TITLE:	Sykes MLD Lots 1 and 2 Rezoning Sketch Plan
REQUEST:	Rezoning from B-Business to C-Commercial.
LOCATION:	Located in the northeast quarter of Section 30, Township 5, Range 68 West; 1952 Highway 402 Loveland; situated on the south side of Highway 402, approximately three miles west of I-25.
PROPERTY OWNERS:	McSwain Enterprises LLC and Tonya Sykes & William Sykes
APPLICANT:	Tonya Sykes 1269 Crossing Street Loveland CO 80537
STAFF CONTACT:	Matt Lafferty, AICP
FILE:	#15-Z1991

SITE DATA:

Parcel Number:	85301-08-001 85301-08-002
Total Development Area:	2.30 Acres
Number of Lots:	2
Existing Land Use:	Warehouse, single family residence, outdoor storage
Proposed Land Use:	Warehouse, outdoor storage
Existing Zoning:	B – Business
Adjacent Zoning:	
North:	FA – Farming
South:	I 1– Industrial
West:	I 1– Industrial
East:	C- Commercial
Adjacent Land Uses	
North:	Rural Residential
South:	Colorado Precast
East:	Commercial
West:	Colorado Precast
Services:	
Access:	Highway 402
Water:	Little Thompson Water District

Sewer:	On-lot septic
Fire Protection:	Loveland Rural Fire Protection
No. Trips Generated by Use:	N/A

PROJECT DESCRIPTION/BACKGROUND:

The applicants propose a rezoning of two parcels of land located just south of Highway 402, from B-Business to C-Commercial. The applicants desire to re-zone in order to achieve the full range of uses allowed by the C-Commercial zoning district. These uses are believed to be more compatible with the adjacent industrial uses. There are two applicants associated with this rezoning request: William and Tonya Sykes and McSwain Enterprises (Tim and Susan Bebo).

The parcel to the west is 1.84 acres and is owned by Tim and Susan Bebo and contains a single family home, barn and outbuildings. The barn and outbuildings are used for storage and the single family home is used as a residence. The use of outdoor storage on the property has been occurring without proper approvals.

The parcel to the east is 2.30 acres and is owned by William and Tonya Sykes. The parcel is used in the form of retail. S-Cargo Truck Caps is located on this parcel and is a family business which has been in operation for twenty years.

The total area of the two parcels combined is roughly 4.14 acres total. Both parcels are located outside of the Loveland Growth Management Area. It is anticipated that both parcels will eventually become part of the Loveland Growth Management Area. The subject request is only for a rezoning, thus there are no proposed structures or uses occurring on either parcel at this time. Current access is off of Highway 402 with a 60 foot shared right of way between the two parcels.

REVIEW CRITERIA AND ANALYSIS:

There are nine review criteria the Planning Division considers when deciding what to recommend for a Rezoning proposal. The criteria are addressed in depth in the staff reports that are presented to the Planning Commission and the Board of County Commissioners but some of the main points are mentioned briefly here. In the next application the applicant will be required to state how the application meets the review criteria for Rezoning requests (Section 4.4.4) of the Larimer County Land Use Code.

Section 4.4.4 Review criteria for zone or overlay zone district boundary or zone designation changes.

To approve an amendment to the zoning district boundaries, overlay district boundaries or zone designation of a parcel on the official zoning map, the County Commissioners must consider the following review criteria and find that each criterion has been met or determined to be inapplicable:

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

The following is an excerpt from Section 3.4.1 (Land Use Categories) of the Master Plan:

Rural Lands. This designation applies to all unincorporated areas outside the Growth Management Areas that are not publicly owned parks and open space. Allowed uses and densities are determined by existing zoning.

Urban Lands. This land category includes Growth Management Areas and other urban areas designated by the County and identified on the Land Use Framework Maps. In urban areas, specific land use categories are determined by an adopted community plan.

This excerpt shows that Rural Land Use Principles from the Larimer County Master Plan should be applied to the parcels associated with this request. Both parcels associated with this request are located outside of the Loveland Growth Management Area. Larimer County and the City of Loveland are currently working on amending the boundaries to the Growth Management Area. As currently stands, if a property is located within the Growth Management Area, the City of Loveland Comprehensive Plan anticipates employment type uses similar to the Commercial Zoning District. A submittal requirement for the next step for the applicant will include written confirmation from Loveland as to their position regarding this rezoning. Regardless of whether the properties in question are located within the Growth Management Area or not, if the City of Loveland concurs that this rezoning action is appropriate, staff is inclined to support this application.

The following Master Plan guiding principles and implementation strategies for land use are applicable to this request:

Rural Land Use Principle LU-4-s2

Changes in existing zoning shall be approved only when the change supports rural uses and maintains the open character of the rural areas.

The open character of the rural areas was disrupted long ago when commercial and industrial uses came into the area. Therefore, the rezoning from B – Business to C – Commercial for the two parcels in question are not a substantial change, but instead are just expanding the uses of the properties.

Rural Land Use Principle LU-4-s4

Requests for commercial and industrial zoning and Special Reviews which have specific requirements preventing location within Growth Management Areas may be approved in rural areas, if the uses are consistent with principles of the Master Plan. Example of uses that may be appropriate outside Growth Management Areas are tourist-related businesses adjacent to major highways or tourist routes, agribusiness, utilities and mining operations.

Adjacent parcels outside of the Growth Management Area were zoned for industrial uses prior to the Master Plan criteria. The Master Plan principles came into play in the 1990s. Therefore, rezoning from B—Business to C—Commercial is consistent with the adjacent land uses.

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

Current zoning along the Highway 402 corridor include FA – Farming, B—Business, C—Commercial, and I1—Industrial. Highway 402 is a heavily traveled corridor and is only getting busier. Highly traveled roadways such as Highway 402 supports commercial type uses along the corridor. Therefore, the rezoning from B—Business to C—Commercial is supported. This proposal does not propose new uses at this time, but instead allows for a wider variety of non-residential uses if and when the properties redevelop. If this application is approved, any change of use would require Site Plan Review and the applicants would likely be required to connect to public sewer.

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

The business to the south and to the west of the two parcels in question is Colorado Precast. These parcels were rezoned from FA—Farming and C—Commercial to I1—Industrial in 2013 under file number 13-Z1917. This rezoning does not include any additions or changes to the current uses to the parcels, but instead would allow for expansion of the types of existing uses allowed on the properties.

However, additional changes to the area include expansion of city limits to the west and to the north. Therefore, the changes to the corridor are appropriate. Potential future changes include modification of Growth Management Area boundaries to ensure uses are in line with the City of Loveland Comprehensive Plan for the Highway 402 corridor.

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

If the subject request is approved, it is anticipated that there would not be significant adverse impacts on the natural environment. Furthermore, any new development of these parcels would require Site Plan Review at which time impacts to the natural environment would be evaluated.

E. The proposed change addresses a community need;

Through rezoning from B – Business to C – Commercial, the full range of C – Commercial uses has the potential to be used. Rezoning would encourage other commercial uses to come into the area and encourage business growth along the Highway 402 corridor. The current uses on the two parcels are consistent with Loveland's Comprehensive Plan, which helps to fill a need by implementing such land use objectives.

If the application moves forward to the Public Hearing phase, it is the applicant's responsibility to demonstrate that the proposed zoning change addresses a community need and is not solely for the convenience of the applicant.

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

Both sites have already been in use for several years and is consistent with the surrounding commercial and industrial uses.

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 site is not in the currently adopted Growth Management Area or in the overlay zone district for the City of Loveland. This rezoning is only being supported based on the adjacent commercial and industrial zoning.

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; and

This item is not a part of this rezoning request.

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.

This item is not a part of this rezoning request.

OTHER REVIEW AGENCY COMMENTS:

All referral agency comments are attached to this report for review, but they are summarized here.

Doug Ryan from the Department of Health and Environment states that if any future development were to occur, Site Plan Review would need to address water, sewer, air quality and noise. If the City of Loveland and the property owner were to determine that public sewer is not feasible at the time of Site Plan Review, the Department of Health and Environment would "consider an additional on-site septic system to serve any new uses or buildings."

Candace Phippen from the Code Compliance Office states that there were proper building permits for the property to the east owned by William and Tonya Sykes, containing the business S-Cargo Truck Caps. The parcel to the west owned by Tim and Susan Bebo has no building permits of record for any of the buildings on the property, but all buildings on the property were built prior to permitting requirements.

Carie Dann from the Loveland Fire Rescue Authority states that if any further development were to occur they would need to review "building permit submittals and fire-protection systems if applicable."

Brian Burson, City Planner from the City of Loveland had no comments regarding this rezoning request.

Clint Jones from the Larimer County Engineering Department states that at the time of any future Site Plan Review, technical and design requirements found in Section 8 of the Larimer County Land Use Code need to be met.

MAJOR ISSUES AND CONCERNS:

If any future developments were to occur on the property, Site Plan Review would need to occur. At the time of Site Plan Review, the applicant would need to acquire public sewer or demonstrate viability of alternatives consistent with the Larimer County Land Use Code. Discussion of connection to public sewer would need to occur between the applicants and the City of Loveland. The Site Plan Review process requires compliance with the technical and design requirements of Section 8 of the Larimer County Land Use Code.

NEXT STEPS:

The next step for the applicants is to begin preparing the submittal documents for the Public Hearing application for the rezoning application. When the applicants submit the documentation for the Public Hearing application, they must address the issues and concerns discussed in this report and the attached referral agency comments.

The applicants are not required to conduct a neighborhood meeting. We have not received comments from any neighboring property owners. The applicants are advised to discuss the proposal with the neighboring property owners to address any of the issues which may arise during the process.

Once the documentation for the Public Hearing application is submitted, referral and public hearings with the Larimer County Planning Commission and the Board of County Commissioners will occur.

Any appeals to standards or regulations may be a part of any application or can be processed separately as a request to the Board of County Commissioners.

LARIMER COUNTY
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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: Matt Lafferty
Larimer County Planning Department

From: Doug Ryan Doug Ryan

Date: November 19, 2015

Subject: Sykes MLD Rezoning

RECEIVED
NOV 23 2015

The Sykes MLD rezoning is a proposal to rezone two parcels located on State Highway 402 from B-Business to C-Commercial. The parcels front on Highway 402 and are separated by a 60 foot public right-of-way. The property at 1952 East Highway 402 contains a single family residence and associated outbuildings. S-Cargo Truck Caps operates on the other lot.

The project description notes that lot owners want to enhance the value and future uses of their properties and recognize that the surrounding uses are commercial or industrial in nature.

The standards for rezoning outlined in the Land Use Code require a finding that a proposed zoning is compatible with existing and allowed uses on nearby properties. On this point, we would concur that the adjacent uses on Highway 402 tend to be commercial or industrial in character.

If a rezoning is approved, it is our understanding that any potential redevelopment from the existing uses would need to be considered as part of the County's administrative site plan review process. That process is designed to consider the detailed technical issues associated with development projects. For commercial uses, those issues include consideration of water and sewer, and compliance with applicable standards related to air and water quality, noise, etc.

Water is currently supplied by the Little Thompson Water District. We would look to the District for a determination that adequate water was available to serve future commercial uses.

The two properties use on-site wastewater treatment systems. Those systems were permitted through our Department, and are sized for a three bedroom residence at 1952 Highway 402 and employee restrooms for the shop at 1954 Highway 402.

Changes to the future uses on either property would trigger the need to evaluate options for sewer service. This area is in Loveland's planned commercial corridor, which needs public

sewer for full buildout. If a property owner and the City working together determined that public sewer was not feasible, our office could consider an additional on-site septic system to serve any new uses or buildings. We are available to consult with the applicant on future sewer service needs. It is important to note that until public sewer is made available, the use of on-site septic systems will limit the type and intensity of uses that may be appropriate. This limitation is based both on the limited capacity of septic systems to receive wastewater, and on a standard that only domestic sanitary wastes can be discharged into those systems.

Thank you for the opportunity to comment on this proposal. I will be available to discuss these comments with the applicant during the sketch plan review meeting. I can be reached at 498-6777 if there are questions prior to that time.

cc: Tonya Sykes

LARIMER COUNTY
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COMMUNITY DEVELOPMENT DIVISION

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

CODE COMPLIANCE SECTION
LARIMER COUNTY COMMUNITY DEVELOPMENT DIVISION

STAFF REPORT

Date:	November 19, 2015
From:	Candace Phippen, Code Compliance Supervisor
To:	Matt Lafferty, Principal Planner
Planning File No:	15-Z1991
Name of Review:	Sykes MLD Rezoning
Parcel No:	8530108001—1952 E Highway 402, Loveland, Colorado 8530108002—1954 E Highway 402, Loveland, Colorado

This is a request for a sketch plan review to consider a rezoning application outside an established growth management area (GMA) from B-Business to C-Commercial.

Assessor Information and Building Permits of Record for 8530108002—1954 E Highway 402, Loveland, Colorado:

Per Assessor's Office. "S Cargo Truck Kaps" is operating from the property. The Assessor identifies the following structures on the property: Commercial storage warehouse constructed in 1997, 4800 sq.ft.

Building Permits of Record:

1. Building Permit 96-L7290 issued 11/27/1996 for a 40x120 (4800 sq.ft.) structure for sales of pick-up toppers (shell only). Final building inspection conducted and approved with no utilities in the structure. Pursuant to Fire Dept. comments under permit: "shell only, need fire hydrant with tenant finish".

2. Building Permit No. 97-L1260 issued 09/10/1997 for a tenant finish to warehouse—retail, including two half-baths and a 121 sq.ft. second floor/loft. A Certificate of Occupancy was issued for a B-2 Occupancy as defined under the 1991 Uniform Building Code in effect at the time the permit was issued.

> "Drinking and dining establishments having an occupant load of less than 50, wholesale and retail stores, office buildings, printing plants, police and fire stations, factories and workshops using materials not highly flammable or combustible, storage and sales rooms for combustible goods, paint stores without bulk handling."

Staff Comments: No known building code issues.

Assessor Information and Building Permits of Record for 8530108001—1952 E Highway 402, Loveland, Colorado:

Per Assessor's Office:

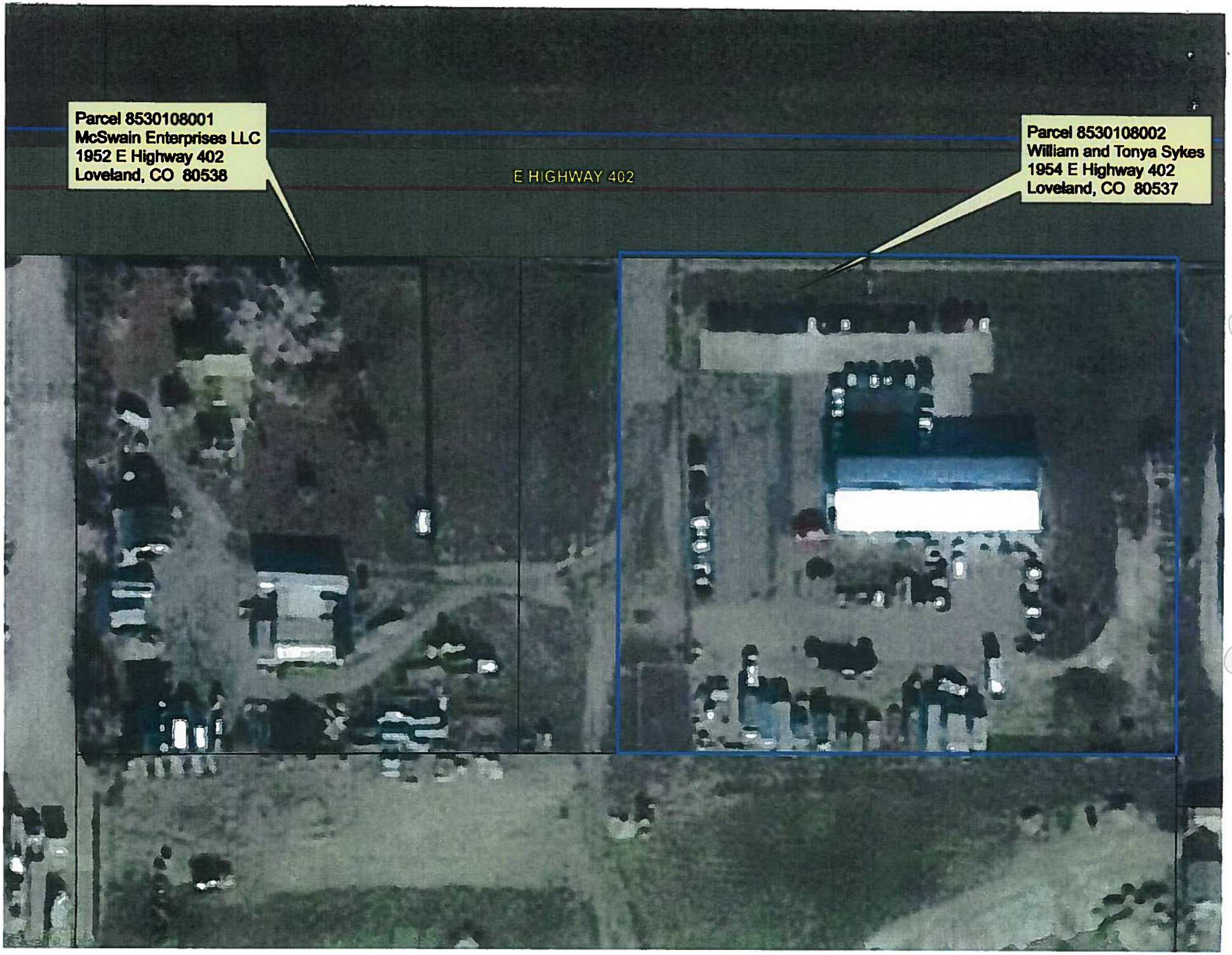
1. Single-family residence constructed in 1900, remodeled in 1972
2. Barn constructed in 1936
3. Tool shed constructed in 1932
4. Equipment storage constructed in 1932
5. Farm loafing shed constructed in 1932

No building permits of record.

Staff Comments: All structures identified by the Assessor's Office were constructed prior to building permit requirements commencing in Larimer County on January 1, 1972. It appears through a comparison of aerial photographs that a significant amount of outdoor storage of construction/piping materials began on the property around 2009 and continues to grow. The applicants may want to address the issue of outdoor storage with the planner handling this land-use application.

cc: Tonya Sykes (Applicant/Owner)
1269 Crossing Street
Loveland, CO 80537

cc: McSwain Enterprises LLC (Owner)
1821 Monarch Circle
Loveland, CO 80538


Parcel 8530108001
McSwain Enterprises LLC
1952 E Highway 402
Loveland, CO 80538
E HIGHWAY 402
Parcel 8530108002
William and Tonya Sykes
1954 E Highway 402
Loveland, CO 80537

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

TO: Matt Lafferty, Principal Planner

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

RE: Sykes MLD Rezoning (15-Z1991)

CC: Tonya Sykes, Applicant

DATE: November 18, 2015

1. These comments pertain to a Sketch Plan Review for a Minor Land Division to consider a rezoning application outside an established GMA from B-Business to C-Commercial, to enhance the development and marketability of the site. The properties are located within the Loveland Fire Rescue Authority jurisdiction and Larimer County.

2. LFRA has no comment regarding the rezoning application.

3. If any further development is proposed for the site(s), LFRA will review at that time, any type of Planning submittals (SDP, etc.), as well as building permit submittals and fire-protection systems, if applicable.

CURRENT PLANNING DIVISION
Phone: (970) 962-2523
Fax: (970) 962-2945

FAX / MEMO / TRANSMITTAL / E-MAIL

NOVEMBER 19, 2015

MATT LAFFERTY, PRINCIPAL PLANNER
LARIMER COUNTY PLANNING
P. O. BOX 1190
FORT COLLINS, CO 80522-1190

YOUR FAX NO. (970) 498 - 7711 **YOUR E-MAIL:** mlafferty@larimer.org

FROM: BRIAN BURSON, CITY PLANNER II **DEPT:** CURRENT PLANNING DIVISION
MY PHONE NO: (970 962 – 2557 **OUR FAX NO:** (970) 962 - 2945
E-MAIL: brian.burson@cityofloveland.org

NO OF PAGES, INCLUDING COVER PAGE: 2

ORIGINAL TO FOLLOW: **YES** _____ **NO** _XXX*_
(* upon request only)

REMARKS:

Attached are the review comments from the City of Loveland for the LARCO Referral, SYKES MLD REZONING, CASE # 15-Z1991. In this case, only the Fire Authority staff provided any comments, and they are in the form of their normal code-based standards. As requested I will also provide a copy of these to the Applicant, as indicated in the paperwork forwarded to us.

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

Fire: Carie Dann

FIRE STANDARD CODE REQUIREMENTS

1. This is a sketch plan review in Larimer County to consider a rezoning application outside an established GMA from B-Business to C-Commercial, to enhance the development and marketability of the site. The property is located within the Loveland Fire Rescue Authority jurisdiction.

2. LFRA has no comment regarding the rezoning application.

3. If any further development is proposed for the site, LFRA will review at that time, any type of Planning submittals (SDP, etc.), as well as building permit submittals and fire-protection systems, if applicable.

LARIMER COUNTY
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ENGINEERING DEPARTMENT

Post Office Box 1190
Fort Collins, Colorado 80522-1190

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

MEMORANDUM

TO: Matt Lafferty, Larimer County Planning Department

FROM: Clint Jones, Larimer County Engineering Department CJ

DATE: November 4, 2015

SUBJECT: Sykes MLD- Rezoning

Project Description/Background:
This is a Sketch Plan Review to consider a rezoning application. The applicant wishes to rezone the property from B-Business to C-Commercial. The site is located south of Highway 402.

Rezoning Comments:
This office does not offer any engineering related comments for the proposed rezoning application. The applicant should be advised that a site plan review would be required for any change of use and/or expansion on the property, which intensifies the impacts created by the uses on the property.

At the time of any future site plan review, Staff will review the proposal for compliance with the Larimer County Land Use Code Section 8 standards and other site design requirements including, but not limited to: adjacent and offsite street improvements, site access, traffic impacts, paved parking and adequate spaces, drainage impacts, stormwater quality, erosion control, floodplain regulations, Transportation Capital Expansion Fees, etc.

Typical required engineering documents include construction plans, drainage and erosion control report, traffic impact study, and a geotechnical report. These must be prepared, stamped and signed by a Colorado licensed professional engineer.

Staff Recommendation:
As long as the above comments are noted, Engineering Staff does not have any further issues regarding this rezoning 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: Tonya Sykes, 1269 Crossing Street, Loveland CO 80537
file