

AGENDA
LARIMER COUNTY PLANNING COMMISSION
Wednesday, May 18, 2016/6:30 P.M./Commissioners' Hearing Room

- A. CALL TO ORDER
- B. PLEDGE OF ALLEGIANCE
- C. PUBLIC COMMENT ON THE COUNTY LAND USE CODE
- D. PUBLIC COMMENT REGARDING OTHER RELEVANT LAND USE MATTERS NOT ON THE AGENDA
- E. APPROVAL OF THE MINUTES FOR THE APRIL 20, 2016 MEETING.
- F. AMENDMENTS TO AGENDA
- G. CONSENT ITEM: *Will not be discussed unless requested by Commissioners or members of the audience.

*1. DAY PLANNED LAND DIVISION/PLANNED DEVELOPMENT #15-S3314

Staff Contact: Michael Whitley **Page 1**

H. ITEM:

2. LONGS PEAK FARM CONSERVATION DEVELOPMENT #15-S3313

Staff Contact: Michael Whitley **Page 30**

I. REPORT FROM STAFF

J. ADJOURN

NEXT MEETINGS: Wednesday, June 01, 2016: BCC/Planning worksession
Wednesday, June 15, 2016: Planning Commission hearing

*1. TITLE: Day Planned Development/Planned Land Division & Appeals

REQUEST: A) Rezoning from R-1 – Residential to Planned Development and a Combined Preliminary and Final Planned Land Division of an 1.795-acre parcel into two single-family residential lots;
B) Appeals to Sections 8.14.1.H (Lot Depth to Width Ratio) and 8.14.1.R (Connectivity) of the Land Use Code

LOCATION: Section 36, Township 5 North, Range 69 West of the 6th P.M.; 4102 S. Garfield Avenue, Loveland; Located east of S. Garfield Road approximately 300 feet north of the intersection of 42nd Street SE and S. Garfield Avenue

APPLICANT: Rob Persichitte
Intermill Land Surveying
1301 N. Cleveland Avenue
Loveland, CO 80537

PROPERTY OWNERS: Roger and Irene Day
4102 S. Garfield Avenue
Loveland, CO 80537

STAFF CONTACTS: Michael Whitley, Planning
Clint Jones, Engineering
Doug Ryan, Health Department

FILE #: 15-S3314

NOTICE GIVEN: Posting in the officially designated area of the Larimer County Courthouse Offices no less than twenty-four hours in advance of the hearing.

SITE DATA:

Parcel Number: 95363-00-014
Total Development Area: 1.795 acres
Existing Land Use: Single-Family Residence & Detached Accessory Living Area

Proposed Land Use:	Existing Detached Accessory Living Area is proposed to become the primary residence on Lot 2
Existing Zoning:	R-1 - Residential
Adjacent Zoning:	
North and South:	R-1 – Residential
West:	R-1 – Residential & I – Industrial
East:	C - Commercial
Adjacent Land Uses:	Single-Family Residential & Commercial
Services:	
Access:	S. Garfield Avenue
Water:	City of Loveland
Sewer:	Berthoud
Fire Protection:	Loveland Rural Fire Protection District
No. Trips Generated by Use:	20 trips per day

PROJECT DESCRIPTION/BACKGROUND:

The applicants propose to divide a 1.795-acre parcel that is zoned R-1 - Residential to create one additional residential lot. The property currently contains a single-family home and a Detached Accessory Living Area. The existing primary home would be on the proposed Lot 1 and the Detached Accessory Living Area would become the primary home on the proposed Lot 2.

The property is located at 4102 S. Garfield Avenue, Loveland, which is approximately 300 feet north of the intersection of 42nd Street SE and S. Garfield Avenue.

Because the property is located in the Loveland Growth Management Area, the property must be divided through the Planned Land Division process. A rezoning of the property to PD - Planned Development is required concurrently with the Planned Land Division.

The minimum lot size in the current R-1 – Residential zoning district is 2.3 acres if a well or septic system is utilized and 0.23 acres if both public water and public sewer are utilized. The property is currently served by City of Loveland water and Town of Berthoud sewer. The proposed lot sizes are 1.028 acres and 0.57 acres.

Both proposed lots would gain direct access to S. Garfield Avenue from existing driveways. No new roads are proposed.

The request includes appeals to Sections 8.14.1.H (Lot Depth to Width Ratio) and 8.14.1.R (Connectivity) of the Land Use Code

REVIEW CRITERIA:

Rezone to Planned Development

To approve an amendment of the official zoning map to change the zone designation of a parcel, the County Commissioners must find the following conditions exist:

A. The proposed change is consistent with the Master Plan;

The subject property is located within Loveland's Growth Management Area. Within GMAs, the goal when rezoning property is to be consistent with the city's adopted Comprehensive Plan.

The City of Loveland's Comprehensive Plan gives property within its GMA a land use designation. The designation for the subject property is E – Employment. Employment districts areas are intended campus-style employment centers and related commercial uses. Up to 20% of the land area designated as Employment is allowed for residential uses with a density of up to 16 dwelling units per acre.

The City of Loveland provided referral comment. Those comments did not address the proposal's consistency with the Comprehensive Plan. The proposal is consistent with the Master Plan.

B. The proposed change is compatible with existing and allowed uses on properties in the neighborhood and is the appropriate zoning for the property;

The property is currently zoned R-1 - Residential. Surrounding properties are either zoned R-1, C – Commercial or I - Industrial. The R-1 zone generally allows single-family residential development and the C – Commercial and I – Industrial zoning districts allow a variety of non-residential uses.

The minimum lot size in the R-1 district is 2.3 acres if a well or septic system is used and as small as 0.23 acres if both public water and sewer are utilized. The proposed lot sizes are 1.028 acres and 0.57 acres.

There are a number of lots in the vicinity in the ranging from 0.33 acres to 18.66 acres. The lot sized proposed with the Planned Land Division would be compatible with the existing and allowed uses in the neighborhood.

Because the property is in Loveland's GMA, the proposed PD zoning is the appropriate zoning for the property if it is to be subdivided and further developed.

C. Conditions in the neighborhood have changed to the extent that the proposed change is necessary;

The Larimer County Master Plan and Loveland Comprehensive Plan encourage urban development in the Loveland Growth Management Area. The proposed rezoning is necessary to accomplish the proposed Planned Land Division and to set the minimum lot sizes for future land divisions.

D. The proposed change does not result in significant adverse impacts on the natural environment;

There are no floodplains, wetlands or wildlife habitats identified on the property. The property is not in a wildfire hazard area and is in a low geologic hazard area. The proposed change should not result in significant adverse impacts on the natural environment.

E. The proposed change addresses a community need; and

The long-term goals and objectives of the County's Master Plan are to allow for urban development within the designated Growth Management Areas. The proposed rezoning is necessary before the subject property can be further divided and would facilitate the development of the property consistent with the Loveland Growth Management Area.

F. The proposed change results in a logical and orderly development pattern in the neighborhood.

This proposal appears to represent a logical and orderly pattern of development as it would be consistent with the existing zoning of the property and with the objectives of the Loveland Comprehensive Plan.

G. In order to approve a rezoning to PD-Planned Development district, the subject parcel must be within a Growth Management Area overlay zone district or the LaPorte Plan Area or other adopted sub-area plan, and the County Commissioners must also find that the proposed land use type, density and intensity are consistent with the applicable supplementary regulations, if any, or with the LaPorte Area Plan or other adopted sub-area plan;

The property is within the established GMA Overlay Zone District for the City of Loveland. As proposed, the rezoning would be consistent with the plan for land use types and intensities in the area.

H. In order to establish or enlarge a GMA district, the County Commissioners must also find that the criteria in subsection 4.2.1.B.3 have been met.

The subject request would not enlarge the existing GMA, thus this criterion would not apply to this application.

I. The County Commissioners may exclude or remove an area from an established GMA district boundary if they find one or more of the review criteria in subsection 4.2.1.B.3 can no longer be met.

The subject request would not propose to exclude any area from the established Loveland GMA boundary and therefore this criterion would not be applicable to this application.

Planned Land Division

To approve a Planned Land Division, the County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

A. The Planned Land Division complies with the applicable supplementary regulations of the GMA district, if any, or the LaPorte Area Plan or other adopted sub-area plan, as applicable.

There are no County-adopted sub-area plans or supplementary regulations of the GMA district.

When considering Planned Land Divisions, Larimer County evaluates how the proposed land division complies with the municipality's adopted Comprehensive Plan. In this instance, the City of Loveland's designation for the subject property is E – Employment. The proposal is consistent with the allowed uses and residential density allowances for the Employment district.

B. The proposed Planned Land Division is compatible with existing and allowed land uses in the surrounding area;

As discussed under review criterion B in the rezoning section of this report, the density proposed with this Planned Land Division is compatible with existing and allowed land uses in the surrounding area.

C. The applicant has demonstrated that this project can and will comply with all applicable requirements of this Code;

The principal requirements for the review are located within Section 8 (Standards for All Development) of the Larimer County Land Use Code. The initial comments on applicable Code requirements are summarized here.

Section 8.1 Adequate Public Facilities

Sub-Section 8.1.1 Sewage Disposal Level of Service Standards:

The existing single-family home and Detached Accessory Living Area are currently served by one Town of Berthoud sewer tap. The two lots will be served by separate sewer taps.

Sub-Section 8.1.2 Domestic Water Level of Service Standards:

The property is currently served by the City of Loveland's public water supply. The City of Loveland comments indicate that the lot split will require a new water service and water meter for the proposed Lot 2.

Sub-Section 8.1.3 Drainage Level of Service Standards:

Because no new development is proposed on the lots, there are no drainage concerns with this proposal.

Sub-Section 8.1.4 Fire Protection & Emergency Medical Level of Service Standards:

The Loveland Fire Rescue Authority's comments indicate that emergency access to the existing residences appears to be adequate and recommend (but do not require) the installation of residential fire sprinklers. The comments also indicate standards for address identification and visibility.

Sub-Section 8.1.5 Road Capacity and Level of Service Standards:

The property has frontage on S. Garfield Avenue which is classified as a major collector roadway. The standard right-of-way width for a major collector is 100 feet (50-foot half right-of-way) with an adjacent 14-foot wide drainage and utility easement. The plat dedicates right-of-way and includes an easement to satisfy those requirements.

Section 8.6 Private Local Access Road and Parking Standards:

Two parking spaces are required for each single-family residential home. The existing parking available on each proposed lot meets this requirement.

Section 8.7 Road Surfacing Requirements:

No new streets are proposed to serve the newly created lot within the Planned Land Division.

Section 8.13 Commercial Mineral Deposits:

Notice of public hearings to mineral rights owners and leasees is not required for the creation of one additional lot.

Section 8.14 Development Design Standards for Land Division:

This section contains standards for lot location and configuration and for local roads within Planned Land Divisions and Subdivisions.

The applicant has appealed Sections 8.14.1.H (lot depth-to-width ratio) and 8.14.1.R (Connectivity). The appeals are discussed later in this report.

D. The County Commissioners have approved a rezoning of the land to PD – Planned Development;

A concurrent rezoning to PD – Planning Development is being considered.

E. The recommendations of referral agencies have been considered.

The application was referred to a variety of agencies. The responses received are attached to this report.

F. Approval of the proposed Planned Land Division will not result in a substantial adverse impact on other property in the vicinity of the proposed Planned Land Division.

No neighbors have expressed concerns about the proposed Planned Land Division. There do not appear to be adverse impacts associated with a division of this property at this location.

APPEALS TO SECTIONS 8.14.1.H (LOT DEPTH-TO-WIDTH RATIO) AND 8.14.1.R (CONNECTIVITY) OF THE LAND USE CODE

Section 8.14.1.H of the Land Use Code reads, “Lots can not exceed a depth-to-width ratio of 3-to-1. Lots can not exceed a width-to-depth ratio of 1.5-to-1.”

Section 8.14.1.R (Connectivity) of the Land Use Code reads,

All land divisions must be designed to permit the continuation of streets, roads, trails, pedestrian access, utilities and drainage facilities into adjacent property. The connection must provide a logical, safe and convenient circulation link for vehicular, bicycle and/or pedestrian traffic with existing or planned circulation routes to allow a neighborhood traffic circulation system and to improve emergency and service access. Particular attention must be given to access to destinations such as schools, parks and business or commercial centers.

The review criteria for considering the appeals are found in Section 22.2.3 of the Land Use Code.

A. Approval of the appeal will not subvert the purpose of the standard or requirement.

The purpose of the lot depth-to-width ratio is to avoid lots that are narrow but deep. The purpose of the connectivity standard is to provide for future road connections.

The proposed lot depth-to-width ratio is 3.5-to-1. Given that the deviation from the standard is minor and is necessary given the configuration of the existing parcel and buildings on the property, granting the appeal would not subvert the purpose of the standard.

Given that surrounding properties are developed and there is no need for future road or pedestrian connections, granting the connectivity appeal would no subvert the purpose of the standard.

B. Approval of the appeal will not be detrimental to the public health, safety or property values in the neighborhood.

The Development Services Team concludes that approving the proposed appeals would not be detrimental to the public health, safety or property values in the neighborhood.

C. Approval of the appeal is the minimum action necessary.

The proposed appeals is the minimum action necessary to allow for the division of this property into two lots as proposed.

D. Approval of the appeal will not result in increased costs to the general public.

Approval of the appeals will not result in increased costs to the general public.

E. Approval of the appeal is consistent with the intent and purpose of the Code.

Based on the analysis already made in this report, the Development Services Team's assessment is that approval of the appeals is consistent with the intent and purpose of the Land Use Code which is fostering predictability in land development and establishing a process that efficiently and equitably applies the Code to individual sites while respecting property owner rights and the interests of Larimer County citizens.

RECOMMENDATION: Based on the overall review of this project, the Development Services Team recommends approval of the appeals.

OTHER MAJOR CONCERNS AND ISSUES:

There are no major concerns or issues that have not been addressed in the staff report.

SUMMARY & CONCLUSIONS:

The Development Services Team has no remaining items of concern and concludes the request complies with the Land Use Code requirements and objectives and the applicable review criteria. None of the reviewing agencies objected to this request, nor did Staff receive any objections from neighboring property owners about the proposed rezoning, land division or appeals.

DEVELOPMENT SERVICES TEAM FINDINGS (REZONING):

1. The proposed change is consistent with the County Master Plan.
2. The proposed change is compatible with existing and allowed uses on properties in the neighborhood and is the appropriate zoning for the property.
3. Conditions in the neighborhood have changed to the extent that the proposed change is necessary.
4. The proposed change will not result in significant adverse impacts on the natural environment.
5. The proposed change addresses a community need.
6. The proposed change results in a logical and orderly development pattern.

DEVELOPMENT SERVICES TEAM FINDINGS (PLANNED LAND DIVISION):

1. The Day Planned Land Division complies with the County Master Plan and the Loveland Comprehensive Plan;
2. The Planned Land Division is compatible with existing and allowed land uses in the surrounding area;

3. The Preliminary & Final plat for the Day Planned Land Division complies with all standards and technical requirements of the Land Use Code.
4. The County Commissioners are concurrently reviewing a rezoning of the land to PD-Planned Development;
5. The recommendations of referral agencies have been considered; and
6. Approval of the proposed Planned Land Division will not result in a substantial adverse impact on other property in the vicinity of the proposed Planned Land Division.

DEVELOPMENT SERVICES TEAM FINDINGS APPEALS TO SECTIONS 8.14.1.H (LOT DEPTH-TO-WIDTH RATIO) AND 8.14.1.R (CONNECTIVITY) OF THE LAND USE CODE

1. Approval of the appeals will not subvert the purpose of the standard or requirement.
 2. Approval of the appeals will not be detrimental to the public health, safety or property values in the neighborhood.
 3. Approval of the appeals is the minimum action necessary.
 4. Approval of the appeals will not result in increased costs to the general public.
 5. Approval of the appeals is consistent with the intent and purpose of the Code.
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DEVELOPMENT SERVICES TEAM RECOMMENDATION:

A) The Development Services Team recommends the Larimer County Planning Commission recommend to the Board of County Commissioners approval of the Day Planned Development/Planned Land Division and appeals to Sections 8.14.1.H & 8.14.1.R of the Land Use Code, File 15-S3314, subject to the following conditions:

1. The Final Plat shall be consistent with the approved preliminary plan and with the information contained in the Day Planned Development/Planned Land Division, File 15-S3314 except as modified by the conditions of approval or agreement of the County and applicant. The applicant shall be subject to all other verbal or written representations and commitments of record for the Day Planned Development/Planned Land Division.
2. The following fees shall be collected at building permit issuance for new single family dwellings: Thompson R-2J school fee, Larimer County fees for County and Regional Transportation Capital Expansion, Larimer County Community Park Fees (in lieu of dedication) and drainage fees. The fee amount that is current at the time of building permit application shall apply.

3. All habitable structures will require an engineered foundation system. Such engineered foundation system designs shall be based upon a site specific soils investigation. The lowest habitable floor level (basement) shall not be less than 3 feet from the seasonal high water table. Mechanical methods proposed to reduce the ground water level, unless it is a response after construction, must be proposed on a development wide basis.
4. Passive radon mitigation measures shall be included in construction of residential structures on these lots. The results of a radon detection test conducted in new dwellings once the structure is enclosed but prior to issuance of a certificate of occupancy shall be submitted to the Building Department. As an alternative, a builder may present a prepaid receipt from a radon tester which specifies that a test will be done within 30 days. A permanent certificate of occupancy can be issued when the prepaid receipt is submitted.

B) The Development Services Team recommends the Larimer County Planning Commission recommend to the Board of County Commissioners approval of the rezoning from R-1 – Residential to PD - Planned Development, File 15-S3314, subject to the following conditions:

1. The rezoning shall be effective upon the recordation of the final plat of Day Planned Land Division.

2. The permitted uses, lot building and structure requirements, setbacks and structure height limitations for Molesworth Planned Development shall be as follows:

Principal uses:

Agricultural

1. Apiary (R)

Residential

2. Group home (R)

3. Group home for the aged (R)

4. Group home for the developmentally disabled (R)

5. Group home for the mentally ill (R)

6. Single-family dwelling (R)

7. Storage buildings and garages (R)—See section 4.3.2

Institutional

8. Child/elderly care center (S)

9. Church (MS/S)—See section 4.3.4

10. Congregate residence (S)

11. Hospital (S)

12. School, nonpublic (S)

13. State-licensed group home (S)

Accommodation

14. Nursing home (S)

Utilities

15. Commercial mobile radio service (SP/S)—See section 16

Industrial

16. Oil and gas drilling and production (R)

17. Small solar facility (R/PSP)

B. Lot, building and structure requirements:

1. Minimum lot size:

a. 100,000 square feet (2.3 acres) if a well or septic system is used.

b. 21,780 square feet (0.5 acre) if public water and sewer are used.

2. Minimum required setbacks: (If more than one setback applies, the greater setback is required.)

a. Street and road setback (Refer to section 4.9.1 setbacks from highways, county roads, and all other streets and roads.) The setback from a street or road must be 20 feet from the lot line, nearest edge of the road easement, nearest edge of right-of-way, or nearest edge of traveled way, whichever is greater.

b. Side yards— 5 feet.

c. Rear yards—25 feet.

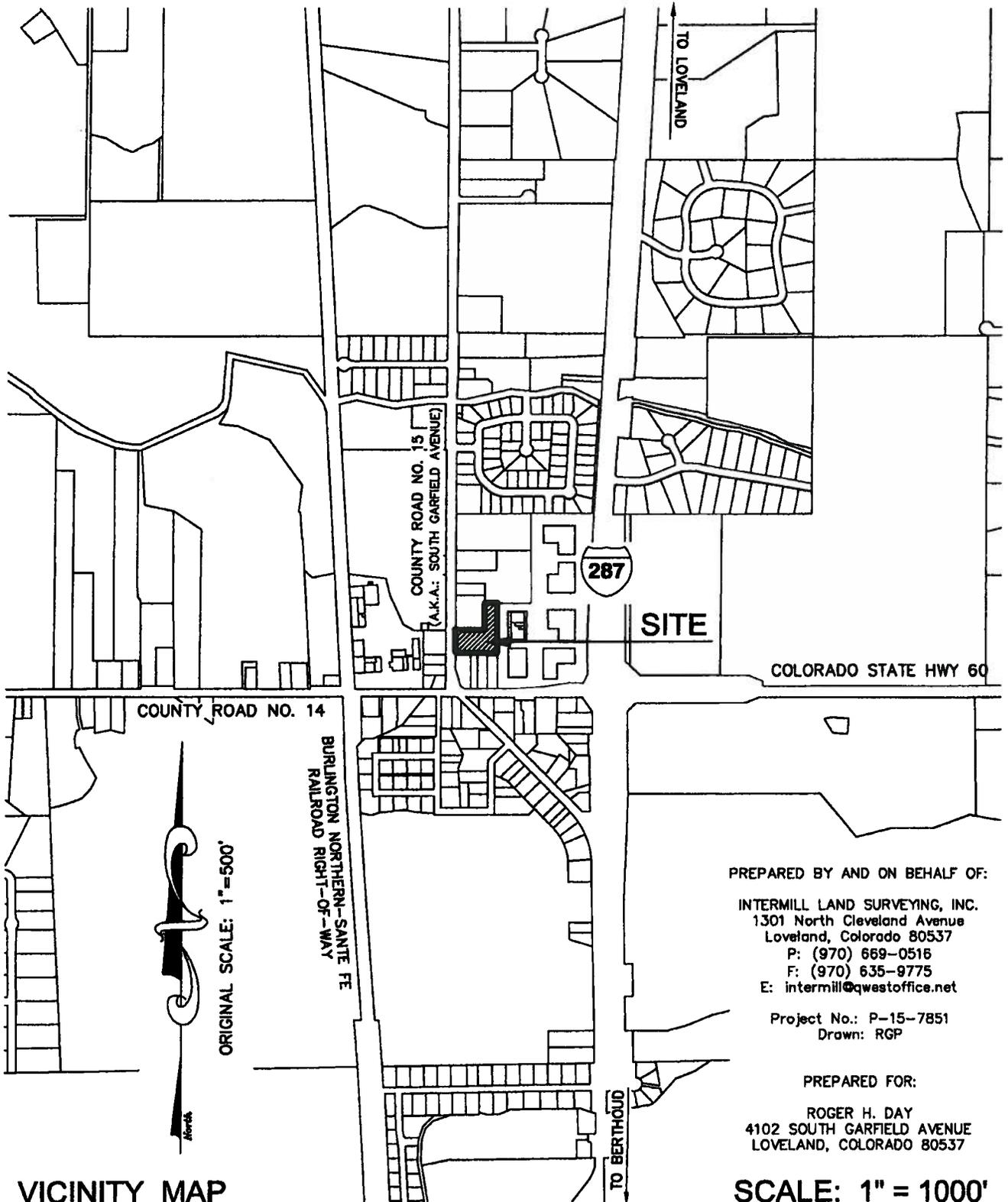
d. Refer to section 4.9.2 for additional setback requirements (including but not limited to streams, creeks and rivers).

3. Maximum structure height—40 feet.

4. No parcel can be used for more than one principal building; additional buildings on a parcel are allowed if they meet the accessory use criteria in subsection 4.3.10.

PROPOSED DAY PLANNED LAND DIVISION

**BEING A SUBDIVISION OF A METES AND BOUNDS PARCEL, SITUATE IN THE SOUTHWEST QUARTER OF SECTION 38,
TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE 6TH P.M., COUNTY OF LARIMER, STATE OF COLORADO**



PREPARED BY AND ON BEHALF OF:

INTERMILL LAND SURVEYING, INC.
1301 North Cleveland Avenue
Loveland, Colorado 80537
P: (970) 669-0516
F: (970) 635-9775
E: intermill@qwestoffice.net

Project No.: P-15-7851
Drawn: RGP

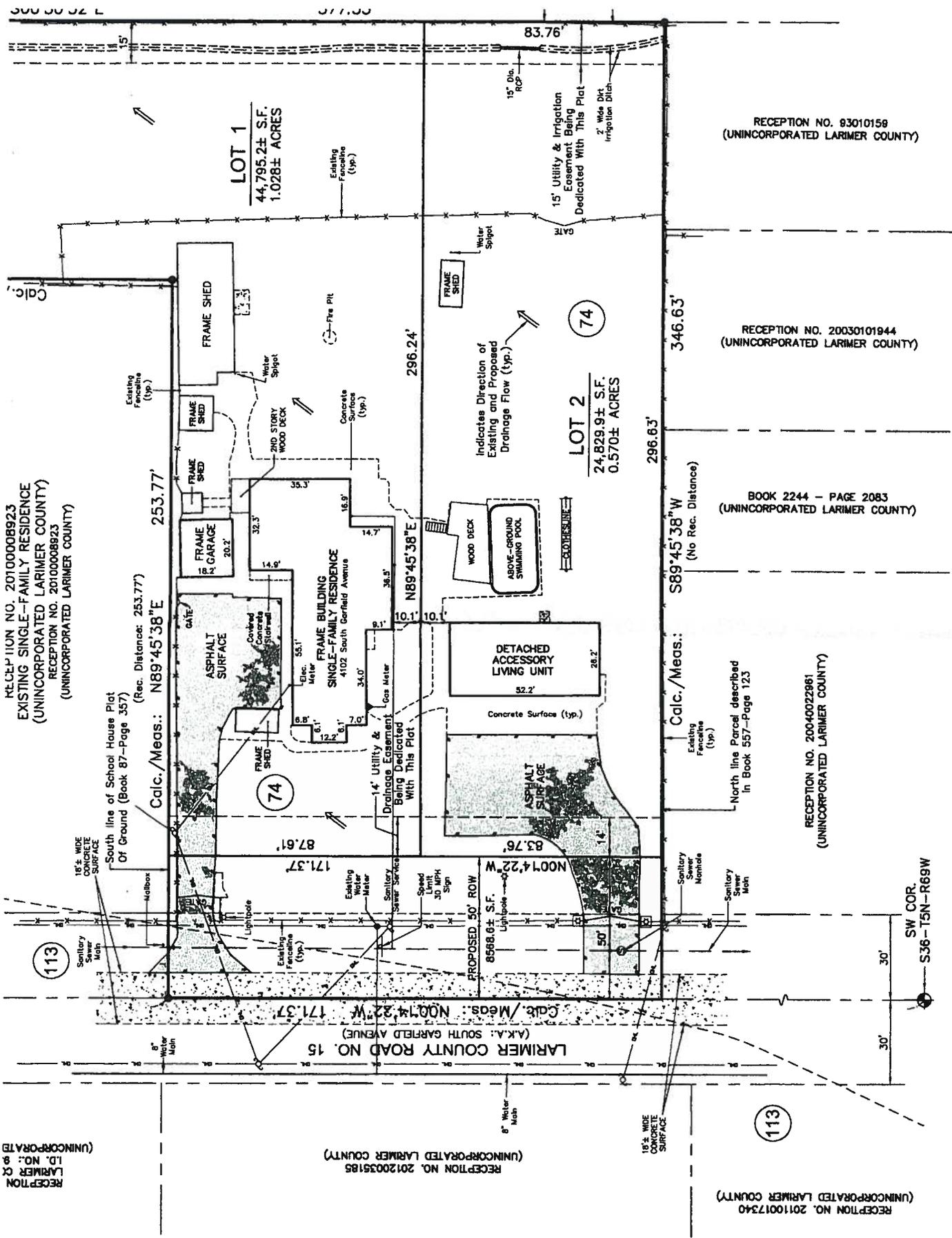
PREPARED FOR:

ROGER H. DAY
4102 SOUTH GARFIELD AVENUE
LOVELAND, COLORADO 80537

SCALE: 1" = 1000'

VICINITY MAP

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



RECEPTION NO. 20100008923
 EXISTING SINGLE-FAMILY RESIDENCE
 (UNINCORPORATED LARIMER COUNTY)
 RECEPTION NO. 20100008923
 (UNINCORPORATED LARIMER COUNTY)

RECEPTION NO. 20110017340
 (UNINCORPORATED LARIMER COUNTY)

RECEPTION NO. 20120035185
 (UNINCORPORATED LARIMER COUNTY)

RECEPTION NO. 20110017340
 (UNINCORPORATED LARIMER COUNTY)

RECEPTION NO. 200-40022961
 (UNINCORPORATED LARIMER COUNTY)

BOOK 2244 - PAGE 2083
 (UNINCORPORATED LARIMER COUNTY)

RECEPTION NO. 20030101944
 (UNINCORPORATED LARIMER COUNTY)

RECEPTION NO. 93010158
 (UNINCORPORATED LARIMER COUNTY)

Calc.

346.63'

296.63'

S89°45'38"W
 (No Rec. Distance)

Calc./Meas.:

Existing Fenceline (typ.)

North line Parcel described
 in Book 557-Page 123

8" Water Main

16"± WIDE CONCRETE SURFACE

Calc./Meas.: N89°45'38"E
 (Rec. Distance: 253.77')

South line of School House Plat
 Of Ground (Book 87-Page 357)

253.77'

296.24'

83.76'

171.37'

87.61'

83.76'

PROPOSED 50' ROW

8" Water Main

16"± WIDE CONCRETE SURFACE

LOT 1
 44,795.2± S.F.
 1.028± ACRES

LOT 2
 24,829.9± S.F.
 0.570± ACRES

Indicates Direction of
 Existing and Proposed
 Drainage Flow (typ.)

LARIMER COUNTY ROAD NO. 15
 (A.K.A.: SOUTH GARFIELD AVENUE)

Calc./Meas.: N00°14'22"W
 171.37'

PROPOSED 50' ROW

8" Water Main

16"± WIDE CONCRETE SURFACE

83.76'

15' Utility & Irrigation
 Easement Being
 Dedicated With This Plat

2" Wide DIRT
 Irrigation Ditch

15'± WIDE CONCRETE SURFACE

15'

377.30

500 50 52 L

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SW COR.
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**PROJECT DESCRIPTION FOR THE PROPOSED
DAY PLANNED LAND DIVISION (PLD),
COUNTY OF LARIMER, STATE OF COLORADO**

Property Description: Metes & Bounds Description being a portion of the Southwest Quarter of S36-T5N-R69W, County of Larimer, State of Colorado

Larimer County Parcel I.D. No.: 95363-00-014

Property Address: 4102 South Garfield Avenue, Loveland, Colorado 80537

Property Owner(s): Roger H. Day and Irene Day
4102 South Garfield Avenue
Loveland, Colorado 80537
970-218-8447
Roger: harveyday@comcast.net

Applicant(s): Roger H. Day and Irene Day
4102 South Garfield Avenue
Loveland, Colorado 80537
970-218-8447
Roger: harveyday@comcast.net

Existing Zoning: R-1 Residential

PROJECT DESCRIPTION:

This application is a combined Preliminary Plat/Final Plat submittal for a two (2) lot Planned Land Division (PLD) located in Larimer County, South of the City of Loveland, Colorado. A Planned Land Division (PLD) is required due to the property being in the Growth Management Area of the City of Loveland. Along with the application for a Preliminary Plat/Final Plat, rezoning to the PD-Planned Development Zoning District is to be run concurrent with the Preliminary Plat/Final Plat request.

The property is generally located South of Loveland on South Garfield Avenue (Old U.S. Highway No. 287) approximately 300 feet North of Larimer County Road No. 14 and is commonly known as 4102 South Garfield Avenue, Loveland, Colorado. The property has a metes and bound legal description being a portion of the Southwest Quarter of Section 36, Township 5 North, Range 69 West of the 6th P.M., County of Larimer, State of Colorado and contains approximately 1.795 acres. No unique features are contained within the site boundaries.

Currently, the property contains one (1) single-family residences; a detached accessory living area building; along with numerous outbuildings. As proposed, the property will be subdivided into two (2) lots; Lot 1 containing the single-family residence

and the outbuildings; and Lot 2 containing the detached accessory living area building which will become a single-family residence. Lot 1 (Northern Lot) is proposed to be 44,795.2± S.F. (1.028± acres), more or less, and Lot 2 (Southern Lot) is proposed to be 24,829.9± S.F. (0.570± acres, more or less. These proposed acreages exceed the minimum lot size requirement for lots utilizing domestic water service and public sewage disposal in the PD-Planned Development Zoning District. Future permitted accessory buildings will also be allowed in the PD-Planned Development Zoning District. No commercial development is a part of this Planned Land Division (PLD) application, nor are common area dedications. Each lot shall have its own driveway access to South Garfield Avenue, via existing driveways. Due to the level nature of South Garfield Avenue (Old U.S. Highway No. 287), site distance to the existing driveway accesses appears to be adequate along this stretch of South Garfield Avenue. No improvements to South Garfield Avenue are anticipated or proposed with this application, although additional right-of-way dedication is a part of this proposal. Easement dedications (utility, drainage, irrigation, etc.) have been determined with this combined Preliminary Plat/Final Plat submittal and are depicted on both the combined Preliminary Plat and Final Plat drawings. Future landscaping improvements, in and around the residential construction, shall be performed by the owners. At this time, this application contains two (2) appeal to the current Larimer County Land Use Code; an appeal to lot depth to width ratios; and an appeal to the connectivity requirement. These are further explained at the end of this project description. No other appeals and/or variances are a part of this land use application.

The site is bounded on the East by an existing commercial development (Saddle Ridge Acres P.U.D.); on the West by South Garfield Avenue (Old U.S. Highway No. 287), a concrete surfaced street; and bounded on the North and South by existing single-family residences. Total developable are of the site is 1.795 Acres (entire property). Existing properties in the general are of this site range in size from 2 acres, more or less, to 30 acre, plus sites. Current uses of adjoining properties in the area are single-family in nature; various small agricultural uses; and the existing commercial development stated above. It is in our opinion, this application for Planned Land Division (PLD) and the associated rezoning to the PD-Planned Development Zoning District conforms to existing land uses in close proximity to this property.

Existing utilities in place and available to the site include:

- City of Loveland (Domestic Water provider)
- XCEL Energy (Electric & Natural Gas)
- Century Link (Telephone)
- Town of Berthoud (Sanitary Sewer provider)
- Loveland Fire & Rescue (Fire Protection)

To the best of our knowledge, there have been no other previous land use applications for this property. There are no known regulated flood zones, commercial mineral deposits, wetlands, endangered plants, wildlife habitat areas, wildfire hazard areas, geologic hazard areas or special places of Larimer County on the property.

REVIEW CRITERIA:

- A. The planned land division complies with the applicable supplementary regulations of the GMA district, if any, or the LaPorte Area Plan or other adopted sub-area plan, as applicable.

Upon approval of this proposed Planned Land Division (PLD) and the associated rezoning to PD-Planned Development Zoning District will comply with applicable regulations regarding PLDs located within the City of Loveland GMA.

- B. The planned land division is compatible with existing and allowed land uses in the surrounding area;

Existing properties in the general are of this site range in size from 2 acres, more or less, to 30 acre, plus sites. Current uses of adjoining properties in the area are single-family in nature; various small agricultural uses; and the existing commercial development located East of this site. It is in our opinion, this application for Planned Land Division (PLD) and the associated rezoning to PD-Planned Development Zoning District conforms to existing land uses in close proximity to this property.

- C. The applicant has demonstrated that this project can and will comply with all applicable requirements of this code;

This application for a Planned Land Division (PLD) appears to be able to comply with the applicable requirements of the Larimer County Land Use Code pertaining to a Planned Land Division (PLD) and the associated rezoning to PD-Planned Development Zoning District.

- D. The county commissioners have approved a rezoning of the land to PD-planned development;

At this time, an approval to rezone this property to PD-Planned Development has not been achieved. Approval of the rezoning of this property to PD-Planned Development will be achieved through this review and approval process.

- E. The recommendations of referral agencies have been considered; and

Recommendation of referral agencies will be taken into account during and throughout the review and approval process.

- F. Approval of the proposed planned land division will not result in a substantial adverse impact on other property in the vicinity of the proposed planned land division.

As this Planned Land Division (PLD) proposal appears to be in line with other properties within close proximity, approval of the proposed planned land division will not result in a substantial adverse impact on other property in the vicinity of this proposed Planned Land Division (PLD).

APPEAL TO DEVELOPMENT DESIGN STANDARDS

Section 8.14.1.H - Lots depth-to-width ratio / Lots width-to-depth ratio of 1.5-to-1.

The applicants for this combined Preliminary Plat/Final Plat submittal for a two (2) lot Planned Land Division (PLD) and the concurrent rezoning of the property to the PD-Planned Development Zoning District respectfully request an appeal to Section 8.14.1.H which states *'Lots can not exceed a depth-to-width ratio of 3-to-1. Lots can not exceed a width-to-depth ratio of 1.5-to-1'*. The applicants are requesting this appeal due to the non-conforming nature and configuration of the property currently in place and created by others in the past. The Northern Lot (Lot 1) of this proposal is the property which will not conform to Section 8.14.1.H of the Larimer County Land Use Code. The Westerly portion of this proposed lot has historically contained the single-family residence and outbuildings, while the Easterly portion of this proposed lot has historically been used as a livestock pasture. The Southern Lot (Lot 2) of this proposal conforms to Section 8.14.1.H of the Larimer County Land Use Code. Approval of this appeal to Section 8.14.1.H of the Larimer County Land Use Code does not adversely impact the integrity of existing uses and future uses of this property or other properties in close proximity to this site.

Section 8.14.1.R – Connectivity.

The applicants for this combined Preliminary Plat/Final Plat submittal for a two (2) lot Planned Land Division (PLD) and the concurrent rezoning of the property to the PD-Planned Development Zoning District respectfully request an appeal to Section 8.14.1.R which states *'Connectivity. All land divisions must be designed to permit the continuation of streets, roads, trails, pedestrian access, utilities and drainage facilities into adjacent property. The connection must provide a logical, safe and convenient circulation link for vehicular, bicycle and/or pedestrian traffic with existing or planned circulation routes to allow a neighborhood traffic circulation system and to improve emergency and service access. Particular attention must be given to access to destinations such as schools, parks and business or commercial centers'*. The applicants are requesting this appeal due to the practicality of providing connectivity due to the configuration of the existing property; the proposed lot layout on the site; and current property configurations in the general area of this proposal. Adjoining properties currently utilize accesses to the Larimer County Road System. Approval of this appeal to Section 8.14.1.R of the Larimer County Land Use Code does not adversely impact the integrity of existing uses and future uses of this property or other properties in close proximity to this site.



ENGINEERING DEPARTMENT

Post Office Box 1190
Fort Collins, Colorado 80522-1190

(970) 498-5700
FAX (970) 498-7986

MEMORANDUM

TO: Michael Whitley, Larimer County Planning Department

FROM: Clint Jones, Larimer County Engineering Department *CS*

DATE: March 24, 2016

SUBJECT: Day PLD/PD – Preliminary and Final Plat

Project Description/Background:

This is a Preliminary and Final Plat for a 2 lot planned land division to divide a property with a single family residence and a detached accessory living area. The detached accessory living area will become the primary home on lot 2. The parcel is located at 4102 S Garfield Ave, Loveland.

Review Criteria:

Larimer County Engineering Department staff has reviewed the materials that were submitted to our office under these guidelines and per the criteria found in the Larimer County Land Use Code (LCLUC), Larimer County Urban Area Street Standards (LCUASS), Larimer County Stormwater Design Standards (LCSDS) and pertinent Intergovernmental Agreements.

Transportation/Access Issues:

1. The applicant is appealing the connectivity design standard stated in Section 8.14.1-R of the Larimer County Land Use Code. Due to the size of the lots and existing structures on the property, The Larimer County Engineering Department supports this appeal.

Fees and Permits:

1. Per Section 9.5 and 9.6 of the LCLUC, Engineering Staff would like to notify the applicant that Transportation Capital Expansion Fees will be required since the detached accessory living area will become a primary residence. Currently this fee would be \$1,019.

Staff Recommendation:

The Larimer County Engineering Department supports an approval of this application. Please feel free to contact me at (970) 498-5727 or e-mail me at cdjones@larimer.org if you have any questions. Thank you.

cc: Intermill Land Surveying, Rob Persichitte, 1301 N Cleveland Ave, Loveland CO 80537
file



DEPARTMENT OF HEALTH AND ENVIRONMENT

1525 Blue Spruce Drive
Fort Collins, Colorado 80524-2004
General Health (970) 498-6700
Environmental Health (970) 498-6775
Fax (970) 498-6772

To: Michael Whitley
Larimer County Planning Department

From: Doug Ryan *Doug Ryan*

Date: March 28, 2016

Subject: Day PLD/PD

The Day planned lot division is a proposal to subdivide a 1.79 acre parcel into to residential lots. The property is currently developed with two homes and associated outbuildings.

This area is served with public water and sewer by the City of Loveland water and Town of Berthoud wastewater utilities. The concerns of our office would be addressed if the City and the Town indicate in their referral comments that adequate water and sewer are available.

Thank you for the opportunity to comment. I can be reached at (970) 498-6777 if there are questions about any of these issues.

cc: Rob Persichitte, Intermill Land Surveying



Community Development Division
Code Compliance Department
200 W. Oak Street, Suite 3100
P.O. Box 1190
Fort Collins, CO 80522-1190
(970) 498-7700

STAFF REPORT

Date: April 7, 2016
From: Candace Phippen, Code Compliance Supervisor
To: Michael Whitley, Planner II
Planning File No: 15-S3314
Name of Review: Day PLD/PD
Parcel No: 9536300014—4102 S. Garfield Ave., Loveland, Colorado

This is a request for a preliminary and final plat for a planned land division to create one additional lot and rezone the property to PD-Planned Development. The main residence would remain on Lot 1. The accessory living area would become the primary home on Lot 2.

Staff Comments: Building Permit 04-B1418 for a basement finish expired without all required inspection approvals. This permit needs to be reactivated and required inspection approvals obtained.

Building Permit 14-B0899 was issued on 9/17/2014 for a detached accessory living area inside an existing detached garage constructed under Building Permit 07-B0413. The permit is valid to 09/16/2017. All required inspection approvals must be obtained by this date.

Code Compliance File No. 14-CC0215 was initiated on 8/1/2014 for expired Building Permit 04-B1418. This file will remain active until all required inspection approvals are obtained for the basement finish.

cc: Rob Persichitte
Intermill Land Surveying (Applicant)
1301 N Cleveland Avenue
Loveland, CO 80537

cc: Roger and Irene Day (Owners)
4102 S. Garfield Avenue
Loveland, CO 80537



COMMUNITY DEVELOPMENT DIVISION

P.O. Box 1190
Fort Collins, CO 80522-1190
Planning (970) 498-7683 Planning Fax (970) 498-7711
Building (970) 498-7700 Building Fax (970) 498-7667
<http://www.larimer.org/building>

ADDRESSING REVIEW COMMENTS

PROJECT NAME: DAY PLD/PD

CASE NUMBER: 15-S3314

DATE: 03/21/2016

Project Scope: PRELIMINARY AND FINAL PLAT FOR A PLANNED LAND DIVISION TO CREAT ONE ADDITIONAL LOT AND REZONE THE PROPERTY TO PD-PLANNED DEVELOPMENT.

Staff Comments on Addressing: IF THIS PLD/PD IS APPROVED BY LARIMER COUNTY, LOT 1 WILL RETAIN THE SITE ADDRESS OF 4102 S GARFIELD AVE. LOT 2 WILLD BE SITE ADDRESSED 4104 S GARFIELD AVE, BOTH IN LOVELAND, CO 80537.

Addressing submittal requirements: NONE.

Sent to: MICHAEL WHITLEY-PLANNER II, JILL WILSON-CITIZEN RESOURCES TECHNICIAN, ROB PERSICHITTE-INTERMILL LAND SURVEYING-APPLICANT

Respectfully submitted,

DAN KUNIS
GEOGRAPHIC INFORMATION SPECIALIST
LARIMER COUNTY COMMUNITY DEVELOPMENT DIVISION
970-498-7680
dkunis@larimer.org



Michael Whitley <whitlemd@co.larimer.co.us>

DAY PLD

1 message

Brian Helminiak <bhelminiak@larimer.org>

Thu, Apr 14, 2016 at 7:57 AM

To: Michael Whitley <whitlemd@co.larimer.co.us>, Rob with Internill Land Surveying <rob.ils@qwestoffice.net>

Micahel and Rob,

The "Day PLD" looks good, I have no comments.

-

Sincerely,

Brian M. Helminiak, PLS

Larimer County Engineering

Direct: 970-498-5704

Cell: 970-215-5298

bhelminiak@larimer.org

COLORADO GEOLOGICAL SURVEY

1801 19th Street
Golden, Colorado 80401



April 8, 2016

Karen Berry
State Geologist

Michael Whitley
Community Development Division
Larimer County
P.O. Box 1190
Fort Collins, CO 80522

Location:
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 36,
T5N, R69W of the 6th P.M.
40.3501, -105.078

Subject: Day PLD/PD – Preliminary and Final Plat
File Number 15-S3314; Larimer County, CO; CGS Unique No. LM-16-0013

Dear Michael:

Colorado Geological Survey has reviewed the above-referenced planned land division referral. I understand the applicant proposes to rezone 1.8 acres located at 4102 S. Garfield Avenue, Loveland, from R-1 to PD, and divide the property into two lots. Proposed Lot 1, 1.03 acres, contains an existing home, garage and several sheds. Proposed Lot 2, 0.57 acres, contains a building, an above-ground pool, and a shed. With this referral, I received a request for CGS review and a Site Data Sheet (March 17, 2016), a Project Description (undated), and a Day Planned Land Division drawing and a Preliminary Plat (Intermill Land Surveying, March 8, 2016).

The property is located on relatively flat terrain outside of any mapped FEMA flood hazard zones, is not undermined, and does not appear to be exposed to or located within any identified geologic hazard areas that would preclude the proposed residential use and slight increase in density. **CGS therefore has no objection to approval of the planned land division as proposed.** Potential development constraints include:

Expansive soils bedrock. According to Larimer County Soil Survey data, the site soils are very limited in suitability for dwellings due to shrink-swell. Geologic mapping for this area (Braddock, W.A. and Cole, J.C., 1978, Preliminary geologic map of the Greeley 1° x 2° quadrangle, Colorado and Wyoming: U.S. Geological Survey, Open-File Report OF-78-532, scale 1:250,000) indicates that the site is underlain by Kpu, the upper shale member of the Pierre Shale. The Pierre Shale, and soils derived from it, often contain moisture-sensitive clay minerals and clayey pockets, layers and lenses, potentially exhibiting structurally damaging volume changes (shrink-swell) in response to changes in water content. If claystone capable of producing high swell pressures is present within a few feet of foundation bearing depths, it can cause severe structural damage if not properly characterized and mitigated.

A geotechnical investigation, consisting of drilling, sampling, lab testing and analysis, will be needed for any future improvements, and prior to issuance of a building permit, to characterize soil and bedrock engineering properties such as density, strength, water content, and swell/consolidation potential; identify potentially moisture-sensitive (expansive and collapsible) soils and expansive claystone bedrock; determine depths to groundwater and bedrock; verify the feasibility of full-depth basement(s), if planned; and provide earthwork, foundation, floor system, subsurface drainage, and pavement recommendations for design purposes.

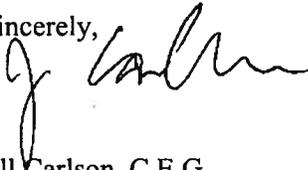
Shallow groundwater and perched water. Groundwater has been observed at relatively shallow depths on nearby sites. Shallow groundwater may be present beneath the site, at least seasonally, at depths that *may* preclude full-depth basement construction. A full-depth basement should be considered only if site-specific water level observations indicate that the minimum required separation distance of three feet (preferably five feet) between lowermost floor levels and shallowest anticipated groundwater levels can be maintained year round. This will help reduce the risk of water infiltration into below-grade spaces, damp conditions, hydrostatic loads on below-grade walls and floors, and excessive wetting, softening and shrink-swell movement of soils adjacent to and beneath foundation elements.

Perched water conditions are likely to form above less permeable soil layers, on top of the bedrock surface, and within foundation excavations (which tend to be more loosely backfilled), as a result of landscape irrigation, runoff from roofs and paved areas, causing wet or moist conditions in the soils immediately surrounding basement/crawl space walls and foundations. Regardless of whether a basement is determined to be feasible, an individual foundation perimeter drain will be necessary to control perched water. The perimeter drain must be sloped to discharge to an interior pumped sump or a gravity outlet that discharges water as far as possible away from all structures.

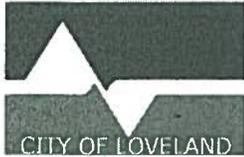
Corrosive soils. According to soil survey data, local soils present a high risk of corrosion to uncoated steel. Steel that will be in contact with native soils, such as buried utilities and basement window wells, should be epoxy-coated to reduce the risk of corrosion.

Thank you for the opportunity to review and comment on this project. If you have questions or require further review, please call me at (303) 384-2643, or e-mail carlson@mines.edu.

Sincerely,



Jill Carlson, C.E.G.
Engineering Geologist



FAX / MEMO / TRANSMITTAL / E-MAIL

APRIL 7, 2016

**MICHAEL WHITLEY, AICP
PLANNER II
LARIMER COUNTY PLANNING
P. O. BOX 1190
FORT COLLINS, CO 80522-1190**

YOUR FAX NO. (970) 498 - 7711

YOUR E-MAIL: mwhitley@larimer.org

**FROM: BRIAN BURSON, CITY PLANNER II
MY PHONE NO: (970) 962 - 2557
E-MAIL: brian.burson@cityofloveland.org**

**DEPT: CURRENT PLANNING DIVISION
OUR FAX NO: (970) 962 - 2945**

NO OF PAGES, INCLUDING COVER PAGE: 2

**ORIGINAL TO FOLLOW:
(* upon request only)**

YES

NO _XXX*_

REMARKS:

Please see attached review comments from the City of Loveland for the LARCO Referral, DAY PLD/PD, Case # 15 – S3314. As requested, I will also provide a copy of these to the Applicant.

Thank you for the opportunity to provide these comments. If you have any questions, please feel free to contact us further. Thank you.

**Cc: Rob Persichitte
Intermill Land Surveying
1301 N. Cleveland
Loveland, CO 80537
rob.ils@qwestoffice.net**

**DAY PLD/PD
LARCO REFERRAL – 15-S3314
4/7/16 STAFF REVIEW COMMENTS
PZ-16-0041**

A. ANALYSIS:

Planning - Review: Brian Burson 4/7/2016

The property lies within the current GMA of the City of Loveland. However, based on the location, proposed use, and needed infra-structure, the City does not wish to consider annexation at this time.

Fire: Carie Dann 04/06/2016

The property is located within the Loveland Fire Rescue Authority jurisdiction. LFRA is reviewing the project directly through Larimer County Community Development Division.

B. RECOMMENDED CONDITIONS:

Water/Wastewater: Melissa Morin 03/29/2016

1. This development is situated within the City's current service area for both water and wastewater. The existing residence at 4102 Garfield Ave has an existing water meter from the City of Loveland. The proposed lot split will require a new water service and water meter to be set for the accessory dwelling unit on Lot 2.
2. The developer will need to submit an Outside City Water Service Application for the new water meter. All costs associated with the installation of water infrastructure, along with payment of applicable tap and system impact fees, shall be the responsibility of the Developer. Water rights, Native Raw Water Storage Fees (if applicable), or cash-in-lieu requirements will be also be due according to Code. These fees are invoiced by the Water Division at the time of completing the Outside City Water Service Agreement.
3. The City will require a public Improvement Construction Plan (PICP) prepared by a Colorado Licensed Civil Engineer in compliance with the City of Loveland's Water and Wastewater Development Standards showing the location of the proposed water service tap to be submitted for review and approval prior to construction. This can be a "quick form" document.
4. The Developer shall be responsible for obtaining all easements, permits and any other associated legal documents necessary for the installation of water infrastructure improvements for the subject development. Unless proscribed otherwise in the City's Code or other adopted Policy(s), the cost(s) for obtaining same shall also be the responsibility of the Developer.



Loveland Fire Rescue Authority
Community Safety Division
410 East 5th Street
Loveland, Colorado 80537
Phone (970) 962-2537

TO: Michael Whitley, Planner II, Larimer County Community Development Division

FROM: Carie Dann, Deputy Fire Marshal, Loveland Fire Rescue Authority, phone 970.962.2518, email Carie.Dann@LFRA.org

RE: Day PLD/PD (15-S3314)

CC: Rob Persichitte, Intermill Land Surveying, Loveland, Colorado

DATE: April 7, 2016

These comments pertain to a sketch plan application for a two-lot Planned Land Division (PLD). The property currently contains two single-family residences and several outbuildings. The proposal is to subdivide into two lots, each containing one single-family dwelling. Lot 1 will contain an existing residence, and Lot 2 will contain an existing residence and future, permitted accessory buildings. The submittal also includes two appeals to the Larimer County Land Use Code (lot depth-to-width ratio and connectivity).

The property is located within the Loveland Rural Fire Protection District (Loveland Fire Rescue Authority) and the Growth Management Area of the City of Loveland.

LFRA also reviewed this PLD/PD in 2014 and 2015.

COMMENTS

1. LFRA has no comment on either appeal to the LCLUC.
2. Access for emergency fire apparatus to existing residences appears adequate.
3. Each lot must be issued its own separate, unique street address by Larimer County. Addresses shall be mounted on the appropriate structure (numerals 4 inches high, minimum stroke width 0.5 inch) so that the addresses are plainly visible from the drive approaching the building. Additionally,

because the buildings are set back from the public street, the addresses must be posted on signage on Garfield Avenue, at the driveway entrances (numerals 4 inches high, minimum stroke width 0.5 inch). All address numerals must be of a color that contrasts with the background (building or sign color).

4. Loveland Fire Rescue Authority recommends the installation of residential fire sprinklers, particularly in dwelling units located outside of the urban area. For more information on residential sprinklers, please contact me by email or telephone.