

Planning Commission Staff Report

July 23, 2012

Agenda #: Consent Agenda - 1

Title: Harlow Addition Alley ROW
Vacation

Applicant: First Bank

Request: vacation of a portion of public alley
ROW

Location: along the south side of West
Eisenhower, approximately 200 feet
east of North Taft Avenue

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 July 23, 2012; and, based on those findings, recommend approval of the vacation of a portion of public alley right-of-way in the Harlow Addition, as described in Attachment #2 of this staff report, and subject to the Condition in Section IX. of this report.*

Summary of Analysis

This is a public hearing item to consider vacation of a portion of public alley right-of-way located in the Harlow Addition. The First Bank proposes to raze their existing building, and redevelop a new bank building on the site, with increased floor area and increased drive-up service. Associated plans and an amended plat are undergoing City review. Adequate access and circulation for the bank requires access to West Eisenhower. The current site has a private access onto West Eisenhower as well as the existing alley which provides access to a portion of their private parking. As part of the redevelopment, the westernmost drive access to West Eisenhower will be closed, and all access combined onto the alley.

The Applicant proposes to vacate the public alley ROW and designate it as a shared access easement. The Applicant will dedicate a new public shared access, emergency access and utility easement to replace the alley. Only that portion of the alley adjacent to the bank will be vacated and replaced. This access will continue to be used for access to the bank, and for access for emergency services, utilities, and legal access to all the properties south of the bank that have historically had the benefit and enjoyment of this alley. The new public access easement will rejoin the historic alley ROW and continue south as always, resulting in no noticeable change, except that the new access easement will be slightly widened and repaved. Transportation, Fire and utility staff support the application, with the recommended conditions.

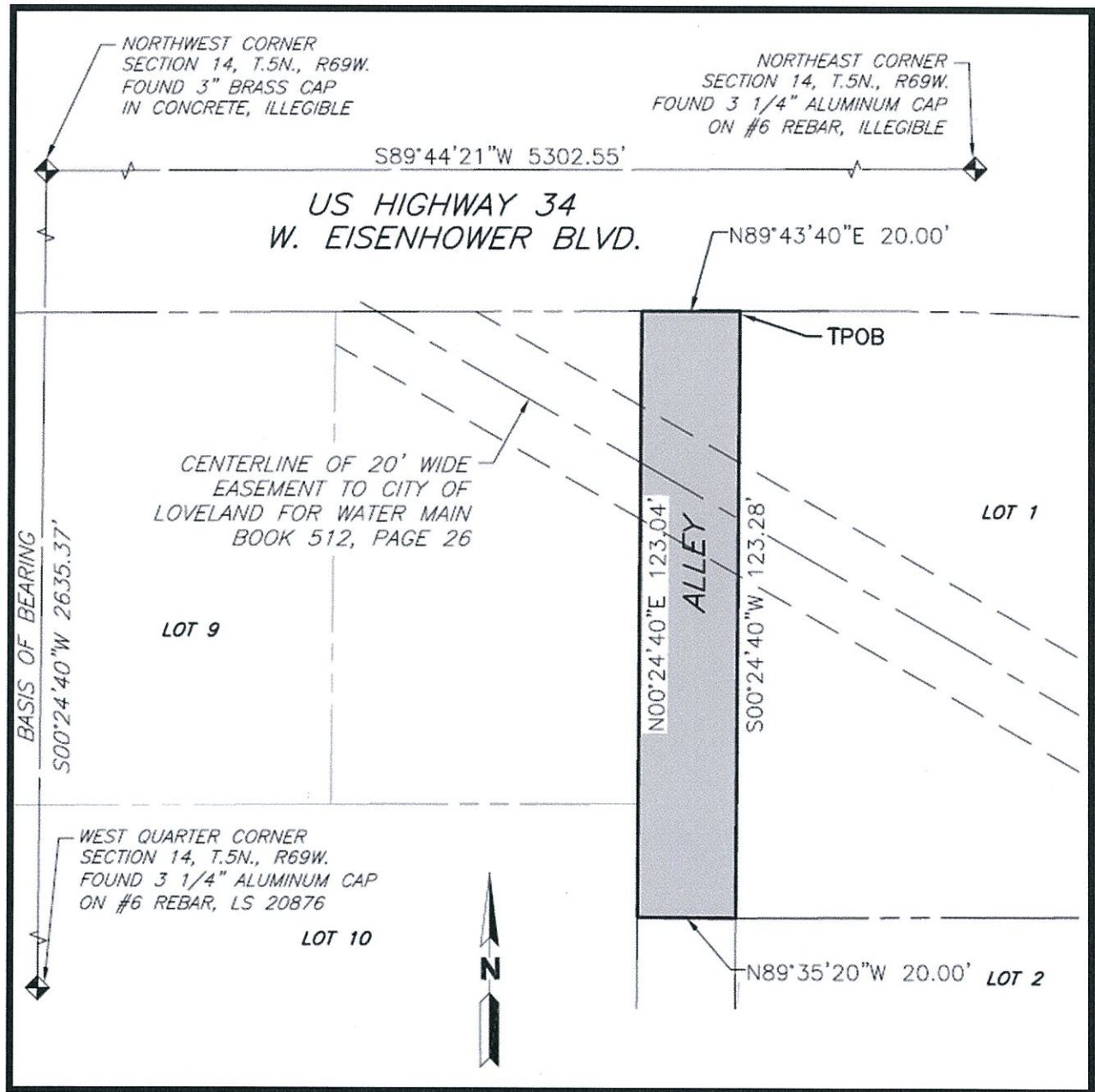
I. ATTACHMENTS:

1. Applicant's Vacation request
2. Vacation exhibit and legal description
3. Neighborhood context map
4. Harlow Addition annexation map (for information only)
5. Draft amended plat for First Bank site, incorporating the vacated alley (for information only)
6. Draft Site Development Plan for bank redevelopment (for information only)

II. VICINITY MAP:



III. VACATION EXHIBIT:



IV. PROJECT DESCRIPTION:

Summary

The application proposes to vacate the northern 123 feet of the public alley right-of-way lying along the west edge of Lot 1, Block 1, of the Harlow Addition to the City of Loveland. The existing alley right-of-way is platted as 20 feet wide, connecting to the south side of West Eisenhower Boulevard and extending south approximately 460 feet. It is a dead-end alley, not connecting to any other public street or alley to the south.

The First Bank, located at the southeast corner of West Eisenhower Boulevard and North Taft Avenue, proposes to raze their existing building, and redevelop a new bank building on the site, with increased floor area and increased drive-up service. Associated plans and an amended plat are also undergoing City review. (See **Attachment #4.**) Adequate access and circulation for the bank requires access to West Eisenhower. The current site has a private access onto West Eisenhower, as well as the existing alley, abutting the east side of the bank property, and providing access to a portion of their private parking. As part of the redevelopment, the westernmost drive access to West Eisenhower will be closed, and all access combined onto the alley.

The Applicant proposes to vacate this portion of the public alley ROW and convert it to a shared access easement. This will be dedicated as a new access easement to replace the alley. Only that portion of the alley adjacent to the bank will be vacated and replaced. This access will continue to be used for access to the bank, and for access for emergency services, utilities, and legal access to all the properties south of the bank that have historically had the benefit and enjoyment of this alley. The new public access easement will rejoin the historic alley ROW and continue south as always, resulting in no noticeable change, except that the new access easement will be slightly widened and repaved. Transportation, Fire and utility staff support the application, with the recommended conditions

Action to be taken by the Planning Commission

Planning Commission must conduct a public hearing on the application and formulate a recommendation which will be forwarded to the City Council, to be considered as part of their subsequent public hearing, currently scheduled for August 7, 2012. Planning Commission's consideration is legislative, meaning that the Planning Commission can make any reasonable determination, without regard to any adopted City codes, standards or policies. However, if the Planning Commission determines to recommend denial of the application, it is not within the purview of the Planning Commission to grant or recommend access that is not in compliance with adopted City codes, standards policies. Action on a vacation application can include conditions of approval. Therefore Planning Commission can recommend conditions for the application, which will be passed on to the City Council for the subsequent public hearing and final decision. Staff has recommended conditions in **Section IX.** of this staff report.

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 public alley right-of-way vacation. Staff believes that all key issues have been resolved through the review process. No neighborhood meeting is required for the application, and none has been held.

VI. BACKGROUND:

December 1957 - approval of Harlow Addition

VII. STAFF, APPLICANT, AND NEIGHBORHOOD INTERACTION:

- A. Notification:** An affidavit was received from Scott Paling of Martin & Martin Consulting Engineers, certifying that on July 6, 2012, written notice was mailed to all owners of property abutting the right-of-way to be vacated, as well as all other owners of other property abutting the alley southward; and a sign was posted in a prominent location on the edge of the right-of-way at least 15 days prior to the date of the Planning Commission hearing. In addition, a notice was published in the Reporter Herald on July 7, 2012. All notices stated that the Planning Commission would hold a public hearing on July 23, 2012. This type of application does not constitute a "Development Plan", as it relates to written notice requirements to owners of mineral estates; therefore, no notice was required, and no element of mineral rights must be considered in the public hearing.
- B. Neighborhood Response:** No neighborhood meeting is required for the application, and none has been held. Since establishing the public notices, staff has received no inquiries or concerns from the neighborhood or general public.

VIII. 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 may recommend approval of the vacation application. If the Planning Commission determines that the findings cannot be met, the Planning Commission must make different findings and recommend disapproval of the vacation application.

1. *That no land adjoining any right-of-way or easement to be vacated is left without an established public or private right-of-way or easement connecting said land with another established public or private right-of-way or easement.*

Transportation Development Review: The applicant is proposing to replace the 20-foot wide public alley with a 24-foot wide paved public access easement that is maintained by the property owner. The vacation of the alley will not negatively impact access to the City's public street network as long as the proposed development replaces the alley with a public access easement and a paved surface that is maintained by the property owner.

2. *That the right-of-way or easement to be vacated is no longer necessary for the public use and convenience.*

Transportation Development Review: The applicant is proposing to replace the 20-foot wide public alley with a 24-foot wide paved public access easement that is maintained by the property owner. With this provision, this portion of the public alley is no longer needed for the public use and convenience.

Water/Wastewater: The subject area to be vacated is the City's current service area for both water and wastewater. The Department finds that vacating the portion of the existing alley will not impact the existing water and wastewater utility configuration within and adjacent to this development, provided the vacated alley is reserved as a public utility easement. With this provision, the existing alley to be vacated is no longer necessary for public use and convenience.

Power: The existing building at 1352 W. Eisenhower Blvd. is currently served by three phase underground power from an underground vault located at the corner of W. Eisenhower Blvd. and N. Taft Ave. An underground power line runs along the north property line from this vault at the northwest corner of the existing lot to the west side of the alley. An underground/overhead power line runs the length of the east boundary of the existing lot. The existing overhead portion of the power line will need to be undergrounded at the developers expense. Additionally, the overhead electric service to the building at 1323 Harlow Ln. will need to be undergrounded at the developer's expense. The proposed 24' ingress/egress & utility easement will be adequate for the underground electric line.

Fire: The development proposes to provide an emergency access easement and roadway to replace the vacated alley that currently connects to Eisenhower. This easement will accommodate emergency vehicle access and turning movements to all properties currently accessed by the alley. Therefore, vacation of the alley will not negatively impact fire protection and is no longer needed for the use and convenience of the public.

Stormwater: The existing 20 foot wide ingress/egress & utility easement may be vacated along with redevelopment of the subject property which accommodates storm drainage conveyance.

IX. RECOMMENDED CONDITIONS:

Current Planning:

1. The property owner shall dedicate to the City, at his/her sole expense, a public easement for access, emergency access and utility easement to replace and widen the vacated alley right-

of-way, as shown on **Attachment #5** of this report. The City Council ordinance vacating the alley right-of-way shall include provisions to assure that this is accomplished, to the full satisfaction of the City, before said ordinance is recorded. In addition no Certificate of Occupancy for the new building shall be issued by the City until this shared easement has been dedicated and recorded.



April 11, 2012

City of Loveland
Current Planning Division
500 East Third Street
Loveland, CO 80537
Attn: Mr. Brian Burson

RE: Alley Vacation Request

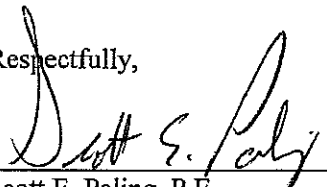
Dear Mr. Burson,

On behalf of the owner of the property located at 1352 West Eisenhower Boulevard, FIRSTBANK, Martin/Martin Inc. is requesting a vacation of 2,463 square feet of alley from the City of Loveland.

With the redevelopment of the existing First Bank, site access will be located along the existing alley. This access location will increase traffic on the alley and will cause the Alley ACF threshold to be exceeded. Once the alley is vacated, a 24' ingress/egress easement will replace the alley. A driveway cut will be constructed at the previous alley cut to continue to provide ingress/egress for the residential property owners to the south as well as the business customers

Please consider this request for the alley vacation, and call if you wish to discuss these items further. I can be reached at my direct line number; 720-544-5347.

Respectfully,



Scott E. Paling, P.E.

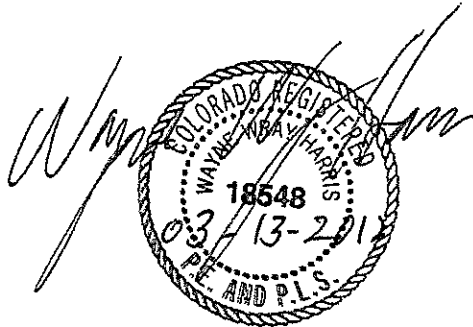
ALLEY VACATION
HARLOW ADDITION

A PARCEL OF LAND BEING ALL OF THE ALLEY ADJACENT TO LOT 1, HARLOW ADDITION (RECEPTION NO. 736774), BEING LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWESTERLY MOST CORNER OF LOT 1 IN SAID HARLOW ADDITION; THENCE ALONG THE EASTERLY LINE OF SAID ALLEY AND THE WESTERLY LINE OF SAID LOT 1 $S00^{\circ}24'40''W$, 123.28 FEET TO THE SOUTHWESTERLY MOST CORNER OF SAID LOT 1; THENCE LEAVING THE EASTERLY LINE OF SAID ALLEY $N89^{\circ}35'20''W$, 20.00 FEET TO THE WESTERLY LINE OF SAID ALLEY AND THE EASTERLY LINE OF LOT 10 OF SAID HARLOW ADDITION; THENCE ALONG THE WESTERLY LINE OF SAID ALLEY AND THE EASTERLY LINE OF SAID LOT 10 $N00^{\circ}24'40''E$, 123.04 FEET TO THE NORTHEASTERLY MOST CORNER OF SAID LOT 10 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY 34 (WEST EISENHOWER BOULEVARD); THENCE ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE $N89^{\circ}43'40''E$, 20.00 FEET TO THE TRUE POINT OF BEGINNING. SAID PARCEL CONTAINS 2,463 SQUARE FEET (0.0565 ACRES), MORE OR LESS.

BASIS OF BEARINGS: ASSUMING THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH, RANGE 69 WEST, AS BEARING $S00^{\circ}24'40''W$ BEING A GRID BEARING OF THE COLORADO STATE PLANE COORDINATE SYSTEM, NORTH ZONE, NORTH AMERICAN DATUM 1983/2007, A DISTANCE OF 2635.37 FEET WITH ALL OTHER BEARINGS CONTAINED HEREIN RELATIVE THERETO.

PREPARED BY WAYNE W. HARRIS, P.E., P.L.S.
FOR AND ON BEHALF OF
MARTIN/MARTIN, INC.
12499 WEST COLFAX AVENUE
LAKEWOOD, COLORADO 80215
MARCH 13, 2012



ALLEY VACATION

PART OF ALLEY IN HARLOW ADDITION
LOCATED IN THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 5 NORTH,
RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN,
CITY OF LOVELAND, LARIMER COUNTY,
COLORADO

NORTHWEST CORNER
SECTION 14, T.5N., R.69W.
FOUND 3" BRASS CAP
IN CONCRETE, ILLEGIBLE

NORTHEAST CORNER
SECTION 14, T.5N., R.69W.
FOUND 3 1/4" ALUMINUM CAP
ON #6 REBAR, ILLEGIBLE

S89°44'21"W 5302.55'

US HIGHWAY 34
W. EISENHOWER BLVD.

N89°43'40"E 20.00'

TPOB

CENTERLINE OF 20' WIDE
EASEMENT TO CITY OF
LOVELAND FOR WATER MAIN
BOOK 512, PAGE 26

LOT 1

LOT 9

BASIS OF BEARING
S00°24'40"W 2635.37'

N00°24'40"E 123.04'

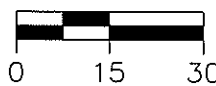
S00°24'40"W 123.28'

ALLEY

WEST QUARTER CORNER
SECTION 14, T.5N., R.69W.
FOUND 3 1/4" ALUMINUM CAP
ON #6 REBAR, LS 20876

LOT 10

N89°35'20"W 20.00' LOT 2



SCALE: 1"=30'

REV: MAY 22, 2012
MARCH 07, 2012

THIS EXHIBIT DOES NOT REPRESENT A
MONUMENTED SURVEY. IT IS INTENDED ONLY
TO DEPICT THE ATTACHED DESCRIPTION.

PARCEL CONTAINS 0.0565 AC (2,463 SF)



MARTIN / MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVE.
LAKEWOOD, CO 80215
303.431.6100
FAX 303.431.4028



The Internal LOGIC System

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excluding N,S,E,W and AVE, DR, etc.

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Parks

Golf Courses

Public Facilities

Public Schools

Environmental Considerations

City of Loveland, 2009

ATTACHMENT 3

<http://gisintra/ilogic/ilogic.html>

7/19/2012

**PLAT
OF
HARLOW ADDITION
TO THE CITY OF LOVELAND, COLORADO.**

The undersigned being the owners of the following described property, to-wit:-

Beginning at a point on the West line of Section 14, Township 5 North, Range 69 West of the 6th P.M., 42 feet South of the North-west corner of said Section 14, thence South 0°45' West along the west line of said Section 14, 505.5 feet to the Northwesterly corner of the Loch-Mount Addition to the City of Loveland, Colorado; thence East 400 feet along the North line of said Loch-Mount Addition to the center line of Harlow Lane; thence North 0°45' East 100 feet; thence East 213.0 feet also along the North side of said Loch-Mount Addition; thence North 0°45' East 285 feet to a point on the South line of the State Highway right of way; thence Northwesterly along a curve to the left having a radius of 915 feet to a point 235 feet S. 89°56' East of the point of beginning; thence North 89°56' West 235 feet to the point of beginning.

do hereby subdivide the same into lots and plat the same and dedicate the same as HARLOW ADDITION to the City of Loveland, Colorado; the undersigned do hereby confirm and recognize the lot lines, lot numbers and area of lots one to eight-A both inclusive on the within Plat as being the same identical lots as shown on Plat of HARLOW SUBDIVISION heretofore filed and the undersigned do hereby state that the within Plat of Harlow Addition shall supercede the Plat of Harlow Subdivision.

The undersigned hereby dedicate to the public all streets, alleys and easements as shown on the plat hereto attached.

IN WITNESS WHEREOF the undersigned have hereunto set their hands and seals this 15th day of October, A.D. 1957

<u>Roy S. Harlow</u>	<u>E.M. Adkins</u>
<u>Jack L. Henning</u>	<u>Freda J. Adkins</u>
<u>Helena E. Henning</u>	<u>Clark Wiedow</u>
<u>Oliver N. Craton</u>	<u>Margery Wiedow</u>
<u>Bertha A. Craton</u>	
<u>James E. Elijah</u>	
<u>Harry Sumner</u>	
<u>Jane Sumner</u>	

CERTIFICATE

I, G.E. Dallemand, City engineer of the City of Loveland Colo. do hereby certify that the attached Plat shows the true location of the property described and platted as the "HARLOW ADDITION" to the City of Loveland, Colo. with respect to the Loch-Mount Addition, and with respect to the common corner of Section 10-11-14-15 Twp. 5N Rng 69W. of 6th P.M.

Date October 15, 1957

G.E. Dallemand
City Engineer.

STATE OF COLORADO } ss
COUNTY OF LARIMER }

The foregoing instrument was acknowledged before me this 15th day of October A.D. 1957 by Roy S. Harlow, Jack L. Henning, Helena E. Henning, Oliver N. Craton, Bertha A. Craton, James E. Elijah, Harry Sumner, Jane S. E.M. Adkins, Freda J. Adkins, Clark Wiedow, Margery Wiedow.

Witness my hand and official seal

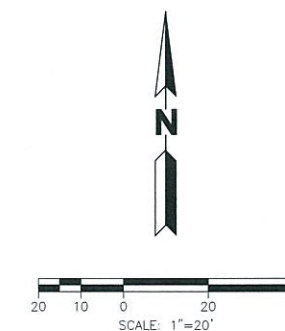
My Commission expires

April 15, 1961

Leatha George
Notary Public



1. THE GRANT OF EASEMENT RECORDED AT BOOK 1034, PAGE 538 IS BETWEEN A PRIVATE PERSON(S) AND A CORPORATION IS NOT A PUBLIC EASEMENT. THE EASEMENT WAS TO REMAIN APPURTENANT TO THE TRACT OF LAND WEST OF THE DESCRIBED EASEMENT. SINCE THE TWO (2) TRACTS OF LAND HAVE BEEN MERGED BY JOINT OWNERSHIP THE EASEMENT WILL CEASE TO EXIST.
2. THE EASEMENTS DESCRIBED AT BOOK 632, PAGE 119 (MARCH 1933); AND BOOK 290, PAGE 552 (APRIL 1911) ARE GRANTED TO MOUNTAIN STATES TELEPHONE AND COLORADO TELEPHONE COMPANIES, INC. RESPECTIVELY. THESE EASEMENTS ARE BLANKET EASEMENTS, WHICH MAY OR MAY NOT AFFECT THE TRACT OF LAND SHOWN ON THIS PLAT.



REVISED MAY 22, 2012
MARCH 9, 2012

Plot Date:
 PLAT DATE

Project Manager:
 S. FALING

Designed By:
 S. FALING

Location:
 C:\HARRIS\23416 First Book Loveland\Plans\SDP\03 - Site.dwg

Drawn By:
 R. SILVA

Job Number:
 Sheet Number:

NOTES:

1. SEE LANDSCAPE PLAN FOR ALL TREE AND LANDSCAPING INFORMATION.

