

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**March 19, 2012**

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Continuation of the March 12, 2012 meeting of the City of Loveland Planning Commission was held in the City Council Chambers on March 19, 2012 at 6:30 p.m. Members present: Chairman Meyers; Vice Chairman Middleton; Commissioners Molloy, Dowding, Crescibene, Fancher and Leadbetter. Commissioners Krenning and Ray were absent. City Staff present: Robert Paulsen, Current Planning Manager; Judy Schmidt, Deputy City Attorney.

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

**Commissioner Meyers** briefly introduced the continued item.

**1. Kum & Go Special Review #896- Type 3 Zoning Permit**

A quasi-judicial matter to consider approval of a Type 3 Zoning Permit for Special Review #896 for a proposed gas station and convenience store at the southwest corner of Eisenhower Boulevard and Boise Avenue.

**Robert Paulsen, Current Planning Manager**, explained the sequence of events leading up to this hearing. He stated the application to be considered is use by Special Review that was administratively approved January 31, 2012 for a Kum & Go Convenience/Gas Station located on the corner of Eisenhower Blvd and Boise Ave. He reported that he issued a Statement of Final Findings and Proposed Determination for a Type 2 zoning permit. He stated those findings were posted on January 31, 2012. He clarified that as part of the approved site plan, an 8 foot high sound wall on the south boundary of the property was included.

**Mr. Paulsen** stated that this project has become a Type 3 zoning permit because an appeal was filed, suspending his decision to grant the Special Review and issue a Type 2 zoning permit. He reported that Mr. Borchers, owner of the mobile home park, filed a timely appeal stating his main concern was the height of the wall along the south property line between the Kum & Go site and the Sylmar mobile home park. Mr. Paulsen also indicated that Mr. Borchers wanted an extension of the wall (the so-called turn down wall) to extend southward down the Boise Avenue right-of-way.

He stated at the March 12 hearing Commissioner Crescibene had to excuse himself prior to the vote on the motion which was a 3-3 vote.

**Mr. Paulsen** outlined a list of possible motions for the Commission's consideration. He indicated that he would review the motions. With Motion A and B, he asked that they closely consider the language in Condition 9. In these two motions, he indicated that distance for extending the wall along Boise has been left blank. In Motion A, the height of the sound wall was 8 feet. In Motion B, he indicated that the height of both the sound wall and the wall along Boise had been left blank—to allow the Commission to fill in this information. He stated that Motion C specified denial of the Type 3 permit, which would deny the project as applied for.

### **Motion A - Approve Type 3 zoning permit with 8 foot tall sound wall**

City staff recommends, subject to additional evidence presented at the hearing, that the Planning Commission pass the following motion:

- A. Move to direct the Current Planning Division to issue a Type 3 zoning permit for Special Review #896 for Kum & Go Station #995 to be located on Lots 10 and 11, Block 1 of the Brown's Corner Addition, Loveland, Colorado, based on the findings in Section IX and subject to the conditions set forth in Section X of the City staff report dated March 12, 2012, with the following modification:
  - 1) Current Planning Condition #9 shall be revised to read as follows:
    9. The proposed the Sound Wall shall be 8 feet in height and constructed on the Kum & Go property, adjacent to the common property line with the mobile home park to the south.
      - a. The exact location of the Sound Wall shall be subject to approval by the Current Planning Manager to ensure that the Sound Wall meets City requirements for structures in a utility easement.
      - b. If temporary or permanent easements are required to locate the Sound Wall adjacent to the common property line with the mobile home park, the owner of the mobile home park and Kum & Go (the "Parties") shall work in good faith to agree upon the terms of such easements.
      - c. At no time shall the City compel the owner of the mobile home park to agree to grant any such easements.
      - d. Kum & Go shall pay the total costs to extend the Sound Wall (the "Wall Extension") in a southerly direction from the southeast corner of the Kum & Go property for a total distance of \_\_\_\_\_ feet. Total costs shall include the costs to construct the Wall Extension and to obtain any required building permit or variance.
      - e. If the Wall Extension is to exceed 6 feet 3 inches in height, then construction of the Wall Extension shall be subject to approval of a variance by the City.
      - f. Construction of the Sound Wall shall be completed and approved by the City prior to issuance of a footing and foundation or building permit for the Kum & Go project.
      - g. Construction of the Wall Extension shall be completed and approved by the City prior to issuance of a Certificate of Occupancy for the Kum & Go project.
      - h. If no easements are received from the owner of the adjacent mobile home park within 10 calendar days after the final decision by the Planning Commission, or in the case of an appeal to City Council, within 5 calendar days after the final decision by City Council, then the Sound Wall shall be constructed at the located shown Exhibit A, subject to approval by the Current Planning Manager, and no Wall Extension shall be required.

### **ALTERNATE MOTIONS:**

Alternative motions for Planning Commission consideration for the Kum & Go project - Special Review #896.

**Alternative Motion B - Approve Type 3 zoning permit with sound wall taller than 8 feet**

A. Move to direct the Current Planning Commission to issue a Type 3 zoning permit for Special Review #896 for Kum & Go Station #995 to be located on Lots 10 and 11, Block 1 of the Brown's Corner Addition, Loveland, Colorado, based on the findings in Section IX and subject to the conditions set forth in Section X of the City staff report dated March 12, 2012, with the following modification:

1) Current Planning Condition #9 shall be revised to read as follows:

9. The proposed the Sound Wall shall be ----- feet in height and constructed on the Kum & Go property, adjacent to the common property line with the mobile home park to the south.

a. The exact location of the Sound Wall shall be subject to approval by the Current Planning Manager to ensure that the Sound Wall meets City requirements for structures in a utility easement.

b. If temporary or permanent easements are required to locate the Sound Wall adjacent to the common property line with the mobile home park, the owner of the mobile home park and Kum & Go (the "Parties") shall work in good faith to agree upon the terms of such easements.

c. At no time shall the City compel the owner of the mobile home park to agree to grant any such easements.

d. Kum & Go shall pay the total costs to extend the Sound Wall (the "Wall Extension") in a southerly direction from the southeast corner of the Kum & Go property for a total distance of \_\_\_\_\_ feet. Total costs shall include the costs to construct the Wall Extension and to obtain any required building permit or variance.

e. If the Wall Extension is to exceed 6 feet 3 inches in height, then construction of the Wall Extension shall be subject to approval of a variance by the City.

f. Construction of the Sound Wall shall be completed and approved by the City prior to issuance of a footing and foundation or building permit for the Kum & Go project.

g. Construction of the Wall Extension shall be completed and approved by the City prior to issuance of a Certificate of Occupancy for the Kum & Go project.

h. If no easements are received from the owner of the adjacent mobile home park within 10 calendar days after the final decision by the Planning Commission, or in the case of an appeal to City Council, within 5 calendar days after the final decision by City Council, then the Sound Wall shall be constructed at the located shown Exhibit A, subject to approval by the Current Planning Manager, and no Wall Extension shall be required.

**Alternative Motion C - Deny Type 3 zoning permit for Special Review #896**

B. Move to deny the application for use by special review and a Type 3 zoning permit for Special Review #896 for Kum & Go Station #995 to be located on Lots 10 and 11, Block 1 of the Brown's Corner Addition, Loveland, Colorado, based on the finding that the proposed special review use cannot be subject to reasonable conditions or restrictions that will permit the special review use to be consistent with the purposes of zoning as set forth in Section 18.04 of the Loveland Municipal Code or for the proposed use to be compatible with the surrounding uses.

**Mr. Paulsen** explained the Exhibits that have been presented to the Commission as a part of Agenda Item No. 1. He stated that Exhibit A is a proposed condition by Kum & Go addressing the allowance to

relocate the wall away from the property line in case the applicant cannot reach agreement for establishing an easement with the Sylmar Park owners to allow for the construction and maintenance of the wall. Exhibit B is a letter provided by Kevin Borchers concerning a previous agreement to between Sylmar and Kum & Go to determine the length of the "turndown" wall along Boise. He stated Exhibit C is a petition signed by neighbors who are opposing a 12 foot wall and who are urging the Commission to consider approval of a 6 foot wall.

It was asked and answered that Commissioner Crescibene had reviewed the video recording of the March 12, 2012 hearing.

**Mr. Paulsen** stated that it was the option of the Commission to open the Public Hearing and stated that staff's recommendation remains essentially unchanged from the March 12<sup>th</sup> hearing.

### **Applicant**

**Phil Hoey, representing the applicant**, summarized the numerous meetings and revisions to the site plan. He reported that he hoped to come to agreement regarding the height of the wall as well as the wall that would run south on Boise Avenue. He reemphasized the sound study proves that an 8 foot wall complies with the city noise standards and that the difference between an 8 foot wall and a 12 foot wall cannot be distinguished by the human ear. He stated the offer to run the wall south on Boise Avenue was offered if it would assure the safety of the residents and gain their support. He stated that two members of the neighborhood were present when the wall on Boise Avenue was proposed. Mr. Hoey commented that they were not required to mitigate noise from any site other than their own, so that the wall along Boise was a concession to the neighbors. He asked the Commission to approve the 8-foot wall height.

**Commissioner Fancher** asked Mr. Hoey if he agreed with Motion A with revised Condition 9.

**Mr. Hoey** expressed concerns with e. and f., stated that taking the southern portion through the process would delay the project due to going through the variance process if the wall were higher than 6 feet.

**Mr. Erramouspe, Ohlsson and Associates**, reemphasized that the wall extending along Boise Avenue is not a requirement of the city, but was a good neighbor, Kum & Go is offering to install it for the residents of the Sylmar Park. He again stated that the noise study shows that an 8 foot wall meets the city's requirement for noise mitigation.

### **Appellant**

**Kevin Borchers, Sylmar Park owner**, requested that the Commissioners consider the human factor when voting. He stated that the turn down wall on Boise Avenue was not formerly addressed however due to the acceleration of vehicles turning southbound, the wall should be long enough to protect the residents that back up to Boise Avenue.

**Vice Chair Middleton** asked Mr. Borchers if he wanted a 12 foot sound mitigation wall.

**Mr. Borchers** stated he would settle for something in between. He stated he would like a 10 foot wall and he would like the turn down wall to be 10 foot for a ways and then stagger to 8 foot. He clarified the easement is signed.

**Commissioner Crescibene** commented that any wall would enhance the property noting currently there is a 6 foot picket fence.

**Mr. Borchers** agreed that whatever will be built would be an improvement and emphasized that his concern was the spike in noise as vehicles enter and leave the Kum & Go site.

**Mr. Hoey** stated he was concerned with the language in Motion A, specifically items e, f and g of Condition 9. He expressed concern that the wall would have to be fully constructed prior to issuance of a building permit. He would prefer the wall be allowed to be constructed when the project was under construction, not prior to beginning of construction.

**Commissioner Crescibene** confirmed that he watched the entire video.

### **Public Comment**

**James Anstett**, owner of the property that the applicant is proposed to build on. He was extremely opposed to constructing a 12 foot wall stating the appearance would not be aesthetically pleasing. He spoke of issues with air circulation and urged the Commission to comply with the code and keep the wall at 6 feet.

**Tim Ward, 1519 Sylmar**, expressed frustration that they were told at one neighborhood meeting the wall would be 12 feet and then in January an 8 foot wall was approved. He spoke of concerns he had with the petition which was submitted (Exhibit C) and believed that some of the residents who signed were uninformed or misinformed and not impacted by the wall.

**Chuck Connelly, 1336 Sunset Place**, spoke of traffic concerns in the area he believed the wall was not only a sound wall but a site wall. He stated that he supported a wall over 10 feet and urged the Planning Commission to support a wall over 10 feet in height.

### **Applicant Rebuttal**

**Mr. Hoey** clarified there would only be 8 pumps at the site, not 30 pumps. He stated he would like the Commission to consider the sound study and expressed concerns with Motion A, items e-g in Condition #9.

**Mr. Borchers** responded to a comment that a 12 foot wall would be unappealing; he commented that the canopy and the building would be higher than 12 feet. He addressed issues with the petition that was circulated, stating he believed those who signed did not receive the correct information.

**Commissioner Fancher** stated that she was concerned with the permit process and asked if the applicant could have the wall approved with the grading plan.

**Mr. Paulsen** believed that they could be issued a permit for the wall with the footing and foundation permit.

There was discussion regarding easements and **Mr. Borchers** stated the easement says that they would work around existing structures.

### **Planning Commission Discussion**

**Commissioner Crescibene** stated an 8 foot wall was sufficient and believed the wall would enhance the property and is sufficient for noise mitigation. He stated that no wall will stop the noise from Eisenhower Blvd., and stated that he did not believe security was a relevant issue. He further commented that he did not want to set a precedent for the rest of the City.

**Commissioner Dowding** stated that she did not believe 8 foot was enough and that 12 foot was too much, she would like to see a 10 foot wall and 25 foot turn back wall not to exceed 6.3 feet.

**Commissioner Molloy** concurred with Commissioner Crescibene noting that the sound study showed an 8 foot wall was shown to be sufficient, he felt that the night glare was more of an issue and requested a new photometric study be conducted for an 8 foot wall. He stated he would support a 6 foot wall going down Boise.

**Commissioner Leadbetter** concurred with Commissioners Crescibene and Molloy.

**Commissioner Fancher** concurred with the 8 foot wall and 6.3 foot on the turn down wall. She stated that she would like to amend Condition 9. F. as follows:

- f. Construction of the Sound Wall shall be completed and approved by the City prior to issuance of a ~~footing and foundation or~~ building permit for the Kum & Go project.

**Commissioner Middleton** stated he would support a 10 foot wall to mitigate both sound and light issues and supported 6.3 foot on the south wall and concurred that the proposed amendment made by Commissioner Fancher.

**Chairman Meyers** stated that he would support a 10 foot wall and a 30 foot long 6.3 foot turn down wall on Boise Avenue. He also agreed with the proposed amendment to Condition 9. f. by Commissioner Fancher to help expedite the building permit process for the applicant.

**Commissioner Fancher** made a motion to direct the Current Planning Division to issue a Type 3 zoning permit for Special Review #896 for Kum & Go Station #995 to be located on Lots 10 and 11, Block 1 of the Brown's Corner Addition, Loveland, Colorado, based on the findings in Section IX and subject to the conditions set forth in Section X of the City staff report dated March 12, 2012, with the following modification:

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- a. The exact location of the Sound Wall shall be subject to approval by the Current Planning Manager to ensure that the Sound Wall meets City requirements for structures in a utility easement.
- b. If temporary or permanent easements are required to locate the Sound Wall adjacent to the common property line with the mobile home park, the owner of the mobile home park and Kum & Go (the “Parties”) shall work in good faith to agree upon the terms of such easements.
- c. At no time shall the City compel the owner of the mobile home park to agree to grant any such easements.
- d. Kum & Go shall pay the total costs to extend the Sound Wall (the “Wall Extension”) in a southerly direction from the southeast corner of the Kum & Go property for a total distance of 30 feet. Total costs shall include the costs to construct the Wall Extension and to obtain any required building permit or variance.
- e. If the Wall Extension is to exceed 6 feet 3 inches in height, then construction of the Wall Extension shall be subject to approval of a variance by the City.
- f. Construction of the Sound Wall shall be completed and approved by the City prior to issuance of a ~~footing and foundation or full~~ building permit for the Kum & Go project.
- g. Construction of the Wall Extension shall be completed and approved by the City prior to issuance of a Certificate of Occupancy for the Kum & Go project.
- h. If no easements are received from the owner of the adjacent mobile home park within 10 calendar days after the final decision by the Planning Commission, or in the case of an appeal to City Council, within 5 calendar days after the final decision by City Council, then the Sound Wall shall be constructed at the located shown Exhibit A, subject to approval by the Current Planning Manager, and no Wall Extension shall be required.

*Upon a second by Commissioner Crescibene the motion was adopted 4-3. Yeas: Commissioners Crescibene, Fancher, Leadbetter and Molloy. Nays: Commissioners Dowding, Meyers and Middleton.*

**Phil Hoey, representing the applicant, accepted the conditions.**

#### **ADJOURNMENT**

*Commissioner Middleton made motion to adjourn. Upon a second by Commissioner Dowding the motion was unanimously adopted.*

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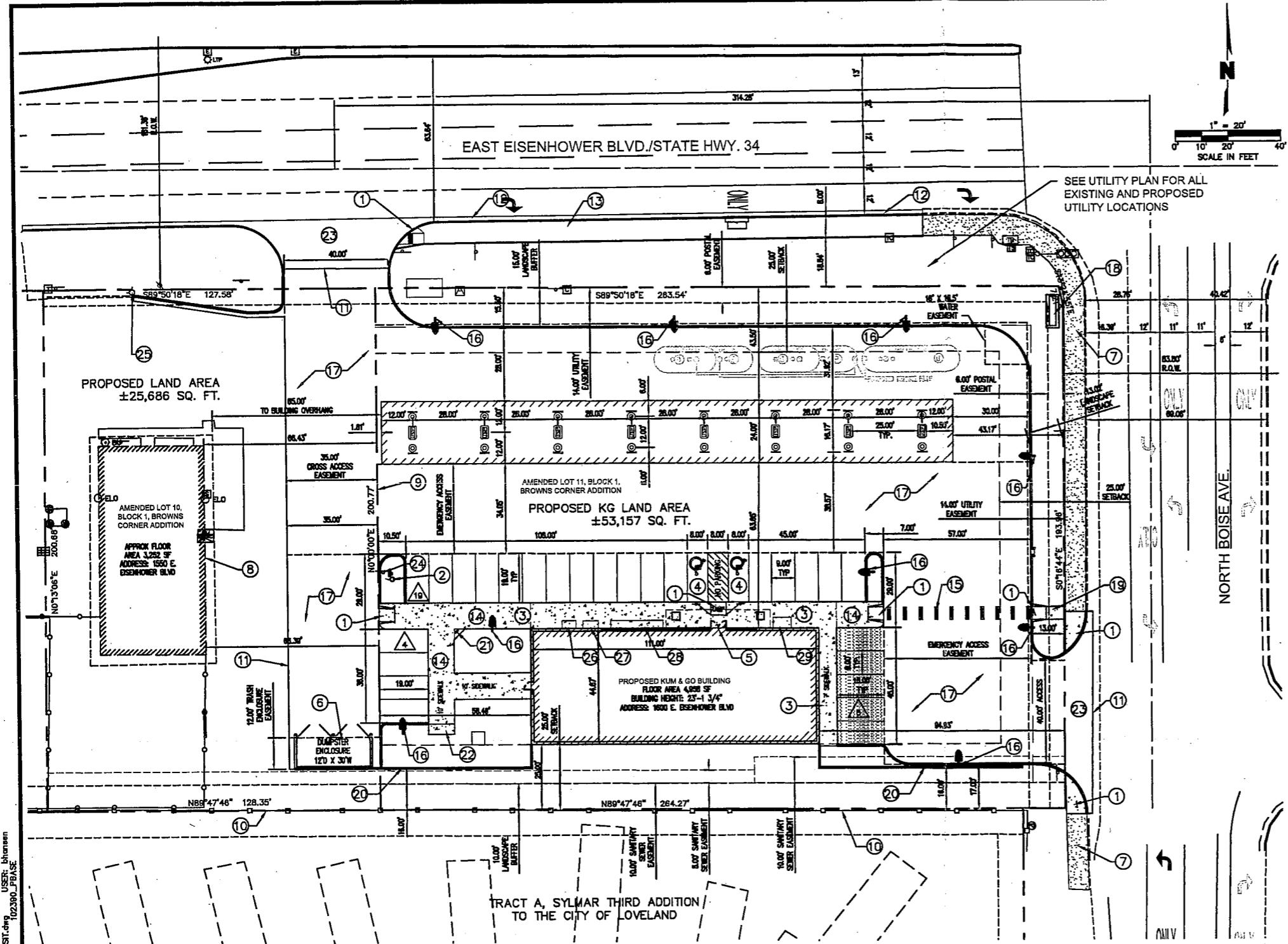
Buddy Meyers, Chair

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Vicki Mesa, Secretary

**Proposed Condition of Approval from Kum & Go Team on  
March 9, 2012:**

In the event that construction and/or maintenance easements necessary to build and maintain the noise wall as shown on the current application are not granted by the appellant to the applicant within 10 calendar days after a final decision made by Planning Commission, or in the case of another appeal, 5 calendar days after a final decision is made by City Council, the applicant proposes to relocate the wall as shown in Exhibit A and maintain the wall height determined by the outcome of the Planning Commission hearing on 03/12/2012. The wall location depicted in Exhibit A will be subject to review & approval by City Staff.



DWG: F:\Projects\010-2380\J\_DVP\Find\_Plans\102380\_SIT.dwg  
DATE: Nov 16, 2011 5:45pm  
XREFS: 102380\_XBASE  
USER: bharson  
BASE: 102380\_XBASE

CANOPY INFORMATION	
HEIGHT TO BOTTOM OF CANOPY	14'-6"
HEIGHT TO TOP OF CANOPY	17'-6"
CANOPY SQUARE FOOTAGE	5,280 SF
SEE ELEVATIONS FOR MORE INFORMATION	

BUILDING HEIGHT INFORMATION	
MAXIMUM HEIGHT	35'-0"
PROPOSED HEIGHT AS MEASURED PER 18.04.113.2	23'-1 3/4"

**LEGAL DESCRIPTION**

LOTS 10 AND 11 BROWN'S CORNER ADDITION TO THE CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, AS RECORDED IN THE RECORDS OF THE LARIMER COUNTY CLERK AND RECORDER AT RECEPTION NUMBER 88010848, CONTAINING 78.843 SQUARE FEET MORE OR LESS, AND IS SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY ON RECORD OR EXISTING, DO HEREBY SUBDIVIDE THE SAME IN LOTS, BLOCKS, TRACTS, OUTLOTS, RIGHTS-OF-WAY AND EASEMENTS, AS SHOWN ON THIS PLAT; AND DO HEREBY DESIGNATE AND DEDICATE: (I) ALL SUCH RIGHTS-OF-WAY AND EASEMENTS, OTHER THAN UTILITY EASEMENTS AND PRIVATE EASEMENTS, TO AND FOR PUBLIC USE, EXCEPT WHERE INDICATED OTHERWISE ON THIS PLAT; AND (II) ALL SUCH UTILITY EASEMENTS TO AND FOR PUBLIC USE FOR THE INSTALLATION AND MAINTENANCE OF UTILITY, IRRIGATION AND DRAINAGE FACILITIES; AND DO HEREBY DESIGNATE THE SAME AS AMENDED PLAT OF LOTS 10 AND 11, BLOCK 1, BROWN'S CORNER ADDITION TO THE CITY OF LOVELAND, COLORADO.

**SITE NO**

1. ALL WORK AND MATERIALS SHALL COMPLY WITH ALL CITY/COUNTY REGULATIONS AND CODES AND O.S.H.A. STANDARDS.
2. ALL DIMENSIONS AND RADII ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
3. A SEPARATE SIGN APPLICATION TO THE CITY IS REQUIRED FOR ALL MONUMENT /POLE SIGNS.
4. IN THE INTEREST OF COMPATIBILITY WITH SURROUNDING LAND USES, ILLUMINATION OF ANY KIND ON PRIVATE PROPERTY SHALL BE DIRECTED AND CONTROLLED IN SUCH A MANNER SUCH THAT THERE ARE NO DIRECT RAYS OF LIGHT WHICH EXTEND BEYOND THE BOUNDARIES OF THE PROPERTY FROM WHICH THEY ORIGINATE.
5. CONTRACTOR TO VERIFY BUILDING DIMENSIONS WITH ARCHITECTURAL PLANS.
6. PROJECT TO BE COMPLETED IN ONE (1) PHASE.

## BENCHMARK

1. THE PUBLISHED VALUES OF NGS CONTROL STATION "G 402". EL-4971.98 (NAVD88)
2. A 3.25" ALUMINUM CAP, COOT CONTROL POINT IN THE SIDEWALK AT THE SOUTHWEST QUADRANT OF THE INTERSECTION OF EAST EISENHOWER BLVD. AND NORTH BOISE AVE., EL-4980.91 (NAVD88)

**GENERAL NOTES:**

1. CONTRACTOR TO PRESERVE ALL SURVEY CONTROL.
2. PRIOR TO MOVING OFF THE JOB THE CONTRACTOR SHALL NOTIFY THE ENGINEER TO CONDUCT THE FINAL WALK-THROUGH OF THE CONSTRUCTION SITE.
3. LOCATION AND ELEVATIONS OF IMPROVEMENTS TO BE MET (OR AVOIDED) BY WORK TO BE DONE SHALL BE CONFIRMED BY THE CONTRACTOR THROUGH FIELD EXPLORATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL REPORT TO THE ENGINEER OR CITY INSPECTOR ANY DISCREPANCIES BETWEEN HIS MEASUREMENTS AND THESE PLANS.
4. THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITY PIPES AND STRUCTURES SHOWN ON THESE PLANS WERE OBTAINED BY A SEARCH OF AVAILABLE RECORDS AND, TO THE BEST OF OUR KNOWLEDGE, CONSTITUTES ALL KNOWN FACILITIES. HOWEVER, THE CONTRACTOR IS REQUIRED TO TAKE DUE PRECAUTIONARY MEASURES TO PROTECT ANY EXISTING UTILITIES OR STRUCTURES LOCATED AT THE WORK SITE. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONTACT COLORADO ONE-CALL IN ADVANCE OF ANY EXCAVATION FOR THE MARK-OUT OF THE LOCATION OF UTILITIES AND NOTIFICATION OF COMMENCEMENT OF WORK.
5. BEFORE EXCAVATING FOR THIS CONTRACT, THE CONTRACTOR SHALL FIELD VERIFY LOCATION OF UNDERGROUND UTILITIES. CONTRACTOR SHALL MAKE EXPLORATION EXCAVATIONS AND LOCATE EXISTING UNDERGROUND UTILITIES SUFFICIENTLY AHEAD OF CONSTRUCTION TO PERMIT REVISIONS TO PLANS IF REVISIONS ARE NECESSARY BECAUSE OF ACTUAL LOCATION OF EXISTING FACILITIES.
6. CONTRACTOR IS REQUIRED TO TAKE PRECAUTIONARY MEASURES TO PROTECT THE UTILITY LINES SHOWN AND ANY OTHER EXISTING LINES NOT OF RECORD OR NOT SHOWN ON THESE PLANS.

## FLAG NOTES

- ① PROPOSED ADA CURB RAMP (PER LCUASS DRAWING #1808)
- ② PROPOSED FLAGPOLE
- ③ CONSTRUCT 6" CONCRETE SIDEWALK (1% MAX. CROSS SLOPE) REFERENCE DETAIL ON STRUCTURAL PLANS
- ④ PROPOSED ACCESSIBLE PARKING SPACE AND SIGNAGE (PER LCUASS DRAWING #1407 AND ADA STANDARDS SEE DETAIL SHEET)
- ⑤ FRONT ENTRY, REF. ARCH. PLANS
- ⑥ PROPOSED TRASH ENCLOSURE
- ⑦ EXISTING SIDEWALK
- ⑧ EXISTING BUILDING TO REMAIN
- ⑨ PROPOSED PROPERTY LINE
- ⑩ EXISTING WOOD FENCE TO REMAIN
- ⑪ EDGE OF PROPOSED ON-SITE PAVEMENT
- ⑫ CONSTRUCT CURB AND GUTTER (REFERENCE PUBLIC IMPROVEMENT PLANS)
- ⑬ CONSTRUCT 8" SIDEWALK (REFERENCE PUBLIC IMPROVEMENT PLANS)
- ⑭ CONSTRUCT 6" CONCRETE SIDEWALK (1% MAX. CROSS SLOPE) REFERENCE DETAIL ON DETAIL SHEET
- ⑮ 9-FEET LONG X 18-INCH WIDE "CONTINENTAL" OR "DENVER" STYLE BARS
- ⑯ LIGHT FIXTURE (SEE PHOTOMETRIC PLANS)
- ⑰ PROPOSED 8" CONCRETE PAVEMENT
- ⑱ PROPOSED KUM & GO MONUMENT SIGN
- ⑲ PROPOSED P.C. CONCRETE SIDEWALK (2% MAX. CROSS SLOPE)
- ⑳ PROPOSED 8' HOSE WALL, SEE ARCHITECTURAL PLANS FOR MATERIAL TYPE AND CONSTRUCTION DETAILS.
- ㉑ PROPOSED BICYCLE PARKING BOLLARD
- ㉒ DESIGNATED SMOKING AREA
- ㉓ CONCRETE DRIVEWAY PER L.C.U.A.S.S.
- ㉔ "NO MOTORCYCLES BEYOND THIS POINT" SIGN
- ㉕ EXISTING FIRE HYDRANT
- ㉖ PROPOSED ICE MACHINE
- ㉗ PROPOSED REDBOX VENDING MACHINE
- ㉘ PROPOSED MISC. MERCHANDISE
- ㉙ PROPOSED PROPANE

## EGEND

Legend	
GAS	BOUNDARY LINE
SS	ROAD CENTERLINE
SD	GAS LINE
OF	SANITARY SEWER LINE
E	STORM SEWER LINE
W	OVERHEAD POWER
COMM	UNDERGROUND POWER
4	WATER LINE
1010	UNDERGROUND COMMUNICATION LINE
1013	CONCRETE CURE & GUTTER
CLIP	CONCRETE PAVEMENT
POWER POLE	ASPHALT PAVEMENT
POWER POLE WITH LIGHT	CONCRETE SIDEWALK
①	BUILDING ENVELOPE
②	MAJOR CONTOUR
③	MINOR CONTOUR
5	LIGHT POLE
EXISTING CONCRETE SIDEWALK	POWER POLE
PROPOSED SIDEWALK	POWER POLE WITH LIGHT
EMPLOYEE PARKING	SANITARY SEWER MANHOLE
NOTE:	SANITARY SEWER CLEANOUT
THIS DOCUMENT HAS BEEN RELEASED BY OLSSON ASSOCIATES FOR REVIEW BY REGULATORY AGENCIES AND OTHER PROFESSIONALS, AND IS SUBJECT TO CHANGE. THIS DOCUMENT IS NOT TO BE USED FOR CONSTRUCTION.	

NOTE:  
THIS DOCUMENT HAS BEEN  
LEASED BY OLSSON  
ASSOCIATES FOR REVIEW BY  
REGULATORY AGENCIES AND  
OTHER PROFESSIONALS, AND  
SUBJECT TO CHANGE.  
THIS DOCUMENT IS NOT TO  
BE USED FOR  
INSTRUCTION.

Kum & Go Station # 995  
Loveland, Colorado  
DRAWING INFORMATION:  
EXHIBIT A  
REVISIONS

**OLSSON  
ASSOCIATES**  
10 Table Mountain Drive,  
Suite 200  
Golden, CO 80403  
TEL: 303.237.2072  
FAX: 303.237.2659

L.C.

**KUM & GO**  
6400 Westown Parkway,  
West Des Moines, Iowa 50266

Kum & Go Station # 995  
Loveland, Colorado  
DRAWING INFORMATION:  
EXHIBIT A  
REVISIONS

ARTMENT:  
STORE  
DEVELOPMENT  
STRUCTION:  
HALFRED

BY:  
J. LANG

$$1'' = 20'$$

03/09/2012

101

March 14, 2012

To: Planning Commissioners,

This letter is to address the sound wall turndown next to the Sylmar mobile home park. A meeting at the site by the city, Kum and Go, and Sylmar's park owner was agreed on to determine the length needed to protect the residents of the park. Waited to be contacted about the meeting and by accident found that Brian had a heart attack. After that the city changed the agreement about the 12 ft. wall and no meeting ever occurred about the turndown wall. Because of the acceleration of vehicles turning southbound the wall should be long enough to protect the homes backing to Boise. The wall should stair step down for appearance.

The sound wall should be built first if this project is approved to insulate the residents from some of the construction.

Since this is Kum and Go's project the expense and the fulfilling of the requirements for the variance and turndown wall should be their responsibility.



Kevin Borchers  
Champion K&K Enterprises

**Exhibit B**

to a height of 8 feet above finished grade. Since dedicated utility easements lie in this same area, the final location and configuration must be approved by all City and non-City providers of utilities. If further investigation determines that this location will not meet City requirements for structures in a utility easement, an alternate location and configuration may be determined by agreement between Kum and Go, the City of Loveland, and the owner of the mobile home park to the south. If temporary or permanent easements are necessary, the parties shall work together in good faith to agree upon terms of such easements. At no time shall the City compel the owner of the mobile home park to convey or agree to such alternative location if it is located upon his property, or any portion thereof. If this location for the wall can be agreed upon by all parties, Kum and Go shall also extend the wall southward from the southeast corner of the Kum and Go site, extending to a point southward which is agreed upon by the parties. This is for the purpose of providing additional noise mitigation from vehicles leaving the site southbound upon Boise Avenue. If the wall is to be greater in height than 6-foot 3-inches, application for a variance application shall be submitted to and approved by the City prior to construction of this portion of the wall.

*In  
Nov.  
Met.*

#### Transportation Engineering:

9. Notwithstanding any information presented in the Special Review or accompanying construction plan documents (text or graphical depictions), all public improvements shall conform to the Larimer County Urban Area Street Standards (LCUASS) as amended, unless specific variances are requested and approved in writing.
10. Prior to the issuance of any building permits within this Special Review, unless otherwise approved by the Director pursuant to the provisions in Section 16.40.010.B of the Loveland Municipal Code, the following public improvements shall be designed and constructed by the Developer unless designed and constructed by others. A cash-in-lieu payment for all or part of these improvements may be accepted if approved in writing by the City Engineer:
  - a. Ultimate roadway improvements to US 34 adjacent to the property, including curb, gutter, and sidewalk as shown on the City approved Public Improvement Construction Plans.
  - b. The northbound left-turn lane striping at Boise Avenue and the site access as shown on the City approved Public Improvement Construction Plans.
11. Prior to the issuance of any building permits within this Special Review, written concurrence from CDOT needs to be provided to the City for the proposed improvements within CDOT right-of-way.
12. Prior to submittal of the Final Special Review mylars, the applicant shall provide the City with a copy of the approved CDOT access permit for the proposed access to US 34.

## CITY OF LOVELAND PLANNING DIVISION

We the undersigned are residents of the Sylmar Mobil Home Park. We would like to note that those petitioning for a 12 foot wall do not represent all of the residents of this neighborhood. We wish to ask that a 12 foot wall NOT be built on the North edge of our park. It would be detrimental to our quality of life as it would be ugly and hold the heat making summer nights uncomfortable.

We believe a 6 foot wall with landscaping would be sufficient to keep out any additional noise generated from the proposed Kum and Go sore and gas station operation. It would also look nicer...there is a reason the City of Loveland set the height limit for fences where they did.

Thank you for considering our recommendation to limit the height of the wall to 6 feet in your decision.

## The Residents of Sylmar Mobil Home Park.

NAME	ADDRESS (not number)	PHONE
M. Kelley & Sonberry	1543 Sylmar Place	663-2934
Russell Schmidlin	1527 Sylmar place	669-3383
Barbara Schmidlin	1527 Sylmar Pl	664-3383
Dawn McRae	1495 Sylmar Pl	667-3395
Jay & M. Kain	1495 Sylmar Pl	667-3392
* Dixie & Watson	1535 Sylmar Pl.	776-4854
Getty C. Doty	1503 Sylmar Pl.	669-3012
Carol Nichols	1463 Sylmar Rd	481-1066
Elaine Nichols	1463 Sylmar Pl	481-1066
Carol Nichols	1463 Sylmar Pl	481-1066
Nina Laleff	1427 Sylmar Pl.	309-5972

We would like to point on that all the residents that have signed this petition live along the North edge of the Sylmar Mobil Home Park where the wall will become the boundary of their leased space. They are the tenants that will be most effected by this project, and they do not want a 12 foot wall.