved to approve the Agenda. Upon a second by Commissioner*  
18 *Middleton, the motion passed unanimously.*

19  
20 **CITIZEN REPORTS**

21  
22 There were no citizen reports.

23  
24 **COMMISSIONER COMMENTS**

25  
26 **Commissioner Middleton** stated that today was Military Appreciation Day and thanked all military  
27 personal both past and present for their service in the armed forces.

28  
29 **REGULAR AGENDA**

- 30  
31 1. **Appeal of Special Review # 878 – Type 3 Permit for Western Convenience Gas Station**  
32 **Re-Development.**

33  
34 This is a public hearing to consider SR # 878 for redevelopment/expansion of the Western  
35 Convenience Gas Station at the NE corner of W. Eisenhower Blvd and N. Taft Ave., aka  
36 1331 W. Eisenhower Blvd and 1442 N. Taft Ave. The site is zoned B-Developing Business,  
37 and lies within 300 feet of a residential zone district or neighborhood, thus prompting the  
38 requirement for a special review for the proposed redevelopment/expansion. The public  
39 hearing is prompted by an appeal filed by numerous neighborhood property owners who  
40 believe that impacts from the redevelopment will have a negative impact on their properties.

41  
42 **Brian Burson, Project Planner**, briefly described the project including the widening of Taft Avenue

1 and the reconfiguration of the property. Mr. Burson presented the Commission with a revised site  
2 plan that highlighted the property in which the owners had signed the appeal letter. He then  
3 distributed a memo containing emails and comments in support of the project. He clarified that  
4 comments from the public works department had been included outlining how this project would fit  
5 into the Taft widening project. He stated that staff is recommending approval with the conditions  
6 included in the report.

7  
8 **Daryl Klone, ADK Architects representing the applicant**, spoke of the size and constraints on the  
9 current location stating the redesigning of the site would provide better cueing and would make this  
10 fueling station one of the nicest sites in Loveland. He spoke of landscaping, signage, building façade  
11 and vehicle flow enhancements. He reported that there was a noise study conducted relating to the  
12 proposed carwash and stated that the decibel levels were below acceptable levels. He commented  
13 that the neighbors had requested removal of the lightening and stated that they have gone to LED  
14 lighting which would significantly reduce the light pollution.

15  
16 **Matt Delich, Delich and Associates**, presented the traffic study he conducted on the site. He spoke  
17 of neighborhood concerns that traffic was taking shortcuts through their neighborhoods to get to the  
18 property. He stated that during the study they did find that was in fact happening. He reported that a  
19 raised median restricting access to right turns only would be constructed as a part of the Taft Avenue  
20 Capital Improvement Project (“the Taft Project”).

21  
22 **Public Comment**

23  
24 **Harry Sauer, 1503 Westshore Drive**, stated that he believed the site would look better but  
25 expressed concerns regarding vehicular access behind the Village Shops, safety issues associated  
26 with a 24-hour convenience store and increased traffic on Westshore Drive.

27  
28 **Commissioner Comments/Questions**

29  
30 **Commissioner Krenning** questioned the access from the alley issues. **Mr. Burson** stated that there  
31 would not be any legal access from the site to the alley. He stated that as part of the Taft Project  
32 there would be a new sidewalk and curb pad installed by the applicant.

33  
34 **Sean Kellar, Transportation Development Review**, responded to Commissioners comments and  
35 stated that the curbline on Taft Avenue would be shifted to the west.

36  
37 **Jeff Temple, JB Engineers** working with the City on the Taft Project spoke of grading and  
38 alignment after the project is completed.

1 **Commissioner Middleton** stated he had concerns regarding ingress and egress to and from the site  
2 and stated those issues would continue to remain until the Taft Project is completed. He questioned  
3 if the applicant would consider three fueling islands in an attempt to alleviate some queuing and  
4 congestion issues.

5  
6 **Mr. Klone** reported that according to the applicant's engineers the additional fueling island makes it  
7 faster and easier for vehicles to go in and out. He reported that the average number of car washes per  
8 day is approximately fifty.

9  
10 **Commissioner Meyers** requested that a right turn only sign be placed on the property.

11  
12 **Mr. Kellar** commented that studies show that signage is not always an effective deterrent but the  
13 City could place a right turn only sign on the site if requested.

14  
15 **Mr. Burson** clarified that the purpose for the access was to keep the traffic as far from the residents  
16 as possible and commented that the landscaping shrubs would be limited to 24-inches in height  
17 therefore not creating a site distance issue.

18  
19 After further discussion **Mr. Kellar** suggested that neighbors in the surrounding area could request  
20 signs from the traffic division asking vehicles to "slow down in our neighborhood" and stated that  
21 after the hearing he would provide the contact information to those who might be interested.

22  
23 **Mr. Burson** reemphasized that the car wash would not operate 24-hours per day and that it is  
24 required to shut down operation at 10:00 p.m.

25  
26 **Vice Chairman Ray** stated he liked used the LED lights stating that they would reduce the light  
27 pollution to the neighborhood.

28  
29 **Commissioner Crescibene** felt that putting a right turn only sign on the property was a potentially  
30 good deterrent and stated that some people would obey the sign.

31  
32 **Mr. Burson** reported that the Special Review allows staff to change setbacks with the best possible  
33 solution to be considered.

34  
35 **Mr. Klone** stated that he appreciated staff's help and commented that as a result of their help a better  
36 product was created.

37  
38 **Commissioner Krenning** why couldn't there be an access point with Village Inn or the site.

39  
40 **Mr. Klone** clarified that access from the Village Inn site would require numerous cross access  
41 easements.

42 **Commissioner Meyers** thanked Mr. Burson for his extra effort in showing the Commission where

1 the people opposed to the development live.

2

3 **Barry Gustafson** reported he placed the fence between his property and the Western Convenience  
4 site due to the amount of traffic on his site. He stated he had incurred expenses for repairs and  
5 maintenance to his lots. He doesn't want anyone to go through his property.

6

7 **Vice Chairman Ray** spoke in support of the applicant's consideration in cueing of traffic and  
8 reduction of lighting.

9

10 **Commissioner Middleton** commented that he opposed the car wash. He stated that he believed that  
11 the engineers and staff have done a great job at designing the project but that he does not see any  
12 alleviation of the bottle neck issue and suggested reducing the amount of fueling islands from four to  
13 three.

14

15 **Commissioner Krenning** commented that the traffic and safety issue will only worsen with adding  
16 more fueling stations and a car wash. He commented that making the site more appealing is a great  
17 idea but it would not address the traffic and safety issues.

18

19 **Commissioner Fancher** commented that because of the size of the site she felt it was an awkward  
20 but a vast improvement over what is currently there. She expressed the need to focus on safety and  
21 requested that staff follow through with putting up any signage that would make the site safer.

22

23 **Commissioner Leadbetter** stated he like the site design and supported the application.

24

25 **Commissioner Crescibene** stated the applicant has done a good job and addressed as many concerns  
26 as possible. He stated he would support the application and believed that the project was very  
27 community minded and that the safety issues had been addressed as best they could be.

28

29 **Commissioner Walsh** concurred with Commissioner Crescibene's comments and stated it will be a  
30 lot nicer than what is currently on the site.

31

32 **Chairman Molloy** expressed concerns with the 8 ft. fence but stated that the additional fueling  
33 stations would alleviate existing and future cueing issues on a very constrained site. He commented  
34 that overall this would be an improvement to a major intersection as far as safety and aesthetics.

35

36

1 *City Attorney John Duval read into the following condition into the record to be number*  
2 *Engineering Condition 4a:*

3  
4 *Prior to the issuance of the Certificate of Occupancy for the premise, the developer*  
5 *shall install a no left turn sign at the Taft Avenue access point at a specific*  
6 *location approved by the City.*

7  
8 **Mr. Klone** accepted this condition and all other conditions as presented.

9  
10 *Vice Chair Ray made a motion to make the findings set forth in Section VII. of this staff report,*  
11 *dated January 25, 2010, and based on those findings, direct the Current Planning Division to*  
12 *issue a Type 3 Zoning Permit for Special Review # 878, subject to the Conditions set forth in*  
13 *Section VIII. of this report and the Technical Corrections set forth in Section IX. of this report.*  
14 *Upon a second by Commissioner Crescibene the vote was as follows: Yeas: Commissioners*  
15 *Crescibene, Walsh, Ray, Molloy, Meyers, Leadbetter and Fancher. Nays: Commissioners*  
16 *Middleton and Krenning. The motion was adopted 7-2.*

17  
18 **RECOMMENDED CONDITIONS**

19  
20 City staff recommends the following conditions:

21  
22 **Power:**

- 23  
24 1. For commercial developments, all metering equipment (including CT and/or PT cabinets,  
25 breakers, main disconnects and by-pass switches shall be located on an outside wall of the  
26 building. CT and PTs shall not be allowed in the transformer and the meter shall not be  
27 attached to the transformer.

28  
29 **Water:**

- 30  
31 2. Before issuance of any Building Permit or Demolition Permit for the site, the Developer shall  
32 submit, and receive approval of, the required Final Public Improvement Construction Plans  
33 (PICPs).

34  
35 **Engineering:**

- 36  
37 3. Notwithstanding any information presented in the special review or accompanying  
38 construction plan documents (text or graphical depictions), all public improvements shall  
39 conform to the Larimer County Urban Area Street Standards, as amended, unless specific  
40 variances are requested and approved in writing.

1 4. Prior to the issuance of any building permits within this property, a copy of the approved  
2 Colorado Department of Transportation access permit for the access to US 34 shall be provided  
3 to the City.  
4

5 *4a. Prior to the issuance of the Certificate of Occupancy for the premise, the developer shall*  
6 *install a no left turn sign at the Taft Avenue access point at a specific location approved by*  
7 *the City.*  
8

9 **Current Planning:**

10  
11 5. Before commencement of any other work on the site, the Developer shall construct the 8 foot  
12 high cedar fence along the entire north property line, as shown on the approved plans.  
13

14 6. Before issuance of any Certificate of Occupancy, the Developer shall install all paving,  
15 striping and signage, as shown on the approved special review plans, unless financial security  
16 is filed by the Developer with the City to assure installation at a later date acceptable to the  
17 City.  
18

19 7. Before issuance of any Certificate of Occupancy, the Developer shall install all landscape as  
20 shown on the approved landscape plans, unless financial security is filed by the Developer with  
21 the City to assure installation at a later date acceptable to the City.  
22

23 8. Before issuance of any Certificate of Occupancy, the Developer shall install all fences and/or  
24 walls between the property and adjacent properties, as shown and described on the special  
25 review plans, unless financial security is filed by the Developer with the City to assure  
26 installation at a later date acceptable to the City. This condition shall not apply to the  
27 fence/wall along the north property line which shall be governed by Condition #5, above.  
28

29 9. The Developer shall ensure that, at all times, the car wash cannot be operated unless both  
30 entrance and exit overhead doors are fully closed. Brief periods of time for routine maintenance  
31 shall be exempt from the restriction. No alteration of this condition can be granted by the City  
32 unless modified formally by the appropriate procedure, including a neighborhood meeting.  
33

34 10. All external architecture, including design, materials and colors, shall be in compliance with  
35 those depicted and described on the approved special review plans.  
36

37 11. For purposes of implementation of the City sign code for this property, the entire site, as  
38 depicted and described on the special review, shall be deemed as a single premise.  
39

1 12. The signs shown and described on the special review shall constitute a Planned Sign Program  
2 for this premise. All signs installed shall be consistent with those shown and described on the  
3 special review plans. No signs shall be installed or modified on the premise until a sign permit,  
4 approving such installation or modification, has been approved by the City.  
5

6 13. All external illumination shall fully comply with the City of Loveland lighting standards as  
7 set forth in Section 3.09.02 of the City of Loveland Site Development Performance Standards  
8 and Guidelines, and shall be consistent with the lighting depicted and described on the  
9 approved special review plans. If changes are proposed to the lighting, the City shall have the  
10 authority to require a complete, updated point-by-point photometric plan, prepared by a  
11 qualified professional.  
12

13 14. Approval of this special review does not constitute City agreement or approval that the  
14 development and use of the site, as shown and described in said special review, meets the  
15 requirements and limitations of the City of Loveland Sound Limitations, as set forth in Chapter  
16 7.32 of the Municipal Code. All noise emanating from the site shall at all times fully comply  
17 with the City of Loveland Sound Limitations, as set forth in Chapter 7.32 of the Municipal  
18 Code. The City shall have the authority to compel or approve any subsequent modifications to  
19 the site deemed necessary in order to assure said compliance. Any such modification(s) shall be  
20 deemed to be an administrative modification, as set forth in sub-section 18.40.050.B.3, and  
21 shall not require a neighborhood meeting or public hearing.  
22

23 **IX. TECHNICAL CORRECTIONS**  
24

25 Before issuance of a Type 3 Permit by the City, the Applicant shall make the following final  
26 revisions, corrections or clarifications to the special review plans, to the full satisfaction of the City:  
27

28 **Water /wastewater:**  
29

- 30 1. Revise the water meter justification letter to include the irrigation demand.  
31  
32 2. PICP Sheet G-1: add the Public W/WW Standard notes 1-7 to the plans.  
33  
34 3. PICP Sheet C-5: denote on the plan that the proposed fire hydrant lateral is to be fully  
35 restrained.  
36  
37 4. PICP Sheets C-8 to 10: the vertical bar scale does not match the vertical scale of the  
38 profiles.  
39  
40 5. SR Plan Sheet 2: Maintain minimum 5' separation between the fire hydrant and the  
41 proposed bushes.  
42

- 1 6. SR Plan Sheet 4: Revise the Demolition Notes
- 2
- 3 a. Clarify where “Shannon’s property” is.
- 4
- 5 b. Change “existing ?” water taps” to “existing ¾” water taps”
- 6
- 7 c. Add a note clarifying what happens to the existing wastewater service connections.
- 8

9 **Current Planning:**

- 10
- 11 1. Before submittal of the SR mylars, revise the narrative to delete line/paragraph #13
- 12 regarding hours of operation, and insert the SR Narrative in final form.
- 13
- 14 2. Before submittal of the SR mylars, insert all final conditions of approval.
- 15
- 16 3. Before submittal of the SR mylars, revise the legal description to match the title of the
- 17 related Amended Plat.
- 18
- 19 4. Revise the application to assure that all plant sizes described in the narrative match the
- 20 sizes indicated in the landscape table.
- 21
- 22 5. Before submittal of the SR mylars, either move the Dwarf Alberta Spruces planted near
- 23 the Taft Ave fire hydrant to meet the City separation requirement of 5 ft.; or re-locate them
- 24 to another appropriate location on the site. I suggest re-location to the south end of the row
- 25 of Red Quince west of the building, installed in a curve to blend to the sidewalk that
- 26 connects from the street.
- 27
- 28 6. Before submittal of the SR mylars, add this signature certificate for Don Shannon’s
- 29 signature:
- 30

31 “Approved as to the location of a portion of the screen wall shown on these plans, which

32 wall section will be located on Lot 2 of the Amended Plat indicated in the legal description

33 above.

34

35

36 \_\_\_\_\_

37 Donald J. Shannon

38 Owner of record of Lot 2, Block 1, Amended Plat of Appleby’s Addition, Tracts B and C of

39 Birch Addition, and portions of Ru-Art Addition

40

41 **2. Items Relating to the Loveland Eisenhower Addition.**

42

1 This is a public hearing to consider a proposal to create an integrated, 58 acre development site. The  
2 applications that make up this overall proposal are as follows:

- 3 • Annex 41 acres and zone them MAC-Mixed Use Activity Center
- 4 • Rezone 17 acres of the Allendale Plaza 5<sup>th</sup> Subdivision from PUD to MAC
- 5 • Rezone .29 acres of the Loveland Business Plaza 1<sup>st</sup> Addition from B-Developing  
6 Business to MAC
- 7 • Vacate an access Easement in the Allendale Plaza 5<sup>th</sup> Subdivision
- 8 • Plat the annexed and rezoned areas into 10 tracts as the Loveland Eisenhower 1<sup>st</sup>  
9 Subdivision

10 The project site is located on the north side of East Eisenhower Boulevard between Denver Avenue  
11 on the west and Sculptor Drive on the east. The Greeley Loveland Irrigation Canal forms the  
12 northern boundary of the project site. The entire site is vacant.

13  
14 **Karl Barton, Project Planner**, gave a brief staff presentation on this item highlighting the various  
15 components to the application. He reported that staff recommends approval of the Loveland  
16 Eisenhower Addition; Allendale 5<sup>th</sup> subdivision and Loveland Business Plaza Rezoning; Vacation of  
17 Access Easement; and approving the final plat of the entire 58 acres. He stated that with this  
18 proposal the project would be in compliance with the Comprehensive Plan. He stated that the  
19 project would be built out over time and would resemble a campus style development and that such  
20 language is included in the annexation and development agreements.

21  
22 **Greg Parker, Loveland Eisenhower Investments**, again highlighted the proposal and spoke of the  
23 uncertainty regarding development but stated that it was important to be “shovel ready” and flexible  
24 when the need arises. He spoke of the concept based plan, open space plan and of the alternative site  
25 plans. He clarified that light industrial zoning was the largest parcel on the site.

26  
27 **Mr. Parker** highlighted the components of the Annexation Agreement:

- 28 • vesting;
- 29 • concept plan for each step;
- 30 • infill project;
- 31 • master plan development;
- 32 • economic stimulus w/1500-1800 depending on how its built out; and
- 33 • aesthetically 9.7 acres of open space.

34  
35 **Matt Delich, Traffic Consultant**, reported that the Traffic Study showed that when this project is  
36 completely built out, Highway 34 and Boise Avenue intersection would fail to meet the ACF level of  
37 service. He stated that the only way to meet those service levels would be for the developer to design  
38 and construct dual eastbound to northbound left-turn lanes at the Highway 34 and Boise Avenue  
39 intersection. He reported that staff has reviewed these construction plans and has determined that  
40 the improvements could be contained within the existing right-of-way.

41  
42 **JJ Folsom** spoke of site design elements and stated that the purpose of the Conceptual Plan is to

1 ensure the coordinated development of the entire parcel. He further stated that the Conceptual Plan  
2 shows proposed building and parking locations, open space and plaza locations, conceptual designs,  
3 and building design elements. He spoke of the desire to have pedestrian connectivity within the  
4 development.

5  
6 **Deanne Fredrickson, Frederickson Group representing the applicant**, spoke of the landscaping  
7 design standards for the project. She reported that there is also a 30-foot trail easement stating that  
8 trail is 10 feet wide with 10 foot landscaped buffers on both sides. She stated that the recreation trail  
9 would run contiguous along the north and east side of the property and stated that there would be  
10 some type of public art located on the property and visible from Highway 34. She spoke of the 80 ft  
11 setback along the frontage of Eisenhower Blvd and 20 to 30 foot wide buffers around the property.

12  
13 **Mr. Parker** responded to questions regarding the need to be vested. He stated that because of the  
14 current development market it is difficult to determine how long it would take to build out  
15 completely.

16  
17 **Commissioner Middleton** asked if vesting is risky for the city.

18  
19 **Mr. Duval** clarified that vesting protects the owner by assuring that the zoning is in place and  
20 established so that the owner is able to develop under the plan. He stated that without vesting the  
21 city could come in and rezone the property without the consent of the property owner.

22  
23 **Janet Meisel-Burns, Parks and Recreation Department**, spoke of the trail connectivity. She  
24 stated that the proposed development is located between the existing City Recreation Trail system  
25 along Denver Ave on the west and the Waterfall 4th Subdivision on the east. She stated that the  
26 Parks Department has a trails master plan with the vision/goal of connecting the existing Recreation  
27 Trail to the public trail system (privately maintained) within the Centerra Development on the east  
28 side of Boyd Lake Ave. She further commented that the Parks Department has already secured trail  
29 easements through the Waterfall 4th Subdivision and would be working with the developer on this  
30 project to align the proposed trail within this development to reach the goal of connectivity.

31  
32 **Commissioner Leadbetter** questioned where will the excel lane start.

33  
34 **Larry Owen Civil Engineer** clarified that the third lane would begin west of Waterfall Drive and  
35 that it was a continuation of the acceleration lane.

1 **Public Comment**

2  
3 **Terry Rady, 2359 Notting Hill Place**, expressed concerns structure height, acceleration lanes and  
4 pedestrian and bicycle traffic crossing Denver Avenue.

5  
6 **Ken Wadon, a Loveland resident**, spoke in support of the project and of the need for infill. He  
7 thanked staff for all their efforts and good work.

8  
9 **Commissioner Comments**

10  
11 **Commissioner Fancher** questioned the safety of the trial crossing.

12  
13 **Ms. Meisel-Burns** reported that a pedestrian actuated signal would be required of the developer, she  
14 commented that the concept is not new but is the first for Loveland.

15  
16 There was discussion regarding installing the trail prior to the development. Staff stated that the trail  
17 would not be constructed until the road improvements are complete.

18  
19 **Mr. Barton** responded to questions and noted that there was no metro district involved in this  
20 proposal. He clarified that building heights in the MAC district are 120 ft. reporting that any  
21 building in the MAC district which surrounds a residential district could be no higher than 50 ft. He  
22 stated that it would be difficult to construct a 120 ft. tall building due to the parking requirements for  
23 a building that size.

24  
25 After further discussion **Commissioner Middleton** asked if Mr. Parker if he would agree to add a  
26 height restriction in the conditions.

27  
28 **Mr. Parker** stated that he would agree to a height limit of 48 ft. and stated that he believed that  
29 construction of a 10-story building in Loveland was an unrealistic concern.

30  
31 **Commissioner Krenning** stated that he would support 48 ft. on the 17-acre parcel with the caveat  
32 that there would be a special review to amend the height restriction to be higher if needed.

33  
34 **Mr. Parker** stated that this project would remain in compliance with the Comprehensive Plan and  
35 that they would begin the project as soon as there is a viable interest.

36  
37 **Commissioner Meyers** spoke in support of the project stating it would be a nice infill project.

38  
39 **Chairman Molloy** concurred with Commissioner Meyers comments.

1 *Commissioner Middleton made a motion to make the findings listed in Section VII of this report*  
2 *dated January 25, 2010 and based on those findings, recommend that City Council approve the*  
3 *Loveland Eisenhower Addition to the City of Loveland subject to the recommended Conditions*  
4 *and Terms of Annexation in Section VIII of said report; as amended on the record; Upon a*  
5 *second by Commissioner Krenning the motion was unanimously adopted.*  
6

7 *Commissioner Middleton made a motion to make the findings listed in Section VII. of this staff*  
8 *report dated January 25, 2010, and based on those findings, recommend approval to the City*  
9 *Council of the re-zoning of Lots 1 and 2 Block 1 of the Allendale Plaza 5<sup>th</sup> Subdivision, from the*  
10 *Mountain View Apartments Planned Unit Development to MAC – Mixed Use Activity Center.*  
11 *Upon a second by Commissioner Meyers the motion was unanimously adopted.*  
12

13 *Commissioner Middleton made a motion to make the findings listed in Section VII. of this staff*  
14 *report dated January 25, 2010, and based on those findings, recommend approval to the City*  
15 *Council of the re-zoning of a portion, as shown in attachment 9, of Tract B of Loveland Business*  
16 *Plaza 1<sup>st</sup> Addition, from B –Developing Business to MAC – Mixed Use Activity Center. Upon a*  
17 *second by Commissioner Meyers the motion was unanimously adopted.*  
18

19 *Commissioner Middleton made a motion to make the findings listed in Section VII of the report*  
20 *dated January 25, 2010 and based on these findings recommend that City Council approve the*  
21 *vacation of access easement in the Allendale Plaza 5<sup>th</sup> Subdivision. Upon a second by*  
22 *Commissioner Meyers the motion was unanimously adopted.*  
23

24 *Commissioner Middleton made a motion to make the findings in Section VII of this report dated*  
25 *January 25, 2010 and based on those findings approve the Loveland Eisenhower 1<sup>st</sup> Subdivision*  
26 *Preliminary Plat subject to City Council approval of the Loveland Eisenhower Addition; City*  
27 *Council approval of the Allendale Plaza 5<sup>th</sup> Subdivision re-zoning; City Council approval of the*  
28 *Loveland Business Plaza 1<sup>st</sup> Addition re-zoning; and the conditions listed in Section VIII of this*  
29 *staff report and subject to additional evidence presented at the public hearing. Upon a second by*  
30 *Commissioner Meyers the motion was unanimously adopted.*  
31

## 32 **RECOMMENDED CONDITIONS and TERMS OF ANNEXATION**

33

34 The following conditions are recommended by City Staff.

### 35 Current Planning

36

- 37
- 38 1. Service and Loading Areas. Service and loading areas located along Tanima Peak shall be  
39 screened from public view through a combination of vegetation, walls, or fencing of an  
40 adequate height to fully screen from public view any service areas, to the extent possible  
41 given ingress and egress requirements.
- 42
- 43 2. Onsite Billboard. Unless otherwise removed, the existing billboard shall be counted as the

1 freestanding sign for the premise and the square footage of the billboard shall be counted  
2 towards the maximum square footage allowance for all signs within the subdivision.

- 3
- 4 3. Landscape Easement Measurement. The 80 foot landscape area must be measured from the  
5 ultimate edge of pavement and cannot include roadways, but can include sidewalks.  
6
- 7 4. Planned Sign Program. A Planned Sign Program for the Project shall be completed prior to  
8 approval of any final plat for the Project.  
9
- 10 5. Tree Species Selection. In order to decrease susceptibility to disease, no more than 15% of  
11 the canopy trees within the Project shall be of one species.  
12
- 13 6. Landscaping. All landscaping within the public right of way, the 80 foot landscape easement  
14 along US 34, the Denver Ave frontage, the Mountain Lion Drive frontage between Hwy 34  
15 and Tanima Peak, and the Sculptor Drive frontage between Hwy 34 and Tanima Peak shall  
16 be either installed or financially secured in coordination with the construction of public  
17 improvements as provided in Section 2.8 below. Landscaping directly adjacent to proposed  
18 building pads that would be damaged during the construction of these buildings shall be  
19 financially secured in accordance with Municipal Code requirements. Where possible street  
20 trees shall be installed at the same time to create a cohesive streetscape.  
21
- 22 7. Landscape Maintenance. The maintenance of all landscaping within the right of way and  
23 within the 80 foot landscape easement along US 34 shall be installed and maintained by  
24 Owner or a duly formed owners association.  
25
- 26 8. Concept Plan. All development occurring within the Property shall be subject to and  
27 consistent with the Concept Plan.  
28
- 29 9. Streetscape. The landscape plan approved as part of the Public Improvement Construction  
30 Plans for the landscaping within the right of way and 80 foot landscape buffer along US 34  
31 shall be the guiding document for the landscaping to be installed. An alternative landscape  
32 design may be submitted to the Current Planning Division and approved by the Current  
33 Planning Manager provided that the alternative plan demonstrates compliance with the intent  
34 of the Hwy 34 Corridor Plan.  
35
- 36 10. Design Standards. In order to comply with the requirements of the Comprehensive Plan for  
37 the E – Employment land use category, the development standards for the Property shall be  
38 in conformance with Municipal Code Section 18.30.040 and the Concept Plan for the  
39 Property.  
40
- 41 11. CC- Corridor Commercial. A minimum of seventeen (17) acres within the Property shall be  
42 designated for uses consistent with the description of the CC - Corridor Commercial land use  
43 category as set forth in the Comprehensive Plan. Such uses shall include, without limitation,

1 retail, restaurants – sit-down, drive in or fast food, other commercial uses and any other  
2 Permitted Uses. The Comprehensive Plan designation of CC – Corridor Commercial for the  
3 Existing Parcel requires that a minimum of 10% of the gross site area be reserved for open  
4 space.  
5

6 12. E- Employment. A minimum of forty-one (41) gross acres (which includes area to be  
7 dedicated for public right of way uses) within the Property shall be designated for uses  
8 consistent with the description of the E – Employment land use category as set forth in the  
9 Comprehensive Plan. Such uses shall include, without limitation, a mix of low to medium-  
10 rise office, light-industrial, education, retail, lodging and any other Permitted Uses. The E –  
11 Employment land use category permits up to forty percent (40%) of the land area within the  
12 Annexation Parcel to be dedicated to Non-Primary Workplace Uses. The Comprehensive  
13 Plan designation of E – Employment for the Annexation Parcel requires that a minimum of  
14 twenty percent (20%) of the net developable area be reserved for open space.  
15

16 13. Open Space. Based upon the Comprehensive Plan designations for the Existing Parcel and  
17 the Annexation Parcel, the entire Project will include a minimum of 9.7 acres of open space,  
18 excluding any open space or landscaped areas within the Highway 34 corridor setback  
19 requirements, of which not less than eight (8) acres must be outside required building  
20 setbacks or parking lots. The Project’s open space locations are generally depicted in the  
21 Concept Plan.  
22

23 14. Comprehensive Plan Compliance. The Project will include a “campus-style” character with  
24 strong unifying design, open space features, together with view corridor protections and other  
25 development standards articulated in the E – Employment land use category. Owner’s  
26 development of the Project as one unified development permits up to thirty two and eight  
27 tenths (32.8) acres of the Property to include Non-Primary Workplace Uses in any location so  
28 long as the remainder of the Property is consistent with the requirements for the E –  
29 Employment land use category. The following chart sets forth a reconciliation of land uses  
30 presented in the Concept Plan to ensure Comprehensive Plan compliance for the Project.  
31  
32

1

		<b>Existing Parcel</b>	<b>Annexation Parcel</b>
Gross Site Area	58.8 Acres	17.4 Acres	41.4 Acres
Total Area Dedicated to R.O.W.	2.1 Acres	0.5 Acres	1.6 Acres
Net Developable Site Area	56.7 Acres	16.9 Acres	39.8 Acres

2

	<b>Concept Plan Designation</b>	<b>Existing Parcel</b>		<b>Annexation Parcel</b>		<b>Project Total</b>
<b>Comprehensive Plan Designation</b>		Corridor Commercial		Employment		
<b>Allowable Zoning (excluding PUD)</b>		B-Business MAC		B- Business E-Employment I-Industrial		MAC
<b>Required Primary Workplace Use</b>	Office, Employment or Light Industrial			60%	23.9 Acres	23.9 Acres
<b>Allowable Non-Primary Workplace Use</b>	Retail Restaurant	100%	16.9 Acres	40%	15.9 Acres	32.8 Acres
<b>Site Area</b>		16.9 Acres		39.8 Acres		56.7 Acres
<b>Open Space</b>	Open Space	10%	1.7 Acres	20%	8.0 Acres	9.7 Acres

## Notes:

1. Site areas presented under the heading of Project Total represent a compilation of individual land use designations that are merged and re-distributed throughout the site. Areas are shown in gross acres (which include areas to be dedicated for public right of way uses).
2. Open Space excludes Highway 34 corridor setback area on the Annexation Parcel (as such term is defined in Section 1.1) pursuant to Section 18.30.040 of the Municipal Code. Highway 34 corridor setbacks are included in open space calculations of the Existing Parcel (as such term is defined in Section 1.1) as allowed in Section 18.29 of the Municipal Code.
3. Open space excludes landscaped islands within parking lots.
4. Primary and Non-Primary Workplace Use areas will incorporate a minimum of 10.0 acres of usable Open Space throughout the Project.

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15. Plan Areas. The Concept Plan depicts ten Plan Areas within the Property. The Concept Plan also shows non-exclusive examples of alternatives for several of the Plan Areas. The layout presented for each Plan Area is conceptual in nature and is designed to provide maximum flexibility to the overall development of the Property, by permitting the uses within each Plan Area to be adjusted in response to market conditions and demands, provided that the overall development of the Property is consistent with the Comprehensive Plan designations set forth in Section 2.2.6 above. For example, if Base Plan A is utilized, the Existing Parcel may include uses consistent with the E – Employment land use designation. Accordingly, the

1 Annexation Parcel may include a mixture of uses consistent with the CC – Corridor  
2 Commercial land use designation and the E – Employment land use designation, to the extent  
3 permissible to ensure the Property’s overall compliance with the Comprehensive Plan and  
4 Section 2.2.6 above. Owner will include, as part of each application for site plan approval  
5 within a given Plan Area, a summary demonstrating compliance with the Comprehensive  
6 Plan in the manner set forth in this Agreement and in the form attached hereto as Exhibit B  
7 (the “Comprehensive Plan Compliance Checklist”).  
8

9 16. Vested Property Rights. Owner and the City agree that the City's approval of this Agreement  
10 shall constitute establishment of an "approved site specific development plan" as defined in  
11 the Vested Property Rights Statutes and as provided in Chapter 18.72 of the Municipal Code  
12 ("Chapter 18.72"), and that pursuant to the Vested Property Rights Statute and Chapter  
13 18.72, Owner, and its successors and assigns, shall have vested property rights to undertake  
14 and complete the development and use of the Property as provided in Section 2.2 of this  
15 Agreement for an initial period of eight years from the Effective Date (the “Initial Term”). If  
16 Owner constructs 100,000 square feet within the Project prior to the expiration of the Initial  
17 Term, then the term of vested property rights provided in this Agreement shall be extended to  
18 fifteen years from the Effective Date (the “First Extended Term”). If Owner constructs a  
19 total of 300,000 square feet within the Project either during the Initial Term or the First  
20 Extended Term, then the term of vested property rights provided in this Agreement shall be  
21 extended to twenty five years from the Effective Date (the “Second Extended Term”).  
22 Subject to the terms, conditions and limitations of the Vested Property Rights Statute and  
23 except as otherwise provided in this Agreement, the rights identified in paragraphs 2.3.1.1  
24 through 2.3.1.4 below, shall constitute the vested property rights under this Agreement  
25 during the Term (as defined in Section 1.1):  
26

27 Stormwater  
28

29 17. Stormwater Design Parameters. The excess urban runoff and 50-year storm shall be the  
30 design parameter release rates for the minor and major storm events for all detention pond  
31 designs within this property.  
32

33 Fire  
34

35 18. Fire Lane Signage. Prior to approval of a final plat, a “Fire Lane – No Parking” signage plan  
36 for all roadways less than 34-feet in clear width shall be submitted and approved by Loveland  
37 Fire Prevention.  
38

39 Parks and Recreation  
40

41 19. Trail Easement Agreement. The trail easement agreement between the City and Owner must  
42 be signed and recorded at a time designated by the City.

1  
2 Transportation  
3

- 4 20. LCUASS Compliance. Notwithstanding any information presented in the preliminary plat or  
5 accompanying preliminary construction plan documents (text or graphical depictions), all  
6 public improvements shall conform to the Larimer County Urban Area Street Standards  
7 (LCUASS) as amended, unless specific variances are requested and approved in writing by  
8 the City.  
9
- 10 21. Right of Way Dedication. Owner shall dedicate to the City, at no cost to the City, right-of-  
11 way for all street facilities adjacent to, or within, this addition that are shown on the adopted  
12 Transportation Plan. Unless otherwise approved by the City Engineer, the timing of the  
13 dedication(s) shall be prior to, or concurrent with, approval of the first development  
14 application within this addition.  
15
- 16 22. Right of Way Acquisition. Owner will acquire, at no cost to the City, any off-site right-of-  
17 way necessary for mitigation improvements. Prior to the approval of any site specific  
18 development applications within this addition, Owner shall submit documentation  
19 satisfactory to the City Attorney and the City Engineer, establishing Owner's unrestricted  
20 ability to acquire sufficient public right-of-way for the construction and maintenance of any  
21 required street improvements to both adjacent and off-site streets.  
22
- 23 23. Required Public Improvements. Prior to the issuance of any building permits within the  
24 Project, pursuant to the provisions in Section 16.40.010.B of the Municipal Code, Owner  
25 shall design and construct the following improvements, unless designed and constructed  
26 by others. A cash-in-lieu payment for all or part of these improvements may be accepted  
27 if approved in writing by the City Engineer. Any future phasing of these public  
28 improvements shall follow the provisions set forth in the LCUASS:  
29
- 30 a) The ultimate adjacent improvements on US 34, including curb and gutter, and
  - 31 all offsite tapers to match into the existing roadway as required per the LCUASS.
  - 32 b) Three westbound through lanes on US 34 from Horstman Place to Denver
  - 33 Avenue.
  - 34 c) A 6-foot wide detached sidewalk along US 34 adjacent to the property
  - 35 d) Dual left-turn lanes on the west leg of US 34 and the north leg of Denver
  - 36 Avenue at the US 34/Denver Avenue intersection
  - 37 e) A westbound right-turn lane on US 34 at Denver Avenue
  - 38 f) The north leg of Sculptor Drive as shown on the City approved Final Public
  - 39 Improvement Construction Plans
  - 40 g) A westbound right-turn lane; eastbound left-turn lane; and dual southbound
  - 41 left-turn lanes at the US 34/Sculptor Drive intersection.
  - 42 h) The traffic signal modifications at the intersections of: US 34/Sculptor Drive;

1 US 34/Boise Avenue; and US 34/Denver Avenue as required by the LCUASS and  
2 the City Traffic Engineer

3 i) Dual eastbound to northbound left-turn lanes at the US 34/Boise Avenue  
4 intersection.

5 j) The  $\frac{3}{4}$  site access to US 34 at Mountain Lion Drive along with the required  
6 westbound right-turn lane and eastbound left-turn lane.

7  
8 24. CDOT Access Permit. Prior to the approval of a final plat or Final Public Improvement  
9 Construction Plans for the Project, Owner shall provide the City with a copy of the  
10 approved Colorado Department of Transportation (CDOT) access permit for US 34.

11  
12 25. Off Site Right of Way or Easement. Owner will acquire and dedicate, at no cost to the  
13 City, any off-site right-of-way or easements necessary for mitigation improvements. Prior  
14 to the approval of a final plat for the Project, Owner will acquire and dedicate all  
15 sufficient public right-of-way or easements for the construction and maintenance of any  
16 required street improvements to both adjacent and off-site streets included within such  
17 final plat.

18  
19 26. Relocate Existing Traffic Pole. In order to accommodate westbound right-turns for WB-  
20 67 trucks, Owner will either relocate the existing traffic signal pole (per the satisfaction of  
21 the City) at the northeast corner of US 34 and Sculptor Drive or acquire and dedicate  
22 additional offsite right-of-way and design and construct a right-turn island around this  
23 existing traffic signal pole. This final design must be approved by the City in the Final  
24 Public Improvement Construction Plans prior to approval of a final plat for the Project.  
25 Additionally this public improvement shall be designed and constructed by Owner, unless  
26 designed and constructed by others, prior to the issuance of any building permits within  
27 the Project, pursuant to the provisions in Section 16.40.010.B of the Municipal Code.

28  
29 27. Right Turn Only Restriction. If CDOT or the City determines that there is, or the potential  
30 for, an unsafe situation at the proposed  $\frac{3}{4}$  movement access to US 34, then the City  
31 and/or CDOT at any time, and in their sole discretion, can restrict this access to right-  
32 turns only.

33  
34 28. Curb Inlets. Prior to the approval of a final plat or Final Public Improvement Construction  
35 Plans for the Project, Owner shall show curb inlets adjacent to the property on US 34 that  
36 match those shown on the US 34 Preliminary Drainage Design as prepared by TST, Inc. If  
37 Owner decides to use curb inlet locations that deviate from the US 34 Preliminary Drainage  
38 Design, then Owner must receive written approval from CDOT for this proposed change and  
39 amend the US 34 Preliminary Drainage Design per the approval of both the City and CDOT.  
40 This must be accomplished prior to approval of a final plat or Final Public Improvement  
41 Construction Plans for the Project.  
42

1 | **Mr. Parker** accepted all the conditions and thanked staff for all their efforts.

2

3 **Adjournment**

4

5 *Commissioner Meyers made a motion to adjourn. Upon a second by Commissioner Ray the*  
6 *motion was unanimously adopted.*

7

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Rob Molloy, Chair

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13 \_\_\_\_\_  
Vicki Mesa, Secretary

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