



Planning Commission Staff Report

March 11, 2013

Agenda #: **Regular Agenda - 1**

Title: Range View 3rd

Applicant: Centerra 209, LLC

Request: Easement Vacation

Location: 2331 Rocky Mountain Avenue

Zoning: P-59, Millennium Addition PUD

Staff Planner: Noreen Smyth

Staff Recommendation:

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

Recommended Motion:

"Move to make the findings listed in Section VIII of this report dated March 11, 2013; and, based on those findings, recommend approval of the access easement vacation, as depicted in Attachments #1 of this staff report."

Summary of Analysis

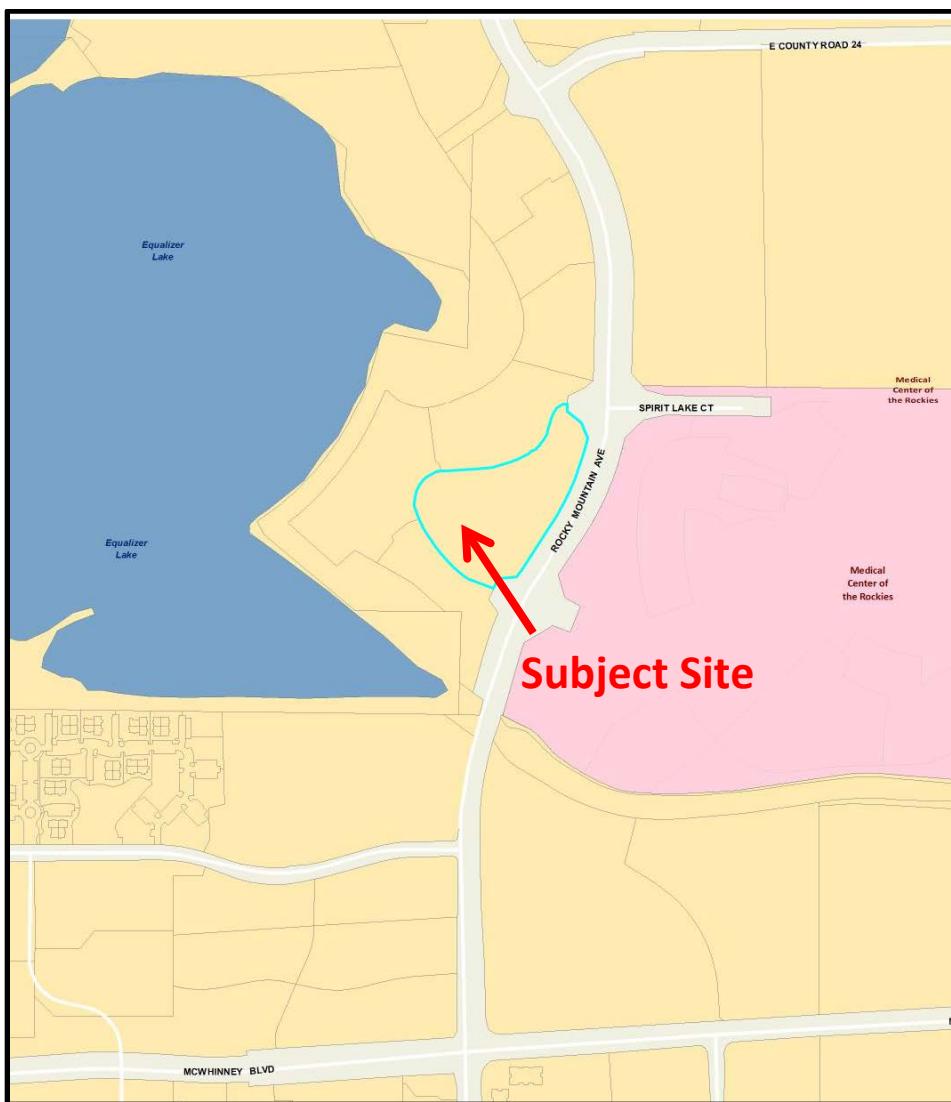
This is a public hearing to consider a request to vacate a small portion (89 square feet/up to 2.7 feet in width) of an access easement on which there is an encroaching (overlapping) building. The easement is located within the Lake Vista Apartment development.

Staff is supportive of the easement vacation because it is not necessary for vehicular circulation and access by apartment residents or emergency vehicles. Therefore, the small portion of the easement to be vacated serves no greater public benefit and it will correct a minor encroachment issue.

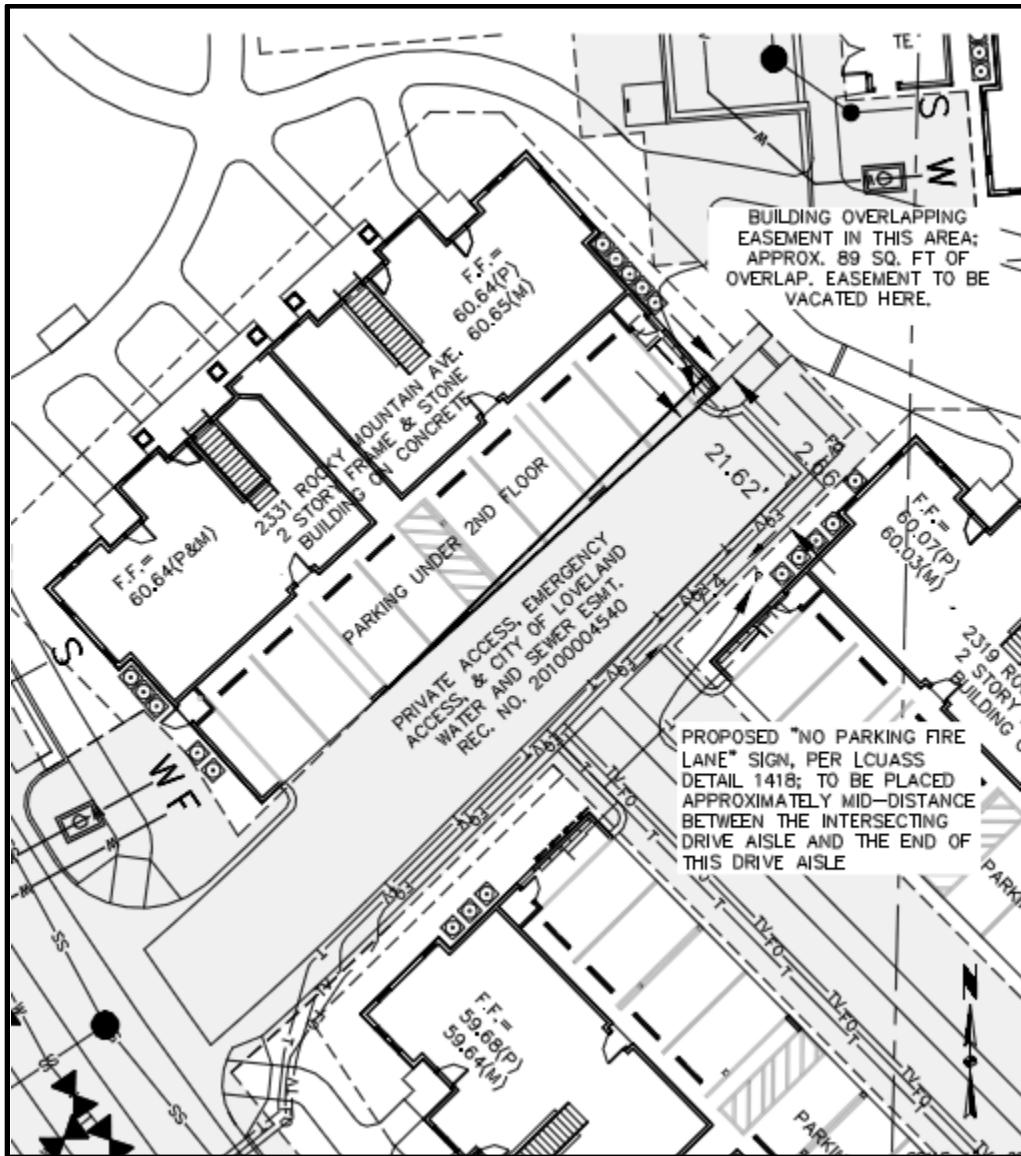
I. ATTACHMENTS:

1. Vacation exhibit
2. Explanatory letter from applicant
3. Photos and proposed sign

II. VICINITY MAP:



III. VACATION EXHIBIT:



The total area to be vacated consists of approximately 89 sq ft (a maximum of 2.7 ft in width). A larger version of the rezoning map is attached to this report. (See **Attachment #1**).

IV. PUBLIC HEARING:

This application proposes to vacate a small portion (up to 2.7 feet in width, totaling 89 sq ft) of an existing 25 foot wide platted easement. The easement serves three purposes: 1) private access, 2) emergency access, and 3) water and sewer utility. Per Section 16.36 of the municipal code, requests to vacate non-access easements are reviewed only by City Council, while requests to vacate access easements (or portions of such easements) require review by the Planning Commission at a public hearing. Thus, the request is before the Planning Commission because

of the access component of the easement. The Planning Commission's recommendation will be forwarded to the City Council, to be considered as part of their subsequent public hearing, currently scheduled for April 16, 2013.

V. PUBLIC NOTICE:

An affidavit was received from the applicant's representative certifying that notice of the hearing for the vacation was mailed to all surface owners and owners of the easement to be vacated and that 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. In addition, a notice was published in the Reporter Herald on February 23, 2013. Staff has not received any comments or inquiries on the application.

VI. 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 vacation. Staff believes that all key issues have been resolved through the review process.

VII. SUMMARY:

Site Location

The site, which is within the Lake Vista multifamily residential development, is located along the west side of Rocky Mountain Avenue. It is across the street from the Medical Center of the Rockies and approximately half a mile north of US 34 (Eisenhower Blvd). The lot on which the subject easement is located contains a dozen multifamily buildings addressed between 2301-2433 Rocky Mountain Avenue. The building that encroaches into the easement is 2331 Rocky Mountain Avenue.



Vacation Description

The subject easement was originally dedicated as a "Private Access, Emergency Access, and City of Loveland Water and Sewer Easement" by the Range View Third Subdivision plat, which was approved in 2010. As depicted on the vacation exhibit, the portion of the easement to be vacated consists of a triangular sliver located at the side edge of the end portion of a dead-end driving aisle. At construction, the building was mistakenly situated in a manner that encroached up to a maximum of 2.7 feet into the easement. The vacation, which totals 89 sq ft, is proposed where the easement overlaps with the building. The drive, which provides access to the garage in the encroaching building, is utilized by the adjacent residential buildings only. The access does

not appear to be compromised, as there remains a minimum 21.6 foot wide drivable paved area within the remaining private access easement adjacent to the area where the building and easement conflict.

The Fire Department has noted that parking is not allowed on either side of the drive aisle whether or not the vacation is granted. At the Department's request, a "NO PARKING FIRE LANE" sign meeting LCUASS standards has been added to the vacation exhibit. The sign will be required to be posted at the location indicated on the exhibit if the vacation is approved.

City staff is supportive of vacating the small section of the easement on which the multifamily building stands. Neither resident nor emergency access will be compromised and there are no water or sewer mains in the area to be vacated.

VIII. FINDINGS AND ANALYSIS

The following two findings must be met in order to vacate the portion of the access easement. These findings are included in section 16.36.010.B of the Loveland Municipal Code.

Finding 1. *That no land adjoining any right-of-way 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: No land adjoining the proposed vacation is being 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. Multiple buildings exist on the lot and platted private access easements exist for the lot that provide vehicular access to the Rocky Mountain Avenue public street right-of-way. The proposed portion of private access easement to be vacated is located away from public street rights-of-way.

Finding 2. *That the easement to be vacated is no longer necessary for the public use and convenience.*

Transportation: The small portion of private access easement to be vacated where the existing building is located is no longer necessary for public use and convenience. The Transportation Division has no objection to the proposed vacation.

Fire: Staff believes that this finding can be met, due to the following:

- 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 vacation will not negatively impact fire protection for the subject development or surrounding properties.
- The minimum emergency access easement unobstructed width of 20 feet is met.

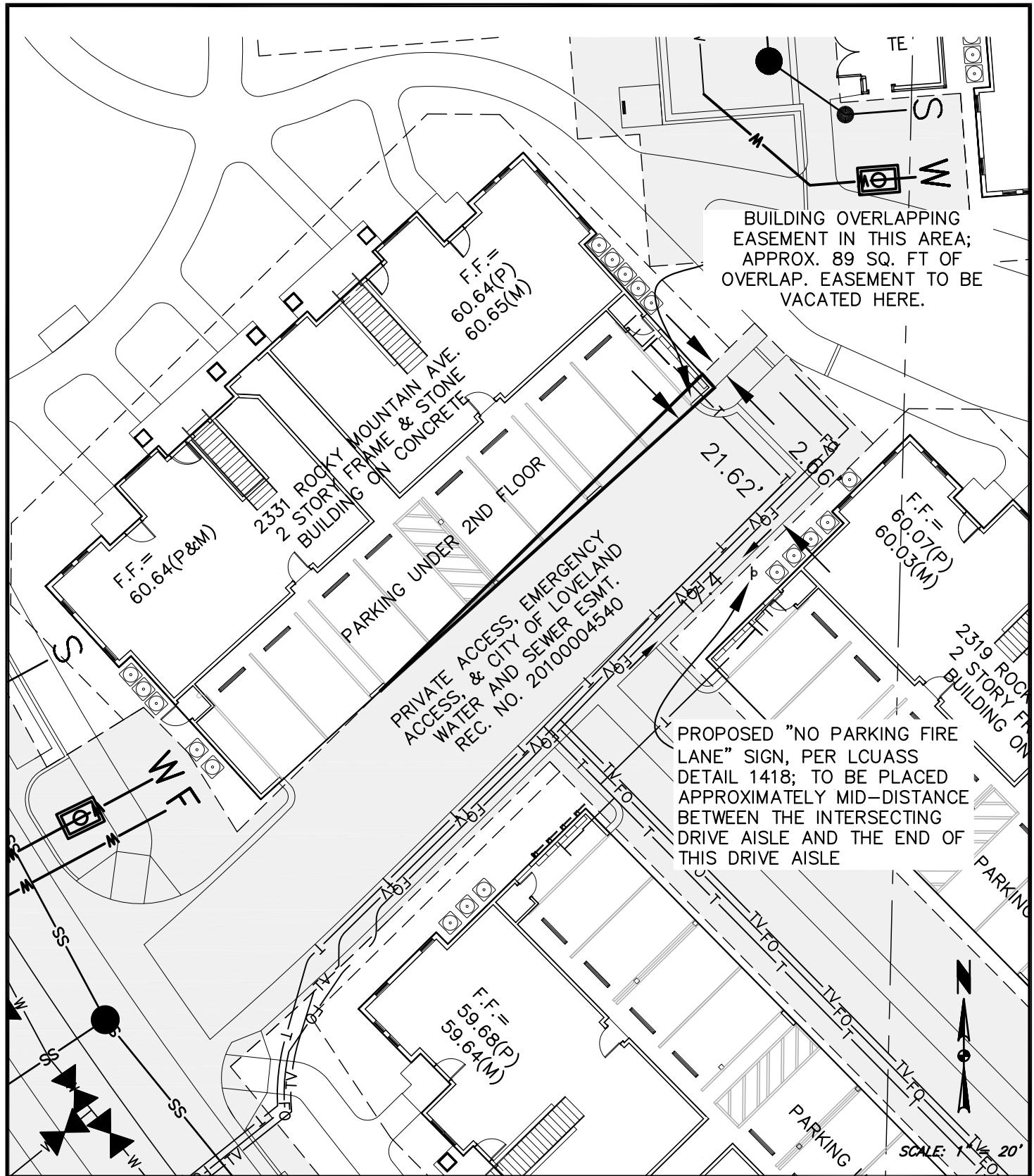
Water/Wastewater: The subject area to be vacated is the City's current service area for both water and wastewater. The Department finds that:

- The existing easement to be vacated does not impact the existing water and wastewater utility configuration within and adjacent to this development.
- The existing easement to be vacated is no longer necessary for public use and convenience.

Power: Power is located 21 feet away from the proposed utility easement vacation. Vacation of this triangle of the utility easement will not affect the power utilities in the area.

IX. RECOMMENDED CONDITIONS

No City departments or other review agencies have submitted any recommended conditions for this application.



**LAKE VISTA APARTMENTS
RANGE VIEW THIRD SUBDIVISION
LOVELAND, CO
EASEMENT VACATION EXHIBIT**



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Building C, Suite 200
Fort Collins, Colorado
Phone: 970.226.0557
Fax: 970.226.0204
Job no. 1045.0003.00
K:\1045\0033\CA\Easement
Vacation\0033_Easement Vacation
exh.dwg



July 12, 2012

Mr. Greg George
City of Loveland
Current Planning
500 East Third Street
Loveland, CO 80537

Re: *Range View Third Subdivision/Lake Vista Apartments
Easement Vacation Request
1045.0033.03*

Dear Mr. George,

We are requesting vacation for a portion of an easement that had been dedicated and recorded via the Range View Third Subdivision plat. There is a location within this developed property where one of the multi-family residential buildings overlaps the easement by a maximum of 2.7'. The easement is described on the plat as a "Private Access, Emergency Access, and City of Loveland Water and Sewer Easement".

The location where the building and easement are in conflict does not impact sewer or water utilities as there are no sewer or water mains located in this specific area of said easement.

In addition, access for residential vehicles or emergency vehicles does not appear to be compromised as there remains 21.6' of drivable, paved area adjacent to the building/easement conflict, and this is a dead-end portion of the drive-aisle so emergency vehicles would not be using this portion of the easement for turning or complicated maneuvers.

We are requesting that the easement be vacated for this triangular shaped overlap only and that easement remains as originally configured in the Range View Third Subdivision plat for the remainder of the easement. Thank you for your consideration and support in this matter.

Sincerely,

TST, INC. CONSULTING ENGINEERS

Heather E. McDowell, P.E.

HEM/jm

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Bldg C, Suite 200
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ATTACHMENT 2



TST, INC. CONSULTING ENGINEERS



Looking northeast along drive aisle; esmt overlap area is on left side;
currently there are no "No Parking Fire Lane" signs on the right (easterly) side





STANDARD
FIRE LANE SIGN DETAIL
(FORT COLLINS ONLY)

UNIVERSAL
FIRE LANE SIGN DETAIL

COLOR SCHEDULE	
LEGEND, CIRCLE DIAGONAL, BORDER, "ARROW", "FIRE LANE"	RED
BACKGROUND	WHITE
"P"	BLACK

NOTES:

1. THE SIGN PLATE SHALL BE A MINIMUM OF 12"X18" WITH A THICKNESS OF .080 ALUMINUM CONSTRUCTION.
2. THE SIGN FACE SHALL HAVE A WHITE REFLECTIVE BACKGROUND WITH A RED LEGEND. USE THE STANDARD 3M SCOTCHLITE SIGN FACE NUMBER R7-32 OR EQUIVALENT, WITH RED LETTERING AS SHOWN ABOVE.
3. ARROWS MAY BE NEEDED (LEFT, RIGHT OR DOUBLE), TO DESIGNATE BEGIN AND END OF NO PARKING AREA.

FIRE ACCESS ROAD SIGNS

LARIMER COUNTY
URBAN AREA
STREET STANDARDS

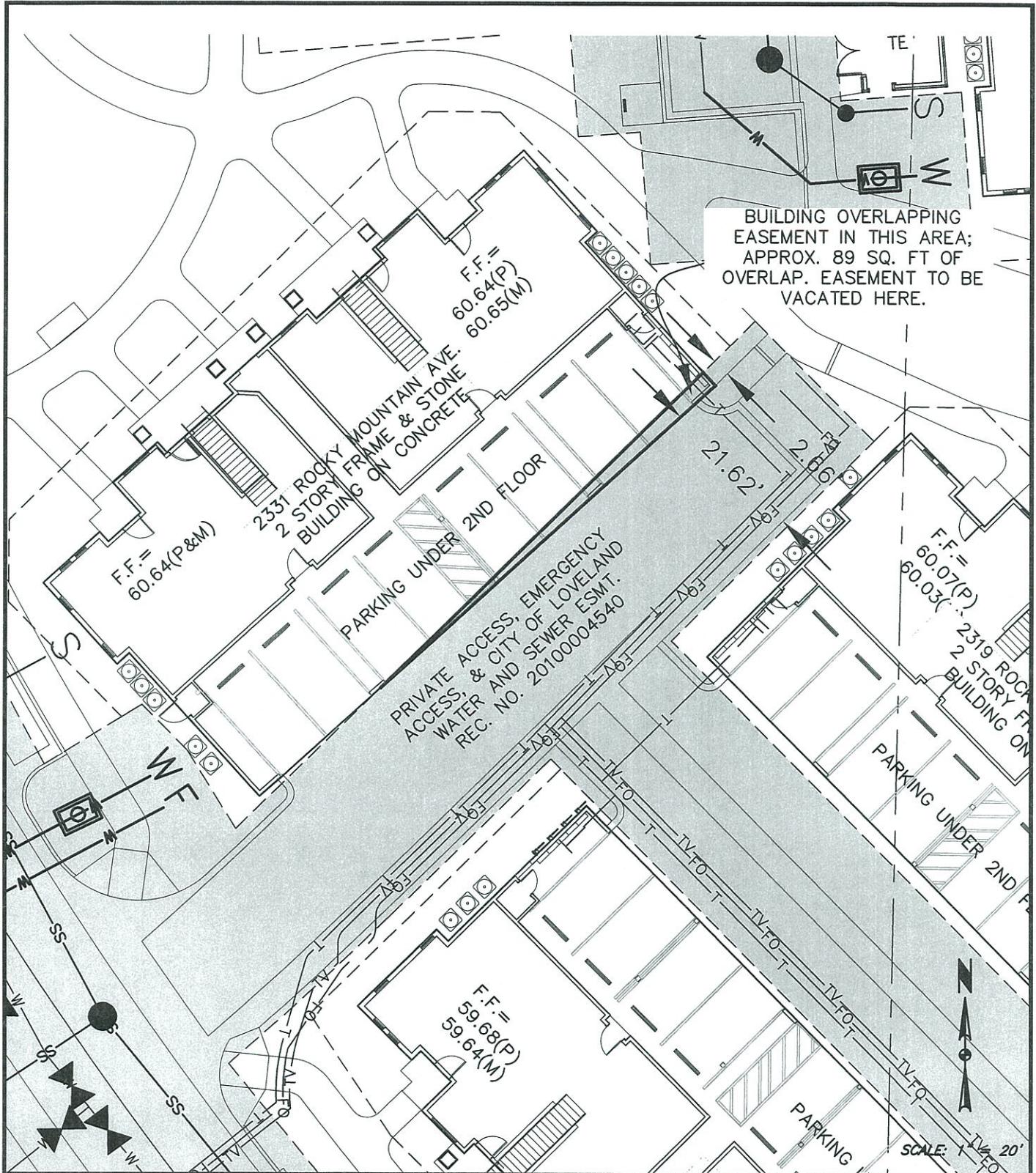
CONSTRUCTION
DRAWINGS

REVISION NO: 2

DATE: 04/01/07

DRAWING

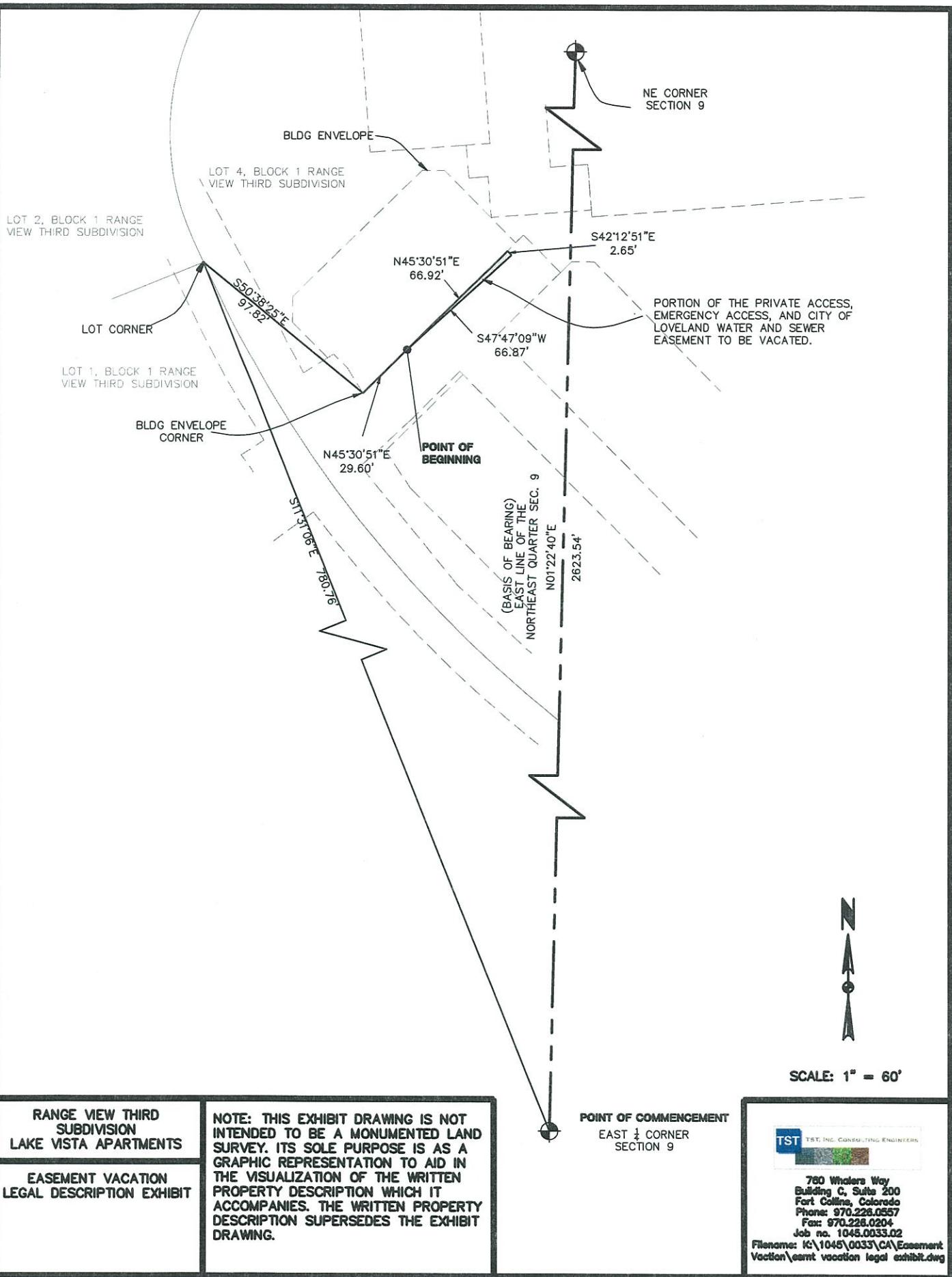
ATTACHMENT 3



**LAKE VISTA APARTMENTS
RANGE VIEW THIRD SUBDIVISION
LOVELAND, CO
EASEMENT VACATION EXHIBIT**

TST TST, INC. CONSULTING ENGINEERS

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Fax: 970.226.0204
Job no. 1045.0003.00
K:\1045\0033\CA\Easement
Vacation\0033_Easement Vacation
exh.dwg



RANGE VIEW THIRD
SUBDIVISION
LAKE VISTA APARTMENTS

**EASEMENT VACATION
LEGAL DESCRIPTION EXHIBIT**

NOTE: THIS EXHIBIT DRAWING IS NOT INTENDED TO BE A MONUMENTED LAND SURVEY. ITS SOLE PURPOSE IS AS A GRAPHIC REPRESENTATION TO AID IN THE VISUALIZATION OF THE WRITTEN PROPERTY DESCRIPTION WHICH IT ACCOMPANIES. THE WRITTEN PROPERTY DESCRIPTION SUPERSEDES THE EXHIBIT DRAWING.

POINT OF COMMENCEMENT
EAST $\frac{1}{4}$ CORNER
SECTION 9



EXHIBIT 1

PRIVATE ACCESS, EMERGENCY ACCESS, AND CITY OF LOVELAND WATER
AND SEWER EASEMENT
VACATION

A PARCEL OF LAND BEING A PORTION OF LOT 4, BLOCK 1, RANGE VIEW THIRD SUBDIVISION, CITY OF LOVELAND, COUNTY OF LARIMER, STATE OF COLORADO, LOCATED IN THE NORTHEAST QUARTER OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 68 WEST OF THE 6TH P.M., BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9, WHICH IS ASSUMED TO BEAR NORTH 01°22'40" EAST.

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION;
THENCE NORTH 11°31'06" WEST, A DISTANCE OF 780.76 FEET, TO A POINT ON THE WEST LINE OF SAID LOT 4;
THENCE SOUTH 50°38'25" EAST, A DISTANCE OF 97.82 FEET;
THENCE NORTH 45°30'51" EAST, A DISTANCE OF 29.60 FEET TO THE **POINT OF BEGINNING**;

THENCE NORTH 45°30'51" EAST, 66.92 FEET;
THENCE SOUTH 42°12'51" EAST, 2.65 FEET;
THENCE SOUTH 47°47'09" WEST, 66.87 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 88.69 SQUARE FEET, 0.002 ACRES, MORE OR LESS.

FOR AND ON BEHALF OF TST, INC. CONSULTING ENGINEERS

CHAD WASHBURN
COLORADO PROFESSIONAL LAND SURVEYOR #37963