

CALL TO ORDER Mayor Gutierrez called the Special meeting of the Loveland City Council to order on the above date at 6:23 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was called and the following responded: McEwen, Solt, Klassen, Rice, Heckel, McKean, Johnson and Gutierrez. Councilor Shaffer was absent.

a) Business from Mayor Gutierrez

Mayor Gutierrez mentioned the Larimer Humane Society 21st Annual Fire Hydrant 5K Walk/Run and Pet Expo scheduled for June 11, 2011 at Edora Park in Fort Collins. The United Way luncheon on June 9, 2011 will be attended by Councilors Heckel, Klassen and Solt.

2. CITY MANAGER

Agilent Property Purchase Appropriation

Administrative Action: City Manager Cahill introduced this item to Council. The City has competed successfully to be named as the candidate site for the ACE project. The City has entered into a Purchase and Sale Agreement to purchase the subject Agilent property for \$5.5 million, in order to transfer the property for ACE. This action appropriates for the purchase, as well as for environmental insurance, closing costs and short-term operations. The Mayor asked if anyone in the audience wished to speak. Neil Spooner, 633 Harrison, spoke in opposition to the ordinance.

a) Ordinance #5586

Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR THE PURCHASE OF REAL ESTATE AND WATER RIGHTS (FORMER AGILENT PROPERTY). Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

b) Resolution #R-37-2011

Councilor Johnson made a motion to approve Resolution #R-37-2011 approving Agilent Purchase and Sale Agreement and providing authorization and direction to City Manager concerning closing of the City's purchase of the Agilent Property. Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-37-2011

A RESOLUTION APPROVING AGILENT PURCHASE AND SALE AGREEMENT AND PROVIDING AUTHORIZATION AND DIRECTION TO CITY MANAGER CONCERNING CLOSING OF THE CITY'S PURCHASE OF THE AGILENT PROPERTY

WHEREAS, the City of Loveland ("City") and Agilent Technologies, Inc. ("Agilent") have entered into that certain Purchase and Sale Agreement dated April 18, 2011, a copy of which is attached as Exhibit A and incorporated by reference ("the Agreement"); and

WHEREAS, the City has agreed under the Agreement to purchase from Agilent approximately three hundred (300) acres of land, certain water rights associated with the land, certain identified personal property, four (4) buildings consisting of approximately eight hundred thousand (800,000) square feet of finished space, and numerous outbuildings, structures and improvements, all located at 815 14th Street Southwest, Loveland, Colorado (collectively, "the Property"); and

WHEREAS, the City's obligation in the Agreement to purchase the Property is subject to three contingencies; and

WHEREAS, under the first contingency in Section 4 of the Agreement the City has until May 31, 2011, in which to inspect and conduct its due diligence concerning the condition of the Property; and

WHEREAS, if the City, in its sole and absolute discretion, determines any condition of the Property is unsatisfactory to the City, it may give to Agilent, pursuant to Section 4.2, a written "Due Diligence Termination Notice" on or before May 31, 2011 of the City's election to terminate the Agreement ("Termination Notice"); and

WHEREAS, under the second contingency in Section 5.2 the City will have until as late as June 14, 2011, in which to provide the Termination Notice to Agilent for any objections the City has to any defect in the Property's title that Agilent has not agreed to remove on or before the closing date (June 23, 2011); and

WHEREAS, under the third contingency in Section 18 of the Agreement the City Council has until May 31, 2011, in which to appropriate the needed funds for the City's purchase of the Property; and

WHEREAS, if the City Council decides not to appropriate the needed funds, the City may terminate the Agreement by giving Agilent the Termination Notice on or before May 31, 2011; and

WHEREAS, if the City provides Agilent with the Termination Notice under either the first or third contingencies on or before May 31, 2011, or the second contingency on or before June 14, 2011, the City would be entitled to a refund of its one hundred thousand dollars (\$100,000) earnest money deposit that it has paid under Section 2.2 of the Agreement; and

WHEREAS, if the City does not provide the Termination Notice to Agilent on or before May 31, 2011, and on or before June 14, 2011, the City's \$100,000 earnest money deposit becomes nonrefundable; and

WHEREAS, under Section 3.3 of the Agreement the current closing date for the City's purchase of the Property from Agilent is June 23, 2011; and

WHEREAS, if the City does not elect to terminate the Agreement on or before May 31, 2011, and on or before June 14, 2011, it could still decide for any reason not to close on the purchase of the Property on June 23, 2011; and

WHEREAS, if the City decides not to close on the purchase of the Property on June 23, 2011, under Section 12.1 of the Agreement Agilent's sole and exclusive legal remedy against the City would be to retain the City's \$100,000 earnest money deposit; and

WHEREAS, by the adoption of this Resolution and adoption of an ordinance for the appropriation of the funds needed to purchase the Property, it is the Council's intention and desire that the City Manager proceed with completing this transaction in accordance with the direction hereinafter provided in this Resolution.

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

Section 1. That the City Council hereby approves the Agreement.

Section 2. That the City Manager is directed to complete the City's due diligence for the purchase of the Property and, if on or before May 31, 2011, no condition of the Property has been discovered or identified or on or before June 14, 2011, no defect in the Property's title will exist at closing that would, in the judgment of the City Manager, result in any undue risk of liability or cost to the City in proceeding with the transaction beyond May 31, 2011, the City Manager is directed and authorized to not give the Termination Notice to Agilent, with the understanding that the City's \$100,000 earnest money deposit will be forfeited to Agilent in the event the City does not close on the purchase of the Property on June 23, 2011. If, however, a condition of the Property is discovered or identified on or before May 31, 2011, or a defect in the Property's title will exist at closing that would, in the City Manager's judgment, result in any undue risk of liability or cost to the City in proceeding with this transaction beyond May 31, 2011, or June 14, 2011, as the case may be, the City Manager may, after consultation with the City Attorney, provide the Termination Notice to Agilent and seek the immediate refund of the City's \$100,000 earnest money deposit, all as provided under the Agreement.

Section 3. That in the event the City Manager elects, as provided in Section 2 above, to continue with this transaction beyond May 31, 2011, and June 14, 2011, the City Manager shall not proceed with the City's purchase of the Property at the June 23, 2011 closing, or at such earlier or later closing date as may be agreed to by the City and Agilent, without first receiving from City Council, by motion or resolution, express authorization to proceed with the closing on the City's purchase of the Property from Agilent.

Section 4. That this Resolution shall be effective as of the date and time of its adoption.

ADOPTED this 24th day of May, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

1. CITY MANAGER

Executive Session for the purpose of discussing the City Manager's six month evaluation

At 7:05 p.m. Councilor Johnson moved that the City Council go into executive session as authorized in CRS Sections 24-6-402(4)(f) and (4)(g) and in Loveland Charter Sections 4-4(c)(5) and (c)(6) for the purpose of considering the City Manager's six-month evaluation and, in connection with this purpose, to receive and discuss documents not subject to public inspection under the Colorado Open Records Act, such as work-product documents. Councilor Heckel seconded the motion and a roll call vote was taken with seven Councilors present voting in favor thereof and Councilor Solt voting against. Councilor Solt did not participate in the executive session. Council reconvened at 7:35 p.m.

ADJOURNMENT

Having no further business to come before Council, the May 24, 2011 Special Meeting was adjourned at 7:36 p.m.

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor

Mayor Gutierrez called the Study Session of the Loveland City Council to order at 7:36 p.m. on the above date. Councilors present: Gutierrez, Solt, Klassen, McEwen, Rice, Heckel, Johnson and McKean. Councilor Shaffer was absent. City Manager, Bill Cahill was also present.

1. FINANCE

Financial Sustainability Recommendations

City Manager, Bill Cahill introduced the item for Council's consideration and staff direction in order to schedule this financial sustainability plan for City Council action. Finance Director, Renee Wheeler presented this item to review the recommendations for the financial sustainability plan for the next ten years based on a four-month process approved by City Council that incorporated feedback from citizens, City Council, Boards and Commissions, and employees. The \$33.5 million recommendations over ten years close the annual \$3.5 million gap between projected revenue and expenditures and include no new taxes. Ms Wheeler outlined the sustainability strategy and recommendations for General Fund Cost reductions and increases. Discussion ensued. Mr. Cahill outlined long term measures as the City progresses annually through the update of the financial master plan such as the TABOR Ballot Measure, changes in budgeting and evaluation of the potential for new revenue focused on New Growth. Council thanked staff for the long hours of hard work and the residents for their work and support during this process. Council directed staff to move forward to bring back the plan to the June 7, 2011 regular meeting for consideration.

The study session was adjourned at 9:35 p.m.

Respectfully Submitted,

Jeannie M. Weaver, Deputy City Clerk

Cecil A. Gutierrez, Mayor

CALL TO ORDER Mayor Gutierrez called the regular meeting of the Loveland City Council to order on the above date at 6:30 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL Roll was called and the following responded: Gutierrez, McKean, Klassen, Heckel, Rice, McEwen, Johnson, Shaffer and Solt.

PROCLAMATION Councilor Rice read a proclamation declaring June 20, 2011, as "Ride to Work Day". The proclamation was received by Jeff Jensen. Mr. Jensen spoke about a practice range at Timberline Church where they will hold Biker Sunday sessions promoting responsible riding by giving everyone a free and safe place to practice their skills.

PROCLAMATION

WHEREAS, scooters and motorcycles use less fuel, cause less pollution and have little impact on our infrastructure; and
WHEREAS, scooters and motorcycles require only a fraction of space taken by other vehicles to park, thereby addressing an ongoing problem in our City; and
WHEREAS, for these reasons, scooters and motorcycles offer a form of daily transportation to be encouraged; and
WHEREAS, June 20, 2011 has been designated as "Ride To Work Day" to highlight the positive daily use of scooters and motorcycles.

NOW, THEREFORE, we, the City Council of the City of Loveland, do hereby proclaim June 20, 2011 as

RIDE TO WORK DAY

and to encourage scooter and motorcycle riders to ride to work on that day.

Signed this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor

PROCLAMATION Councilor Johnson read a proclamation declaring June 20 through 24, 2011 as "Bike Week". The proclamation was received by Robin Hildenbrand of the Loveland Pedal Club. She acknowledged staff's assistance and thanked Shelley Aschenbrenner, Justin Stone, and Derek Schuler.

PROCLAMATION

WHEREAS, the City of Loveland is dedicated to providing safe and alternative modes of transportation; and
WHEREAS, the benefits of bicycling are numerous, both to the individual and to the community as a whole; and
WHEREAS, the City of Loveland received a Bicycle Friendly Community Honorable Mention recognition from the League of American Bicyclists in 2010.
WHEREAS, our fair city maintains nearly 140 miles of bicycle routes, lanes and trails; and
WHEREAS, persons of all ages and abilities are encouraged to use helmets for their protection; and
WHEREAS, the month of June has been declared as Bike Month to recognize and encourage bicycling as a viable source of transportation and recreation.

NOW, THEREFORE, we, the City Council of the City of Loveland, do hereby proclaim the week of June 20 through June 24, 2011 as

BIKE WEEK

in Loveland and encourage citizens to try bicycling as an alternative transportation method and to participate in Bike-to-Work Day on Wednesday, June 22.

Signed this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor

PROCLAMATION

Keith Reichert and Buck Moskalski with the 2011 Greeley Independence Stampede Committee, presented the City Council with a Proclamation declaring Wednesday, June 29, 2011 "City of Loveland Day" at the Greeley Independence Stampede.

**PROCEDURAL
INFORMATION**

Mayor Gutierrez made the following procedural announcement: Anyone in the audience will be given time to speak to any item on the Consent Agenda. Please ask for that item to be removed from the Consent Agenda. Items pulled will be heard at the beginning of the Regular Agenda. You will be given an opportunity to speak to the item before the Council acts upon it. Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption of the staff recommendation for those items. Anyone making a comment during any portion of tonight's meeting should come forward to a microphone and identify yourself before being recognized by the Mayor. Please do not interrupt other speakers. Side conversations should be moved outside the Council Chambers. Please limit your comments to no more than three minutes.

CONSENT AGENDA

Mayor Gutierrez asked if anyone in the audience, Council or staff wished to speak on any of the items or public hearings listed on the Consent Agenda. Mayor Gutierrez asked to remove Item 10. Councilor Johnson moved to approve the Consent Agenda with the exception of Item 10. The motion was seconded by Councilor McEwen and a roll call vote was taken with all councilors present voting in favor thereof.

1. MINUTES

- a) Minutes for the May 10, 2011 study session were approved.
- b) Minutes for the May 10, 2011 special meeting were approved.
- c) Minutes for the May 17, 2011 regular meeting were approved.

2. CITY MANAGER'S OFFICE

Board & Commission Appointments

Motion

Administrative Action: A motion recommending the following appointments or reappointments to the Youth Advisory Commission for June, 2011 through May, 2012: Hope Skeen, Alisha Wolfe, Natalie Howard, Erik Trenary, Alison Geroche, Emily Erickson, Aimee Molloy (reappoint as Commissioners); Logan Peiffer, Wesley Walton, Mallory Leach, Reid Maynard, Mary Askham (appoint as Commissioners); Dylan Crescibene, Alvin Perry, Andrew Woodward, Michal Bower (appoint as Alternates) was approved.

3. CITY MANAGER'S OFFICE

Scheduled Meeting Dates for Youth Advisory Commission

Resolution #R-38-2011

Administrative Action: Resolution #R-38-2011 amending the scheduled meeting dates for the Youth Advisory Commission was approved.

RESOLUTION #R-38-2011

A RESOLUTION AMENDING THE SCHEDULED MEETING DATES FOR THE YOUTH ADVISORY COMMISSION

WHEREAS, on December 7, 2010, the City Council adopted Resolution #R-67-2010 setting the 2011 meeting dates for the City's Boards and Commissions; and

WHEREAS, on May 4, 2011, the Youth Advisory Commission ("YAC") adopted a motion recommending that the City Council change the YAC's meeting dates from the first Wednesday of every month to the first Wednesday of each month during the months of September through May, with no meetings in June, July, or August.

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

Section 1. That the meeting dates adopted in Resolution #R-67-2010 are hereby amended to change the YAC's meeting dates from the first Wednesday of every month, to the first Wednesday of each month during the months of September through May, with no meetings in June, July, or August.

Section 2. That except as amended by this Resolution, Resolution #R-67-2010 shall remain in full force and effect.

Section 3. That pursuant to City Code Section 2.14.020B, the City Clerk is directed to publish the revised meeting dates established by this Resolution within seven days after the date of this Resolution to be published in a newspaper of general circulation in the City and in addition post such notice of revised meeting dates in a conspicuous place in the City Municipal Building.

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

ADOPTED this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

4. PUBLIC WORKS

Supplemental Appropriation – Traffic Signal Updates

Ordinance #5587

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR TRAFFIC SIGNAL UPGRADES IN THE US 34, WILSON AVENUE, AND TAFT AVENUE CORRIDORS" was approved and ordered published on second reading.

5. PUBLIC WORKS

Supplemental Appropriation – Message Signal & Traffic Signal Improvements

Ordinance #5588

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR TRAFFIC SIGNAL UPGRADES IN THE US 34, WILSON AVENUE, AND TAFT AVENUE CORRIDORS" was approved and ordered published on second reading.

6. PUBLIC WORKS

Supplemental Appropriation – Improvements to Transit Center & Bus Replacement

Ordinance #5589

Administrative Action: "AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR IMPROVEMENTS TO THE ORCHARDS REGIONAL TRANSIT CENTER AND THE REPLACEMENT AND RETROFIT OF ONE BUS WITH LIGHTNING HYBRID" was approved and ordered published on second reading.

7. WATER & POWER

Municipal Code Amendment – Commercial Wastewater Charge

Ordinance #5590

Legislative Action: "AN ORDINANCE AMENDING THE LOVELAND MUNICIPAL CODE AT SECTION 13.08.100 CONCERNING THE WASTEWATER CHARGE AND AUTHORIZING A REFUND TO CERTAIN NONRESIDENTIAL WASTEWATER CUSTOMERS WHO RECEIVE METERED WATER SERVICE FROM NON-CITY PROVIDERS" was approved and ordered published on second reading.

8. DEVELOPMENT SERVICES

Municipal code Amendment Title 6 Animals

Ordinance #5591

Legislative Action: "AN ORDINANCE AMENDING TITLE 6 OF THE LOVELAND MUNICIPAL CODE REGARDING ANIMALS BY ADDING A NEW SECTION 6.16.170 TO REQUIRE PROPER TETHERING OF ANIMALS AND A NEW SUBSECTION G. TO SECTION 6.20.010 TO REQUIRE ADEQUATE FENCING FOR ANIMALS" was approved and ordered published on second reading.

9. DEVELOPMENT SERVICES

Municipal Code Amendments – 2009 Edition International Building Codes

- a. 1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE ADOPTING BY REFERENCE THERETO THE INTERNATIONAL BUILDING CODE, 2009 EDITION" was approved and ordered published on first reading.
- b. 1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL EXISTING BUILDING CODE, 2009 EDITION" was approved and ordered published on first reading.
- c. 1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL ENERGY CONSERVATION CODE, 2009 EDITION" was approved and ordered published on first reading.
- d. 1st Rdg Ord & P.H. Legislative Action: A public hearing was held and AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL FUEL GAS CODE, 2009 EDITION" was approved and ordered published on first reading.
- e. 1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL MECHANICAL CODE, 2009 EDITION" was approved and ordered published on first reading.
- f. 1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PROPERTY MAINTENANCE CODE, 2009 EDITION" was approved and ordered published on first reading.
- g. 1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL RESIDENTIAL CODE, 2009 EDITION" was approved and ordered published on first reading.
- h. 1st Rdg Ord & P.H. Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE AND ADOPTING BY REFERENCE THERETO THE INTERNATIONAL PLUMBING CODE, 2009 EDITION" was approved and ordered published on first reading.

10. DEVELOPMENT SERVICES

Vacation of a Postal and Utility Easement

- 1st Rdg Ord & P.H. This item was removed from the Consent Agenda.

11. FINANCE

Strategy for Financial Sustainability

Resolution #R-39-2011 Administrative Action: Resolution #R-39-2011 adopting a Strategy for Financial Sustainability Dated June 7, 2011 was approved.

RESOLUTION #R-39-2011

A RESOLUTION ADOPTING A STRATEGY FOR FINANCIAL SUSTAINABILITY DATED JUNE 7, 2011

WHEREAS, based on structural economic changes and current information available, it has become clear that the City's projected annual general fund revenues will not be sufficient to cover its projected annual general fund expenditures, sometimes referred to as a "structural deficit" in the coming years; and

WHEREAS, it is projected that this structural deficit in the City's general fund budget will average approximately \$3.5M annually over the period from 2012 through 2020, this structural deficit; and

WHEREAS, beginning in December, 2010, the City has engaged in a dynamic process, including stakeholder and citizen input, to define guiding principles, collect data, evaluate, and recommend to City Council potential actions and measures to address this anticipated structural deficit known as the Financial Sustainability Process; and

WHEREAS, the Financial Sustainability Process resulted in the "Strategy for Financial Sustainability" dated June 7, 2011 attached hereto and incorporated herein by this reference (the "Strategy") and the Recommendations and Long Term Measures set forth therein, which include revenue enhancements and expenditure reductions, but no new taxes; and

WHEREAS, the Council desires to approve the Strategy and direct the City Manager and City Staff to proceed with steps to implement the Recommendations and further evaluate Long Term Measures identified therein beginning with the 2012 budget year.

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

Section 1. That the "Strategy for Financial Sustainability" dated June 7, 2011 attached hereto and incorporated herein by this reference is hereby approved.

Section 2. That the City Manager and City Staff are directed to proceed with steps to implement the Recommendations and further evaluate Long Term Measures identified in the Strategy beginning with the 2012 budget year and to include presentation of action items to Council for approval as may be necessary or appropriate as implementation proceeds.

Section 3. That this Resolution shall be effective as of the date of its adoption.

ADOPTED this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor

Attest: Teresa G. Andrews, City Clerk

Exhibit A is available in the City Clerk's Office

12. DEVELOPMENT SERVICES

Municipal Code Amendment – Historic Preservation

1st Rdg Ord & P.H.

Legislative Action: A public hearing was held and "AN ORDINANCE AMENDING TITLE 15 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 15.56 REGARDING HISTORIC PRESERVATION" was approved and ordered published on first reading.

END OF CONSENT AGENDA

CITY CLERK READ TITLES OF ORDINANCES ON THE CONSENT AGENDA.

CITY COUNCIL

a) Citizens' Reports

b) Business from Council

Johnson

Councilor Johnson mentioned two items to add to the rolling calendar: Community Grants and TABOR ballot language ordinance.

Solt

Councilor Solt attended a meeting of a task force looking at the issue of poverty. Other members of the task force include Alison Hade, Dr. Judy Skupa, and Lynn Sherman.

McEwen

Councilor McEwen attended the informational event and tour at Woodward on May 25th.

Klassen

Councilor Klassen also attended the Woodward tour as well as the tour of S.A. Composites. He also attended the Rialto Bridge groundbreaking ceremony on June 2nd.

- Shaffer Councilor Shaffer provided an update on activities at the North Front Range Metropolitan Organization. She informed Council that Bill Kaufman is leaving the Colorado Transportation Commission. The Mayor will send a letter of appreciate for Bill's service on behalf of Council. Councilor Shaffer attended the Colorado Airport Association meeting hosted by Keith Reester and Jason Licon.
- Gutierrez Mayor Gutierrez expressed appreciation to staff for the Colorado Airport Association. The Mayor spoke at the Memorial Day Service in Loveland.
- c) City Manager Report None
- d) City Attorney Report None

PROCEDURAL INFORMATION

Anyone who wishes to address the Council on any item on this part of the agenda may do so when the Mayor calls for public comment. All public hearings are conducted in accordance with Council Policy. When Council is considering adoption of an ordinance on first reading, Loveland's Charter only requires that a majority of the Council present vote in favor of the ordinance for it to be adopted on first reading. However, when an ordinance is being considered on second or final reading, at least five of the nine members of Council must vote in favor of the ordinance for it to become law.

REGULAR AGENDA

CONSIDERATION OF ITEMS REMOVED FROM CONSENT AGENDA

10. DEVELOPMENT SERVICES

Vacation of a Postal and Utility Easement

1st Rdg Ord & P.H.

Legislative Action:. This is a legislative action to adopt an ordinance on first reading vacating a 59 square foot postal and utility easement located in Lot 1, Block 17, Alford Lakes First Subdivision. The applicant is Tom Kennedy of Serenity Homes of Northern Colorado. Mayor Gutierrez recused himself from the vote as he serves on the HOA Board for the property under consideration. Mayor Pro Tem opened the public hearing at 7:14 p.m. and hearing no comments closed the hearing at 7:14 p.m. Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE VACATING A PORTION OF A POSTAL AND UTILITY EASEMENT ON LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO. Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

13. DEVELOPMENT SERVICES

Loveland Classical School

Ordinance #5592

Legislative Action: City Planner Troy Bliss introduced this item to Council. Also present were Dustin Jones, President of Education Facility Solutions, Tamara Cramer associated with the charter school and City Engineer Dave Klockeman. This is a legislative action to adopt an ordinance on second reading amending the Church at Loveland Addition Annexation Agreement. The agreement pertains to a property located north of 14th Street S.W. between Angora Drive and South County Road 21 west of South Wilson Avenue at 3835 14th Street S.W. The property is approximately 5.9 acres in size and zoned B – Developing Business. The current use on the property is the Church at Loveland. The applicant is Loveland Classical School represented by Tamara Cramer. The owner of the property is CDF Holdings, LLC. An updated Annexation Agreement which has been signed by the new property owner Loveland Classical School Project

Development, LLC, A Utah Limited Liability Company was entered into the record. John McCrimmon, resident, suggested Council look at some alternatives, such as adding a Frontage Road, removing the median and/or lining up the school exit with Bengal St. and marking it as a crosswalk. Dan Feller, 2053 Chavano, spoke in support of the school. Councilor Johnson made a motion to continue this item to June 21, 2011 and have staff address the school coming back to the City if they have more than 620 students or they expand to the north. Councilor McKean seconded the motion and a roll call vote was taken with two Councilors present voting in favor and Councilors Rice, Gutierrez, Shaffer, Solt, McEwen, Klassen, and Heckel voting against. The motion failed. Councilor Johnson made a motion to approve and ordered published "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO". Councilor Heckel seconded the motion and a roll call vote was taken with four Councilors present voting in favor and Councilors Gutierrez, Shaffer, Solt, McEwen and Johnson voting against. The motion failed. Councilor Johnson made a motion to continue this item to June 21, 2011 and directed staff to draft an amendment requiring the school to come back to the City if they have more than 620 students or they expand to the north. Councilor Shaffer requested an amendment that Staff look at the City's liability to the Homeowners Association for Blackbird Knolls Subdivision if the median is altered. The Amendment was accepted. Councilor Heckel seconded the motion and a roll call vote was taken with five Councilors present voting in favor and Councilors Shaffer, Solt, McEwen and Gutierrez voting against. The motion passed.

14. DEVELOPMENT SERVICES

Municipal Code Amendment BE – Established Business District

Legislative Action: City Planner Karl Barton introduced this item to Council. A public hearing to consider a legislative action to adopt on first reading: a) An ordinance repealing and reenacting Chapter 18.24 BE District – Established Business District; and b) An ordinance amending Chapter 18.54 Building Height Regulations relating to the building height allowances in the BE Established Business Zoning District. The Mayor opened the public hearing at 10:02 p.m. and hearing no comments closed the hearing at 10:02 p.m.

a. 1st Rdg Ord & P.H.

Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 18.24 REGARDING THE BE – ESTABLISHED BUSINESS DISTRICT". Councilor Heckel seconded the motion and a roll call vote was taken with eight Councilors present voting in favor and Councilor Johnson voting against.

b.1st Rdg Ord & P.H.

Councilor Johnson made a motion to approve and ordered published on first reading "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.54 REGARDING BUILDING HEIGHT REGULATIONS". Councilor Heckel seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

15. CITY MANAGER

Visitors Center Lease Agreement

Resolution #R-40-2011

Administrative Action: Assistant City Manager Rod Wensing introduced this item and Brian Wilms presented to Council. The Resolution amends the current building lease to allow the Loveland Chamber of Commerce to accept a Lodging Tax Grant from the Community Marketing Commission. It also authorizes the City Manager to execute the amended lease. Councilor Johnson made a motion to approve Resolution #R-40-2011 approving Amendment No.2 between the City of Loveland and the Loveland Chamber of Commerce concerning the lease and operation of the Visitors Center. Councilor McKean seconded the motion and a roll call vote was taken with seven Councilors present voting in favor and Councilors Gutierrez and Solt voting against.

RESOLUTION #R-40-2011

A RESOLUTION APPROVING AMENDMENT NO. 2 BETWEEN THE CITY OF LOVELAND AND THE LOVELAND CHAMBER OF COMMERCE CONCERNING THE LEASE AND OPERATION OF THE VISITORS CENTER

WHEREAS, on October 23, 1995, the City of Loveland ("City") and the Loveland Chamber of Commerce ("Chamber") entered into that certain "Lease Agreement Between the City of Loveland and the Loveland Chamber of Commerce" ("the Lease Agreement") concerning the construction and lease of an office and visitors center building located on portions of Lots 2 and 3, Block 1, McWhinney Second Subdivision, Loveland, Colorado ("the Visitors Center"); and

WHEREAS, the City and the Chamber subsequently entered into that certain "Amendment No. 1 to the Lease Agreement Between the City of Loveland and the Loveland Chamber of Commerce" dated April 16, 1996 ("Amendment No. 1") pursuant to which the Lease Agreement was amended in several respects arising out of the settlement of a lawsuit brought by five individuals against the City and the Chamber, known as Civil Action 95-CV-814-2 filed in Larimer County District Court ("the Lawsuit"); and

WHEREAS, as a result of the City and the Chamber entering into Amendment No. 1, the plaintiffs in the Lawsuit agreed to the dismissal of the Lawsuit, which occurred; and

WHEREAS, the settlement and dismissal of the Lawsuit does not restrict the parties' ability to amend the Lease Agreement as hereafter provided; and

WHEREAS, one of the new terms and conditions added to the Lease Agreement by Amendment No. 1 was Section 10.9 which reads in full as follows:

"The City shall not make any financial payments to the Chamber during the Initial or any Extended Term of this Agreement unless the City receives goods or services in return of approximately equal fair market value.";

and

WHEREAS, the City and the Chamber have determined that Section 10.9 is no longer in the best interest of the City or of the Chamber due to the current economic conditions, particularly as they now affect the Chamber in its operation of the Visitors Center; and

WHEREAS, attached hereto is Exhibit A and incorporated by reference is a copy of a proposed "Amendment No. 2 Between the City of Loveland and the Loveland Chamber of Commerce" (Amendment No. 2) pursuant to which the Lease Agreement, as amended by Amendment No. 1, would delete and remove Section 10.9 from the Lease Agreement; and

WHEREAS, by entering into Amendment No. 2, the City and the Chamber will be able to enter into a proposed amendment to that certain "Contract for City of Loveland Lodging Tax Grant Funds," dated November 22, 2010, previously entered into by and between the City and the Chamber; and

WHEREAS, that amendment, titled "Amendment No. 1 to Contract for City of Loveland Lodging Tax Grant Funds" will provide additional funds to the Chamber to allow it to continue to operate the Visitors Center as contemplated by the parties in the Lease Agreement, as amended in Amendment No. 1 and Amendment No. 2, for approximately the next twenty-two weeks.

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

Section 1. That the City Council hereby approves Amendment No. 2

Section 2. That the City Manager and the City Clerk are hereby authorized to execute Amendment No. 2 substantially in the form attached as Exhibit A, with such modifications as to form and substance as deemed necessary by the City Manager, after consultation with the City Attorney, to effectuate the purposes of this Resolution or to protect the interests of the City.

Section 5. That this Resolution shall go into effect as of the date and time of its adoption.

ADOPTED this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor
Attest: Teresa G. Andrews, City Clerk
Exhibit A is available in the City Clerk's Office

16. BUSINESS DEVELOPMENT

Amendment to Chamber of Commerce 2010 Lodging Tax Grant

Resolution #R-41-2011

Administrative Action: Business Development Manager, Betsey Hale introduced this item to Council. This is an administrative action. The Resolution awards an amendment to the Grant Contract agreed to by all parties in October 2010. It also authorizes the City Manager to execute the amended grant contract with the new Scope of Work.. \$30,000.00 was paid in 2010 from the lodging tax fund. Councilor Johnson made a motion to approve Resolution #R-41-2011 amending a 2010 Lodging Tax Grant to the Loveland Chamber of Commerce. Councilor Klassen seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

RESOLUTION #R-41-2011

A RESOLUTION AMENDING A 2010 LODGING TAX GRANT TO THE LOVELAND CHAMBER OF COMMERCE

WHEREAS, the City imposes a lodging tax pursuant to Chapter 3.24 of the Loveland Municipal Code (the "Lodging Tax") for the purpose of promoting tourism, conventions and related activities within the City by marketing the City and sponsoring community events, both in support of this purpose (the "Dedicated Purpose"); and

WHEREAS, the Community Marketing Commission ("Commission") serves as an advisory body to the City Council concerning the City's use of the revenues received from the Lodging Tax for the Dedicated Purpose pursuant to Section 2.60.075 of the Loveland Municipal Code; and

WHEREAS, the Commission made a recommendation to Council and Council adopted Resolution #R-50-2010 approving certain Lodging Tax Grants, including a Grant to the Loveland Chamber of Commerce Inc., a Colorado nonprofit organization (the "Chamber") as set forth in that certain Contract for City of Loveland Lodging Tax Grant Funds dated November 22, 2010 (the "2010 Chamber Grant Contract"); and

WHEREAS, the Chamber has requested that the 2010 Chamber Grant Contract be amended to modify the definition of the Project described therein; and

WHEREAS, City Council desires to authorize amendment of the 2010 Chamber Grant Contract to modify the Project and authorize the City Manager to enter into an amendment to the 2010 Chamber Grant Contract.

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

Section 1. That the City Council hereby finds that 2010 Chamber Grant Contract, as modified by Amendment Number One to Contract for City of Loveland Lodging Tax Grant Funds attached hereto as Exhibit A and incorporated herein by this reference, satisfies the requirements regarding use of the Lodging Tax for the Dedicated Purpose as set forth in Section 3.24.105 of the Loveland Municipal Code.

Section 2. That the Amendment Number One to Contract for City of Loveland Lodging Tax Grant Funds between the City and the Chamber attached hereto as Exhibit A and incorporated herein by this reference (the "Grant Contract Amendment"), is hereby approved.

Section 3. That the City Manager and the City Clerk are hereby authorized to execute the Grant Contract Amendment substantially in the form attached as Exhibit A hereto and incorporated herein by this reference, with such modifications in form or substance as deemed necessary by the City Manager, after consultation with the City Attorney, to effectuate the purposes of this Resolution or protect the interests of the City.

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

ADOPTED this 7th day of June, 2011.

Cecil A. Gutierrez, Mayor
Attest: Teresa G. Andrews, City Clerk
Exhibit A is available in the City Clerk's Office

17. CITY MANAGER'S OFFICE

Annual Inflation Increases in Capital Expansion Fees

Ordinance #5593

Administrative Action: Executive Fiscal Advisor Alan Krcmarik introduced this item to Council. This is an administrative action to consider an ordinance on second reading to repeal Ordinance No. 5540. On May 17, 2011 Council voted 5-4 to approve the proposed ordinance on second reading. Ordinance No. 5540 suspended the annual inflation increases to the capital expansion fees for 2011 pending the outcomes of a public comment process that was completed in April, 2011. The inflationary increases based on the construction cost index would have been 8.62%. Based on the suspension there was no increase in capital expansion fees for 2011. If this Ordinance is approved by a majority of Council, the fee increases would be effective beginning July 1, 2011. Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE REPEALING ORDINANCE NO. 5540 WHICH SUSPENDED THE ANNUAL INFLATION INCREASES IN CAPITAL EXPANSION FEES PURSUANT TO SECTION 16.38.110 OF THE LOVELAND MUNICIPAL CODE FOR 2011" Councilor Heckel seconded the motion and a roll call vote was taken with five Councilors present voting in favor and Councilors Rice, Klassen, Heckel, and Johnson voting against. The motion passed.

18. FINANCE

April 2011 Financial Report

Council did not hear this information only item. Questions or comments should be directed to City Manager Bill Cahill and copied to all other Councilors.

19. CITY MANAGER

Investment Report for April 2011

Council did not hear this information only item. Questions or comments should be directed to City Manager Bill Cahill and copied to all other Councilors.

20. DEVELOPMENT SERVICES

MUNICIPAL CODE AMENDMENT OFF-TRACK BETTING FACILITIES

Ordinance #5594

Legislative Action: City Planner Manager, Bob Paulson introduced this item to Council. This item is a legislative action to adopt an ordinance on second reading amending Title 18 relating to off-track betting facilities. The ordinance was approved by City Council on May 17, 2011 by a vote of five to four. Councilor Johnson made a motion to approve and ordered published on second reading "AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE TO ALLOW FOR OFF-TRACK BETTING FACILITIES IN CERTAIN DISTRICTS WITHIN THE CITY OF LOVELAND". Councilor Heckel seconded the motion and a roll call vote was taken with five Councilors present voting in favor thereof and Councilors Gutierrez, Solt, McEwen and Heckel voted against. The motion passed.

21. CITY MANAGER

Discussion and consideration of any needed action concerning the ACE Manufacturing and Innovation Park

The City Manager reviewed the parameters of the discussion for the special meeting on June 9. Council took no action at this meeting.

22. CITY MANAGER

Setting Special Council Meetings

Motion

Administrative Action: City Manager Bill Cahill introduced this item. The City of Loveland has been working on a discussion and consideration that may fall outside of the regular meeting times. Staff is requesting City Council call Special Meetings, on Thursday, June 9, 2011 at 4:00 p.m. and Tuesdays, June 14, 2011 and June 28, 2011 at 6:30 p.m. in the City Council Chambers 500 E. 3rd St, Loveland, CO to allow opportunity to discuss and consider any necessary items including holding an Executive Session, if necessary.

Councilor Johnson moved to call special meetings on June 9, 2011 at 4:00 and on June 14 and 28, 2011 at 6:30 pm in the City Council Chambers 500 E. 3rd St, Loveland, CO. Councilor Shaffer seconded the motion and a roll call vote was taken with all Councilors present voting in favor thereof.

ADJOURNMENT

Having no further business to come before Council, the June 7, 2011 Regular Meeting was adjourned at 11:10 p.m.

Respectfully Submitted,

Teresa G. Andrews, City Clerk

Cecil A. Gutierrez, Mayor



CITY OF LOVELAND
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 2
MEETING DATE: 6/21/2011
TO: City Council
FROM: City Manager
PRESENTER: Bill Cahill

TITLE:
Appointments to Community Marketing Commission

DESCRIPTION:
This is an administrative action recommending the appointment of members to the Community Marketing Commission

BUDGET IMPACT:

Yes No

SUMMARY:

On June 2, 2011, the Community Marketing Commission ("CMC") held interviews with three applicants for two term vacancies on the commission. Linda Hughey is recommended for reappointment to a three year term on the CMC. Justin Erion, who has been serving as an Alternate CMC member, is recommended for appointment to a three year term on the commission.

LIST OF ATTACHMENTS:

None

RECOMMENDED CITY COUNCIL ACTION:

Motion to reappoint Linda Hughey and to appoint Justin Erion to the Community Marketing Commission for three year terms effective until June 30, 2014.

REVIEWED BY CITY MANAGER:



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AGENDA ITEM: 3
MEETING DATE: 6/21/2011
TO: City Council
FROM: Alan Krcmarik, Executive Fiscal Advisor
PRESENTER: Alan Krcmarik

TITLE:

An Ordinance amending Section 2.60.270 regarding the Volunteer Firefighters' Pension Board of Trustees to reflect the 1966 Intergovernmental Agreement between the City and the Loveland Rural Fire Protection District creating a Joint Board of Trustees and a Consolidated Pension Fund

DESCRIPTION: A public hearing to consider a legislative action to approve on first reading an ordinance amending Title 2 of the Loveland Municipal Code. The amendment clarifies the volunteer firefighters' pension system shall be the Consolidated Firemen's Pension Fund of Loveland and Rural District and the general composition of the Board of Trustees shall be determined by mutual agreement of the City and the Loveland Rural Fire Protection District.

BUDGET IMPACT: The proposed code amendment clarifies which pension fund covers the volunteer firefighters and how the board of trustees for the Pension Fund will be determined by mutual agreement of the City and the Loveland Rural Fire Protection District. The amendment will have no immediate financial impact.

Yes No

SUMMARY: In 1964, the Loveland City Council adopted Ordinance No. 877 that set forth a plan of administrative organization for the City. The plan provided for a Code provision entitled, "Firemen's Pension Board of Trustees" that established a board of trustees to manage the "firemen's pension system" for its firefighters that, at the time, were primarily volunteers.

In 1966, the City, by and through its Trustees for the Loveland Firemen's Pension Fund, entered into an intergovernmental agreement with the Loveland Rural Fire Protection District ("LRFPD"), by and through its Trustees for the LRFPD Firemen's Pension Fund, to consolidate the pension funds for their respective volunteer firefighters into the Consolidated Firemen's Pension Fund of Loveland and Rural District.

The intergovernmental agreement also created a joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District and, by operation, dissolved the Board

of Trustees for the Loveland Firemen's Pension Fund and Board of Trustees for the LRFDP Firemen's Pension Fund.

In 1996, with the growth of the City and movement toward a fire department of paid firefighters with their own pension system, the City Council adopted Ordinance No. 4168 to clarify that the Firemen's Pension Board of Trustees was in fact the "Volunteer Firefighters' Pension Board of Trustees" and that it managed the "volunteer firefighters' pension system. The ordinance did not reflect the joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District created by the 1996 intergovernmental agreement.

City legal and administrative staff members recommend that Code be amended to state the volunteer firefighters' pension system is the Consolidated Firemen's Pension Fund of Loveland and Rural District and that the general composition of the Board of Trustees is determined by mutual agreement of the City and the LRFDP. The specific wording and proposed change (highlighted) are shown below.

2.60.270 Volunteer firefighters' pension board of trustees.

The volunteer firefighters' pension board of trustees shall be vested with the general administration, management, and responsibility for the proper operation of the volunteer firefighters' pension system. The board of trustees shall have such powers and duties as are prescribed by state statutes. The volunteer firefighters' pension system shall be the Consolidated Firemen's Pension Fund of Loveland and Rural District and the general composition of the board of trustees shall be determined by mutual agreement of the city and the Loveland Rural Fire Protection District.

If Council approves the proposed Code amendment, staff will work with the Loveland Rural Fire Protection District to reach a mutual agreement to determine the composition of the board of trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District. The new board of trustees and staff will then be able to make a few needed amendments to the plan.

This ordinance amendment clarifies that the volunteer firefighter's pension system is managed through an intergovernmental agreement, identifies that the volunteer firefighter's pension system is the Consolidated Firemen's Pension Fund of Loveland and Rural District, and explains that the general composition of the board of trustees is determined by mutual agreement of the City and the Loveland Rural Fire Protection District (LRFDP). This amendment is intended to set the stage for a future resolution that will modify the intergovernmental agreement to change the board composition from City-appointed members, LRFDP-appointed members and Loveland Volunteer Fire Department-appointed members to only City-appointed members and LRFDP-appointed members due to the fact that the Loveland Volunteer Fire Department is no longer in existence.

LIST OF ATTACHMENTS:

An Ordinance amending Section 2.60.270 regarding the Volunteer Firefighters' Pension Board of Trustees to reflect the 1966 Intergovernmental Agreement between the City and the Loveland Rural Fire Protection District creating a Joint Board of Trustees and a Consolidated Pension Fund

RECOMMENDED CITY COUNCIL ACTION: A motion to approve the ordinance on first reading.

REVIEWED BY CITY MANAGER:

First Reading: June 21, 2011
 Second Reading: _____

ORDINANCE No. _____

AN ORDINANCE AMENDING SECTION 2.60.270 REGARDING THE VOLUNTEER FIREFIGHTERS' PENSION BOARD OF TRUSTEES TO REFLECT THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING A JOINT BOARD OF TRUSTEES AND A CONSOLIDATED PENSION FUND

WHEREAS, in 1964 the Loveland City Council adopted Ordinance No. 877 that set forth a plan of administrative organization for the City of Loveland ("City") and included, among other things, a City Code provision entitled, "Firemen's Pension Board of Trustees" that established a board of trustees to manage the "firemen's pension system" for its firefighters that, at the time, were primarily volunteers; and

WHEREAS, in 1966 the City, by and through its Trustees for the Loveland Firemen's Pension Fund, entered into an intergovernmental agreement with the Loveland Rural Fire Protection District ("LRFPD"), by and through its Trustees for the LRFPD Firemen's Pension Fund, to consolidate the pension funds for their respective volunteer firefighters into the Consolidated Firemen's Pension Fund of Loveland and Rural District; and

WHEREAS, the intergovernmental agreement also created a joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District and, by operation, dissolved the Board of Trustees for the Loveland Firemen's Pension Fund and Board of Trustees for the LRFPD Firemen's Pension Fund; and

WHEREAS, in 1996, with the growth of the City and movement toward a fire department of paid firefighters with their own pension system, the City Council adopted Ordinance No. 4168 to clarify that the Firemen's Pension Board of Trustees was in fact the "Volunteer Firefighter's Pension Board of Trustees" and that it managed the "volunteer firefighter's pension system," but it failed to reflect the joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District created by the 1996 intergovernmental agreement; and

WHEREAS, the Council desires to amend the City Code to reflect that the volunteer firefighter's pension system is the Consolidated Firemen's Pension Fund of Loveland and Rural District and that the general composition of Board of Trustees is determined by mutual agreement of the City and the LRFPD.

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

Section 1. That Loveland Municipal Code Section 2.60.270 is hereby amended to read in full as follows:

2.60.270 Volunteer firefighters' pension board of trustees.

The volunteer firefighters' pension board of trustees shall be vested with the general administration, management, and responsibility for the proper operation of the volunteer firefighters' pension system. The board of trustees shall have such powers and duties as are prescribed by state statutes. The volunteer firefighters' pension system shall be the Consolidated Firemen's Pension Fund of Loveland and Rural District and the general composition of the board of trustees shall be determined by mutual agreement of the city and the Loveland Rural Fire Protection District.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Dated this _____ day of _____, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

AN ORDINANCE AMENDING SECTION 2.60.270 REGARDING THE VOLUNTEER FIREFIGHTERS' PENSION BOARD OF TRUSTEES TO REFLECT THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING A JOINT BOARD OF TRUSTEES AND A CONSOLIDATED PENSION FUND

First Reading: June 21, 2011
 Second Reading: _____

ORDINANCE No. _____

AN ORDINANCE AMENDING SECTION 2.60.270 REGARDING THE VOLUNTEER FIREFIGHTERS' PENSION BOARD OF TRUSTEES TO REFLECT THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING A JOINT BOARD OF TRUSTEES AND A CONSOLIDATED PENSION FUND

WHEREAS, in 1964 the Loveland City Council adopted Ordinance No. 877 that set forth a plan of administrative organization for the City of Loveland ("City") and included, among other things, a City Code provision entitled, "Firemen's Pension Board of Trustees" that established a board of trustees to manage the "firemen's pension system" for its firefighters that, at the time, were primarily volunteers; and

WHEREAS, in 1966 the City, by and through its Trustees for the Loveland Firemen's Pension Fund, entered into an intergovernmental agreement with the Loveland Rural Fire Protection District ("LRFPD"), by and through its Trustees for the LRFPD Firemen's Pension Fund, to consolidate the pension funds for their respective volunteer firefighters into the Consolidated Firemen's Pension Fund of Loveland and Rural District; and

WHEREAS, the intergovernmental agreement also created a joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District and, by operation, dissolved the Board of Trustees for the Loveland Firemen's Pension Fund and Board of Trustees for the LRFPD Firemen's Pension Fund; and

WHEREAS, in 1996, with the growth of the City and movement toward a fire department of paid firefighters with their own pension system, the City Council adopted Ordinance No. 4168 to clarify that the Firemen's Pension Board of Trustees was in fact the "Volunteer Firefighter's Pension Board of Trustees" and that it managed the "volunteer firefighter's pension system," but it failed to reflect the joint Board of Trustees of the Consolidated Firemen's Pension Fund of Loveland and Rural District created by the 1996 intergovernmental agreement; and

WHEREAS, the Council desires to amend the City Code to reflect that the volunteer firefighter's pension system is the Consolidated Firemen's Pension Fund of Loveland and Rural District and that the general composition of Board of Trustees is determined by mutual agreement of the City and the LRFPD.

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

Section 1. That Loveland Municipal Code Section 2.60.270 is hereby amended to read in full as follows:

2.60.270 Volunteer firefighters’ pension board of trustees.

The volunteer firefighters’ pension board of trustees shall be vested with the general administration, management, and responsibility for the proper operation of the volunteer firefighters’ pension system. The board of trustees shall have such powers and duties as are prescribed by state statutes. The volunteer firefighters’ pension system shall be the Consolidated Firemen’s Pension Fund of Loveland and Rural District and the general composition of the board of trustees shall be determined by mutual agreement of the city and the Loveland Rural Fire Protection District.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Dated this _____ day of _____, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:



Assistant City Attorney

AN ORDINANCE AMENDING SECTION 2.60.270 REGARDING THE VOLUNTEER FIREFIGHTERS’ PENSION BOARD OF TRUSTEES TO REFLECT THE 1966 INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY AND THE LOVELAND RURAL FIRE PROTECTION DISTRICT CREATING A JOINT BOARD OF TRUSTEES AND A CONSOLIDATED PENSION FUND



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
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AGENDA ITEM: 4
MEETING DATE: 6/21/2011
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Brian Burson, Current Planning Division

TITLE:

1. A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS 'MOTORPLEX ENTRY ADDITION' MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE COLORADO CONSTITUTION AND BY STATE STATUTE;
2. AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS 'MOTORPLEX ENTRY ADDITION' TO THE CITY OF LOVELAND; and
3. AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'MOTORPLEX ENTRY ADDITION' TO THE CITY OF LOVELAND.

DESCRIPTION:

1. A public hearing to consider a quasi-judicial action to adopt a resolution making findings of facts regarding certain statutory requirements for the proposed Motorplex Entry Addition;
2. A public hearing to consider a legislative action to adopt an ordinance annexing the Motorplex Entry Addition to the City of Loveland, subject to the provisions in the annexation ordinance;
3. A public hearing to consider a quasi-judicial action to adopt an ordinance zoning Tract A of the Motorplex Entry Addition as Millennium PUD (#P-59); and Tract B of the Motorplex Entry Addition as DR-Developing Resources District.

BUDGET IMPACT:

Yes No

SUMMARY:

The application proposes to annex the following property:

- 0.26 acres at the southeast corner of Crossroads Boulevard and Byrd Drive
- the connecting right-of-way for Crossroads Boulevard to the west;
- a connecting one-half section of right-of-way for Byrd Drive to the north;
- the connecting right-of-way for Crossroads Boulevard to the east, including the interchange with I-25;
- the I-25 right-of-way, extending northward to Larimer County Road # 30.

Annexation of the rights-of-ways will assure that highway improvements made to the interchange of Crossroads Boulevard and I-25 can be made under the authority of the City of Loveland, and that funding can be provided by the Centerra Metro District No. 1. It will also more clearly establish this interchange and the connecting stretch of the I-25 corridor as part of the City's urbanizing area.

The Planning Commission held a public hearing on the application on May 23, 2011. No one from the neighborhood or general public attended the hearing and Planning Commission had no questions or concerns. This prompted Planning Commission to move the item to their Consent Agenda. The Planning Commission is recommending approval, by unanimous vote, of the annexation and zoning, subject to the term of annexation set forth below in Section III of the June 21, 2011 staff memorandum, attached hereto as Attachment D.

LIST OF ATTACHMENTS:

- A. Resolution concerning annexation of Motorplex Entry Addition, setting forth findings of fact and conclusions.
- B. Ordinance approving the annexation of Motorplex Entry Addition into the City.
- C. Ordinance approving a zoning of Millennium PUD (#P-59) for Tract A of the Motorplex Entry Addition; and DR-Developing Resource District for Tract B of the Motorplex Entry Addition.
- D. Staff memorandum dated June 21, 2011 with Exhibits.

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motions for City Council action, in the order provided:

1. Move to approve, A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS 'MOTORPLEX ENTRY ADDITION' MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE COLORADO CONSTITUTION AND BY STATE STATUTE;
2. Move to make the findings set forth in Section VI. of the May 23, 2011 Planning Commission staff report and approve, AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS ' MOTORPLEX ENTRY ADDITION' TO THE CITY OF LOVELAND; and

3. Move to make the findings set forth in Section VI. of the May 23, 2011 Planning Commission staff report and approve, AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR 'MOTORPLEX ENTRY ADDITION' TO THE CITY OF LOVELAND.

REVIEWED BY CITY MANAGER:

RESOLUTION #R-42-2011**A RESOLUTION CONCERNING THE ANNEXATION TO THE CITY OF LOVELAND, COLORADO, OF A CERTAIN AREA DESIGNATED AS "MOTORPLEX ENTRY ADDITION" MORE PARTICULARLY DESCRIBED HEREIN, AND SETTING FORTH FINDINGS OF FACT AND CONCLUSIONS BASED THEREON AS REQUIRED BY THE COLORADO CONSTITUTION AND BY STATE STATUTE**

WHEREAS, on April 28, 2011, 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-30-2011**, the City Council found that said petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution and of §31-12-107(1), C.R.S.; and

WHEREAS, on June 21, 2011, 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 Section 30 of Article II of the Colorado Constitution and of §§31-12-104 and 31-12-105, C.R.S., and is eligible for annexation; whether or not an election is required under Section 30(1)(a) of Article II of the Colorado Constitution and of §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-30-2011**, the City Council found that said petition substantially complies with and meets the requirements of Section 30(1)(b) of Article II of the Colorado Constitution §31-12-107(1), C.R.S.
 - C. Pursuant to Resolution No. **R-30-2011**, a public hearing was held on June 21, 2011, commencing at the hour of 6:30 p.m., to determine whether the proposed annexation complies with the applicable requirements of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S.; whether an election is required under Section 30(1)(a) of Article II of the Colorado Constitution §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 May 21, May 28, June 4, and June 11, 2011, 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 2005 Comprehensive 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 27,035 linear feet, of which 22,216 linear 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 Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S.

B. No election is required under Section 30(1)(a) of Article II of the Colorado Constitution §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 _____, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:



Assistant City Attorney

EXHIBIT A

MOTORPLEX ENTRY ADDITION

Legal Description

A tract of land being a portion of Section 22, 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 Center Section line of said Section 34 as bearing North 00°00'26" 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 to the West right-of-way line of Interstate 25; thence along said West right-of-way line, North 51°26'18" West, a distance of 108.50 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'18" West, a distance of 337.12 feet to the East corner of Outlot B, Myers Group Partnership #949, 2nd Subdivision; thence along the South and West lot lines of said Outlot B the following 5 courses and distances: South 45°02'07" West, a distance of 218.27 feet; thence North 03°53'33" East, a distance of 70.36 feet; thence North 01°59'08" East, a distance of 4.03 feet; thence North 00°04'43" East, a distance of 60.22 feet; thence North 45°02'07" East, a distance of 28.26 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'18" West, a distance of 433.44 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 to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line the following 2 courses and distances: North 65°51'12" East, a distance of 109.70 feet; thence South 89°55'18" East, a distance of 326.73 feet to the West line of a right-of-way easement as described at Reception Number 2003-0098332, Larimer County Records; thence along said West and along the North and East lines of said right-of-way easement the following 3 courses and distances: North 00°37'47" West, a distance of 997.93 feet; thence South 89°55'19" East, a distance of 40.00 feet; thence South 00°37'47" East, a distance of 997.94 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line, South 89°55'19" East, a distance of 533.35 feet to the West right-of-way line of Interstate 25; thence along said West right-of-way line the following 8 courses and distances: North 46°51'41" East, a distance of 120.35 feet; thence North 10°04'11" East, a distance of 608.30 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 06°55'12" East, a distance of 90.46 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 4,884.25 feet; thence, North 89°02'06" East, a distance of 250.65 feet to the East right-of-way line of Interstate 25; thence along said East right-of-way line the following 6 courses and distances: South 00°00'59" East, a distance of 2,636.85 feet; thence South 00°00'48" East, a distance of 2,639.03 feet; thence South 00°35'54" West, a distance of 3,676.16 feet; thence South 08°09'08" East, a distance of 809.43 feet; thence South 09°46'48" East, a distance of 610.00 feet; thence South 34°30'18" East, a distance of 92.13 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line, South 89°55'18" East, a distance of 150.00 feet; thence South 65°41'31" East, a distance of 109.73 feet; thence South 00°04'41" West, a distance of 60.02 feet; thence South 65°51'11" West, a distance of 109.67 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'19" West, a distance of

150.00 feet; thence North $76^{\circ}38'29''$ West, a distance of 326.73 feet to the POINT OF BEGINNING.

The above described tract of land contains 80.934 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

FIRST READING: June 21, 2011

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF LOVELAND, COLORADO, TO BE KNOWN AND DESIGNATED AS "MOTORPLEX ENTRY 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 April 28, 2011, by more than fifty percent (50%) of the owners who own more than fifty percent (50%) of the area of the territory hereinafter described, exclusive of public streets and alleys. The Council, by resolution at its regular meeting on June 21, 2011, found and determined that the proposed annexation complies with and meets the requirements of the applicable parts of Section 30 of Article II of the Colorado Constitution §§31-12-104 and 31-12-105, C.R.S. and further determined that an election was not required under Section 30(1)(a) of Article II of the Colorado Constitution §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 "**MOTORPLEX ADDITION**" to the City of Loveland, Larimer County, Colorado is hereby approved:

MOTORPLEX ENTRY ADDITION

Legal Description

A tract of land being a portion of Section 22, 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 Center Section line of said Section 34 as bearing North 00°00'26" 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 to the West right-of-way line of Interstate 25; thence along said West right-of-way line, North 51°26'18" West, a distance of 108.50 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'18" West, a distance of 337.12 feet to the East corner of Outlot B, Myers Group Partnership #949, 2nd Subdivision; thence along the South and West lot lines of said Outlot B the following 5 courses

and distances: South 45°02'07" West, a distance of 218.27 feet; thence North 03°53'33" East, a distance of 70.36 feet; thence North 01°59'08" East, a distance of 4.03 feet; thence North 00°04'43" East, a distance of 60.22 feet; thence North 45°02'07" East, a distance of 28.26 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'18" West, a distance of 433.44 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 to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line the following 2 courses and distances: North 65°51'12" East, a distance of 109.70 feet; thence South 89°55'18" East, a distance of 326.73 feet to the West line of a right-of-way easement as described at Reception Number 2003-0098332, Larimer County Records; thence along said West and along the North and East lines of said right-of-way easement the following 3 courses and distances: North 00°37'47" West, a distance of 997.93 feet; thence South 89°55'19" East, a distance of 40.00 feet; thence South 00°37'47" East, a distance of 997.94 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line, South 89°55'19" East, a distance of 533.35 feet to the West right-of-way line of Interstate 25; thence along said West right-of-way line the following 8 courses and distances: North 46°51'41" East, a distance of 120.35 feet; thence North 10°04'11" East, a distance of 608.30 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 06°55'12" East, a distance of 90.46 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 4,884.25 feet; thence, North 89°02'06" East, a distance of 250.65 feet to the East right-of-way line of Interstate 25; thence along said East right-of-way line the following 6 courses and distances: South 00°00'59" East, a distance of 2,636.85 feet; thence South 00°00'48" East, a distance of 2,639.03 feet; thence South 00°35'54" West, a distance of 3,676.16 feet; thence South 08°09'08" East, a distance of 809.43 feet; thence South 09°46'48" East, a distance of 610.00 feet; thence South 34°30'18" East, a distance of 92.13 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line, South 89°55'18" East, a distance of 150.00 feet; thence South 65°41'31" East, a distance of 109.73 feet; thence South 00°04'41" West, a distance of 60.02 feet; thence South 65°51'11" West, a distance of 109.67 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, 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 80.934 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

Section 3. That Tract A of the MOTORPLEX ENTRY ADDITION, as shown on Exhibit A, attached hereto and incorporated herein, shall be subject to the following condition:

1. Tract A shall be governed by all applicable provisions imposed or agreed to when originally annexed or subdivided by the City as part of Myers Group Partnership # 949 Addition and any pertinent subdivisions thereof.

Section 4. 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 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 as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 8. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Dated this ____ day of _____, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

FIRST READING: June 21, 2011

SECOND READING: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18.04.040 OF THE LOVELAND MUNICIPAL CODE, THE SAME RELATING TO ZONING REGULATIONS FOR "MOTORPLEX ENTRY ADDITION" TO 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 "MOTORPLEX ENTRY ADDITION" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

MILLENNIUM PUD (#P-59)

"Tract A of the MOTORPLEX ENTRY ADDITION to the City of Loveland, County of Larimer, State of Colorado, also formerly known as Outlot B of the Myers Group Partnership # 949 2nd Subdivision to the City of Loveland, County of Larimer, State of Colorado."

Section 2. That Tract A of the MOTORPLEX ENTRY ADDITION shall be subject to the following condition:

1. Tract A shall be governed by the Millennium Addition General Development Plan, as amended and all applicable provisions of agreements pertaining thereto.

Section 3. 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 "MOTORPLEX ENTRY ADDITION" to the City of Loveland, Colorado, shall be included within the boundaries of the district designated as follows:

DR-DEVELOPING RESOURCES DISTRICT

"Tract B of the MOTORPLEX ENTRY ADDITION to the City of Loveland, County of Larimer, State of Colorado ".

Section 4. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 5. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Dated this ____ day of _____, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney



City of Loveland

**DEVELOPMENT SERVICES
ADMINISTRATION**

500 East Third Street, Suite 210 • Loveland, CO 80537
(970) 962-2346 • Fax (970) 962-2903 • TDD (970) 962-2620
www.cityofloveland.org

MEMORANDUM

TO: City Council
FROM: Brian Burson, Current Planning Division
DATE: June 21, 2011
SUBJECT: Motorplex Entry Addition

I. EXHIBITS

- A. Vicinity map.
- B. May 23, 2011 Planning Commission staff report, with Attachments.

II. EXECUTIVE SUMMARY

A. Project Description

The application proposes to annex the following land:

- a small parcel of 0.26 acres at the southeast corner of Crossroads Boulevard and Byrd Drive
- the connecting right-of-way for Crossroads Boulevard to the west;
- a short one-half section of right-of-way for Byrd Drive to the north;
- the connecting right-of-way for Crossroads Boulevard to the east, including the interchange with I-25;
- the I-25 right-of-way, extending northward to Larimer County Road # 30.

(See vicinity map, included in this staff memorandum as **Exhibit A.**) The total land area for the annexation will be 80.934 acres.

The City cannot annex rights-of-way separate from any other land that is not right-of-way. Tract A is not right-of-way, and was formerly part of the Myers Group Partnership # 949 Addition. It was recently disconnected by the City so it could be used as the anchor point for this annexation.

Annexation of these rights-of-ways has three primary purposes:

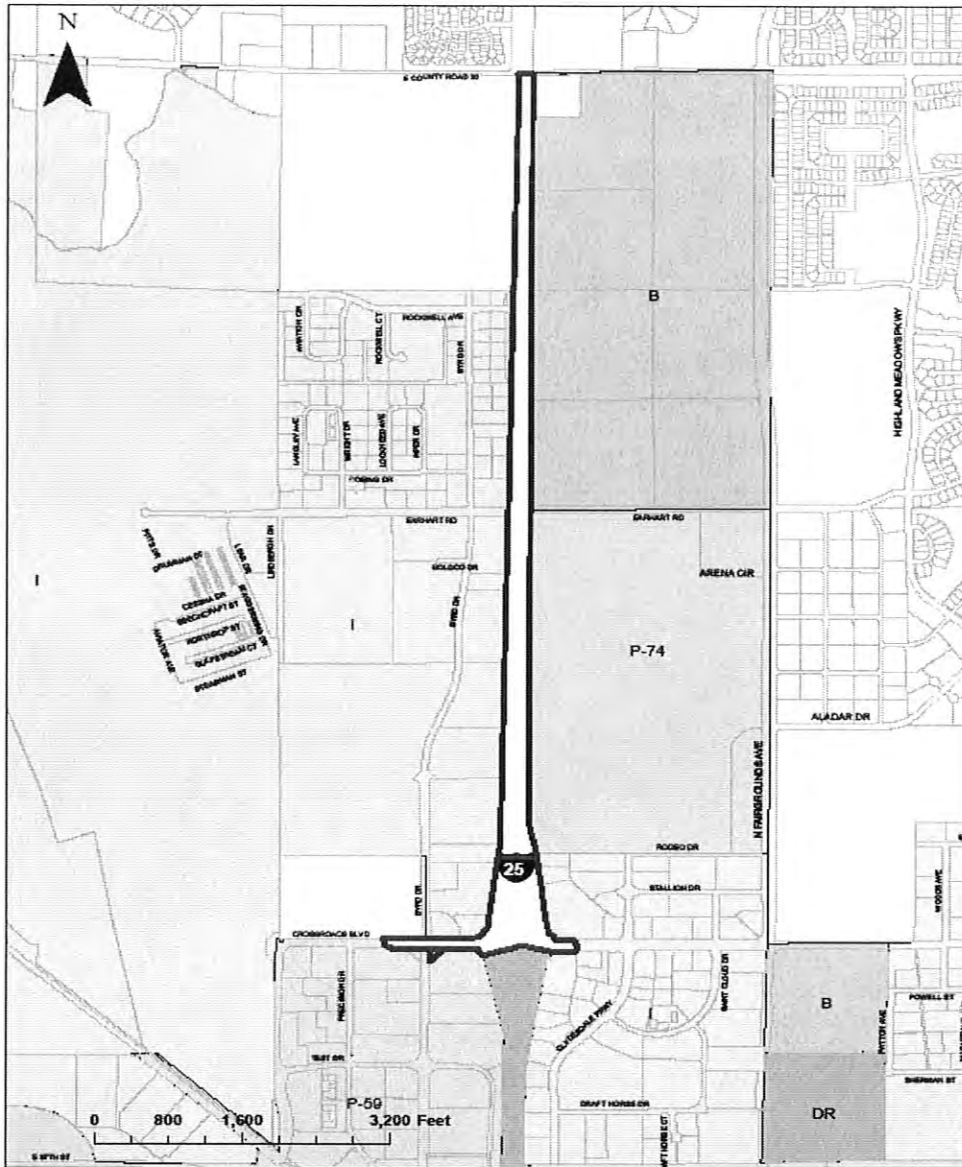
- assure that highway improvements made to the interchange of Crossroads Boulevard and I-25 can be made under the authority of the City of Loveland,
- assure that funding for such improvements can be provided by the Centerra Metro District No. 1; and,
- more clearly establish this interchange and the connecting stretch of the I-25 corridor as part of the City's urbanizing area.

The proposed zoning is based on existing and future purposes, as well as the adjacent uses and zoning currently in effect. Tract A had previously been zoned as part of Millennium PUD, and upon annexation, will be rezoned again to that same zoning. This will assure ongoing compatibility and re-establish the allowed uses and development standards that would apply. Tract B of the annexation will be zoned DR-Developing Resource District. The DR zone district has no uses by right, and the uses allowed by special review are typical of undeveloped agricultural land. However the City has no specific zone for public rights of way, and this is the zoning normally assigned to rights-of-way when being annexed separately from any substantial amounts of adjacent land. (For further staff analysis, please see the May 23, 2011 Planning Commission staff report, included with this staff memorandum as **Exhibit B.**)

B. Property Location

This land is located at the southeast corner of Crossroads Boulevard and Byrd Drive, just west of the interchange of Crossroads Boulevard and I-25, and also includes substantial connecting rights-of-way that are not currently annexed.

(See map on next page)



C. Key Issues

No key issues have been identified by City staff for this application. Based on the provisions of the Municipal Code, no neighborhood meeting was required or held.

D. Planning Commission

The Planning Commission held a public hearing for the application on May 23, 2011. No one from the neighborhood or general public attended the hearing, and Planning Commission had no questions or concerns. This prompted Planning Commission to move the item to their Consent Agenda for the meeting. The Planning Commission recommended, by unanimous vote on the Consent Agenda, to recommend approval of the annexation and zoning, subject to the term of annexation set forth below in

Section III of this June 21, 2011 staff memorandum. Since Planning Commission action was on the Consent Agenda, there are no Planning Commission minutes included in this staff memorandum.

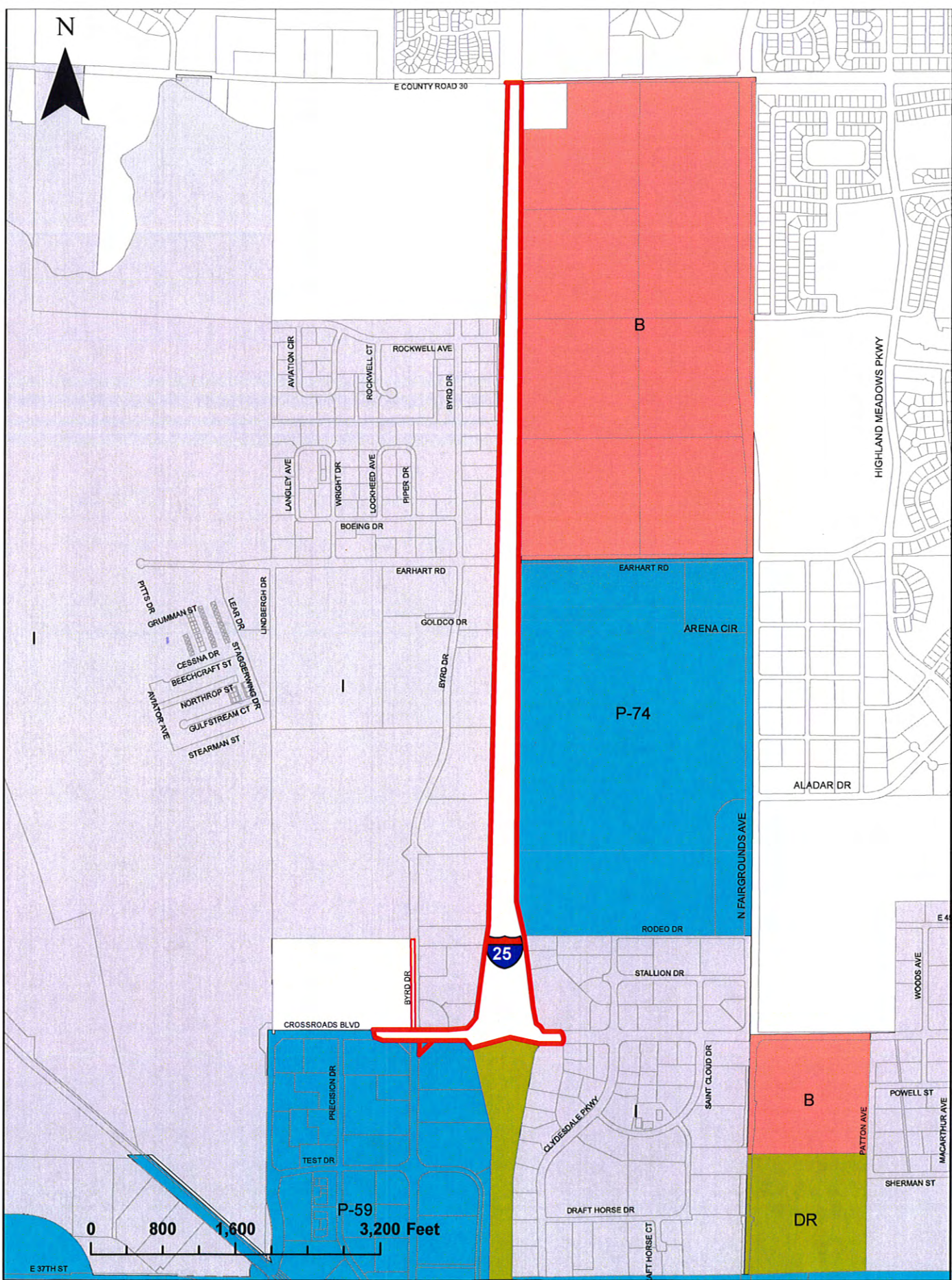
E. Following Planning Commission

Since the Planning Commission hearing, staff has received no further inquiry or concerns from the neighborhood or general public.

III. RECOMMENDED TERMS OF ANNEXATION

City staff and the Planning Commission recommend one term of annexation. Since this cannot be inserted into an annexation agreement, it has been inserted into the annexation ordinance itself. Adoption of the ordinance will automatically adopt this provision.

1. Tract A of this addition shall be governed by all applicable provisions imposed or agreed to when originally annexed or subdivided by the City as part of Myers Group Partnership # 949 Addition, and any pertinent subdivisions thereof; as well as by the Millennium Addition General Development Plan, as amended, and all applicable provisions of agreements pertaining thereto.



**Vicinity Map
Motorplex Entry Addition**



DEVELOPMENT SERVICES
Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537
 (970) 962-2523 • Fax (970) 962-2945 • TDD (970) 962-2620
 www.cityofloveland.org

Planning Commission Staff Report
May 23, 2011

Agenda #: # 1 - Regular Agenda
Title: Motorplex Entry Addition
Applicant: City of Loveland
Request: annexation and zoning
Legal Description: See Attachment 2
Location: SE corner of Byrd Dr and Crossroads Blvd, extending along Crossroads Blvd and I-25 to the intersection of I-25 and CR # 30.
Existing Zoning: unzoned/AP-Airport (LARCO)
Staff Planner: Brian Burson

Staff Recommendation

RECOMMENDATION OF APPROVAL of the Motorplex Entry Addition, with a zoning of "Millennium Addition PUD (P#-8)" for the former Outlot B of the Myers Group Partnership # 949 2nd Subdivision and "DR-Developing Resources District" for the related rights-of-way, and subject to additional evidence presented at the public hearing.

Recommended Motion:

"Move to make the findings listed in Section VI. of the staff report dated May 23, 2011, and recommend that City Council approve the Motorplex Entry Addition to the City of Loveland and zone Tract A of the Motorplex Entry Addition as "Millennium Addition PUD (P#-8)" and zone Tract B as "DR-Developing Resources District".

Summary of Analysis

This is a public hearing to consider an annexation and zoning for 80.93 acres. Planning Commission action on this application is both legislative and quasi-judicial. Planning Commission action is a recommendation to the City Council.

Staff believes that all key issues have been resolved, based on City codes, standards, policies, and the recommended terms of annexation. Due to the unique nature of the application, no neighborhood meeting was held. Since providing the public notice, two individuals have inquired and/or expressed concern to staff.

Vicinity Map

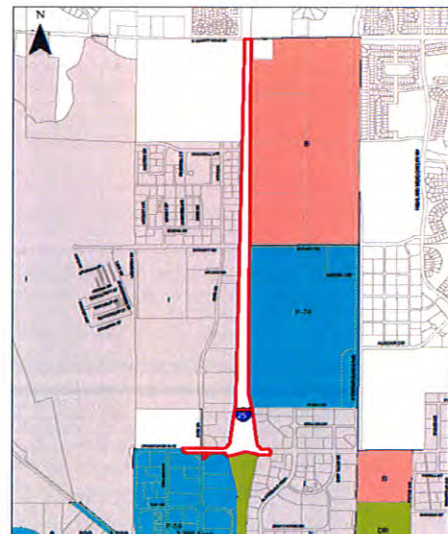


EXHIBIT B

I. PROJECT SUMMARY

A. Process

This is a public hearing to consider an annexation and zoning of a small parcel of property at the southeast corner of Crossroads Boulevard and Byrd Drive, along with the connecting rights-of-way for Crossroads Boulevard to the west; a short one-half section of Byrd Drive to the north; Crossroads Boulevard to the east, including the interchange with I-25; and I-25, extending northward to Larimer County Road # 30. Annexation of these rights-of-ways will assure that highway improvements made to the interchange of I-25 and Crossroads Boulevard can be made under the authority of the City of Loveland, and that they can be funded by the Centerra Metro District No. 1. It will also more clearly establish this interchange and connecting stretch of the I-25 corridor as part of the City's urbanizing area.

This annexation is a second step in the larger process to annex these rights-of-way. Since state statutes do not allow cities to annex only rights-of-way, it is necessary for the annexation to either begin, or end, with real property that is not dedicated right-of-way. In order to achieve this, the City has acquired ownership of Outlot B of the Myers Group Partnership #949 2nd Subdivision. This small parcel is landscaped open space at the southeast corner of Crossroads Boulevard and Bryd Drive, adjacent to the Co's BMW site. In order to use this parcel as the beginning point for the annexation, the City must first disconnect it from City limits. By subsequently re-annexing this parcel, it can then serve as the "anchor point" for the subsequent annexation of the connecting rights-of-way. Similar procedures have been employed for the Two Leaves Addition in 2005 and the Bentley Addition in 2008. City ownership of Outlot B, makes it easier to achieve this process in a timely manner that fully complies with state statute. The City Council action to disconnect Outlot B of the Myers Group Partnership # 949 2nd Subdivision was achieved on April 19, 2011 and May 3, 2011. At the time of the Planning Commission hearing for the annexation, the former Outlot B of the Myers Group Partnership # 949 2nd Subdivision will be legally disconnected from the City limits.

Since all the land to be annexed is either owned by the City or is existing public right-of-way, the neighborhood meeting was waived for this application. The primary purpose of the neighborhood meeting is to acquaint nearby property owners of proposed development, including the nature and extent of that development. This annexation will not change any of the uses or purposes of the land being annexed and will have no new impacts or effects on adjacent or nearby properties. The effect of annexation will be completely invisible to the awareness of neighborhood property owners. These same property owners have received written notice of the scheduled public hearings, and the City's offer to make all information available for their awareness.

The Planning Commission had no role in the disconnection process. Planning Commission's role will be to make a recommendation to the City Council for both the re-annexation/annexation and accompanying zoning. Since the action is only a recommendation, no appeal of the Planning Commission's action is possible. Under applicable state statutes, municipalities are under no obligation to annex property at any time; therefore, annexation is a legislative matter for the Planning Commission. However, when a municipality has adopted a comprehensive master

plan, the municipality is generally obligated to zone property in a manner that is reasonably consistent with that comprehensive plan. Therefore, consideration of the proposed zoning is a quasi-judicial matter for the Planning Commission.

B. General Description

Outlot B, Myers Group Partnership # 949 2nd Subdivision is located at the southeast corner of Crossroads Boulevard and Byrd Drive, adjacent to the Co's BMW site. Since the parcel has been disconnected from City limits, it can no longer be referred to as Outlot B of the Myers Group Partnership # 949 2nd Subdivision, and has been re-designated as Tract A of the annexation. The total land to be subsequently annexed consists of Tract A, consisting of the former Outlot B, Myers Group Partnership # 949 2nd Subdivision; and Tract B, consisting of all of the connecting rights-of-way of Crossroads Boulevard, Byrd Drive and I-25, extending to Larimer County Road #30. The total land area for the annexation/re-annexation will be 80.93 acres. The proposed zoning is based on existing and future purposes, as well as the adjacent uses and zoning currently in effect.

Tract A had previously been zoned as part of Millennium PUD, and upon re-annexation, will be rezoned again to that same zoning. This will assure ongoing compatibility and to re-establish the allowed uses and development standards that would apply. Most of the annexation is existing rights-of-way for Crossroads Boulevard, Byrd Drive and I-25. These rights-of-way will be zoned DR-Developing Resource District. The DR zone district has no uses by right, and the uses allowed by special review are typical of undeveloped agricultural land. It has often been used to originally annex and zone land when no proposed uses are known or foreseen. However the City has no specific zone for public rights of way, and this is the zoning normally assigned to rights-of-way when being annexed separately from any substantial amounts of adjacent land.

C. Neighborhood Response

The Municipal Code contains no requirement for a neighborhood meeting as part of an annexation and zoning application. Most annexation applications include a development or redevelopment proposal, making a neighborhood meeting appropriate as part of the City review. However, since this annexation does not include any development or redevelopment, and due to the unique nature of the application, no neighborhood meeting was held.

On May 5, 2011, letters of notice were mailed to all owners of property within 1,000 feet of the annexation boundary, and a public notice sign was posted at the southeast corner of Crossroads Drive and Byrd Drive at least 15 days prior to the date of the Planning Commission hearing. In addition, a public notice was published in the Reporter Herald on May 7, 2011. All notices indicated that the Planning Commission will hold a public hearing on May 23, 2011. These will allow property owners in the neighborhood to attend and offer testimony at the public hearing. Since establishment of the initial public notice, staff has received two calls for information by a neighborhood property owner; and, to date, no concern or opposition has been expressed to staff.

D. Key Issues

The action by the City to annex/re-annex land that was recently disconnected is allowed by state statutes. City staff has not identified any key issues.

II. ATTACHMENTS:

1. Vicinity Map
2. Legal description of proposed annexation
3. Sheet 2 of Myers Group Partnership # 949 2nd Subdivision (information purposes only)
4. Final site plan for Co's BMW (information purposes only)
5. Motorplex Entry Addition - annexation map

III. SITE DATA

ACREAGE OF SITE - GROSS	80.93 ACRES
ACREAGE OF SITE-NET	0.26 AC
ACREAGE OF RIGHT-OF-WAY	80.67 AC
EXISTING ZONING.....	NONE (LARCO)
PROPOSED ZONING	MILLENNIUM PUD &DR-DEVELOPING RESOURCES DISTRICT
MASTER PLAN DESIGNATION	CC-CORRIDOR COMMERCIAL & ROW
EXISTING USE	OPEN SPACE& ROW
PROPOSED USE	OPEN SPACE & ROW
ACREAGE OF OPEN SPACE PROPOSED	NA
EXISTING ADJACENT ZONING AND USE - NORTH	I-DEVELOPING INDUSTRIAL, AP-AIRPORT (LARCO)
EXISTING ADJACENT ZONING AND USE - EAST.....	MILLENNIUM PUD, LARIMER COUNTY FAIRGROUNDS PUD, I-DEVELOPING INDUSTRIAL, B-DEVELOPING BUSINESS
EXISTING ADJACENT ZONING AND USE - SOUTH.....	MILLENNIUM PUD, I-DEVELOPING INDUSTRIAL
EXISTING ADJACENT ZONING AND USE - WEST.....	MILLENNIUM PUD, I-DEVELOPING INDUSTRIAL, AP-AIRPORT (LARCO)
UTILITY SERVICE PROVIDER - SEWER.....	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - ELECTRIC	CITY OF LOVELAND
UTILITY SERVICE PROVIDER - WATER	CITY OF LOVELAND
WATER RIGHTS PAID.....	NA

IV. BACKGROUND

- 10/7/86 - approval of Myer's Group Partnership # 949 Addition
- 7/29/04 - approval of Myer's Group Partnership # 949 1st Subdivision
- 2/7/05 - approval of Myer's Group Partnership # 949 2nd Subdivision
- 6/13/06 - inclusion of Myer's Group Partnership # 949 in Millennium PUD

V. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION

- A. Notification:** An affidavit was placed in the file by City staff certifying that on May 5, 2011 written notice was mailed to all record owners of surrounding property within 1,000 feet of the property; and a notice was posted in a prominent location on the perimeter of the project site. In addition, a notice was published in the Reporter Herald on May 7, 2011. All notices stated that the Planning Commission would hold a public hearing on May 23, 2011.
- B. Neighborhood Response:** Due to the unique nature of this application, no neighborhood meeting was held. Since the mailing and posting of public notices, staff has received only two inquiries from neighborhood property owners; and, to date has received no concerns or objections from the neighborhood or general public concerning the application.

VI. FINDINGS AND ANALYSIS

A. *Annexation Policies and Eligibility*

1. *Loveland Comprehensive Master Plan, Section 4.2*

- a. *Annexation ANX2.A: Whether the annexation encourages a compact pattern of urban development.*
- b. *Annexation ANX2.B: Whether the annexation would result in the creation of an enclave*
- c. *Annexation ANX5.B: 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.*
- d. *Annexation ANX1.C and 6: Whether the annexation encourages infill development and ensures that land is immediately contiguous to other land in the City that is already receiving City services, discouraging leapfrog and scattered site development.*
- e. *Land Use Plan LU5: Whether development of multi-use, high-quality employment districts, where campus-type settings are appropriate, will be located along appropriate transportation corridors such as I-25, US 34 and the south side of SH 402.*
- f. *Growth Management GM7: Whether the land proposed for annexation is within the City of Loveland Growth Management Area.*
- g. *Regional Cooperation IGA3: Whether urban development is concentrated in areas designated for such development.*

Current Planning: This finding has limited application to this proposed annexation and zoning. All of the land to be annexed lies within the Growth Management Area of the City. Most of the land and rights-of-way to be annexed are adjacent to land already in the City and receiving urban level services. Tract A is not proposed for further development and will continue to be landscaped open space related to the adjacent existing land use. Annexation of the connecting rights-of-way will further identify that they are part of the urbanizing area of the City of Loveland.

2. **Loveland Municipal Code, 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:*
- a. *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.*
 - b. *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.*
 - c. *It is not physically practical to extend urban service which the municipality provides normally.*
 - d. *The area proposed to be annexed is urban or will be urbanized in the near future and said area is able to be integrated with the City of Loveland.*
 - e. *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 without the written consent of the landowners thereof unless such tracts or parcels are separated by a dedicated street, road or other public way.*
 - f. *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 \$2000,000 for ad valorem tax purposes for the year next preceding the annexation, is included within the area proposed for annexation without the written consent of the landowner or landowners.*
 - g. *No annexation proceedings have been commenced for the annexation to another municipality of part or all of the area to be annexed.*
 - h. *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 area to another school district.*
 - i. *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.*
 - j. *The annexation of the area proposed for annexation 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.*

Current Planning Division: State statutes require that a minimum of 1/6th of the perimeter of land being annexed must be contiguous to land that is already within the City limits. The total perimeter of the land to be annexed is 27, 035 feet. Of this perimeter, a total of 22,216 feet is contiguous to land already in the City. None of the land is available for residential purposes and

there are no residents of any of the property. The site is not agricultural, nor is there any indication from the owner that they intend to use it for agricultural uses in the next 5 years. There is no indication that it is not practical to provide urban level services to the site in the future. The only land that is not existing right-of-way is Tract A, and this is owned entirely by the City of Loveland. When the City wishes to annex land that it owns, there is no need for a petition. There is no indication that the land is being considered for annexation by any other jurisdiction. Annexation will not result in a change to the boundaries of any school district. Since the existing City limits are adjacent to the property, it will not extend the municipal boundary of Loveland by more than 3 miles in any direction. Annexation will not affect the access of any owner to any public street or alley.

B. City Utilities and Services

1. Loveland Comprehensive Master Plan, Section 4.2

a. Annexation ANXI.B: *Whether the annexation minimizes the short and long term costs of providing community facilities and services for the benefit of the annexed area.*

b. Commercial and Industrial Land Use CLU1 and ILU2: *Whether the commercial or industrial development is located where proper sizing of facilities such as water, sewer, electric, communications and transportation has occurred or can be properly planned and implemented.*

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 proposed zoning 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.*

Current Planning: Since most of the land is existing right-of-way, the applicability of these findings is very limited. Tract A is landscaped open space, and as such is irrigated with treated water. No change is proposed as part of the re-annexation of the parcel.

Fire: Upon annexation the property will be served by Loveland Fire and Rescue and will be removed from the Loveland Rural Fire Protection District and no changes in service levels will be proposed.

Water/Wastewater: Only a portion of the subject annexation is situated within the City's current service area for both water and wastewater. Regarding water the affected service area is the

southern half of Crossroads Boulevard to the centerline of Interstate Highway 25. Regarding wastewater the affected service area is the southern half of Crossroads Boulevard. The Department finds that:

1. The annexation and zoning is consistent with the Department's Water and Wastewater master plan by being consistent with the 2005 Comprehensive Master Plan.
2. Public facilities are available to serve the development.

Power: An overhead 600 A. 3-phase power line is located on the west side of I-25 beginning approximately 1200 feet north of Crossroads Blvd. and continues north to Earhart Road. An underground 200 A. 3-phase power line is located on the east side of I-25, beginning on Crossroads Blvd. and continuing north approximately 4000 feet before it turns east into the Larimer County Fairgrounds. Power can be extended north to the south property line of the proposed annexation after the property has been successfully annexed to the City of Loveland.

Some of the proposed annexation currently lies within the Poudre Valley REA certified territory. Upon annexation to the City of Loveland, the City will provide electric service to the land, and will result in a five percent (5) surcharge on electrical energy as defined in 40-915-204, CRS, and the City of Loveland Municipal Code 13.12.180. This surcharge applies to any subsequent subdivisions of property annexed after January 31, 1987 within REA Certified service territory and expires ten years after effective date of the annexation proposed development currently lies within the Poudre Valley REA certified service territory.

Stormwater: Existing stormwater facilities are adequate to collect, detain, and release stormwater runoff in a manner that will eliminate off-site impacts.

C. Transportation

1. Loveland Comprehensive Master Plan, Section 4.2

- a. Annexation ANXI.A: Whether the annexation of land minimizes the length of vehicle trips generated by development of the land.*
- b. Commercial CLU1 and Industrial ILU1: Whether the commercial or industrial development permitted in the PDP is located near transportation facilities that offer the required access to the development and does not exceed the desired capacity of a level of service C for the existing and future transportation network of the City.*

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.*

Transportation Engineering Division: Annexing and zoning of property does not warrant compliance with the City's Adequate Community Facilities (ACF) ordinance. All future development or land application would prompt the need for compliance with the City of Loveland 2030 Street Plan, the Larimer County Urban Area Street Standards and any updates to either in effect at the time of development application.

D. Land Use

1. Loveland Comprehensive Master Plan, Sections 4.3 and 4.7

a. Land Use Plan: *Whether the proposed 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 zoning application.*

Current Planning Division: This finding is not applicable to this application.

b. Community Design Objectives, Section 5.0: *Whether the proposed zoning is consistent with the design elements set forth in the City of Loveland Community Design, including creating neighborhoods, ecological responsibility, streetscape, neighborhood aesthetics, pedestrian and bike ways, open spaces, historical preservation and maintenance.*

Current Planning Division: This finding is not applicable to this application.

2. Loveland Municipal Code, Section 18.04.010

a. *Whether the purposes set forth in Section 18.04.010 of the Loveland Municipal Code would be met if any of the uses permitted by right in the zone district were developed on the subject property.*

b. *Whether development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in development that is compatible with existing land uses adjacent to and in close enough proximity to the subject property to be effected by development of it.*

Current Planning Division - The purposes set forth in Section 18.04.010 of the Loveland Municipal Code includes lessening of congestion on public streets, secure safety from fire and panic, and promoting general health and welfare. Bringing this ROW and interchange under City authority will give increased assurance that these will be fulfilled.

Tract A of the annexation had been previously annexed and zoned for the existing use and purpose. This use will not be altered by this action to re-annex and zone back to Millennium PUD.

E. Environmental Impacts

1. Loveland Comprehensive Master Plan, Section 4.2

a. Annexation ANX3.A: *Whether the annexation and PDP comply with the recommendations contained in the adopted Open Lands Plan and preserves open space or natural areas.*

Annexation ANX3.B: Annexation will be allowed for the purpose of preserving or acquiring open space or natural areas.

Annexation ANX4.A and B: If the planning staff and/or the City have determined that significant negative impacts on the environment may occur from development allowed under the PDP, an Environmental Impact Report, including a Wetlands Reconnaissance Report, has been prepared by a qualified specialist.

Annexation ANX4.B: Whether 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 can be taken in the event that such contamination exists.

Annexation ANX4.D: All development agreements must deal satisfactorily with any environmental impacts upon the property.

- b. **Residential RES9:** Applicable elements of the Open Space and Natural Areas Plan and Parks Master Plan shall be considered in evaluating residential development proposals. High value habitat that allows wildlife movements shall be protected and mitigation measures, such as buffer standards, shall be designated in areas such as the Big Thompson River Corridor, designated wetlands, and identified natural areas to offset or accommodate the impacts of development.

Current Planning Division: This finding is not applicable to this application.

F. Fiscal Impacts, Section 4.2

1. **Loveland Comprehensive Master Plan, Section 4.2 Annexation ANX1.F:** If required by the City, a cost/benefit analysis has been prepared detailing the economic impacts of the proposed development based upon a fiscal model acceptable to the City. City Council may make any appropriate findings as a result of said cost benefit analysis.

Current Planning Division: Applicability of this finding to this application is limited. No cost/benefit analysis was required for this application. The ability to have major highway/street improvements funded by the Centerra Metro District will be an economic benefit to the City.

H. Miscellaneous

1. **Loveland Comprehensive Master Plan, Section 4.2 Annexation ANX5:** The annexation is contingent upon a development 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: This finding is not applicable to this application.

I. Mineral Extraction

Colorado Revised Statutes: 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.

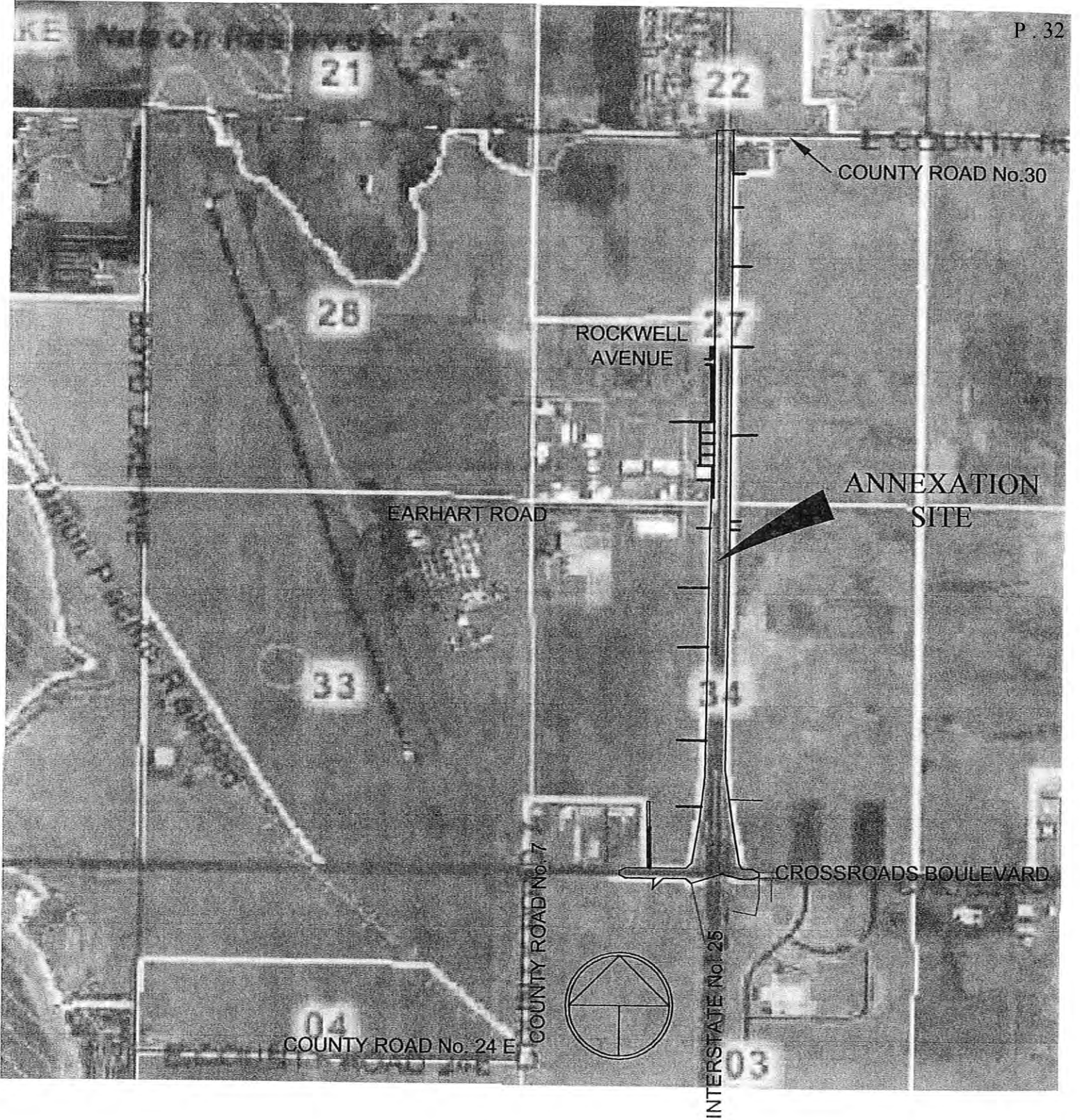
Current Planning: This finding is not applicable to this application.

VII. RECOMMENDED TERMS OF ANNEXATION

City staff recommend the following term of annexation:

Current Planning:

1. Tract A shall be governed by all applicable provisions imposed or agreed to when originally annexed or subdivided by the City as part of Myers Group Partnership # 949 Addition and any pertinent subdivisions thereof; as well as by the Millennium Addition General Development Plan, as amended, and all applicable provisions of agreements pertaining thereto.



VICINITY MAP

SCALE: 1" = ± 2,000'



**NORTHERN
ENGINEERING**

ADDRESS: 200 S. College Ave. Suite 100 Fort Collins, CO 80524	PHONE: 970.221.4158	WEBSITE: www.northernengineering.com
	FAX: 970.221.4159	

LEGAL DESCRIPTION

A tract of land being a portion of Section 22, 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 Center Section line of said Section 34 as bearing North 00°00'26" 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 to the West right-of-way line of Interstate 25; thence along said West right-of-way line, North 51°26'18" West, a distance of 108.50 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'18" West, a distance of 337.12 feet to the East corner of Outlot B, Myers Group Partnership #949, 2nd Subdivision; thence along the South and West lot lines of said Outlot B the following 5 courses and distances: South 45°02'07" West, a distance of 218.27 feet; thence North 03°53'33" East, a distance of 70.36 feet; thence North 01°59'08" East, a distance of 4.03 feet; thence North 00°04'43" East, a distance of 60.22 feet; thence North 45°02'07" East, a distance of 28.26 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, North 89°55'18" West, a distance of 433.44 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 to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line the following 2 courses and distances: North 65°51'12" East, a distance of 109.70 feet; thence South 89°55'18" East, a distance of 326.73 feet to the West line of a right-of-way easement as described at Reception Number 2003-0098332, Larimer County Records; thence along said West and along the North and East lines of said right-of-way easement the following 3 courses and distances: North 00°37'47" West, a distance of 997.93 feet; thence South 89°55'19" East, a distance of 40.00 feet; thence South 00°37'47" East, a distance of 997.94 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line, South 89°55'19" East, a distance of 533.35 feet to the West right-of-way line of Interstate 25; thence along said West right-of-way line the following 8 courses and distances: North 46°51'41" East, a distance of 120.35 feet; thence North 10°04'11" East, a distance of 608.30 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 06°55'12" East, a distance of 90.46 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 4,884.25 feet; thence, North 89°02'06" East, a distance of 250.65 feet to the East right-of-way line of Interstate 25; thence along said East right-of-way line the following 6 courses

and distances: South 00°00'59" East, a distance of 2,636.85 feet; thence South 00°00'48" East, a distance of 2,639.03 feet; thence South 00°35'54" West, a distance of 3,676.16 feet; thence South 08°09'08" East, a distance of 809.43 feet; thence South 09°46'48" East, a distance of 610.00 feet; thence South 34°30'18" East, a distance of 92.13 feet to the North right-of-way line of Crossroads Boulevard; thence along said North right-of-way line, South 89°55'18" East, a distance of 150.00 feet; thence South 65°41'31" East, a distance of 109.73 feet; thence South 00°04'41" West, a distance of 60.02 feet; thence South 65°51'11" West, a distance of 109.67 feet to the South right-of-way line of Crossroads Boulevard; thence along said South right-of-way line, 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 80.934 acres, more or less and is subject to all easements and rights-of-way now on record or existing.

TOTAL PERIMETER TO ANNEX = 27,035 FEET

TOTAL BOUNDARY CONTIGUOUS TO CITY = 22,216 FEET

MINIMUM CONTIGUOUS PERIMETER FEET REQUIRED = 27,036/6.....4,506 FEET

February 28, 2011

LMS

S:\Survey Jobs\750-068\Descriptions\750-068 Annexation Map.doc

Find Address

[Click here for search tips](#)

Street Number
4150

Street Name
excluding N,S,E,W and AVE, DR, etc.
BYRD

Use Auto Complete

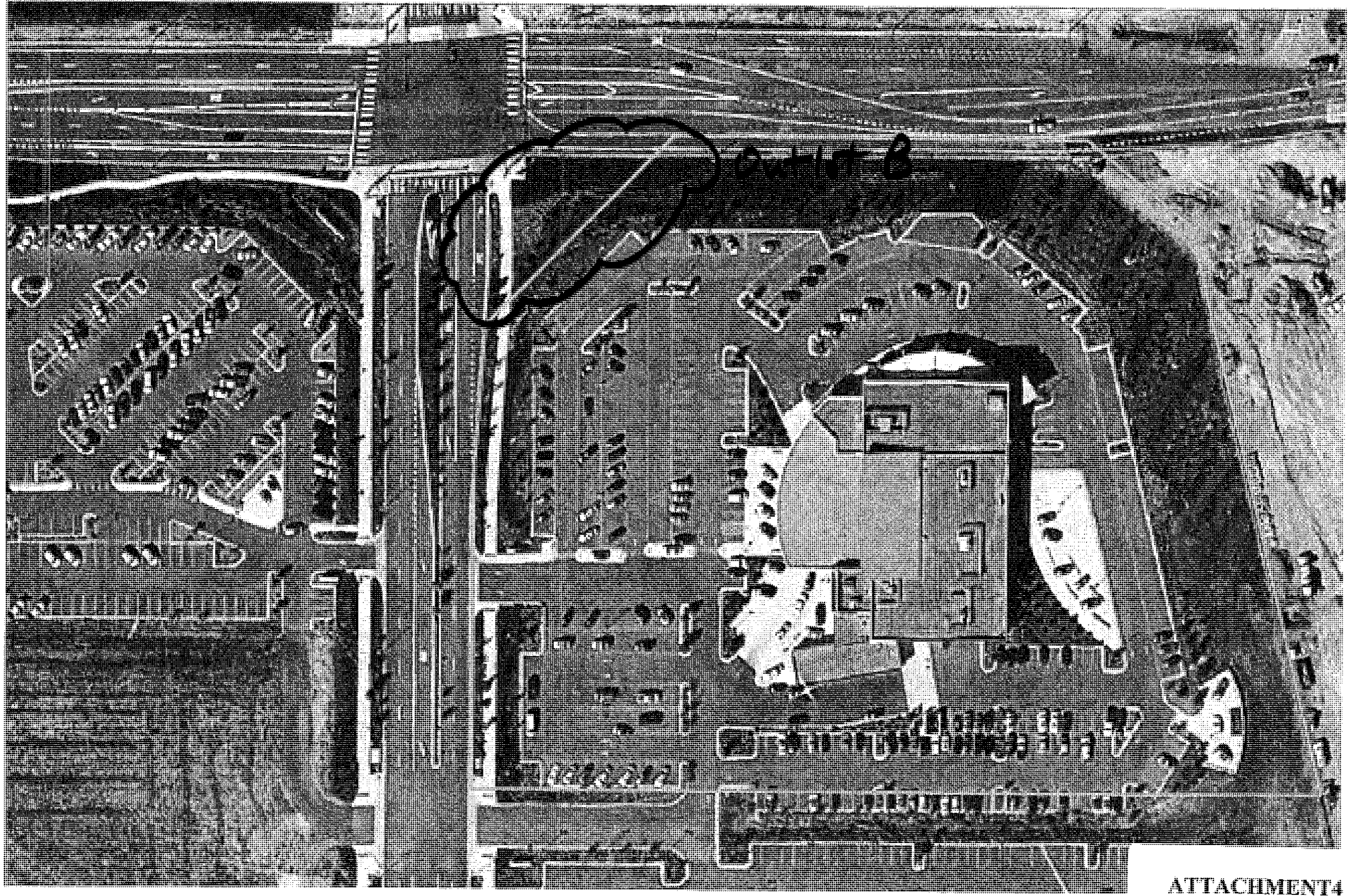
Parks

Golf Courses

Public Facilities

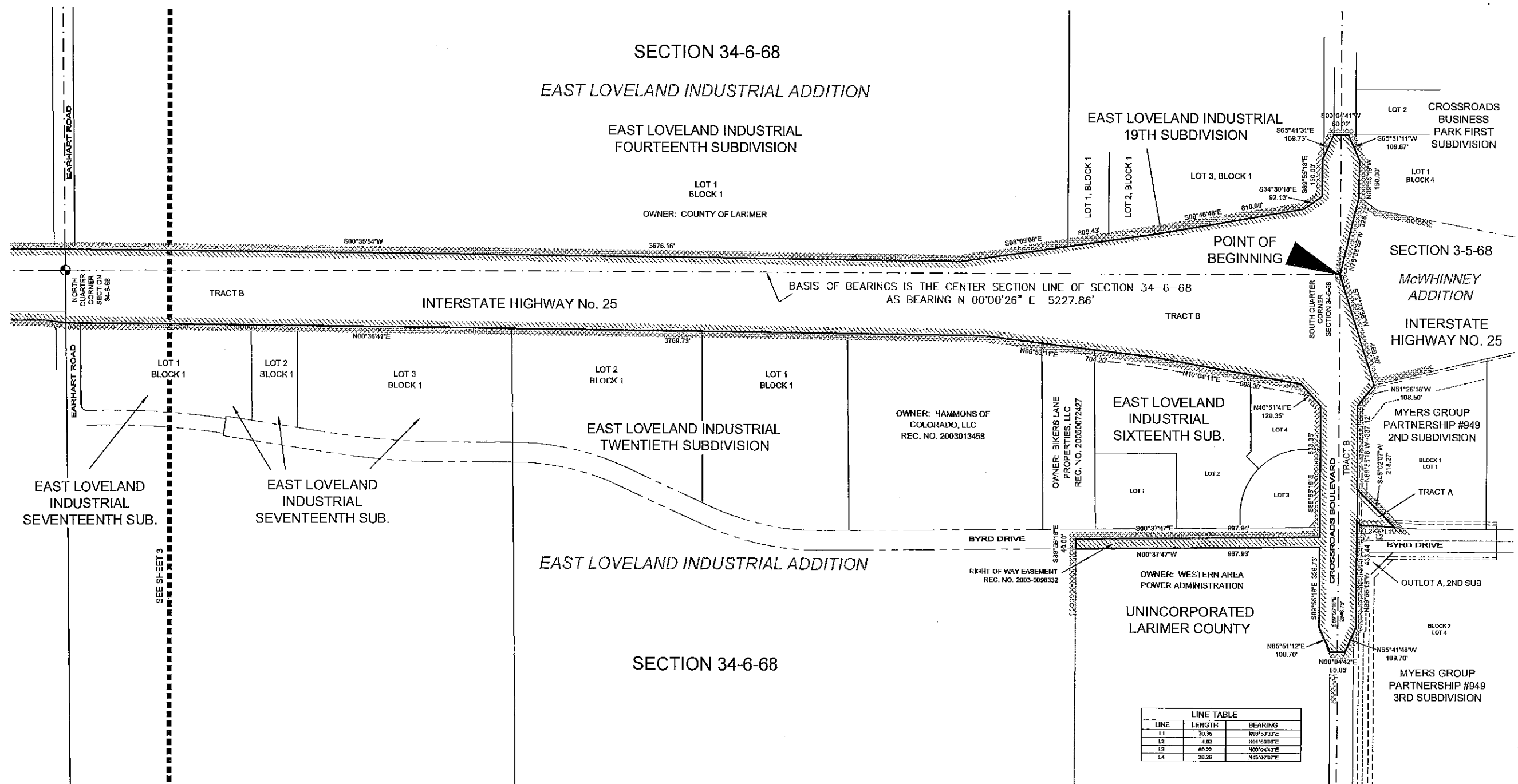
Public Schools

Environmental Considerations

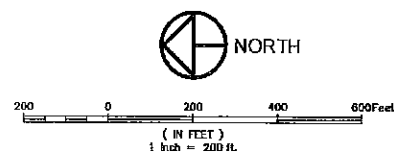


MOTORPLEX ENTRY ADDITION

TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO BEING A PORTION OF SECTIONS 22, 27 AND 34, TOWNSHIP 6 NORTH, RANGE 68 WEST AND A PORTION OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN.



LINE TABLE		
LINE	LENGTH	BEARING
L1	70.36	N0°57'33"E
L2	4.03	N01°58'08"E
L3	60.22	N00°04'43"E
L4	28.28	N5°02'07"E



NOTICE:
According to Colorado law you must commence any legal action based upon any defect in this survey within the time period stated in this certificate. In no event may any action based upon any defect in this certificate be commenced more than ten years after the date of the certificate shown hereon.

SECTION: 3, 22, 27 & 34
TOWNSHIP: 5N & 6N
RANGE: 68 W of the 6th PM

NORTHERN ENGINEERING
PHONE: 970.321.4158 FAX: 970.321.4159
WWW.NORTHERNENGINEERING.COM



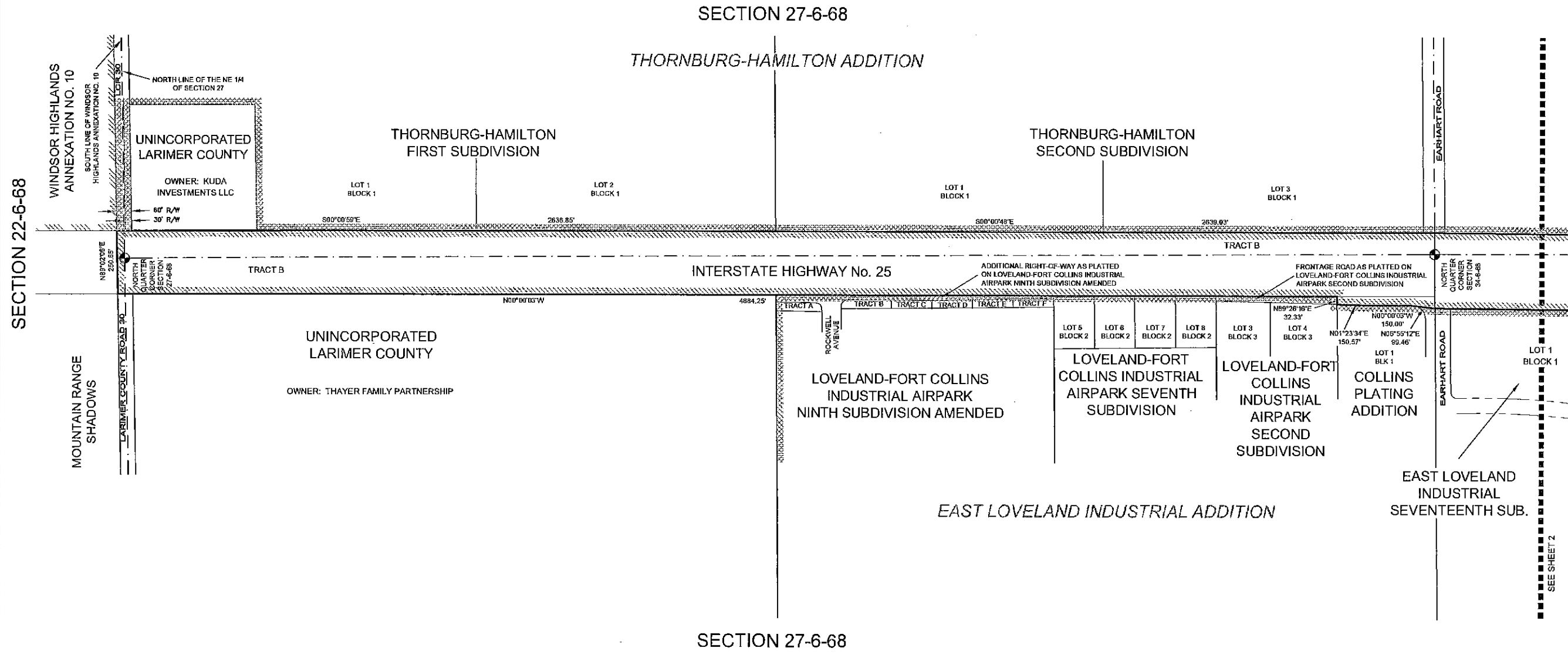
DATE: 9/13/10
PROJECT: 750-568
DESIGNED BY: L. Smith
DRAWN BY: L. Smith
REVISIONS BY: C. Pittman

MOTORPLEX ENTRY ADDITION
TO THE CITY OF LOVELAND
LARIMER COUNTY, COLORADO

Sheet
2
Of 3 Sheets

MOTORPLEX ENTRY ADDITION

TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO BEING A PORTION OF SECTIONS 22, 27 AND 34, TOWNSHIP 6 NORTH, RANGE 68 WEST AND A PORTION OF SECTION 3, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN.



NOTICE:
 According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years after the date of the certificate shown hereon.

SECTION: 27, 22, 27 & 34
 TOWNSHIP: 5N & 6N
 RANGE: 68 W of the 6th PM

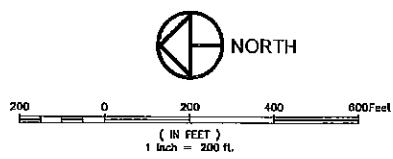
NORTHERN ENGINEERING
 250 South 10th Avenue, Suite 110
 Fort Collins, Colorado 80524
 PHONE: 970.221.4118 FAX: 970.221.4159
 www.northerneng.com



PROJECT: 750-068
 DATE: 9/13/10
 DESIGNED BY: L. Smith
 DRAWN BY: L. Smith
 SCALE: 1"=200'
 NUMBER OF SHEETS: 3

MOTORPLEX ENTRY ADDITION
 TO THE CITY OF LOVELAND
 LARIMER COUNTY, COLORADO

Sheet
3
 Of 3 Sheets



DRAWN BY: L. SMITH, DATE: 9/13/10, PROJECT: 750-068, SHEET: 3 OF 3



CITY OF LOVELAND
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AGENDA ITEM: 5
MEETING DATE: 6/21/2011
TO: City Council
FROM: Ted Schmidt, Library Department
PRESENTER: Ted Schmidt

TITLE:

Public Hearing and consideration of an ordinance on first reading enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for library materials and an interactive play/learning area at the Loveland Public Library.

DESCRIPTION:

This is an administrative action. Funding from the Temple Hoyne Buell Foundation grant is appropriated for library materials and an interactive play/learning area at the Library.

BUDGET IMPACT:

Yes No

All funding is from the \$15,000 grant and there is no matching requirement.

SUMMARY: The Temple Hoyne Buell Foundation awarded the Library a \$15,000 grant to support its Every Child Ready to Read program. Materials to supplement the literacy and storytime activities for preschoolers will be purchased and educational programs for the parents of young children will be presented. A portion of the grant will help fund the interactive play/learning area of the children's section of the renovated library building.

LIST OF ATTACHMENTS:

1. An ordinance enacting a supplemental budget and appropriation to the 2011 City of Loveland budget for library materials and an interactive play/learning area at the Loveland Public Library
 2. Temple Hoyne Buell Foundation Grant Contract #5774
-

RECOMMENDED CITY COUNCIL ACTION:

Conduct a Public Hearing and approve the Ordinance on First Reading.

REVIEWED BY CITY MANAGER:

FIRST READING June 21, 2011

SECOND READING _____

ORDINANCE NO. _____

AN ORDINANCE ENACTING A SUPPLEMENTAL BUDGET AND APPROPRIATION TO THE 2011 CITY OF LOVELAND BUDGET FOR LIBRARY MATERIALS AND AN INTERACTIVE PLAY/LEARNING AREA AT THE LOVELAND PUBLIC LIBRARY

WHEREAS, the City has received or has reserved funds not anticipated or appropriated at the time of the adoption of the City budget for 2011; and

WHEREAS, the City Council desires to authorize the expenditure of these funds by enacting a supplemental budget and appropriation to the City budget for 2011, as authorized by Section 11-6(a) of the Loveland City Charter.

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

Section 1. That revenues and/or reserves in the amount of \$8,000 in the General Fund 001 and \$7,000 in the Capital Projects Fund 002 from a Temple Hoyne Buell Foundation Grant are available for appropriation. Revenues in the total amount of \$15,000 are hereby appropriated for Library materials and an interactive play/learning area in the Children’s department and transferred to the funds as hereinafter set forth. The spending agencies and funds that shall be spending the monies supplementally budgeted and appropriated are as follows:

Supplemental Budget		
General Fund 001 - Library Grant		
Revenues		
001-1410-363-10-01-LB1102	Contributions	8,000
Total Revenue		8,000
Appropriations		
001-1410-409-02-15-LB1102	Computer Supplies	5,800
001-1410-409-02-99-LB1102	Other Supplies	1,700
001-1410-409-03-99-LB1102	Other Purchased Services	500
Total Appropriations		8,000

**Supplemental Budget
Capital Projects Fund 002 - Library Grant**

Revenues		
002-1410-368-41-00-LB1101	Gifts/Donations	7,000
Total Revenue		7,000
Appropriations		
002-1410-409-09-55-LB1101	Design	7,000
Total Appropriations		7,000

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect upon final adoption, as provided in City Charter Section 11-5(d).

ADOPTED this ___ day of _____, 2011.

Cecil A. Gutierrez, Mayor

ATTEST:

City Clerk



TEMPLE HOYNE BUELL FOUNDATION

May 3, 2011

Ted Schmidt, Director
Loveland Public Library
300 North Adams Avenue
Loveland, CO 80537

Re: Grant # 5774

Dear Mr. Schmidt:

The Trustees of the Temple Hoyne Buell Foundation are pleased to inform you that a grant has been approved in the amount of \$15,000.00 for the Every Child Ready to Read program. Please reference the grant number in any correspondence related to this grant.

This grant has been approved based upon the following terms and conditions:

1. Tax-Exempt Status: You are a nonprofit organization recognized by the Internal Revenue Service as a public charity as described in Sections 501(c)(3) and 509(a)(1) of the IRS Code of 1986 as amended (the "Code") or a governmental agency organized under the laws of the State of Colorado.
2. Expenditure of Funds: This grant, and any income earned upon investment of grant funds, is made for the charitable purposes outlined above and may not be expended for any other purpose without this Foundation's prior written approval. The grant period is *May 1, 2011* through *April 30, 2012*.
3. Records and Reports: You are required to keep the financial records with respect to this grant, and to provide this Foundation with a written report summarizing the use of all grant funds after funds have been expended, and other reports as we may reasonably require. All records shall be retained for at least four years following the year in which all grant funds are fully expended.
4. Required Notification: You are required to provide this Foundation with *immediate written notification* of (a) any change in your organization's tax-exempt status; (b) any inquiry or audit by the Internal Revenue Service, (c) your inability to expend the grant for the purposes described in this letter; or (d) any expenditure from this grant made for any purposes other than those for which the grant was intended. Additionally, you must submit a written request to us in advance if the funds cannot be expended within the stated grant period.

Loveland Public Library
Grant # 5774
Page 2

5. Reasonable Access: You will permit this Foundation and its representatives reasonable access to your files, records, accounts, and personnel for purposes of making such financial audits, verifications, or program evaluations as this Foundation deems necessary or appropriate concerning this grant award.

6. Condition of Grant: This grant is conditioned upon your acceptance of the terms set forth above, and this Foundation reserves the right to discontinue, modify, or withhold any payment under this grant award, or to request a refund of any grant funds, if it reasonably determines that your organization has not fully complied with the terms and conditions of this grant.

7. Publicity: This Foundation may include information concerning this grant, including the amount and purpose of the grant, and any related materials (including your logo and trademark and other information about your organization and its activities) in the Foundation's periodic public reports, newspapers, and news releases. You will obtain the Foundation's approval, which shall not be unreasonably withheld, concerning the text of any proposed publicity concerning this grant prior to its release.

If the conditions of this grant meet with your approval, please sign and return one copy of this letter with original signatures to me within 14 days after its receipt. A check will be issued within three weeks of our receipt of the signed contract.

Congratulations on this recognition of your important efforts. We look forward to working with you during the coming year.

Sincerely,



Susan J. Steele
Executive Director

AGREED AND ACCEPTED (two different signers required):

Signature, City Manager
City of Loveland

Signature, Director
Loveland Public Library

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 6
MEETING DATE: 6/21/2011
TO: City Council
FROM: Greg George, Development Services Director
PRESENTER: Troy Bliss, Current Planning

TITLE:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO

DESCRIPTION:

A legislative action to consider an ordinance on second reading to amend The Church at Loveland Addition Annexation Agreement. The agreement pertains to a property located north of 14th Street S.W. between Angora Drive and South County Road 21 west of South Wilson Avenue at 3835 14th Street S.W. The property is approximately 5.9 acres in size and zoned B – Developing Business. The current use on the property is the Church at Loveland. The applicant is Loveland Classical School represented by Tamara Cramer. The owner of the property is Loveland Classical School Project Development, LLC. Loveland Classical School is seeking to expand the existing church building for operating a charter school including grades kindergarten through ninth grade initially. Under the current agreement, use of the property is limited to a church. The proposed amendment would allow a variety of uses, including public and private schools and accessory uses (see Exhibit A to the ordinance).

BUDGET IMPACT:

Yes No

SUMMARY:

On May 17, 2011, City Council held a public hearing on this matter and adopted the ordinance on first reading. On June 7, 2011, City Council considered adoption of the ordinance on second reading. On a vote of 5-4, City Council continued second reading to June 21, 2011 and directed City staff to revise the amended annexation agreement to limit the number of students attending the school to 620 students and address issues concerning the possible expansion of the school

on property to the north and any liability the City may have for removal of the landscaping in the median in 14th Street SW.

The City Attorney and the School's attorney have exchanged revisions to the First Amendment that is attached as Exhibit A to the Ordinance in an attempt to come to agreement on the issues raised by Council at its June 7 meeting. Some revisions to the First Amendment have been agreed to by the attorneys, but several revisions requested by the City Attorney remain unresolved at this time. Therefore, the clean version of the First Amendment attached to the Ordinance is the version of the First Amendment recommended by the City Attorney to address the Council's concerns. Also, attached as Exhibit 3 to City staff's attached June 21 memorandum is a highlighted version of First Amendment showing in redline the revisions requested by the City Attorney that have not yet been agreed to by the School's attorney.

LIST OF ATTACHMENTS:

- A. Ordinance with First Amendment attached as Exhibit A
 - B. Staff memorandum
-

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for City Council action:

Move to adopt on second reading AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO

REVIEWED BY CITY MANAGER:

FIRST READING: May 17, 2011

SECOND READING: June 21, 2011

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOVELAND, COLORADO APPROVING AN AMENDMENT TO THE ANNEXATION AGREEMENT FOR CERTAIN PROPERTY LOCATED WITHIN THE CHURCH AT LOVELAND ADDITION, CITY OF LOVELAND, COUNTY OF LARIMER, COLORADO

WHEREAS, on December 5, 2006, under Ordinance No. 5151, the Loveland City Council approved annexation of certain property known as the Church at Loveland Addition to the City of Loveland, Colorado, more particularly described in Attachment 1, attached hereto and incorporated herein, (the “Property”); and

WHEREAS, the Church at Loveland Addition is subject to an Annexation Agreement which was approved by Loveland City Council also under Ordinance No. 5151 (the “Annexation Agreement”); and

WHEREAS, the Annexation Agreement requires that the primary use of the Property shall be limited to a Place of Worship or Assembly, and any accessory uses associated therewith; and

WHEREAS, the new owner of the Property desires to build a charter school on the Property, which under the Annexation Agreement was allowed as an accessory use to a church, but not as a primary use; and

WHEREAS, City staff has reviewed the new owner’s request and have no objection to an Amendment to the Annexation Agreement allowing a charter school on the Property as a primary use.

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

Section 1. That an amendment to the Annexation Agreement Pertaining to The Church at Loveland Addition to The City of Loveland, Larimer County, Colorado, attached hereto and incorporated herein by reference as **Exhibit A**, is hereby approved (the “First Amendment”).

Section 2. That the City Manager is authorized, following consultation with the City Attorney, to approve changes to the form of the First Amendment provided that such changes do not impair the intended purpose of the First Amendment as approved by this Ordinance. The City Manager and the City Clerk are authorized and directed to execute the First Amendment on behalf of the City of Loveland.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading, unless the Ordinance has been amended since first reading, in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 4. That the City Clerk is hereby directed to record this Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with state statutes.

Dated this ____ day of _____, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:

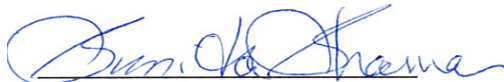

Assistant City Attorney

EXHIBIT A

**FIRST AMENDMENT TO THE ANNEXATION AGREEMENT PERTAINING TO THE
CHURCH AT LOVELAND ADDITION TO THE CITY OF LOVELAND, LARIMER
COUNTY, COLORADO**

This FIRST AMENDMENT to the Annexation Agreement Pertaining to The Church at Loveland Addition to the City of Loveland, Larimer County, Colorado, is entered into this ____ day of _____, 2011 (“First Amendment”), by and among the CITY OF LOVELAND, COLORADO, a home rule municipality (“City”) and Loveland Classical School Project Development, LLC, a Utah limited liability company (“Developer”), jointly referred to herein as (“the Parties”).

WITNESSETH

WHEREAS, on January 5, 2007, the City and the Developer’s predecessor in title to the hereafter described Property, entered into an Annexation Agreement Pertaining to the Church at Loveland Addition to the City of Loveland, Larimer County, Colorado, (“the Annexation Agreement”) regarding certain property, more particularly described in **Attachment 1**, attached hereto and incorporated herein (“the Property”) , which was recorded in the Larimer County Records on February 13, 2007 at Reception No. 20070011386; and

WHEREAS, on December 5, 2006, the Loveland City Council passed on second reading, Ordinance No. 5151 approving the Annexation Agreement, which was recorded in the Larimer County Records on February 13, 2007 at Reception No. 20070011385; and

WHEREAS, the Annexation Agreement provides that it may only be amended by written agreement of the City and the Developer; and

WHEREAS, the Developer has purchased the Property for the use and benefit of Loveland Classical Schools, a Colorado nonprofit corporation and public charter school, and will thereby take on the responsibilities, benefits and burdens of the Developer under the Annexation Agreement as amended by this First Amendment; and

WHEREAS, the Parties now desire to make certain changes to the Annexation Agreement.

NOW, THEREFORE, by and in consideration of mutual covenants contained herein and other good and valuable consideration, the Parties agree to the following:

1. Paragraph 7. of the Annexation Agreement is amended to read in full as follows:
 7. Public Street Improvements.

7.1 If the Property is used as a public or private school, in order to safely accommodate the traffic associated with such school use within the Property, the Developer shall modify the existing center median in 14th Street Southwest, per the approval of the City Engineer, to allow exiting left-turns from the Property access onto 14th Street Southwest. Any such modification undertaken by the Developer shall be done in such a manner so as to ensure that the remaining irrigation system within the existing center median remains intact and continues to operate and function properly with respect to any remaining landscaping. Additionally, any trees which must be removed due to such modification shall be preserved by Developer and if so requested by the Blackbird Knolls Homeowners Association (the "Association") on or before July 1, 2011, Developer shall provide to the Association those trees requested for replanting. The Developer shall design and construct the median improvements per the approval of the City Engineer prior to the opening of the public or private school.

7.2 In the event a public or private school is located on the Property and any development occurs on any adjacent or nearby property, including, without limitation, any expansion of any public or private school hereafter located on the Property onto such adjacent or nearby property, and such development requires or requests, for any reason, access through or over the Property for ingress from or egress to 14th Street Southwest, the Developer shall not grant, permit, or allow such access across the Property without the Loveland City Council's prior written consent.

7.3 In the event the City Engineer observes or determines that any of the following conditions exist, the City Engineer may give the Developer written notice of such condition and require the Developer to remedy the condition:

- (a) Traffic generated from activities on the Property are exceeding the trip generation projections in the "Loveland Classical Schools Traffic Impact Study" dated May 2011 prepared by Developer's traffic engineers, Delich Associates, and on file with the City; or
- (b) The student enrollment of any public or private school being operated on the Property exceeds six hundred twenty (620) students;
- (c) The traffic generated by the then current use at the Property is creating a public safety hazard for motor vehicle traffic, bicycles, or pedestrians.

In the event the Developer fails to remedy such condition within sixty (60) days following receipt of such notice, or if the condition is not curable within such time period, and the Developer fails to provide the City Engineer within such 60-day period a written plan from a traffic engineer licensed as a professional engineer in the state of Colorado that will, in the City Engineer's reasonable judgment, remedy the condition, the Developer agrees that the City Engineer may, in the exercise of the City's police powers, take such actions as are needed to restrict traffic access to the Property as authorized in the Larimer County Urban Street Standards, the City Code, or under State law, in order to remedy the condition. The Developer's failure to timely follow and complete any plan to remedy the condition that is provided by the Developer's traffic engineer and the City Engineer, shall also be grounds authorizing the City Engineer to so restrict traffic access to the Property.

2. Paragraph 8. of the Annexation Agreement is amended to read in full as follows:

8. Limitation on allowable land uses. Notwithstanding the provisions of the B-Developing Business Zone District, use of the Property shall be limited to a Place of Worship or Assembly; Public and Private schools with a student body enrollment not exceeding six hundred twenty (620) students; and Accessory Uses associated therewith. If the Property is used as a public or private school, upon written request by the City, the school occupying the Property shall provide the City written documentation of the number of students enrolled in the school, within fifteen (15) days of receiving such request. Allowable Accessory Uses on the Property shall include, without limitation, the following uses provided that such uses are in compliance with all other applicable provisions of Chapter 18.48 of the Loveland Municipal Code:

- a. Single-family dwelling(s) – strictly for staff housing;
- b. Two-family dwelling(s) – strictly for staff housing;
- c. Accessory buildings, fields, and play areas for public or private schools;
- d. Commercial day-care center licensed by the state;
- e. Pre-school or before and after school program operated in conjunction with a Public or Private school;
- f. Community facility; and
- g. Conference Center.

3. Paragraph 10. of the Annexation Agreement is amended to read in full as follows:

10. Compliance of exterior architecture. The initial improvements by Developer to the Property for use as a public school have been approved by the City Planning Manager. Any future phases of improvements constructed on the Property shall remain consistent with the architectural features and standards of the existing buildings on the Property.

4. Paragraph 14. of the Annexation Agreement is amended to read in full as follows:

14. Remedies. In the event that a party breaches its obligations under this Agreement, the injured party shall be entitled only to equitable relief, including specific performance, and such other equitable remedies as may be available under applicable law. Notwithstanding the foregoing, in the event of a breach of this Agreement by the Developer, the City shall have full authority to exercise its police powers under any applicable law in order to enforce this Agreement, including without limitation, restrict motor vehicle access to the Property.

5. Paragraph 16. of the Annexation Agreement is amended to read in full as follows:

16. Binding Effect and Recordation. The promises made in this Agreement by the Developer shall be deemed to have been made by any corporation or another business affiliated with Developer that acquires ownership or possession of all or any portion of the Property. It is the intent of the parties that their respective rights and obligations set forth in this Agreement shall constitute covenants and equitable servitudes that run with the Property and shall benefit and burden any successors and assigns of the parties. The Developer agrees that all promises made by the Developer under this Agreement shall constitute covenants and equitable servitudes that run with the land.

ATTACHMENT 1

That portion of Section 21, Township 5 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, described as follows: Beginning at the Southwest corner of said Section 21; thence along the centerline of that certain parcel of land described in deed recorded in Book 1028 Page 527 records of said County, North $00^{\circ}56'30''$ East 543.02 feet; thence North $89^{\circ}43'30''$ East 30.01 feet to the Southwest corner of that certain parcel of land described in instrument recorded in Book 1333 Page 39 records of said County; thence along the Southerly line of said land recorded in Book 1333 Page 39, North $89^{\circ}43'30''$ East 502.10 feet; thence South $89^{\circ}50'00''$ East 637.74 feet to the TRUE POINT OF BEGINNING; thence continuing South $89^{\circ}50'00''$ East 513.46 feet to the Southeast corner of said land recorded in Book 1333 Page 39; thence South $00^{\circ}56'30''$ West 509.07 feet to a line that is parallel with and 40.00 feet North (measured at right angles) of the South line of the Southwest Quarter of Section 21; thence along said parallel line North $89^{\circ}46'02''$ West 513.45 feet to a line that bears North $00^{\circ}56'30''$ East and passes through the TRUE POINT OF BEGINNING; thence along said line North $00^{\circ}56'30''$ East 508.48 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 5.996 acres, more or less, and is subject to all existing easements and/or rights of way of record.



Development Services Current Planning

500 East Third Street, Suite 310 • Loveland, CO 80537
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MEMORANDUM

TO: City Council

FROM: Troy Bliss, Senior Planner

DATE: June 21, 2011

RE: Loveland Classical School, Church at Loveland Addition Annexation Agreement Amendment

I. EXHIBITS

1. June 2, 2011 letter from Blackbird Knolls.
2. Loveland Classical School Site Development Plan.
3. Amended Annexation Agreement (red line version)

II. PROPERTY LOCATION



III. JUNE 7, 2011 CITY COUNCIL DIRECTION

A. Council direction: On June 7, 2011 City Council considered a request by the Loveland Classical School Project Development, LLC (the “Developer”) to amend the Church at Loveland Addition Annexation Agreement (the “Agreement”). City Council continued the June 7, 2011 hearing to June 21, 2011, directing City staff to provide additional information and, if necessary, incorporate additional language into the proposed amendment to the Agreement to address the following questions:

1. Would the City be liable for any compensation to the Blackbird Knolls HOA for the removal of landscaping in the median in 14th Street SW?
2. Can the amended Agreement include provisions requiring the school to come back to the City if they have more than 620 students or they expand to the north?

B. City liability for modifications to median and removal of landscaping:

1. **History:** The current median has been in place since the original improvements were installed as a condition of the approval of the Blackbird Knolls subdivision. The median landscaping was proposed and installed by the original developer of the subdivision. Since the City does not normally agree to provide maintenance of this type of landscaping, the developer agreed to accept this responsibility with the condition of passing the responsibility to the homeowners association.

The median improvements, including the landscaping, are within the City’s right-of-way, and are subject to the City’s policies and needs. In this case, the reconfiguration of the median is required to provide safe access for the proposed school. All work that is completed is subject to the City’s construction standards and specifications, and will have a 2-year warranty.

2. **Analysis:** City staff has researched this issue and has determined that the City would not be obligated to reimburse the Blackbird Knolls HOA for modifications to the median or the removal of landscaping within the median. The City has the legal authority to exercise its police powers for the purpose of protecting the public health, safety and welfare. The access modifications in 14th Street SW are needed to protect public safety.
3. **Revisions to amended annexation agreement:** City staff is recommending that language be added to the Agreement (see paragraph 7.1) to ensure that: (i) the irrigation system remaining after the median is modified remain intact and functional and; (ii) if requested by the Blackbird Knolls HOA, the trees removed from the median be preserved and provided to the HOA for replanting in the Blackbird Knolls common open space.

C. City Council control over future school expansion:

1. **Analysis:** City staff is recommending three approaches to provide City Council control over expansion of the school on the subject property or on the adjacent property to the north: (i) limiting the number of student attending the school on the subject property to 620 students; (ii) prohibiting traffic generated from an adjacent property from accessing 14th Street SW through the subject property; and (iii) establishing criteria under which the City Engineer may find that an unsafe condition exist at the

14th Street SW access and, if not remedied by the Developer, restrict vehicle access to the subject property from 14th Street SW.

- 2. Revisions to amended annexation agreement:** Language has been added to paragraph 8 of the Agreement to limit student body enrollment on the subject property to 620 students and require any school occupying the subject property to provide the City with written documentation of the number of students enrolled in the school, if request by the City.

Provisions have been added to paragraph 7.2 to prohibit the Developer from allowing traffic generated from adjacent property to access 14th Street SW through the subject property, unless City Council gives its consent to such additional traffic. Language has been added to paragraph 7.3 to establish specific conditions under which the City Engineer could determine that an increase in traffic is occurring at the 14th Street SW access and provisions requiring the Developer to remedy such conditions within 30 days. This section also include language establishing that if the Developer does not remedy the conditions within 30 days, the City may exercise its police powers and restrict access to the subject property from 14th Street SW.

- IV. School expansion in unincorporated Larimer County:** Questions were asked at the June 7th hearing about the City's involvement in any plans to expand the school onto adjacent property within unincorporated Larimer County. Under the City's IGA with Larimer County, an expansion of the school could be allowed in the County without requiring the City to consider annexation. However, the school would still have to obtain approval from City Council of an agreement to provide sewer and water services outside City limits. In Section 6 of the amendment to the Agreement, the school acknowledges that it will need the Council's prior consent to obtain such utility services in the future.
- V. Other revisions to Agreement:** The language in paragraph 14 has been revised to establish remedies available to the City in the event of a breach of the Agreement. Provisions have been added to require that any modification to the Agreement be in writing, signed by both parties, and approved by City Council.
- VI. Summary of traffic impact analysis:** Generally speaking, the improvements proposed for the school meet the City's standards for mitigating impacts based on the projected school traffic and protect the existing traffic patterns within the Blackbird Knolls subdivision. A number of alternatives were considered as part of this process, all with more negative impacts than the proposed improvements.
- A. Impacts of the additional traffic on Blackbird Knolls:** The access plan for Loveland Classical Schools has been designed to minimize the impact on the Blackbird Knolls subdivision. The vast majority of the traffic will come from east and northeast of the school site, and return in that direction as well. The improvements being constructed for left turns out of the school site will be required to merge into the traffic on eastbound 14th Street SW and will need to yield to existing traffic. The existing access at Bengal Drive has been maintained and is west of the merge point from the school, allowing the traffic from Bengal to make the normal turns onto 14th Street SW.

Based on information from the school, a very small number of vehicles will be coming from the west. There are several options for these vehicles, including the ability for those travelling east on 14th Street SW to make a safe and legal u-turn at Angora Drive.

While traffic volumes will increase, 14th Street SW has been designed and constructed to meet the standards of a 2-lane arterial roadway. The addition of the traffic from the school will result in overall volumes that are still significantly lower than the road is designed to carry.

- B. Installation of crosswalk across 14th Street SW at Bengal Avenue:** The installation of the crosswalk across 14th Street SW at Bengal Avenue, including the cut in the median, will allow for improved access to and from the school and the neighborhood. The location west of the school access and at an intersection where only right turns in and out are allowed, and within the school zone proposed with the school, results in a safer situation than other alternatives.

It is possible that some may choose to use the existing public street system in Blackbird Knolls to drop off or pick up their students. This type of activity is allowed on public streets. The City will monitor this location to address safety issues and will work with the school related to this situation as the plans proposed by the school are intended to have drop-off and pick-up happen within the school site.



HindmanSanchez

June 2, 2011

Via E-mail and U.S. Mail

Joan Shaffer
City Councilor
218 E. 6th Street
Loveland, CO 80537
Joan.shaffer@ci.loveland.co.us

Carol Johnson
City Councilor
357 Medina Court
Loveland, CO 80537
Carol.johnson@ci.loveland.co.us

Planning Department
City of Loveland
500 East Third Street
Loveland, CO 80537

Dustin Jones, President
Education Facility Solutions
725 S. Broadway, Suite 1
Denver, CO 80209
djones@efsk12.com

Re: *Loveland Classical School - Charter School Development Plan*
Our File No. 8137.001

Greetings:

HindmanSanchez, P.C. represents the Blackbird Knolls Homeowners Association (the "Association"). The Association's Board of Directors has requested that we write to all of you regarding the proposed location and development of the Loveland Classical School at the Church of Loveland facility located to the North of the Blackbird Knolls community.

First of all, let me say that the Board of Directors is intrigued about the possibility of a charter school being located so close to the community, and is conscious of all of the benefits that such a school would provide to the community as a whole. In no way is the Board opposed to the general plan of locating the school at the church's facilities. However, there are a few very specific facets of the currently proposed development plan that concern the Board for the reason that they could present several traffic flow, congestion, vehicular hazard and wear and tear issues for the Association and its members. For your further information, consideration and discussion, the following is a list of those items of concern:

- The school will be located across SW14 from the Association. There is a median currently located in SW14 that separates the church and the Association. The current plan is to reconfigure the

Denver Office
Eric R. McLennan, Esq.
Direct 303.991.2014
emclennan@hindmansanchez.com

EXHIBIT 1

Page 2

Joan Shaffer, et al

June 2, 2011

median to allow left turns out of the church parking lot onto East-bound SW14. No left hand turns from East-bound SW14 into the parking lot will be allowed. Nor will left turns from West-bound SW14 onto Bengal be allowed. Thus, all traffic into the school parking lot will necessarily have to be from the West-bound SW14 lanes. This will create a situation where any cars coming from the West will have to either make a U-turn somewhere on SW14 or take a route through the Association to switch directions so that they can enter the parking lot utilizing the West-bound SW14 lanes. While this may be similar to the current route used by many to enter the church parking lot, the Association is very concerned that the increased traffic flow from the school, on a daily basis, will cause a residual negative impact to the Association's members.

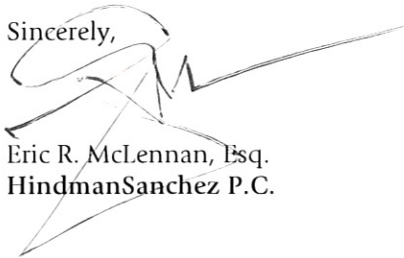
- In addition, it has been proposed that a crosswalk will be installed at the intersection of SW14 and Bengal. Because of the traffic flow and other route difficulties outlined in the bullet point above, the Board can foresee many parents choosing to park on Bengal, Leopard or Persian and waiting for their kids to walk to their cars. It goes without saying that this significant and daily additional parking burden will have a significant effect on the Association and its members.
- As you may be aware, the Association has historically been required to maintain the median in question. The Board believes that some discussion is warranted regarding whether such requirement will continue in light of this future development. Further, the Board would like to raise the issue of whether it is appropriate to compensate the Association for both its historical costs and potential future costs in this regard, as well as for the loss of mature trees and other aesthetic landscaping features.

In light of all of the foregoing, the Board believes that other options should be investigated with regard to the median in question. Among these options may be re-configuring so that a left turn from East-bound SW14 into the parking lot would be allowed.

We understand that the City has already had at least one public meeting regarding this matter, and have another one scheduled for June 7th. The Association's Board of Directors simply asks to be a part of the process, to receive all applicable notifications of meetings, hearings, and other actions taken in this matter, and to have its concerns heard and duly considered.

If you should have any questions or require additional information, please do not hesitate to contact us.

Sincerely,



Eric R. McLennan, Esq.
HindmanSanchez P.C.

ERM/elm

c: Blackbird Knolls HOA, Board of Directors

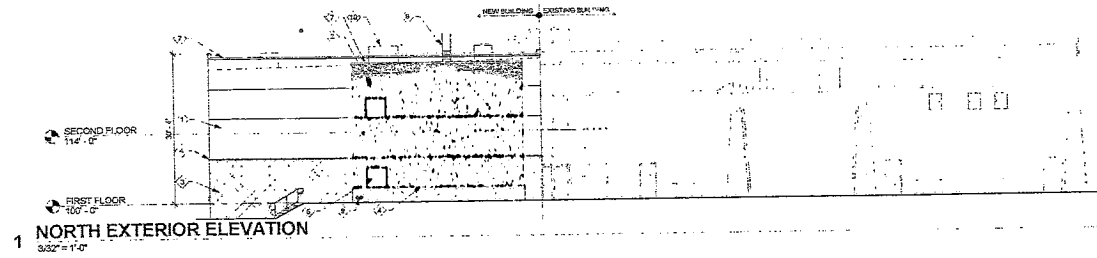
Melissa M. Garcia, Esq.

05714079

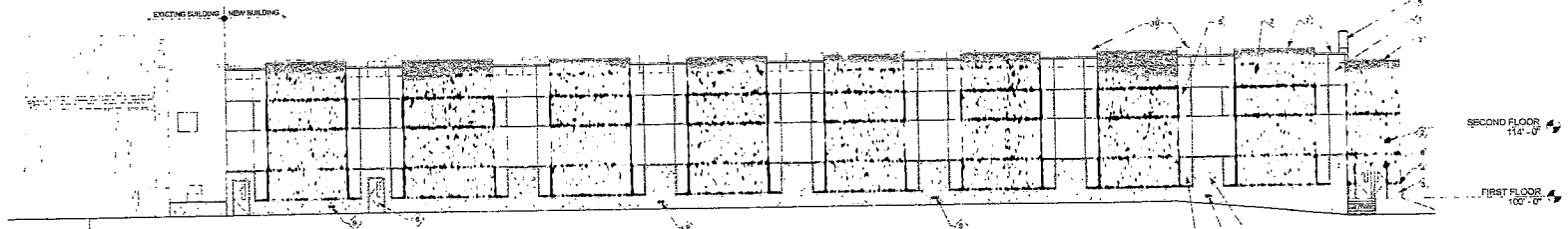
LOVELAND CLASSICAL SCHOOLS
 LOT 1, BLOCK 1, CHURCH AT LOVELAND 1ST SUBDIVISION
 A PART OF THE SW 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M.
 CITY OF LOVELAND, LARIMER COUNTY, COLORADO
SITE DEVELOPMENT PLAN

ELEVATION KEYNOTES

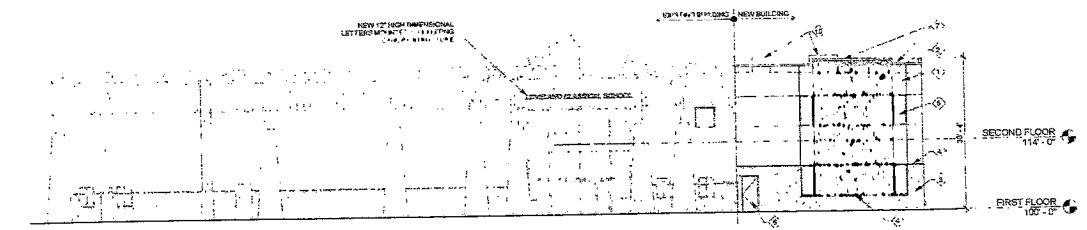
- 1 CEILING PANEL SIDING - PREFINISHED BROWN 1 1/4" x 1 1/4" EXISTING 6-1/8" COLOR
- 2 CONVENTIONAL PANEL SIDING - PREFINISHED BROWN 1 1/4" x 1 1/4" EXISTING 6-1/8" COLOR
- 3 MANUFACTURED STONE VENEER - MATCH EXISTING CHURCH STONE VENEER
- 4 MANUFACTURED STONE SILL - MATCH EXISTING STONE
- 5 ALUM. CLAD WOOD FINISH - MATCH EXISTING VERANDA ON 10' x 10' x 10'
- 6 YELLOW METAL DOWNSPOUTS & FRAMES - PAINT TO MATCH EXISTING PAINT
- 7 PREFINISHED METAL CORNING - PARADISE DOLBY COLOR
- 8 ROOF LADDER - PAINT TO MATCH BERTIE WALL COLOR
- 9 LARGES TORQUE DOWNSPOUT ROOF DRAIN
- 10 MECHANICAL W/VT. SHOWN DASHED, TYP. ELEV. IS LOCATED TOWARDS MIDDLE OF ROOF AND WILL NOT BE SHARPLY WHOLE FROM GROUND LEVEL



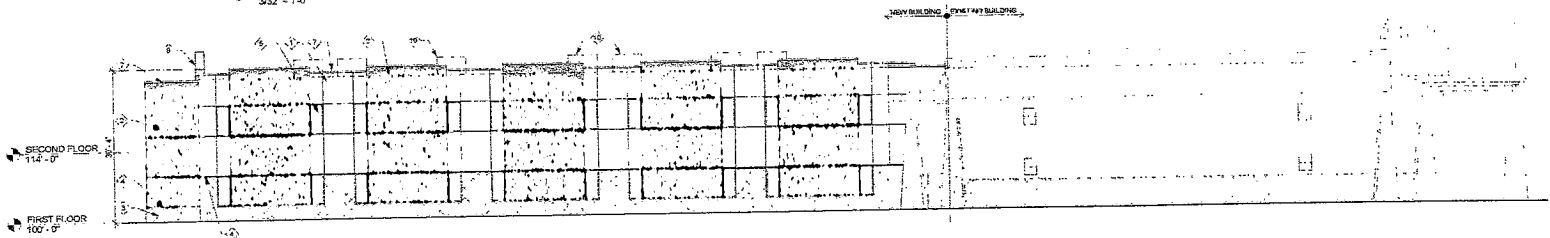
1 NORTH EXTERIOR ELEVATION
3/32" = 1'-0"



2 EAST EXTERIOR ELEVATION
3/32" = 1'-0"



3 SOUTH EXTERIOR ELEVATION
3/32" = 1'-0"



4 WEST EXTERIOR ELEVATION
3/32" = 1'-0"

LUND
 ARCHITECTS
 1501 W. 10th Street, Suite 100
 Loveland, CO 80538
 Phone: 970.666.1111
 Fax: 970.666.1112
 www.lundarchitects.com

No.	Revision	Date	By

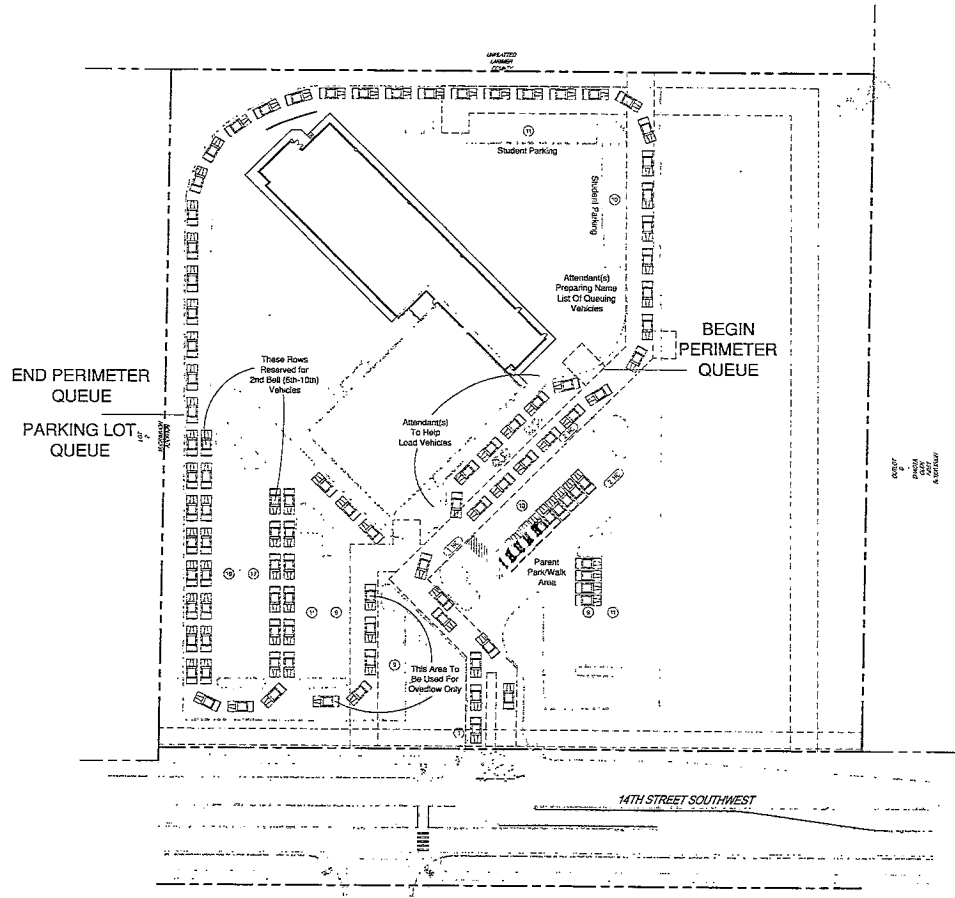
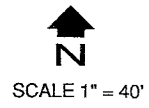
LOVELAND CLASSICAL SCHOOLS
1ST SUBDIVISION, BLOCK 1, LOT 1
BUILDING ELEVATIONS
 PREPARED FOR: EDUCATION CAPITAL SOLUTIONS, LLC
 ADDRESS: 909 WALNUT STREET, 300
 DENVER, CO 80202

CALL UTILITY NOTIFICATION
 CENTER OF COLORADO
 811
 CALL 2 BUSINESS DAYS IN ADVANCE
 BEFORE YOU DIG. CHARGE: \$100
 FOR THE LUNDING OF THE PROJECT.
 1-800-4-A-TURTLES

DATE: JUNE 3, 2011
 JOB NUMBER: 510-0291
 SCALE: 1/32" = 1'-0"

SHEET
3 OF 4

LOVELAND CLASSICAL SCHOOLS
LOT 1, BLOCK 1, CHURCH AT LOVELAND 1ST SUBDIVISION
A PART OF THE SW 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M.
CITY OF LOVELAND, LARIMER COUNTY, COLORADO
SITE DEVELOPMENT PLAN



Loveland Classical School's (LCS) access to 14th Street SW has been approved based upon the findings of the City-approved Traffic Impact Study dated 5/29/11. The following Trip Generation Table from the study represents the maximum approved traffic volumes for the 14th Street SW access. Should the LCS traffic in the future exceed the volumes indicated in this sheet, it will be necessary for LCS to provide secondary access to the property at a location approved by the City.

TABLE 2
Trip Generation

Category	Area	Area Type	Area Size (sq ft)	Area Type	Area Type	Area Type	Area Type	Area Type	Area Type	Area Type	Area Type	Area Type	Area Type	Area Type	Area Type
5M	Public School Bldg	K-12 School	214	0.485	119	0.448	148	0.79	101	0.52	113	0.29	79	0.16	38
	Lot 1/2/3/4/5/6	Lot	124	0.0	0	0	0	0	0	0	0	0	0	0	0
	Lot 7/8/9/10/11/12	Lot	640	0.0	0	0	0	0	0	0	0	0	0	0	0
5M	Home School Bldg	Home School	214	0.465	123	0.071	105	0.23	72	0.22	63	0.58	21	0.19	26
	Lot 13/14/15/16/17/18/19/20	Lot	111	0.0	0	0	0	0	0	0	0	0	0	0	0
	Trailer	Trailer	405	0.0	0	0	0	0	0	0	0	0	0	0	0
	Total		1361	0.95	242	0.519	253	0.23	173	0.74	176	0.29	79	0.35	64

ON-SITE CIRCULATION PLAN

LUND
 12025 W. Russell Avenue, Suite 100
 Denver, Colorado 80228
 P: 303-440-1111 F: 303-440-1110
 CIVIL ENGINEERING & ARCHITECTURE

No.	Revision	Date	By

LOVELAND CLASSICAL SCHOOLS
1ST SUBDIVISION, BLOCK 1, LOT 1
CIRCULATION PLAN
 PREPARED FOR: EDUCATION OPTIMAL SOLUTIONS, LLC
 ADDRESS: 909 WINDY SUITE 200
 DENVER, CO 80202

CALL UTILITY NOTIFICATION
 CENTER OF COLORADO
 811
 CALL 2 BUSINESS DAYS IN ADVANCE
 BEFORE YOU DIG, GRADE, OR EXCAVATE
 FOR THE MAINTENANCE OF UNDERGROUND
 MEMBER UTILITIES

DATE: JUNE 3, 2011
 JOB NUMBER: 560-0201
 SCALE: 1"=40'

SHEET
 4 OF 4

FIRST AMENDMENT TO THE ANNEXATION AGREEMENT PERTAINING TO THE CHURCH AT LOVELAND ADDITION TO THE CITY OF LOVELAND, LARIMER COUNTY, COLORADO

This FIRST AMENDMENT to the Annexation Agreement Pertaining to The Church at Loveland Addition to the City of Loveland, Larimer County, Colorado, is entered into this ____ day of _____, 2011 (“First Amendment”), by and among the CITY OF LOVELAND, COLORADO, a home rule municipality (“City”) and Loveland Classical School Project Development, LLC, a Utah limited liability company (“Developer”), jointly referred to herein as (“the Parties”).

WITNESSETH

WHEREAS, on January 5, 2007, the City and the Developer’s predecessor in title to the hereafter described Property, entered into an Annexation Agreement Pertaining to the Church at Loveland Addition to the City of Loveland, Larimer County, Colorado, (“the Annexation Agreement”) regarding certain property, more particularly described in **Attachment 1**, attached hereto and incorporated herein (“the Property”) , which was recorded in the Larimer County Records on February 13, 2007 at Reception No. 20070011386; and

WHEREAS, on December 5, 2006, the Loveland City Council passed on second reading, Ordinance No. 5151 approving the Annexation Agreement, which was recorded in the Larimer County Records on February 13, 2007 at Reception No. 20070011385; and

WHEREAS, the Annexation Agreement provides that it may only be amended by written agreement of the City and the Developer ~~which at the time of the Agreement consisted of the Church at Loveland~~; and

WHEREAS, ~~Loveland Classical School Project Development LLC, the Developer~~ has purchased the Property for the use and benefit of Loveland Classical Schools, a Colorado nonprofit corporation and public charter school, and will thereby take on the responsibilities, benefits and burdens of the Developer under the Annexation Agreement as amended by this First Amendment; and

WHEREAS, the Parties now desire to make certain changes to the Annexation Agreement.

NOW, THEREFORE, by and in consideration of mutual covenants contained herein and other good and valuable consideration, the Parties agree to the following:

1. Paragraph 7. of the Annexation Agreement is amended to read in full as follows:

7. Public Street Improvements.

7.1 If the Property is used as a public or private school, in order to safely accommodate the traffic associated with such school use within the Property, the Developer shall modify the existing center median in 14th Street Southwest, per the approval of the City Engineer, to allow exiting left-turns from the Property access onto 14th Street Southwest. Any such modification undertaken by the Developer shall be done in such a manner so as to ensure that the remaining irrigation system within the existing center median remains intact and continues to operate and function properly with respect to any remaining landscaping. Additionally, any trees which must be removed due to such modification shall be preserved by Developer and if so requested by the Blackbird Knolls Homeowners Association (the "Association") on or before July 1, 2011, Developer shall provide to the Association those trees requested for replanting. The Developer shall design and construct the median improvements per the approval of the City Engineer prior to the opening of the public or private school.

7.2 In the event a public or private school is located on the Property and any development occurs on any adjacent or nearby property, including, without limitation, any expansion of any public or private school hereafter located on the Property onto such adjacent or nearby property, and such development requires or requests, for any reason, access through or over the Property for ingress from or egress to 14th Street Southwest, the Developer shall not grant, permit, or allow such access across the Property without the Loveland City Council's prior written consent, ~~which shall not be unreasonably conditioned or withheld.~~

7.3 In the event the City Engineer observes or determines that any of the following conditions exist, the City Engineer may give the Developer written notice of such condition and require the Developer to remedy the condition:

- (a) Traffic generated from activities on the Property are ~~materially~~ exceeding the trip generation projections in the "Loveland Classical Schools Traffic Impact Study" dated May 2011 prepared by Developer's traffic engineers, Delich Associates, and on file with the City; or
- (b) The student enrollment of any public or private school being operated on the Property exceeds six hundred twenty (620) students;:-
- (b)(c) The traffic generated by the then current use at the Property is creating a public safety hazard for motor vehicle traffic, bicycles, or pedestrians.

In the event the Developer fails to remedy such condition within sixty (60) days following receipt of such notice, or if the condition is not curable within such time period, ~~and the Developer~~ fails to provide the City Engineer within such 60-day period, ~~with~~ a written plan from a traffic engineer licensed as a professional engineer in the state of Colorado that will, in the City Engineer's reasonable judgment, remedy the condition ~~to the City Engineer's satisfaction~~, the Developer agrees that the City Engineer may, in the exercise of the City's police powers, take such actions as are needed to restrict traffic access to the Property as authorized in ~~Sections 9.4.10 and 9.6 of~~ the Larimer County

Urban Street Standards, ~~in~~ the City Code, or under State law, in order to remedy the condition. The Developer's failure to timely follow and complete any plan to remedy the condition that is provided by the Developer's traffic engineer and ~~that~~ the City Engineer, ~~approved~~, shall also be grounds authorizing the City Engineer to so restrict traffic access to the Property.

2. Paragraph 8. of the Annexation Agreement is amended to read in full as follows:

8. Limitation on allowable land uses. Notwithstanding the provisions of the B-Developing Business Zone District, use of the Property shall be limited to a Place of Worship or Assembly; Public and Private schools with a student body enrollment not exceeding six hundred twenty (620) students; and Accessory Uses associated therewith. If the Property is used as a public or private school, upon written request by the City, the school occupying the Property shall provide the City written documentation of the number of students enrolled in the school, within fifteen (15) days of receiving such request. Allowable Accessory Uses on the Property shall include, without limitation, the following uses provided that such uses are in compliance with all other applicable provisions of Chapter 18.48 of the Loveland Municipal Code:

- a. Single-family dwelling(s) – strictly for staff housing;
- b. Two-family dwelling(s) – strictly for staff housing;
- c. Accessory buildings, fields, and play areas for public or private schools;
- d. Commercial day-care center licensed by the state;
- e. Pre-school or before and after school program operated in conjunction with a Public or Private school;
- f. Community facility; and
- g. Conference Center.

3. Paragraph 10. of the Annexation Agreement is amended to read in full as follows:

10. Compliance of exterior architecture. The initial improvements by Developer to the Property for use as a public school have been approved by the City Planning Manager. Any future phases of improvements constructed on the Property shall remain consistent with the architectural features and standards of the existing buildings on the Property.

4. Paragraph 14. of the Annexation Agreement is amended to read in full as follows:

14. Remedies. In the event that a party breaches its obligations under this Agreement, the injured party shall be entitled only to equitable relief, including specific performance, and such other equitable remedies as may be available under applicable law. Notwithstanding the foregoing, in the event of a breach of this Agreement by the Developer, the City shall have full authority to exercise its police powers under any applicable law in order to enforce this Agreement, including without limitation, restrict motor vehicle access to the Property.

5. Paragraph 16. of the Annexation Agreement is amended to read in full as follows:

16. Binding Effect and Recordation. The promises made in this Agreement by the Developer shall be deemed to have been made by any corporation or another business affiliated with Developer that acquires ownership or possession of all or any portion of the Property. It is the intent of the parties that their respective rights and obligations set forth in this Agreement shall constitute covenants and equitable servitudes that run with the Property and shall benefit and burden any successors and assigns of the parties. The Developer agrees that all promises made by the Developer under this Agreement shall constitute covenants and equitable servitudes that run with the land.

6. The Developer acknowledges and agrees that in the event it expands the student enrollment capacity of its proposed public school on the Property by constructing a new building on any adjacent property without such property being annexed to the City, the City shall be under no obligation to provide any out-of-city utility services to the new building, such as water, sewer and electricity, without the Loveland City Council’s prior written consent as required in the City’s Municipal Code.

7. Except for the changes set forth above, all of the terms and conditions of the Annexation Agreement shall continue in full force and effect and shall continue to be binding on all parties thereto, ~~except to the extent that a public school owner or user of the Property is otherwise specifically exempt from the same pursuant to C.R.S. §22-32-124. Notwithstanding the foregoing sentence of this paragraph, the parties acknowledge and agree that the City is not hereby waiving or releasing any future rights or claims it may have to enforce the terms and conditions of the Annexation Agreement, as herein amended, with respect to any future use or development of the Property by any such school or by any of its successors or assigns.~~

8. Any modification from the original Annexation Agreement or this First Amendment must be in writing, signed by both Parties, and shall require prior written approval from City Council.

9. This First Amendment shall be null and void if a public or private school does not occupy the Property by December 31, 2011. In such instance, the original Annexation Agreement Pertaining To The Church At Loveland Addition To The City Of Loveland, Larimer County, Colorado shall remain in full effect as originally recorded at Reception No. 20070011386 on February 13, 2007.

10. The City shall record this First Amendment with the Larimer County Clerk and Recorder.


ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

William D. Cahill, City Manager

APPROVED AS TO FORM:


Assistant City Attorney

STATE OF COLORADO }
_____)ss
County of _____ }

The foregoing instrument was acknowledged before me this _____ day of _____, 2011 by William D. Cahill, as City Manager, and by Teresa Andrews, City Clerk, of the City of Loveland, Colorado, a Colorado home rule municipality.

Witness my hand and official seal.

My commission expires: _____.

Notary Public

**LOVELAND CLASSICAL SCHOOL PROJECT DEVELOPMENT, LLC,
A UTAH LIMITED LIABILITY COMPANY**

Mark Skousen, Authorized Member

STATE OF UTAH)
_____) ss
COUNTY OF SALT LAKE)

The foregoing Annexation Agreement was executed and acknowledged before me this _____ day of _____, 2011 by Mark Skousen, Authorized Member of Loveland Classical School Project Development, LLC.

WITNESS my hand an official seal.

SEAL

Notary Public My commission expires _____.

ATTACHMENT 1

That portion of Section 21, Township 5 North, Range 69 West of the 6th Principal Meridian, County of Larimer, State of Colorado, described as follows: Beginning at the Southwest corner of said Section 21; thence along the centerline of that certain parcel of land described in deed recorded in Book 1028 Page 527 records of said County, North $00^{\circ}56'30''$ East 543.02 feet; thence North $89^{\circ}43'30''$ East 30.01 feet to the Southwest corner of that certain parcel of land described in instrument recorded in Book 1333 Page 39 records of said County; thence along the Southerly line of said land recorded in Book 1333 Page 39, North $89^{\circ}43'30''$ East 502.10 feet; thence South $89^{\circ}50'00''$ East 637.74 feet to the TRUE POINT OF BEGINNING; thence continuing South $89^{\circ}50'00''$ East 513.46 feet to the Southeast corner of said land recorded in Book 1333 Page 39; thence South $00^{\circ}56'30''$ West 509.07 feet to a line that is parallel with and 40.00 feet North (measured at right angles) of the South line of the Southwest Quarter of Section 21; thence along said parallel line North $89^{\circ}46'02''$ West 513.45 feet to a line that bears North $00^{\circ}56'30''$ East and passes through the TRUE POINT OF BEGINNING; thence along said line North $00^{\circ}56'30''$ East 508.48 feet to the TRUE POINT OF BEGINNING.

The above described parcel contains 5.996 acres, more or less, and is subject to all existing easements and/or rights of way of record.



CITY OF LOVELAND
 COMMUNITY PARTNERSHIP OFFICE
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2517 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 7
MEETING DATE: June 21, 2011
TO: City Council
FROM: Community Partnership Office
PRESENTER: Alison Hade

TITLE:

A RESOLUTION APPROVING THE GRANT FUNDING RECOMMENDATIONS OF THE LOVELAND HUMAN SERVICES COMMISSION AND THE LOVELAND AFFORDABLE HOUSING COMMISSION

DESCRIPTION:

Consideration of an administrative action to adopt a resolution approving the 2011 grant allocation recommendations of the Human Services Commission and the Affordable Housing Commission.

BUDGET IMPACT:

Yes No

The resolution authorizes the allocation of the 2011 Human Services Grant that was appropriated in the 2011 City budget. The 2011 Community Development Block Grant funds will be appropriated in October, 2011.

SUMMARY:

The Human Services Commission and the Affordable Housing Commission received a total of 57 grant applications requesting a total of \$1,247,346. The attached staff report details how the commissions determined funding recommendations for \$681,196:

- \$450,000 in 2011 Human Services Grant funds
- \$231,196 in 2011 CDBG funds

Individual grant recommendations are based on average scores provided by commissioners and an approved recommendation by each commission.

LIST OF ATTACHMENTS:

- Staff memo
 - Resolution approving grant funding recommendations
-

RECOMMENDED CITY COUNCIL ACTION:

Move to adopt A RESOLUTION APPROVING THE GRANT FUNDING RECOMMENDATIONS OF THE LOVELAND HUMAN SERVICES COMMISSION AND THE LOVELAND AFFORDABLE HOUSING COMMISSION

REVIEWED BY CITY MANAGER:



Community Partnership Office
2011 Grant Funding Recommendations
Human Services Commission
Affordable Housing Commission

June 21, 2011
Staff Report

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Grant Program Background:

The City of Loveland invests in housing and human services via the Human Services Grant (HSG) and Community Development Block Grant (CDBG) programs. Each year, the Human Services Commission (HSC) and the Affordable Housing Commission (AHC) review proposals and recommend funding allocations to area non-profit organizations that provide services to low income Loveland residents. In 2011-2012, **\$681,196** will be distributed in amounts shown on pages 7 and 12.

The 2011 City of Loveland Adopted Budget includes **\$450,000** for human services. CDBG funds are allocated annually from the U.S. Department of Housing and Urban Development (HUD); Loveland will receive **\$275,178** in 2011–2012 CDBG funding. HUD requires that a minimum of 65% of funds be invested in “bricks & mortar” projects. A maximum of 15% of funds may be invested in public services. An additional maximum of 20% (\$55,035) may be spent on program administration, an amount typically set aside to cover the City’s annual expenses associated with administration of the grant. Finally, **\$11,053** in program administration funds from grant year 2009–2010 was not spent and will be distributed during the 2011–2012 grant year for “bricks & mortar” projects. The allocation of \$231,196 shown below is total HUD funding of \$275,178 plus \$11,053, minus program administration of \$55,035.

The City received 46 grant applications for HSG and CDBG public service funds, and 11 applications for CDBG “bricks & mortar” funds. The two commissions reviewed and scored applications, heard presentations from each applicant, and formulated funding recommendations for each fund. The commissions prioritized the funding recommendations based on the City’s mission and goals for the use of grant funding, as well as specific applicant scoring criteria for each proposal.

2011 Summary

Grant Program	Revenue Source	2011 Funds Available for Grants	Funds Requested	# Requests	# Grants Recommended
Human Services Grant Program	City General Funds	\$450,000	\$866,471	46 (2 for Model Partnership)	38 (1 for Model Partnership)
Community Development Block Grant	HUD	\$231,196	\$380,875	11	8
Totals		\$681,196	\$1,247,346	57	46

Human Services Grant Program Goals

HSG funds are used to assist in meeting the needs of Loveland citizens through projects and services that enhance stability, provide crisis prevention, and lead to self-sufficiency.

Objectives:

1. Financially support services such as those that provide food, shelter, and physical and mental health care, as well as services that prevent crises, assist in sustaining independent living, and promote a reasonable quality of life.
2. Support services that value diversity, foster self-sufficiency, treat people with dignity, build self-respect, address issues of safety, and allow people to live free of fear.
3. Limit the amount of grant funds to a maximum of \$35,000 for any one request.
4. Allocate up to \$10,000 to a model partnership among two or more organizations.
5. Grant recipients must be an IRS-determined non-profit agency.

Affordable Housing Grant Program Goals

The City of Loveland's goals for use of CDBG funds, as defined in the 2010–2015 Consolidated Plan, are to:

1. Provide services to homeless persons in Loveland through shelter, case management, transitional, and permanent housing.
2. Create new housing and maintain existing housing opportunities for households with low income, giving funding priority to projects and activities that serve households earning 50% or less of the area median income.
3. Decrease poverty in the community by financially supporting services and facilities that meet basic needs and provide self-sufficiency opportunities.

Funding Distribution Process

Human Services and Affordable Housing Commission members received training in February using mock applications. Training included understanding how information is presented in the application, how the scoring sheet interfaces with the questions, and how to enter scores into Zoom Grants. Scoring criteria can be found on page 4 for HSG and page 11 for CDBG. Scoring summaries and recommended funding amounts for each grant applicant are shown on the following pages and are followed by a brief history of HSG and CDBG funding. The HSG process takes far longer from beginning to end to make an allocation decision given the greater number of proposals received. Therefore, additional information showing the HSG process is also presented.

The 11 Human Services Commission members spent an average of 83 hours each engaging in training, reading applications, listening to agency presentations, and scoring; the 9 Affordable Housing Commission members spent an average of 21 hours each.

Human Services Commission – 2011 Grant Applicant Scoring Summary

Human Services Grant				
Total Amount Requested:	\$866,471	Total Amount Available:	\$491,276 HSG & 15% CDBG	
# of Requests Received	46 requests	Recommended # Grants	38 grants	
Total # of Points Possible	300 points	Average Score	224 points	
Highest Score	256 points	Lowest Score	158 points	
Average Grant Amount	\$12,928	Median Score	227 points	
Lowest Grant Amount	\$1,362	Highest Grant Amount	\$29,264	
Scoring Range (Standard Grant Applications)	High 232-256	Mid-High 224-231	Low-Mid 213-223	Low 158-212
# applicants in range	13	12	12	7
Scores (Model Partnership)	89	68		
# Applicants	1	1		

Human Services Commission Scoring System

Each commissioner completes a score sheet for each applicant. Commissioners score on the following 19 items using a 1-5 scale with adjusted weights for each item. A slightly modified scoring system was used to analyze Model Partnership applications.

	Scoring Criteria	1	3	5	Weight	Max pts
1	How well does the program meet HSG or CDBG goals	Does not meet goals	Meets goals	Exceeds goals	3	15
2	Explanation of need for grant	Poor	Average	Excellent	2	10
3	Agency goals for program	No goals	Adequate	Strong	5	25
4	Outcome measures	None	Adequate	Excellent	5	25
5	Income level to be served	Majority above 80% AMI	50% - 80% AMI	Majority below 50% AMI	3	15
6	Percentage of clients from Loveland	0%-20%	41%-60%	81%-100%	3	15
7	Level of duplication of services	Others provide same service to same population	Others provide service to diff population	Program is only provider	3	15
8	Agency seeks out hidden populations and provides accommodating services	No outreach or accommodation	Moderate	Excellent	4	20
9	Coordination of services with other agencies	None	Moderate	Combines Services	3	15
10	Provision of tools for self-sufficiency	None	Adequate	Excellent	3	15
11	Use of volunteers	Poor	Adequate	Excellent	4	20
12	Client-generated revenue system	Poor	Appropriate	Excellent	1	5
13	Funding sustainability	Questionable	Evidence of sustainability	Highly sustainable	5	25
14	Program salary information	Inadequate info	Adequate	Thorough	2	10
15	Impact of service relative to other applicants	Low impact	Equal	High	3	15
16	Clarity and quality of proposal	Poor	Average	Excellent	2	10
17	Clarity and quality of presentation	Poor	Average	Excellent	2	10
18	Percentage of program budget	26% - 30%	16%-20%	10% or less	3	15



	requested					
19	Percentage of agency budget requested	21%-25%	11%-15%	5% or less	4	20
Total points possible						300

2011 Human Services Commissioner Scores of Grant Applicants:

Applicant	Commissioner Scores											Average
	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	C11	
App 1	182	204	137	202	140	201	187	134	202	213	169	179.18
App 2	199	243	220		230	244	235	242	266	225	185	228.90
App 3	194	235	220		236	237	257	234	274	222	199	230.80
App 4	179	253	200	244	216	222	160	220	170	201	195	205.45
App 5	175	240	170	245	179	205	164	226	228	214	170	201.45
App 6	234	247	216	272	234	224	251	219	280	236	207	238.18
App 7	222	276	248	252	232	256	260	242	263	223	228	245.64
App 8	210	281	222	242	239	253	203	246	243	239	202	234.55
App 9	217	258	221	256	218	236	217	214	243	209	209	227.09
App 10	236	235	213	247	214	218	210	212	216	202	194	217.91
App 11	198	266	212	246	236	227	206	229	262	224	194	227.27
App 12	187	235	217	247	226	244	192	251	200	217	192	218.91
App 13	240	261	214	252	227	269	214	241	285	236	205	240.36
App 14	207	248	195	233	205	219	217	218	183	202	189	210.55
App 15	203	288	226	251	225	240	209	260	213	234	185	230.36
App 16	210	281	234	250	244	226	248	247	269	222	224	241.36
App 17	217	290	209	274	232	219	257	252	275	238	192	241.36
App 18	198	236	187	225	212	224	183	225	271	206	190	214.27
App 19	205	237	198	237	211	224		234	272	216	190	222.40
App 20	219	278	219	255	234	218		242	263	234	233	240.70
App 21	220	261	219	269	234	239		256	285	253	212	244.80
App 22	200	255	232	270	216	237	220	220	204	197	221	224.73
App 23	181	238	227	238	212	206	187	229	225	227	153	211.18
App 24	213	280	254	258	230	215	235	247	225	213	210	234.55
App 25	193	230	212	241	204	239	228	199	231	185	190	213.82
App 26	221	264	204	269	218	259	222	244	283	237	210	239.18
App 27	222	285	250	271	241	259	267	258	289	241	237	256.36
App 28	158	249	110	181	167	159	181	126	94	162	156	158.45
App 29	194	267	251	230	216	215	223	229	266	218	189	227.09
App 30	204	276	241	244	215	223	210	228	247	211	213	228.36
App 31	199	242	229	252	210	243	208	236	215	216	198	222.55
App 32	219	234	246	255	203	246	246	238	256	228	202	233.91
App 33	217	245	164	234	205	202	207	208	258	221	210	215.55
App 34	187	261	235	248	216	236	228	258	212	219	206	227.82
App 35	221	270	233	229	216	234	241	241	220	200	187	226.55
App 36	202	254	194	236	206	227	193	204	222	208	184	211.82
App 37	205	243	230	260	238	209	237		198	196	206	222.20
App 38	213	253	227	262	217	237	206	264	279	231	213	236.55
App 39	215	295	209	256	238	232	231	211	195	217	221	229.09
App 40	205	224	235	253	226	239	231	235	264	208	211	230.09
App 41	218	274	210	249	217	207	207	244	219	225	169	221.73
App 42	191	255	201	231	206	232	209	216	233	212	198	216.73
App 43	209	247	220	246	201	220	231	244	211	221	204	223.09
App 44	200	250	189	239	201	229	222	235	211	200	182	214.36



Model Partnerships	C1	C2	C3	C4	C5	C6	C7	C8	C9	C10	C11	Average Score
MP 1	71	97	89		85	97	92	95	107	78	82	89
MP 2	76	78	32		59	84	75	69	87	59	58	68

Human Services Grant Applicants – Ranking & Funding Recommendations

Applicant	Amount Requested	Total Score	Rank	% of Request Recommended	Grant Amount Recommended
App 27	\$33,000	256.36	1	87.50% + \$389	\$29,264
App 7	\$27,500	245.64	2	76.78%	\$21,115
App 21	\$32,000	244.80	3	75.94%	\$24,301
App 16	\$10,394	241.36	4	72.50%	\$7,536
App 17	\$35,000	241.36	4	72.50%	\$25,375
App 20	\$35,000	240.70	4	71.84%	\$25,144
App 13	\$6,000	240.36	7	71.50%	\$4,290
App 26	\$29,120	239.18	8	70.32%	\$20,477
App 6	\$35,000	238.18	9	69.32%	\$24,262
App 38	\$10,374	236.55	10	67.69%	\$7,022
App 8	\$8,000	234.55	11	65.69%	\$5,255
App 24	\$35,000	234.55	11	65.69%	\$22,992
App 32	\$24,000	233.91	13	65.05%	\$15,612
App 3	\$35,000	230.80	14	61.94%	\$21,679
App 15	\$21,076	230.36	15	61.50%	\$12,962
App 40	\$15,000	230.09	15	61.23%	\$9,185
App 2	\$26,900	228.90	17	60.04%	\$16,151
App 39	\$25,000	229.09	17	60.23%	\$15,058
App 30	\$35,000	228.36	19	59.50%	\$20,825
App 34	\$10,000	227.82	19	58.96%	\$5,896
App 9	\$14,868	227.09	21	58.23%	\$8,658
App 11	\$10,000	227.27	21	58.41%	\$5,841
App 29	\$20,000	227.09	21	58.23%	\$11,646
App 35	\$25,000	226.55	21	57.69%	\$14,423
App 22	\$7,500	224.73	25	55.87%	\$4,190
App 31	\$15,000	222.55	26	53.69%	\$8,054
App 43	\$23,345	223.09	26	54.23%	\$12,660
App 19	\$35,000	222.40	28	53.54%	\$18,739
App 37	\$18,000	222.20	28	53.34%	\$9,601
App 41	\$5,000	221.73	28	52.87%	\$2,644
App 12	\$15,000	218.91	31	50.05%	\$7,507
App 10	\$12,646	217.91	32	49.05%	\$6,203
App 42	\$21,000	216.73	33	47.87%	\$10,053
App 33	\$5,000	215.55	34	46.69%	\$2,335
App 18	\$3,000	214.27	35	45.41%	\$1,362
App 25	\$25,725	213.82	35	44.96%	\$11,566
App 44	\$25,040	214.36	35	45.50%	\$11,393
App 36	\$5,000	211.82	38	0.00%	\$0
App 14	\$25,333	210.55	39	0.00%	\$0
App 23	\$20,000	211.18	39	0.00%	\$0
App 4	\$3,150	205.45	41	0.00%	\$0
App 5	\$2,000	201.45	42	0.00%	\$0
App 1	\$14,000	179.18	43	0.00%	\$0
App 28	\$7,500	158.45	44	0.00%	\$0
Totals	\$846,471				\$481,276
				Model Partnership	\$10,000
				Total	\$491,276



Distribution of HSG Funding

The following chart shows the percentage of funding requested by type of service compared with the distribution of funding. It also shows the number of people served.

	Ask Amount	Allocation	Difference	People Served
Child Care/Youth	16%	16%	0%	1,694
Counseling	14%	14%	0%	3,408
Disabled	8%	7%	1%	408
Education	4%	4%	0%	424
Emergency Services	10%	10%	0%	13,232
Food	15%	19%	-4%	47,438
Health Care	11%	10%	1%	654
Housing/Shelter	20%	18%	2%	1,608
Seniors	2%	2%	0%	450

2011 Human Services Commission – Grant Applicants & Funding Recommendations

The following information includes each applicant’s request, a brief description of the program, and the funding recommendation of the Human Services Commission for \$450,000 in HSG funds and \$41,276 of CDBG available for “public services,” for a combined total of \$491,276.

	Grant Applicant	Program / Request Description	Amount of Request	Grant \$ Recommended
1	A Child’s Dream	Fulfilling Dreams: Fulfill a child’s dream to instill hope and goal determination.	\$14,000	\$0
2	Alternatives to Violence	Transitional Living Center: 2-year housing and case management for victims of domestic violence.	\$26,900	\$16,151
3	Alternatives to Violence & Crossroads Safehouse	Victim Services Program: Coordinated services for victims of domestic violence throughout Larimer County.	\$35,000	\$21,679
4	Alternatives to Violence	Model Partnership Application: Partnership with Crossroads Safehouse to provide immediate services to victims of domestic violence.	\$10,000	\$10,000
5	Audio Information Network	Reading Service for the Visually Impaired: Access broadcasts of news, community information, and books for persons who are blind or visually impaired.	\$3,150	\$0
6	B.A.S.E. Camp	Tuition Assistance: Before and after school care for elementary students.	\$2,000	\$0
7	Boys & Girls Club	Youth Programs: After school and summer programs for children ages 6-18.	\$35,000	\$24,262
8	Catholic Charities	Homeless Shelter Operation: Food and shelter for persons who are homeless	\$10,000	\$5,841
9	Catholic Charities	Senior Outreach Program: Outreach and support to home-bound seniors.	\$15,000	\$7,507



	Grant Applicant	Program / Request Description	Amount of Request	Grant \$ Recommended
10	Center for Adult Learning	Adult Literacy Program: Improve basic skills in reading, writing, math, computer, GED and ESL for adults.	\$27,500	\$21,115
11	Community Kitchen	Meal Program: Daily meal program.	\$6,000	\$4,290
12	Court Appointed Special Adv.	CASA Program: Training and supervision of volunteers who are advocates for children caught in dependency and neglect legal cases.	\$14,868	\$8,658
13	Court Appointed Special Adv.	CASA Harmony House: Supervised visitation center for abused children and children transitioning between divorced parents.	\$12,646	\$6,203
14	Disabled Resource Services	Services to Disabled Persons: Independent living skills, equipment, job skills, housing access, and counseling for persons with disabilities.	\$25,333	\$0
15	Elderhaus	Transportation to Adult Day Programs: Transportation to respite care, counseling, case management for persons with Alzheimer's, brain injuries, multiple sclerosis, and other challenges.	\$21,076	\$12,962
16	Food Bank for Larimer County	Loveland Food Share: Operation of local food bank program	\$35,000	\$25,375
17	Food Bank for Larimer County	Kids' Cafe: Dinner program for children.	\$10,394	\$7,536
18	Hearts and Horses	Therapeutic Riding: Equine therapy for disabled persons to improve quality of life and physical self-sufficiency.	\$3,000	\$1,362
19	Hearts and Horses	Model Partnership Application: Partnership with Reflections for Youth and Turning Point to provide equine assisted mental health and vocational training for at-risk youth.	\$10,000	\$0
20	House of Neighborly Service	Homeless Services: Shelter and case management to adult homeless individuals.	\$35,000	\$18,739
21	House of Neighborly Service	Emergency Services: Clothing, medical and prescription assistance, utility assistance, school supplies, and shelter for families.	\$35,000	\$25,144
22	House of Neighborly Service	Food Assistance: Provision of food baskets.	\$32,000	\$24,301
23	Interfaith Hospitality Network	Homeless Services: Case management and shelter for homeless families.	\$25,725	\$11,566



	Grant Applicant	Program / Request Description	Amount of Request	Grant \$ Recommended
24	Larimer Cntr for Mental Health	Mental Health and Substance Abuse Treatment: Therapy for people who could not otherwise afford it.	\$35,000	\$22,992
25	Larimer Cntr for Mental Health	Grand family Support Services: Support for grandparents raising their grandchildren.	\$20,000	\$0
26	Larimer County Partners	Youth Mentoring: Placement of at-risk youth in life-enhancing relationships with caring, positive, adult, role models.	\$7,500	\$4,190
27	Matthews House	Transition Program: Life skills and support for youth coming out of foster care or juvenile justice system.	\$29,120	\$20,477
28	Meals on Wheels	Meal Service: Daily meal delivery to homebound persons.	\$33,000	\$29,264
29	Mirasol Senior Ctr	Senior Community Assistance: Access to life-enhancing activities.	\$7,500	\$0
30	Neighbor to Neighbor	Housing Counseling and Rent Assistance: Counseling and financial assistance to families and individuals to retain housing and prevent homelessness.	\$35,000	\$20,825
31	Neighbor to Neighbor	Foreclosure Prevention Program: Client counseling and assistance to prevent foreclosure.	\$20,000	\$11,646
32	Northern CO AIDS Project	Crisis Prevention: Assistance with rent, food, and medical needs to persons who are HIV-positive or who have AIDS.	\$15,000	\$8,054
33	Project Self-Sufficiency	Case Management: Case management, housing assistance, parenting skills and counseling for single parent families.	\$24,000	\$15,612
34	Reflections for Youth	Mental Health Services: Services for at-risk youth.	\$5,000	\$2,335
35	Rehab and Visiting Nurses Assoc	Home Care Services: Skilled nursing and personal care services to individuals in need of care and unable to pay for the services.	\$25,000	\$14,423
36	Respite Care	Care for Children with Disabilities: Provide care for children with developmental and physical disabilities.	\$10,000	\$5,896
37	Senior Alternatives in Transp.	Transportation Services: Provision of rides for seniors and people with disabilities who cannot drive.	\$8,000	\$5,255
38	Suicide Resource Center	Support Group: Provide support group for persons with depression and/or who are survivors of suicide.	\$5,000	\$0
39	Teaching Tree	Early Childhood Center: Tuition assistance for child care and education for low income toddlers and preschoolers.	\$18,000	\$9,601

	Grant Applicant	Program / Request Description	Amount of Request	Grant \$ Recommended
40	Thompson R2J	First Steps Nursery at Ferguson High School: Nursery for children of teen parents.	\$10,374	\$7,022
41	Thompson Valley Preschool	Early Childhood Learning Center: Preschool education to low income children.	\$15,000	\$9,185
42	Turning Point Center	Mental Health and Substance Abuse Treatment: Residential and out-patient treatment services for youth.	\$25,000	\$15,058
43	United Way 2-1-1	Information and Referral: Phone and website service to provide info and referral to hundreds of human services throughout the region.	\$5,000	\$2,644
44	WINGS	Services for developmentally disabled: Supportive living services for adults with developmental disabilities.	\$21,000	\$10,053
45	Women's Resource Center	Dental Care Program: Assistance with payment for dental health services.	\$23,345	\$12,660
46	Women's Resource Center	Health Care Education & Access: Health care outreach, advocacy and education.	\$25,040	\$11,393
Totals			\$866,471	\$491,276

Human Services Grant Program History							
Comparison Facts	2011	2010	2009	2008	2007	2006	2005
# of Applications	46	48	48	50	49	46	50
Total Requested	\$866,471	\$888,428	\$905,659	\$888,759	\$790,048	\$719,969	\$680,570
HSG Funds Available	\$450,000	\$450,000	\$450,000	\$450,000	\$400,000	\$400,000	\$400,500
CDBG Funds Available	\$41,276	\$49,000	\$45,500	\$44,110	\$45,337	\$44,852	\$49,578
Total Funds Available	\$491,276	\$499,000	\$495,500	\$494,110	\$445,337	\$444,852	\$450,078
Average Request	\$18,836	\$19,282	\$19,373	\$18,517	\$16,123	\$15,652	\$15,545
Average Grant	\$12,928	\$14,257	\$10,543	\$10,742	\$12,370	\$11,406	\$11,252
Largest Request	\$35,000	\$35,000	\$35,000	\$35,000	\$55,325	\$77,000	\$37,923
Largest Grant	\$29,264	\$28,050	\$33,000	\$30,000	\$53,388	\$53,900	\$35,000



Comparison Facts	2011	2010	2009	2008	2007	2006	2005
Lowest Request	\$2,000	\$3,150	\$3,150	\$2,500	\$2,500	\$1,500	\$2,500
Lowest Grant	\$1,362	\$1,733	\$1,890	\$1,650	\$828	\$825	\$1,250
# Requests Funded	38	35	36	43	36	28	40
% Requests Funded	83%	73%	75%	90%	75%	62%	80%

Affordable Housing Commission – 2011 Grant Applicant Scoring Summary

Community Development Block Grant			
Total Amount Requested:	\$380,875	Total Amount Available:	\$189,920
# of Requests Received	11 requests	Recommended # Grants	8 grants
Total # of Points Possible	220 points	Average Score	157 points
Highest Score	183 points	Lowest Score	140 points
Average Grant Amount	\$34,625	Highest Grant Amount	\$60,000
Lowest Grant Amount	\$6,100		

Affordable Housing Commission Scoring System

Each commissioner completes a score sheet for each applicant. Commissioners score on the following 12 items using a 1-5 scale with adjusted weights for each item.

	Scoring Criteria	1	3	5	Weight	Max pts
1	How well does the program meet CDBG?	Does not meet goals	Meets goals	Exceeds goals	5	25
2	Applicant’s experience providing housing or services to persons with low income	Poor	Average	Excellent	3	15
3	Impact of and need for this project compared to other applicants	Low impact	Equal impact	High Impact	4	20
4	Is the project site specific? Has the property been secured?	Not site specific	Under contract or program in place	Applicant owns property	4	20
5	Project timing	No start date	Begin by 3/2012	Ready to begin immediately	3	15
6	Goal and outcome measures	Inadequate	Adequate	Strong	4	20
7	Project cost for intended outcome	High cost for limited outcome	Appropriate cost	Low cost for strong outcome	4	20
8	Income level to be served	61%-70% AMI	41%-50% AMI	Below 30% AMI	5	25
9	Affordability period	20-25 years	31-40 years	More than 50 yrs	4	20
10	Funding secured and grant leverage	No funds leveraged	1:3 Match	1:5 match	3	15
11	Clarity and quality of application	Poor	Average	Excellent	2	10
12	Percentage of budget requested from City	30% or more	20%	10% or less	3	15
					Total	220



2011 Affordable Housing Commissioner Scores of Grant Applicants:

Applicant	Commissioner Scores									Average
	C1	C2	C3	C4	C5	C6	C7	C8	C9	
App 1	197	184	182	210	158	145	197	188	190	183.44
App 2	173	163	170	172	131	110	172	151	138	153.33
App 3	149	148	168	192	158	87	147	164	141	150.44
App 4	161	141	150	116	127	149	142	154	167	145.22
App 5	166	155	174	134	152	135	172	160	194	160.22
App 6	175	159	198	157	157	138	181	167	151	164.78
App 7	150	144	172	197	136	134	162	146	164	156.11
App 8	91	169	175	188	155	138	143	161	146	151.78
App 9	114	134	142	150	138	126	199	139	110	139.65
App 10	138	150	159	162	149	137	175	155	176	155.67
App 11	132	158	207			138		181	163	163.17

2011 Affordable Housing Commission – Grant Applicants & Funding Recommendations

The information below includes each applicant’s request, a brief description of the program, and the funding recommendation of the Affordable Housing Commission for \$189,915 in CDBG funds.

	Grant Applicant	Program / Request Description	Amount of Request	Grant \$ Recommended
1	Alternatives to Violence	Safehouse Construction: Construction of Safehouse for victims of domestic violence.	\$82,375	\$60,000
2	Alternatives to Violence	Housing Rehabilitation: Repairs and rehab in transitional housing.	\$37,500	\$21,000
3	Food Bank	Food Bank Facility: Land/building purchase.	\$50,000	\$0
4	Habitat for Humanity	Land Purchase: Lot purchase to construct new affordable units.	\$60,000	\$0
5	Housing Authority	Home Match Program: Purchase foreclosed homes, rehabilitate units and sell as affordable units.	\$20,000	\$0
6	Housing Authority	Larimer Home Improvement Program: Loans for rehabilitation of affordable units.	\$25,000	\$25,000
7	Housing Authority	Larimer Home Improvement Emergency Funds: One-time grant for home emergencies for 50% AMI.	\$10,000	\$10,000
8	Housing Authority	Housing Rehabilitation: Willow Place apartments gutter replacement.	\$6,500	\$6,500
9	Interfaith Hospitality Network	Day Center Rehabilitation: Window replacement for the Angel House.	\$6,100	\$6,100
10	Neighbor to Neighbor	Apartment Rehabilitation: Rehab kitchens and bathrooms in senior apartments.	\$64,900	\$45,320



	Grant Applicant	Program / Request Description	Amount of Request	Grant \$ Recommended
11	Volunteers of America	Handyman Program: Minor home repairs and rehabilitation for seniors.	\$18,500	\$16,000
Totals			\$380,875	\$189,920

Affordable Housing Grant Program History							
Comparison Facts	2011	2010	2009	2008	2007	2006	2005
# of Applications	11	10	9	10	7	5	13
Total Requested	\$380,875	\$305,807	\$321,776	\$644,335	\$448,930	\$458,100	\$694,335
CDBG Funds Available	\$189,915	\$215,000	\$277,318	\$236,949	\$196,459	\$194,362	\$214,839
Average Request	\$34,615	\$30,581	\$39,347	\$64,434	\$64,133	\$91,620	\$63,121
Average Grant	\$23,739	\$26,875	\$34,665	\$26,328	\$39,292	\$42,377	\$19,531
Largest Request	\$82,375	\$60,000	\$75,000	\$150,000	\$123,390	\$200,000	\$150,000
Largest Grant	\$60,000	\$60,000	\$74,542	\$75,000	\$70,000	\$100,000	\$72,000
Lowest Request	\$6,100	\$16,000	\$8,000	\$5,000	\$5,000	\$50,000	\$3,500
Lowest Grant	\$6,100	\$16,000	\$8,000	\$5,000	\$5,000	\$24,739	\$5,000
# Requests Funded	8	8	8	9	5	5	6
% of Requests Funded	73%	80%	89%	90%	71%	100%	46%

Next Steps

Upon City Council approval of the allocation of funds, the Community Partnership Office will draft a contract agreement between each grant recipient and the City. Additionally, as required by HUD, staff will complete the 2011–2012 Annual Action Plan providing detailed information regarding the City's plans for expending CDBG funds. The plan will be presented to the City Council for approval prior to August, 2011. The approved plan will be submitted to HUD for release of 2011–2012 CDBG funding.

RESOLUTION #R-43-2011

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LOVELAND, COLORADO APPROVING THE GRANT FUNDING
RECOMMENDATIONS OF THE LOVELAND HUMAN SERVICES
COMMISSION AND THE LOVELAND AFFORDABLE HOUSING
COMMISSION**

WHEREAS, the City of Loveland, Colorado recognizes the valuable services provided by human services agencies in the Loveland community; and

WHEREAS, the City Council of the City of Loveland recognizes the need to provide opportunities for the well-being of less fortunate citizens; and

WHEREAS, the City has established the Human Services Grant Program to provide financial assistance to agencies meeting the human services needs in the community; and

WHEREAS, the City has budgeted \$450,000 in the 2011 City of Loveland budget for the Human Services Grant Program; and

WHEREAS, the City receives federal Community Development Block Grant funds through the U.S. Department of Housing and Urban Development to assist in meeting the housing needs for Loveland citizens with low incomes; and

WHEREAS, the City anticipates receiving a total of \$275,178 in Community Development Block Grant funds for the 2011 – 2012 federal fiscal year; and

WHEREAS, the City desires to reprogram \$11,053 of 2009 – 2010 Community Development Block Grant funds available for the allocation in addition to the 2011 – 2012 anticipated grant amount; and

WHEREAS, the City Council has charged the Human Services Commission with the task of reviewing all grant applications made to the City for Human Services Grant funds and for Community Development Block Grant funds, except for “bricks and mortar” applications that are housing related, and making a funding recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, the City Council has charged the Affordable Housing Commission with the task of reviewing all “bricks and mortar” grant applications made to the City for Community Development Block Grant funds related to housing and making a recommendation to the City Council regarding such grant funds distribution; and

WHEREAS, the Human Services Commission and the Affordable Housing Commission have reviewed all grant applications made to the City for Human Services Grant funds and

Community Development Block Grant funds, and have made a recommendation to the City Council regarding distribution of those grant funds; and

WHEREAS, the City Council desires to approve the grant funding recommendations of the Human Services Commission and the Affordable Housing Commission.

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

Section 1. That the 2011 grant funding recommendations of the Human Services Commission regarding the distribution of Human Services Grant funds are hereby approved as follows, subject to Agency execution of a recipient contract with the City of Loveland on or before August 31, 2011:

Agency	Total	Grant Amount
Alternatives to Violence		\$47,830
Boys & Girls Club		\$24,262
Catholic Charities		\$7,507
Center for Adult Learning		\$21,115
Community Kitchen		\$4,290
Court Appointed Special Adv.		\$14,861
Elderhaus		\$12,962
Food Bank for Larimer County		\$32,911
Hearts and Horses		\$1,362
House of Neighborly Service		\$49,445
Larimer Center for Mental Health		\$22,992
Larimer County Partners		\$4,190
Matthews House		\$20,477
Meals on Wheels		\$29,264
Neighbor to Neighbor		\$27,341
Northern Colorado AIDS Project		\$8,054
Project Self-Sufficiency		\$15,612
Reflections for Youth		\$2,335
Rehab and Visiting Nurses Assoc		\$14,423
Respite Care		\$5,896
Senior Alternatives in Transp.		\$5,255
Teaching Tree		\$9,601
Thompson R2J		\$7,022
Thompson Valley Preschool		\$9,185
Turning Point Center		\$15,058
United Way 2-1-1		\$2,644
WINGS	\$10,053	



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
 (970) 962-2346 • FAX (970) 962-2945 • TDD (970) 962-2620

AGENDA ITEM: 8

MEETING DATE: June 21, 2011

TO: City Council

FROM: Greg George, Development Services Department

PRESENTER: Steven Williams, Current Planning

TITLE:

AN ORDINANCE VACATING A PORTION OF A POSTAL AND UTILITY EASEMENT ON LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

DESCRIPTION:

Consideration of a legislative action to adopt an ordinance on second reading vacating a 59 square foot postal and utility easement located in Lot 1, Block 17, Alford Lakes First Subdivision. The applicant is Tom Kennedy of Serenity Homes of Northern Colorado.

BUDGET IMPACT:

Yes No

SUMMARY:

The application proposes to vacate a portion of the postal and utility easement at 5267 Coral Burst Circle, east of Brandywine Drive, on Lot 1, Block 17, Alford Lake First Subdivision. The vacation is necessary to correct a field error resulting from the foundation crew measuring the building setback from the edge of the sidewalk rather than measuring it from the property line, which lies roughly 1 foot inside of the sidewalk. Consequently, the west side of the home extends into the subject easement approximately 1 foot. All providers of public utilities have reviewed the vacation application and recommend approval. On June 7, 2011 City Council unanimously approved the ordinance on first reading.

LIST OF ATTACHMENTS:

- Easement vacation ordinance

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motion for City Council action:

Move to make the findings in Section V of the staff memorandum dated June 7, 2011 and, based on those findings, adopt on second reading, AN ORDINANCE VACATING A PORTION OF A POSTAL AND UTILITY EASEMENT ON LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO.

REVIEWED BY CITY MANAGER:

FIRST READING: June 7, 2011

SECOND READING: June 21, 2011

ORDINANCE NO. _____

AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT LOCATED ON LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, CITY OF LOVELAND, LARIMER COUNTY, COLORADO

WHEREAS, the City Council, at a regularly scheduled meeting, considered the vacation of a portion of a utility easement described below, located on Lot 1, Block 17, Alford Lake First Subdivision, City Of Loveland, Larimer County, Colorado.

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 utility 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 portion of a utility easement be and the same is hereby vacated:

That portion of LOT 1, BLOCK 17, ALFORD LAKE FIRST SUBDIVISION, situate in the West ½ of Section 35, Township 6 North, Range 69 West of the 6th P.M., City Of Loveland, Larimer County, Colorado, being more particularly described as follows:

COMMENCING at the Southwest corner of Lot 1, Block 17 of Alford Lake First Subdivision, and assuming the West line of Lot 1 as bearing North 00°23' 51" West, being a grid distance of 103.00 feet with all bearings contained herein relative thereto.

THENCE North 89°36'09" East along the South line of said Lot 1 a distance of 14.00 feet to a line parallel with and 15.00 feet Easterly of, as measured at a right angle to the West line of Lot 1; THENCE North 00°23'51" West along said parallel line a distance of 15.38 feet to the POINT OF BEGINNING;

THENCE South 89°36'09" West a distance of 0.86 feet to a line parallel with and 13.14 feet Easterly of, as measured at a right angle to the West line of Lot 1, Block 17;

THENCE North 00°23'51" West along said parallel line a distance of 68.40 feet;
THENCE North 89°36'09" East a distance of 0.86 feet to the Easterly line of an existing 14.00 foot postal and utility easement and to a line parallel with and 14.00 feet Easterly of, as measured at a right angle to the West line of Lot 1, Block 17;
THENCE South 00°23'51" East along said parallel line a distance of 68.40 feet to the POINT OF BEGINNING.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Section 3. That the City Clerk is hereby directed to record the Ordinance with the Larimer County Clerk and Recorder after its effective date in accordance with State Statutes.

Signed this ____ day of _____, 2011.

ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney



CITY OF LOVELAND
 DEVELOPMENT SERVICES DEPARTMENT
 Civic Center • 500 East 3rd Street • Loveland, Colorado 80537
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AGENDA ITEM: 9
MEETING DATE: 6/21/2011
TO: City Council
FROM: Greg George, Development Services
PRESENTER: Karl Barton, Development Services

TITLE:

- A. AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 18.24 REGARDING THE BE – ESTABLISHED BUSINESS DISTRICT; and
- B. AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.54 REGARDING BUILDING HEIGHT REGULATIONS

DESCRIPTION:

Consideration of a legislative action to adopt:

- A. An ordinance on second reading: repealing and reenacting Chapter 18.24 BE District – Established Business District; and
- B. An ordinance on second reading: amending Chapter 18.54 Building Height Regulations relating to the building height allowances in the BE Established Business Zoning District.

BUDGET IMPACT:

Yes No

SUMMARY:

This item is a comprehensive re-write of the zoning district for Loveland's Downtown area. It contains updated standards covering topics such as allowed uses, building design, building height, and approval process. The code amendments were drafted with the assistance of an ad-hoc committee composed of stakeholders and experts including downtown property owners, real estate professionals, architects and Councilor Larry Heckel.

On May 9, 2011, the Planning Commission recommended approval of the proposed amendments a vote of 5 to 1. On June 7, 2011, City Council adopted the ordinance repealing and reenacting Chapter 18.24 BE District – Established Business District on a vote of 8 to 1 and

the ordinance amending Chapter 18.54 Building Height Regulations relating to the building height allowances in the BE Established Business Zoning District on a vote of 9 to 0.

LIST OF ATTACHMENTS:

- A. Ordinance repealing and reenacting Chapter 18.24
- B. Ordinance amending Chapter 18.54

RECOMMENDED CITY COUNCIL ACTION:

City staff recommends the following motions for City Council action:

1. Move to accept the staff recommendation and adopt on second reading: AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 18.24 REGARDING THE BE – ESTABLISHED BUSINESS DISTRICT; and
2. Move to accept the staff recommendation and adopt on second reading: AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.54 REGARDING BUILDING HEIGHT REGULATIONS

REVIEWED BY CITY MANAGER:

FIRST READING: June 7, 2011

SECOND READING: June 21, 2011

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTER 18.24 REGARDING THE BE – ESTABLISHED BUSINESS DISTRICT

WHEREAS, City Council finds that updates to Title 18 of the Loveland Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

WHEREAS, the City Council has received a recommendation of the Planning Commission recommending adoption of revisions to Title 18 of the Loveland Municipal Code, including changes to Chapter 18.24 regarding the BE – Established Business District; and

WHEREAS, the City Council desires to adopt the recommendations of the Planning Commission by repealing and reenacting Chapter 18.24 of the Loveland Municipal Code regarding the BE – Established Business District.

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

Section 1. Chapter 18.24 of the Loveland Municipal Code is hereby repealed in its entirety and reenacted to read in full as follows:

**Chapter 18.24
BE DISTRICT - ESTABLISHED BUSINESS DISTRICT
Sections:**

- 18.24.010 Purpose.**
- 18.24.020 Uses permitted by right.**
- 18.24.030 Uses permitted by special review.**
- 18.24.040 BE zoned area on West Eisenhower Boulevard.**
- 18.24.050 Proposals requiring approval by planning commission.**
- 18.24.060 Standards applying to entire BE zoning district.**
- 18.24.070 Description of general, core, Fourth Street, and neighborhood transition character areas.**
- 18.24.080 General and core character areas urban design standards.**
- 18.24.090 Fourth Street character area urban design standards.**
- 18.24.100 Neighborhood transition character area urban design standards.**
- 18.24.110 Landscaping.**

18.24.010 Purpose.

The BE - Established Business District is intended to promote the development of a pedestrian-oriented downtown mixed-use business district in which a variety of retail, commercial, office, civic and residential uses are permitted. The district is also intended to:

- A. Encourage preservation of the architectural and historic character of the district;

- B. Foster redevelopment through the application of flexible development standards;
- C. Encourage a diverse mixture of land uses throughout the district including arts and technology related uses and mixed-use development;
- D. Encourage revitalization and redevelopment of the downtown in a manner that preserves and complements its existing unique character;
- E. Increase housing density to support vitality downtown;
- F. Increase employment density and opportunities;
- G. Encourage high-quality design that is context appropriate;
- H. Encourage redevelopment and increased density, while maintaining compatibility between the downtown BE district and surrounding residential neighborhoods;
- I. Support multi-modal transportation, including higher density surrounding transit nodes; and;
- J. Allow for development to respond to infill conditions by utilizing type 2 standards.

18.24.020 Uses permitted by right.

The following uses are permitted by right in the BE district:

- A. Accessory buildings and uses;
- B. Accessory dwelling units;
- C. Art gallery, studio and workshop including live/work studio and workshop. Such facilities may include the display, sale, fabrication or production of paintings, sculptures, ceramics and other art media. Limited outdoor fabrication of art work may be permitted subject to special review as provided in Chapter 18.40;
- D. Bar or tavern in general, core, and Fourth Street character areas;
- E. Bed and breakfast establishment;
- F. Boarding and rooming house;
- G. Clubs and lodges;
- H. Combined use (or mixed-use) development of permitted uses;
- I. Commercial day care center, licensed according to the statutes of the state;
- J. Community facility;
- K. Convention & conference center;
- L. Essential public utility uses, facilities, services, and structures (underground);
- M. Financial services;
- N. Food catering;
- O. Funeral home without crematorium;
- P. Garden supply center;
- Q. Government or semipublic use;
- R. Health care service facility;
- S. Hospital;
- T. Indoor entertainment facility & theater;
- U. Indoor recreation;
- V. Light industrial entirely within a building;
- W. Lodging establishment;
- X. Long term care facility;
- Y. Lumberyard in the general character area;

- Z. Medical, dental and professional clinic or office;
- AA. Micro-winery, micro-brewery, and micro-distillery;
- BB. Multiple-family dwelling for the elderly;
- CC. Multiple-family dwelling;
- DD. Nightclub in core and Fourth Street character areas;
- EE. Office, general administrative;
- FF. One-family (attached or detached) dwelling, including mixed-use dwellings;
- GG. Open-air farmers market;
- HH. Parking garage in the general and core character areas;
- II. Parks and recreation area;
- JJ. Parking lot in the general character area;
- KK. Personal service shop;
- LL. Place of worship or assembly;
- MM. Printing and newspaper office;
- NN. Public or private school;
- OO. Research laboratory;
- PP. Restaurant, fast food without drive-in;
- QQ. Restaurant standard, indoor or outdoor;
- RR. Retail laundry;
- SS. Retail store and wholesale store;
- TT. Shelters for victims of domestic violence;
- UU. Special trade contractor's shop (any outdoor storage shall be subject to special review as provided in Chapter 18.40.);
- VV. Veterinary clinic;
- WW. Two-family dwelling; and
- XX. Workshop and custom small industry uses if entirely enclosed within a building and provided there is no excessive odor, glare, smoke, heat, vibration, etc.; Limited outdoor fabrication of products may be permitted subject to special review as provided in Chapter 18.40.

18.24.030 Uses permitted by special review.

The following uses are permitted by special review subject to the provisions of Chapter 18.40:

- A. Attended recycling collection facility;
- B. Antennas, as defined in Section 18.55.020(A), located on an existing tower or structure as provided in Section 18.55.030 and Section 18.55.030 and meeting all other requirements of Chapter 18.55;
- C. Bar or tavern in the neighborhood transition character area;
- D. Combined-use (mixed-use) development containing one or more special review use(s);
- E. Congregate care facility;
- F. Contractor's storage yard in the general character area;
- G. Domestic animal day care facility;
- H. Essential public utility uses, facilities, services, & structures (above ground);

- I. Gas station with or without convenience goods or other services in the general character area subject to Section 18.52.060 and Section 18.50.135;
- J. Greenhouse;
- K. Group care facility;
- L. Nightclub in the general and neighborhood transition character areas;
- M. Off-track betting facility;
- N. Outdoor recreation facility;
- O. Outdoor storage as an accessory use;
- P. Parking garage in the Fourth Street and neighborhood transition character areas;
- Q. Parking lot in the core and neighborhood transition character areas;
- R. Personal wireless service facility as defined in Section 18.55.020(A), located on a new structure, meeting all requirements of Chapter 18.55;
- S. Unattended recycling collection facility;
- T. Vehicle minor and major repair, servicing and maintenance in the general and core character areas;
- U. Vehicle rental, cars, light trucks and light equipment in the general and core character areas;
- V. Vehicle sales and leasing of cars and light trucks in the general and core character areas; and
- W. Warehouse and distribution uses enclosed within a building.

18.24.040 BE zoned area on West Eisenhower Boulevard.

The area zoned BE and shown in Figure 18.24.040-1 shall not be governed by the allowances, standards and provisions of this Chapter 18.24, with the exception that the uses allowed in this area shall be subject to Sections 18.24.020 and 18.24.030. For the purposes of determining allowed uses, this area shall be considered to be in the general character area (see section 18.24.070 for a discussion of character areas). All development in this area shall otherwise comply with Chapter 18.28, Chapter 18.53, Chapter 18.42, Chapter 18.50, Chapter 18.54 and all other applicable City code regulations.

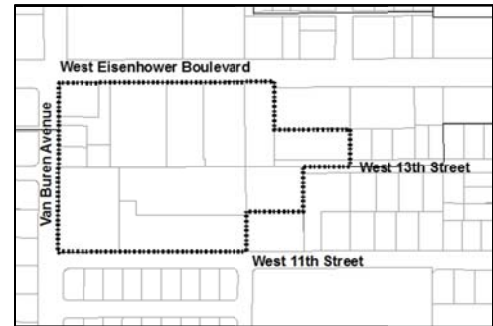


Figure 18.24.040-1

18.24.050 Proposals requiring approval by the planning commission.

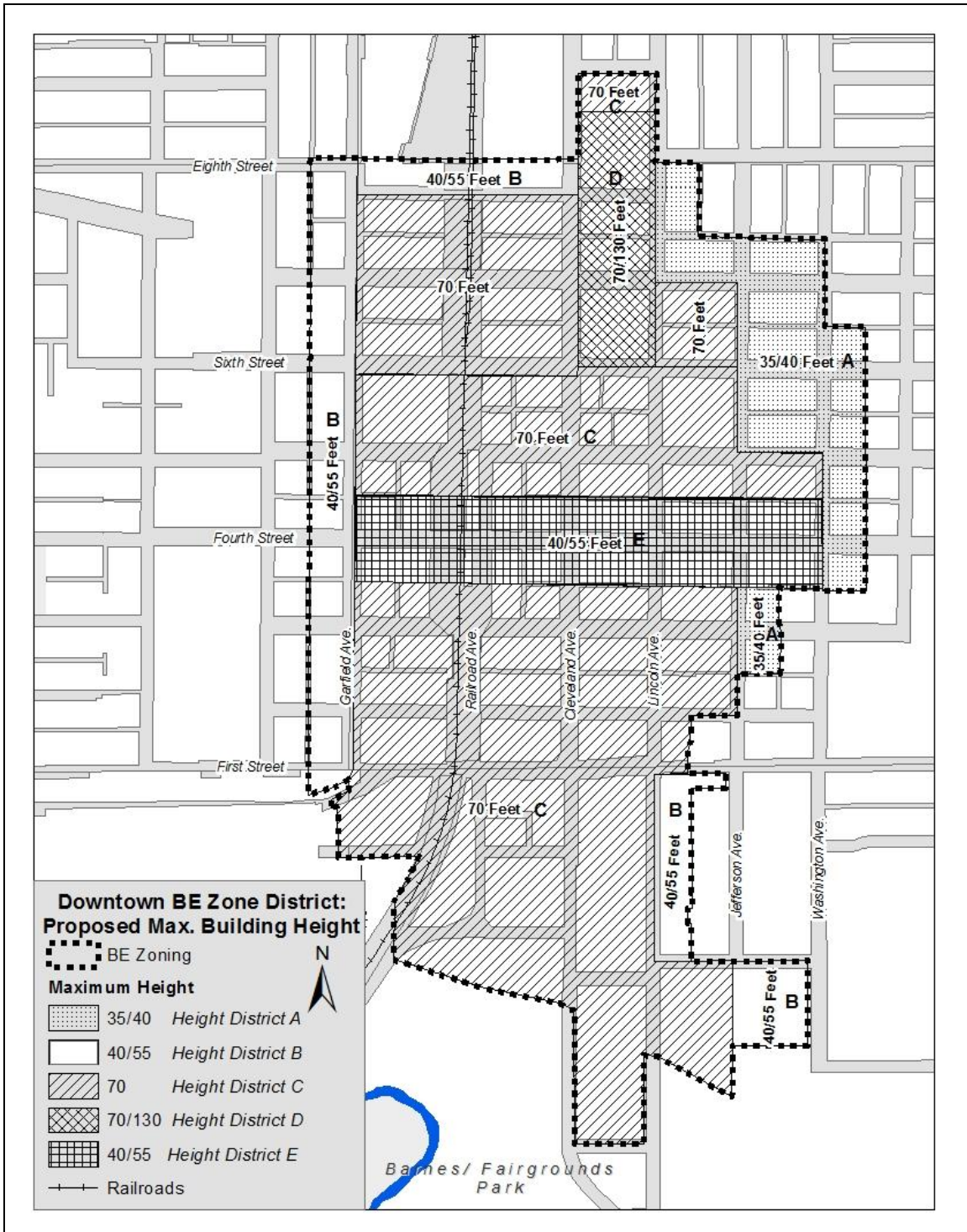
- A. Structures, buildings or additions meeting the criteria listed in this section shall require approval by the planning commission at a public hearing noticed in accordance with Chapter 16.16.070. Uses listed in Section 18.24.030 as requiring a special review and meeting the thresholds listed in this section shall require approval by the planning commission at a public hearing in lieu of a special review.
 - 1. Any allowed uses located in the general, core or Fourth Street character areas containing more than 25,000 square feet of gross floor area construction.

2. Any allowed uses located in the neighborhood transition character area containing more than 10,000 square feet of gross floor area construction.
 3. Any building or structure height above seventy (70) feet, exclusive of church spires, chimneys, ventilators, pipes, elevator shafts, or similar appurtenances.
- B. In evaluating proposals, the planning commissions shall make the findings included in this section.
1. The proposed development complies with the standards of this chapter and any other applicable provisions of the Loveland Municipal Code.
 2. The proposed development is consistent with the goals of the document, *Destination Downtown: Heart Improvement Project Downtown Strategic Plan and Implementation Strategy*.
 3. The proposed development is compatible with surrounding properties while considering its location in an urban environment characterized by a diversity of uses and building types.

18.24.060 Standards applying to entire BE zoning district.

The following standards shall apply to all development within the BE zone district, except for that area described in Section 18.24.040 and depicted in Figure 18.24.040-1. The building envelopes depicted in this section are not intended to depict actual building forms. Building heights shall be defined and measured per Chapter 18.04.113.2. Therefore, portions of a building including pitched or gabled roofs may extend outside of the building envelopes as depicted in this section.

- A. Building height: Type 1 standards.
1. Building height for all structures, including primary and accessory uses, shall not exceed the maximum heights set forth in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3.



. Figure 18.24.060-1: Downtown Area Height Limits



Figure 18.24.060-2
BE Eighth Street and Colorado Avenue Area
Height Limits

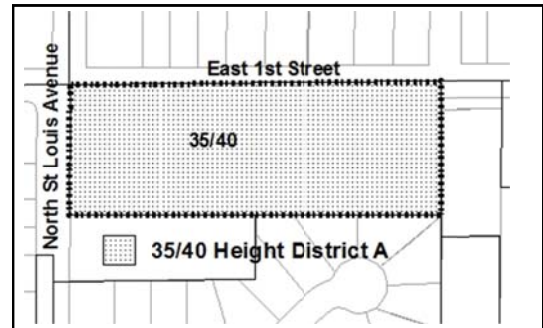


Figure 18.24.060-3
BE East First Street Area
Height Limits

2. Where Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 indicate two numbers, the lower of the two numbers shall be considered the standard allowable height.
3. Building heights up to the higher of the two numbers in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3 may be permitted as stipulated in the following height provisions:
 - a. Height district A - 35/40 residential buffer: These height limits are intended to maintain the existing character of the area and ensure compatibility with adjacent uses and residential zoning districts. Building heights in height district A are as specified below:
 - i. Buildings located in height district A shall have a standard allowable height of thirty five (35) feet.
 - ii. Buildings on property located adjacent to Colorado Avenue, Lincoln Avenue, Jefferson Avenue, Washington Avenue, First Street or West Eighth Street may have a maximum height of forty (40) feet.
 - b. Height district B - 40/55 residential buffer: These height limits are intended to protect the character of adjacent residential neighborhoods. The maximum building height of fifty five (55) feet is allowed except as specified below:
 - i. Structures on lots located directly adjacent to residential zoning districts or across public alleys from residential zoning districts shall be limited to forty (40) feet in height within sixty five (65) feet of the property line of the adjacent residentially zoned lot. This sixty-five (65) foot setback shall be measured from the property line of the adjoining residentially zoned lot and shall include any land within an alley right-of-way (see Figure 18.24.060-4).
 - ii. This provision shall not apply to lots separated from a residential zone district by a public street other than an alley.

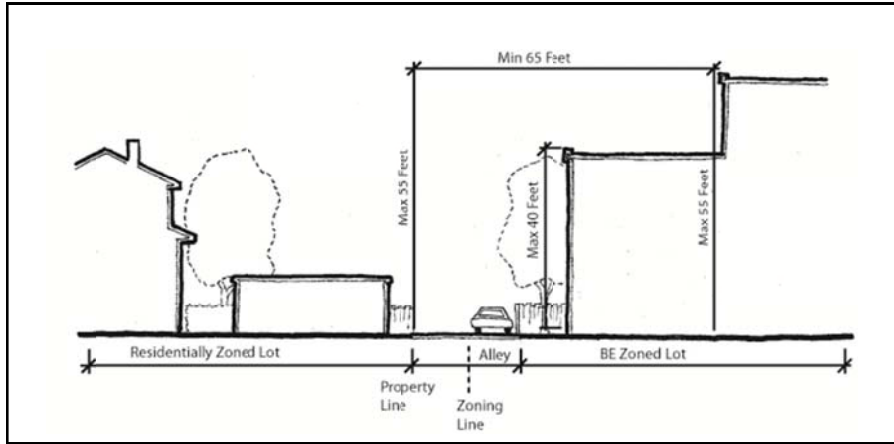


Figure 18.24.060-4
Setback from residential zone districts

- c. Height district D - 70/130 high rise zone: These height limits are intended to allow for the construction of tall buildings subject to standards designed to mitigate potential negative effects on adjacent properties. Buildings over seventy (70) feet in height must meet the following massing standards:



Figure 18.24.060-5

- i. Portions of a building greater than seventy (70) feet in height shall be set back from public streets, not including alleys, a minimum of 25% of the total building height. See Figure 18.24.060-5.

- d. Height district E – 40/55 Fourth Street character area: These height limits are intended to maintain a historic and pedestrian scale, and protect solar access to the north sidewalk of Fourth Street for the majority of the year. Building heights in height district E are as specified below:

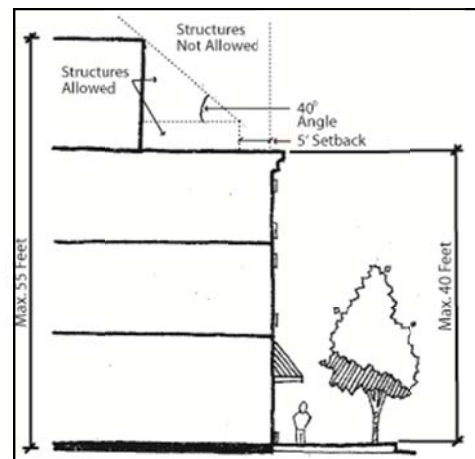


Figure 18.24.060-6

- i. Facades fronting on Fourth Street or intersecting public street rights-of-way shall have a standard allowable height of forty (40) feet.
 - ii. Structures may be allowed up to fifty five (55) feet in height provided

those portions of buildings exceeding forty (40) feet in height shall be stepped back at an angle of 40 degrees from horizontal. Portions of buildings greater than forty (40) feet in height shall be stepped back a minimum of five (5) feet from the public right of way. See Figure 18.24.060-6.

iii. Only those stories above the second story may be stepped back.

4. Building height adjacent to one-family residential uses: The maximum building height on properties located adjacent to a one-family residential

use shall be limited to the height restrictions indicated in Figures 18.24.060-1, 18.24.060-2, and 18.24.060-3; except that on the lot line adjacent to the one-family residential use, portions of the structure greater than forty (40) feet in height shall be stepped back at an angle of 40 degrees from horizontal as depicted in Figure 18.24.060-7.

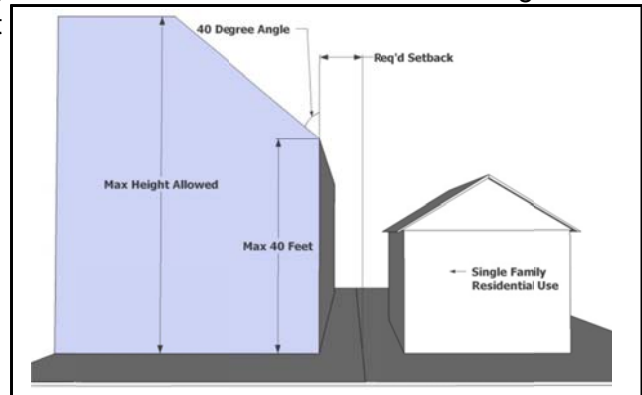


Figure 18.24.060-7

B. Off street parking: Type 2 standards.

1. Off-street parking shall be provided as set forth in Chapter 18.42.030 for all uses outside the boundaries of General Improvement District #1 (GID #1) with boundaries as established by city council, and for residential uses that are not part of a mixed-use development.
2. No off-street parking shall be required for non-residential or mixed use development located in GID #1.

C. Parking garages: Type 2 standards.

1. Exterior building elevations shall be compatible with the architecture found in the BE district in terms of style, mass, material, height, and other exterior elements.
2. Parking garages shall include a minimum of three (3) of the following elements on any facade facing a public street or plaza space: (i) window and door openings comprising a minimum of 25% of the ground floor facade; (ii) awnings; (iii) sill details; (iv) columns; (v) recessed horizontal panels or similar features to encourage pedestrian activity at the street level.
3. Along primary pedestrian streets, as defined in Section 18.24.080.C, commercial uses shall be provided along the ground level, where feasible, to create pedestrian activity.
4. Vehicle entrances shall be located to minimize pedestrian/auto conflicts.

D. Signs: Type 1 standards. All signs shall comply with Chapter 18.50 of this code.

E. Illumination: Type 2 standards. Section 3.09 of *the City of Loveland Site Development Performance Standards* shall apply to site lighting with the exception that unshielded,

decorative lighting shall be permitted, provided the lights are not installed at a height exceeding twelve (12) feet and the light intensity does not cause glare as defined in said section.

- F. Outdoor eating area: Type 1 standard. Restaurants may operate outdoor eating areas on public sidewalks, rooftops and balconies and in courtyards or other similar locations, provided that pedestrian circulation and access to building entrances is not impeded, and adequate clear space within the sidewalk is maintained to allow for pedestrian circulation and to meet any applicable City codes and regulations as well as the *Americans with Disabilities Act*, as appropriate, and such outdoor eating areas comply with the following type 2 standards:
 1. Planters, fences, or other removable enclosures shall be used to define the limits of the outdoor eating area.
 2. Adequate refuse containers shall be provided within the outdoor eating area.
 3. Tables, chairs, planters, extended awnings, canopies, umbrellas, trash receptacles and other street furniture shall be compatible with the architectural character of the building and surrounding area in terms of style, color, and materials.
 4. The area within and immediately adjacent to the outdoor eating area shall be maintained in a clean and well-kept condition.
- G. Outdoor storage: Type 1 standard. The storage area shall be screened from view from public rights-of-way and adjacent properties and shall comply with the following type 2 standards:
 1. Such storage shall not be located within any required front yard.
 2. The preferred method of screening is a solid masonry wall no less than six (6) feet in height. A decorative fence, landscape screen, berm, or any combination thereof, may be approved by the current planning manager as a screening substitution provided it meets the intent of this section. Chain link fencing with slats shall not be allowed as a permitted screening alternative. Stored material shall not exceed the height of the screening wall, fence, or berm.
 3. Landscaping may be required to supplement the fence or wall where sufficient space is available to provide a planting area without unreasonably restricting space available for storage and where landscape as screening is more appropriate.
- H. Outdoor Display: Type 2 Standards. The limited outdoor display of merchandise for retail sale is allowed, provided such display is incidental to the primary retail use or activity within an enclosed building. Merchandise on display shall be of the same type or related to merchandise for sale within the primary retail building. Temporary displays, erected for not more than four days in duration, may be allowed within parking areas or buffer yards for special events, such as a farmers market, or a weekend or holiday sales event.
- I. Alley levels of service (LOS) standards: Where deemed appropriate, the City engineer may grant a variance to the adequate community facility ordinance for alley LOS in accordance with Section 1.9.4 of the *Larimer County Urban Area Street Standards*.
- J. Civic Structures: The historic pattern seen in traditional downtown areas is that civic structures such as churches and theaters were constructed in a manner that differentiated them from commercial or residential structures and announced their

special functions to citizens. Typically, these differences were seen in aspects such as setback, materials, and openings such as windows and doors. Therefore, structures designed to be used either wholly or partially for civic use shall not be required to adhere to the standards included in this chapter regarding, materials, windows and openings. Additionally, civic structures shall not have any maximum setbacks.

18.24.070. Description of general, core, Fourth Street, and neighborhood transition character areas.

Character areas are established as depicted in Figure 18.24.070-1 and Figure 18.24.070-2.

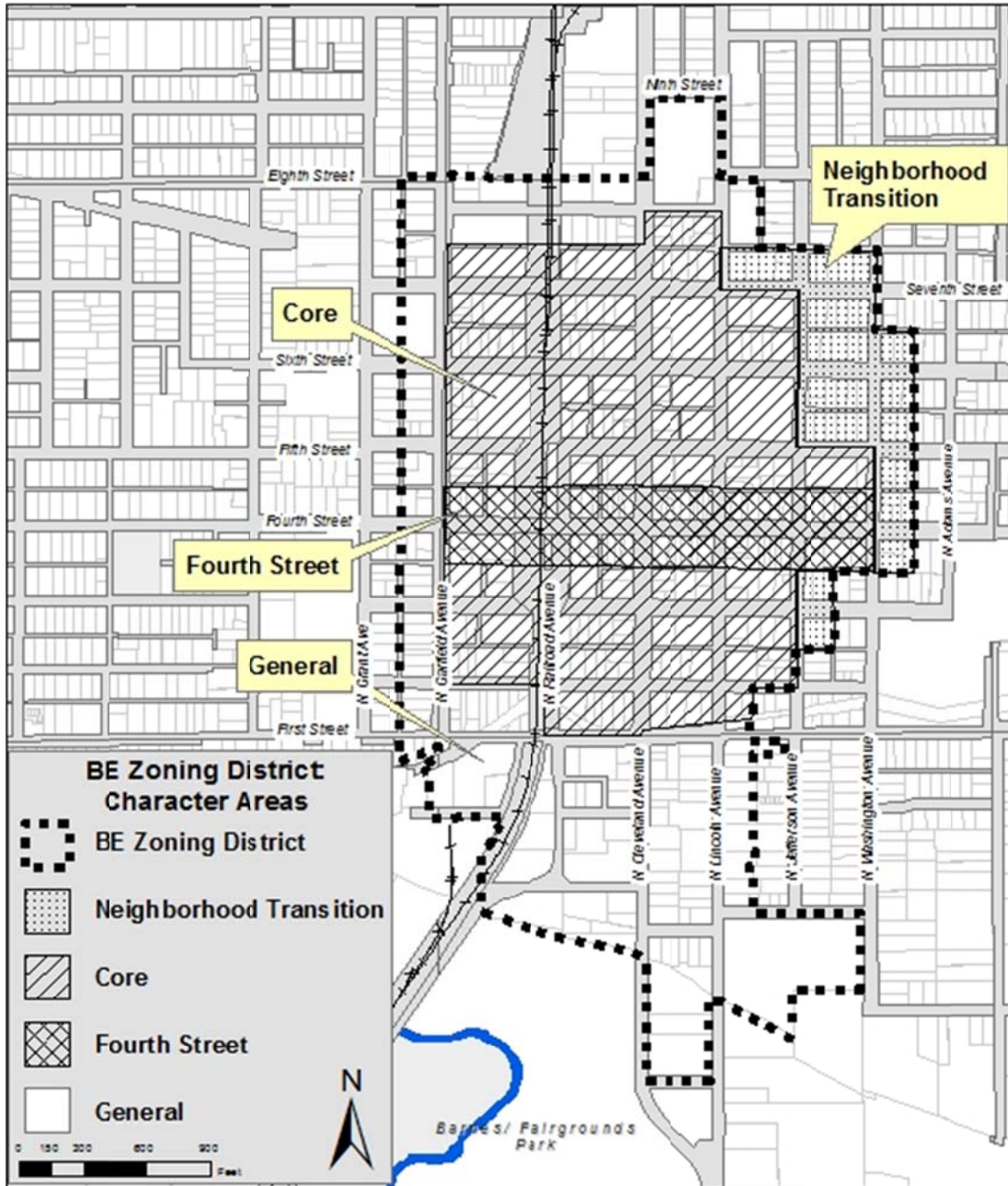


Figure 18.24.070-1: BE Zone District, Downtown Character Areas

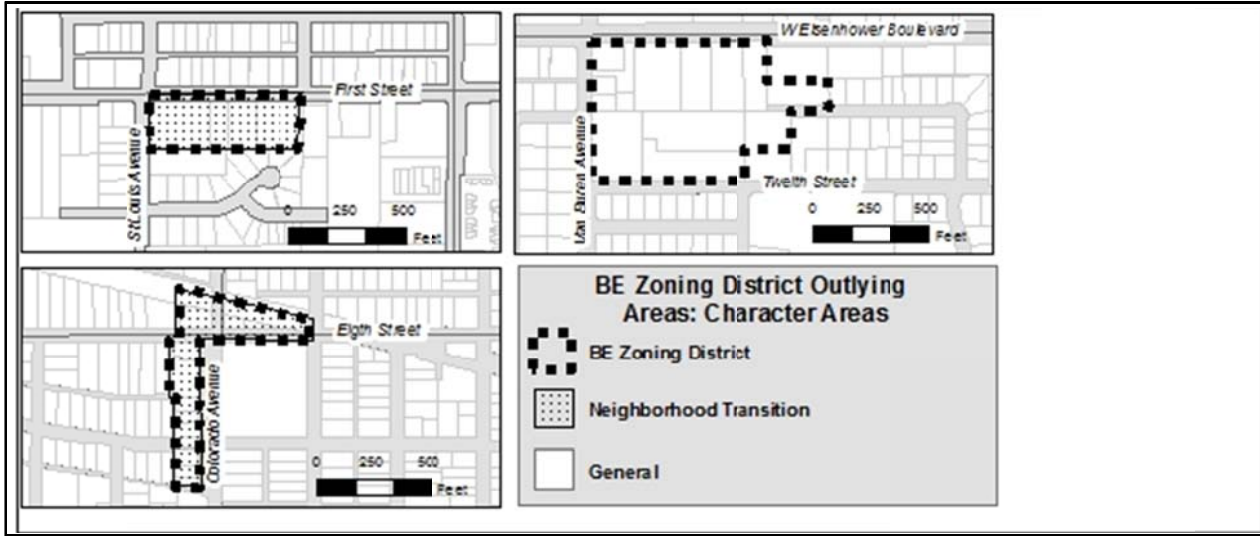


Figure 18.24.070-2: BE Zone District, Outlying Areas

Specific development standards are created for each character area. Development and redevelopment within each character area shall meet the standards set forth for that respective character area, as well as the standards set forth in Section 18.24.060.

18.24.080 General and core character areas urban design standards.

- A. Intent: The intent of these standards is to permit development and redevelopment in a manner that is consistent with the established character of the downtown BE district and the goals of promoting density of employment and residential uses through quality infill and redevelopment with a strong pedestrian orientation. These standards are intended to enhance the livability of residential areas, improve the appearance and attractiveness of land and buildings to customers, and enhance compatibility with adjacent uses.
- B. Applicability: The standards listed in this Section 18.24.080 are type 2 standards. These standards shall apply within the general and core character areas as depicted in Figures 18.24.070-1 and 18.24.070-2.
 - 1. New construction: These standards shall apply to new construction of buildings and structures, including additions to existing structures. These standards shall not apply to the existing portions of a structure to which an addition is being constructed, if there are no modifications proposed to the existing portion of the structure.
 - 2. Facade renovation: These standards shall apply to facade renovations. Standards shall apply only to the portion(s) of elevation(s) which are being renovated. (For example, an applicant proposing a renovation of the ground floor facade on one elevation would not be required to alter upper stories on that elevation, nor to alter other elevations.)
 - 3. Exemption for historic buildings: These standards shall not apply to designated historic structures altered or restored in compliance with a building alteration certificate authorized pursuant to Chapter 15.56 of the Loveland Municipal Code.

4. These standards shall apply in lieu of Chapter 18.53 - Commercial and Industrial Architectural Standards.

C. Primary pedestrian streets:

1. Intent: The intent of this section is to ensure that primary pedestrian routes remain inviting to pedestrians; to maintain the established commercial architectural character along certain streets within the downtown; to maximize commercial activity by not separating commercial areas with large areas of non-commercial facades; to facilitate comfortable pedestrian circulation between destinations; and to facilitate pedestrian circulation between parking areas and destinations to support “parking once” and walking to multiple destinations. Primary pedestrian streets are hereby established as shown in Figure 18.24.080-1.

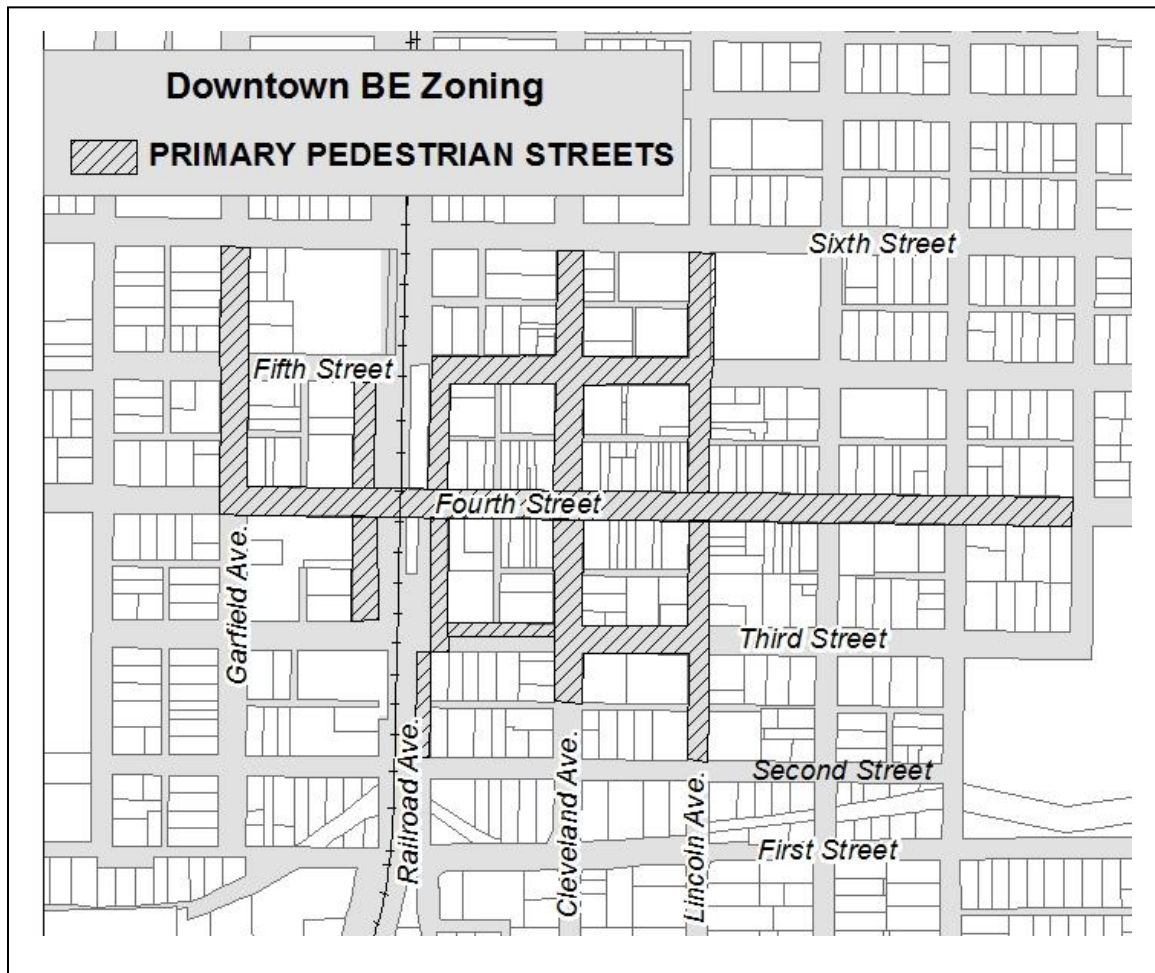


Figure 18.24.080-1: primary pedestrian streets

D. Primary and secondary elevations and lot frontage:

1. For buildings facing onto a public street right-of-way, the ground floor elevation facing onto said right-of-way shall be considered the primary elevation and the lot frontage on said right-of-way shall be considered the primary lot frontage.
 - a. For a building on a lot which is located on a street corner, one ground floor elevation and one lot frontage shall be determined to be the primary elevation

and the primary lot frontage. If one of these public streets is designated as a primary pedestrian street per this section, then the ground floor elevation and lot frontage facing this primary pedestrian street shall be the primary elevation and lot frontage.

- b. If the lot fronts onto two or more streets which are primary pedestrian streets then the application shall designate one ground floor elevation and lot frontage as the primary elevation and primary lot frontage.
 - c. All other ground floor elevations and lot frontages are considered secondary elevations and lot frontages.
- E. Dimensional standards: The standards set forth in this section and in Table 18.24.080-1 shall apply in the general and core character areas.

1. Dimensional standards

Table 18.24.080-1

Dimensional and Intensity Standards for General and Core Character Areas Only								
Use	minimum yard requirements ^{1,3}					open space, and lot size		
	Front	Side, Lot Line ⁴	Side, Right-of-way	Rear, Lot Line	Rear, Right-of-way	Useable Open Space	Min Lot Size	Min Lot Width
One-family detached	10	5	5	10	5	None	4,000	35
One-family attached ⁴	10	5	0	10	5	None	1,600	17
Two-family	10	5	0	10	5	None	4,000	40
Accessory Bldg	25	5	0	5	5	None	N/A	N/A
Multi-Family	10	5	0	10	0	10% Gen	5,000	50
Non-res & mixed	0	5 Gen 0 Core	0	10	0	7.5% Gen 0% Core	None	None
Off-street parking lots and structures ²	8	8	8	0	5	N/A	N/A	N/A

Notes:

1. Setbacks for garage doors fronting public alleys shall be either five (5) feet or less; or eighteen (18) feet or more. Setbacks for garage doors fronting a public street shall be at least twenty (20) feet.
2. Setbacks may be reduced for surface parking when a decorative masonry wall at least three (3) feet in height is provided along public rights-of-way at least six (6) feet in height when adjacent to any residential use).
3. Structures fifty (50) feet in height or taller shall be set back a minimum of fifteen (15) from the face of curb.
4. Attached one-family dwelling units shall be allowed to have a zero (0) foot sideyard setback where party walls are used.
5. See section 18.24.080.E.2.c for setbacks from public streets in the core character area.

- a. Setbacks adjacent to one-family residential uses: Setbacks on lot lines adjacent to one-family residential uses or residential zoning shall be one (1) foot for each five (5) feet of building height with a minimum setback of five (5) feet or the required setback listed in Table 18.24.080-1, whichever is greater.
2. Core character area supplementary dimensional standards
 - a. Intent: Dimensional standards within the core character area are intended to preserve and enhance the unique character of the area and encourage the renovation of existing buildings in a manner that preserves that character. The

core character area has a strong pedestrian orientation and is characterized by historic buildings with zero or minimal setbacks.

- b. Applicability: These standards shall apply to any development located within the core character area as defined in Section 18.24.070 and meeting the applicability standards set forth in Section 18.24.080.B.
- c. Setbacks: Buildings shall be located as near as possible to the edge of the public sidewalk to enhance pedestrian access and continue the existing pattern of development which is characterized by buildings located in close proximity to the sidewalk. The minimum distance between a building facade and face of curb shall be fifteen (15) feet on primary pedestrian streets as defined in Figure 18.24.080-1, and twelve (12) feet on all other streets except as stated below. Building facades shall be placed at these minimum distances, or up to a maximum of twenty (20) feet from the face of curb, for a minimum of 75% of the primary lot frontage and 50% of the secondary lot frontage. Pedestrian easements shall be dedicated in that area between the portion of the building facade meeting the 50% to 75% requirement outlined above and the property line. This area shall be paved so as to function as part of the public sidewalk. See Figure 18.24.080-2.
 - i. Table 18.24.080-2 contains minimum distance from building facade to face of curb that must be met for the required 50% to 75% of lot frontage per section 18.24.080.E.2.c for segments of Third, Fifth and Sixth Streets between Railroad Avenue and Lincoln Avenue. These requirements are pursuant to the document: *Destination Downtown: HIP Streets Master Plan*.

Table 18.24.080-2

Minimum Distances between facade and face of curb between Railroad Avenue and Lincoln Avenue	
Road Segment	Minimum Distance (in feet)
Third Street	
North Side	16.5
South Side	17
Fifth Street	
North Side	10
South Side	15
Sixth Street	
North Side	16.5
South Side	14.5

- ii The following may also be used to satisfy the above 50% and 75% frontage requirements.
 - 1) For buildings with ground floor residential uses; a setback of up to thirty-five (35) feet from the face of curb, on that portion of the building facade containing the ground floor residential use, provided that the area greater than a minimum of fifteen (15) feet from the face of curb consists of landscape or quality hardscape.

- 2) For buildings or developments with frontage along more than one street a public open space such as a plaza on a maximum of one of a building's street frontages.
- 3) An arcade at least six (6) feet deep.
- 4) A setback of up to twenty-five (25) feet from the face of curb to allow for outdoor dining for up to a maximum of 25% of the total lot frontage.

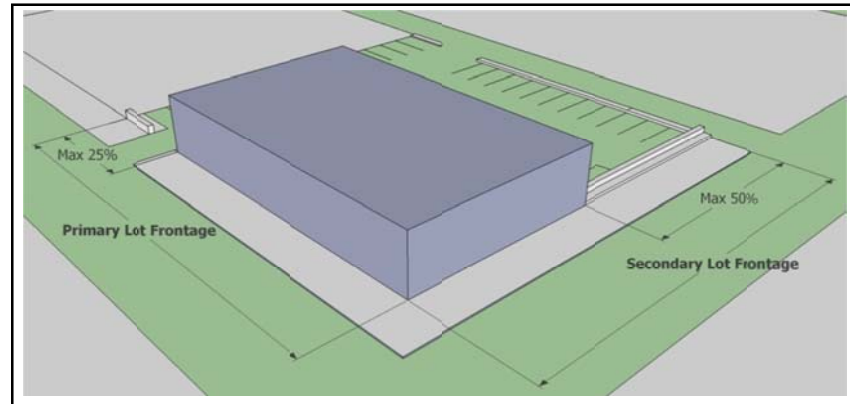


Figure 18.24.080-2

- F. Architectural features: Traditional downtown buildings achieve quality appearance through the use of quality materials and proportions and architectural rhythm. Articulation of downtown buildings is often more subtle than articulation of typical suburban buildings.
1. Buildings shall incorporate a combination of the following features: columns, pilasters, window dormers, bay windows, corbels, balconies, porches, or other similar architectural features to add visual interest and diversity.
 2. All elevations facing a public street right-of-way, public plaza or pedestrian space, or public parking lot shall contain a cornice parapet, capstone finish, eaves projecting at least twelve (12) inches, or other roof features.
 3. All rooftop mechanical equipment shall be screened from view from public rights-of-way with screening materials comparable to the color, tone and texture of materials used on the building.
 4. Each building fronting a public street shall have at least one primary entrance that shall be clearly defined and recessed or framed by elements such as awnings, porticos or other architectural features. Buildings fronting onto a primary pedestrian street shall place the primary entrance on the primary pedestrian street frontage.
 5. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as set forth in Table 18.24.080-3.
 6. No wall facing a plaza or public street shall extend more than twenty (20) horizontal linear feet on the ground floor without a window or other opening.
 7. Facades greater than seventy-five (75) feet in length shall contain recesses or projections of a minimum depth of 3% of the facade length extending for a minimum of 20% of the length of the facade.

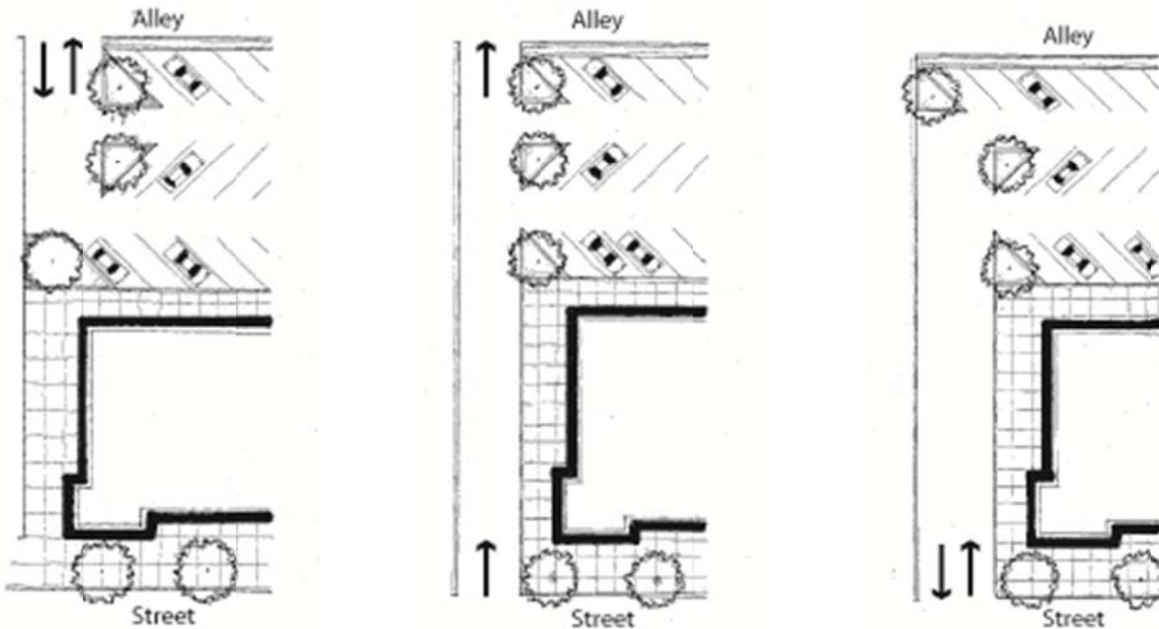
8. Facades visible from a public street, public plaza or public pedestrian space shall be finished with quality materials that reinforce the pedestrian character of the downtown. Minimum window and door openings shall be limited to the percentages indicated in Table 18.24.080-3.
 - a. At least 30% of facades shall consist of brick or stone or finish materials consistent with the historic character of the area. The area of windows and doors shall be excluded from the external wall area for this calculation.
 - b. The remainder of the facade not consisting of windows and doors shall consist of quality materials such as: brick, textured and/or ground face concrete block, textured architectural precast panels, masonry, natural and synthetic stone, exterior insulation finishing systems, stucco, and similar high quality materials as approved by the current planning manager.
 - c. Wood and metal are acceptable accent materials but should not account for more than 20% of any one facade.
 - d. No wall facing a plaza or public street shall extend more than twenty-five (25) horizontal linear feet without a window or other opening.
9. Historic compatibility: Facades in the core character area are not required to mimic historical architecture. However, certain areas of the core character area contain established patterns of historic building facades. Fifth Street between Railroad Avenue and Cleveland Avenue; or Lincoln Avenue between Fourth Street and Sixth Street are examples of this pattern. Where the surrounding block contains a pattern of historic buildings, new buildings should be designed to be compatible in scale, rhythm, materials, and mass with the historic buildings.

Table 18.24.080-3

Minimum Window and Door Percentage General and Core Character Areas				
Character Area	General		Core	
	Street Type		Street Type	
Facade Type / Location	Primary Pedestrian Street	Non-Primary Pedestrian Street	Primary Pedestrian Street	Non-Primary Pedestrian Street
Primary, Ground Floor	30%	30%	40%	40%
Secondary, Ground Floor	30%	20%	40%	30%
Residential, Ground Floor	20%	20%	20%	20%
Upper Floors, All Uses ¹	15%	15%	15%	15%

1. Upper floor surface area shall be measured excluding cornice or other roof features.

- G. Open space: Where sufficient site area is available, common open spaces shall be provided in the form of central courts and squares to provide a focal point for activity, instead of perimeter buffer yards.
- H. Parking: The intent of this section is to reduce the impact of parking lots on the pedestrian character of the downtown, by encouraging parking to be located to the rear or sides of buildings.
 1. Vehicular access to parking lots shall be from alleys unless determined to be infeasible by the current planning manager. In those cases, it is preferable to have vehicle ingress from a public street and vehicle egress into the adjacent alley. The third preferable option is ingress and egress from the street. (See options A, B, and C in Figure 18.24.080-3).
 2. Parking or drive aisles shall not be located between the primary elevation and the public right-of-way.
 3. Parking lot frontage may not comprise more than 50% of any secondary lot frontage facing a public street right-of-way. This standard does not apply to lot frontage on an alley or on a lane that functions as an alley (see Figure 18.24.080-2).
 4. Parking lot frontage may not comprise more than 25% of the primary lot frontage, with the exception that a drive aisle and a single bay of parking perpendicular to the primary lot frontage is permitted where alley access is not utilized.
 5. Parking lots shall be appropriately screened per Section 3.04 of the *Loveland Site Development Performance Standards*, except that screening shall be provided for the entire length of the parking lot, exclusive of the driveway.
 6. Screening is not required adjacent to public alleys.



A.

B.
Figure 18.24.080-3

C.

- H. Pedestrian facilities: Pedestrian sidewalks, at least five feet in width, shall be provided along all internal drives. Sidewalks shall provide access to adjacent roads, public spaces, parks and adjacent developments, when feasible. Front ground floor entrances to residential units shall be connected by a porch and/or walkway to the public sidewalk.
- I. Other site amenities: Site amenities shall include ornamental street lighting, fencing, planters, benches, and feature landscaping at entries and within central open spaces consistent with the historic character of the downtown.
- J. Infill streets and drives: Vehicular lane widths shall be kept to the minimum required width to reduce speeds and facilitate pedestrian activity.

18.24.090. Fourth Street character area urban design standards.

- A. Intent: The intent of these standards is to preserve and enhance the historic character of the Fourth Street character area; to enhance the character of the retail district; and to maintain and enhance a pedestrian-friendly environment.
- B. Applicability:
 1. Fourth Street character area: These standards shall be applicable to properties within the Fourth Street character area as identified in Figure 18.24.070-1.
 2. The standards in this Section 18.24.090 are type 2 standards.
 3. New construction: These standards shall apply to new construction of buildings and structures.
 4. Facade renovation: Standards shall apply only to the portion(s) of elevation(s) which are being renovated. The current planning manager may waive the requirement for a facade being renovated to install a storefront as defined in section 18.24.090.F under the following conditions:
 - (i) the structure was not originally constructed with a storefront or had not been renovated to have a storefront in the past;
 - (ii) the installation of a storefront is not practicable based on the cost of such renovation being greater than 50% of the total building permit valuation for the work being performed on the structure, or;
 - (iii) the proposed renovation is not materially changing the form of the facade.
 5. No change in existing setbacks shall be required under this section during a facade renovation.
 6. Lots located in the Fourth Street character area, but with no lot line adjacent to Fourth Street, shall comply with standards of Section 18.24.080.E.2.
- C. Front, side and rear setbacks in the Fourth Street character area shall be as shown in Table 18.24.090-1.

Table 18.24.090-1

Fourth Street Character Area Setbacks	
Fourth Street Lot Line ^{1,3}	0' Maximum
Rear Lot Line ²	0' Minimum
Side Lot Line	0' Minimum
Notes: 1. Except for minor recesses and projections and recessed doorways 2. Garage doors shall be set back five (5) feet or less or eighteen (18) feet or more from alley rights of way. 3. Greater setbacks may be allowed in order to allow for the plaza spaces shown in the <i>Destination Downtown HIP Streets Master Plan</i>	

D. Building Unit: These provisions are intended to result in building forms that are compatible with the historic pattern of 25-foot wide lots and storefronts found in the Fourth Street character area (see Figure 18.24.090-1).

1. New buildings constructed along Fourth Street shall, at the ground floor, be segmented into storefronts of between twenty (20) feet and fifty (50) feet in width.
2. Each storefront shall have a separate entrance.
3. Each storefront shall be separated from the adjoining storefront by a solid vertical element or feature a minimum of eight (8) inches wide.
4. Buildings having Fourth Street frontage greater than seventy-five (75) feet shall be designed so as to appear to be multiple buildings. Changes in facade

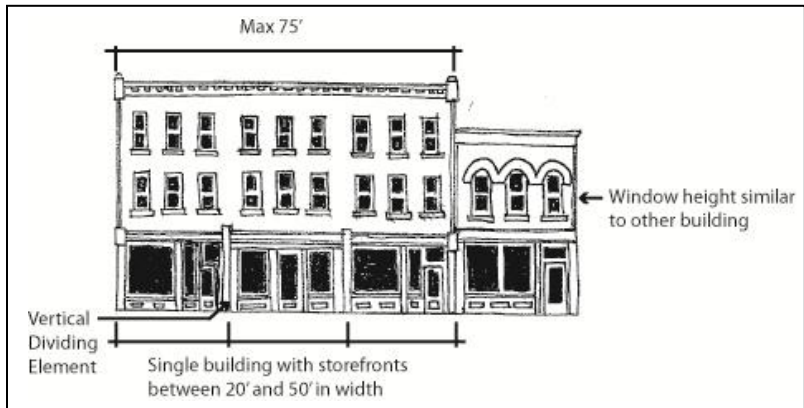


Figure 18.24.090-1

facade height, cornice or decorative details are examples of techniques that may be used. There should be some slight variation in alignments between the facade elements such as window heights.

E. Corner Buildings: These provisions are intended to ensure that buildings that front onto two streets continue a pedestrian character on both streets through window and door openings, a characteristic common to the Fourth Street character area. This enhances pedestrian comfort and the walkability of the downtown (see Figures 18.24.190-2 and Figure 18.24.090-3).

1. Corner buildings are those that have a frontage on Fourth Street and frontage on an intersecting street including Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue, or Washington Avenue.

2. For lots located at the corner of Fourth Street and any intersecting street, storefronts shall be designed to appear to wrap around corners by including a corner entrance or large pane display window at least ten (10) feet in width along the side street facade.
3. Any corner building having more than seventy-five (75) feet of frontage on an intersecting street, shall have at least one storefront at ground level, as described in Section 18.24.090.F.3., facing the intersecting street and measuring at least twenty-five (25) feet in width.

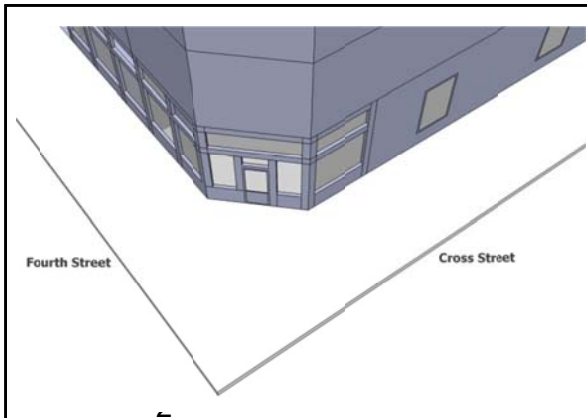


Figure 18.24.090-2

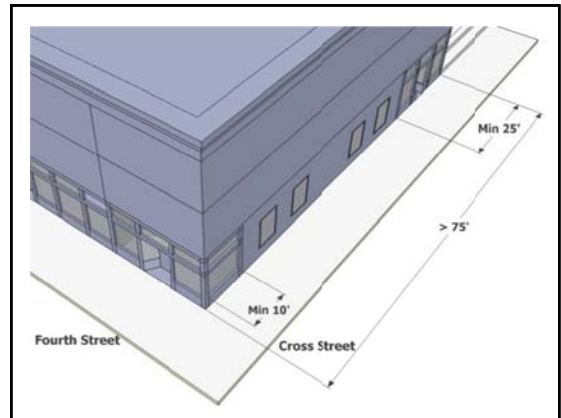


Figure 18.24.090-3

F. Architectural features: The provisions in this section are intended to lead to a building

form that is compatible with the existing historic character of the Fourth Street character area; and that maintains or enhances the retail and pedestrian character of this area (see Figure 18.24.090-4).

1. Upper floors shall be designed with a pattern of vertically oriented windows with spacing between windows and the ratio of solid to void similar to surrounding historical facades.

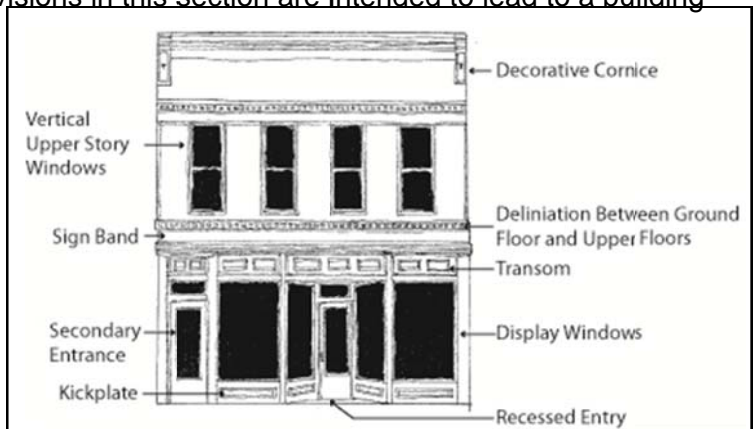


Figure 18.24.090-4

2. Floor-to-floor heights of the ground floor and upper floors shall be compatible with surrounding historic buildings;
3. Ground floor facades facing Fourth Street shall be designed as a typical storefront having the following features: large display windows with metal or wood frames; transom windows; kick plates of between one (1) foot and two and a half (2.5) feet in height and constructed of metal, tile, stone, brick, or other similar high quality material.

4. Ground floor storefront doorways shall be recessed a minimum of three (3) feet from the front of the building. The width of the recessed area shall not be more than 40% of the width of the individual storefront or twenty (20) feet.
 5. A single building divided into more than one store-front need not recess every storefront doorway. Secondary doors and doors servicing upstairs uses need not be recessed unless required to open outwards by building or fire codes.
 6. Ornamentation or a banding technique should be used to delineate the ground floor from the upper floors.
 7. Excepting the recessed door and any upper-story setbacks, the facade should appear as predominantly flat, with any decorative elements and projecting or setback "articulations" appearing to be subordinate to the dominant building form.
 8. The roof shall incorporate a parapet wall with a cornice treatment, capstone finish or similar feature facing public streets rights-of-way.
 9. The traditional function of awnings was to protect pedestrians and shoppers from sun, rain and snow. Awnings should express the dimensions of the storefront framing and not obscure characteristic lines or details.
 10. Facades need not mimic historical buildings, but shall be of a style that is compatible in rhythm, massing, material and design with the historic character of Fourth Street. Thematic facade designs, such as "Swiss chalet", should not be used.
- G. Materials: These provisions are intended to lead to construction with quality materials that will match existing character and historic precedent; that will be durable; and that will enhance the retail and pedestrian character of this area.
1. Facades facing Fourth Street shall consist of brick, stone, masonry, or similar high quality material.
 2. Facades facing Garfield Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, Jefferson Avenue and Washington Avenue, or any identified pedestrian alley, shall consist of a minimum of 50% brick, stone, masonry, or similar high quality material.
 3. Non-party walls facing side lot lines shall consist of a minimum of 50% brick, stone, or masonry.
 4. These materials standards shall not apply to upper floors which are recessed in accordance with Section 18.24.060.A.3.d
- H. Windows and Doors: These provisions are intended to result in a permeable streetwall that matches existing character and historic precedent and enhances the pedestrian and retail character of this area.
1. Windows and doors shall comprise a minimum percentage of facades facing public streets rights-of-way, as indicated by Table 18.24.090-2.
 2. Any section of wall facing Garfield Avenue, Arthur Avenue, Railroad Avenue, Cleveland Avenue, Lincoln Avenue, or Jefferson Avenue may not exceed Twenty-five (25) feet without containing windows or doors on the first floor.
 3. Highly reflective or darkly tinted glass is inappropriate in first-floor storefront display windows.

4. Existing buildings need not meet these window and door standards, unless these standards can be met by opening original windows or storefronts which were previously enclosed.
5. During renovation of the facade of a building that has been evaluated as contributing to a downtown historic district in the *City of Loveland Historic Preservation Plan*, historic window openings that have been altered should be restored.

Table 18.24.090.-2

Facade Type / Location	Minimum Percentage of windows and doors
Ground Floor, Facing Fourth Street	50%
Ground floor, cross street	30%
Upper floors ¹	15%
Facing Alley	0%
1. Upper floor surface area shall be measured excluding cornice or other roof features.	

18.24.100. Neighborhood transition character area urban design standards.

- A. Intent: Certain areas of the downtown BE zoning district maintain a largely consistent character of high-quality historic homes. Additionally, several pockets of BE zoning district areas lie within traditional residential neighborhoods. These neighborhoods are often characterized by mainly traditional one-family residential structures with pockets of other development; and tree-lined streets. The neighborhood transition character area is meant to protect the character of these areas when redevelopment or new development occurs, while allowing for a mix of uses appropriate to these areas and allowed by zoning. The neighborhood transition areas are also meant to transition to adjoining neighborhoods.
- B. Applicability:
 1. Neighborhood transition character area: These standards shall be applicable to properties within the neighborhood transition character area as identified in Figure 18.24.070-1 and Figure 18.24.070-2.
 2. The standards in this Section 18.24.100 are type 2 standards.
 3. New construction: These standards shall apply to new construction of buildings and structures, including additions.
 4. Facade renovation: These standards shall apply only to those portion(s) of each elevation that is being renovated.
 5. This section shall not require a change in existing setbacks during a facade renovation.
 6. This section shall not require the modification of existing setbacks in cases of building expansion except that a building cannot be expanded, in such a manner that the setback of the new construction will not conform to Section 18.24.110.D below.
 7. These standards, other than those pertaining to setbacks, shall not apply to one-family detached and two-family attached and detached residential uses.
- C. Massing and architectural rhythm:

1. New buildings or additions should continue a massing pattern that is similar to the existing pattern of the block face as shown in Figure 18.24.100-1. For the purposes of this section, massing shall refer to height, width, bulk, roof form, or roof slope and direction of slope.

2. Compliance may be accomplished by creating independent building modules through articulation, roofline, or other distinguishing features.

3. New buildings shall have pitched roofs

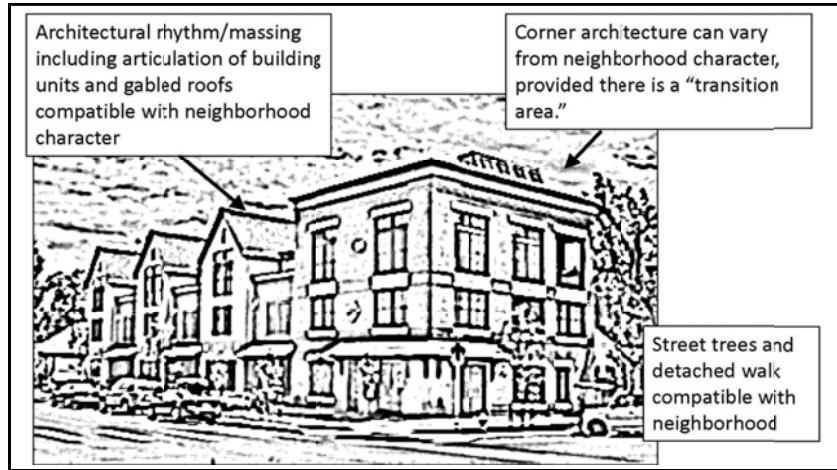


Figure 18.24.100-1

including hips or gables in order to match the residential character of the area.

Buildings located on a lot with frontage on Washington Avenue, Jefferson Avenue, and Lincoln Avenue are not required to have a pitched roof but must meet the massing and setback standards set forth in Section 18.24.100.D.3.a.

4. Elevations facing a public street shall consist of at least 15% openings including windows and doors.

5. Materials: Structures shall be constructed of quality materials as defined in Section 18.24.080.E.b, but designers should consider the use of exterior cladding materials such as brick or siding commonly used on residential structures. Architectural metals such as bronze, copper, and wrought iron may not exceed 20% of any one facade.

6. Garage placement and design: Attached garages shall be setback from the front facade of a structure a minimum of six (6) feet. The width of the total elevation of garage doors facing a public street may be no more than eighteen (18) feet.

1. Each primary structure shall have at least one entrance facing a public street. This entrance shall have a direct pedestrian connection to the adjacent sidewalk.

D. Setbacks:

1. Building setbacks shall be in accordance with Table 18.24.100-1. Front setbacks shall be within four (4) feet of the average setback on the block face, provided that the resulting setback is in keeping with the character of the block. See Figure 18.24.110-2 for an example of how a front yard setback is determined.

Table 18.24.100-1

Setbacks in Neighborhood Transition Character Area ³					
	Front setback ¹	Side setback, adjoining lot	Side setback, right-of-way ₁	Rear setback, adjoining lot	Rear setback, alley
Principal Structure	Within 4' of the average setback on the block face	1' per 5' of height, not less than 5'	10'	10'	0'
Accessory structure ²	Not less than setback of principal structure	5'	10'	5'	0'

1. See Section 18.24.100.D.3 for setback requirements for lots with frontage on Washington Avenue, Jefferson Avenue and Lincoln Avenue.
 2. Garages must be set back less than five (5) or more than eighteen (18) feet from alley rights of way.
 3. No building shall be located closer than 15 feet from the face of curb.

2. For lots with frontage on Washington Avenue, Jefferson Avenue, and Lincoln Avenue; the setback for buildings may be reduced or buildings may be built to the back of the public sidewalk on all street frontages provided there is a transition between the corner lot and the rest of the block face. A transition may include:

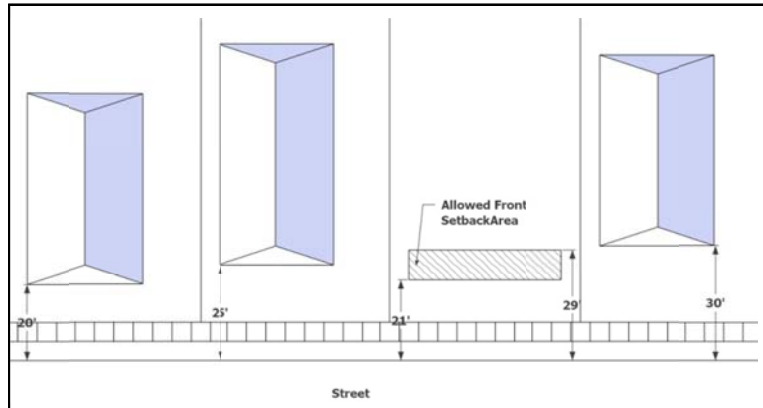


Figure 18.24.100-2

a. A front yard setback that meets the requirements of Section D.1 for a minimum width of twenty-five (25) feet combined with a building massing of at least twenty-five

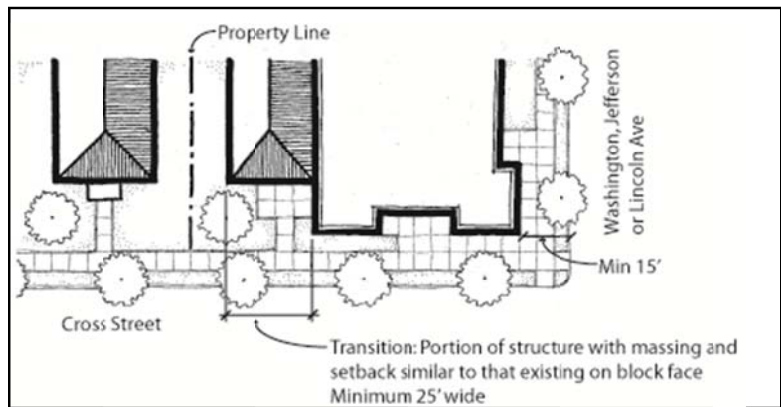


Figure 18.24.100-3

(25) feet in width that is similar to the massing pattern on the rest of the block face, is implemented for the entire length, front to back, of the structure and has at least two (2) of the following aspects: height, width, bulk, roof form, or roof slope and direction of slope similar to other structures on the block face (see Figure 18.24.100-3), or:

b. An existing alleyway.

E. Additions, expansions or modifications to existing buildings: The intent of this provision is to provide guidelines that maintain the character of the largely historically intact neighborhood transition character areas when existing structures are converted from residential to commercial use or are expanded.

1. When a residential structure is converted into a commercial use, the basic residential form of the building should remain.
2. An existing front porch shall remain and shall not be enclosed.
3. The existing window pattern on street-facing facades shall not be dramatically changed.
4. The exterior cladding or material should remain that of a residential building and feature brick, siding or other appropriate material.
5. Additions or expansions to existing structures shall not be in front of the front setback or side setback on corner lots unless the existing setback is more than three (3) feet back from the allowed setback on that block face. Additions or expansions of an existing structure shall utilize a roof form with the same pitch as the existing roof and be constructed of similar material as the original structure.
6. The use of metal as anything other than an accent is prohibited.

F. Parking: The intent of these provisions is to minimize the impact of parking areas on the existing and desired character of the neighborhood transition character areas. These provisions shall not apply to one-family and two-family residential uses.

1. Parking shall not be allowed between the front facade and a public street or in the side yard setback adjacent to a public street on corner lots (see Figure 18.24.100-4).
2. Parking shall be screened from adjacent residentially zoned lots and residential uses by an opaque fence a minimum of six (6) feet tall. This fence shall not extend beyond the front yard setback. Parking shall be screened from

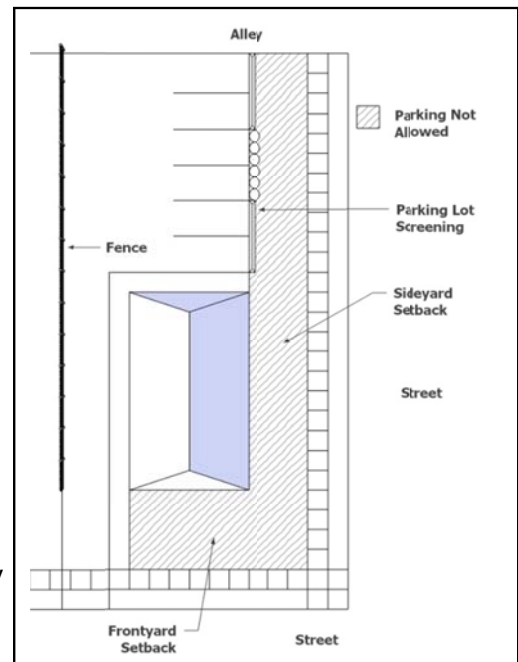


Figure 18.24.100-4

public rights of way, not including alleys, and residential zoning or uses per Section 4.07.02.A of the *Site Development Performance Standards* except that the parking

lot shall be screened per these standards for its entire length exclusive of driveways.

3. To the maximum extent possible, vehicular access to lots should be provided through the existing alleys. Where curb cuts from adjoining streets already exist or are required, the preferable design is to have vehicular ingress from the public street and egress into an alley.
4. In order to maintain a pedestrian friendly environment, vehicular access from public street rights of way shall be designed and constructed to be as narrow as possible. Whenever possible, new curb cuts shall be placed so as to not require the removal of existing street trees.
5. For lots where parking is the principle use, the parking lot shall be setback in accordance with Section 18.24.100.D.

18.24.110 Landscaping.

- A. Purpose and Intent: The landscaping standards for the BE Zone District are intended to set a minimum landscape standard that emphasizes those elements most important to the creation of a pedestrian friendly environment that can support a variety of uses and building forms.
- B. Applicability:
 1. These standards shall apply in any areas between a building facade and a public street.
 2. These standards shall apply to plaza spaces constructed in accordance with Section 18.24.080.E.2.c.ii.2.
 3. Street trees and tree lawn landscaping improvements shall be required when: (i) there is new construction of primary structures, (ii) renovations of a value of greater than 25% of the assessed valuation of the building are undertaken; (iii) the footprint of an existing building is expanded by more than 25%; (iv) or the building changes from a residential use to a non-residential use.
 4. Landscaping requirements shall not apply when building improvements or modifications do not increase the gross floor area such as in the case of facade renovations, the construction of external stairwells, porches, or the installation of awnings.
- C. Landscaping: Type 1 standard. The Landscaping standards included regarding street trees and parking lot landscaping and screening in Chapter 4 of the *Loveland Site Development Performance Standards* shall be applicable to all non-residential and multi-family residential uses.
- D. Street Trees: The following type 2 standards are applicable to all street trees in the BE district. The provision of street trees is essential for the creation of a pedestrian friendly downtown area. Street trees are generally located between the curb and the main pedestrian pathway. In this location, they provide shade for pedestrians and serve to buffer pedestrians from auto traffic.
 1. Street trees shall be provided along all street frontages of a lot.
 2. Street trees shall be planted on thirty-five (35) foot centers, taking into account the location of public utilities and curb cuts. Diseased or dying trees shall be removed

by the property owner and new trees must be replanted in accordance with these provisions.

- 3. The location used for the installation of street trees shall be a minimum of ten (10) feet in width in situations associated with new construction of sidewalks. The current planning manager may reduce this width based on site constraints. The installation of trees should utilize design practices such as interconnecting tree soil from planting bed to planting bed.
 - 4. Street trees shall be of a species commonly considered to be canopy trees.
 - 5. A minimum sidewalk horizontal clearance of six (6) feet shall be maintained.
 - 6. In instances where a tree lawn is provided the ground cover in the tree lawn shall be low growing and durable so as not to prevent or interfere with people using curbside parking and exiting from vehicles onto the tree lawn. The use of rock or stone in the tree lawn shall not be allowed.
 - 7. Existing mature street trees should be maintained wherever feasible.
 - 8. All existing healthy and mature trees shall be preserved and incorporated into the site design for new off-street parking areas and buildings.
- E. Plazas: Type 2 standard. Landscaping in public plaza spaces built as allowed in Section 18.24.080.E.2.c.ii.2) should be designed with consideration given to the proposed use of the space. It is appropriate for onsite landscaping in the form of plazas or semi-public open space to employ the use of more softscape design elements than the landscape design in the public sidewalk areas, especially if they are attached to a residential use.

Section 2. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this _____ day of _____, 2011.


ATTEST:

CITY OF LOVELAND, COLORADO:

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney

FIRST READING: June 7, 2011

SECOND READING: June 21, 2011

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 18 OF THE LOVELAND MUNICIPAL CODE BY AMENDING CHAPTER 18.54 REGARDING BUILDING HEIGHT REGULATIONS

WHEREAS, City Council finds that updates to Title 18 of the Loveland Municipal Code are necessary and required in the interest of the health, safety and welfare of the people; and

WHEREAS, the City Council has received a recommendation of the Planning Commission recommending adoption of revisions to Title 18 of the Loveland Municipal Code, including changes to Chapter 18.54 regarding Building Height Regulations; and

WHEREAS, the City Council desires to adopt the recommendations of the Planning Commission and revise Chapter 18.54 of the Loveland Municipal Code regarding Building Height Regulations.

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

Section 1. Chapter 18.54 of the Loveland Municipal Code is amended by the revision of the table in Section 18.54.020 to read in full as follows:

18.54.020 Height limitations-Conformance required.

. . .

Use	Maximum height of building or structure	Maximum height of accessory building or structure
One, two, three and four family dwelling units	35	25
Multiple family dwellings more than four dwelling units	40	25
Mobile homes	25	15
I zoning district east of County Road 9	50	50
Other	40	40
E-Employment Center District	As provided in Chapter 18.30 E District	50

		Schedule of Flexible Standards	
Use	Maximum height of building or structure	Maximum height of accessory building or structure	
MAC-Mixed-use Activity Center District	As provided in Chapter 18.29 MAC District Schedule of Flexible Standards	50	
BE – Established Business District	As provided in Chapter 18.24 BE – Established Business Zoning District	As provided in Chapter 18.24 BE -Established Business Zoning District	

Section 2. Chapter 18.54 of the Loveland Municipal Code is amended by the revision of Section 18.54.040 to read in full as follows:

18.54.040 Height limitations within fifty feet of residential uses.

Any nonresidential use or multi-family use located closer than fifty (50) feet from the property boundary of a residential use, excluding multi-family dwelling units, shall be limited to the maximum height allowed for a single family residential use. This standard shall not apply to nonresidential or multi-family uses located within the BE - Established Business District. See Chapter 18.24 for height limitations for nonresidential and multi-family uses located next to residential uses, excluding multi-family dwelling units.

Section 3. That as provided in City Charter Section 4-9(a)(7), this Ordinance shall be published by title only by the City Clerk after adoption on second reading unless the Ordinance has been amended since first reading in which case the Ordinance shall be published in full or the amendments shall be published in full. This Ordinance shall be in full force and effect ten days after its final publication, as provided in City Charter Section 4-8(b).

Signed this _____ day of _____, 2011.


ATTESTED:

CITY OF LOVELAND, COLORADO

City Clerk

Mayor

APPROVED AS TO FORM:


Assistant City Attorney



CITY OF LOVELAND
CITY MANAGER'S OFFICE

Civic Center • 500 East Third • Loveland, Colorado 80537
(970) 962-2303 • FAX (970) 962-2900 • TDD (970) 962-2620

AGENDA ITEM: 10
MEETING DATE: 6/21/2011
TO: City Council
FROM: William D. Cahill, City Manager
PRESENTER: William D. Cahill

TITLE:

Motion authorizing and directing the City Manager to complete the purchase of the former Agilent property.

DESCRIPTION:

This is an administrative action. The City has competed successfully to be named as the candidate site for the ACE project. The City has entered into a Purchase and Sale Agreement to purchase the subject Agilent property for \$5.5 million, in order to transfer the property for ACE. This action gives final direction from the Council to the City Manager to complete the purchase.

BUDGET IMPACT:

Yes No

The funding is from various fund balances in the amount of \$5,745,000, as previously appropriated by City Council action.

SUMMARY:

The City entered into a Letter of Intent in January, 2011 to buy the Agilent property located at 14th and Taft in southwest Loveland. In April, the City and Agilent executed a Purchase and Sale Agreement for the property for a purchase price of \$5,500,000.

The purchase includes approximately 305 acres of property, over 800,000 square feet of buildings, and substantial water rights (including 128 Colorado-Big Thompson units and three Home Supply ditch shares.)

In earlier actions, the City Council has already appropriated necessary funding in the amount of \$5,745,000 for the purchase and related actions. The Council retained final discretion to authorize the purchase, adopting a resolution requiring that the City Manager obtain express authorization from the City Council in order to proceed with closing of the purchase.

On June 9, the City Council convened a special meeting for the announcement of the ACE project in Loveland, and introduction of United Properties as the developer selected as CAMT's development partner in the project.

The closing is scheduled for June 23, 2011. Therefore, the matter returns to the City Council for authorization to the City Manager.

LIST OF ATTACHMENTS:

RECOMMENDED CITY COUNCIL ACTION:

Adopt a motion authorizing and directing the City Manager to complete the purchase of the former Agilent property, executing closing documents and taking other necessary actions.

REVIEWED BY CITY MANAGER: