

Planning Commission Staff Report

May 14, 2012

Agenda #: Consent Agenda - 1

Title: Lakes Place 5th Subdivision
Rezoning

Applicant: Larry Heckel and Leroy Gabriel

Request: Rezoning

Location: along the east side of N. Boise
Avenue, approximately 320 feet
north of Park Drive

Existing Zoning: DR - Developing Resource
District

Proposed Zoning: R-1 Developing Low-density
Residential District

Staff Planner: Brian Burson

Staff Recommendation

Subject to additional evidence presented at the public hearing, City staff recommends the following motion:

Recommended Motion:

1. *Move to make the findings listed in Section VIII of this report dated May 14, 2012; and, based on those findings, recommend approval of the rezoning of Outlots A, B, and C, of the Lakes Place 5th Subdivision from DR-Developing Resource District to R-1, Developing Low-density Residential District.*

Summary of Analysis

This is a public hearing item to consider a rezoning of Outlots A, B, and C of the Lakes Place 5th Subdivision from DR - Developing Resource District to R-1 Developing Low-density Residential District. These outlots form a long narrow triangular parcel of land located along the east side of N. Boise Avenue, approximately 320 feet north of Park Drive, lying adjacent to Lots 1, 2, and 3, Block 1 of this subdivision. The adjacent lots, and all lots in the vicinity, are zoned R-1. Most are already developed as single-family detached dwellings. The uses allowed in this district are primarily limited to detached single-family dwellings and typical accessory uses and buildings.

If the rezoning is approved by the City, the owners will join these separate outlots with the existing adjacent lots through a lot merger plat that is also being reviewed by the City. The Planning Commission plays no role in a lot merger plat process.

Staff believes that all key issues have been resolved based on the City Comprehensive Plan, codes, and standards. Since this is a rezoning and is not a PUD, there are no recommended conditions of approval.

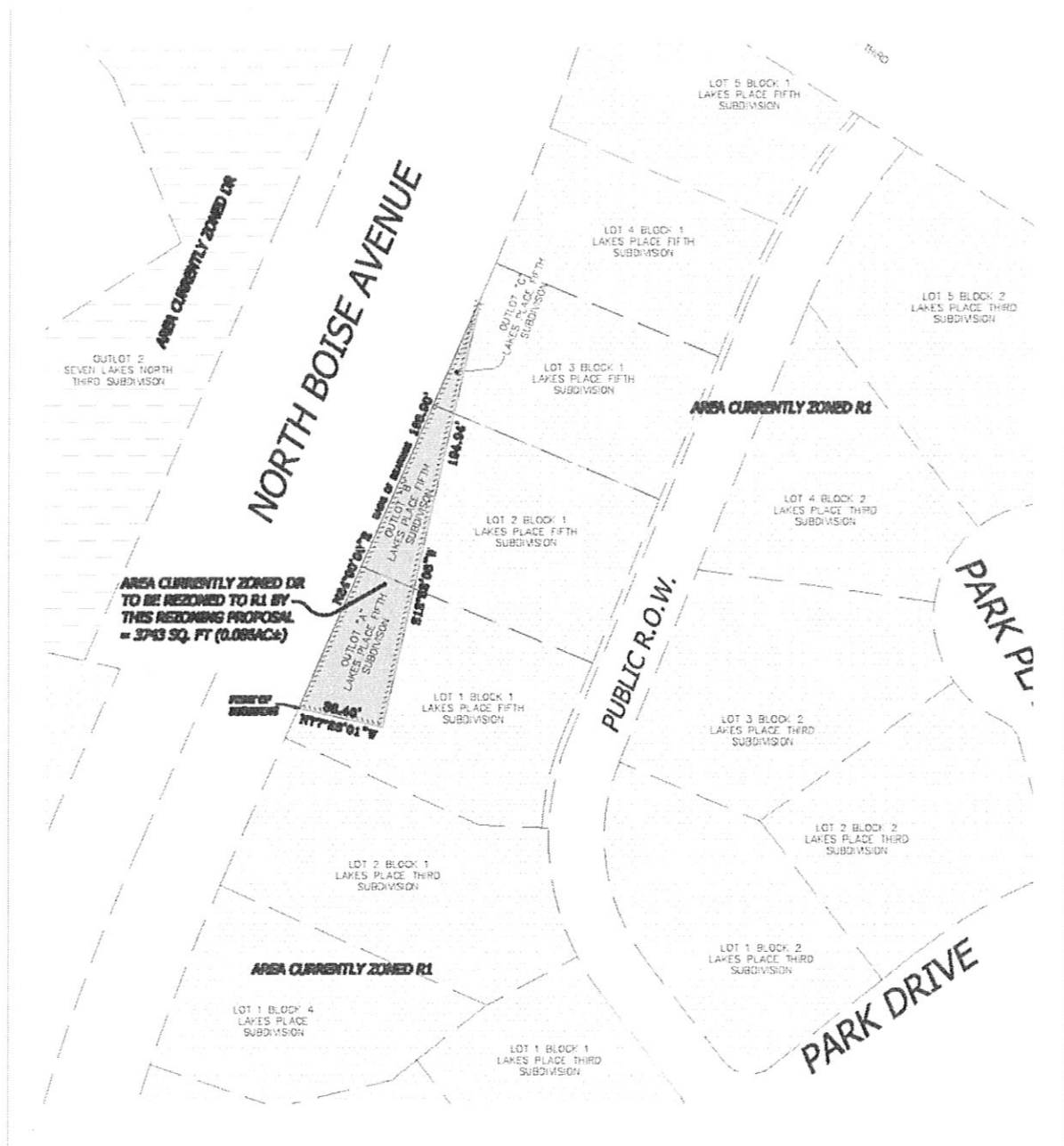
I. ATTACHMENTS:

1. Applicant's Rezoning Assessment Report
2. Photos of existing Boise Ave frontage with existing sidewalk
3. Photos of existing alley along rear of lots
4. Photos of existing Westerdoll Lake outlet structure and canal directly north of lots
5. Site plan/context map
6. Rezoning map
7. Lakes Place 5th Subdivision final plat (for information only)
8. Lakes Place 5th Subdivision - Amended Plat #1 (pending- for information only)

II. VICINITY MAP:



III. REZONING EXHIBIT:



IV. PROJECT DESCRIPTION:

Summary

The application proposes to rezone Outlots A, B, and C of the Lakes Place 5th Subdivision from DR - Developing Resource District to R-1 Developing Low-density Residential District. These outlots form a small narrow triangular strip of land located along the east side of N. Boise

Avenue, approximately 320 feet north of Park Drive, lying adjacent to Lots 1, 2, and 3, Block 1 of this subdivision. The adjacent lots, and all lots in the vicinity, are zoned R-1, Developing Low-density Residential. The uses allowed in this district are primarily limited to detached single-family dwellings and typical accessory uses and buildings. Lots lying along the west and south sides of Westerdoll Lake are in unincorporated Larimer County and zoned FA-Farming, but are primarily used for single-family residential purposes.

Staff research indicates that this triangular strip of land was preserved by DR zoning as part of the original annexation and zoning of the area. The original annexations and zonings began the planning for the location, alignment and grade of N. Boise Avenue. Based on initial approximations, it was believed that this parcel might be needed for the future street right-of-way. As street design was refined and finalized, this parcel turned out to be unnecessary for street purposes, and can now be made available for inclusion in the abutting private lots. Before it can be merged into these platted lots, it must be rezoned to match the zoning of the lots.

The City is also reviewing the proposed lot merger plat, and it is anticipated that this plat will be approved as soon as the rezoning action is complete. This would make the affected lots slightly larger, making them more viable for development, and more similar to other lots in the neighborhood. The Planning Commission plays no role in a lot merger plat process; however the draft lot merger plat is included with this staff report for information purposes only. (See **Attachment # 8.**)

Staff believes that all key issues have been resolved based on the City Comprehensive Plan, codes, and standards. Since this is a rezoning and is not a PUD, there are no recommended conditions of approval.

Action to be taken by the Planning Commission

Planning Commission must conduct a public hearing on the application. Planning Commission's consideration is quasi-judicial, meaning that their consideration and recommendation is to be made on the basis of adopted policies, codes and standards as they apply to this property. Since this is a rezoning that is not a PUD, conditions of approval are not appropriate. Planning Commission's recommendation will be forwarded to the City Council, to be considered as part of their subsequent public hearing, currently scheduled for June 5, 2012. If the rezoning is approved, the property would automatically be subject to all applicable City codes and standards.

V. KEY ISSUES:

City staff have reviewed the application on the basis of all applicable City policies, codes and standards, including the findings necessary for approval of a rezoning. Staff believes that all key issues have been resolved through the review process. No issues or concerns were raised at the neighborhood meeting that have not been resolved through the staff review process.

VI. SITE DATA:

ACREAGE OF SITE (GROSS ACRES).....3,743 SQ. FT.
EXISTING ZONING.....DR-DEVELOPING RESOURCE
PROPOSED ZONINGR-1, DEVELOPING LOW DENSITY
.....RESIDENTIAL
MASTER PLAN DESIGNATION..... LDR

EXISTING USE.....VACANT
PROPOSED USESF RESIDENTIAL
NUMBER OF DWELLING UNITS PROPOSEDNA
GROSS DENSITY (DU/A)NA
NET DENSITY (DU/A)NA

EXISTING ADJACENT ZONING AND USE - NORTHP-62/R-1; SF RES
EXISTING ADJACENT ZONING AND USE - EASTR-1; SF RES
EXISTING ADJACENT ZONING AND USE - SOUTH.....R-1; SF RES
EXISTING ADJACENT ZONING AND USE - WESTR-1; SF RES

UTILITY SERVICE PROVIDER - SEWER.....CITY OF LOVELAND
UTILITY SERVICE PROVIDER - ELECTRICCITY OF LOVELAND
UTILITY SERVICE PROVIDER - WATER.....CITY OF LOVELAND

VII. BACKGROUND:

5/19/81 - approval of Seven Lakes North Third Addition

3/2/93 - approval of Lakes Place 3rd Subdivision

10/15/07 - approval of Lakes Place 5th Subdivision

VIII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION:

- A. Notification:** An affidavit was received from Rob Molloy, certifying that written notice was mailed to all owners of property within 500 feet of the site, on April 11, 2012; and notices were posted in prominent locations on the perimeter of the project site at least 15 days prior to the date of the Planning Commission hearing. As required by City code, the mailing radius was determined irrespective of intervening rights-of-way and bodies of water, which provided written notice to many more property owners than normal. In addition, a notice was published in the Reporter Herald on April 28, 2012. All notices stated that the Planning Commission would hold a public hearing on May 14, 2012. This type of application does not constitute a development plan, as it relates to written notice requirements to mineral rights owners; therefore, no notice was required, and no element of mineral rights must be considered in the public hearing.

- B. Neighborhood Response:** A neighborhood meeting was held at 6:30 pm on April 26, 2012 in the Main Floor Conference Room of the Civic Center. The attendance sheet for the meeting indicates that 4 persons attended the meeting, along with City staff and the Applicants' representatives. No concerns or objections were raised at the neighborhood meeting, and no further revisions were required or made to the application as result of the meeting.

IX. FINDINGS AND ANALYSIS:

In reviewing the application, the Planning Commission must determine if the findings specified in the Municipal Code can be met. These findings are listed in italicized font below, along with a summary analysis provided by City staff. If, based on the submitted application, the Planning Commission determines that the findings can be met, the Planning Commission shall recommend approval of the rezoning application. If the Planning Commission determines that the findings cannot be met, the Planning Commission must make different findings and recommend disapproval of the rezoning application.

***Finding 1.** The purposes set forth in Section 18.04.010 of the Loveland Municipal Code would be met if any of the uses permitted by right in the zone district were developed on the subject property.*

Current Planning: The purposes set forth in Section 18.04.010 of the Loveland Municipal Code include lessening of congestion on public streets, secure safety from fire and panic, promote general health and welfare, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate adequate provision of public facilities and infrastructure. The application has been reviewed in light of these purposes by City staff and all utility providers. The rezoning will simply allow these outlots to be merged into the adjoining, already platted lots. When the existing lots were platted, these findings were initially made. Adding additional lot area to the existing lots will be completely consistent with that original determination. Staff believes that, based on application of all adopted City policies, codes and standards, these purposes will be met.

***Finding 2.** Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in development that is compatible with existing land uses adjacent to and in close enough proximity to the subject property to be effected by development of it.*

Current Planning: The adjacent lots are already zoned R-1, as well as most other lots in the neighborhood. Adding lot area to the existing lots will increase the compatibility with existing and future land uses in the area.

This stretch of Boise Avenue is designated as a minor arterial street. Generally, the City discourages platting residential lots on arterials due to concern about multiple drive accesses on streets that have a significant peak hour volume. Approval of the previous Lakes Place 3rd Subdivision, imposed a condition that the lots abutting Boise Avenue must orient the front of the

dwelling onto Boise, but take their driveway access from the private alley at the rear of the lots. This condition continues to apply to all of the platted lots abutting this street, and will mitigate the concern about drive access onto the arterial. (See **Attachment #3**) Orienting the homes to front onto Boise will designate the yards abutting Boise as front yards, and therefore also prevent 6 foot privacy fences lining the right-of-way for this stretch of the street. (See **Attachment #2**.) This will protect the quality of the public streetscape. Staff believes that the proposed rezoning and resulting lot merger will result in development that is compatible with existing and future land uses that are proximate to the site.

***Finding 3.** Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in impacts on City infrastructure and services that are consistent with current infrastructure and services master plans.*

Transportation: All transportation improvements for these properties are already constructed and approved. This rezoning does not propose or require any further improvements. Any future public improvements would comply with the Larimer County Urban Area Street Standards. Staff believes that this finding can be met.

Fire: The site will comply with the requirements in the ACF Ordinance for response distance requirements from the first due Engine Company (Station 6). The proposed rezoning will not negatively impact fire protection. Staff believes that this finding can be met.

Water/Wastewater: This development is situated within the City's current service area for both water and wastewater. The proposed development will not negatively impact City water and wastewater facilities. Staff believes that this finding can be met.

Stormwater: All drainage improvements for these properties are already constructed and approved. This rezoning does not propose or require any further improvements. Development of the subject property pursuant to any of the uses permitted by right under the zoning district will not negatively impact any existing City of Loveland infrastructure and services. Staff believes that this finding can be met.

Power: Underground electric utilities are in place across the street from the proposed subdivision between the curb and sidewalk on the west side of Boise Avenue. An underground electric vault with 200-amp three-phase power is located across the street from the southwest corner of the proposed Lot 4, Block 1. Single-phase power will be extended from this vault onto the site with future development at the developer's expense per City Municipal codes. The existing uses as well as any future development requirements are current with the Power Division's existing infrastructure and system master plan.

Staff believes that this finding can be met.

***Finding 4.** Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in development that is consistent with relevant philosophies contained in the Loveland Comprehensive Plan, particularly those philosophies included in Section 4.0 Land Use.*

Current Planning Division: As part of City approval of each previous annexation/zoning/rezoning/subdivision for this development, the City evaluated each application on the basis of the pertinent elements of the Comprehensive Plan in effect at that time, and made a determination that the proposed development would meet all elements of the Plan. The development that has occurred is still consistent with those Plan elements, as well as with the pertinent elements of the current 2005 Comprehensive Plan. Staff believes that the proposed rezoning will result in development that meets the expectations of the LDR areas in the City.

All development on the site will be governed by all applicable City codes and standards, including the requirements of the R-1 Zone District and the original special conditions of approval approved by the City Council which will still apply.

***Finding 5.** Development of the subject property pursuant to any of the uses permitted by right under the zoning district would result in development that would not be detrimental to the health, safety, or welfare of the neighborhood or general public.*

Current Planning: Approval of the previous Lake Place 3rd Subdivision, imposed a condition that homes built on the lots abutting Boise Avenue must front onto Boise; but take their drive access from the private alley at the rear of the lots. This condition will continue to apply to all of the platted lots, and will assure that the additional vehicular movements from private driveways will not negatively impact the arterial traffic. The outfall structure and canal for Westerdoll Lake abuts these lots on the north. (See **Attachment #4.**) This outlet and canal was designed specifically to assure that waters released from the lake during heavy rainfall events or flood would not negatively affect the abutting lots or neighborhoods. The rezoning will make no changes to this, and will not expose any additional dwellings to the effects of Westerdoll Lake.

Based on implementation of all applicable City codes and standards, staff believes that development of the uses allowed by right in the R-1 zone will not result in detrimental effects on the health, safety or welfare of the neighborhood or general public.

***Finding 6.** The proposed location and the use of the land, and the conditions under which it will be developed, will not interfere with the present or future extraction of a commercial mineral deposit underlying the surface of the land, as defined by CRS 34-1-3021 (1) as amended.*

Current Planning: The area to be rezoned is far too small to be considered for removal of mineral deposits. Potential and rights for removal of mineral deposits were considered as part of the original annexation, zoning and subdivision processes. Staff did not require a Mineral Extraction Report for this application.

This type and scope of this rezoning does not constitute a development plan requiring written notification to mineral rights holders, if any. No action is required by the Planning Commission in regard to mineral rights.

REZONING ASSESSMENT REPORT OUTLOTS "A, B, AND C" LAKES PLACE FIFTH SUBDIVISION

The Property being rezoned by this submittal is a triangular parcel of land that was created as Tract B of the Seven Lakes Third Addition by the extension of Boise Avenue, then at a later date this Tract B was included in the Lakes Place Fifth Subdivision, which created 5 residential lots which are accessed by a Private Drive at the rear of the lots. The Lakes Place Fifth Subdivision Platted 3 Outlots because they were apparently Zoned DR while the rest of the Subdivision was Zoned R1.

It is the wishes of the Applicant of this Rezoning Submittal to change the zoning of all 3 of the outlots and thru the Lot Merger Process combine these Outlots with the adjacent Lots.

All Utilities, Streets, and Sidewalks serving the Existing Lots are currently constructed. Based upon this information the following statements would be true.

*(i) The purposes set forth in Section 18.04.010 of the Loveland Municipal Code would be met if any use permitted by right in the zone district being requested was developed on the subject property. **The Existing Lots 1 thru 3 in Block 1 of the Lakes Place Fifth Subdivision, which will receive portions of the Property being Rezoned, are currently Zoned to meet with the purposes set forth in Section 18.04.010.***

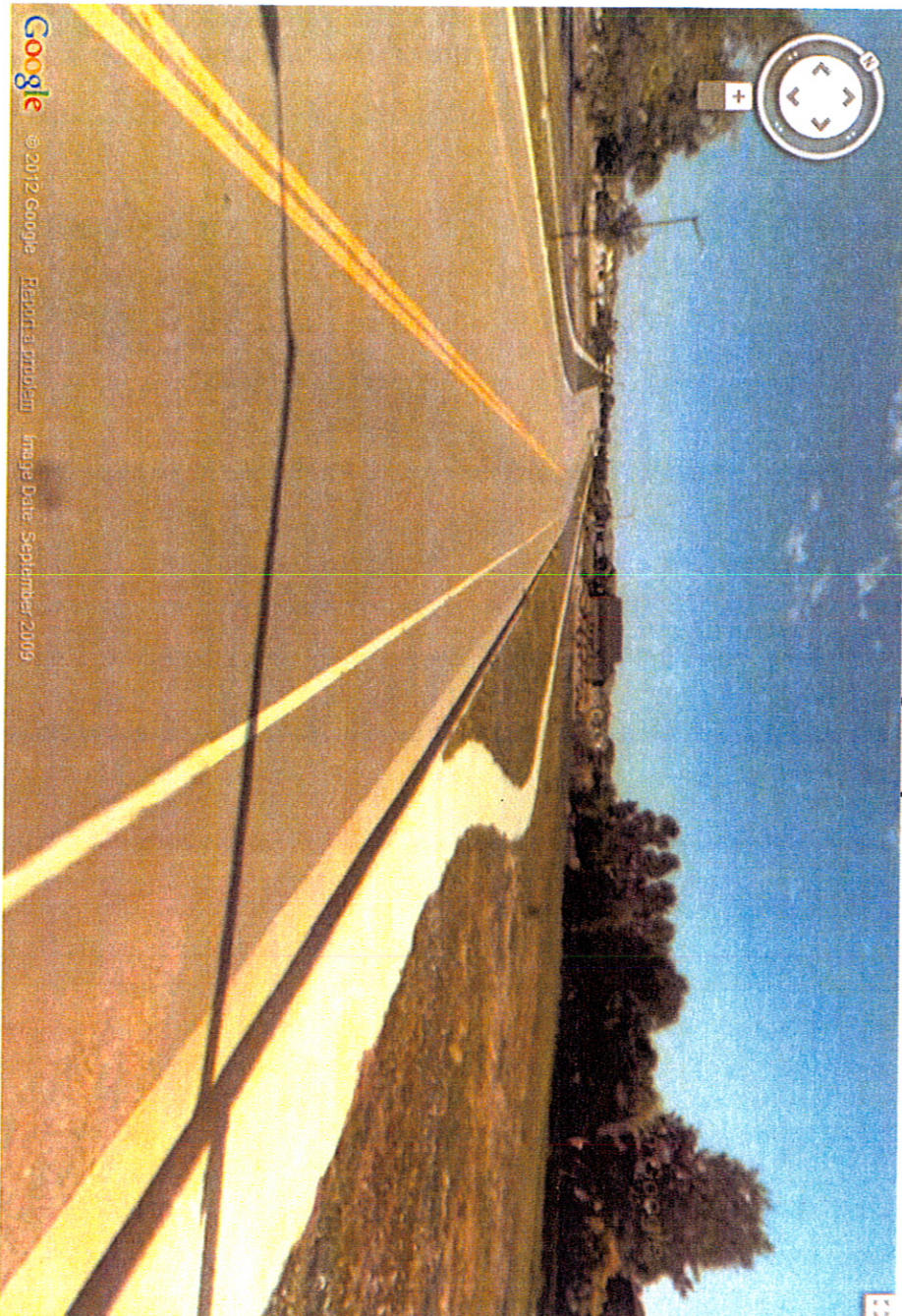
*(ii) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is compatible with existing land uses adjacent to and in close enough proximity to the subject property to be effected by development of it. **All property surrounding and adjacent to the property to be rezoned by this application is currently zoned R1, once the subject property is rezoned and combined with the adjacent lots it would be compatible with surrounding uses. The fact that the subject Property is divided into three separate Outlots containing a total area of 0.086 acres the current Zone of DR would be too small to be used for any type of use in a DR Zone District, or in a R1 Zone, therefore Rezoning to R1 and combining these parcels with the adjacent Platted Lots will result in uses permitted by right.***

*(iii) Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in impacts on City infrastructure and services that are consistent with current infrastructure and services master plans. **All City Infrastructures, (water, sewer and streets) adjacent to the Lots created by the Lakes Place Fifth Subdivision, have been constructed with the improvements of Boise Avenue, including Water and Sewer Service Lines, there for impacts to City infrastructure would be negligible.***

(iv) *Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is consistent with the policies contained in Section 4 of the Loveland Comprehensive Master Plan. Due to the Fact that the property included in this Rezoning Request is to be combined with existing Platted Lots which are already consistent with the policies contained in Section 4 of the Loveland Comprehensive Master Plan any development of the subject property would be consistent with said policies in Section 4.*

(v) *Development of the subject property pursuant to any of the uses permitted by right under the zoning district being requested would result in development that is not detrimental to the health, safety, or welfare of the neighborhood or general public. The property to be rezoned by this application lies approximately 230' South of the Westerdoll Lake dam outlet on the East side of Boise Avenue and a review of Flood plain mapping show that this property does not lie within a flood hazard area. The Lots included in this Rezoning and Lot Combination Procedure lie within an existing residential area, and although are designed to front Boise Avenue will have access thru the Private Drive at rear of the lots which connects to Park Drive. The resulting lots will be no more detrimental to the health, safety, or welfare of the neighborhood or general public than any of the existing developed residential lots. This process will allow final development of the lots which will only complete the neighborhood the way that has been already approved.*

Google Maps - Street View Panorama



Current View Direction: **Northeast**

BOISE AVENUE FRONTAGE

Google Maps - Street View Panorama



Current View Direction: North

REAR ALLEY ACCESS

Google Maps - Street View Panorama

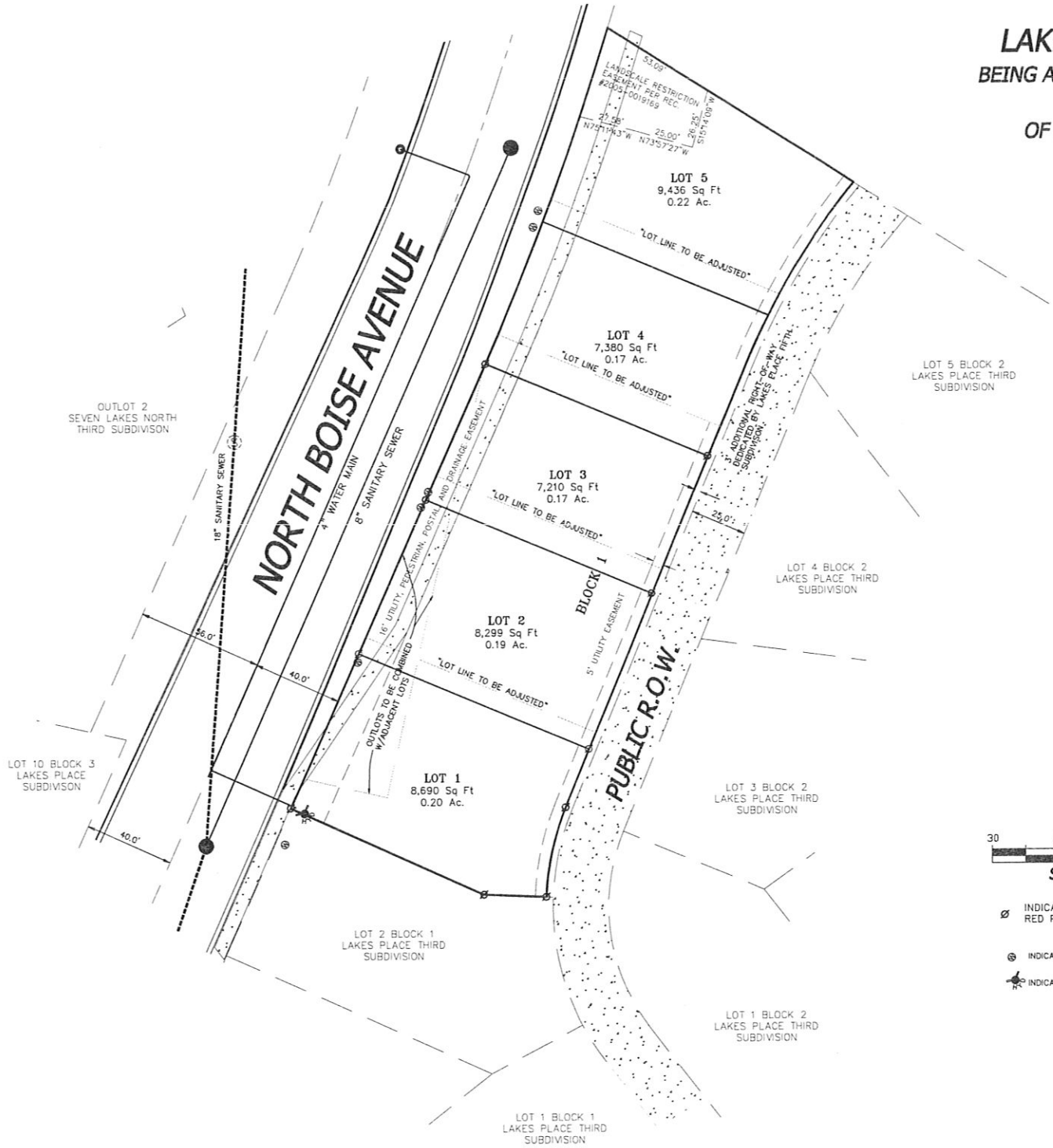


Current View Direction: North

WESTERDOLL LAKE OUTFALL STRUCTURE



SITE PLAN for
LAKE PLACE 5TH SUBDIVISION, AMENDED PLAT NUMBER 1
BEING A LOT MERGER OF OUTLOT A AND LOT 1; OUTLOT B AND LOT 2; OUTLOT C AND LOT 3,
OF BLOCK 1 AND A BOUNDARY LINE ADJUSTMENT OF LOTS 1-5,
OF SAID BLOCK 1 ALL OF LAKE PLACE 5TH SUBDIVISION TO THE CITY OF LOVELAND
SITUATED IN THE NORTHWEST QUARTER OF SECTION 7,
TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN,
CITY OF LOVELAND, LARIMER COUNTY, COLORADO

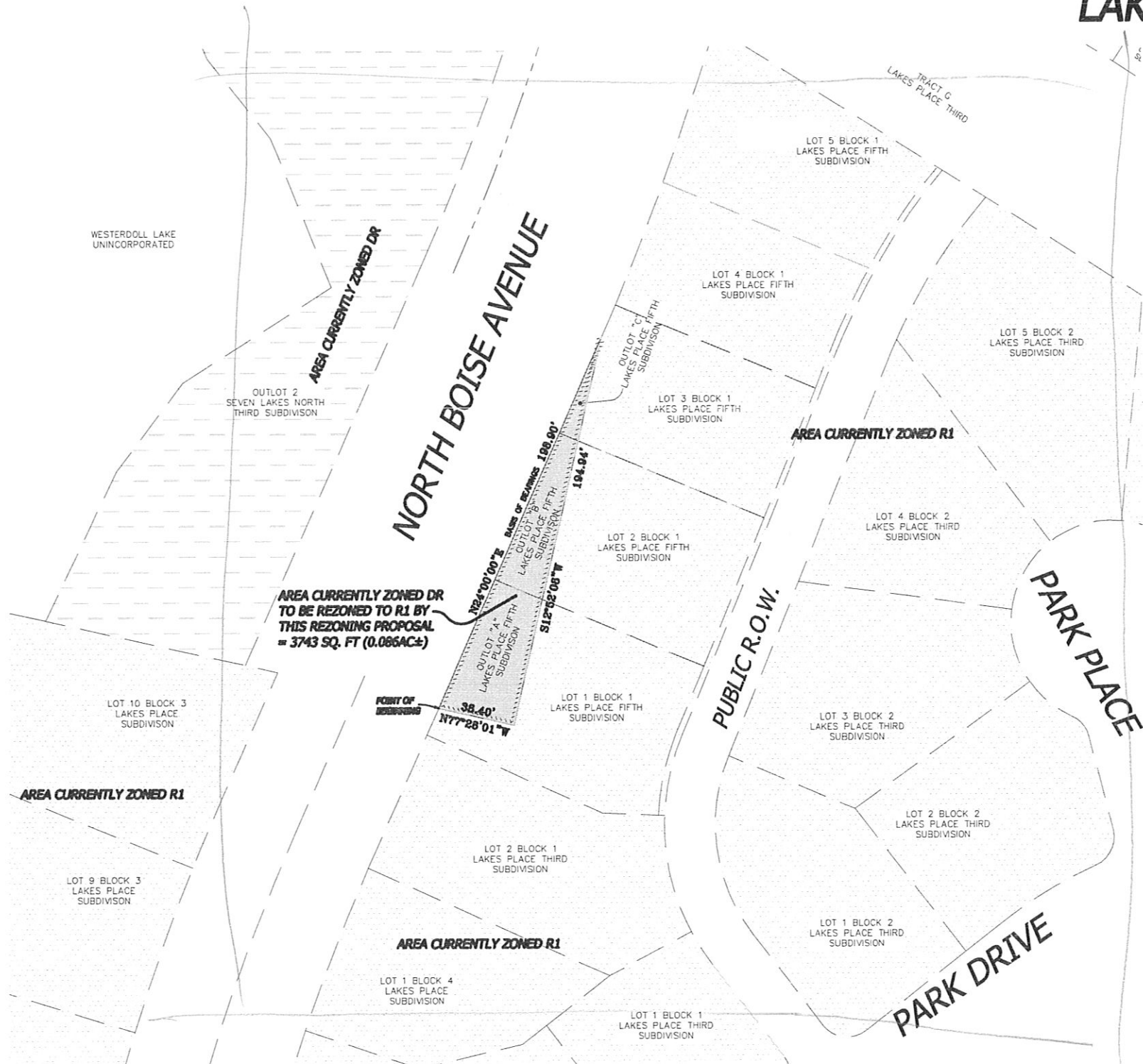


- 30 0 30 60
SCALE 1"=30'
- Ø INDICATES SET #5 REBAR WITH RED PLASTIC CAP PLS 20676
- ⊙ INDICATES EXISTING WATER METER
- ⊙ INDICATES EXISTING FIRE HYDRANT

ATTACHMENT 5

DATE 01-20-2012	RECORD OF ISSUE INITIAL ISSUE	BY MJD	DESIGNED: DRAWN: MJD CHECKED: APPROVED: DATE: DECEMBER 9, 2011 MODEL: SCALE: 1"=30'	CDS Engineering Corporation 165 2nd St. S.W., Loveland, Colorado 80537 Tele: (970) 667-8010 "Consulting Engineers and Professional Construction Managers" CIVIL / STRUCTURAL ENGINEERING, GEOTECHNICAL AND FOUNDATION ENGINEERS, DAMS AND RESERVOIRS, LAND AND MUNICIPAL PLANNING, LAND AND CONSTRUCTION SURVEYS SOILS / CONCRETE / ASPHALT TESTING AND FIELD INSPECTION	CLIENT: LARRY HECKEL and LEROY GABRIEL	PROJECT TITLE: LOTS 1 thru 3 BLOCK 1 LAKE PLACE 5TH SUBDIVISION	PROJ. NO. 11-5713 DRAWING NO. REVISION NO. SHEET 1 OF 1
						SHEET TITLE: SITE PLAN	

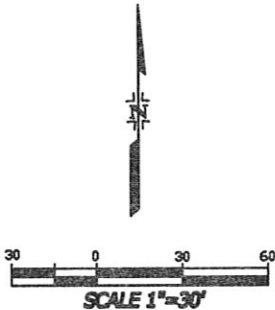
REZONING EXHIBIT MAP LAKES PLACE FIFTH SUBDIVISION OUTLOTS A, B, AND C



LEGAL DESCRIPTION OF PROPERTY TO BE REZONED

Outlots A, B, and C of Lakes Place Fifth Subdivision according to the final plat recorded October 24, 2007 at reception number 20070080507 of Larimer County, Colorado records situated in a portion of the Northwest Quarter of Section 7, Township 5 North, Range 68 West of the Sixth Principal Meridian, City of Loveland, County of Larimer, Colorado, more particularly described as follows:
 Considering the Easterly Right-of-Way line of North Boise Avenue as bearing North 24°00'00" East, according to the Recorded Plat of Lakes Place Fifth Subdivision, with all bearings contained herein relative thereto:
 Beginning at the Southeastly corner of said Outlot A;
 thence North 24°00'00" East, along the Southeastly right-of-way of North Boise Avenue, being the Westerly boundary line of said Outlots A, B, and C, a distance of 198.90 feet;
 thence South 12°52'08" West, along the Easterly boundary line of said Outlots A, B, and C, a distance of 194.94 feet;
 thence North 77°28'01" West, along the Southerly boundary line of said Outlot A, a distance of 38.40 feet to the POINT OF BEGINNING.


Containing 3,743 square feet or 0.086 acres, more or less.



PROPERTY OWNER'S
 LARRY A. HECKEL and LEROY P. GABRIEL
 2094 PARK DRIVE
 LOVELAND, CO. 80538

PREPARED BY:
 CDS ENGINEERING CORP.
 165 2nd STREET SW
 LOVELAND, CO. 80537
 DECEMBER 6, 2011

CLIENT AND PROJECT: LARRY HECKEL - OUTLOTS "A", "B", AND "C" LAKES PLACE 5TH SUBDIVISION	LEGAL DESCRIPTION: REZONING EXHIBIT MAP	DESIGNED:			
		DRAWN: HJD			
		CHECKED:			
		APPROVED:			
		DATE: DECEMBER 9, 2011			
		MODEL:			
		SCALE:	1"=30'		
PROJECT NO. 11-5713	REVISION NO.				
DRAWING NO.	SHEET	1 OF 1			

 Corporation Engineering	165 2nd St. S.W., Loveland, Colorado 80537 Tel: (970) 667-8010 "Consulting Engineers and Professional Construction Managers" CIVIL / STRUCTURAL ENGINEERING, GEOTECHNICAL AND FOUNDATION ENGINEERS, SURVEYING, LAND AND CONSTRUCTION ENGINEERING, LAND AND CONSTRUCTION SURVEYS AND RECORD DRAWING AND ASPIHALT TESTING AND FIELD INSPECTION	DATE	RECORD OF ISSUE	BY
		12-09-11	INITIAL ISSUE	HJD
		03-05-12	addressed comments	

LAKES PLACE FIFTH SUBDIVISION

Being a Subdivision of Lot 3, Block 1, LAKES PLACE THIRD SUBDIVISION
and TRACT B, SEVEN LAKES NORTH THIRD ADDITION located in the Northwest ¼ of
Section 7, Township 5 North, Range 68 West of the 6th P.M., City of Loveland,
Larimer County, State of Colorado

DEDICATION:

KNOW ALL PERSONS BY THESE PRESENTS that Larry A. Heckel and Leroy P. Gabriel being all the owners and lien holders of the following described property, except any existing public streets, roads or highways, which property is located in Section 6, Township 5 North, Range 68 West of the 6th P.M., being more particularly described as follows:

Lot 3, Block 1, LAKES PLACE THIRD SUBDIVISION, City of Loveland, County of Larimer, State of Colorado, recorded among the records of Larimer County on June 23, 1993, as Reception No. 9304254
and
Tract B, SEVEN LAKES NORTH THIRD ADDITION, City of Loveland, County of Larimer, State of Colorado, recorded among the records of Larimer County on December 23, 1993, as Reception No. 93096049, being further described as follows:

Beginning at the Northwest corner Lot 3, Block 1 of Lakes Place Third Subdivision, City of Loveland, Larimer County, Colorado, recorded among the Land Records of Larimer County on June 28, 1993 as Reception No. 9304254;

Thence run S 57°59'52" E along the North line of said Lot 3 for a distance of 133.82 feet;

Thence run along a curve to the left having a radius of 300.00 feet; a delta of 17°56'30", an arc length of 93.94 feet, and a chord that bears S 31°28'13" W a distance of 93.56 feet;

Thence run S 22°30'00" W for a distance of 213.23 feet;

Thence run along a curve to the left having a radius of 112.50 feet, a delta of 20°17'02", an arc length of 39.83 feet, and a chord that bears S 12°21'28" W a distance of 39.92 feet to a point on the South boundary of said Lot 3;

Thence run N 87°47'04" W along said South boundary for a distance of 30.89 feet;

Thence continuing along said South boundary run N 65°59'56" W for a distance of 95.00 feet to a point on the East right-of-way of Boise Avenue;

Thence run along said East right-of-way for the following two (2) courses:

1. Thence run N 24°00'00" E for a distance of 213.19 feet;

2. Thence run along a curve to the left, having a radius of 1280.00 feet, a delta of 7°15'13", an arc length of 162.05 feet, and a chord which bears N 20°22'21" E a distance of 161.94 feet to the Point of Beginning.

Containing 42,059 square feet, more or less, and is subject to all easements and right-of-ways of record or existing, do subdivide the same into lots, blocks, tracts, outlots, right-of-ways, and easements, as shown on this map, and do hereby designate and dedicate: (1) all such right-of-ways and easements, other than utility easements and private easements, to and for public use, except where indicated otherwise on this map; and (2) 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 LAKES PLACE FIFTH SUBDIVISION to the City of Loveland, Colorado.

Larry A. Heckel
Larry A. Heckel

Leroy P. Gabriel
Leroy P. Gabriel

STATE OF }
COUNTY OF }

STATE OF }
COUNTY OF }

The foregoing instrument was acknowledged before me this 10th day of October, 2007.

by Larry A. Heckel

Witness my hand and official seal.

My Commission expires 11-11-2011

Carmina L. Erickson
Notary Public

The foregoing instrument was acknowledged before me this 10th day of October, 2007.

by Leroy P. Gabriel

Witness my hand and official seal.

My Commission expires 11-11-2011

Carmina L. Erickson
Notary Public



LEGEND

- denotes set 0.5" iron rod with 1.0" plastic cap marked "Frederick 32444" unless otherwise noted
UE denotes Utility Easement

NOTICE: 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.

10/04/2007	MBS	revised attorney certification
07/27/2007	MBS	added 5' UE to alley
06/26/2007	MBS	rev alley name per city redlines
05/31/2007	JH	rev per city comments
05/10/2007	MBS	rev per city comments

02/26/2007	JH	REVIEWS rev per city comments
Date 10/13/2006	By: MBS	Description rev lot areas +7000 sf
Date 07/28/2005	By: MBS	Description rev lot lines, areas, 3' ded r/w
Date 06/08/2005	By: MRP	Description show the new Block 1 SW PL on the PL

Date 02-24-02	Drawn MBS
Party Chief TDP	Checked MBS
Scale 1"=30'	Approved MBS

CLIENT

Green Ridge Builders

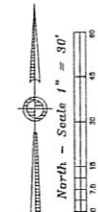
Frederick Land Surveying, Inc.
6853 North Franklin Avenue, Loveland, Colorado 80538
Phone: (970) 669-2100 FAX: (970) 669-3725

TITLE Minor Subdivision
Lakes Place Fifth Subdivision
Section 7, T5N, R68W, 6PM, Loveland, Larimer County, CO

PROJECT NO.
940858.002

SHEET NO. 1
SHEETS 1

LAKES PLACE FIFTH SUBDIVISION



This plot is approved by the Director of Development Services of the City of Loveland, Larimer County, Colorado, this 10th day of October, 2007, for filing with the Clerk and Recorder of Larimer County and for conveyance to the City of the public dedications shown hereon, which are accepted: subject to the provisions that approval in no way obligates the City of Loveland, for the financing or constructing of improvement on land, streets or easements dedicated to the public except as specifically agreed to by the Director of Development Services.

Director of Development Services

Witness my hand and seal of the City of Loveland.



ATTEST:

Jeanne M. Weaver
City Clerk Deputy

Attorney's Certification:
I, Randy Lee Williams, an attorney licensed to practice law in the State of Colorado, certify, that I have examined title to the above described land dedicated to the City of Loveland, Colorado, and that the parties executing the dedication are the owners thereof in fee simple, and the dedicated land is free and clear of all liens and encumbrances, except as set forth in Schedule B-2 of Title Commitment U0032147, dated August 24, 2007, issued by UNITED TITLE COMPANY, on file with the Loveland City Clerk.

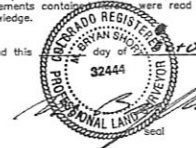
So sworn this day of Oct, 2007.

Randy Lee Williams
Attorney at Law

Surveyor's Certification:

I, M. Bryan Short, being a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey of LAKES PLACE FIFTH SUBDIVISION was made by me or under my supervision and that the survey is accurately represented on this map and that the statements contained herein were read by me and the same are true to the best of my knowledge.

Dated this 10th day of October, 2007



Notes:

1. Basis of Bearing is the West line of Lot 3, Block 1, LAKES PLACE THIRD SUBDIVISION as bearing N 24°00'00" E with all bearings contained hereon relative thereto.
2. Unless otherwise approved by the City, all unsatisfied conditions of approval for the original subdivision shall continue to apply to this property.
3. All expenses involving necessary improvements for water system, sanitary sewer system, storm system, curb and gutters, sidewalks, street improvements, street signs, traffic control signs, landscaping.
4. This project the property
5. Lot areas at this plot on

ATTACHMENT 7

LAKES PLACE 5TH SUBDIVISION, AMENDED PLAT NUMBER 1
BEING A LOT MERGER OF OUTLOT A AND LOT 1; OUTLOT B AND LOT 2; OUTLOT C AND LOT 3,
OF BLOCK 1 AND A BOUNDARY LINE ADJUSTMENT OF LOTS 1-5,
OF SAID BLOCK 1 ALL OF LAKES PLACE 5th SUBDIVISION TO THE CITY OF LOVELAND
SITUATED IN THE NORTHWEST QUARTER OF SECTION 7,
TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6th PRINCIPAL MERIDIAN,
CITY OF LOVELAND, LARIMER COUNTY, COLORADO

CURVE TABLE						
CURVE	DELTA	RADIUS	LENGTH	TANGENT	BEARING	CHORD
C1	0°07'30"	1280.00	2.80	1.40	N23°56'14"E	2.80
C2	3°03'12"	1280.00	68.21	34.11	N22°20'33"E	68.20
C3	4°04'31"	1280.00	91.04	45.54	N18°47'02"E	91.02
C4	20°17'02"	115.50	40.89	20.66	S12°21'27"W	40.68
C5	4°28'54"	303.00	23.70	11.86	S24°44'27"W	23.70
C6	13°22'33"	303.00	70.74	35.53	S33°49'11"W	70.57

OUTLOT 2
SEVEN LAKES NORTH
THIRD SUBDIVISION

LOT 10 BLOCK 3
LAKES PLACE
SUBDIVISION

NOTES

- Unless otherwise approved by the City, all unsatisfied conditions of approval for the original subdivision(s) or additions shall continue to apply to this property.
- This plat is subject to all conditions, covenants, restrictions and conditions as set forth by the Lakes Place Fifth Subdivision to the City of Loveland.
- Recorded easement, and rights of way within the subject property, if shown on this plat are according to the Recorded Plat of Lakes Place Fifth Subdivision.
- Basis of bearings Assuming the Westerly line of Lots 1 thru 3 of Lakes Place Fifth Subdivision as bearing North 24°00'00" East, according to the recorded plat of Lakes Place Fifth Subdivision with all bearings contained herein relative thereto.

NOTICE: According to Colorado law, you MUST commence any legal action based on any defect in this survey within THREE years after you first discovered 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 herein.

Total area in square feet of easements dedicated to the public or the city by this plat. = 0.00 Square Feet.
Total area in square feet of easements dedicated to the public or city that is being vacated by this plat. = 0.00 Square Feet.

NORTH BOISE AVENUE

PUBLIC R.O.W.

SCALE 1"=30'

INDICATES SET #5 REBAR WITH RED PLASTIC CAP PLS 20676

OWNERS AND LIENHOLDERS CERTIFICATE

KNOW ALL PERSONS BY THESE PRESENTS that the undersigned, being all the owners and lienholders of the following described property, except any existing public streets, roads, or highways, being ALL OF LOTS 1 THRU 5, BLOCK 1, OUTLOTS A, B, and C, BLOCK 1 OF LAKES PLACE FIFTH SUBDIVISION to the City of Loveland, Colorado, as recorded at reception number 20070080507 of Larimer County Records. Containing 41,015 square feet or 0.94 acres, more or less, and is subject to all easements and rights-of-way on record or existing and do hereby designate the same as the LAKES PLACE 5TH SUBDIVISION, AMENDED PLAT NUMBER 1 to the City of Loveland, Colorado.

by Larry A. Heckel and Leroy P. Gabriel

STATE OF COLORADO)
COUNTY OF LARIMER)ss
The foregoing instrument was acknowledged before me this ____ day of 2012, by Larry A. Heckel and Leroy P. Gabriel.

Witness my hand and official seal

My commission expires ____
Notary Public

PLANNING DIRECTORS CERTIFICATE

This plat is hereby approved by the Director of Development Services of the City of Loveland, Larimer County, Colorado, this ____ day of ____ 20____ for filing with the Clerk and Records of Larimer County.

Director, Development Services

Witness my hand and seal of the City of Loveland ATTEST:

City Clerk

SURVEYORS STATEMENT

I Michael J. DeDecker, being a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey of LAKES PLACE 5TH SUBDIVISION, AMENDED PLAT NUMBER 1 to the City of Loveland, Colorado, was made by me or under my supervision and that the survey is accurately represented on this plat and that the statements contained herein were read by me and the same are true to the best of my knowledge.

Dated this ____ day of ____, 20____.

Michael J. DeDecker PLS
for and behalf of
CDS Engineering Corp.

ATTACHMENT 8

DATE	RECORD OF ISSUE	BY	DESIGNED:	CLIENT:	PROJECT TITLE:	PROJECT NO.
02-07-2012	INITIAL ISSUE	MJD	DRAWN: MJD	LARRY HECKEL and LEROY GABRIEL	LOTS 1 thru 5 BLOCK 1 LAKES PLACE 5TH SUBDIVISION	11-5713
03-05-2012	ADDRESSED COMMENTS		CHECKED:			DRAWING NO.
			APPROVED:			REVISION NO.
			DATE: DECEMBER 9, 2011			SHEET
			MODEL:		AMENDED PLAT	1 OF 1
			SCALE: 1"=30'			



Engineering Corporation

165 2nd St. S.W., Loveland, Colorado 80537 Tele: (970) 667-8010

"Consulting Engineers and Professional Construction Managers"

CIVIL / STRUCTURAL ENGINEERING, GEOTECHNICAL AND FOUNDATION ENGINEERS,
DAMS AND RESERVOIRS, LAND AND MUNICIPAL PLANNING, LAND AND CONSTRUCTION SURVEYS
SOILS / CONCRETE / ASPHALT TESTING AND FIELD INSPECTION